

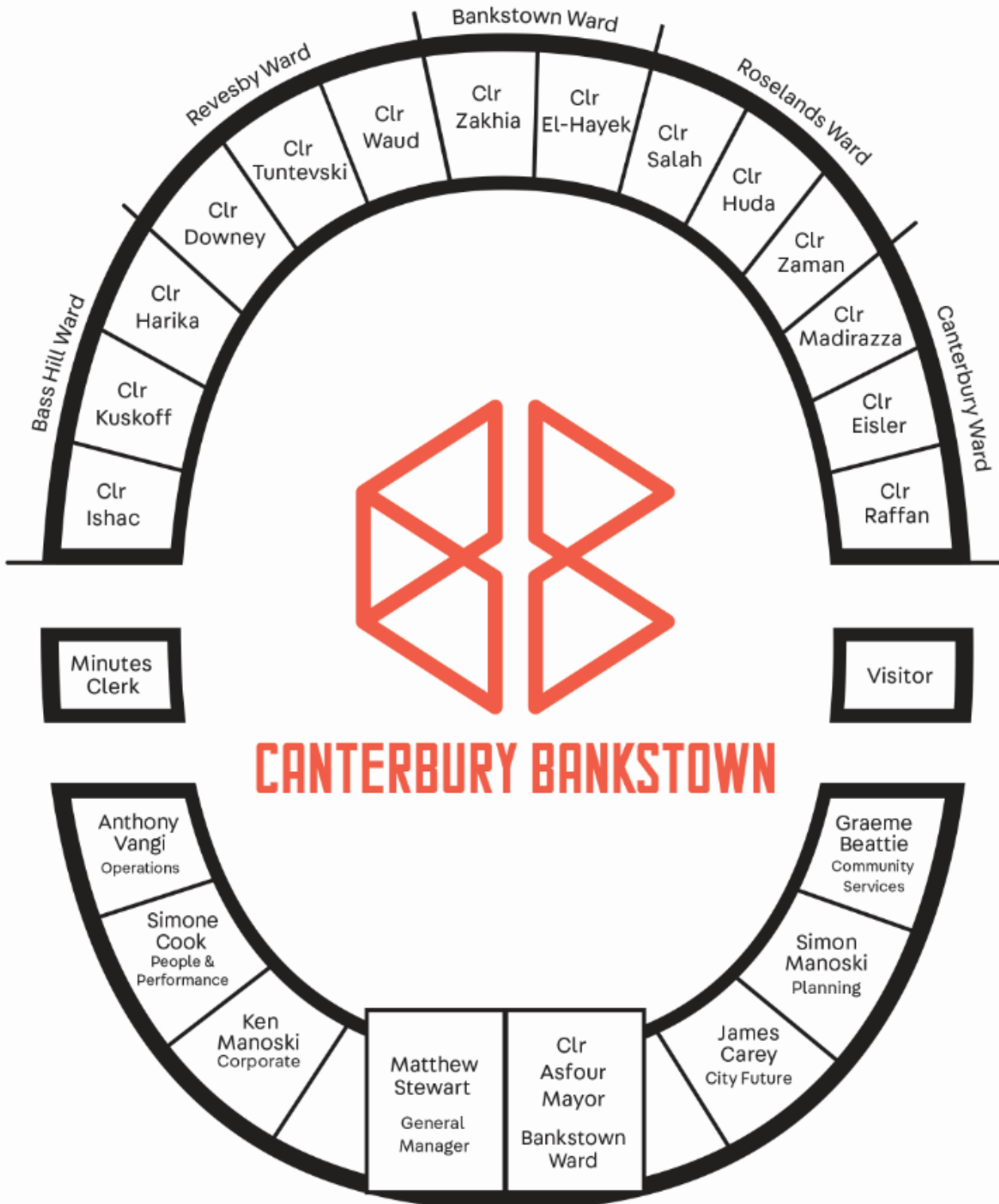


AGENDA FOR THE ORDINARY MEETING

24 October 2017



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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

- 1.1 Minutes of the Ordinary Meeting of Council of 22 August 2017 7
- 1.2 Minutes of the Extraordinary Meeting of Council of 26 September 2017 17

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

PRESENT: Administrator – Richard Colley

THE ADMINISTRATOR DECLARED THE MEETING OPEN AT 6.00 PM

REF: CONFIRMATION OF MINUTES

RECOMMENDATION:

That the minutes of the Ordinary Council Meeting held on 25 July 2017 be adopted.

SECTION 2: LEAVE OF ABSENCE

Nil

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

Nil

SECTION 4: ADMINISTRATOR MINUTES

ITEM 4.1 TRANSITION OVERVIEW

(499)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That the Administrator's Minute be received.

SECTION 5: PLANNING MATTERS

ITEM 5.1 DRAFT SYDENHAM TO BANKSTOWN URBAN RENEWAL CORRIDOR STRATEGY

(500)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

SECTION 6: REPORT OF THE GENERAL MANAGER

**ITEM 6.1 REVIEW OF THE OPERATIONAL PLAN TO 30 JUNE 2017 AND JUNE 2017
QUARTERLY BUDGET REVIEW.**

(501) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.2 2017-18 COMMUNITY GRANTS & EVENT SPONSORSHIP PROGRAM

(502) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 6.3 OUTDOOR DINING PROJECT

(503) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

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.

ITEM 6.4 RELATED PARTY DISCLOSURES POLICY

(504)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.5 TREE PRESERVATION ORDER

(505)

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.6 ADOPTION OF COUNCIL POLICIES

(506)

MOVED AND RESOLVED BY THE ADMINISTRATOR

That Council adopt the Policies as outlined in this report.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

ITEM 6.7 LOCAL GOVERNMENT NSW - ANNUAL CONFERENCE AND CONSIDERATION OF MOTIONS

(507) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.8 PROPERTY MATTER: CLASSIFICATION OF COUNCIL LAND AT 28 HOMEDALE ROAD BANKSTOWN

(508) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.9 PROPOSED NEW LICENCE TO TRINITY GRAMMAR SCHOOL FOR USE OF CANTERBURY PARK TENNIS COMPLEX

(509) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

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.

**ITEM 6.10
(510)**

SALT PAN CREEK RESERVE II STATUS UPDATE

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

**ITEM 6.11
(511)**

STRATEGIC ISSUES FACING THE CITY

MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

ITEM 6.12 SOUTH WEST METRO - ALTERNATIVES FOR BANKSTOWN

(512) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

ITEM 6.13 CODE OF MEETING PRACTICE - AMENDMENT TO STANDING ORDERS OF BUSINESS

(513) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 6.14 CASH AND INVESTMENT REPORT AS AT 31 JULY 2017

(514) MOVED AND RESOLVED BY THE ADMINISTRATOR

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.

MATTER OF URGENCY

(515) MOVED AND RESOLVED BY THE ADMINISTRATOR

That urgency be permitted and Item 6.15 – Proposed Filming Request – Use of Council Property be considered

ITEM 6.15 PROPOSED FILMING REQUEST - USE OF COUNCIL PROPERTY

(516) MOVED AND RESOLVED BY THE ADMINISTRATOR

That

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

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.

SECTION 7: COMMITTEE REPORTS

ITEM 7.1 MINUTES OF THE ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE MEETING HELD ON 26 JULY 2017

(517) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 7.2 MINUTES OF THE COMMUNITY SAFETY ADVISORY COMMITTEE MEETING HELD ON 12 JULY 2017

(518) MOVED AND RESOLVED BY THE ADMINISTRATOR

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

ITEM 7.3 MINUTES OF THE CANTERBURY BRANCH AND BANKSTOWN BRANCH TRAFFIC COMMITTEE MEETINGS HELD ON 8 AUGUST 2017

(519) 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 8 August 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 22 AUGUST 2017**

SECTION 9: MATTERS FOR INFORMATION

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

(520) MOVED AND RESOLVED BY THE ADMINISTRATOR

That the report be noted.

SECTION 10: QUESTIONS FOR NEXT MEETING

Nil

SECTION 11: CONFIDENTIAL SESSION

(521) 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 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.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.18 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.19 PM**

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

**ITEM 11.1
(522)**

EX0077 - LEGAL SERVICES TENDER

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. In accordance with the provisions of the Local Government Act 1993 and Local Government (General) Regulation 2005, the following firms be appointed to Council's Legal Panel

- Bartier Perry
- Hall & Wilcox
- Pikes & Verekers Lawyers
- Lindsay Taylor Lawyers
- Marsdens Law Group
- Clayton Utz
- McCulloch Robertson
- Tress Cox
- Maddocks
- Holman Fenwick Wilan

to provide legal services to Council as detailed in the table in the report, for a period of three years, with the option to extend the contract by a further two years, subject to satisfactory performance of the contractor as determined by the General Manager.

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

**ITEM 11.2
(523)**

T49-17 - PROVISION OF POUND SERVICES - HOLDING FACILITIES

MOVED AND RESOLVED BY THE ADMINISTRATOR

That

1. Council accepts the tenders received from Rossmore Vet Pty Ltd (Rossmore Veterinary Hospital), Bass Hill Veterinary Clinic Pty Ltd and VetPartners Australia Pty Ltd for a period of 1 year, with the option to extend the contracts by 4 further periods each of up to 1 year in duration, subject to satisfactory performance of the contractors as determined by the General Manager, for the provision of animal pound services/holding facilities.

NEW CITY OF CANTERBURY BANKSTOWN

**MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 AUGUST 2017**

2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution as required.

THE MEETING CLOSED AT 6.20 PM

Minutes confirmed 24 OCTOBER 2017

.....
Mayor

CANTERBURY BANKSTOWN COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 SEPTEMBER 2017

PRESENT: Councillors Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia, Zaman

APOLOGIES Nil

Prior to the commencement of the meeting, the General Manager conducted an election for Chairperson in accordance with Clause 236 of the Local Government (General) Regulation 2005.

CLR ASFOUR WAS ELECTED CHAIRPERSON.

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 7.04 P.M.

LEAVE OF ABSENCE

Nil

SECTION 1: REPORT OF THE GENERAL MANAGER

ITEM 1.1 TELECAST OF EXTRAORDINARY MEETING

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

RESOLVED that Council note that a telecast of this Extraordinary Meeting will be provided to the Bankstown Learning and Knowledge Centre.

- CARRIED

ITEM 1.2 MAYORAL ELECTION - SEPTEMBER 2017 TO SEPTEMBER 2019

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

RESOLVED that

1. In accordance with Schedule 7 of the Local Government (General) Regulation 2005 the General Manager, as the Returning Officer, conduct the Election of the Mayor.
2. In the event that there be more than one (1) nomination, Council determine the method of voting be open voting.

- CARRIED

CANTERBURY BANKSTOWN COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 SEPTEMBER 2017

The Chairperson vacated the Chair. The General Manager assumed the role of Returning Officer.

The Returning Officer called for nominations in writing for the office of Mayor for the period September 2017 to September 2019.

The following nominations were received:-

CLR ASFOUR
CLR WAUD

AN OPEN BALLOT WAS CONDUCTED BY THE RETURNING OFFICER WHICH RESULTED AS FOLLOWS:

CLR ASFOUR	10 VOTES
CLR WAUD	5 VOTES

THE RETURNING OFFICER THEN DECLARED CLR ASFOUR ELECTED TO THE OFFICE OF MAYOR FOR THE PERIOD SEPTEMBER 2017 TO SEPTEMBER 2019.

AT THIS STAGE HIS WORSHIP THE MAYOR, CLR ASFOUR ASSUMED THE CHAIR.

ITEM 1.3
(3) ELECTION OF DEPUTY MAYOR
CLR. DOWNEY:/CLR. KUSKOFF

RESOLVED that

1. Council elect a Deputy Mayor for a period of one (1) year.
2. The fee for the Deputy Mayor be set at 20% of the Mayoral fee per annum for the term of office.
3. In the event that there be more than one (1) nomination the method of voting be open voting.
4. In accordance with Section 7 of the Local Government (General) Regulation 2005, the General Manager, as the Returning Officer be requested to administer the Election of the Deputy Mayor.

- CARRIED

CANTERBURY BANKSTOWN COUNCIL
MINUTES OF THE
EXTRAORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 SEPTEMBER 2017

The Returning Officer called for nominations in writing for the office of Deputy Mayor for the period September 2017 to September 2018.

The following nominations were received:-

CLR SALEH
CLR MADIRAZZA

AN OPEN BALLOT WAS CONDUCTED BY THE RETURNING OFFICER WHICH RESULTED AS FOLLOWS:

CLR SALEH	10 VOTES
CLR MADIRAZZA	5 VOTES

THE RETURNING OFFICER THEN DECLARED CLR SALEH ELECTED TO THE OFFICE OF DEPUTY MAYOR FOR THE PERIOD SEPTEMBER 2017 TO SEPTEMBER 2018.

THE MEETING CLOSED AT 7.56 P.M.

Minutes confirmed 24 OCTOBER 2017

.....
Mayor

2 LEAVE OF ABSENCE

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

4 MAYORAL MINUTES

The following items are submitted for consideration -

4.1	Council's Role in Planning for Priority Precincts	27
4.2	Rohingya Refugees	29
4.3	Rugby League World Cup	31
4.4	Breast Cancer Awareness Month	31A

Mayoral Minutes - 24 October 2017

ITEM 4.1 Council's Role in Planning for Priority Precincts

On 1 June 2017, the NSW Government announced six new Priority Precincts within the City of Canterbury Bankstown at Canterbury, Campsie, Belmore, Lakemba, Riverwood, and a small part of Bardwell Park.

The arrogance of the State Government saw this announcement rammed through before elected councillors were in place and with no consultation, no justification and with no regard for the implication this would have for these communities.

This is the State Government's most aggressive move yet to further strip Council of its ability to plan for its own area. This is another slap in the face to the community of Canterbury Bankstown after the Sydenham to Bankstown botched planning process. The Government has been working on this Plan for more than 2 years now and they still can't get it right.

This ends now. We must take back control of our own future and the time for tokenistic consultation is over.

I demand the State Government respond to the voice of its largest local community. I demand that elected councillors are not just informed and consulted, but that Councillors are meaningfully involved in the planning, plan making and decision making process. This can't be left to a Minister who has never visited the area and faceless bureaucrats making decisions on an area they simply know nothing about.

I challenge the head of the Department of Planning and Environment to come out to Canterbury, Campsie, Belmore, Lakemba and Riverwood to walk the streets with me and for her to show me how 25 story towers are supposed to make those centres better places.

I acknowledge we are fortunate in having access to major road and rail infrastructure and I am the first to support growth, prosperity and renewal but not of the kind that is being forced on us. Forced on our community. We will not accept this.

Council is not opposed to progress, we have a proven track record of strong growth and we are already on track to meet one of the highest five year growth targets in the State. We know how to deliver change. But these precincts are a tragedy waiting to happen and as the elected representatives of the largest local government in the State, we will not stand aside and watch as our local communities are torn apart by the State Government.

This is a once in a generation opportunity to reshape our area and deliver improvements that will be around for the next 100 years. Once the dust settles and the State Government Precinct Priority Show has wrapped up and moved on, it will be Council, together with its resident and business community, left with the outcome. We must get this right, there is no alternative. There is no undo tool here.

I therefore move that Council demand the Minister for Planning treat Council, especially its Councillors, as equals in discussing how they plan to reshape our communities. This includes the essential requirement for monthly round table workshops with Councillors.

I have also asked the General Manager to provide a report to Council outlining recommendations about how we can involve our community in a meaningful way to assist Councillors in this process.

This isn't a rubber stamp for whatever plans they come up with, but it means that their plans will have a better chance of reflecting change for the betterment of our community rather than profits for developers that consume us and move on.

Only then can we be confident that we have a chance of delivering great places with more open space, vibrant retail, respected heritage, access to community services, first class health care and of course enough school places for our children and the ability to get the kids there without sitting in unmoveable traffic.

Mayoral Minutes - 24 October 2017

ITEM 4.2 Rohingya Refugees

This Council is very proud that Canterbury-Bankstown is one of the most culturally diverse cities in Australia, with 127 spoken languages. Our City is a model for the world on how a community can live and work together in harmony and respect, despite cultural, religious and political differences.

Unfortunately, not everyone is blessed with what we have strove to achieve here. It's distressing to see, more than half a million people, most of whom identify as Rohingya, have crossed into south-eastern Bangladesh, since conflict broke out in Rakhine State in western Myanmar in August this year. It's estimated, 2,000 people are flooding into the area every day. That is in addition to the 200,000 refugees from Myanmar who were already sheltering in the area before the latest outbreak of violence.

I understand, many refugees are still on the move, taking shelter along roadsides or in makeshift settlements and monsoon rains are making conditions even more difficult. Things have become so grim, World Vision estimates most new arrivals need urgent food assistance, with more than 90 percent eating only one meal a day, primarily rice with salt. The United Nations has also appealed for access to the population in Rakhine, claiming the current situation is unacceptable and in need of urgent attention.

I also note, the Canterbury Bankstown Harmony Group's concerns with the situation.

I have written to the Australian Government, expressing our community's concerns regarding the crisis and the thousands of refugees fleeing Myanmar. I have requested Foreign Minister Julie Bishop provides an urgent update on what diplomatic pressure has been applied to the Aung San Suu Kyi Government, to stop what is being termed 'ethnic cleansing'. And, I have asked Senator Concetta Fierravanti-Wells to indicate what humanitarian aid Australia is providing, to help welfare organisations deliver food to the starving Rohingya refugees.

As the Mayor of a refugee welcoming City, I am also calling on the Australian Government to clear a pathway for the settlement of Rohingya asylum seekers in Australia.

In the meantime, Council too can do its bit by donating to the United Nations Refugee Agency (UNHCR), which is helping families fleeing the violence. Council will pledge \$500 which, I understand, will assist in providing safe drinking water and food to many families in the refugee camps. I encourage other members in our community to do the same, by visiting www.unrefugees.org.au/bangladesh

Mayoral Minutes - 24 October 2017

ITEM 4.3 Rugby League World Cup

The 2017 Rugby League World Cup (RLWC) will be held from 27 October to 2 December 2017 and will feature teams from 14 countries. Recent changes to eligibility rules mean that Australian NRL players will have the opportunity to play for their ancestral country if they are not selected for Australia.

Sydney will play host to two games during the tournament, England v Lebanon on Saturday 4 November 2017 and Australia v Lebanon on Saturday 11 November 2017.

Council has been approached by the RLWC organising body seeking support for their fan engagement program in order to help promote the tournament and gather local support for the various competing countries. Council has been discussing such opportunities with the RLWC and these include tournament promotion at the upcoming Haldon Street Festival and via social media.

The City of Canterbury-Bankstown has a rich history of rugby league participation and together with our cultural diversity, I am sure our community will get behind the competing teams, particularly those of our residents' heritage.

Mayoral Minutes - 24 October 2017

ITEM 4.4 Breast Cancer Awareness Month

October is Breast Cancer Awareness Month and it's an important time to support the good work BreastScreen NSW does, particularly in our local community.

Unfortunately, breast cancer touches too many families, with one in eight Australian women expected to be diagnosed with breast cancer before the age of 85, with almost 18,000 in 2017 alone – that's 48 every day! Further, 13% of new cancers diagnosed in 2017, are breast cancer.

While breast cancer is rare in men, they are not immune, with around 150 expected to be diagnosed this year.

Some other sobering statistics include:

- A woman's risk of developing breast cancer increases with age, with the average age of first diagnosis in women being 60 years;
- Around 75 per cent of new cases of breast cancer develop in women over the age of 50; and
- Up to 10 per cent of breast cancers are due to a strong family history or a known genetic mutation.

The good news is, improvements in survival are attributed to earlier detection of breast cancer through regular mammograms, regular self-examinations and improved treatment outcomes for breast cancer. That's where BreastScreen NSW comes in.

A breast screen is the most effective way to find breast cancer early. Early detection means more treatment options and a better chance of survival. BreastScreen NSW targets women, aged 50-74, to have a screen every two years. It's free and does not require a doctor's referral. BreastScreen NSW is located on the ground floor of Bankstown Civic Tower, 66-72 Rickard Road, Bankstown, and at the Campsie Centre, Shop 39, Level 1 (opposite Big W).

To support BreastScreen NSW, the Lantern Club is hosting a fundraising dinner on Tuesday 31 October at MaZi Restaurant, Roselands. The Club has requested Council support this event so I am happy to take two tables of 8 at a cost of \$1280 each table and funds made available from the 2017/18 Community Grants and Events Sponsorship budget. They will be available for interested Councillors and partners together with some members of staff who have been touched by breast cancer.

I am also looking forward to seeing the Jane McGrath garden take bloom now we're moving into the warmer months. I was proud to unveil the garden back in May 2016, to commemorate Jane's legacy, following her passing from breast cancer in 2005. Twenty Jane McGrath Pink Roses were planted especially in our garden, which is located in the south-western corner of Paul Keating Park in Bankstown.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|----|
| 5.1 | 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl | 35 |
| 5.2 | 297-299 Canterbury Road, Canterbury - Voluntary Planning Agreement | 45 |

Planning Matters - 24 October 2017

ITEM 5.1 **913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

Council received an applicant initiated planning proposal from Club Punchbowl to amend Bankstown Local Environmental Plan 2015 to allow future mixed use development at the properties at Nos 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl with 1.8 FSR and maximum building height of 17 metres (5 storeys).

Council's Independent Hearing Assessment Panel has considered the planning proposal and supports the proposal being submitted to the Greater Sydney Commission for a Gateway Determination, subject to the completion of additional studies, and preparation of DCP amendments to support the planning proposal.

ISSUE

To consider the application to amend Bankstown Local Environmental Plan 2015 for the properties at 913-925 Punchbowl Road and 21 Canterbury Road, Punchbowl.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination that will:
 - (a) Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre, subject to determining whether any retail or commercial uses are necessary for the area north of the drainage easement section of the site along Punchbowl Road (noting that residential flat buildings are permissible in the B1 zone).
 - (b) Permit a maximum 17 metre building height and a maximum 1.8:1 FSR. This should include a consideration of different height levels across the site, in association with relevant FSRs across the site (but achieving the same potential yield), including specific treatment of the zone interface between the northern part of the site and the R2 zoning to address adverse amenity impacts.
 - (c) Do not apply the Lot Size Map to the properties at 913-921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre (if the site was to have a residential zoning which allowed residential flat buildings).

2. Subject to approval from the Greater Sydney Commission, Council exhibit the planning proposal, and the matter be reported to Council following the exhibition – outlining any submissions received and the way forward.
3. Council prepare and exhibit DCP amendments to support the planning proposal, and the matter be reported to Council following the exhibition.
4. Council delegate authority to the General Manager to fulfil the obligations outlined in the recommendations of this report.

ATTACHMENTS

[Click here for attachments](#)

- A. IHAP Report - 4 September 2017
- B. IHAP Minutes - 4 September 2017
- C. Applicant's request for a planning proposal
- D. Applicant's Architectural Concept Plan
- E. Applicant's Landscape Concept Plan
- F. Applicant's Concept Photomontage
- G. Applicant's Flood Investigation Report
- H. Applicant's Sewer and Water Infrastructure Plan
- I. Applicant's Site Contamination Report

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

Should Council support the submission of the planning proposal, the planning proposal will be prepared to be consistent with the recommendations of this report, which will include the need for additional studies to investigate the following issues after a Gateway Determination is received from the Greater Sydney Commission:

- the zone interface to the north of the site where the zone would change from proposed Zone B1 to Zone R2 Low Density Residential land.
- whether the proposed changes to height and FSR should be more specifically detailed across the site but still achieve the proposed yields.
- whether retail/commercial is necessary to the north of the easement along Punchbowl Road.
- specific provisions to include affordable housing with any other public infrastructure such as pedestrian accessways.

The gateway determination will outline the impact assessment requirements for the planning proposal, including confirmation on whether Council's proposed additional studies are required.

DETAILED INFORMATION

REPORT

Council is in receipt of an application requesting Council to amend Bankstown Local Environmental Plan 2015 for the site at 913-925 Punchbowl Road and 21 Canterbury Road in Punchbowl to:

Properties	Current zone	Proposed zone	Current building height	Proposed building height	Current floor space ratio	Proposed floor space ratio
913-919 Punchbowl Road	Zone R2	Zone B1	9 metres (2 storeys)	17 metres (5 storeys)	0.5:1	1.8:1
921-921B Punchbowl Road	Zone R2	Zone B1	9 metres (2 storeys)	17 metres (5 storeys)	0.5:1	1.8:1
923-925 Punchbowl Road	Zone B1 & Zone SP2	No change	11 metres (2 storeys plus attic)	17 metres (5 storeys)	1:1	1.8:1
21 Canterbury Road	Zone B1 & Zone SP2	No change	11 metres (2 storeys plus attic)	17 metres (5 storeys)	1:1	1.8:1

A copy of the applicant's planning proposal and supporting documents are available at Attachment C-I.

The Independent Hearing Assessment Panel (IHAP) considered the proposal at its meeting on 4 September 2017 and supports the proposal being submitted to the Greater Sydney Commission for a Gateway Determination, subject to the completion of additional studies post-Gateway, and preparation of DCP amendments to support the planning proposal. A copy of the minutes is available at Attachment B.

Description of the site and local context

The site (20,461m² in area) is located at the corner of Canterbury and Punchbowl Roads in Punchbowl and comprises the following properties:

Property Address	Lot and DP	Area	Zone	Ownership
913 Punchbowl Road	Lot B DP 378634	961m ²	Zone R2 Low Density Residential	Private
915 Punchbowl Road	Lot 2 DP 21524	664 m ²	Zone R2 Low Density Residential	Private
917 Punchbowl Road	Lot 3 DP 21524	651m ²	Zone R2 Low Density Residential	Private
919 Punchbowl Road	Lot 4 DP 21524	651m ²	Zone R2 Low Density Residential	Private
921 Punchbowl Road	Lot 6 DP 5245	3,870m ²	Zone R2 Low Density Residential	Club Punchbowl
921A Punchbowl Road	Lot A DP 378634	3,863m ²	Zone R2 Low Density Residential	Club Punchbowl
921B Punchbowl Road	Lot D DP 382627	1,948m ²	Zone R2 Low Density Residential	Club Punchbowl
923 Punchbowl Road	Lot 15 DP 132440	3,876m ²	Zone B1 Neighbourhood Centre	Club Punchbowl
925 Punchbowl Road	Lot 1 DP 236825	588m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl
21 Canterbury Road	Lot 14 DP 132440	3,389m ²	Zone B1 Neighbourhood Centre / Zone SP2 Infrastructure (Road Infrastructure Facility)	Club Punchbowl

The properties at 921–925 Punchbowl Road and 21 Canterbury Road contain a registered club, known as Club Punchbowl. The properties at 913–919 Punchbowl Road contain privately owned dwelling houses.

The site is subject to electricity and drainage easements, road widening reservations, and noise exposure from Canterbury and Punchbowl Roads.

In relation to local context, the site is located 1.2km from the Punchbowl railway station. The low-rise suburban neighbourhood surround the site with some commercial premises to the south and west, and Punchbowl Park to the east.



Figure 1: Site and local context

Justification

The Council Report to the Independent Hearing Assessment Panel as shown in Attachment A provides detailed assessment of the justification of the planning proposal.

In summary, the planning proposal is generally consistent with the recommendations for the site in the adopted North East Local Area Plan (LAP), which was adopted by former Bankstown Council on 11 May 2016. At the time of the adoption of the LAP, Club Punchbowl site did not include the additional residential properties at 913-919 Punchbowl Road. The LAP identifies the Club Punchbowl site as being part of the Canterbury Road Enterprise Corridor with recommendations to rezone Zone R2 Low Density Residential land to Zone B1 Neighbourhood Centre with 1.8:1 for consolidated site, otherwise 1:1 FSR to apply.

The site is currently part of Council's planning proposal for the Local Area Plans, however, the property owner has decided to lodge a separate planning proposal to expedite the process and to include the additional properties at 913-919 Punchbowl Road.

Independent Hearing and Assessment Panel (IHAP)

The Independent Hearing and Assessment Panel (IHAP) considered Council's report on 4 September 2017. In accordance with the Charter, the Panel is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway Determination. Council's report to the IHAP included the following recommendation:

1. *That the application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following provisions:*
 - (a) *Rezone the properties at 913–921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.*
 - (b) *Permit a maximum 17 metre building height and a maximum 1.8:1 FSR.*
 - (c) *Apply a site specific provision to the properties at 913–925 Punchbowl Road and 21 Canterbury Road. This provision will require the properties to consolidate into a single site if development is to achieve the maximum 1.8:1 FSR. Otherwise a maximum 1:1 FSR will apply.*
 - (d) *Do not apply the Lot Size Map to the properties at 913–921B Punchbowl Road as the Lot Size Map does not apply to Zone B1 Neighbourhood Centre.*
2. *Prepare DCP Amendments to support the planning proposal.*

The Panel's comments and recommendation are:

The Panel agrees with the proposed recommendation based on the development potential for the site. However the Panel is concerned that a number of matters be addressed at an early stage including:

- a) *the impacts from future development at the zone interface to the north of the site where the zone would change from proposed B1 to residential;*
- b) *whether the proposed changes to height and FSR should be more specifically detailed to achieve different heights and different FSRs across the site (this would also assist in treating the zone interface) but still achieving across the site the proposed yields;*

- c) *whether retail/commercial is necessary to the north of the easement part of the site along Punchbowl Road;*
- d) *specific provisions to include affordable housing along with any other public infrastructure such as pedestrian accessways that the applicant may be considering.*

The Panel has suggested that these matters be included in the recommendation for the gateway determination, so that they are then picked up to be addressed in the further studies that are to follow the gateway review from the Department.

IHAP Recommendation

The Panel agrees with the Council Staff report subject to the recommendation being amended as follows:

1. *Amend 1(a) to read as follows:*

“Rezone the properties at 913 to 921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre, subject to determining whether any retail or commercial uses are necessary for the area north of the drainage easement section of the site along Punchbowl Road (noting that residential flat buildings are permissible in the B1 zone).”

2. *Amend 1(b) to read as follows:*

“Permit a maximum 17 metre building height and a maximum 1.8:1 FSR. This should include a consideration of different height levels across the site, in association with relevant FSRs across the site (but achieving the same potential yield), including specific treatment of the zone interface between the northern part of the site and the R2 zoning to address adverse amenity impacts.”

3. *Delete 1(c).*

4. *Amend 1(d) by adding the following words at the end of the sentence “(if the site was to have a residential zoning which allowed residential flat buildings)”.*

The Council report to the Independent Hearing and Assessment Panel and the minutes regarding the matter are shown in Attachments A and B.

Additional studies post-Gateway

The IHAP has recommended changes to the Council officer’s recommendation to reinforce the recommendations in Council’s report to the IHAP to complete the following additional studies post-Gateway:

A key issue is managing the likely environmental effects as a result of the proposal. An assessment identifies the need for additional information post-Gateway should Council decide to proceed with a planning proposal. The additional information includes:

- *Urban design peer review. The intended outcomes of the peer review are:*
 - *To consider the distribution of the proposed building envelope based on the new site configuration.*
 - *To ensure there are appropriate buffers to busy roads and electricity / drainage easements to achieve a healthy built environment.*
 - *To ensure there is an appropriate built form transition to neighbouring low-rise dwelling houses.*
 - *To assess whether there is appropriate infrastructure to facilitate enhanced walking and cycling to key destinations, namely the Punchbowl Small Village Centre and Punchbowl Park.*
 - *To consider deep soil zones.*
- *Local retail study.*
- *Remediation Action Plan.*
- *Acid sulfate soils assessment.*
- *Consultation with the Roads and Maritime Services.*

In addition to the studies outlined above, the IHAP raised the need to investigate the provision of affordable housing and other social infrastructure, such as pedestrian accessway. As such, a social infrastructure investigation and study will be required post-Gateway.

Council will enter into a cost recovery agreement with the property owner to fund the additional studies post-Gateway, in accordance with Council's Fees and Charges.

Next Step

The next step is to submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination. The planning proposal will request the following amendments to Bankstown Local Environmental Plan 2015:

- Amend the Zoning Map by rezoning the properties at 913–921B Punchbowl Road in Punchbowl from Zone R2 Low Density Residential to Zone B1 Neighbourhood Centre.
- Amend the Floor Space Ratio Map by applying a maximum 1.8:1 FSR to the site.
- Amend the Height of Buildings Map by allowing a maximum 17 metre building height on the site.
- Amend the Lot Size Map by excluding the site as it does not apply to Zone B1 Neighbourhood Centre.

Subject to the findings of the additional studies post-Gateway, the appropriate site specific DCP amendments will be prepared and exhibited concurrently with the planning proposal. Following the exhibition, both the planning proposal and the DCP amendments will be reported to Council.

At this time, Council has not received any offer of public benefit from the applicant as part of the planning proposal. However, if the findings of the additional studies requires the provision of affordable housing and/or community infrastructure, Council officers will negotiate the terms of the public benefit in the form of a draft voluntary planning agreement (VPA) and the draft VPA will be separately reported to Council for consideration.

Planning Matters - 24 October 2017

ITEM 5.2 **297-299 Canterbury Road, Canterbury - Voluntary Planning Agreement**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

To seek Council's endorsement and approval to exhibit a draft Voluntary Planning Agreement for laneway widening at 297-299 Canterbury Road, Canterbury.

ISSUE

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

RECOMMENDATION That -

1. Council agree to consider entering into a Voluntary Planning Agreement in respect of land at 297-299 Canterbury Road, Canterbury, relating to the dedication of land required for laneway widening in return for an offset from Section 94 Contributions in the amount of \$150,000.
2. Council exhibit the draft Voluntary Planning Agreement as shown in Attachment A, subject to any minor drafting and editorial amendments required by Council's solicitors that do not alter the substance of the Voluntary Planning Agreement.
3. The matter to be reported to Council following the public exhibition.

ATTACHMENTS [Click here for attachment](#)

- A. Draft Voluntary Planning Agreement

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

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

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

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

COMMUNITY IMPACT

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

It is noted that there is no additional yield, floor area or building height associated with this proposal.

DETAILED INFORMATION

BACKGROUND

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

The consent orders contained two deferred commencement conditions; the first condition detailing that the applicant would enter into a Voluntary Planning Agreement (VPA) to dedicate land to widen Clunes Lane along the rear of the site. The second deferred commencement condition requires the applicant to provide a detailed design of the laneway and driveway access. Other operational conditions required the construction of the laneway and relocation of affected services at the developer's cost.

A VPA letter of offer formed part of the Court consent, through the conditions issued by the Court. The offer was accompanied by a valuation, prepared on behalf of the applicant, of the land to be dedicated to Council. Based on this valuation, the VPA letter of offer sought a Section 94 development contributions offset. The value of the offer was \$150,000, to be offset against the payable Section 94 development contributions of \$259,006.27.

The VPA letter of offer was solely for the dedication of land and Section 94 development contribution offsets. As part of the Court process, the applicant amended the proposed development to comply with the Council's key planning controls, including overall maximum height limit.

No additional height or floor space was approved in exchange for the laneway widening or draft VPA.

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

However the former Canterbury City Council inconsistently negotiated land dedication using different methodologies for each DA. This approach has not necessarily resulted in the best public outcome or sufficient responsibility by the developer to deliver essential works for their development. It was during this time that the subject VPA was approved through the Land and Environment Court.

Council's recently adopted position was relayed to the applicant, who responded by lodging a Class 1 Appeal to the Land and Environment Court to remove the deferred commencement conditions relating to dedication of the laneway and the VPA.

REPORT

History of Laneway Dedication

The widening of existing laneways and provision of future laneways along Canterbury Road was identified by the former Canterbury City Council as critical to servicing some sites along Canterbury Road rezoned under the Canterbury Local Environmental Plan 2012 (CLEP 2012).

In response to major redevelopment occurring on Canterbury Road as a result of the CLEP 2012, the former Canterbury City Council resolved at its meeting on 28 August 2014 that:

'...The assessment of all current and future development applications relating to sites on main roads, such as Canterbury Road, must consider the potential to construct a rear lane access off adjacent streets and the impact the development could have on traffic movement in the locality...'

This resolution is supported by the requirements of Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007*, which states that Council must not grant consent to a development that has frontage to a classified road unless vehicular access to the site is provided by a road other than a classified road (where possible). Canterbury Road is a classified road.

In some locations along Canterbury Road, new developments are reliant on laneway widening in order to redevelop the sites. Due to the narrow width of the existing laneways in parts, some residential redevelopments are unable to accommodate waste collection, safe vehicle passing areas and sufficient vehicle manoeuvring clearances into the sites.

These matters are not for Council to provide but are the responsibility of the developers to provide in order to make their developments function appropriately.

Following from the former Canterbury City Council's resolution on 28 August 2014, the former Council obtained laneways on a development by development basis. Negotiated at the Development Application stage between Council and the developer, each DA negotiation resulted in an inconsistent approach to laneways being implemented including:

- right of way / easement, with the land remaining in private ownership
- right of way with either the proposed basement located underneath the laneway or proposed building cantilevered over the widened laneway
- dedication of land in exchange for increased building height
- Voluntary Planning Agreements with differing conditions.

It is during this period that the subject draft VPA was lodged with the Council.

After the amalgamation of the former Canterbury and Bankstown Councils, an overall strategic review of ad hoc development approvals within the Canterbury Road Corridor was resolved by the Administrator at Council's meeting on 26 July 2016. At Council's meeting on 25 July 2017, the draft Canterbury Road Review was endorsed and is currently on exhibition. Relevantly, the Canterbury Road Review identifies the provision of a continuous network of rear laneways as a key recommendation to be achieved in the short term.

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

- dedication to Council free of cost
- design and construction of the laneway at the developers cost
- full payment of Section 94 development contributions.

All recent draft VPAs / letters of offer received have been required to meet the above three pre-conditions, of which several are currently under assessment where applicants have agreed to the terms.

However, in this instance the laneway dedication and associated draft VPA are the result of a 2016 Court Appeal; prior to the Canterbury Road Review and establishment of a consistent Council position. It is on this basis that the current draft VPA has been prepared and forwarded to Council.

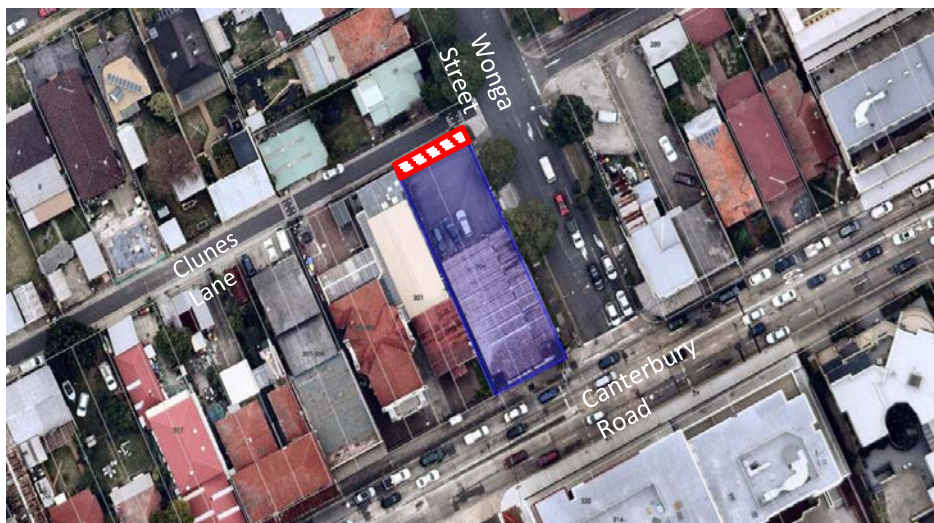
Details of the Draft VPA Offer

The dedication of land as detailed in the court consent and draft VPA will result in the widening of Clunes Lane. The widening of this laneway is integral to the functionality of Clunes Lane to service the increased density sought under the Canterbury Local Environmental Plan 2012. As detailed by Council's Traffic Engineer during the court appeal, the existing road pavement width of approximately 4.2 metres is too narrow and would create traffic conflicts between through vehicles and vehicles entering/exiting the site.

The draft VPA (Attachment A) reflects the commitment of the applicant as consented by the Court within DA-127/2016. The deferred commencement conditions and operational conditions require that the applicant is responsible for:

- dedication of an area of land measuring 3 metres (depth) x 15.405 metres (width) to Council
- all costs associated with the construction of this portion of the site for lane widening
- undertaking the design work for the widened road sections immediately adjacent to the site to Council's specifications
- construction of the laneway, including integration with the existing road, re-sheeting of the laneway if required, appropriate transition road works with the adjoining site
- relocation of any services affected by the laneway at the applicant's cost.

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



In exchange for the above commitments, an offset of \$150,000 to the applicable Section 94 development contribution for the dedication of land and laneway construction costs is sought by the applicant. This offset formed part of the letter of offer from the applicant.

As detailed within Part 2.4 of Council's Voluntary Planning Agreements Policy 2017; Council is able to negotiate Section 94 offsets with regard to the particular circumstances of each case. Relevant to the current draft VPA, Part 2.5 allows the valuation of land to be dedicated and any reasonable design and construction costs to be considered in offsetting Section 94 development contributions.

Council has reviewed the valuation put forward by the applicant as well as the estimated cost of works to design and construct the laneway. Preliminary advice from a registered valuer from Council's panel of valuers estimates that the value of the land to be dedicated would be between \$188,000 - \$200,000. Given that the developer seeks an offset from Section 94 contributions of \$150,000, Council's certified valuer recommends that the developers offset is reasonable in this one instance. Given the history and given the negotiations that transpired pre Land and Environment Court and circumstances of this particular matter, this conclusion is supported.

Note that this does not impact on the developer's obligations to design and construct the lane widening to Council's specifications and standards and relocate affected services. Cost estimates for this work are estimated at \$65,000. These costs also to be borne by the developer.

New Court Proceedings

The applicant has commenced fresh court proceedings seeking to delete the VPA deferred commencement condition. These proceedings were initiated after Council's response that the applicant would need to meet the requirements of Council's current position; being dedication of land at no cost to Council, design of the laneway to Council's specifications, construction of the laneway and no Section 94 development contributions offsets.

The applicant contends that the Council is acting contrary to the court orders and on this basis has lodged an appeal directly to the Court to remove the VPA deferred commencement condition.

With a view that the current VPA was negotiated prior to the current position, during a period where the former Canterbury City Council were accepting land dedication in a variety of different methods and that this has been imposed as part of the Court's consent orders, Council's legal position for defending the appeal is poor. Further, the retrospective application of Council's current policy to an approved development consent would not be favourably received by the Court.

The consequences of Council losing the appeal would force the future land acquisition by the Council at a later date, with the developer relieved from their responsibility of dedicating the land and constructing the laneway at their cost in order to service their development.

Given this inconsistent history of the former Canterbury City Council and resultant current VPA from that former period, it is recommended that Council proceed with the exhibition of the draft VPA in its current form which is consistent with the decision of the Court and letter of offer from the applicant. This would allow the applicant to withdraw the current court appeal.

CONCLUSION

For the subject site, it is the developer's responsibility to provide laneway widening in order to accommodate their approved development, as reflected in the Court's consent orders.

Whilst the proposed method of land dedication does not accord with Council's current position, this particular application has already been determined by the Court and would result in a poor community outcome if the VPA did not proceed and the laneway widening did not occur. In this instance, the application has already been approved and retrospective application of Council's current policy would likely be dismissed by the Court.

Accordingly, as the terms contained in the draft VPA are consistent with the terms approved by the Court, it is more likely that the Court would delete the deferred commencement condition relating to the VPA, with the subsequent loss of laneway dedication.

This would leave Council in the position of needing to compulsorily acquire the land. This could only happen following identification of the land required for acquisition in Council's LEP and Development Contributions Plan. A lengthy and potentially costly exercise, relative to the amount of the Section 94 offset sought.

The preliminary valuation advice is that an offset from Section 94 contributions of \$150,000 is reasonable based on the estimated valuation of the land to be dedicated and construction costs associated with the laneway. On this basis and given the history and circumstances of this particular matter this conclusion is supported.

6 POLICIES MATTERS

The following item is submitted for consideration -

6.1 Community Grants and Event Sponsorship Policy

55

ITEM 6.1 Community Grants and Event Sponsorship Policy

AUTHOR Corporate

PURPOSE AND BACKGROUND

In June 2017 Council adopted a Policy statement that aligned the positions of the former Canterbury and Bankstown Councils in regards to providing financial assistance to the community. The Policy established an annual Community Grants and Event Sponsorship Program, as well as providing a small allocation for a mid- year review for funding requests received out of round.

Council recognises it may receive requests for funding outside the annual Community Grants and Event Sponsorship Program. The amended Community Grants and Event Sponsorship Policy includes minor administrative changes outlining how cases of urgency and/or requests lodged due to the timing of events, will be administered. These changes provide greater flexibility for local community groups, not-for-profit organisations and eligible applicants to request financial assistance outside of the annual Program.

ISSUE

The Community Grants and Event Sponsorship Policy establishes the governing framework for the provision of financial assistance by Canterbury- Bankstown Council. After completion of the annual Community Grants and Event Sponsorship Program for 2017-2018, minor administrative changes to the administration of the out of round requests component have been proposed. The change largely looks to address the nature and timing of events, particularly where requests for funding are made outside the annual program dates. It is proposed that the Out of Round funding program be administered as follows:

- Requests can be submitted in writing to the General Manager any time outside the formal Community Grants and Event Sponsorship Program and will be reported to Council for consideration.
- Applicants for out of round requests are subject to the same eligibility criteria as those submitting applications through the formal Community Grants and Event Sponsorship Program.
- The Out of Round requests will be administered via Mayoral Minutes.
- Eligibility does not guarantee funding, the annual allocation for this component of the Program remains \$20,000 and is therefore subject to available funding. Requests for subsidies or fee waivers will also be funded from within the annual allocation, and are consequently still considered part of the \$20,000 allocation.

RECOMMENDATION

That Council adopt the Policy as outlined in this report.

ATTACHMENTS [Click here for attachment](#)

- A. Community Grants and Event Sponsorship Policy

POLICY IMPACT

The adoption of the Community Grants and Event Sponsorship Policy included in this report will supersede the Policy adopted on 27 June 2017. This Policy ensures Council is compliant with legislative requirements under Section 356 of the *Local Government Act 1993*.

Given that Council is merely varying the administration process of the Out of Round funding section of the Policy, it is not required to be re-exhibited.

FINANCIAL IMPACT

There is no financial impact. Financial assistance limits will be reviewed in the 2018/19 budget.

COMMUNITY IMPACT

The changes proposed to the Out of Round requests component of the Community Grants and Event Sponsorship Policy provide greater flexibility for local community groups, not-for-profit organisations and eligible applicants to request financial assistance outside of the annual Program.

DETAILED INFORMATION

The Community Grants and Events Sponsorship Policy (Policy) establishes the governing framework for the provision of financial assistance by Canterbury-Bankstown Council. In June 2017, Council adopted a Policy statement that aligned the positions of the former Canterbury and Bankstown Councils. The Policy is based on the following key principles:

- Community benefit
- Fair and equitable
- Transparent
- Management of conflicts of interest
- Hardship assistance
- Targeted needs based assessment criteria.

The Policy is applicable to all financial assistance requests received by Council including financial and in-kind support, donations, grants, subsidies, fee waivers and other requests for assistance that come before Council.

A central component of the Policy is the Community Grants and Event Sponsorship Program. This is an annual program for local community groups, not-for-profit organisations and eligible applicants to request financial assistance from Council. The program is comprised of five grant categories:

- Community Grants
- Arts and Cultural Grants
- Sport and Recreation Grants
- Youth Grants
- Event Sponsorship Grants

Each category within the Program has specific guiding documentation defining eligibility, assessment and acquittal criteria under which Council funding will be provided.

Although designed as an annual Program, Council recognises that in cases of urgency and/or due to the timing of events that requests for funding may be received outside the annual Program dates. A \$20,000 allocation from the existing Community Grants and Event Sponsorship Program budget was subsequently allocated in order to address out of round requests during a mid-year review.

After completion of the annual Community Grants and Event Sponsorship Program for 2017-2018, minor administrative changes to the administration of the out of round requests component have been proposed to provide greater flexibility for local community groups, not-for-profit organisations and eligible applicants to request financial assistance outside of the annual Program. It is proposed that requests for funding out of round be administered as follows:

- Requests can be submitted in writing to the General Manager which subject to review may be reported to Council for consideration.
- Applicants for out of round requests are subject to the same eligibility criteria as those submitting applications through the formal Community Grants and Event Sponsorship Program.

- The Out of Round requests will be administered via Mayoral Minutes.
- Eligibility does not guarantee funding, the annual allocation for this component of the Program remains \$20,000 and is therefore subject to available funding. Requests for subsidies or fee waivers will also be funded from within the annual allocation, and are consequently still considered part of the \$20,000 allocation.
- The funding limits will be reviewed as part of the preparation of the 2018/19 budget.

Submitted to Council for consideration.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

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ITEM 7.1 **Oath or Affirmation of Office by Councillors**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Section 233A (1) of the Local Government Act 1993 requires the Mayor and Councillors to take an oath or make an affirmation of office prior to the first meeting of council, after the councillor is elected.

ISSUE

In accordance with section 233A (2) of the Act the oath or affirmation may be taken or made before the General Manager. Prior to the Extraordinary Meeting of Council held on the 26th September 2017 each of the elected councillors took an oath or made an affirmation before the General Manager as detailed within this report.

As required by Section 233A of the *Local Government Act 1993*, all elected Councillors took an oath or affirmation of office, before the first meeting of the Council held on 26th September 2017.

RECOMMENDATION

That the information be noted.

ATTACHMENTS

Nil

POLICY IMPACT

The requirements of the Local Government Act 1993 have been met.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

There is no community impact.

Governance and Administration Matters - 24 October 2017

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

AUTHOR City Future

PURPOSE AND BACKGROUND

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

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

The SCF is overseen by an Assessment Panel, the role of which is to assess and recommend projects for funding. The Administrator was previously Council's representative on the Panel. In lieu of an Administrator, the Department of Premier and Cabinet has advised that Council must now allocate an elected member to represent Council on the Panel.

ISSUE

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

RECOMMENDATION That -

1. Council note the progress of the implementation of the Stronger Communities Fund.
2. Council endorses the Mayor or delegate to represent Council on the SCF Assessment Panel.

ATTACHMENTS

Nil

POLICY IMPACT

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

FINANCIAL IMPACT

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

Under the Major Projects Program, the remaining \$5.4M in funds will be allocated later in 2017.

COMMUNITY IMPACT

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

Community engagement is compulsory, and to date nearly 10,000 residents have had their say on the big ideas or their priorities for the City.

DETAILED INFORMATION

Community Grants Program

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

Community Grants Program - Implementation

All 27 funding projects have commenced with some projects already delivering new and improved services to the community. Highlights include:

Organisation & Project	Update
headspace - <i>Strengthening Organisations to Support Vulnerable Youth</i>	Rock and Water training: Successful 3-day training event was attended by 22 staff members across seven organisations. Training provides participants with a pathway to self-awareness and increased self-confidence and social functioning. Self Management and Recovery Training (SMART Recovery): The training program involves 3 groups of 8 participants. The initial training was delivered to group 1 in mid-August, group 2 will take place late October, and the final group in February 2018. SMART Groups will also be held at Corner Youth Health and Youth Off The Streets in coming months, with more organisations running SMART following their training.
Arab Council – <i>Canterbury Bankstown Connecting</i>	Arab Council has conducted interviews with 10 local agencies, collected information to assist with mapping local services and networks, and held the first three workshops of a series to identify opportunities for collaboration with over 25 local agencies in attendance at each. The final workshop will be held later in October and a resource with experiential learnings and plans for the future will be produced to encourage not-for-profit groups to connect, engage and collaborate.
Horizon Youth Theatre <i>– “A Glimpse behind the Curtain”</i>	Horizon performed a season of their production ‘Imaginarium’ in order to inspire young people and provide them with an insight into how the production comes together and to meet and discuss the production with the young performers. Ten performances were held in July followed by workshops. Local High Schools brought young people who mixed with the general public. A number of young people expressed an interest in joining this Youth Theatre Company.

Major Projects Program – Stage 1

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

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

Major Projects Program – Stage 2

The remaining \$5.4 million of projects to be funded under the Major Projects Program will be announced in late 2017. This follows extensive community engagement with over 11,000 residents identifying their big ideas and priorities for the City, including:

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

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

Staff will develop a final list of recommended projects to be funded with the remaining Stronger Communities Funds, to be considered by the project’s Assessment Panel.

Assessment Panel

The SCF is overseen by an Assessment Panel, the role of which is to assess and recommend projects for funding. As per the Department of Premier and Cabinet (DPC) Guidelines for the SCF, the Panel should be made up of the Administrator or delegate, State Members of Parliament, a representative from DPC, and an independent probity advisor. In lieu of an Administrator, DPC has advised that Council must now allocate an elected member to represent Council on the Panel.

The next Assessment Panel meeting will be held later this year to endorse the final Major Project allocations. Their recommendation will then come to Council for adoption. This ensures that Council can incorporate the recommended projects into the 2018-19 Operational Plan and capital works budget.

Governance and Administration Matters - 24 October 2017

ITEM 7.3 Instrument of Delegations

AUTHOR Corporate

PURPOSE AND BACKGROUND

Section 377 of the Local Government Act 1993 enables a Council to delegate to the General Manager, or any other person or body, any of the functions of the Council excepting a range of functions so specified. Section 380 of the Local Government Act 1993 requires Council to consider its delegations during the first 12 months of its term.

After the proclamation on 12 May 2016 the Interim General Manager was issued delegations by the Administrator. In reviewing those delegations, some minor amendments are proposed (including aligning the delegations with amended legislation). The amendments are outlined in the detailed information section together with proposed delegations to the Mayor.

ISSUE

The Instrument of Delegations (Attachment A) outlines delegations from Council to the Mayor and General Manager, including additional powers, duties, authorities and functions under specified legislation.

The General Manager is delegated all functions of the Council under the Local Government Act 1993 and any other legislation subject to limitations outlined in the attached Instrument of Delegations.

The proposed delegations have been prepared to ensure the efficient operation of Council's functions and services, particularly between Council meetings.

RECOMMENDATION

That the Instrument of Delegations be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Instrument of Delegations

POLICY IMPACT

The provisions of the Local Government Act 1993 relating to *Section 377 – General power of the council to delegate* and *Section 380 – Review of delegations* have been met. Council may review the delegations at any time.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

There is no community impact.

Governance and Administration Matters - 24 October 2017

ITEM 7.4 **Proposed Licence for Portion of Edwards Reserve Panania**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Transport for NSW (TfNSW) and their newly appointed contractor Downer Group, approached Council in July 2017 to discuss the proposal of using a portion of Edwards Reserve (No. 1 Braesmere Rd) Panania, as a construction, storage and access way to the railway lands, as part of the State Government project to upgrade the Panania Railway Station, including new lifts.

ISSUE

This report provides details of the proposed licence of the land for the purposes of the upgrades to Panania Railway Station.

RECOMMENDATION That -

1. Council confirm its support to enter into a Licence with Downer Group to use a portion of Edwards Reserve Panania, as an access-way and construction area for the upgrades to adjoining Panania Railway Station;
2. Council authorise the General Manager to negotiate details of the licence with Downer Group, and
3. The General Manager and Mayor be delegated authority to enter into the licence with Downer Group, as detailed in this Report.

ATTACHMENTS

Nil

POLICY IMPACT

There are no policy implications as a result of this report, however should Council not agree to the proposed licence the NSW State Government can compulsory acquire the land for the purposes outlined in the report.

FINANCIAL IMPACT

There are no financial implications as a result of this report. Council will enter into the licence, utilising market rates for rental of community land.

COMMUNITY IMPACT

There are no community impacts of this proposal, as the proposed use of the land by Downer Group, will ensure that the relevant area is secured off with temporary fencing to ensure safety of any park users, as well as the outcomes of the proposed works will result in improved social benefits to the local community, by having lifts installed at Panania Railway Station.

DETAILED INFORMATION

The approach to Council for the use of a portion of Edwards Reserve Panania is a simple and practical way of undertaking the required works to upgrade the railway station. This proposal through its use of an under-utilised portion of the reserve ensures that there is limited impact on the parkland and also adjoining residential properties during the construction phase of the project.

The proposal is for the use of the land mainly for construction vehicle access to the railway lands, as well some adhoc storage of materials when required. It is anticipated that the upgrades to the station will take approximately 12 months, however should there be delays, any proposed licence period will enable the use of the subject land on a monthly basis beyond that date, at Council's discretion. Council will also ensure that a dilapidation report is provided, to ensure that at the completion of the proposed works, that the parklands area is reinstated to its former state, and that any damage to the kerb, gutter or footpaths is repaired.

An independent valuation will be undertaken to provide Council with current market rates for use of such land in these circumstances.

The land is classified as community land under the Local Government Act 1993 (LG Act) and is subject to a Plan of Management (POM). The POM for Edwards Reserve authorises Council to grant a licence to TfNSW for the proposed use. Further, the provisions of the POM exempt Council from the requirement to provide public notice of the proposal, as outlined in clauses 116 and 117 of the Local Government (General) Regulation 2005. Council therefore is able to provide the contractor access to the site to deliver the works to the community in a faster timeframe.

TfNSW being a State Government entity were able to utilise the Infrastructure State Environmental Planning Policy (iSEPP) to undertake the works, therefore not requiring any specific development consent.

Next Steps

Subject to Council endorsement of the proposal, it is recommended that the General Manager be delegated authority to negotiate the details of the licence, and subsequently enter into the licence, as detailed in this report.

Image: Aerial Photo highlighting area of Edwards Reserve Panania for the proposed Licence (Lot 9 DP 35471).



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ITEM 7.5 **Aldi Canterbury - 73-87 Jeffrey Street, Canterbury –
Proposed Alteration to Easement for Public Car Parking to
Allow for the Installation of a New Passenger Lift**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Aldi are the owner of Lot 1 DP 1080044, 73-87 Jeffrey Street, Canterbury upon which they provide a supermarket outlet complex and are proposing to install a passenger lift between their under-building parking area to the store-entrance level of their complex. The proposal aims to provide its customers who use the under-store car park with better proximity to, and greater convenience with, getting to and from the store's entrance.

ISSUE

An easement was previously created to ensure that short term parking be made available for shoppers for eight spaces. Following its consideration, Council has given development approval by way of a deferred commencement on the basis of the easement for car parking being modified from eight spaces to seven spaces to allow for the construction of the lift.

Council's approval is now required to make adjustments to title notations and modify the easement to permit the installation of a new passenger lift at the premises.

RECOMMENDATION That -

1. Council agree to vary/modify the easement registered on title on Lot 1 DP 1080044, 73-87 Jeffrey Street, Canterbury, as outlined in this report.
2. The Mayor and General Manager be delegated authority to sign all documentation under the common seal of council, as required.

ATTACHMENTS

Nil

POLICY IMPACT

Council has no specific policy on this matter.

FINANCIAL IMPACT

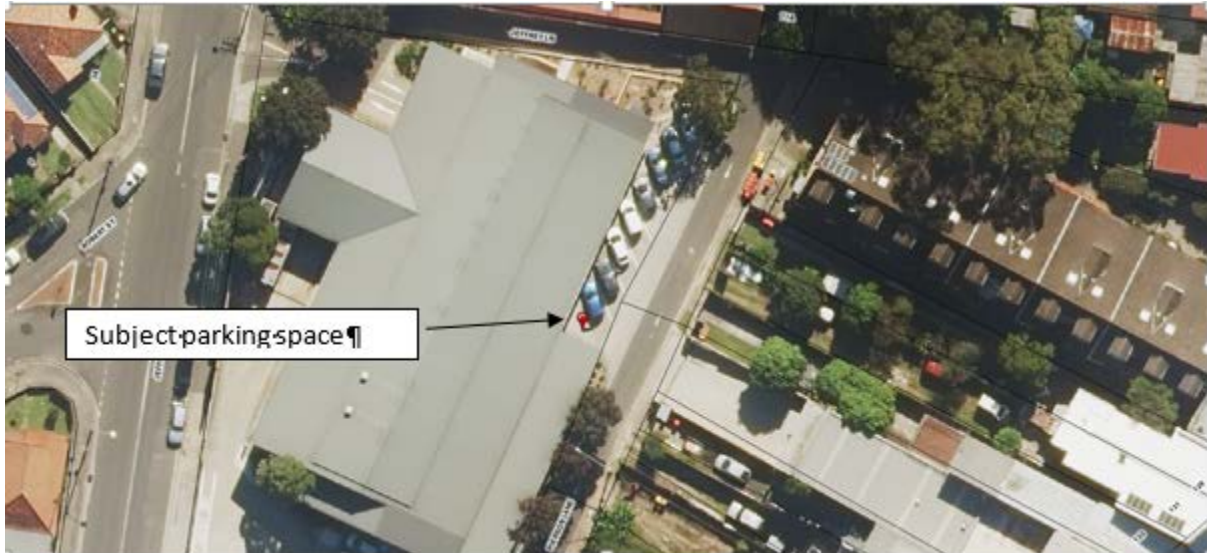
Council's anticipated legal expenses will be reimbursed by the proponent in this instance.

COMMUNITY IMPACT

The intention is for there to be installed at the premises a passenger lift which will contribute to improved accessibility for patrons to and from the supermarket component of the site and may result in greater usage of the under store car park than occurs at present; contributing to the site's improved effectiveness of vehicle accommodation.

DETAILED INFORMATION

The location of the proposed lift means that it will render unusable a single existing car parking space off Jeffrey Lane. The space in question (shown on the aerial photo below) is part of an area comprising eight spaces that are the subject of an easement for short stay car parking, created pursuant to Section 88B of the Conveyancing Act 1919.



A development application has been considered relative to the proposal and was found to have town planning merit. The application was determined for a deferred commencement approval on the basis that it will not be activated until proof is provided of title registration of suitable documentation, modifying the area presently the subject of the easement for car parking (in favour of Council and the public) such that it then continues to apply to just the seven remaining unaffected spaces.

It is noted that even with the loss of the two spaces to be devoted to providing for the proposed lift (one subject to the easement on ground level, and the other, not subject to easement, in the building basement), Council is satisfied that the car parking space provision on the site will, with the lift installed, still exceed Council's code requirements.

On this occasion, because of the particular terms and circumstances of the easement's creation, it is considered appropriate that Council not seek commercial consideration from the burdened lot proprietor, relative to the requested partial easement release.

Aldi have undertaken relative to the requested dealing:

- to bear the expense of preparing the necessary documentation to effect the required change brought about by the lift's installation (namely survey plan and Section 88B Instrument),
- to bear Land and Property Information office's registration costs, and
- to reimburse Council its expense in having the documentation reviewed by our lawyers.

Subject to certification from Council's lawyer as to its specific suitability, such documentation will require execution by council under its common seal.

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ITEM 7.6 **Code of Meeting Practice - 2018 Schedule of Meetings**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

In accordance with Section 365 of the Local Government Act 1993, Council is required to meet at least ten times each year, each time in a different month. This report nominates proposed meeting dates for 2018.

ISSUE

In accordance with the Local Government Act 1993 and Council's Code of Meeting Practice it is proposed to schedule Council Meetings for 2018, as follows;

27 February
27 March
24 April
22 May
26 June
24 July
28 August
25 September
23 October
27 November
11 December

Council will be in recess after the Ordinary Meeting of Council on 12 December 2017 to 27 February 2018. A report will be submitted to the Ordinary Meeting of Council in February 2018 informing Council of any matters determined under Delegated Authority during the recess period.

RECOMMENDATION

That the 2018 Schedule of Council Meetings be adopted.

ATTACHMENTS

Nil

POLICY IMPACT

The schedule primarily follows Council's Code of Meeting Practice whereby Ordinary Meetings are held on the 4th Tuesday of each month unless the meetings conflict with other activities. Formal notification of each meeting will be made in accordance with Section 3.1 of Council's Code of Meeting Practice.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

There is no community impact.

Governance and Administration Matters - 24 October 2017

ITEM 7.7 **Disclosure of Interest Returns 2016/17**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

In accordance with Section 450(A) of the Local Government Act 1993 all Disclosure of Interest Returns lodged with the General Manager must be tabled at the first meeting of Council held after the last day for lodgment i.e. 30 September 2017.

Council elections took place on 9 September 2017 and Councillors must complete and lodge a Disclosure of Interest return within three months after becoming a councillor. A report on these returns will be provided to the December Council meeting.

ISSUE

Disclosure of Interest Returns of the Administrator, Independent Hearing and Assessment Panel (IHAP) members and designated persons for 2015/16 are tabled for Council's notation. Exceptions relate to officers who are on leave and will be followed up on their return.

RECOMMENDATION

That the tabling of the Disclosure of Interest Returns for 2016/17 be noted.

ATTACHMENTS

Nil

POLICY IMPACT

This matter addresses Council requirements under the Local Government Act. In accordance with the Government Information (Public Access) Act 2009 Regulations Pecuniary Interest returns of the Administrator and designated persons are open access information.

FINANCIAL IMPACT

There is nil financial impact.

COMMUNITY IMPACT

There is nil community impact.

Governance and Administration Matters - 24 October 2017

ITEM 7.8 **Establishment of Council Committees and Reference Groups**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

The committees of Canterbury Bankstown Council ceased operations on 8 September 2017 prior to the local government elections. This report is to consider the proposed committee structure for this term of Council.

ISSUE

This report seeks to establish six Advisory Committees consisting of Councillor and Community representatives that align with the themes in our Community Strategic Plan. These Committees will make recommendations to Council in accordance with their Charter. It is also proposed to establish Reference Groups that will report through the Advisory Committees to Council. These groups will also operate in accordance with their Charter.

In order to establish the advisory committees and reference groups, new guidelines, rules and charters have been prepared and included in the Attachments. These documents will assist and provide information for advisory committee/reference group members on their role, the management and conduct of meetings, attendance requirements, voting requirements and confidentiality.

This report also provides details of external committees and groups that have Councillor representation, and recommends that the Audit and Risk Committee be re-established.

Separately, the report recommends that Council request that the General Manager carry out an EOI process for community representatives to participate in the advisory Committee/Reference groups.

RECOMMENDATION That -

1. Council approve the Advisory Committee structure as detailed in the report.
2. Council adopt the draft Community Advisory Committee/Reference Group Guidelines, Rules and Charters, as attached.
3. Expressions of Interest be sought from community representatives for membership of advisory committees/reference groups, as outlined in the report.
4. The Audit and Risk Committee be reconstituted, with relevant remuneration for independent members, as outlined in the report.
5. Relevant funding be made available through the next quarterly budget review process.

ATTACHMENTS [Click here for attachments](#)

- A. Advisory Committees and Reference Groups Guidelines and Rules
- B. Advisory Committees and Reference Groups Charters

POLICY IMPACT

This report amends the Guidelines, Rules and Charters of Council's policy on Advisory Committees.

FINANCIAL IMPACT

In accordance with the Council's rules and guidelines, the Advisory Committee/Reference Groups do not have the power to incur expenditure or to bind Council but may recommend actions and initiatives to Council.

That said, an amount of funds will be identified for certain reference groups within Council's budget for engagement initiatives which are to be submitted to the Advisory Committee for its consideration and recommendation.

COMMUNITY IMPACT

The report recommends the appointment of community representatives to various Advisory Committees and Reference Groups.

Appointment of community representatives to the Advisory Committees and Reference Groups will provide Council with support for the ongoing management of vital services to our community and provide information for our integrated planning and reporting framework.

Community engagement reference groups for planning and other significant issues affecting the city will be separately constituted and governed, this will be subject to further reports to Council.

DETAILED INFORMATION

Advisory Committees

An Advisory Committee is a committee established by Council to provide for the participation of Councillors and community representatives in the delivery of services and programs. The proposed Guidelines, Rules and Charters for the Advisory Committees are attached to the report.

Advisory Committees can make recommendations to Council in accordance with their Terms of Reference. The Committees cannot make binding decisions on behalf of Council. The provisions of Clause 269 (2) of the Local Government (General) Regulation 2005 states that when an advisory committee makes recommendations in a report to Council, they become resolutions of Council if they are adopted by Council.

The advisory committees proposed to be established are based on the themes included in the Community Strategic Plan and are detailed below. The Aims and Terms of Reference for each committee are included in the Charters attached to the report.

- Social Inclusion
- Health and Recreation
- Liveable City
- Integrated Transport
- Prosperity and Innovation
- Environmental Sustainability

Reference Groups

It is proposed that Reference Groups also be established and report to the relevant Advisory Committee. The Reference Groups will meet to consider matters detailed in their terms of reference and make recommendations to the relevant Advisory Committee. Similar to the Advisory Committees, Reference Groups can make recommendations, but cannot make decisions on behalf of Council. The Aims and Terms of Reference for each Reference Group is included in the attached Charters. The list of Reference Groups and the Advisory Committee it reports to is shown below.

Social Inclusion

- Aboriginal and Torres Strait Islander
- Universal Access
- Family and Children
- Diversity
- Community Safety
- Interfaith
- Youth
- Womens

Health and Recreation

- Recreation and Leisure
- Sporting Associations

Liveable City

- Heritage

Prosperity and Innovation

- Business Leaders
- Arts and Culture
- Lakemba Ramadan Event

There are no Reference Groups reporting to the Integrated Transport and the Environmental Sustainability Advisory Committees, at this stage.

Selection of Committee/Reference Group Membership

It is proposed that Expressions of Interest be called by the General Manager to seek nominations for community representatives for the Reference Groups. Community representatives for the advisory committees can be selected from the representatives appointed to the reference groups.

Expressions of Interest for community representatives will also need to be called for those Advisory Committees that are supported by only one or have no reference groups, such as Liveable City, Integrated Transport and Environmental Sustainability.

The General Manager will make recommendations on membership to each Committee/Reference Group for the Mayor's consideration.

In terms of Councillors, an EOI will similarly be called by the General Manager to seek participation on Council's advisory committees.

Other External Committees and Bodies

Council is represented on a number of external committee and bodies, as detailed below.

Statutory Committee

Canterbury-Bankstown Traffic Committee

The Committee has no decision-making powers and is a technical review committee. It advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities. Council must refer all traffic related matters to the Committee prior to exercising its delegated functions. The Committee meets on a monthly basis and comprises representatives from Council, Roads and Maritime Services, Police, State Transit Authority and local State Members of Parliament.

Council's representative is the Mayor (or his delegate).

Other Committees and Bodies

Bankstown Aged Care

Bankstown City Aged Care is an aged care provider and charity established by the former Bankstown City Council in 1972 to look after the frail and aged in the local Bankstown area.

The organisation is now its own not for profit entity and Council representation is detailed in its constitution as the Mayor (or his delegate) and one Councillor per ward.

Canterbury Bankstown Floodplain Management Committee

The Committee assists in the development and implementation of Floodplain Risk Management Plans. The Committee does not consider specific development proposals/applications but focuses on broader catchment-wide management issues, Council policies and strategies affecting flood prone lands.

Council's representative is the Mayor (or his delegate).

Cooks River Alliance

The Alliance co-ordinates regional catchment projects to prevent rubbish from entering the waterway, removal of pollution and restoration of the health of the Cooks River.

Council's representative is the Mayor (or his delegate).

Georges River Combined Councils Committee

The Committee comprises local councils, state agencies and community representatives, whose purpose is to work together to protect, conserve and enhance the Georges River. The Committee also coordinates the Georges Riverkeeper Program.

Council's representative is the Mayor (or his delegate).

Parramatta River Catchment Committee

The Committee is an alliance of local councils, state agencies and community representatives, whose purpose is to work together to sustain the health of the Duck River catchment which flows into the Parramatta River.

Council's representative is the Mayor (or his delegate).

Bankstown-Hurstville Bushfire Management Committee

The committee has the key responsibility of ensuring statutory obligations are met with regard to the coordination and communication of bushfire planning, mitigation and fire suppression activities in the Canterbury-Bankstown and Georges River local government areas.

Council's representative is the Mayor (or his delegate).

General Manager's Performance Review Panel

The Panel reviews the General Manager's performance in accordance with the Guidelines for the Appointment and Oversight of the General Manager issued by the Office of Local Government.

Council's representatives to be the Mayor and two Councillors and is to represent the political make-up of the Council. The General Manager may also nominate two Councillors and the process is to be externally facilitated, with the facilitator being appointed by the General Manager, in accordance with the Guidelines.

Sydney South Planning Panel

The Planning Panel:

- determines 'regionally significant' development applications (DAs) and certain other DAs and modification applications

- acts as the relevant planning authority (RPA) when directed
- undertakes rezoning reviews
- provides advice on other planning and development matters when requested

Currently Council is represented by two community representatives on the Panel.

These positions can be filled by Councillors, if Council so wishes.

These are the only positions that attract an additional fee for Councillors, being \$600 per meeting.

Australian Local Government Women's Association

The Association's State Executive meets in alternate months. The Association aims to further women's knowledge of local government functions, protects the interests/rights of women in local government, takes action regarding issues of particular interest to women in relation to local government bodies or legislation, supports and encourages women in local government.

Councillors can apply separately for membership of the Association.

ClubGRANTS Local Committee

The Committee meets monthly to provide advice and identify priorities for consideration by licensed clubs in their allocation of gaming revenue to local community projects.

The Committee has no Councillor representation.

NSW Metropolitan Libraries Association

The Association is the peak body that represents the interests and development of public libraries in metropolitan NSW, including Sydney and regional urban centres.

Council's representative is the Mayor (or his delegate).

Greenway Steering Committee

The Committee oversees the establishment of the Cooks River to Iron Cove GreenWay corridor that runs alongside the disused Rozelle freight rail line. The corridor will provide green linear open space as well as an alternative route for pedestrians and cyclists. The Committee comprises officers and Councillors from Canterbury Bankstown and Inner-west Councils, as well as community and State government representatives.

Council's representative is the Mayor (or his delegate).

Southern Sydney Regional Organisation of Councils (SSROC)

SSROC provides a forum for the exchange of ideas between member councils, and an interface between governments, other councils and key bodies on issues of common interest.

SSROC acts as a facilitator for joint activities between councils which provides benefits through economies of scale. Member councils can reduce costs of procurement, share the costs of engaging external assistance if needed, and provides Councillors and staff with a wide network of expertise and views on local government issues. SSROC also provides a means of resolving issues and challenges that cross municipal boundaries, such as the environment and transport.

Council's representatives are the Mayor (or his delegate) and one Councillor.

Bankstown Airport Community Aviation Consultation Group

The Group was established by Bankstown Airport Limited. The role of the Group is to enable stakeholders to be consulted and become involved in the master planning process and issues relating to the ongoing management of the Airport.

Council's representative is the Mayor (or his delegate).

Australian Mayoral Aviation Committee (AMAC)

AMAC represents the interests of Local Government Councils and their communities from throughout Australia that have airports located within their area or whose communities are impacted by the activities of those airports.

Council's representative is the Mayor (or his delegate).

Audit and Risk Committee

The Audit and Risk Committee provides independent assurance and assistance to Council on matters such as risk management, internal controls, governance and matters of statutory compliance. It ceased operations on 8 September 2017 prior to the local government elections.

The Committee consisted of three external members, who were appointed following an expression of interest process. The independent members were:

- Associate Professor Phillip Ross (from the University of Sydney)
- Mr Jayant Gulwadi (of JAG Business Advisory and Chartered Accountants)
- Mr Steve Kent (Principal with BDO Risk Advisory Services)

The Committee have effectively assisted Council in transitioning our organisation. For the purpose of continuity, it is proposed to reconstitute the Committee with the same membership, Committee Charter and Internal Audit Charter until the end of the term of Council.

Council at its meeting on 25 October 2016 set remuneration for the independent member at \$500 per meeting, and the Independent Chairperson at \$650 per meeting. It is proposed to maintain this level of remuneration for the independent members.

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ITEM 7.9 Local Planning Panels

AUTHOR Corporate

PURPOSE AND BACKGROUND

Council established the Canterbury Bankstown IHAP which considers and determines development applications, s96 modifications, s82A and s96AB reviews of determinations. The Panel also considers and makes recommendations to Council on planning proposals.

The purpose of the report is to advise Council of the State Government requirement to establish a Local Planning Panel for Canterbury-Bankstown by 1 March 2018 and to recruit community representatives for the panel.

ISSUE

The State Government has mandated that Councils in the Greater Sydney Region and Wollongong must have a local planning panel established and in place by 1 March 2018. The Act states that existing IHAPs will continue to operate until 1 March 2018.

That said, Council will need to establish a local planning panel by 1 March 2018 consisting of:

- Independent Chairperson (to be appointed by the Minister)
- Two independent members (to be selected by Council from a pool of experts established by the Minister)
- Community representatives for each ward (to be appointed by Council)

The State Government is yet to appoint the independent members for the planning panels nor has it provided detailed information on the operation of the panels.

Community representatives must be appointed by Council in accordance with the guidelines provided by the Department of Planning and Environment. (attached.) It is proposed that Expressions of Interest be called for community representation on the Panel.

RECOMMENDATION That -

1. Expressions of Interest be called for community representatives to the Canterbury-Bankstown Local Planning Panel, which is an external body of the Council.
2. A further report be provided to Council once further information is provided by the Department of Planning and Environment.

ATTACHMENTS [Click here for attachment](#)

- A. Letter from Planning & Environment

POLICY IMPACT

Council's policy for IHAP will need to be amended once the Planning Panel is established. This will be subject to a further report to Council when the Department of Planning releases its operational guidelines and procedures for its mandated IHAP model.

FINANCIAL IMPACT

The budget for the remuneration of community representatives to the Planning Panel will be reported through the relevant quarterly budget review process.

COMMUNITY IMPACT

Establishing a Local Planning Panel with community representation will improve community engagement in decision making and provide increased transparency in the planning process.

DETAILED INFORMATION

As stated earlier, Council established an IHAP with determinative powers for development applications. The State Government has mandated that IHAPs be replaced by local planning panels. From the information received at this point from the Department of Planning and Environment, it appears that the new planning panels will determine Development Applications (DAs) for development:

1. with a value between \$5 million and \$30 million
2. for which 10 or more objections have been received
3. that present a conflict of interest to the Council (eg the land is owned by Council)
4. that includes a voluntary planning agreement
5. that seek to depart from a development standard by more than 10%
6. with a perceived higher risk of corruption such as demolition of heritage items, licensed places of public entertainment, sex industry premises and designated development.

Similarly to Council's IHAP, it is proposed that the Panels will also consider and make recommendations to Council on planning proposals and other planning and development matters referred to it.

As discussed earlier, the local planning panels will be made up of.

1. Four members, including three independents and a community member.
2. One of the Independents is to be the Chair and have experience in areas such as law, government or public administration. The Minister will appoint Chairpersons to the Panel.
3. The other Independents should have experience in planning, urban design, economics, traffic and transport, engineering etc. Council will appoint two independents from a pool of candidates established by the Department of Planning and Environment and approved by the Minister.
4. A community representative for each ward (who is not the Mayor or a Councillor) to be appointed by Council.
5. Developers or real estate agents cannot be members of panels.
6. A member of the Panel is restricted to a term of no more than three years, and no more than 6 years in office in total.

As previously mentioned, the State Government is yet to appoint the independent members for the panels or provide detailed information on how they will operate. Until this information is provided, Council cannot establish its panel.

Having said that, the Department of Planning and Environment has issued guidelines for the appointment of community representatives to panels. Council will recruit and appoint community representatives in accordance with the requirements of the guidelines.

It is proposed that the recruitment process commence immediately through an EOI process to be conducted by the General Manager. The EOI will seek one community representative and an alternate representative for each Ward of Council. It is proposed that a further report be provided to Council once the State Government has provided information about membership and the operation of panels.

Governance and Administration Matters - 24 October 2017

ITEM 7.10 Cash and Investment Report as at 31 August 2017

AUTHOR Corporate

PURPOSE AND 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.

ISSUE

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

RECOMMENDATION That -

1. The Cash and Investment Report as at 31 August 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 August 2017 monthly investment report.

POLICY IMPACT

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

FINANCIAL IMPACT

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.

COMMUNITY IMPACT

There is no impact on the community, the environment and the reputation of Canterbury Bankstown.

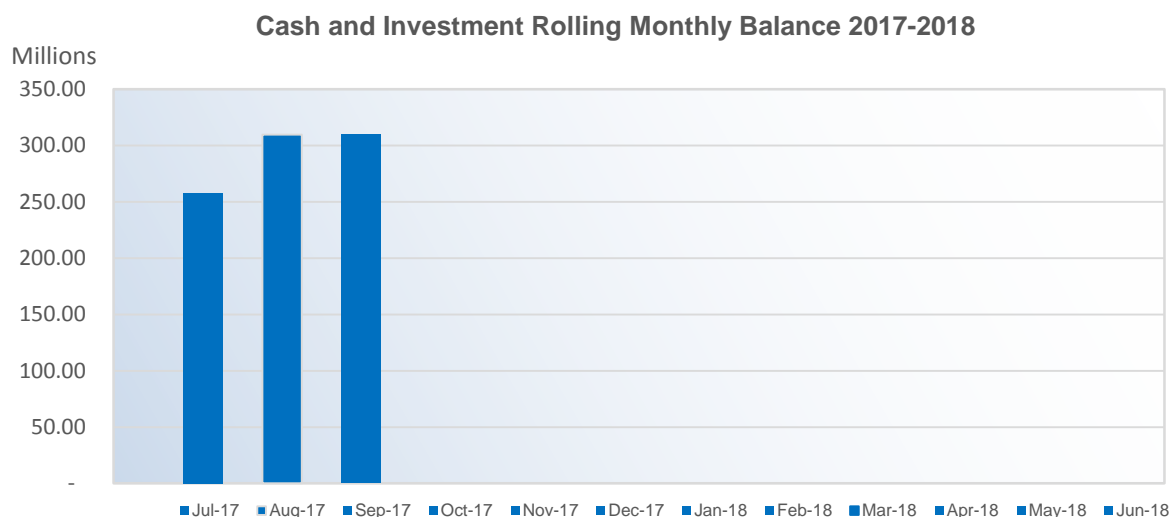
DETAILED INFORMATION

Cash and Investment Summary – as at 31 August 2017

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

Cash and Investments	\$
Cash at Bank	9,376,856
Deposits at Call	55,891,981
Term Deposits	217,263,000
Floating Rate Notes	27,223,980
Total Cash and Investments	309,755,817

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 balances for July and August 2017.



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

Interest Income	August 2017 \$	Year-to-date August 2017 \$
Budget	598,750	1,197,500
Actual Interest	654,225	1,304,952
Variance	55,475	107,452
Variance (%)	9.27%	8.97%

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:

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Working Capital Funds (0-3 months)	30
Short Term (3-12 months)	21
Short – Medium (1-2 years)	19
Medium (2-5 years)	30
Long Term (5-10 years)	0
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	3
Deposits at Call	18
Term Deposits	70
Floating Rate Notes	9
Total Cash and Investments	100%

Governance and Administration Matters - 24 October 2017

ITEM 7.11 Cash and Investment Report as at 30 September 2017

AUTHOR Corporate

PURPOSE AND 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.

ISSUE

This report details Council's cash and investments as at 30 September 2017.

RECOMMENDATION That -

1. The Cash and Investment Report as at 30 September 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 September 2017 monthly investment report.

POLICY IMPACT

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

FINANCIAL IMPACT

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.

COMMUNITY IMPACT

There is no impact on the community, the environment and the reputation of Canterbury Bankstown.

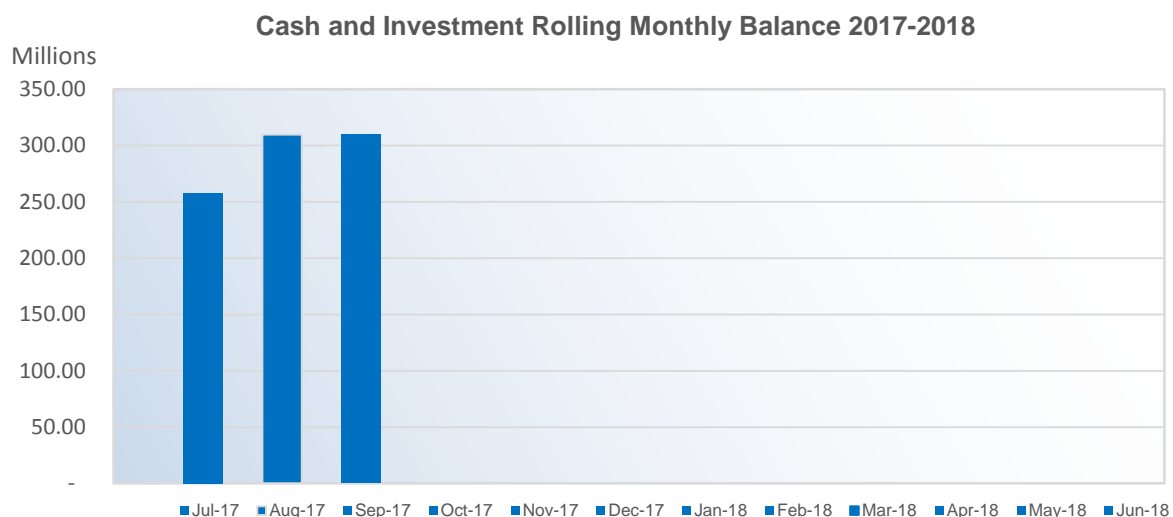
DETAILED INFORMATION

Cash and Investment Summary – as at 30 September 2017

In total, Council’s Cash and Investments holdings as at 30 September 2017 is as follows:

Cash and Investments	\$
Cash at Bank	1,203,054
Deposits at Call	52,308,297
Term Deposits	229,263,000
Floating Rate Notes	27,223,980
Total Cash and Investments	309,998,331

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 balances from July to September 2017.



A summary of Council’s investment interest income earned for the period to 30 September 2017 is as follows:

Interest Income	September 2017 \$	Year-to-date September 2017 \$
Budget	598,750	1,796,250
Actual Interest	718,196	2,023,148
Variance	119,446	226,898
Variance (%)	19.95%	12.63%

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:

Overall Portfolio Maturity Limits	
	Actual % of Portfolio
Working Capital Funds (0-3 months)	25
Short Term (3-12 months)	23
Short – Medium (1-2 years)	23
Medium (2-5 years)	29
Long Term (5-10 years)	0
Total Cash and Investments	100%

Overall Portfolio by Investment Type	
	Actual % of Portfolio
Cash at Bank	0.3
Deposits at Call	16.9
Term Deposits	74.0
Floating Rate Notes	8.8
Total Cash and Investments	100%

Governance and Administration Matters - 24 October 2017

ITEM 7.12 Unaudited 2016/17 Annual Financial Report

AUTHOR Corporate

PURPOSE AND BACKGROUND

In accordance with Section 413 of the Local Government Act (the Act) and Local Government (General) Regulation 2005, Council's 2016/17 Unaudited Annual Financial Reports for Council are now completed and are referred for consideration under separate cover.

Once adopted, Council will be able to finalise the audit process which includes the receipt of the Auditor's Report.

Subject to their being no significant changes to Council's financial reports, a complete assessment of Councils' year-end result will be presented to the Council at its December 2017 Ordinary Meeting. Council's Auditor will also attend the future meeting to outline their opinion of the results.

ISSUE

In accordance with Section 413(1) of the Act, Council is required to prepare and refer their financial reports for audit.

Part of the process is that Council considers and resolves that the annual financial report has been prepared in accordance with the Local Government Act, Regulations and Accounting Code, and that the reports fairly present Council's operating result and financial position.

The process of accepting the financial reports includes the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer declaring on behalf of Council that:

The annual financial reports have been prepared in accordance with:

- The Local Government Act 1993 and the Regulations made there under,
- The Accounting Standards and professional pronouncements,
- The Local Government Code of Accounting Practice and Financial Reporting,

To the best of our knowledge and belief, this Report:

- Present fairly Council's operating result and financial position for the year, and
- Accord with Council's accounting and other records.

The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer also declare on behalf of Council that they are not aware of any matter that would render the Reports false or misleading in any way.

At the conclusion of the Audit, Council must:

- fix a date whereby it proposes to present its audited financial reports, together with the auditor's report to the public,
- give public notice of the date so fixed, and
- send a copy of the auditor's report on the council's financial reports, together with a copy of the council's audited financial report, to the Departmental Chief Executive and to the Australian Bureau of Statistics.

It should be noted that having regard to relevant guidelines and reporting requirements, Council has determined that it does not have any significant Business Activities to declare and report on in its financial reports.

It is anticipated that Council's audited financial report will be presented to Council at the December 2017 Ordinary Meeting.

Given that the financial reports are unaudited and may be subject to change throughout the audit process, a revised financial report may need to be presented to Council at its November 2017 Ordinary Meeting, should the changes be material.

RECOMMENDATION That -

1. Council resolves that the attached 2016/2017 Unaudited Annual Financial Reports, covering the period from 13 May 2016 to 30 June 2017 have been prepared in accordance with the relevant sections and parts of the Local Government Act and Regulations, and are submitted to Council for its consideration.
2. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer duly sign the Statement of Council's Unaudited Annual Financial Reports on behalf of the Council.
3. Subject to Item 1 and 2, the Statement and the 2016/17 Unaudited Annual Financial Report be referred to Council's Auditor in finalising the year-end audit process.
4. The General Manager be authorised to set the date for the public meeting and give notice in accordance with the Local Government Act 1993.

ATTACHMENTS [Click here for attachment](#)

- A. Draft Unaudited Statements

POLICY IMPACT

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

FINANCIAL IMPACT

Notwithstanding any further adjustments that may be required as part of the audit process, the attached reports fairly present Council's operating result and financial position for the year and accord with relevant accounting records.

COMMUNITY IMPACT

The financial reports provide the community with an understanding of Council's financial performance and financial position as at 30 June 2017. A more complete assessment of Council's results will be provided, when the audit process is complete and presented to Council in December 2017.

8 SERVICE AND OPERATIONAL MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 8.1 | Alcohol Free Zones and Alcohol Prohibited Areas | 109 |
| 8.2 | Proposed Licence for the Commuter Car Park at Wiley Park Railway Station,
Wiley Park | 113 |

Service and Operational Matters - 24 October 2017

ITEM 8.1 Alcohol Free Zones and Alcohol Prohibited Areas

AUTHOR Community Services

PURPOSE AND BACKGROUND

Council at its meeting on 25 July 2017, adopted a report on Alcohol Free Zone and Alcohol Prohibited Area locations that require alignment with respect to expiry dates and content.

This report seeks approval for the installation of new Alcohol Free Zones and Alcohol Prohibited Areas signage at all locations as listed for a period of four years from the date of installation.

ISSUE

Approval of proposed installation of Alcohol Free Zone and Alcohol Prohibited signage at various locations.

RECOMMENDATION

That Council approves the attached Alcohol Free Zone and Alcohol Prohibited Area locations for the manufacture and installation of signage for a period of four years.

ATTACHMENTS [Click here for attachments](#)

- A. Alcohol Free Zone and Alcohol Prohibited Areas Locations
- B. Alcohol Free Zone and Alcohol Prohibited Area Policy

POLICY IMPACT

Adoption of this report aligns with the recently adopted policy on Alcohol Free Zones and Alcohol Prohibited Areas adopted by Council.

FINANCIAL IMPACT

There will be amendments to the design of signage including new expiry dates, updated content and Council's new logo. The estimated cost to supply and install these signs will be absorbed by existing operational budgets.

COMMUNITY IMPACT

The aim of the Alcohol Free Zone and Alcohol Prohibited Area Policy is to discourage anti-social behavior, irresponsible street drinking and social disturbances related to the consumption of alcohol in public spaces.

This should help to provide a positive community impact by contributing to a city with safe, welcoming public spaces for the community to enjoy.

DETAILED INFORMATION

Council at its meeting on 25 July 2017, adopted a report on Alcohol Free Zone (AFZ) and Alcohol Prohibited Area (APA) locations that require alignment with respect to expiry dates and content.

As a result AFZ and APA locations across Canterbury Bankstown Local Government Area were placed on public exhibition from Tuesday 8 August 2017 for a period of 30 days, in accordance with Council's exhibition process.

Comments were received from Bankstown Local Area Command requesting Council to install additional signage at the AFZ located in Bankstown City Plaza due to low visibility. Campsie Local Area Command requested Alcohol Free Zone signs to be installed in Oneata St, Lakemba. As such two additional signs will be installed at each location.

No further comments were received during the period of the public exhibition.

ITEM 8.2 **Proposed Licence for the Commuter Car Park at Wiley Park Railway Station, Wiley Park**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Roads and Maritime Services (RMS) is funding the construction of a commuter carpark at Wiley Park Railway Station, Wiley Park to compensate for the loss of parking occasioned by the proposed introduction of clearways along King Georges Road. The carpark will be partly located within the rail corridor. Council is required to enter into a licence with the Rail Corporation to record the terms and conditions applicable to the basis upon which Rail Corporation is prepared to allow Council's use of this portion of land. A Plan of the proposed carpark showing the subject portion of land is attached (Attachment A).

ISSUE

In December 2013, the NSW Government's Sydney Clearways Strategy identified Roberts Road and King Georges Road as one of the five priority routes for further investigation of new and extended clearways. In June 2014, Council endorsed the Traffic Committee's recommendation that long term parking and time restricted parking, in Lakemba Street and The Boulevarde, must be provided by the RMS prior to introducing the proposed clearways in King Georges Road, Wiley Park.

RMS agreed to fund the construction of a 26 bay, '90 degree angle' carpark near the station in The Boulevarde, south side. As there isn't sufficient space within the road reserve to accommodate this carpark it is partly encroaching into the rail corridor requiring Council to enter into a licence with the Rail Corporation for authority to use the land.

RECOMMENDATION That -

1. Council confirm its support to enter into suitable legal arrangements with Rail Corporation New South Wales to use a portion of rail corridor at Wiley Park Railway Station for the use of the proposed commuter carpark.
2. The General Manager be authorised to determine an acceptable form of documentation for this purpose, and to execute such documentation on Council's behalf.

ATTACHMENTS [Click here for attachment](#)

- A. The Boulevarde Carpark, Wiley Park - Licenced Area Plan

POLICY IMPACT

There are no policy implications as a result of this report.

FINANCIAL IMPACT

Council will enter into the licence with the Rail Corporation on the basis of peppercorn rate. The construction cost for the car park will be provide by RMS. Cost of future maintenance of the car park will be included in the operational budget.

COMMUNITY IMPACT

Whilst there is no adverse impact on the community, the car park will be beneficial for the rail commuters. The Clearways Strategy will also contribute to reducing traffic congestion on King Georges Road.

DETAILED INFORMATION

In December 2013, the NSW Government announced the Sydney Clearways Strategy as one of its keys initiatives to reduce congestion on Sydney's roads. The strategy identified Roberts Road and King Georges Road as one of the five priority routes.

Investigations by the RMS showed that the section of King Georges Road between Lakemba Street and The Boulevarde fulfilled the criteria for a clearway due to:

- Travel speeds are less than 30km/h during peak times.
- Traffic flow is more than 800 vehicles per lane, per hour during peak times.
- The road is an important public transport and/or freight route for moving people and goods.
- Alternative parking close to local businesses can be found.

Existing on-street parking near the Wiley Park Shopping Area:

1. South side of The Boulevarde west of King Georges Road

The existing on street unrestricted parking (eight spaces) in this section of the street is currently used by commuters. The Sydney Clearways Strategy (SCS) proposal recommends the installation five parking spaces as "1/2 Hour Parking" to compensate for the loss of parking on King Georges Road.

2. North side of The Boulevarde east of King Georges Road

The existing on-street unrestricted parking (ten spaces) in this section of The Boulevarde is currently utilised by residents and commuters. The SCS proposal recommends the installation of five parking spaces as "1/2 Hour Parking" to compensate for the loss of parking on the eastern side of King Georges Road.

3. South side of Lakemba Street west of King Georges Road

The existing on-street unrestricted parking (ten spaces) in this section of Lakemba Street is mostly utilised by residents and a small number of customers. The SCS proposal recommends the installation of four parking spaces as "1/2 Hour Parking" as well as a loading zone at this location to replace the parking spaces on the western side of King Georges Road.

4. North side of Lakemba Street east of King Georges Road

The existing on-street parking (four spaces) are utilised by residents. The SCS proposal recommends the installation of two parking spaces as "1/2 Hour Parking" and a loading zone to compensate for the loss of parking in King Georges Road.

The proposal provides a total of 16 "1/2 Hour Parking" spaces for customers and two loading zones for shop owners for delivery of goods. There will be a total loss of 20 long term parking spaces. Therefore RMS propose to provide a new 90 degree parking area in The Boulevarde providing 26 spaces, which is an additional six long term parking spaces.

In December 2016, Council adopted the recommendation of the Traffic Committee to introduce "1/2 Hour Parking" restrictions and loading zones in Lakemba Street and The Boulevarde, Wiley Park and to construct a commuter car park, fully funded by RMS, at Wiley Park Railway Station.

As there isn't sufficient space within the road reserve to accommodate this carpark it will partly encroach into the rail corridor requiring Council to enter into a licence with the Rail Corporation to authorise its use of the land. The RMS are facilitating the preparation of a licence between Council and the Rail Corporation of New South Wales for the land required to construct 90 degree angle carpark in The Boulevard close to Wiley Park Railway Station. Council will be responsible for the ongoing maintenance of the proposed new car park in The Boulevard. The RMS will provide funding to Council to design and construct the car park.

9 COMMITTEE REPORTS

The following item is submitted for consideration -

- 9.1 Minutes of the Canterbury Bankstown Traffic Committee Meetings held on
12 September 2017 and 10 October 2017 119

Committee Reports - 24 October 2017

ITEM 9.1 **Minutes of the Canterbury Bankstown Traffic Committee Meetings held on 12 September 2017 and 10 October 2017**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meeting held on 12 September 2017 and the combined Canterbury Bankstown Traffic Committee held on 10 October 2017.

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

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

ISSUE

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

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Branch Traffic Committee and Bankstown Branch Traffic Committee meetings held on 12 September 2017 and Canterbury Bankstown Traffic Committee held on 10 October 2017, be adopted.

ATTACHMENTS [Click here for attachments](#)

- A. Minutes of the Canterbury Branch Traffic Committee - 12 September 2017
- B. Minutes of the Bankstown Branch Traffic Committee - 12 September 2017
- C. Minutes of the Canterbury Bankstown Traffic Committee - 10 October 2017

POLICY IMPACT

This matter has no policy implications to Council.

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

10 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

The following items are submitted for consideration -

10.1 Disability Advocacy Funding	123
10.2 E-Rental Bikes	127

Notice of Motions & Questions With Notice - 24 October 2017

ITEM 10.1 Disability Advocacy Funding

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

“Canterbury Bankstown Council calls on the NSW Government to commit to fully funding advocacy, informational and peak representational organisations after the implementation of the NDIS in NSW.”

BY WAY OF BACKGROUND

Currently approximately 50 advocacy, informational and peak representational organisations are funded through the NSW Department of Ageing Disability and Home Care. Some of these advocacy, informational and peak representational organisations help individuals with disabilities, their family members, and carers in our local area such as IDEAS, and NSW Council for Intellectual Disability.

As of June 30th 2018 the NSW State Government will cease funding to these organisations, resulting in a lack of freedom and choice for people with disability in NSW; the opposite of what the implementation of the NDIS promised to deliver. For the approximate 90% of people with disability in our local area who will not be eligible for the NDIS a lack of advocacy, informational and peak representational organisations will be a barrier to full inclusion.

FURTHER INFORMATION

Currently the NSW Government funds approximately 50 disability advocacy, information and peak representational organisations services to provide independent supports through the Dept of Ageing Disability and Home Care (ADHC). This is about \$13 million per year.

Under bilateral agreements signed by State and Commonwealth Govts to assist in funding the National Disability Insurance Scheme all ADHC funding will be given to the Commonwealth after June 30 2018. This will leave significant gaps in advocacy, information and representational services for the 20% of people with disability in NSW – the largest single minority group in NSW, and some of its most vulnerable citizens. This is despite the bilateral agreement maintaining NSW’s shared responsibility for advocacy.

Without a seat at the table, champions to fight for us or experts on our side, it is a whole lot harder for people with disability to belong, and for communities to enjoy the full benefits of everyone’s voice, agency and participation.

Disability advocacy organisations undertake both individual and systemic advocacy as well as information provision, representation and capacity building. Their key priority is to protect and uphold the rights of people with disability.

The introduction of the NDIS in no way reduces the essential role disability advocacy organisations play in the lives of people with disability and their families and support networks. In fact, as people with disability experience more choice and control over their lives, they are also likely to encounter more barriers. Many of these barriers will be outside the NDIS system. More than ever, they will need someone “in their corner”

The NDIS clearly states that it will not fund advocacy, either in individual plans, or through the Information, Linkages and Capacity Building (ILC) tier of the NDIS: Therefore, the ILC has no sustained funding model for independent information services, currently offering one year competitive grants in an open market.

The National Disability Strategy, of which all governments agreed to adhere, clearly recognises the importance of advocacy, both individual and systemic. It recognises that advocacy is essential in allowing people with disability to have the opportunity to participate in decisions that affect their lives, and advance their rights, wellbeing and interests.

Importantly only 10% of all people with disability will be provided with an individually funded plan under the NDIS. For the other 90% the loss of funded advocacy, independent information and peak representation will mean an even greater gap in access to services/supports, and barrier to full inclusion in the NSW community.

People with disability rely on advocacy organisations to break down barriers so they can access mainstream services equally. Because of advocacy, people with intellectual disability can use Medicare to get an annual health assessment each year, or avoid unfair incarceration in the justice system; more children with disability are enrolled in regular classes and domestic violence services have tools to help them measure and improve their inclusiveness; and physical access to railway stations and other modes of transport, the Sydney Harbor Bridge, sporting venues and places of residence is gradually improving.

Other State Governments understand independent disability advocacy and information is essential to creating an inclusive society. For example, the Victorian Government has committed to fully fund these services after the NDIS has fully rolled out.

In announcing an extension to the National Disability Advocacy Program (NDAP), Minister Porter advised that the NDAP will be funded to an amount of 60 million dollars over the next 3 years until 2020. Whilst this recurrent funding is welcome, there is no increase in the level of funding (except in relation to funding additional support specifically for NDIS reviews and tribunals) and this funding will only be provided to the currently funded organisations under the NDAP program. There is no way for advocacy organisations that the NSW Government has decided to cut funding from to access funds under this program.

Minister Porter also called on all other States to follow the Victoria’s lead, making an investment to ensure a strong and sustainable advocacy and information sector, which supports people with disability to be full and active citizens.

It is the responsibility of the NSW government to find the \$13 million required annually to fund NSW specific disability advocacy organisations. The Commonwealth will not be cleaning up the mess caused by the funding cut announced by the NSW Government.

If there is not a commitment from the NSW state government to maintain funding for these essential disability advocacy and information services then these services will no longer be available to people with disability in NSW. The result will be a huge gap in service provision and that lives and the well-being of many people with disability in NSW will be put at risk.

If these cuts aren't reversed then from July 2018 chances are that people with disability in regional and rural NSW will no longer have a local advocate to stand by them if they're having issues with education, discrimination, health, justice, transport, employment, or access to the community. These essential advocacy services throughout NSW already operate on a shoestring budget and currently struggle to meet community demand, we should be expanding them not removing them. Continued funding of this imperative sector ensures that people with disability have a voice, input and control over the decisions that affect their lives.

We need the NSW government to stand by us, to enable us to have the resources to keep serving people with disability in NSW, so that they can participate fully in their communities. This is a person with disability's right.

Notice of Motions & Questions With Notice - 24 October 2017

ITEM 10.2 E-Rental Bikes

QUESTION FROM COUNCILLOR EISLER

Can the General Manager please provide information regarding what procedures are available to council officers to deal with an increasing number of "e-rental" bikes being left in parks and on suburban streets. I have reported 3 in 2 days.

If there are no or inadequate procedures to deter and deal with this new problem, what do we need to do to remedy this developing 'dumped rubbish' situation. Could we place significant charges on the companies for 'dumping' and/or council collecting, storing and notifying the companies of the bikes' location?

BACKGROUND

Apparently this is becoming a widespread issue. Recently about six bikes were thrown into a river. Two of the companies are based overseas and they don't have places to park the bikes. One bike reported on Tuesday has been there at least a week.

GENERAL MANAGER'S RESPONSE

Council is aware of the growing concerns, not only occurring locally but both nationally and across the world, in relation to the unintended consequences of the dockless bicycle hire system. The GPS-tracked rental bicycles, where travellers find available bikes using an app on their smart phone, are currently being trialed by at least two companies in Sydney although this is generally confined to parts of the CBD and eastern suburbs. What distinguishes dockless bikes from conventional bike share systems is they don't require docking stations. Unfortunately this is resulting in many bikes ending up being abandoned in creeks, trees and other areas.

Currently there are no specific regulations to address this issue. However Items left/found in public places can be impounded under the Impounding Act, 1993. For this to occur, the impounding officer/authority (council) must:

- "Believe on reasonable grounds that the article has been abandoned or left unattended." (Section 15)
- The impounded article must be delivered to a pound as soon as practicable after it is impounded (Section 17).
- All reasonable inquiries must be made in an effort to identify the name and address of the owner.
- If the owner is identified, Council must notify them in writing.

- The article must be held for a period not less than 28 days before disposal (if not claimed).
- Council may recover fees and charges payable in respect of the impounding, holding and disposing of the item.

Council's current fees and charges list an 'Abandoned Vehicle Administration Processing Fee' of \$230.60 or 'Unauthorised Signs/Articles' fee of \$102.50. Council has the ability to provide the above charge for those bikes not collected and could also consider a daily holding fee. The bikes, generally, could not be treated as waste unless they are in a condition or state that makes them unusable for their intended purpose.

It is understood Waverley and Randwick Councils have both considered imposing financial penalties for share bikes parked in the wrong places and requiring designated parking areas. Melbourne, Yarra and Port Phillip councils have signed a formal agreement with the dockless bicycle sharing company requiring the bikes to not block footpaths, must always be parked upright and removed from dangerous locations within two hours. Otherwise Council may impound them.

Council is supportive of initiatives which encourage alternatives to car for transport. This includes both walking and cycling. To address this a Transport Strategy and associated Walking and Cycling Plan is currently being developed. Whilst the concept of a bike share scheme is supported, it is recognised that there are still unresolved issues of safety, redistribution of bikes and blocking of footpaths that the operators must address.

In the interim it is proposed to work with surrounding Councils and Transport for New South Wales to monitor the trials underway across Sydney and push for a regional/state response to the bike-share schemes.

11 QUESTIONS FOR NEXT MEETING

12 CONFIDENTIAL SESSION

12.1 Legal Matter

12.2 Provision of Temporary Staff - SSROC

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 12.1, 12.2 in confidential session for the reasons indicated:

Item 12.1 Legal 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.

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

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

Item 12.2 Provision of Temporary Staff - SSROC

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.