



AGENDA FOR THE ORDINARY MEETING

26 November 2019

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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

| | | |
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| 1.1 | Minutes of the Ordinary Meeting of Council of 22 October 2019 | 6 |
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CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 OCTOBER 2019

PRESENT: His Worship the Mayor, Councillor Asfour,
Councillors Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler,
Zaman, Saleh, Madirazza, Harika, Tuntevski

APOLOGIES: Clr Huda

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.04 PM

ACKNOWLEDGEMENT OF COUNTRY

THE MAYOR, ACKNOWLEDGED THE TRADITIONAL OWNERS OF THE LAND WHERE WE ARE MEETING TODAY THE DARUG (DARAG, DHARUG, DARUK AND DHARUK) AND THE EORA PEOPLES, AND PAID RESPECT TO THEIR ANCIENT CULTURE AND THEIR ELDERS PAST AND PRESENT.

REF: CONFIRMATION OF MINUTES

(733) CLR. MADIRAZZA:/CLR. TUNTEVSKI

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 September 2019 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

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

RESOLVED that Leave of Absence be granted to Clr Huda due to personal reasons.

- CARRIED

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

In respect of Item 4.4 - Local Community Based Donations, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with the organisers of the "No Excuse for Abuse" march and indicated she would vacate the Chamber taking no part in debate.

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In respect of Item 4.4 - Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his working association with the organisers of the "No Excuse for Abuse" march and indicated he would vacate the Chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 TELSTRA

(735) CLR. ASFOUR

RESOLVED that Council supports the legal proceedings commenced by the Cities of Melbourne, Sydney and Brisbane against Telstra with respect to their disregard for Council planning controls.

- CARRIED

ITEM 4.2 DRUG TESTING BILL

(736) CLR. ASFOUR

RESOLVED that Council write to the Federal Government strongly objecting to their proposal to drug test welfare recipients and urge the Federal Government to put in place a proper, evidence based plan to lift the capability of the drug rehabilitation and supporting services sector and to invest in job creation programs.

- CARRIED

ITEM 4.3 FATHER CHARBEL ABOUD – ST CHARBEL’S MONASTERY PUNCHBOWL

(737) CLR. ASFOUR

RESOLVED that Council organise a mayoral reception to welcome Father Charbel Abboud as the newly appointed Father Superior at St Charbel’s Monastery, Punchbowl.

- CARRIED

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ITEM 4.4 LOCAL COMMUNITY BASED DONATIONS

IN RESPECT OF ITEM 4.4 - LOCAL COMMUNITY BASED DONATIONS, CLR SALEH DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST DUE TO HER WORKING ASSOCIATION WITH THE ORGANISERS OF THE "NO EXCUSE FOR ABUSE" MARCH AND INDICATED SHE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

IN RESPECT OF ITEM 4.4 - LOCAL COMMUNITY BASED DONATIONS, CLR EL-HAYEK DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST DUE TO HIS WORKING ASSOCIATION WITH THE ORGANISERS OF THE "NO EXCUSE FOR ABUSE" MARCH AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

CLRS. SALEH AND EL-HAYEK TEMPORARILY RETIRED FROM THE MEETING AT 6.18 PM.

1. Council support the request from the University of the Third Age and waive the hire fees for their seniors' classes in the amount of \$967.60.
2. Council support the request from John Grinsell for Padstow Community Care and donate \$200 towards their fundraising event.
3. Council support the request for the No Excuse for Abuse march and remove four telegraph poles and reinstate them after the event in the amount of \$3,500 and this be funded from the relevant operational budget. Council also support the request from the organisation to waive the park hire and provision of waste bin fees in the amount of \$590 associated with the march, and these funds be made available from the Community Grants and Events Sponsorship budget.
4. Council support the request from the Pakistani Youth Council who will be holding a theatrical drama on 15 November 2019 in the Bryan Brown Theatre and donate \$500 towards the room hire fee.
5. Council support the request from the Zonta Club of Sydney West for their 2020 Citizenship Awards and sponsor an award to the value of \$250.
6. In respect of items 1, 2, 4 and 5 these funds be made available from Council's Community Grants and Events Sponsorship budget.

CLRS. SALEH AND EL-HAYEK RETURNED TO THE MEETING AT 6.19 PM.

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PUBLIC ADDRESS

(738) CLR. TUNTEVSKI:/CLR. WAUD

RESOLVED that permission be granted to Mr Bill Parasiris to address Council for five minutes in respect of Item 5.1 – Application to amend Bankstown Local Environmental Plan 2015: 74 Rickard Road and Part 375 Chapel Road, Bankstown.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 74 RICKARD ROAD AND PART 375 CHAPEL ROAD, BANKSTOWN

MR BILL PARASIRIS (ON BEHALF OF THE APPLICANT) ADDRESSED COUNCIL.

(739) CLR. WAUD:/CLR. EL-HAYEK

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

- CARRIED

MOTION CLR. DOWNEY:/CLR. KUSKOFF

That the matter be deferred to the next Ordinary Meeting of Council for further consideration.

- LOST

(740) CLR. EL-HAYEK:/CLR. ISHAC

RESOLVED that

1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 74 Rickard Road and part 375 Chapel Road, Bankstown proceed to Gateway subject to the following:
 - (a) Permit a maximum 83 metre building height, subject to consultation with Bankstown Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
 - (b) Permit a maximum 8:1 FSR, subject to the proposal satisfying the following solar access and wind impact requirements prior to the exhibition of the planning proposal:
 - (i) Council to amend the LEP with the following solar access control: Development must allow for 4 hours of continuous solar access to a consolidated area of Paul Keating Park between 10am and 3pm on 21 June (inclusive of existing shadow). The size of the consolidated area must be a minimum 50% of the area of Paul

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Keating Park (not including the footprint of the Council Chambers).

- (ii) The applicant to undertake further analysis to demonstrate how the proposal would comply with the solar access control, and minimise wind impacts, noting that the proposed 8:1 FSR may need to be reduced to adequately address these issues.
2. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal and the matter be reported to Council following the exhibition.
 3. Council request the applicant to provide a detailed response and/or justification for Council's consideration on the following issues and these supplementary studies be incorporated into the DCP as appropriate:
 - (a) how the proposal may address the need for public domain works at The Appian Way (between Rickard Road and The Mall), Civic Drive, Jacobs Street and Rickard Road, to improve pedestrian connections to public transport and shops (the public domain works would be consistent with the Draft Bankstown Complete Streets Transport and Place Plan);
 - (b) how the proposal may address the bike parking requirement and associated end-of-trip facilities on the site;
 - (c) an updated SIDRA traffic model to address the identified gaps for the purposes of consultation with the Roads and Maritime Services;
 - (d) how the proposal may address the car parking requirements for students, staff and visitors (if the applicant is unable to meet these requirements, Council's Planning Agreements Policy may be applied to address the shortfalls);
 - (e) how the proposal may address the on-site loading space requirements; and
 - (f) require active street frontages at The Appian Way, Rickard Road and Paul Keating Park.
 4. A draft site specific DCP Amendment be prepared and exhibited, and the matter be reported to Council following the exhibition. The DCP would address the relevant site specific planning matters referred to in the Report to the Panel, the Panel minutes and any necessary outcomes from Council's consideration of the above mentioned (item 3) reports and information to be submitted by the applicant.
 5. The applicant to contribute to an additional culvert at North Terrace. This infrastructure improvement is required to support the proposal.

- CARRIED

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

Against:- Clrs Downey and Kuskoff

ITEM 5.2 DRAFT HOUSEKEEPING AMENDMENTS TO BANKSTOWN DCP 2015 AND CANTERBURY DCP 2012

(741) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that

1. Council exhibit the draft amendments to Bankstown Development Control Plan 2015 and Canterbury Development Control Plan as provided in Attachment A.
2. The matter be reported to Council following the exhibition period.

- CARRIED

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

Against:- Nil

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 DISCLOSURE OF INTEREST RETURNS 2018/19

(742) CLR. EISLER:/CLR. ZAKHIA

RESOLVED that the tabling of the Disclosure of interest Returns for 2018/19 be noted.

- CARRIED

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ITEM 7.2 **CODE OF MEETING PRACTICE - 2020 SCHEDULE OF MEETINGS**

CLR TUNTEVSKI TEMPORARILY RETIRED FROM THE MEETING AT 6.57 PM.

(743) **CLR. MADIRAZZA:/CLR. KUSKOFF**

RESOLVED that the 2020 Schedule of Council Meetings be adopted.

- CARRIED

ITEM 7.3 **UPDATE TO COUNCIL'S INSTRUMENT OF DELEGATION**

(744) **CLR. ZAKHIA:/CLR. ZAMAN**

RESOLVED that the Instrument of Delegation be amended as detailed in the report.

- CARRIED

ITEM 7.4 **UNAUDITED 2018/19 ANNUAL FINANCIAL REPORT**

(745) **CLR. MADIRAZZA:/CLR. HARIKA**

RESOLVED that

1. Council resolves that the attached 2018/19 Unaudited Annual Financial Reports, for the financial year ended 30 June 2019 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 2018/19 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.

- CARRIED

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ITEM 7.5 **CASH AND INVESTMENT REPORT AS AT 30 SEPTEMBER 2019**
(746) **CLR. MADIRAZZA:/CLR. ZAMAN**

RESOLVED that

1. The Cash and Investment Report as at September 2019 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

CLR TUNTEVSKI RETURNED TO THE MEETING AT 6.59 PM.

ITEM 8.1 **BANKSTOWN COMPLETE STREETS TRANSPORT AND PLACE PLAN**
(747) **CLR. EL-HAYEK:/CLR. ISHAC**

RESOLVED that

1. Council adopt the *Bankstown Complete Streets Transport and Place Plan* (Attachment A) as the basis for future transport and public realm planning in Bankstown CBD.
2. Council notes that some elements of the Plan may need review or refinement following the outcomes of the TfNSW review of bus routes and layover.
3. Council commence the following priority actions during 2019-2021:
 - a. Detailed design for The Appian Way streetscape transformation (from Rickard Road to North Terrace);
 - b. Master plans for Marion Street Carpark and Griffith Park/ Brandon Avenue Carpark;
 - c. Public Domain and Streetscape Design Manual;
 - d. The use of Smart Parking technology in Council's carparks; and
 - e. Support TfNSW upcoming Integrated Transport Plan, including designs of intersection and peak hour clearway improvements to the Ring Road;
 - f. Support TfNSW with implementing an active travel program with an education provider.

- CARRIED

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ITEM 8.2 **CHILD-FRIENDLY CB CITY ACTION PLAN**
(748) **CLR. EISLER:/CLR. SALEH**

RESOLVED that

1. Council endorses the draft Child-Friendly CB City Action Plan including actions, responsibilities and time frames.
2. The draft Child-Friendly CB City Action Plan be placed on public exhibition for a period of 28 days.
3. At close of exhibition a further report be prepared to consider any submissions received.

- CARRIED

ITEM 8.3 **ABOLISHMENT OF LIBRARY OVERDUE FEES**
(749) **CLR. EL-HAYEK:/CLR. ISHAC**

RESOLVED that

1. Council exhibit the amendment to the fees and charges regarding the abolishment of library overdue fees in accordance with the Local Government Act 1993.
2. The matter be reported back to Council at the end of the exhibition period.

- CARRIED

SECTION 9: COMMITTEE REPORTS

ITEM 9.1 **MINUTES OF THE TRAFFIC COMMITTEE MEETING**
(750) **HELD ON 8 OCTOBER 2019**
CLR. HARIKA:/CLR. EL-HAYEK

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 October 2019, be adopted.

- CARRIED

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ON 22 OCTOBER 2019

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

ITEM 10.1 NOTICES OF MOTION

(751) CLR. KUSKOFF:/CLR. MADIRAZZA

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 IMPACTS OF RETURN AND EARN

(752) CLR. KUSKOFF:/CLR. HARIKA

RESOLVED that Canterbury Bankstown Council provide a report on the issues and impacts to council recycled waste collection as a result of the Return and Earn, NSW container deposit scheme.

- CARRIED

ITEM 10.3 AUSLAN ASSISTANCE AT COUNCIL MEETINGS

CLR MADIRAZZA TEMPORARILY RETIRED FROM THE MEETING AT 7.05 PM.

(753) CLR. EL-HAYEK:/CLR. TUNTEVSKI

RESOLVED that Council investigate the provision of Auslan interpretive services for members of the community wishing to address Council Meetings and that the outcome of this investigation be considered in the next update of the Code of Meeting Practice.

- CARRIED

ITEM 10.4 STREET SIGNS

CLR MADIRAZZA RETURNED TO THE MEETING AT 7.07 PM.

(754) CLR. TUNTEVSKI:/CLR. EISLER

RESOLVED that Council investigate providing for sale, street name signs that have been decommissioned and are excess to Council's needs.

- CARRIED

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ITEM 10.5
(755)

ENHANCING OSPREY HABITAT

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that Council:

1. Investigates the current availability of nesting habitat for Ospreys and other raptors within Canterbury-Bankstown LGA;
2. Uses this information to work with neighbouring councils to help inform the development of Georges River and Cooks River Coastal Management Programs, to consider a regional approach to provision and enhancement of raptor habitat.

- CARRIED

ITEM 10.6
(756)

WOMEN ONLY SWIMMING

CLR. SALEH:/CLR. EL-HAYEK

RESOLVED that Council examines the feasibility of trialling additional women-only swimming times at its aquatic centres.

- CARRIED

ITEM 10.7
(757)

MOVEMBER

CLR. TUNTEVSKI:/CLR. WAUD

RESOLVED that Council:

1. Supports Movember during the month of November to raise awareness of men's health issues, such as prostate cancer, testicular cancer, mental health and suicide prevention, including a \$100 donation on behalf of each Councillor and \$50 donation on behalf of each staff member growing a 'mo' for Movember; and
2. Increase awareness and broader community participation by holding a Canterbury Bankstown Council on-line Movember competition with the winner of the best 'mo' to be crowned Canterbury Bankstown's "Mr Mo Bro" of the year.

- CARRIED

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ITEM 10.8 BAN ON SINGLE-USE PLASTIC BAGS

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

RESOLVED that Council writes to the NSW Government urging the Government to ban single-use plastic bags in NSW.

- CARRIED

ITEM 10.9 SPEED REDUCTION IN NARROW STREETS

MOTION CLR. WAUD:/CLR. ZAKHIA

That Council writes to the NSW Roads and Maritime Services, requesting that they pilot a 40km/h urban speed limit in selected narrow roads and streets within the Canterbury-Bankstown LGA.

- LOST

CLRS. TUNTEVSKI AND EL-HAYEK STOOD FOR A DIVISION.

For:- Clrs Eisler, Ishac, Madirazza, Waud, Zakhia and Zaman

Against:- Clrs Asfour, Downey, El-Hayek, Harika, Kuskoff, Raffan, Saleh and Tuntevski

HIS WORSHIP THE MAYOR DECLARED THE MOTION LOST.

ITEM 10.10 MEMORIALS

(759) CLR. MADIRAZZA:/CLR. EISLER

RESOLVED that Council investigate appropriate sites and required works to allow for the relocation and re-installation of memorials currently located at Belmore RSL.

- CARRIED

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ITEM 10.11 **BIDDING FOR COUNCIL WORK - TRAINING AND EDUCATION FOR BUSINESSES**
(760) **CLR. ZAKHIA:/CLR. ZAMAN**

RESOLVED that Council's Economic Development Strategy incorporate a relevant training program/short-course associated with providing interested businesses the opportunity to gain an understanding of the regulatory framework and required information when bidding for Council work.

- CARRIED

SECTION 11: **CONFIDENTIAL SESSION**

(761) **CLR. EL-HAYEK:/CLR. DOWNEY**

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

Item 11.1 T17-20 Kelso Park South Playing Surface Upgrade

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

Item 11.2 T34-19 Lease of Council Premises, Kiosk, Gough Whitlam Park, Earlwood

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

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.35 PM AND REVERTED BACK TO OPEN COUNCIL AT 7.44 PM.

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ITEM 11.1 **T17-20 KELSO PARK SOUTH PLAYING SURFACE UPGRADE**
(762) **CLR. TUNTEVSKI:/CLR. DOWNEY**

RESOLVED that

1. Council accepts the tender received from R & N Paddison Pty Ltd T/A Turf Drain Australia for the lump sum amount of \$1,096,067.07 (excluding GST) for the Kelso Park playing surface upgrade.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

ITEM 11.2 **T34-19 LEASE OF COUNCIL PREMISES, KIOSK, GOUGH WHITLAM PARK,**
(763) **EARLWOOD**
CLR. RAFFAN:/CLR. MADIRAZZA

RESOLVED that

1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council declines to accept any of the tenders received offering to lease the Gough Whitlam Park kiosk.
2. In accordance with Clause 178(3)(e) of the Local Government (General) Regulation 2005, Council enters into negotiations with two tenderers that submitted tenders to lease the Gough Whitlam Park kiosk, being Ms Nadine Almahayni and NP Catering Pty Limited, as outlined in the report.
3. Pursuant to Clause 178(4) of the Regulation, Council declines to invite fresh tenders and determines to enter into negotiations with the two tenderers on the basis that:
 - a) Having regard to all the circumstances, neither submission was assessed as satisfying all of the objectives/requirements in the Request for Tender,
 - b) The two tenderers demonstrated that they have the potential to meet Council's objectives and requirements under the Request for Tender, and

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- c) Given the advanced nature of this procurement process and the details provided in each submission, it is considered that Council can achieve the desired outcome for the lease through negotiations.
- 4. The General Manager be authorised to negotiate and administer the matter, including entering into a contract and sign all documentation, as required.
- 5. Council notifies the unsuccessful tenderers in writing and thanks them for tendering.
- 6. Subject to agreeing terms for a new lease, the General Manager be authorised to exhibit the proposed lease in accordance with the provisions of the Local Government Act 1993.

- CARRIED

THE MEETING CLOSED AT 7.45 PM

Minutes confirmed 26 NOVEMBER 2019

.....
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 | Supporting Asylum Seeker Families | 27 |
| 4.2 | Bushfire Crisis Response | 29 |
| 4.3 | Save our Recycling | 31 |
| 4.4 | Mudcrabs | 33 |
| 4.5 | Local Community Based Donations | 35 |

Mayoral Minutes - 26 November 2019

ITEM 4.1 Supporting Asylum Seeker Families

In October last year I moved a Mayoral Minute to trial a 12 month, fee free, pilot project supporting asylum seeker families.

The project was facilitated through a partnership between Council and various members of Sydney Alliance, and especially with staff from Uniting supporting children, parents and our Council Educators with a smooth transition and successful inclusion into the Centres.

Since January this year, children through this partnership have been attending three of our Children's Centres. These families are not eligible for government subsidies which has meant their children have been unable to receive early education as the cost is way beyond their means.

Nine children and their parents have benefitted from this project, with two children at both Lakemba and Punchbowl Children's Centres and five at Occasional Care. I understand the trial has been truly transformational for both the children and parents. It is not an understatement to say it has been life-changing.

A number of the children, were socially reclusive, unwilling or unable to talk or join in with the other children; parents, especially mothers, were stuck at home, isolated and unable to work or study.

Next year, when these children begin school, they will do so as well prepared, confident and capable young students. Their development – social, linguistic and cognitive – has been exceptional. Similarly, their parents have grasped the opportunity to improve their lives, studying, taking English lessons and, I'm told in one case, beginning an early education course.

I am not surprised by, but am exceptionally proud of our Educators, who have really embraced the project and have in turn taken pride and joy in the program and its outcomes.

By this measure, the pilot has been a great success, but there is another significant outcome that we had hoped would eventuate following the trial, but which has already begun: adoption of the program, or very similar to it, by other service providers. This has been achieved at no additional operational costs to their services.

Through early media attention, networking by staff and generally broadcasting the positivity of the program, a number of services have either shown an interest or subscribed to the model created by our City.

Locally these are MiniMe Academy at Campsie (privately operated), Arabic Australia Child Care Centre at Lakemba, and Liberty Church of Christ Preschool at Greenacre (both community-run); at least one other Council has shown an interest.

The success of the project was celebrated on 23 October at a special event organised by the Sydney Alliance Group. There were moving stories and acknowledgements from local community leaders, families who participated in the project, our Children's Services staff and I also had the privilege of addressing those gathered. A highlight of the night was a video recording of children from our three centres singing and performing the song "Colours of Australia", promoted by the Australian Human Rights Commission to encourage acceptance and inclusion in young children.

Given that this pilot has already demonstrated such great success I move that Council continue with this practice for as long as we have the vacancies to support it.

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ITEM 4.2 Bushfire Crisis Response

The devastation wrought by bushfires across northern NSW and the mid-north coast of NSW is almost beyond comprehension. The human suffering and loss of life is a tragedy whose impacts will continue to be felt broadly for many months and even years. From some, these are life altering events.

The images of burnt out homes, razed forests, burnt and disoriented wildlife and livestock are increasingly becoming the backdrop to our fire season.

I have been overwhelmed by our own community's response.

Clr Bilal El-Hayek was heavily involved in collecting and distributing food and water to evacuation centres on the mid-north coast and four locals loaded up their cars with supplies to cook a free BBQ for victims of the fires in the town of Willawarrin, inland from Port Macquarie. I understand Clr George Zakhia has also been heavily involved in organising the donation of goods to evacuation centres as well.

Many, however, will feel helpless at the human suffering that has occurred and continues to occur; the message, though, is that the best thing any of us can do is to dig deep and donate much needed money. In response to the ongoing crisis, the Salvation Army have established a \$3 million appeal target to support affected communities.

On behalf of our community I am proposing Council donates \$5,000 to the appeal and what is further, I encourage every metropolitan Council to do the same.

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ITEM 4.3 Save our Recycling

I wish to support the local government sector's **Save Our Recycling campaign**, as outlined in the Local Government NSW report *At the Crossroads: The State of Waste and Recycling in NSW*.

As we are all aware, the NSW Government collects revenue from a Waste Levy via licensed waste facilities in NSW, with the purpose of discouraging the amount of waste being landfilled and promoting recycling and resource recovery. According to the latest NSW Budget papers, this totalled \$772 million in 2018/19.

Revenue from the Waste Levy is expected to increase by about 70 percent from 2012/13 to 2022/23. By the end of this period the Waste Levy revenue is forecast to have increased to more than \$800 million a year: \$100 for every woman, man and child in NSW. Yet, only a small portion – less than one fifth – of this revenue is invested back into waste and recycling programs.

The NSW Government promised a major education campaign to help support kerbside recycling in 2015. However, this has not been delivered. A Waste Infrastructure Plan and a new Waste Strategy are also overdue.

Recent decisions by China and other countries to put in place measures to stop the importation of plastic and paper recycling from countries like Australia are also making it more challenging to find markets for recycled products. This combination of a lack of funding, planning and action has left our state-wide waste and recycling systems in a poor state.

Local councils in NSW are calling on the NSW Government to reverse this downward slide: to invest the money it collects from the Waste Levy to help fix our state's ailing waste and recycling, and help build a circular economy in NSW.

Local Governments are taking action, but we can't do it alone, or without the funding. As a result Council is working with SSROC in the following ways:

- we have signed a regional Memorandum of Understanding (MoU) to prioritise recycled materials in procurement, which has had unanimous support from all 11 SSROC member councils and the NSW Minister for Environment and Energy, the Hon Matthew Kean MP; and
- we are undertaking a major project on metropolitan Sydney Waste Data and Infrastructure Planning to identify necessary waste data and projected material flows to make informed policy and infrastructure decisions;

Council is doing their bit, but the State Government needs to step up and take action. I recommend that Council write to the relevant Ministers:

- To confirm our support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy
- Fund the work that Council is doing with SSROC on Sydney Waste Data and Infrastructure Planning
- Fund councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions;
- Lead and fund the development of priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified;

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ITEM 4.4 Mudcrabs

Last week I was touched to receive a letter of thanks from the Mudcrabs, in which they recognise the efforts of staff and the broader Council and the way in which positive outcomes have been achieved through collaboration.

For those who don't know, the Mudcrabs are a group of eco-volunteers who are affiliated with the Cooks River Valley Association. The environmental group works along the length of the Cooks River to repair and restore riparian zones, re-establish areas of native bushland and to generally work with and advocate to the various agencies and stakeholders on improving the health of this critical and very important waterway.

This group is an example of the sorts of wonderful community groups that we have within our City and upon whom we must necessarily rely on to partner with Council. The Mudcrabs epitomise the community spirit that makes our City so great.

In return, I would like to publicly thank the Mudcrabs for their hard work throughout the year and congratulate them on their achievements also.

A copy of their letter is attached to this Mayoral Minute.

ATTACHMENT [Click here for attachment](#)

- A. Correspondence received from the Mudcrabs Steering Committee

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ITEM 4.5 Local Community Based Donations

The following community based organisations have approached Council for financial assistance.

A Pictorial History of East Hills

Earlier this month, Mr Andrew Molloy launched his latest historical book: "A Pictorial History of East Hills from One Tree Point to the Vale of Ah". Previously he has published similar historical book on the histories of Padstow, Revesby, Panania, Picnic Point, East Hills and Milperra.

Such a book offers a unique glimpse into our past, providing readers with the opportunity to tap into the stories, the trials, challenges and successes of our community and just as importantly the stories of the first people of this land: the Dreamtime.

Accordingly, I recommend that Council purchases a copy of Mr Molloy's book, one for each of our libraries, at a total cost of \$225.

Korean Society of Sydney

The Korean Society of Sydney, this year, held their Korea Day Festival at Croydon Park, having previously held it beyond the boundary of our City.

The Korean Society of Sydney has been key in forging and maintaining relationships within our community for some 31 years. It was a pleasure to attend their celebrations, observe the passion and joy they bring to our community and generally be a part of this vibrant cultural event.

The Society has requested consideration be made of waiving their fees relating to the event and in response I propose Council waive \$2,000.

Melkite Catholic Welfare Association

Last week, the Melkite Catholic Welfare Association held their Melkite Business Connections Networking Forum.

The Melkite Catholic Welfare Association supports newly arrived migrants, refugees and other humanitarian entrants through the delivery of settlement support services.

I propose that Council purchase a table, at a cost of \$1,350, for the attendance by key Council personnel and councillors.

St Nicholas Antiochian Orthodox Grand Ball

Earlier in November, the Parish Council of St Nicholas Punchbowl held their annual Grand Ball.

The event is held to recognise and celebrate the hard work, generosity and endless dedication of Parishioners and more importantly, the substantial benefit they bring to our community.

I recommend that Council support the Parish through a \$1,000 donation.

Human Appeal

Divine Legacy, a new initiative of Human Appeal, will be held in December to establish and promote diversity and create an environment of unity through helping those in need. Further, it will raise funds toward alleviating the hardship that many disadvantaged women and children experience.

In light of this, I recommend that Council support them with by purchasing a \$3,000 sponsorship.

RECOMMENDATION

I propose that Council provide the financial assistance as outlined above and that these funds be made available from the Community Grants and Event Sponsorship Program Budget.

5 PLANNING MATTERS

The following items are submitted for consideration -

| | | |
|-----|--|----|
| 5.1 | Planning Proposal 149-171 Milton Street, Ashbury - Post-Exhibition Outcomes | 39 |
| 5.2 | Planning Proposal and Planning Agreement for 5-9 Croydon Street, Lakemba | 59 |
| 5.3 | Exhibition of Draft Bankstown Development Contributions Plan and Draft Amendments to Canterbury Development Contributions Plan 2013 | 65 |
| 5.4 | Exhibition of Draft Amendments to the Planning Agreements Policy | 73 |
| 5.5 | Community Participation Plan | 77 |
| 5.6 | 1 Breasley Place, Yagoona - LTD-31/2019 | 83 |
| 5.7 | Reporting of (1) Performance for Processing of Development Applications for the first quarter of the 2019/20 financial year, (2) Development Applications approved with a Clause 4.6 variation for the first quarter of the 2019/20 financial year, and (3) Planning related appeals currently before the Land and Environment Court | 87 |

ITEM 5.1 **Planning Proposal 149-171 Milton Street, Ashbury - Post-Exhibition Outcomes**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

A Council initiated Planning Proposal and site-specific Development Control Plan (DCP) for land at 149-171 Milton Street Ashbury have been prepared and publicly exhibited. This report provides an outline and response to submissions received, advice from the Local Planning Panel and seeks Council endorsement for the proposal to be finalised.

The Planning Proposal has a long and complex history dating back to the submission of two landowner requests in 2014 and 2015 for the land to be rezoned from IN2 Light Industrial to R4 High Density Residential to permit residential development up to 10 storeys. These landowner requests were not supported and have led to Council initiating its own Planning Proposal to rezone the land and set planning controls that are more considerate of the site's surrounds.

Extensive community engagement was undertaken including meetings with representative groups. Over 130 submissions were received.

The matter was reported to the Canterbury Bankstown Local Planning Panel (LPP) for advice. The LPP supports the proposal however made recommendations to reduce selected building heights as well as amendments to the exhibited DCP. Council officers have reviewed the recommendations of the Panel however consider the urban design rationale, scale and density as exhibited would continue to deliver a positive environmental and built form outcome for this site. In this regard, not all panel suggestions have been incorporated into the final plan.

ISSUE

The Planning Proposal and site specific DCP controls require Council endorsement to finalise the plan.

This report recommends that Council support the planning proposal, and draft DCP controls to guide the future development of the site. Amendments are proposed in response to the LPP recommendations.

RECOMMENDATION That -

1. The Planning Proposal to rezone land at 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential, amend the floor space ratio control from 1:1 to 1.1:1 and introduce height controls ranging from 8.5 to 21 metres is endorsed.

2. The proposed amendments to Canterbury Development Control Plan 2012, as outlined in this report, are adopted and will be brought into effect once the Planning Proposal is made.
3. All persons and organisations who made submissions to the exhibited documents be advised of Council's decision.

ATTACHMENTS

[Click here for attachment\(s\)](#)

- A. Attachment B - Local Planning Panel Meeting Minutes 29 July 2019
- B. Attachment A - Local Planning Panel Report 29 July 2019
- C. Attachment A 1-9 - Attachments from LPP report 29 July 2019
- D. Attachment A 10A - Attachment to LPP report 29 July 2019
- E. Attachment A 10B - Attachment to LPP report 29 July 2019
- F. Attachment E - Urban Design Statement
- G. Attachment F - Extent of written notification
- H. Attachment C - Amended Development Control Plan
- I. Attachment D - Summary table

POLICY IMPACT

This Planning Proposal presents no policy impact. The 'Towards 2032 – Canterbury Economic Development and Employment Strategy' recognised this site as one which had a limited future as employment land once the then current uses ceased. Rezoning the subject land as proposed would be consistent with the recommendations of this study.

FINANCIAL IMPACT

There is no financial impact arising from this Planning Proposal. Any future development will be required to pay Section 7.11 Development Contributions under Council's Development Contributions Plan.

COMMUNITY IMPACT

There has been a relatively high level of community interest in this planning proposal. Over 130 submissions were received during the exhibition period from 28 November 2017 to 16 February 2018, and it is estimated that around 80 people attended drop in sessions.

External consultants were engaged to assist with the community engagement process and collating submissions. Their report is at Attachment A5 and a detailed response to submissions report prepared by Council staff is at Attachment A6.

The key benefits of this planning proposal are:

- better pedestrian access to Wagener Oval from Milton Street
- pedestrian access from Yabsley Avenue through the site to Wagener Oval
- variety of housing types and styles
- removal of existing unsightly industrial/commercial buildings
- improved streetscape along Milton Street + informal publicly accessible open spaces within the site
- rejuvenation of a deteriorating industrial site
- remediation of the site
- removal of opportunity for industrial use related truck movements to/from the site
- potential neighbourhood shops to service the everyday needs of the local area

DETAILED INFORMATION

Introduction

This report discusses the public exhibition of a planning proposal (and draft Development Control Plan) relating to land at 149-171 Milton Street, Ashbury. A map showing the site is at Figure 1 below.



Figure 1. Subject Site – (identified by yellow marking)

Site location and description

The site is located in the northern part of the suburb of Ashbury. The area of the site is 31,320m² (3.1 hectares).

| Address | Description | Site Area (m ²) |
|-----------------------|-----------------------|-----------------------------|
| 149-163 Milton Street | Lots B & C in DP30778 | 16,450 |
| 165-171 Milton Street | Lot A in DP30778 | 14,870 |
| Total Area | | 31,320 |

The two properties that comprise the site are held in separate ownership. They are referred to as the “Chubb site” and the “Tyres 4U site”. They are occupied by two, three and four storey commercial and warehouse buildings.

The area surrounding the site is shown in Figure 2 below.



Figure 2: Site and surrounding area plan (Site edged yellow, Ashbury Heritage Conservation Area shown hatched and Wagener Oval shown green)

The majority of the suburb of Ashbury is within a Heritage Conservation Area (HCA) under the Canterbury Local Environmental Plan 2012. The only parts of the suburb not within a HCA are the subject land and the adjoining Wagener Oval. The HCA was introduced because of the consistent Federation and Inter War residential character of the suburb. The subject site was not included in the HCA because it has an industrial character with buildings dating from the 1960s.

The site borders and slopes down towards the Council owned property at Whitfield Reserve (including Wagener Oval). Wagener Oval is a former brick pit and landfill site.

Current planning controls

The site is currently zoned IN2 Light Industrial and has a Floor Space Ratio (FSR) of 1:1 under the Canterbury Local Environmental Plan (CLEP) 2012 as shown in Figures 3 and 4 below. There is no prescribed maximum building height under CLEP 2012. Building height is controlled by Canterbury Development Control Plan DCP 2012.

The site is immediately adjacent to R2 Low Density Residential zoned land, to the north east and south (Figure 3). That residential land has a current maximum building height of 8.5m. All surrounding R2 Low Density Residential zoned land shown in Figure 3 is within Ashbury Heritage Conservation Area.



Figure 3 Existing Zoning Map – site is that land zoned IN2 Light Industrial



Figure 4 Existing FSR Map – site identified as N with a FSR of 1:1

Planning Background

The site has previously been the subject of separate owner initiated planning proposals which were lodged in 2014 (165-171 Milton Street) and 2015 (149-163 Milton Street). A detailed history has been provided at Attachment A1. Both planning proposals sought rezoning from the current IN2 Light Industrial zone to R4 High Density Residential, along with substantial building height and floor space ratio increases (up to 34 metres or 10 storeys, and 2:1 were proposed respectively). The image below shows the proposal for 149-163 Milton Street.



Proposed development of 149-163 Milton Street, Ashbury (CMT Architects)

Council did not support these two planning proposals as the proposed height and density were considered excessive. Instead, it resolved on 27 September 2016 to prepare a single, Council-led planning proposal to rezone the sites to R4 High Density Residential, with a range of building heights from 8.5m to 21m (six storeys), and an increase to the existing maximum FSR from 1:1 to 1.1:1. Council also resolved that an amendment to Canterbury Development Control Plan 2012 be prepared to contain additional site specific development controls.

Council's decision to prepare its own planning proposal prompted one of the two owners to seek a Rezoning Review through the then Department of Planning and Environment. This request was subsequently rejected by the Sydney South Planning Panel in February 2017.

The planning proposal was consequently sent to the former Department of Planning, Environment for a Gateway Determination. This was obtained on 12 July 2017.

Public Exhibition

The planning proposal (Attachment A2 and A3) and draft development control plan (Attachment A4) were placed on public exhibition for 12 weeks from 28 November 2017 until 16 February 2018. The extended public exhibition period was due to the exhibition taking place during the Christmas/New Year Holiday period, and the high degree of community interest.

The following engagement measures were undertaken:

- Written notification to owners in Ashbury;
- Have Your Say page on the Council website;

- A notice in the Council Column; and
- Display posters at the Campsie and Bankstown Customer Service Centres

The extent of written notification is shown in Attachment F.

Community Engagement

Beyond the ordinary mandated consultation requirements and in response to a high level of community interest shown in the planning proposal, independent community engagement experts were engaged by Council to assist with engaging with the community. This also provided an increased level of transparency and degree of separation from Council to ensure that feedback from the community would be independently managed and responded to.

Meetings were held with stakeholders such as the Ashbury Community Group in advance of the formal exhibition process, including a “town hall” style meeting on 27 November 2017 which was attended by over 100 people. A briefing session was also held for Ward councillors prior to the exhibition commencing.

Two ‘display and discuss sessions’ were held during the public exhibition period at the Ashbury Senior Citizens Centre. This format involved a number of display boards being set up with information on the proposal. This format provided Council staff the opportunity to discuss various aspects of the proposal directly with members of the community. It is estimated that around 80 people attended these sessions.

Exhibited Planning Proposal and Development Control Plan

In summary, the planning proposal aims to:

- Rezone the site at 149- 171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential under the Canterbury LEP 2012 (See Figure 5).
- Amend the FSR control from 1:1 to 1.1:1 (See Figure 6).
- Introduce height controls ranging from 8.5 metres to 21 metres (See Figure 7).

The exhibited Zoning, FSR and Building Height plans can be viewed at Attachment A3 A-C.

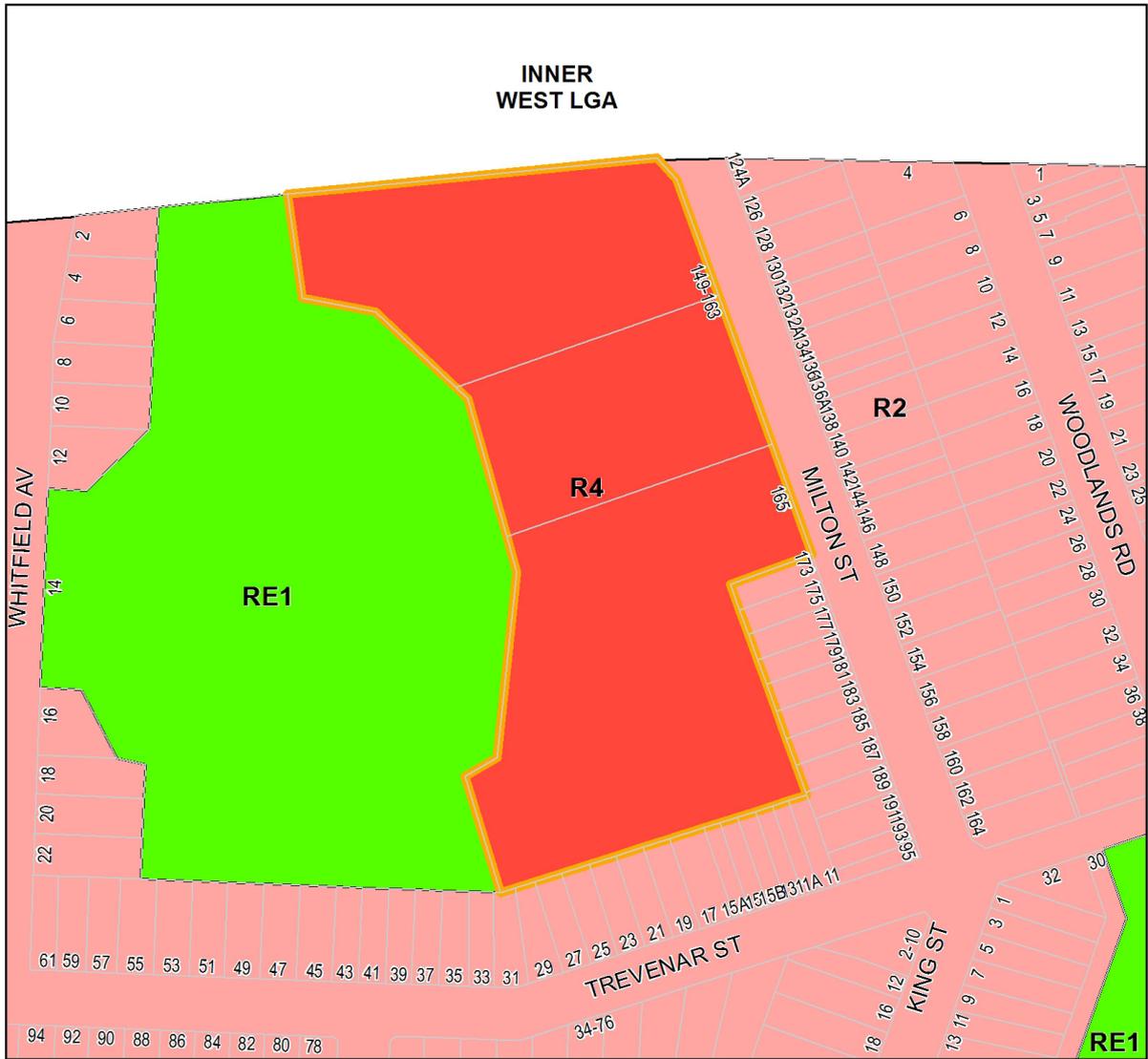


Figure 5 Proposed Zoning R4 High Density Residential Map (site outlined in yellow)

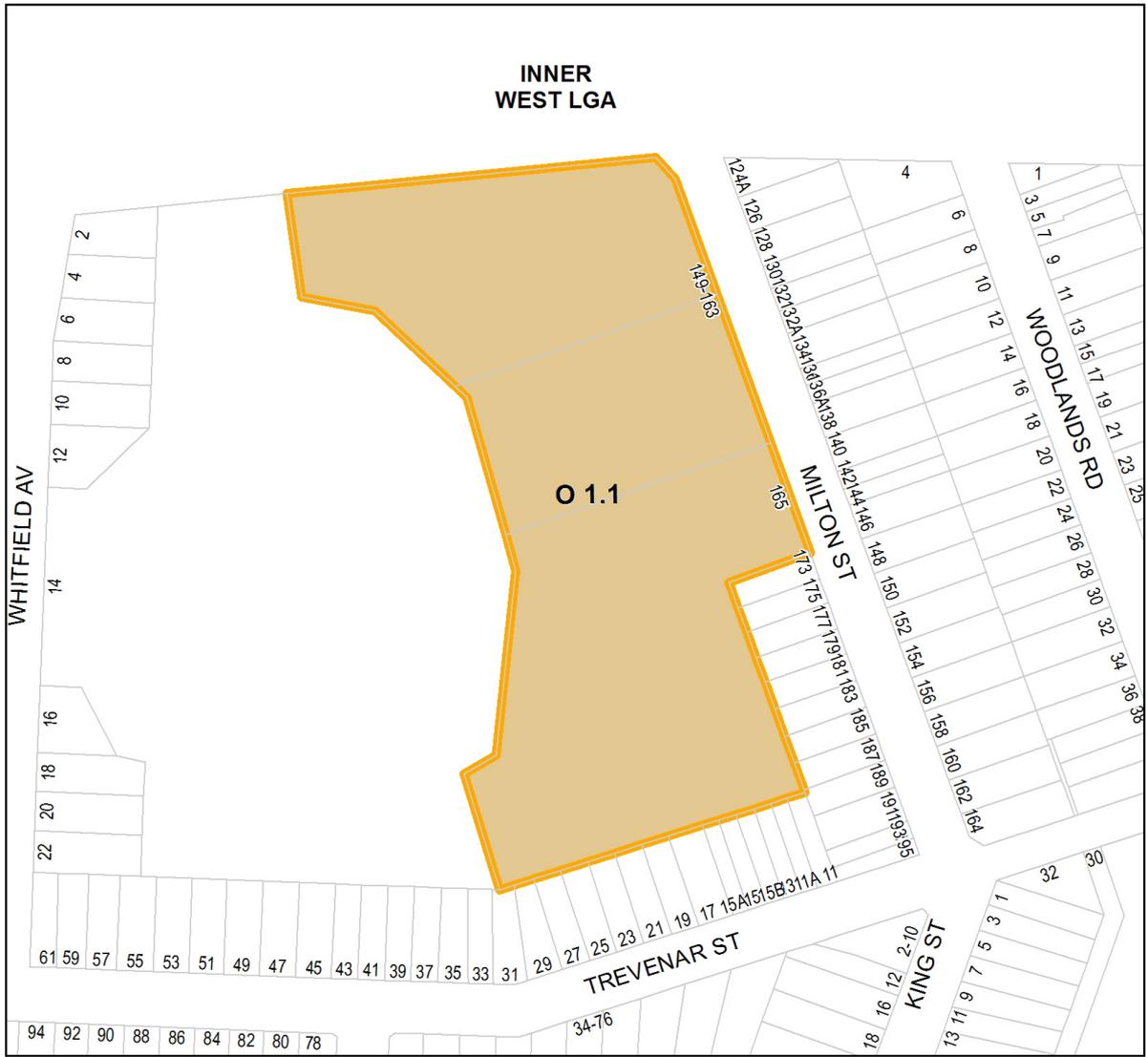


Figure 6 Proposed FSR map (1.1:1)

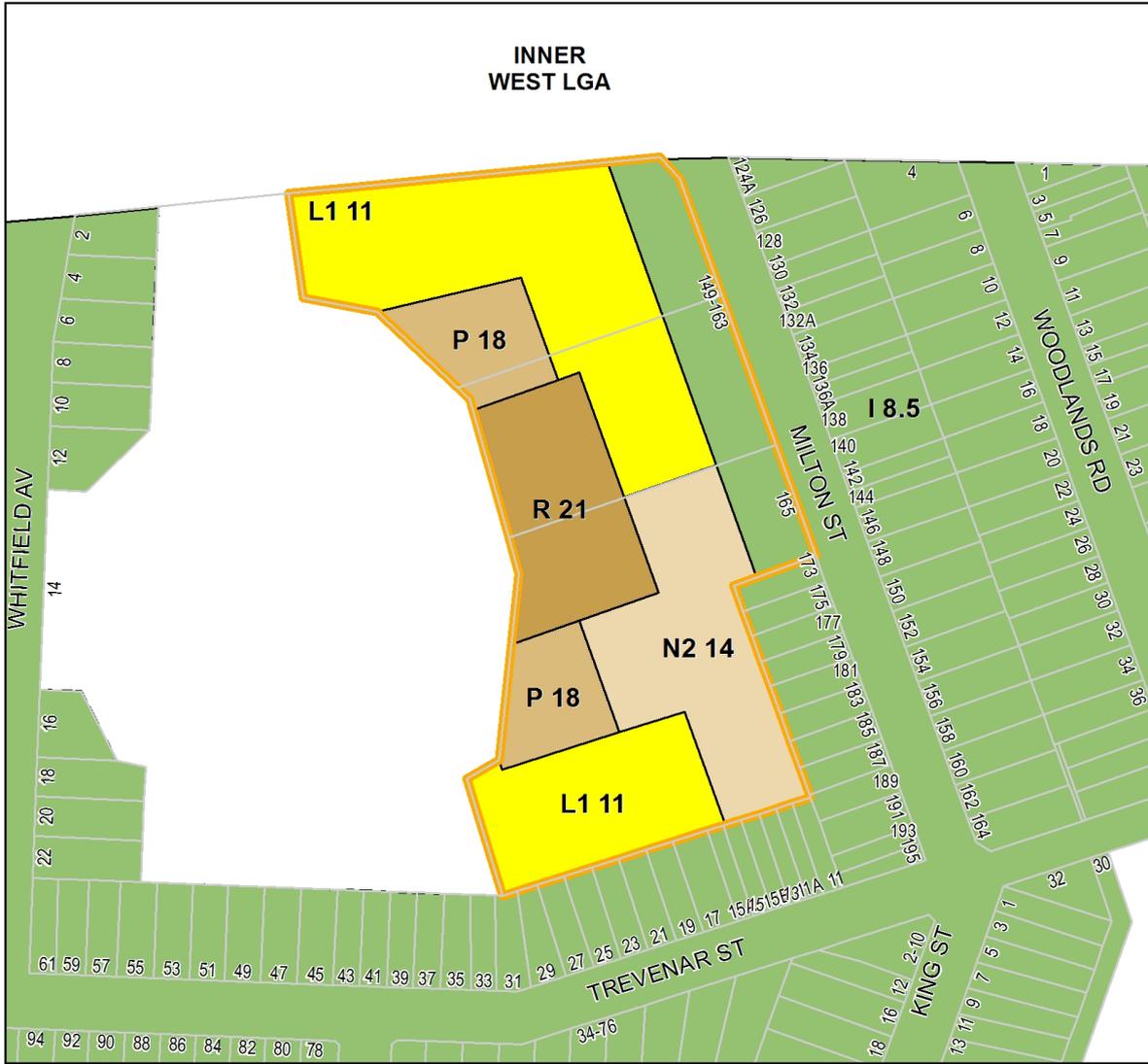


Figure 7 Proposed building height map [number reflects maximum building height in metres]

Figure 8 below shows the indicative building footprint, communal open space and maximum number of storeys for the site. This built form plan was prepared subsequent to detailed consideration of the site, its constraints, appropriate development forms and layout, along with a desire to minimise impacts on the surrounding residential areas.



Figure 8 Indicative footprint, communal open space and number of storeys for the site (formed part of the exhibition)

Source: GMU Urban Design and Architecture

A draft Development Control Plan amendment was also concurrently exhibited with the Planning Proposal (Attachment A4). It contains further site specific controls, including building height plane controls to minimise the visual impact of future development and to provide an appropriate scale and massing sensitive to the adjoining Ashbury Heritage Conservation Area.

Submissions

Council received 129 public submissions and three government agency submissions in response to the public exhibition of the planning proposal in 2017-18. This included a detailed submission and petition from the Ashbury Community Group. An additional two government agency submissions were received after the exhibition period had closed.

Key Issues

In summary, the key issues raised in the submissions included:

- Impact on the adjacent heritage conservation area (HCA)
- Excessive height and density
- Transport and traffic impacts
- Inconsistency with surrounding neighbourhood
- Interface with surrounding low density residential area
- Aesthetics and view loss
- Lack of public transport to support the increased development, particularly given distance to rail transport
- Inappropriate urban design e.g. building envelope and setbacks
- Conflicts with the NSW Apartment Design Guideline (ADG)
- Lack of other public infrastructure for the local neighbourhood
- Contamination and groundwater
- Sustainability
- Water management
- All user access and circulation, in and around the site
- Impact on recreation facilities
- Need for developer contributions
- Concern about on site open space and future landscaping selection

A full assessment of these issues is contained in the Local Planning Panel Meeting report (Attachment A).

Contamination

Wagener Oval and the development site was previously used as a landfill site in the 1960s and 1970s, which included both putrescible waste and non-putrescible waste. Detailed site investigations by independent specialists have been carried out that identified that the site was subject to contamination associated with former land uses and the adjoining landfill at Wagener Oval. Site Audit Statements (Attachments A10 A and B) have been carried out for the site on behalf of both land owners which concluded that the site is capable of remediation and will be suitable for residential use provided that it is remediated in accordance with a Remediation Action Plan.

This is discussed in more detail in the Local Planning Panel report in Attachment A.

Local Planning Panel Meeting

The Planning Proposal and draft DCP controls were reported to the Canterbury Bankstown Local Planning Panel meeting held on 29 July 2019. A copy of the minutes of this meeting can be viewed at Attachment B.

The Local Planning Panel received 24 written submissions including two submissions from the Ashbury Community Group. A total of 19 people addressed the meeting objecting to the planning proposal. Planning consultants representing the two land owners also addressed the Panel.

The Panel considered the report and attachments prepared by Council, and the submissions and representations received. It noted that submissions received from residents do not support the planning proposal. Generally, the submissions suggested a heavily reduced level of development with some suggestion that the land should not be rezoned from its current industrial zoning.

The panel recommendation to Council is as follows:

- (i) *The submissions received during the exhibition period and responses from the Council staff and the responses received at the meeting of the Panel be noted.*
- (ii) *The Planning proposal to rezone the site at 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential be generally endorsed subject to the following:*
 - (a) *the reductions in height and consequential FSR as referred to above;*
 - (b) *further details being provided of pedestrian access and thoroughfare.*
 - (c) *RMS confirmation regarding the McLaren report and traffic generally;*
 - (d) *allowing some extension of excavation beyond the building footprints flexibility;*
 - (e) *comprehensive assessment of trees and how the existing trees on the western boundary can be retained and ensuring that the existing trees on the eastern boundary of Wagener Oval will be protected;*
 - (f) *further investigations be carried out to address the drainage of the site and how this will be directed to the appropriate public trunk drainage system including discussions and agreement with Council.*
 - (g) *the buildings being designed so that appropriately (and reasonably) sized garbage trucks can access the basement of buildings for waste collection;*
 - (h) *consequential changes to the proposed DCP;*
- (iii) *Following these changes, the matter be reported to the Council for adoption and submission if necessary to the Department for the making of the final plan and DCP.*

Local Planning Panel Comments

The panel supported the proposal, but raised the following specific issues:

Building Height

The Panel agreed that the site should be rezoned from IN2 Light Industrial to R4 High Density Residential, which permits residential flat buildings.

The Panel believed the extent of the development especially at the rear of the site is excessive and should be reduced. It was primarily concerned about the visual impact of the height of the proposed development as viewed from Wagener Oval and from around the site. It

concluded that a reduced building height would be more compatible with the residential and open space areas around the site.

Specifically, the Panel recommended that two parts of the site be reduced in height. The two six-storey buildings on the western edge of the site should be reduced to four storeys, and the two four storey buildings in the south-east corner of the site be reduced from four to three storeys. It was concluded by the Panel this height reduction should be carried out with no increase in the footprint size and will also result a reduction in the floor space ratio.

Comment: The support of the Panel for the rezoning of the site is noted. However, the Panel's recommendation to reduce the six-storey buildings to 4-storeys would see the tallest elements of the development moved to two widely separated and undesirable locations and would result in a more level skyline that would lack variety and interest.

Concentrating height at the focal point of this development, where the new road meets the park, is a stronger urban design rationale. Staff are therefore recommending that the two six-storey buildings adjacent to the new road be supported by Council but with generous setbacks at the fifth storey of the buildings to further emphasise the western high points and provide variety in building heights. Furthermore, a top floor setback of 3m is proposed for the five storey components.

For these reasons, Council staff do not recommend implementing the changes as proposed by the Panel.

The changes recommended by staff provide variety in roof form, setbacks to utilise roof area, and visual interest in differing building heights and forms.

Heritage

The Panel agreed that the site should not be part of a heritage conservation area especially as there is no heritage value with the existing buildings on the site.

It noted that the southern site has common areas with the Ashbury Conservation area that will need to be sensitively treated. It considered that the 12 metre set back requirement in this area addresses this issue with further fine tuning possible at DA stage.

Comment: The Panel's comments are noted.

Internal Changes

The Panel was concerned that the internal facades of the three storey buildings in the north eastern part of the site facing Milton Street will result in a poor streetscape internally. The Panel has suggested that these buildings should be designed "back to back" so that there is an active edge to the internal roads, pathways and communal open space.

The three-storey built form in the middle of the northern site could be re-orientated to a North South direction to create the active edge mentioned above and to provide better and more useable communal space areas.

Communal open space throughout the site should be designed as public domain with active edges, street furniture, lighting and planting. All buildings (other than those fronting Milton

Street), must have an entry and identifiable address to a street or pathway within the development with clear and legible pathways for all residents, visitors and deliveries.

The Panel is also of the opinion that the existing vegetation around the western side of the site should be carefully analysed by an arborist report, so the current trees can be identified for retention in the DCP and the appropriate setbacks for deep soil can be specified to ensure that these existing trees are easily retained on the site and in the adjacent park area.

Comment: The DCP diagrams showing the orientation of the three storey built form in the northern site have been removed to allow for flexibility in design of this component.

It is proposed to extend the Panel's recommendation on vegetation to cover all trees on site, and that the arborist report requirement be dealt with at the Development Application stage. Controls have been added to protect trees during the construction phase, and require an alteration to setbacks to protect trees if trees are at risk.

All of the other recommendations are agreed with and incorporated into proposed DCP amendments. It is also proposed to have a requirement that all buildings facing the internal spaces have an active edge, which will also provide passive surveillance to these areas.

Pedestrian Access

The Panel has identified an opportunity to improve pedestrian access to and from the site as follows:

- Generally from east to west across the site to Wagener Oval
- Onto the site from Yabsley Avenue
- On new pathways along the interface along the western edge of the site/eastern edge of Wagener Oval

In addition, it recommends there should be DCP controls relating to the treatment of the Western end of the new road as to how that will integrate with Wagener Oval, including appropriate pedestrian access from the site onto and into Wagener Oval.

Comment: This is agreed with and it is proposed to amend the DCP controls accordingly with additional requirements to also integrate landscaping as part of this interface treatment.

Traffic

The Panel noted traffic is going to be an issue given the increased density of development on the site. An updated traffic report on the Planning Proposal was prepared for Council by McLaren Traffic Engineering and revised in response to comments by Roads and Maritime Services (RMS).

The Panel is of the opinion that the updated traffic report should be referred to RMS for confirmation that the requirements of the RMS have been met.

Comment: The updated traffic report was referred to RMS. RMS responded and did not raise any objection on the Planning Proposal on traffic and transport grounds.

Parking

The Panel notes that the proposed parking is to be within the building footprints other than a suggested amendment to allow some extension of excavation beyond the building footprint for flexibility without affecting landscape and the Panel would not object to this suggested change to the DCP.

Comment: Noted - it is proposed to amend the DCP controls accordingly.

Design Excellence

The Panel agrees with the deletion of a Design Excellence requirement and is comfortable with the proposal suggested in the report as follows: "Any proposed future developments on the site will also need to comply with Council's DCP and Apartment Design Guideline requirements and be subject to a design peer review."

Comment: Noted - it is proposed to amend the DCP controls accordingly.

Drainage

In the Panel's opinion storm water drainage is an issue that should be considered at this stage of the process because of the relationship between the property and Wagener Oval.

There are contamination issues in relation to Wagener Oval which are referred to in the documentation noting that Wagener Oval was previously a brick pit which was filled with landfill waste and redeveloped into an Oval.

There are leachate issues within the landfill in the Oval and the presence of the historic landfill is a fact that was taken into account in the contamination report and is referred to in the RAPs (particularly in relation to the presence of ground gas).

Currently, the Panel understands that surface water and ground water from the site is likely to be running to the West onto Wagener Oval (roof water unknown).

Clearly, the natural flow of the land is for the water to flow to the West. The difficulty is that the Wagener Oval is community land under the Local Government Act 1993 which raises complicated issues about easements that may or may not be available to the Developer.

A lower point may be in the north-west corner where the site adjoins the Yabsley Avenue and there may be options to drain to this road. However, this is a road within the adjoining Inner West Council and issues of water from one Council area to another may need to be addressed, if this was a viable drainage solution.

The Panel is of the opinion that this needs to be considered further so that any special requirements can be considered and incorporated into any of the relevant controls.

The Panel understands that often this level of detail would be considered at the DA stage, however, in the unusual circumstances of this site with the adjoining community land and a road in another local government area as the low points and together with the potential contamination issues within that community land, the drainage of the site needs further investigation and certainty at this stage of the process.

Drainage works should be part of an overall environmental sustainability plan for the construction of the development and for the ongoing use and management of the land.

In relation to the comments about easements through Wagener Oval, there is currently an existing Council drainage easement along the northern edge of Wagener Oval to Whitfield Avenue that serves the – “Chubb site” –. This easement can be utilised to service this site if it is redeveloped.

Furthermore, the – “Tyres 4U site” – also benefits from a drainage easement through – “The Chubb site” – that connects with the abovementioned Council drainage easement within Wagener Oval.

Any redevelopment of the sites will be required to use these easements to ensure satisfactory discharge of water.

Allowing any discharge into Wagener Oval is not acceptable because it will increase leachate production through increases in groundwater.

Comment: The DCP has been amended to include a new section F11.16 which addresses surface and groundwater flows and controls to ensure that waters are conveyed to the stormwater drainage system and mitigate waters from entering Wagener Oval from the development site. This will assist in ensuring that leachate waters do not enter the stormwater drainage system or the downstream water table.

Waste Collection

The Panel is of the opinion that the waste collection points should be within the basement areas, so the basements must be designed to enable the smaller garbage disposal trucks to access the underground basements.

Comment: It is agreed that the waste collection points should be within the basement areas not visible from the street and it is proposed to amend the DCP controls accordingly. However, residents fronting Milton Street would be able to wheel bins to the street for collection. The majority of residents would have their garbage collected from underground basements.

However, as Council only operates larger garbage trucks, it is not possible to agree to the Panel’s specific suggestion to utilise smaller garbage trucks.

A new section has also been added to the DCP controls to generally address waste collection, management and disposal from the site.

Other changes

The Panel has also recommended a number of other amendments to DCP controls which are agreed with. These are documented in the summary table (see below).

Summary Table

A table has been prepared that presents each of the key issues identified by the Panel. This Table provides an explanation of the Panel’s recommendations, provides Council’s response and also outlines the proposed new DCP objectives and controls that result from those Panel recommendations. It also includes the specific DCP amendments (objectives and controls) requested by the Panel. This can be viewed at Attachment D.

Consideration of Local Planning Panel recommended amendments to building height

Because the recommendations of the Local Planning Panel represented a departure from the original urban design concepts for this site, the independent urban design specialist (GMU) who prepared the original work, was engaged to comment on the recommendations.

The Panel recommendations have been reviewed by GMU and it has advised that it does not generally support the amendments recommended by the Panel.

GMU has subsequently submitted a 'Design Justification Statement' that documents and explains the architectural design context and conclusions reached. A copy of this document can be viewed at Attachment E. The conclusions reached by GMU are set out below.

Built form – Height/FSR – Western portion of the site

GMU supports the principle that residential development on the subject site should be compatible with the surrounding context and that appropriate built form transition has to be in place.

It did not support the Panel's proposed change to reduce the two 6-storey buildings to 4 storeys as it would make the two adjacent 5-storey buildings the highest elements across the development which would result in a concave built-form towards the central road. This is contrary to the urban design principles put forward for the site.

GMU considers that 6 storeys is an appropriate height and believes that the buildings on both sides of the road should be the "markers" or "bookends" signalling the new road termination at the end of the oval. GMU does recommend however concentrating the 6-storey elements that would provide a part 5, part 6 storey built form and result in a more variable and interesting roof form and enable activation of the roof as private open space.

GMU considers that this recommendation is a positive outcome that addresses the Panel's comments whilst upholding the original agreed urban design principles for the site.

Built form – Height/FSR – South-East portion of the site

GMU considers that the Panel's recommendation to reduce the 4-storey buildings in the south-east corner of the site is unnecessary and not warranted. As there is a 2-3 metre height difference between the rear of the existing Milton Street properties and the subject site, the future buildings would already be almost a storey lower than the existing adjacent dwellings. Therefore the proposed 4-storey buildings on the south-east part of the site have the same appearance as the 3-storey buildings in the north-eastern part.

GMU therefore recommends keeping the 4 storey heights in this location.

The GMU work also provides commentary on some of the Panel's proposed DCP amendments. It is not proposed to amend any of the Panel recommendations in response to these comments.

Development Control Plan Amendments

A revised copy of the DCP that includes all new amendments from the Local Planning Panel and officer recommendations can be viewed at Attachment C. Some further changes have been made to the document to further clarify provisions.

Further, the requirements concerning the New Road in Section F.11.13 of the DCP are proposed to be amended. This is to allow for the situation if the two sites are developed separately, and there has been modification of the road widths. It is also now specified that the road is to be a private road.

Conclusion

The planning proposal now presented to Council for endorsement represents a significant improvement from the original landowner proposals in 2014 and 2015, with a reduced built form outcome and amenity for surrounding residents.

The proposed R4 High Density Residential Zone and increase in FSR from 1:1 to 1.1:1, combined with detailed height controls, will allow this land to be remediated and redeveloped in a way that is sympathetic to the surrounding heritage conservation area and Wagener Oval.

The exhibited Council-led Planning Proposal provides a more logical urban design outcome with the visually dominant part of the built form located on the central access of the site.

The remainder of the recommendations of the Local Planning Panel, which includes amendments to internal facades of the buildings, improvements to pedestrian access to the oval and across the site, basement car parking, drainage and contamination, waste collection; and other amendments to the exhibited DCP are supported.

Next Steps

Should Council decide to agree with the recommendation to adopt the revised planning proposal and revised DCP, the next steps would be to:

- exercise Council's delegation to finalise the LEP Amendment
- inform submitters of Council's decision, and
- take the necessary steps to bring the DCP into effect at the time of gazettal of the LEP.

Planning Matters - 26 November 2019

ITEM 5.2 Planning Proposal and Planning Agreement for 5-9 Croydon Street, Lakemba

AUTHOR Planning

PURPOSE AND BACKGROUND

At its September 2018 Ordinary Meeting, Council resolved to adopt a planning proposal for finalisation at 5-9 Croydon Street Lakemba. Finalisation of the planning proposal was reliant on a laneway being dedicated to Council through a site-specific clause being included in the Canterbury Local Environmental Plan (CLEP) 2012.

The Department of Planning Industry and Environment (the Department) has since indicated that it does not support the inclusion of a site-specific clause to deliver the laneway and requires the planning proposal to be amended and re-exhibited. This decision from the Department will also require the preparation and exhibition of a planning agreement.

The Department has also requested the inclusion of a satisfactory arrangements clause to facilitate an agreement between the developer and State Government about funding State infrastructure.

The purpose of this report is to seek Council's endorsement to:

- ensure delivery of a laneway through the site via a planning agreement
- include a satisfactory arrangements clause into the planning proposal
- re-exhibit the revised planning proposal concurrently with a planning agreement in accordance with the Department's requirements.

ISSUE

Notwithstanding Council's resolution in September 2019 to make the Plan, the Department has asked for two changes to the plan:

- Remove reference to the site-specific clause restricting the application of the new building height and FSR until a laneway is provided.
- Inclusion of satisfactory arrangements for contributions to State public infrastructure under the draft Sydenham to Bankstown Urban Renewal Corridor Strategy to facilitate an agreement between the developer and state government about funding state infrastructure.

These changes necessitate amendment and re-exhibition of the planning proposal and the preparation of a planning agreement to secure a laneway that will service the site and surrounding area.

RECOMMENDATION That -

1. Council exhibit the revised planning proposal as shown in Attachment C.
2. Council endorse and concurrently exhibit the draft planning agreement as shown in Attachment D.
3. The planning proposal not be progressed to the Department of Planning until the Planning Agreement is executed.
4. The matter be reported to Council following the public exhibition.

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

- A. Council report
- B. Letter and altered gateway
- C. Revised planning proposal
- D. Draft Planning Agreement
- E. Draft explanatory note

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

There is no financial impact. The dedication of land, design and construction of laneway will be met by the developer consistent with Council's VPA policy.

No offset from payment of Section 7.11 development contributions is to be provided.

COMMUNITY IMPACT

The proposal relies on the laneway to provide vehicle access into the site and provide adequate road width to enable service vehicles to circulate and for pedestrian access. The proposed land dedication by the developer will also increase permeability through this site to Jubilee Reserve and will result in a broader public benefit.

DETAILED INFORMATION

BACKGROUND

At its Ordinary Meeting of 25 September 2018, Council considered the outcomes of an exhibition for a planning proposal at 5-9 Croydon Street, Lakemba.

The planning proposal sought to amend the height of buildings and floor space ratio (FSR) controls for this site with the following amendments:

- Increase in the maximum height of buildings from 18m to part 18m, 24m and 33m.
- Increase in the FSR from 1.6:1 to 2:1.

The amendments will allow the site to be redeveloped for high density residential development consistent with the R4 High Density Residential zone.

A key aspect of the planning proposal proceeding to finalisation is the delivery of a public laneway. The laneway was required to improve pedestrian permeability, ensure adequate service vehicle access, and provide future development with a strong and legible street address.

An offer was made by the property owners to enter into a planning agreement for the dedication and construction of a laneway. The planning proposal included delivery of the laneways through:

- a clause to be inserted into the Canterbury LEP 2012 securing a public benefit prior to the proposed uplift in development potential being realised; and
- a finalised planning agreement between Council and the proponent as part of the development application process.

At that meeting, Council resolved to adopt the planning proposal for finalisation subject to the laneway being provided. Wording of the relevant part of the resolution is as follows:

1. *The proposed Height of Building Map be amended as shown in Attachment B provided the development delivers public benefits as outlined in the report and the attached Planning Proposal. Otherwise the existing maximum building heights of part 18m and part 21m will continue to apply.*
2. *The proposed FSR Map be amended to reduce the proposed FSR from 2.2:1 to 2:1 as shown in Attachment B for the reasons contained in the report, provided the development delivers public benefits as outlined in the report and the attached Planning Proposal. Otherwise the existing maximum FSR of 1.6:1 will continue to apply.*
3. *Council note that the landowner has submitted a letter of offer for the dedication of a new laneway at no cost to Council. The VPA will be negotiated with the landowner at the development application stage.*

Based on Council's resolution above, a clause was to be inserted into the Canterbury LEP 2012 that limited the height and density on the site to the current floor space ratio (FSR) unless provision was made for the public benefit as part of the development of the site.

A copy of the Council report is show in Attachment A.

The Department's response to finalising planning proposal

In November 2018 Council requested the Department to finalise the planning proposal in accordance with Council's resolution.

In response to Council's request to finalise the planning proposal, the Department issued an alteration to the Gateway Determination on 5 August 2019 requiring the following amendments be made to the planning proposal:

- Remove all references to the site-specific clause restricting the application of the new building height and FSR until a laneway is provided along the northern and western boundaries. The proposal is to be amended to outline the intended outcome of the laneway and not include a draft clause.

- The Department also advised that the planning proposal needed to address the following issues:
 - The site is located within the Sydenham to Bankstown Urban Renewal Corridor Strategy area and the planning proposal will need to demonstrate consistency with the strategy.
 - As the site is located within the draft Sydenham to Bankstown Urban Renewal Corridor Strategy, an additional condition be included in the planning proposal to include a satisfactory arrangements clause for the provision of designated State public infrastructure as this is consistent with the State government's approach to funding of infrastructure to support residential uplift in areas that benefit from an urban renewal strategy.

A copy of the letter and altered Gateway is shown in Attachment B.

Given the Department does not support the delivery of a laneway through a site-specific clause, the planning proposal needs to be amended and re-exhibited. This now necessitates the preparation and exhibition of a planning agreement. The planning agreement would need to be entered into before the planning proposal is gazetted.

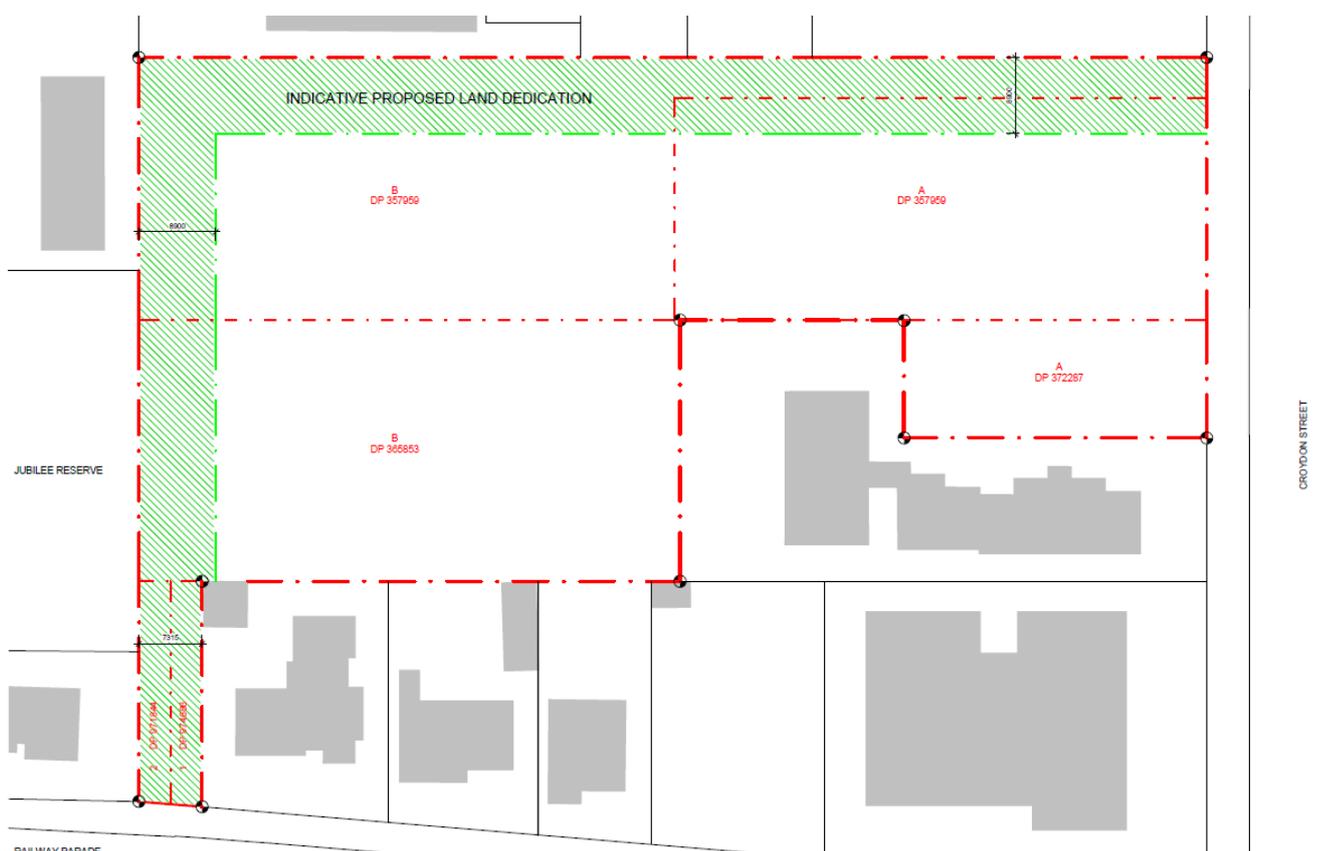
In this regard, a draft planning agreement for a laneway has been prepared and agreed to by the landowner.

The Altered Gateway Determination also requires the planning proposal be re-exhibited. The planning proposal has been updated in accordance with the Department's altered Gateway requirements and it will be re-exhibited with the draft planning agreement once the Department has agreed to the alterations via Gateway approval. A copy of the updated planning proposal is shown as Attachment C.

Details of the Planning Agreement offer

The dedication of the land as detailed in the draft planning agreement will result in the dedication of a new laneway 8.9m wide along the full length of the northern and western boundaries of the subject site connecting Croydon Street and Railway Parade. The new laneway is required to improve the pedestrian permeability, ensure adequate service vehicle access, and provide future developments with a strong and legible street address.

The land to be dedicated (in green hatching) is shown on the site plan below:



The draft planning agreement has been prepared in accordance with Council's Voluntary Planning Agreement's policy and meets legislative requirements in relation to planning agreements. A copy of the draft planning agreement and accompanying explanatory note is shown in Attachment D and E.

Next Steps

To progress the planning proposal and to ensure the delivery of this laneway, this report recommends the draft planning agreement and updated planning proposal to be publicly exhibited. Following the conclusion of the public exhibition, the outcomes of the exhibition and recommendations on next steps will be brought to Council for its consideration.

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ITEM 5.3 **Exhibition of Draft Bankstown Development Contributions Plan and Draft Amendments to Canterbury Development Contributions Plan 2013**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report summarises the exhibition of the Draft Bankstown Development Contributions Plan and draft amendments to the Canterbury Development Contributions Plan 2013.

ISSUE

At the Ordinary Meeting of 23 July 2019, Council resolved to exhibit the Draft Bankstown Development Contributions Plan and draft amendments to the Canterbury Development Contributions Plan 2013. Aligning the plans is the first step in creating a single combined contributions framework for Canterbury Bankstown Council.

Council received three submissions in response to the exhibition. Following a review, it is recommended that Council adopt the exhibited documents with minor changes to the transitional arrangements.

RECOMMENDATION That -

1. Council adopt the Bankstown Development Contributions Plan 2019 as shown in Attachment A.
2. Council adopt the amendments to the Canterbury Development Contributions Plan 2013 as shown in Attachment B.
3. The Bankstown Development Contributions Plan 2019 and the amendments to the Canterbury Development Contributions Plan 2013 are to come into effect on the date specified in a public notice and are to apply to:
 - (a) development applications lodged on or after this date, and
 - (b) complying development certificates registered on or after this date.
4. Council repeal Bankstown Section 94A Contributions Plan effective from the date specified in the public notice.

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

- A. Bankstown Development Contributions Plan 2019
- B. Canterbury Development Contributions Plan 2013

POLICY IMPACT

The Draft Bankstown Development Contributions Plan will repeal the existing Bankstown Section 94A Contributions Plan. For the purposes of aligning the contributions plans across the City of Canterbury Bankstown area, administrative amendments are also proposed for the Canterbury Development Contributions Plan 2013.

FINANCIAL IMPACT

The Draft Bankstown Development Contributions Plan outlines approximately \$293 million of infrastructure improvement works in the former Bankstown LGA to occur over the next 10 years. The draft Plan projects contribution income of approximately \$191 million (comprising \$174 million from section 7.11 contributions and \$17 million from section 7.12 levies) from new developments. As a result, Council will be required to supplement funding for capital work commitments listed in the draft Contributions Plan with other sources of funding including grants, general revenue or loans for approximately \$102 million over ten years. Much of the funding gap is required to provide additional open space and recreation facilities, roads and active transport facilities where Council's delivery plan will be adjusted to account for majority of the deficit.

COMMUNITY IMPACT

The Draft Bankstown Development Contributions Plan commits approximately \$293 million of infrastructure works for open space and recreation facilities, roads and traffic facilities, community facilities, and public domain facilities over the next ten years.

Should Council decide to proceed with the exhibited documents, the next step is to place a public notice stating the commencement date of the draft Plan and the amended Draft Canterbury Development Contributions Plan 2013, and the repeal date of the Bankstown Section 94A Contributions Plan. It is intended that the Draft Bankstown Development Contributions Plan and the amended Draft Canterbury Development Contributions Plan 2013 would come into effect from 1 January 2020.

DETAILED INFORMATION

BACKGROUND

At the Ordinary Meeting of 23 July 2019, Council resolved to exhibit the Draft Bankstown Development Contributions Plan and draft amendments to the Canterbury Development Contributions Plan 2013. The intent of the exhibited documents is to align the way development contributions for Canterbury Bankstown Council are administered.

The Draft Bankstown Development Contributions Plan is proposed to repeal the existing Bankstown Section 94A Contributions Plan, which is based on a fixed percentage (0.5%-1%) of the estimated total cost of development (Section 7.12 levy).

To be consistent with the Canterbury Development Contributions Plan, the Draft Bankstown Development Contributions Plan will be based on the projected local infrastructure demand generated by new residents over the next 10 years (Section 7.11 contributions) for new residential developments. The following table shows a comparison of the proposed Section 7.11 contributions rates that will apply for new residential developments and the current Section 7.12 levies collected for typical residential developments:

| Infrastructure item | Per secondary dwelling | Per self - contained seniors housing dwelling | Per 0 or 1 bed dwelling or boarding house rooms | Per 2 bed dwelling | Per 3 or more bed dwelling |
|---|---|---|---|---------------------------------------|---------------------------------------|
| Open space and recreation facilities | \$2,630 | \$5,260 | \$5,260 | \$9,017 | \$12,570 |
| Roads and traffic facilities | \$505 | \$1,009 | \$1,009 | \$1,730 | \$2,427 |
| Community facilities | \$311 | \$623 | \$623 | \$1,068 | \$1,488 |
| Public domain facilities | \$698 | \$1,369 | \$1,369 | \$2,393 | \$3,336 |
| Plan administration and management | \$37 | \$75 | \$75 | \$128 | \$179 |
| Total - Proposed Section 7.11 contributions | \$4,181 | \$8,363 | \$8,363 | \$14,336 | \$20,000 |
| Current Section 7.12 levy (based on estimated cost of works) | \$0 (based on cost below \$100K) | \$2,000 (based on cost \$200K) | \$2,000 (based on cost \$200K) | \$3,000 (based on cost \$300K) | \$5,000 (based on cost \$500K) |

Table 1 – Comparison of the proposed Section 7.11 contributions for new residential developments and current Section 7.12 levy for typical residential developments

Further, Section 7.12 levy will continue to apply for other development types such as non-residential developments and alterations/additions to existing dwelling houses where the proposed floor area exceeds 10% of the existing floor area of the house.

For the typical residential developments below, the Draft Bankstown Development Contributions Plan will calculate the contributions in the following manner:

- Knock down an existing house and build a new house

Section 7.12 levy (based on a fixed percentage of the cost of works) is payable if the cost of works is above \$100,000 and the internal area of the new house increases more than 110% of the internal area of the existing house.

- Knock down a 3-bedroom house and build a new dual occupancy

A section 7.11 contribution credit for the existing house will be deducted from the contribution payable for the new dual occupancy.

- New house on a vacant lot

A section 7.11 contribution credit is deducted from the contribution payable for the new house.

In addition to the Draft Bankstown Development Contributions Plan, administrative changes are proposed to the Canterbury Development Contributions Plan 2013 to align processes such as refunds, contribution credits, savings provisions and distribution of administration costs.

EXHIBITION

Council exhibited the Draft Bankstown Development Contributions Plan and the draft amendments to the Canterbury Development Contributions Plan 2013 from 20 August to 20 September 2019. The exhibition process included:

- Displays at Council's Customer Service Centres (Bankstown and Campsie Branches) and corporate website.
- Public notification in the local newspaper.
- Notification letters were sent to state agencies, and industry and building professional associations.

Council received two submissions from residents and one submission from Transport for NSW.

KEY ISSUES

The key issues raised by the submissions are summarised below:

Issue 1: More funding for bus stops and bicycle network

Transport for NSW seeks Council to consider the funding of local infrastructure such as bus stops and local connections to the regional cycleway network as part of the draft contributions plan.

Comment: No change to the Draft Bankstown Development Contributions Plan.

In relation to cycleway networks, the draft contributions plan commits approximately \$6.6 million of new cycleways in the City over the next 10 years to be funded by new developments. The new cycleways will connect residents to the regional cycle networks at the Bankstown CBD, and along the Georges River and Duck River Corridors.

In relation to public transport infrastructure, Council's current arrangement is to enter into commercial contracts to build and maintain bus stops. This arrangement does not require funding by local infrastructure contributions.

Issue 2: More local contributions should be funded towards active transport

A submission from the community seeks more funding for active transport infrastructure rather than parking and road infrastructure for private vehicles. Council should discourage car usage, particularly in town centres.

Comment: No change to the Draft Bankstown Development Contributions Plan.

In relation to active transport infrastructure, the draft contributions plan commits approximately \$62 million active transport infrastructure over the next 10 years, of which approximately \$24 million will be provided by new developments. The works include improving pedestrian facilities in town centres, new footpaths, new pedestrian bridges and new cycleways.

In terms of future planning, Council's Draft Local Strategic Planning Statement (LSPS) proposes to undertake a master planning process for town centres which may identify further active transport improvements to be funded by local infrastructure contributions.

Issue 3: Rezoning certain land in Earlwood

A submission from the community seeks the rezoning of certain properties in Earlwood.

Comment: No change to the Draft Bankstown Development Contributions Plan.

This issue is outside the scope of the draft contributions plan and will be considered as part of the new Comprehensive LEP expected to take effect in the second half of 2020.

OTHER ISSUES

During the exhibition, Council officers identified the following additional issues:

1. Allocation of the unspent money from the Bankstown Section 94A Contributions Plan

The intent of the Draft Bankstown Development Contributions Plan is to allow flexibility in utilising the unspent money collected by the existing contributions plan. The unspent money would be applied to local infrastructure works in the new works schedule.

However a review of the Draft Bankstown Development Contributions Plan indicates that Section 6.1 of the draft plan does not reflect this intent. It is proposed to amend Section 6.1 of the draft plan to enable the reallocation of the unspent money.

2. Savings and transitional arrangements to the exhibited documents

The transition date is important to provide certainty for applicants when the new changes come into force. The intent is to apply the Draft Bankstown Development Contributions Plan and the draft amendments to the Canterbury Development Contributions Plan to applications lodged on or after the commencement date, instead of applications that are currently being assessed.

The exhibited documents however do not reflect this intent. It is proposed to amend the relevant sections of the contributions plans to apply the new changes to come into effect to:

- (a) Development applications lodged on or after the commencement date; and
- (b) Complying development certificates registered on or after the commencement date.

3. Amendments to the works schedule

The works schedule in the Draft Bankstown Development Contributions Plan sets out the infrastructure delivery priorities and the priorities should be consistent with Council's adopted strategies, such as the recently adopted Leisure and Aquatic Strategic Plan.

The exhibited document however does not reflect the same priorities as Council's adopted strategies and omits some locations for upgrade works in the works schedule:

- Open space land acquisitions at various locations to priority A from B.
- Traffic management works at Wilbur Street car park in Greenacre to priority A from B.
- Include Kelso North and Stuart Street in Padstow as locations for park upgrades to increase carrying capacity.
- Include the upgrade works at Jensen Reserve in Sefton as priority A.
- Community facility at Thurina Park to priority A from B.
- Aligning the priorities with consistent staging/timing.

It is proposed to update the work schedule to reflect the above changes.

4. Title change to Draft Bankstown Development Contributions Plan 2019

The title of the development contributions plans should be consistent in the Canterbury Bankstown Council LGA.

To be consistent with the Canterbury Development Contributions Plan 2013, the title of the exhibited Draft Bankstown Local Infrastructure Contributions Plan is proposed to be changed to the Bankstown Development Contributions Plan 2019.

5. Administrative changes to the Canterbury Development Contributions Plan 2013

Since the adoption of the Canterbury Development Contributions Plan 2013, there have been changes to references such as legislation, State Agencies and Ministers, Council's name and local government area boundaries.

It is proposed to amend all out-dated references throughout the Canterbury Development Contributions Plan 2013 to reflect the current references.

As the proposed amendments to the contributions plans do not impact the policy intent, contribution rates, or cost of infrastructure works, they are considered to be minor in nature and do not require re-exhibition of the Draft Bankstown Development Contributions Plan 2019 and the amendments to the Canterbury Development Contributions Plan 2013.

NEXT STEPS

Following a review of the issues raised during the exhibition, it is recommended that Council adopt the Draft Bankstown Development Contributions Plan and draft amendments to the Canterbury Development Contributions Plan 2013. Following the adoption, Council is required to place a public notice in the local newspaper to state when the changes come into force and the repeal date of the Bankstown Section 94A Contributions Plan. It is intended that the Bankstown Development Contributions Plan and the amended Draft Canterbury Development Contributions Plan 2013 would come into effect from 1 January 2020.

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ITEM 5.4 Exhibition of Draft Amendments to the Planning Agreements Policy

AUTHOR Planning

PURPOSE AND BACKGROUND

This report summarises the exhibition of draft amendments to the Planning Agreements Policy. The intent of the amendments is to ensure the policy operates effectively, and reflects recent legislative changes and internal audit recommendations. In summary, the draft amendments seek to update how planning agreements considers car parking rates indexation, valuation of public benefits, infrastructure hand over process, the recovery of enforcement cost, and using planning agreements for works-in-kind offers.

ISSUE

At the Ordinary Meeting of 25 June 2019, Council resolved to exhibit draft amendments to the Planning Agreements Policy. Council did not receive any submissions in response to the exhibition. Following the exhibition, it is recommended that Council adopt the draft amendments to the Planning Agreements Policy.

RECOMMENDATION

That Council adopt the amendments to Planning Agreements Policy as shown in Attachment A.

ATTACHMENTS [Click here for attachment](#)

- A. Planning Agreements Policy

POLICY IMPACT

The recommendations are seeking amendment to Council's existing Planning Agreement Policy.

FINANCIAL IMPACT

The recommendations will enable Council to be more effective in seeking cost recovery when negotiating Planning Agreements.

COMMUNITY IMPACT

The recommendations will make a number of changes to Council's Planning Agreements Policy aimed at making the policy simpler and more transparent for all users.

DETAILED INFORMATION

BACKGROUND

At the Ordinary Meeting of 25 June 2019, Council resolved to exhibit draft amendments to the Planning Agreements Policy as shown in Attachment A. The intent is to ensure the policy operates effectively, and reflects recent legislative changes and internal audit recommendations.

The draft amendments seeks to update the following sections of the Planning Agreements Policy:

- Indexing of car parking rate
- Valuing public benefits
- Development Feasibility
- Completion and delivery of works
- Delivery of works-as-executed plan
- Dedication of land
- Registration on title
- Preparation and form of a Planning Agreement
- Cost recovery
- Review date
- Valuing public benefits
- Works in Kind
- Refunds
- New references to the Environmental Planning and Assessment Act 1979

EXHIBITION

Council exhibited the draft amendments to the Planning Agreements Policy from 20 August to 20 September 2019. The exhibition process included:

- Displays at Council's Customer Service Centres (Bankstown and Campsie Branches) and corporate website.
- Public notification in the local newspaper.
- Notification letters to state agencies and building professional associations.

Council did not receive any submissions in response to the exhibition.

NEXT STEPS

Following a review, it is recommended that Council adopt the exhibited draft amendments to the Planning Agreements Policy.

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ITEM 5.5 **Community Participation Plan**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report seeks Council's adoption of the Community Participation Plan (CPP) and consequent amendments to Canterbury DCP 2012 and Bankstown DCP 2015.

Council adopted the draft CPP for exhibition on 25 June 2019.

The CPP will establish how Council engages with the community in carrying out its planning functions, which includes the assessment and determination of development applications (DAs), planning proposals, contributions plans, local strategic planning statements and entering into planning agreements.

ISSUE

The CPP is required to be published on the NSW Planning Portal. Once published on the NSW Planning Portal, the CPP will come into effect. The requirements for a Community Participation Plan are stipulated under Division 2.6 of the *Environmental Planning and Assessment Act*.

The CPP and associated DCP amendments were exhibited between 1 July and 31 July 2019. During this period, 18 submissions were received, including one submission from the Hurlstone Park Association and one from the South West Sydney Local Health District (NSW Health).

The CPP does not reduce any engagement and notification requirements already undertaken by Council. It applies the greater DA notification requirements from the former Canterbury and Bankstown DCPs, and therefore results in an improved level of DA notification and engagement across the City.

RECOMMENDATION That -

1. The Community Participation Plan be adopted.
2. Section 3 of the Introduction of Bankstown DCP 2015 – Public Notification of Development, and Section A3 of the Canterbury DCP 2012 – Notification and Advertising be repealed, as they will be superseded by the CPP.

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

- A. Response to Submissions
- B. Community Participation Plan

POLICY IMPACT

Upon adoption, the Community Participation Plan will be a new policy of Council. It will apply to Council's community engagement on all planning matters set out under the *Environmental Planning and Assessment Act 1979*.

As the CPP will supersede the notification controls in the current DCPs, the following sections of the DCPs will be deleted:

- Section 3 of the Introduction of Bankstown DCP 2015 – Public Notification of Development
- Section A3 of the Canterbury DCP 2012 – Notification and Advertising.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

The CPP will provide for transparency in the assessment and determination process for DAs and ensure the community have a single point of reference in understanding how and when Council will engage on planning matters.

A success indicator of CBCity 2028 is *“increased satisfaction with opportunities to participate in decision making”*. The Community Participation Plan provides a tool for ensuring the community is clear on opportunities for participation in Council's plan-making processes, and provides a toolkit for staff to ensure engagement is meaningful and provided at the right points of the process.

Furthermore, a priority of Evolution 1 of Council's draft Local Strategic Planning Statement, *Connective City 2036* is to *“embed community and stakeholders in decision-making”*. The Community Participation Plan provides the community and Council certainty, transparency and a toolkit for engaging on planning matters.

DETAILED INFORMATION

In June 2019, Council resolved to exhibit the draft Community Participation Plan (CPP) and accompanying DCP amendments. The draft CPP was exhibited from 1 July to 31 July 2019.

During the exhibition period:

- There were 1,000 digital viewings of the plan;
- The plan was read 382 times for an average period of 8 minutes
- 18 submissions were received, including one from the Hurlstone Park Association and one from the South West Sydney Local Health District
- Pop-ups with information on the draft CPP were held at Bankstown Bites and the Riverwood Health and Wellbeing Expo
- More than 120 printed copies of the CPP were distributed and 60 conversations took place with interested community members
- The exhibition of the CPP was advertised in the Bankstown Canterbury Torch, the Inner West Times, the Canterbury Bankstown Express and in Arabic, Vietnamese and Chinese language newspapers with collective readership of 247,000
- Social media was used to notify the community of the draft plan, with an audience reach of 2,141
- Letters were sent to all local State and Federal MPs, and email notifications were issued to government organisations and agencies, Council's advisory groups and industry representatives such as the Planning Institute of Australia.

Key issues raised during consultation

The table below provides a summary of the key themes raised in submissions. A full response to submissions table is provided at **Attachment A**.

| Issues | Response |
|---|--|
| <p>Planning documents and development application information should be available for the community to view on digital platforms in an easy to read format, with all information available.</p> | <p>The exhibition of strategic planning material is currently online and includes reports and supporting documentation. These documents are available via Council's Have Your Say website during the exhibition period.</p> <p>Council has installed digital viewing kiosks for all development applications at the Campsie and Bankstown Customer Service Centres and Bankstown, Campsie and Riverwood Libraries.</p> <p>These allow for viewing of all Development Application documentation.</p> <p>Council will continue to work toward increasing digital access of Development Application material online. This will include clearer information on what DAs are on exhibition and available for public viewing and working with the NSW Government on permitting exhibition of DAs on the NSW Planning</p> |

| Issues | Response |
|---|--|
| | Portal (including current copyright restrictions imposed on Councils). |
| Newspaper circulation is an inadequate form of notification for Development Application, as some parts of the Local Government Area are not covered by circulation of newspaper or delivery does not occur. | <p>Council has confirmed with the relevant newspaper publishers that the local government area is covered by the Inner West Times, Canterbury Bankstown Express and/or the Bankstown Canterbury Torch. Council is required under legislation to advertise certain planning applications and decisions in local newspapers. Council also publishes the weekly column outlining DAs on exhibition via its website at https://www.cbccity.nsw.gov.au/media/council-news.</p> <p>It is noted that newspaper advertising is complimentary to other engagement and notification mechanisms including letters, online publication and sign posting.</p> |
| Engagement activities and meetings should be held across the LGA, particularly when applications or proposals are far from Bankstown. | <p>Engagement activities are and will continue to be located as close as possible to sites, precincts or centres that are subject of a plan or application where practical and possible. This has been included in the CPP.</p> <p>With respect to Council meetings, the community have the opportunity to register for a shuttle bus service from Campsie to Bankstown. With respect to planning panel meetings, typically there are a number of items on the agenda from across the Local Government Area. Such meetings will continue to be held at Bankstown. In April and July of 2019, Local Planning Panel meetings were held at the Canterbury-Hurlstone Park RSL with respect to the Hurlstone Park Heritage Planning Proposal and the Milton Street, Ashbury Planning Proposal. Having these meetings in closer proximity to a site or precinct being considered will continue to occur where possible.</p> <p>Further, as of 2020, Council meetings will be streamed via Council's website on the day after each meeting for community viewing.</p> |

Modifications to draft Community Participation Plan

In response to public submissions and further analysis of the CPP, the following key amendments have been made:

- Acknowledgement of the need to engage Canterbury Bankstown Indigenous Community in Section 2;

- Clarification of specific locations for DA digital kiosks – i.e. Bankstown and Campsie Customer Service Centres and Bankstown, Campsie and Riverwood Libraries in Sections 3.1 and 3.3;
- Note that engagement activities should be located in close proximity to sites, precincts or centres subject of the respective planning process where possible and practicable under Section 3.1;
- Ensuring that ‘Type B’ development applications require the same level of clarity and plan information as ‘Type A’ development in Table 8;
- Ensure notification signs for ‘Type B’ development are placed across both the former Bankstown and Canterbury parts of the Local Government Area;
- Strengthen Council’s commitment and aspiration to further enhance the digital accessibility of DA plans and documentation in line with community expectations.

Planning Matters - 26 November 2019

ITEM 5.6 **1 Breasley Place, Yagoona - LTD-31/2019**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This matter relates to the release of a Restriction on title for 1 Breasley Place, Yagoona.

ISSUE

The current landholding at 1 Breasley Place is a private landholding. Council has no property or commercial interest in the site. The site has been used for the purposes of the Girl Guides Association.

On 21 June 2019, Council granted consent to Development Application DA-151/2019 which sought the demolition of existing structures, consolidation of lots and the removal of the restriction on Title on No. 1 Breasley Place as a community use associated with the Girl Guides.

The Girl Guides Association, as current landowner, consented to the application being submitted to Council.

A restriction was placed on Title in 1966. The restriction limits the use of the structure on site to be exclusively for the operations of the Girl Guides.

On 6 August 2019, a Land and Title Dealing Endorsement application was lodged LTD-31/2019 requesting the removal of the restriction. A condition of consent requires the demolition of the existing structure, prior to the release of the LTD application from Council.

The removal of the restriction requires Council approval. There are no town planning concerns in relation to the removal of the restriction.

RECOMMENDATION That -

1. Council consent to the extinguishment of the redundant restriction on title at 1 Breasley Place, Yagoona.
2. The Mayor and General Manager execute all necessary documentation under the common seal of Council, as required.

ATTACHMENTS

Nil

POLICY IMPACT

This matter has no policy implications.

The release of the Restriction on Title will enable the site to more accurately reflect the objectives of the R4 High Density Residential Zone under Bankstown LEP 2015.

FINANCIAL IMPACT

This matter raises no financial implications for Council.

COMMUNITY IMPACT

This matter has no impacts on the community.

The Girl Guides Association are the current owners of the site. The Association consented to the submission of DA-151/2019 which sought demolition of the existing structure and removal of the existing restriction.

DETAILED INFORMATION

Development Application No. DA-151/2019 was lodged on 27 March 2019 for the “*Demolition of existing structures at No. 1 Breasley Place, consolidation of lots and the removal of the restriction on title on No. 1 Breasley Place as a community use associated with the Girl Guides*”.

The development application approved by Council on 21 June 2019 under DA-151/2019, gave consent to the demolition of the existing structures (community hall), removal of the restriction on the use of land and consolidation of the lot into the surrounding allotments.

A review of Council files has not shown any town planning or property reason for the restriction being imposed on the subject site (outlined in red below).

Figure 1: Subject Site



The removal of the restriction will promote the orderly and economic development of the land within the locality. The need to limit the use of the site, once the structure is removed, is no longer necessary.

The orderly development of the site within the R4 High Density Residential Zone can proceed should the removal of the restriction be supported and the consolidation of the allotment within adjoining landholdings occur.

The matter was reviewed by Councils Property and Investment Unit who raise no objection to the removal of the restriction as it does not relate to public land nor a public place.

Planning Matters - 26 November 2019

ITEM 5.7 **Reporting of (1) Performance for Processing of Development Applications for the first quarter of the 2019/20 financial year, (2) Development Applications approved with a Clause 4.6 variation for the first quarter of the 2019/20 financial year, and (3) Planning related appeals currently before the Land and Environment Court**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

The purpose of this report is to inform Council in relation to:

1. Performance for processing of development applications for the first quarter of the 2019/20 financial year;
2. Development applications approved with a Clause 4.6 Variation for the first quarter of the 2019/20 financial year; and
3. Planning related legal appeals currently before the Land and Environment Court.

RECOMMENDATION

That the report be noted.

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

- A. Clause 4.6 Register for the July to September 2019 quarter
- B. Planning related appeal listing as at 1 November 2019

POLICY IMPACT

This report has no policy implications.

FINANCIAL IMPACT

This report does not present any financial implications.

COMMUNITY IMPACT

This report reaffirms that Council maintains an efficient development assessment service.

This report does not have any implications for the community.

DETAILED INFORMATION

Processing of development applications for the first quarter of the 2019/20 financial year

For the first quarter of the 2019/20 financial year, Council determined 308 development applications and 100 Section 4.55 applications (applications to modify a development consent), with a total capital investment value of \$217,545,467. The median gross determination times for all development applications over the first quarter of the 2019/20 financial year was 40 days.

During the first quarter of 2019/20, the Development Services branch of Council introduced electronic lodgement of development applications. This process will result in a significant reduction in the use of paper and copying services and result in more streamlined communication between Council, applicant and community.

Reporting of development applications which involved a Clause 4.6 submission

On 21 February 2018, the NSW Government's Department of Planning, Industry and Environment issued Planning System Circular PS 18-003 Variation to Development Standards. The Circular requires that a report of all variations approved under delegation from a Council must be provided to a meeting of the Council at least once each quarter. During the first quarters of the 2019/20 financial year, a total of 6 variations to an environmental planning instrument were approved. This represents approximately 2% of the total number of development applications determined during this period. The attached report (Attachment A) is the required report and includes all results for the quarter of the current financial year.

Current planning related appeals before the New South Wales Land and Environment Court

Attachment B to this report provides details of the appeals currently before the New South Wales Land and Environment Court, as of the end of the first quarter of the 2019/20 financial year as well as those which have recently been concluded. The attached list identifies a total of 36 appeals which includes 26 active appeals and 10 which have been concluded. It is worth noting that of all the appeals on the attached list, 15 relate to boarding house developments and another 3 relate to other applications made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

By way of comparison, as at December 2017, Council had 37 active planning related legal matters although some of these were awaiting finalisation of judgements or Section 34 agreements. This figure has substantially reduced to 26 active current planning appeals.

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

6 POLICY MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 6.1 | Local Approvals Policy - Waste In Public Places | 93 |
| 6.2 | Nature Strip Mowing Policy | 101 |

ITEM 6.1 Local Approvals Policy - Waste In Public Places

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of this report is to provide a summary of the feedback received on the draft Waste in Public Places local approvals policy and guidelines (the Draft Policy), and to present the Draft Policy for adoption and implementation.

The Draft Policy was prepared under Section 68 of the Local Government Act 1993 to remove the formal need for Council approval to conduct a number of waste activities related to public lands if those activities are carried out in accordance with the Draft Policy.

The Draft Policy establishes the framework for the use and placement of commercial and residential waste and bins, skip bins, container recycling equipment for the container deposit scheme and clothing recycling bins, on land under the care and control of Council.

ISSUE

At the Ordinary Meeting on 28 May 2019, Council resolved to place the Draft Policy on public exhibition and that a further report be brought to Council at the conclusion of the exhibition period to consider any submissions received.

The Draft Policy was placed on public exhibition from 29 May 2019 to 26 June 2019. A total of 1331 submissions were received (largely related to one item of the policy), subsequently resulting in amendments to the proposed implementation of the policy.

Feedback was received and noted, and it is now presented to Council.

RECOMMENDATION That -

1. Council adopt the Waste in Public Places Policy, replacing:
 - Waste Storage Containers Placement in Public Places (59-092) – former Canterbury Council
 - Clothing Collection Bins on Council Land – former Bankstown Council
2. Public Notice of the adopted policy be displayed in local newspapers and Council’s web page.
3. As part of the transition to the new Policy, Council to allow a maximum of ten clothing bins, in four locations, for a two year period. Council will go to the market via an EOI process.
4. Council will continue to encourage reuse actions by residents, and explore other ways to encourage clothing reuse and recycling.

ATTACHMENTS

[Click here for attachment\(s\)](#)

- A. DRAFT - Council Policy - Waste in Public Places Policy
- B. DRAFT - Waste in Public Places Guidelines
- C. Waste In Public Places - Submissions Summary for Council Report.
- D. Waste In Public Space Submission Responses

POLICY IMPACT

The adoption of the Draft Policy will establish an aligned framework for the use and placement of residential and commercial waste and bins, skip bins, clothing recycling bins and container recycling equipment for the container deposit scheme, on land under the care and control of Council.

The Draft Policy is in accordance with the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and relevant regulations and guidelines.

The policy does not apply to waste on private property. Waste on private property is guided by the provisions of the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Canterbury-Bankstown Council's Local Orders Policy, the Bankstown Local Environment Plan 2015 and Canterbury Local Environment Plan 2012.

FINANCIAL IMPACT

The adoption of the Draft Policy may result in a variation to expected income for 2020-2021. This impact is minimal. The policy will not impact the Operational Budget in 2019/20.

COMMUNITY IMPACT

The Draft Policy outlines:

- responsibilities for the use of Council's waste services by residents;
- responsibilities for managing and presenting commercial waste for collection by businesses;
- conditions for the safe and lawful use of public places for managing waste;
- the basis for Council to make orders in relation to waste placed in public places and the implications of non-compliance with the policy.

The recommendation that container recycling equipment not be permitted for placement on Council land will improve the local amenity through keeping it cleaner and encouraging less litter on Council land. This will also assist with meeting Council's strategic vision of being a clean and green city.

The recommendation to go to the market for a two year agreement, allowing clothing bins on Council land, is to assist the community with transitioning away from this model. The new agreement will allow clothing bins to remain in locations approved by Council in the suburbs of Earlwood and Kingsgrove. This includes the six bins at Helvetia Lane Carpark, Earlwood, two bins at 30 & 40 Joy Avenue Carpark, Earlwood, one bin in the carpark at Clemton Park in Kingsgrove and one bin at Beaumont Park in Kingsgrove.

All container recycling equipment and clothing recycling bins on private land, such as those in shopping centres, residential buildings, schools, religious institutions, petrol stations and numerous other locations are not impacted by this policy.

DETAILED INFORMATION

The Draft Policy was on public exhibition from 29 May 2019 to 26 June 2019. The exhibition period and community consultation included:

- Council’s digital community engagement platform – Have Your Say;
- Display at Campsie Customer Service Centre – Monday to Friday 9am to 5pm; and
- Display at Bankstown Customer Service Centre – Monday to Friday 8:30am to 5pm

Exhibition Results

Over the exhibition period a total of five submissions were received through Council’s Have Your Say platform. The feedback received through Have Your Say was provided in response to the following key questions:

- Do you agree, partially agree or disagree with the policy?
- If you disagree or only partially agree with the policy, can you tell us why?
- Do you have any further comments you would like Council to consider?

Three submissions agreed with the policy, one partially agreed while the other disagreed. The single ‘negative’ comment was a concern that the policy would lead to more illegal dumping and a preference for having charity bins in the area.

One direct submission was received by Council via e-mail that was supportive of the policy.

The remaining were letter submissions in one of four identical form letters. Feedback from these submissions raised no issues with the policy except for the placement of clothing recycling bins, disagreeing with only this aspect of the policy. No feedback was provided on any other parts of the policy.

A summary of the letter submissions is below:

| | |
|-------------------------------|-------------|
| Total letters received | 1331 |
| • Form letter 1 | 209 |
| • Form letter 2 | 524 |
| • Form letter 3 | 460 |
| • Form letter 4 | 138 |
| Number of correspondents | 178 |

Feedback Summary – Submissions

The responses received generally supported Council’s aim to maintain a clean and green city. The only section of the draft policy which generated concern was regarding placement of clothing bins on Council land.

Council recognises the large number of submissions received, regarding only one part of the Draft Policy, and has subsequently amended the proposed implementation of the policy in response to those concerns.

The main points raised in the form letters are outlined below. The table also provides Council's response.

| Comment | Council's Response |
|--|---|
| Removing charity bins will lead to an increase in illegal dumping | <p>A recent report by the NSW EPA reported that over \$13 million p.a. is spent by charities on cleaning up and disposing dumped materials around their bins and shops. This demonstrates that clothing bins in public spaces attract illegal dumping.</p> <p>Council has evidence that often after the removal of dumping around clothing bins, new dumping appears with hours. Residents have been filming these incidences and making complaints to Council.</p> |
| Council will be reducing access to clothing recycling bins, making it inconvenient to recycle old clothing | <p>There is still adequate access via the 17 charity stores in the LGA and 22 stores just outside the LGA, as well as clothing recycling bins located on private land at shopping centres, residential buildings, schools, religious institutions and petrol stations. It is estimated there are over 80 bins throughout the LGA.</p> <p>In some instances, the approved clothing bins on Council land have been removed and moved by to adjacent private land and with an increase in the number of bins.</p> |
| Council should encourage residents to recycle more of their old clothing | Council actively supports clothing reuse and recycling initiatives through its various platforms and programs such as promoting buying second hand and donating clothing during Op Shop Week. |
| Clothing bins on Council land brings in revenue and saves Council money | The lease income is minimal and does not offset the associated administration costs associated with the program nor the clean up around these bins. |
| Clothing bins help to provide employment and any reduction in bins will result in loss of local jobs | <p>All clothing recycling bin operators, including those operated by or directly supporting charitable causes, are able to continue operating bins on private land subject to agreement with the land owner.</p> <p>The Draft Policy addresses the placement of residential and commercial waste and bins, skip bins, clothing recycling bins and container recycling equipment for the container deposit scheme, only on land under the care and control of Council.</p> <p>There are 80 bins across the LGA on private land, a mix of commercially operated and charity operated bins. These bins are not impacted. There are currently only a limited number of clothing recycling bins on Council land.</p> |
| Clothing recycling bins help to support charities | <p>Clothing recycling bins are managed and operated by both charities / not-for-profit as well as commercial operators which may provide donations to charities.</p> <p>The Draft Policy addresses placement of residential and commercial waste and bins, skip bins, clothing recycling bins and container recycling equipment for the container deposit scheme, on land under the care and control of</p> |

| | |
|--|--|
| | <p>Council. Through this it ensures the equitable treatment of all clothing recycling bins on Council land.</p> <p>It will not impact on bins across the LGA that are located on private land.</p> |
|--|--|

A full summary of the submissions received and Council’s responses to the feedback is attached (Attachment C).

Current Clothing Bin Agreement

While the Draft Policy addresses placement of residential and commercial waste and bins, skip bins, clothing recycling bins and container recycling equipment for the container deposit scheme, on land under the care and control of Council, the feedback regarding the placement of clothing bins on Council land relates to the current agreement in place (from the former Canterbury Council) which allows the placement of clothing bins in eight locations across five suburbs.

This agreement commenced on 18 March 2016, following an Expression of Interest (EOI) process. Former Canterbury Council sought interest from registered charities, eventually awarding the agreement to a commercial operator.

The agreement was for a three year period expiring 18 March 2019 with no extension options, Since February 2019, the agreement has been extended in good faith, to allow for the alignment of this policy. The current agreement requires Council to give 28 day notice to the current operator prior to termination.

A recent review found that only two of the eight locations have clothing bins under this agreement, with a total of eight bins. With an additional three clothing bins by the current operator found at three different locations on Council land.

Moving Forward

The Draft Policy addresses placement of residential and commercial waste and bins, skip bins, clothing recycling bins and container recycling equipment for the container deposit scheme, on land under the care and control of Council.

It is recommended that the Draft Policy is adopted, so that no container recycling equipment for the container deposit scheme or clothing recycling bins are allowed on Council land after April 2022.

To address the community’s concern regarding the policy direction on clothing bins, it is recommended that Council transition the removal of clothing bins from Council land over a two year period.

Over this period, Council will continue to encourage reuse actions by residents. Council will also explore other ways to encourage clothing reuse and recycling, including promoting on-demand services which collect good quality clothing direct from residents’ homes for free and retail take-back schemes.

To ensure a fair and equitable process, the existing agreement for clothing recycling bins on Council land will cease, with Council providing the existing operator 28 days to remove bins. This will align with the commencement of the new agreement, to ensure the community has access to bins during this period.

A new EOI will be released to the market, with a requirement that the operator has a strong focus on the reuse and circular economy, local employment and employment pathways, collection frequency and response and complying with the Generic Plan of Management.

The agreement will allow a maximum of ten clothing bins at a maximum of four locations across the entire LGA. The clothing bins are to remain in locations approved by Council in the suburbs of Earlwood and Kingsgrove. This includes the six bins at Helvetia Lane Carpark, Earlwood, two bins at 30 & 40 Joy Avenue Carpark, Earlwood, one bin in the carpark at Clemton Park in Kingsgrove and one bin at Beaumont Park in Kingsgrove.

Policy Matters - 26 November 2019

ITEM 6.2 Nature Strip Mowing Policy

AUTHOR **Operations**

PURPOSE AND BACKGROUND

The purpose of this report is to provide an overview of community feedback received from the public exhibition of the draft Nature Strip Mowing Policy, and present the revised Policy for adoption.

ISSUE

Currently, the process of having a nature strip mown differs between the Canterbury and Bankstown Areas. This has created a disparity between the way we service residents in terms of when, where and how often mowing is undertaken. At the Ordinary Meeting of 27 August 2019, Council resolved to exhibit the draft Nature Strip Mowing Policy and that a further report be submitted to Council following public exhibition, considering submissions received.

The draft policy was placed on public exhibition from 4 September 2019 to 1 October 2019, with a total of 94 written submissions received during this period. The submissions and Councils response are addressed in the Detailed Information section of the report.

RECOMMENDATION

That Council adopt the draft Nature Strip Mowing Policy as amended, replacing:

- Nature Strip Gardens Policy (F-27-7)- former Canterbury City Council

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

- A. Submission Summary- Nature Strip Mowing Policy
- B. DRAFT- Nature Strip Mowing Policy

POLICY IMPACT

The current approach to nature strip mowing in the local government area (LGA) is both unsustainable and inequitable. The Nature Strip Mowing Policy sets out the responsibilities of Council and residents and outlines the criteria for determining when Council may provide assistance to residents. The adoption of the Nature Strip Mowing Policy will ensure consistency across the City through the alignment of the nature strip mowing service bringing together the Canterbury and Bankstown areas under one approach.

FINANCIAL IMPACT

Maintaining the current approach does not address the inequitable distribution of the service across the City. Applying the previous Canterbury Council policy across the whole LGA would see an expected increase in nature strip requests by approximately 3,000 in Bankstown. Further, an additional 10-15 staff would be required, as well as plant and equipment to provide the nature strip mowing service. The costs to Council would be in excess of an additional \$2 million per year to provide that level of service across the City.

Providing an aligned City-wide policy will ensure a sustainable financial impact for Council, while also providing a service to those most in need.

COMMUNITY IMPACT

Council is committed to ensuring that the streetscape in the Canterbury-Bankstown LGA is maintained to a standard that improves local amenity, minimises public safety risks and maintains pedestrian access.

This Policy balances the pride and ownership of residents and property owners to maintain nature strips while recognising that not all of the community is able to carry out this work. As a result, the Policy allows a mowing service to those who demonstrate a genuine need and meet the eligibility criteria noted in the policy. This also ensures an equitable service provisions for residents across the City.

Following community feedback, the Policy has been amended to now include a special consideration clause giving Council the discretion to consider individual cases, in particular from elderly residents.

DETAILED INFORMATION

Exhibition

The draft policy was placed on public exhibition for the period 4 September 2019 to 1 October 2019. It involved the following forms of community consultation:

- Letter sent to current recipients of the nature strip mowing service advising them of the public exhibition and the different ways they could make a submission and/or view the draft policy;
- Advertisement in *The Torch* newspaper;
- Council's digital community engagement tool- 'Have Your Say' website;
- Display at Bankstown Customer Service Centre- During business hours;
- Display at Campsie Customer Service Centre – During business hours.

Exhibition Results

Key statistics for the project's community consultation period were:

- 514 people visited the 'Have Your Say' website; and
- 467 downloads of the policy documents.

Submissions were largely received via the 'Have Your Say' website, in a letter or email form. The public exhibition period produced 86 written submissions to Council. A further 8 were received outside of the public exhibition period, bringing the total to 94. Both Jihad Dib MP and Sophie Cotsis MP lodged submissions expressing some of the concerns raised by residents in their electorates.

A total of 71 submissions were received by residents/representatives of the former Canterbury LGA, and a total of 20 were received by residents of the former Bankstown LGA (3 were unknown).

| Submissions | Total |
|---|-----------|
| Total submissions in support of policy | 4 |
| Total submissions in disagreement with the policy | 81 |
| Total neutral submissions | 9 |
| Total submissions received | 94 |

Feedback Summary – Submissions

Feedback was primarily received from individuals who currently receive the service, with the concerns understandably relating to changes which may impact them.

The key concerns raised included the removal of the service and that the maintenance of nature strips should remain Council's responsibility. Feedback also raised concerns that certain members of the community may not meet the eligibility criteria in the policy but could still require assistance due to age, physical capacity and/ or financial reasons.

A summary of the four key issues are provided below:

| Issue | Total |
|---------------------------------|--------------|
| Elderly residents cannot mow | 30.6% |
| Responsibility of Council | 18.9% |
| Council rates should cover cost | 16% |
| Too large a nature strip | 10.9% |
| Other | 23.6% |
| Total | 100% |

A more detailed list of issues raised by the community are detailed in Attachment A.

Council's Response

A significant number of the submissions raised either that mowing of all nature strips should be the responsibility of Council or that the rates should cover the cost. The reality is, it is both physically and financially not possible for Council to undertake the mowing of all nature strips across the City. If it did, either a significant number of other Council services would need to stop, or a major increase in rates would be required. The Policy emphasises the importance of the community taking pride in the amenity of the City and the local streets.

Other submissions focused more on the actual physical or financial ability of someone to mow or the size of the nature strip making it difficult. The Policy does recognise there may be situations where there is a demonstrated genuine need and sets out specific criteria. However, submissions also raised concerns that certain members of the community may not meet the eligibility criteria in the policy but could still require assistance due to age, physical capacity and/ or financial reasons. As a result of this feedback, the following changes have been proposed to the draft Policy:

The introduction of a 'special consideration' clause that:

- Considers applications by elderly residents who do not meet the eligibility criteria (at the discretion of Council);
- Considers applications where the property side boundaries are greater than 150m² in total area.

Moving Forward

Having considered the submissions, the practical and financial impacts, and the broader community benefits, it is proposed that the revised Policy be adopted.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

| | | |
|-----|---|-----|
| 7.1 | 2018 / 19 Annual Financial Reports | 107 |
| 7.2 | Quarterly Performance Report - July to September 2019 | 115 |
| 7.3 | Ward Boundaries | 119 |
| 7.4 | Cash and Investment Report as at 31 October 2019 | 123 |

Governance and Administration Matters - 26 November 2019

ITEM 7.1 2018 / 19 Annual Financial Reports

AUTHOR Corporate

PURPOSE AND BACKGROUND

Councillors will recall considering Council's Unaudited 2018/19 Annual Financial Reports at its Ordinary Meeting in October 2019 and resolving to refer them to our Auditor in finalising the year-end process.

Having completed the audit, in accordance with Sections 418 and 419 of the Local Government Act 1993, Council's 2018/19 Audited Annual Financial Reports, including the Auditors Report, were publicly exhibited and are now being presented to Council for information.

ISSUE

These financial reports are for the financial year ending 30 June 2019.

Council's External Auditor has expressed an "Unmodified Opinion", on Council's 2018/19 general purpose financial statements, meaning that our statements reflect a true and fair view of our financial performance and position for the year.

In brief, as at 30 June Council's financial position is considered sound and stable. That said, Councillors would be aware that Council's long term financial position suggests financial reform is required, particularly further funding for the renewal of existing assets, to ensure we remain financially sustainable. Further discussions will be held with Councillors over the coming months to outline and determine the proposed path to address our long term position.

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

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

Council's Auditor, being the NSW Audit Office, will be in attendance this evening to address Council on the 2018/19 Audited Annual Financial Reports.

RECOMMENDATION That -

1. Council note the 2018/19 Annual Financial Reports and Auditors Report.

2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.
3. Copies of all submissions received will be referred to Council's External Auditor

ATTACHMENTS [Click here for attachment](#)

- A. 2018/19 Annual Financial Reports

POLICY IMPACT

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

FINANCIAL IMPACT

Whilst this report does not present any direct financial impact for Council, it does convey that Council's 2017/18 financial reports present a sound and stable financial position for Council.

COMMUNITY IMPACT

There is no direct community impact resulting from this report.

DETAILED INFORMATION

Executive Summary

Broadly, Council's financial performance and position as at 30 June 2019 was considered sound and stable. That said, Councillors will note Council's financial performance (before capital grants and contributions) is reported as a deficit of \$19.6M, which reflects a number non-cash accounting entries (eg. adjusting for the revaluation of assets and depreciation expense), which contribute to Council's deficit position.

Whilst having no immediate cash/financial impact, the information does provides and/or suggest that there is a longer-term imbalance of available funding to both manage our service expectations and ensure that adequate funding is allocated for asset replacement purposes. Evidently, this will be one of Council's most pressing financial issues, going forward.

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

- Total combined Net Operating Result of \$1.7M, and a Net Result before Grants and Contributions of (\$19.6M) – incorporates/reflects estimated shortfall (depreciation) in required funding to replace and/or renew our assets;
- Capital Expenditure for the year of \$64M, and total infrastructure asset base of \$3.9B;
- Total Cash and Investment of \$345.3M, of which \$11M is unrestricted;
- Total Liabilities of around \$110M, which are largely of an employee nature;
- Council's combined cost to bring existing infrastructure to a satisfactory standard - estimated at around \$41.2M; and
- No outstanding borrowings.

More broadly, Council's detailed financial results our outlined below.

Financial Performance

Overall, Council's short term financial position as at 30 June 2019 is well placed and considered reasonable. A summary of Council's financial performance for the reporting period is as follows:

Canterbury-Bankstown Council
Financial Performance – Year Ending 30 June 2019

| Description | 2018/19 Budget \$,000 | 2018/19 Actual \$,000 | 2017/18 Actual \$,000 |
|--|-----------------------------|-----------------------------|-----------------------------|
| INCOME FROM CONTINUING OPERATIONS | | | |
| Rates and Annual Charges | 228.4 | 232.3 | 221.8 |
| User Charges and Fees | 25.7 | 21.3 | 22.8 |
| Interest and Investment Revenue | 9.2 | 10.7 | 9.5 |
| Other Revenues | 19.0 | 27.2 | 19.5 |
| Grants and Contributions - Operating | 22.0 | 22.4 | 19.8 |
| Grants and Contributions - Capital | 20.7 | 21.4 | 28.4 |
| Net Gain from Disposal of Assets | 0.0 | 0.0 | 0.7 |
| Fair Value Increment on Investment Property | 1.6 | 1.6 | 0.4 |
| Total Income from Continuing Operations | 324.9 | 336.9 | 322.9 |
| EXPENSES FROM CONTINUING OPERATIONS | | | |
| Employee Benefits and On-costs | 132.3 | 130.4 | 122.5 |
| Borrowing Costs | 0.0 | 0.5 | 0.4 |
| Materials and Contracts | 82.1 | 79.9 | 70.2 |
| Depreciation and Amortisation | 66.4 | 72.8 | 57.6 |
| Other Expenses | 35.7 | 35.9 | 35.9 |
| Revaluation Decrement of IPP&E | 0.0 | 1.5 | 9.2 |
| Net Loss from Disposal of Assets | 0.0 | 14.2 | 0.0 |
| Total Expenses from Continuing Operations | 316.6 | 335.2 | 295.8 |
| OPERATING RESULT | 9.3 | 1.7 | 27.1 |
| Net Operating Result for the period before grants and contributions provided for capital purposes | (12.4) | (19.6) | (1.3) |

Comparison with Original Budget

Once adjusted for specific capital grants and contributions, Council's Net Operating Result was a deficit of \$19.6M compared to an original budgeted deficit of \$12.4M. This is primarily due to:

- actual interest and investment revenues higher than originally budgeted due to level of available cash reserves and investment performance;
- actual other revenues higher than originally budgeted primarily due to compensation from Roads and Maritime Services M5 widening, Civic Tower tenant make good payments, additional enforcement income and insurance recoveries;

- actual user charges and fees revenues were lower than original budget largely due to a downturn in the housing market and its subsequent impact in reduced development applications income;
- reflecting more accurate depreciation charges following the completion of asset revaluations; and
- non-cash adjustments to reflect the write-off of depleted and/or non-existent assets, including assets of immaterial value.

Comparison with Previous Year Result

When assessing Council financial performance to that of the previous year, Councillors would note that Council's Net Operating Result for the year reduced from \$27.1M to that of \$1.7 for 2018/19.

Whilst having provided Councillors with detailed movements and/or variation to costs in previous Council reports, broadly, the major variation are due to:

- the reduction on specific purpose government grants (offset by reduction in capital works projects) and developer contributions (due to down turn in housing activity) of around \$7.0M;
- increasing cost of materials and servicing contracts including increases to various non-discretionary costs (eg tipping fees) of around \$7.0M;
- adjusting Council's depreciation expense (estimated annual cost/value of the depletion of Council's assets), following extensive analysis of the condition of Council's assets of around \$15.0M; and
- non-cash adjustments to reflect the write-off of depleted and/or non-existent assets, including assets of immaterial value of around \$14.1M.

Overall, the above variations provide some insight into the pressures and constraints facing Council, particularly in areas we have little influence and/or control as to how cost vary from year to year.

Financial Position

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

Canterbury-Bankstown Council Statement of Financial Position – as at 30 June 2019

| Description | \$M |
|-------------------------------------|--------------|
| FINANCIAL POSITION | |
| Current Assets | 189 |
| Non-Current Assets | 3,790 |
| Total Assets | 3,979 |
| Current Liabilities | 88 |
| Non-Current Liabilities | 22 |
| Total Liabilities | 110 |
| Net Assets / Equity | 3,869 |
| CASH & INVESTMENTS | |
| External Restrictions | 170 |
| Internal Restrictions | 164 |
| Unrestricted Cash | 11 |
| Total Cash & Investments | 345 |

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

In terms of assets, Council capitalised a further \$64M throughout the period. Primarily, most funds were allocated to replacing/renewing Council's infrastructure assets, such as roads (\$20.2M), parks & reserves (\$10.1M), stormwater management (\$2.4M), footpaths (\$2.9M) and buildings (\$4.9M).

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

Performance Ratios

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

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

| Ratio | Industry B/Mark | CBC (2017/18) | CBC (2018/19) | B/Mark (2018/19) |
|---|-----------------|---------------|---------------|------------------|
| Operating performance | >0% | 2.3% | (1.75)% | No |
| Own source operating Revenue | >60% | 84.1% | 86.1% | Yes |
| Unrestricted current | >150% | 307% | 401% | Yes |
| Debt service cover | >2X | 49X | 143X | Yes |
| Rates and annual charges outstanding | <5.0 | 4.8% | 4.9% | Yes |
| Cash expense (months) | >3.0 | 14.3 | 14.2 | Yes |
| Building & infrastructure renewals | >100% | 41.9% | 50.7% | No |

As at 30 June 2019, Council exceeded all operational related financial benchmarks except operating performance. This is primarily due to higher depreciation expense and net losses from adjustment for assets.

Separately, Council's building & infrastructure renewals ratio, despite an improvement from the previous financial year, is still quite low when compared to expected industry levels, an issue which Councillors would be well aware of, particularly as detailed in Council's Financial Management Strategy incorporating Council's Long Term Financial Plan.

Annual Financial Reports

A complete set of Council's 2019/19 financial reports are attached, for Council's information. As indicated earlier, Council's Auditor will be in attendance to address Council on the matter and provide a more detailed assessment of Council's results.

Governance and Administration Matters - 26 November 2019

ITEM 7.2 Quarterly Performance Report - July to September 2019

AUTHOR City Future

PURPOSE AND BACKGROUND

To present the first quarter performance against Council's 2019-20 Operational Plan activities including capital works and financial performance for the three month period July to September 2019.

ISSUE

This report has been prepared in accordance with the requirements of the Integrated Planning and Reporting Framework which stipulates that regular progress reports are required to be provided to Council and the community. At the City of Canterbury Bankstown, they are provided on a quarterly basis.

It demonstrates the organisation's performance during the period 1 July 2019 to 30 September 2019 in delivering the actions outlined in Council's 2019-20 Operational Plan. The Operational Plan is a key plan for our city. It translates our priorities and services, set out in our Delivery Program, into measureable actions for the financial year.

In providing information on performance measures, status of projects, highlights and achievements, this report is divided into the following components:

- Operational result;
- Capital result; and
- Financial performance

RECOMMENDATION That -

1. Council notes the quarterly performance report ending 30 September 2019.
2. Council adopt the September 2019 Quarterly Budget Review as outlined in this report.

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

- A. Quarter 1 Summary Progress Report - 2019-20 Operational Plan
- B. Quarter 1 Detailed Progress Report - 2019-20 Operational Plan
- C. Budget 2019-2020 September Revision Reports
- D. September Revision Budget Review

POLICY IMPACT

The quarterly review is prepared in accordance with Schedule 1 of the *Local Government Amendment (Governance and Planning) Act 2018*, which requires regular progress reports to be provided to Council and community. Council currently generates reports on a quarterly basis to ensure thorough monitoring of the commitments it has made to the community.

FINANCIAL IMPACT

The report presents Council's operating result as at 30 September 2019.

COMMUNITY IMPACT

The report provides the community with an understanding of Council's performance in delivering its yearly Operational Plan as well as an update on the financial position as at 30 September 2019.

DETAILED INFORMATION

Operational Result

Broadly, Council's Operational Plan is progressing well, with 91% of projects listed currently on track to be completed this year.

Attachment A provides an overview of key highlights and achievements from the first quarter around the seven destinations. The destinations are: Safe & Strong; Clean & Green; Prosperous & Innovative; Moving & Integrated; Healthy & Active; Liveable & Distinctive; and Leading & Engaged. They help to identify how Council is progressing towards achieving the community's aspirations in each of these areas.

Detailed actions for service areas are outlined in Attachment B.

Capital Result

Council's adopted Capital Works Program for 2019-20 contains an investment of approximately \$104 million.

At the end of the first quarter Council has delivered 89 capital projects, 18% of the program, at a value of \$7.2 million. A further 16% of projects are currently in progress. A snapshot of the progress of Council's Capital Works Program is provided in Attachment A.

Financial Performance

Following a review of the first quarter's financial performance, Council's broader financial position continues to convey a sound and stable position and generally compares well to its budget estimates.

Having reflected all required adjustments, Council's revised Operating Result is expected to be a deficit of \$13.8M, a decrease of \$22.3M to that set as part of the original budget process. The decrease is predominantly due to operational budget carryovers of \$8.2M, as resolved by Council at the August Council meeting, that are largely grant related, the increased depreciation charges from infrastructure revaluations of \$6.5M and the prepayments of the 2019/20 Financial Assistance Grant in June 2019 of \$4M.

Service reviews, staff realignments and quarterly budget reviews completed during the September quarter have identified existing contractor and procurement expenses that could be transitioned to employee costs. This will enable council to reduce its agency staff costs and payments for procurement contract management by directly employee staff to carry out the same services currently outsourced. This transition will see the existing establishment of 1410 increase to 1413 and be offset by a decrease in expenditure budgets for agency staff and contract commissions paid to other bodies.

Council's capital works and acquisition program is now expected to be \$117.6M, having increased by \$13.1M to that originally proposed. The adjustment largely relates to the need to account for carryovers (2018/19) resolved by Council at the August Council meeting and additional grant funded projects identified throughout the first quarter less projects that have

been deferred. These adjustments are a part of Council's ongoing review which ensures that the capital works and acquisition program reflects the planned pattern of expenditure.

In reflecting our carryover program and other adjustments made as a part of this revision, Council's level of cash and equivalents are expected to increase by approximately \$25.8M (assuming no carryovers exist at 30 June 2020).

Having completed the review, Council's major ratios remain at acceptable industry levels.

Further detailed analysis regarding the September review, including the Quarterly Budget Review Statements, is provided in Attachments C and D. The review contains details of any major variations which are reflected by the adjustments detailed in the Quarterly Budget Review Statements.

Conclusion

The Quarterly Report (Attachments A and B) provide a progress report for the first quarter of Council's 2019-20 Operational Plan. The provision of this report ensures Council is meeting its obligations under the Integrated Planning and Report Framework and contributes to the ongoing enhancement of good governance across Council. The data contained within these reports will also be made available on Council's website.

Governance and Administration Matters - 26 November 2019

ITEM 7.3 Ward Boundaries

AUTHOR Office of General Manager

PURPOSE AND BACKGROUND

The purpose of the report is to seek Council's determination to finalise the ward boundary alteration.

Councillors would recall that at the Council meeting on 23 July 2019 it was resolved to:

- Proceed with the minor ward boundary between Bankstown and Roselands Wards;
- Carry out a review of all ward boundaries with Councillors and conduct a Briefing Session; and
- Prepare a further report to Council

These matters are further discussed in the Detailed Information section of the report.

ISSUE

To finalise the amendments to Council's ward boundaries prior to the 2020 local government elections.

RECOMMENDATION That -

1. Council implement the ward boundary alteration between Bankstown and Roselands wards.
2. Public notice be given of Council's determination.
3. The NSW Electoral Commission also be advised of Council's determination.

ATTACHMENTS [Click here for attachment](#)

- A. Previous Report to Council – 23 July 2019

POLICY IMPACT

The report has no implications for Council's policies.

FINANCIAL IMPACT

The costs associated with the ward boundary alteration are expected to be minor and could be met from existing budget allocations.

COMMUNITY IMPACT

The report would impact a small number of electors that would need to be transferred between wards as a result of the boundary alteration.

DETAILED INFORMATION

Ward Boundaries Adjustment

In accordance with Council's resolution on 23 July 2019, the proposed boundary amendment between Bankstown and Roselands wards was placed on public exhibition between 9 October and 6 November 2019, with a submissions closing date of 20 November 2019.

Council received one submission in the form of a petition. The submission does not address the specific ward boundary amendment between Bankstown and Roselands wards which is being considered in this report. That said, the submission refers to a proposal to move the entire suburb of Yagoona from the Bankstown ward into the Bass Hill ward. This proposal was similarly put forward by certain councillors when Council recently reviewed its ward boundaries.

We have taken the time to assess the proposal as set out in the submission. Councillors should note the submission contains 30 signatures, 19 of which do not reside in the area specified in the submission. The assessment also determined that the proposal would result in a variation in voter/elector numbers between relevant Wards of 10.7%, thereby exceeding the requirements/parameters as set out in Section 210(7) of the Act. In isolation, the proposed change is unable to be implemented in its current form without altering a number of voters/electors in other Wards. Given the above, the matter will not be further progressed.

Council has separately written to the submissioner, providing a detailed explanation of the issue and outlining why their proposal could not meet the requirements of the Act.

Separately, Section 210A of the LGA also required that Council consult with the NSW Electoral Commissioner and the Australian Statistician. Both agencies were consulted and did not raise any issue with the proposed boundary amendment.

The proposed boundary amendment between Bankstown and Roselands Wards can be supported as it will:

- Align part of the ward boundary with Punchbowl Road (a major arterial road), effectively restoring the boundary to that of the former Canterbury Council area. This will assist/reduce confusion for residents around the area;
- Have minimal effect on the number of electors in each ward; electors in Roselands Ward will increase by 89 with a corresponding decrease in electors in the Bankstown Ward; and
- Not affect the current variation of 6.5% of electors in each Ward.

Having now completed the required statutory process, Council can proceed to finalise the amendment to the relevant ward boundaries. Subject to Council's consideration and agreement to the change, the NSW Electoral Commission will be advised of the decision with the change taking effect for the 2020 local government elections.

Further Ward Boundary Considerations

As resolved, Councillors were both briefed and consulted on alternate and/or suggested amendments to ward boundaries, in addition to the above change.

As Councillors would recall, the parameters to varying ward boundaries rely on:

- The need to ensure that variation in elector numbers between Wards is not greater than 10% - Section 210(7) of the LGA; and
- Preferably there being no significant increase in Council's current variation in elector numbers across all Wards – currently at 6.5%.

Having considered Councillors suggested options/suggestions, including the request put forward through the petition, the evaluation of all scenarios fell outside of the above parameters and as such could not be progressed. That said, a more comprehensive review of all ward boundaries would be considered again, following the next Council election.

Governance and Administration Matters - 26 November 2019

ITEM 7.4 **Cash and Investment Report as at 31 October 2019**

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 managed in accordance with Council's investment policy. 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 October 2019.

RECOMMENDATION That -

1. The Cash and Investment Report as at 31 October 2019 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 Oct 19 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.

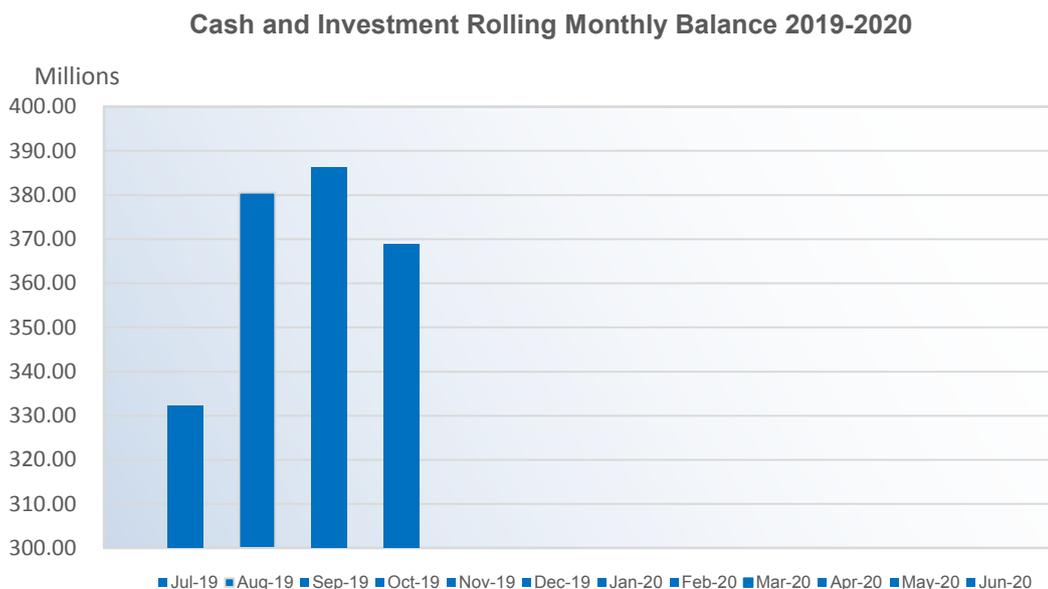
DETAILED INFORMATION

Cash and Investment Summary – as at 31 October 2019

In total, Council’s Cash and Investments holdings as at 31 October 2019 is as follows:

| | |
|-----------------------------------|--------------------|
| Cash and Investments | \$ |
| Cash at Bank | 1,297,857 |
| Deposits at Call | 51,873,068 |
| Term Deposits | 247,230,000 |
| Floating Rate Notes | 68,343,102 |
| Total Cash and Investments | 368,744,027 |

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 2019 to June 2020.



A summary of Council’s investment interest income earned for the period to 31 October 2019 is as follows:

| Interest Income | Oct 2019 \$ | Year-to-date Oct 2019 \$ |
|------------------------|------------------------|---|
| Budget | 773,333 | 3,093,333 |
| Actual Interest | 695,087 | 3,077,659 |
| Variance | (78,246) | 15,674 |
| Variance (%) | (10.12%) | (0.51) |

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:

| Maturity Profile | | |
|--|------------------------------|------------------------|
| | Actual % of Portfolio | Policy Limits % |
| Cash | 14 | 100 |
| Working Capital Funds (0-3 months) | 8 | 100 |
| Short Term (3-12 months) | 25 | 100 |
| Short – Medium (1-2 years) | 16 | 70 |
| Medium (2-5 years) | 37 | 50 |
| Long Term (5-10 years) | 0 | 5 |
| Total Cash and Investments | 100% | |

| Portfolio Allocation | |
|-----------------------------------|------------------------------|
| | Actual % of Portfolio |
| Cash at Bank | 0.2 |
| Deposits at Call | 17.4 |
| Term Deposits | 65.8 |
| Floating Rate Notes | 16.6 |
| Total Cash and Investments | 100% |

8 SERVICE AND OPERATIONAL MATTERS

The following items are submitted for consideration -

| | | |
|-----|--|-----|
| 8.1 | Adoption of the Creative City Strategic Plan | 129 |
| 8.2 | City Relationships | 133 |
| 8.3 | Dedication of 1 Phillips Avenue, Canterbury as Public Road | 139 |

Service and Operational Matters - 26 November 2019

ITEM 8.1 Adoption of the Creative City Strategic Plan

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of this report is to provide a summary of the feedback received on the draft Creative City Strategic Plan (the Plan), outline updates proposed for the Plan based on community feedback, and to present the updated Plan for adoption and implementation.

At the Council meeting on 23 July 2019, Council endorsed the draft Plan to be placed on public exhibition for feedback from the community and stakeholders and to confirm priority actions.

ISSUE

The Creative City Strategic Plan is the first Cultural Plan for the City of Canterbury Bankstown. It has been developed over the past year through engagement with internal stakeholders, state agencies, community and reference groups – including the Aboriginal and Torres Strait Islander Reference Group and the Arts and Culture Reference Group. The Plan guides the actions and strategic priorities for culture and creativity over the next ten years.

Importantly, the Plan is strategically aligned with Council’s initiatives across different services. It connects with new and existing plans to build on momentum and leverage on collaboration opportunities.

The Plan has benefitted from the extensive engagement which informed the key directions. The draft version of the document was placed on public exhibition from 24 August to 23 September 2019 to seek further feedback from the community and stakeholders. Following the exhibition period, the submissions have been considered and an updated Plan is presented for adoption.

RECOMMENDATION That -

1. Council adopt the Creative City Strategic Plan (Attachment A) and begin implementing the priority actions.
2. Opportunities for partnerships, as identified in the Plan and from public submissions (Attachment B), are investigated to assist in the delivery of the Plan.

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

- A. Creative City Strategic Plan
- B. Summary of public submissions & responses

POLICY IMPACT

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

FINANCIAL IMPACT

Many actions in the plan will not have an immediate financial impact and can be funded through existing operational budgets. All other priority actions should be considered in the preparation of future delivery programs and operational planning budgets.

COMMUNITY IMPACT

Council is committed to enriching the lives of CBCity residents. The plan supports creativity and culture for the well-being of residents, communities and local economies.

DETAILED INFORMATION

UNESCO defines culture as “the distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.”

The Plan is a document to guide the actions and strategic priorities for culture and creativity over the next 10 years. Research has found that many of Council’s units are contributing to cultural outcomes. However, there is an opportunity for a whole-of-Council approach to creativity and culture to ensure opportunities and connections are not missed, and resources are better utilised. The Plan contributes to the CBCity 2028 Prosperous and Innovative destination.

Public exhibition process

Following endorsement at the August Council meeting, the draft version of the document was placed on public exhibition from 24 August to 23 September 2019 to seek further feedback from the community and stakeholders.

As part of this process, a number of tools were used to engage with stakeholders including Council’s “Have Your Say” page, Facebook and social pinpoint. Social Pinpoint was a new tool to identify place specific ideas and favourite places. The project was advertised in the Torch and the Inner West Times. Hard copies were also sent to State and Federal MPs, as well as Council’s libraries and customer service centres. Additionally, it was brought to existing pop-up events – Bankstown Bites and Riverwood Health and Wellbeing Expo – as well as the Watson Women’s Network. Following the exhibition period, the submissions have been considered and an updated Plan is presented for adoption.

Summary of public submissions

In terms of digital engagement, there were a total of 87 visits to the site per day and **541 visits** in total. The Plan was also promoted on social media several times, with each post attracting **1000 people** to stop and look before they continued scrolling. As a result, there were **8 direct submissions** and **17 digital submissions** on the Have Your Say survey. In total, there were **25 written submissions**. The majority of responses were in support of the Plan whilst there were two responses that did not support the plan. Further detail on each of the submissions can be found in Attachment B.

The key themes that emerged from submissions were:

- **Clarity** of definitions such as art and creativity in the document were critiqued.
- **Diversity in the arts:** many expressed that there needed to be a larger focus in supporting arts other than fine arts such as music and performance.
- **Public art** was popular, many also liked the idea of using local artists and programs for this.
- **Aboriginal recognition and celebration** of Indigenous culture and heritage needed to a large priority in the actions of this plan.
- **Even distribution across the LGA:** many expressed their concern that facilities and programs that foster and support creativity are not evenly distributed across the Local Government Area (LGA).

- **Night time economy:** some participants mentioned a night time economy as they often did not get the chance to participate in creative activities due to many of them only being available during or close to work hours.
- **Partnerships/collaborations:** many said there was a need to collaborate and form partnerships with Council, the community and organisations and public/private partnerships was mentioned.
- **Events:** more events and the need to retain existing events was mentioned multiple times.

Amendments to the Plan

After considering the feedback received during the public exhibition, the Plan has been updated to:

- Clarify the definitions in relation to creativity and ensuring that art is broader than just visual arts, and includes performance, craft and other forms.
- Update images and cultural mapping following suggestions from the public.
- Adjust final priority actions to better align with the Local Strategic Planning Statement, including:
 - Investigate the scope for the development of a cultural precinct at Campsie. Given that this could become a landmark project for Council, there will need to be careful consideration of the required size, the activities it will support and integration into the existing City-wide network of creative activities and transport links. This investigation work will be undertaken as part of the preparation of the Community Facilities Strategic Plan.
 - Investigate opportunities for a space in Bankstown to enhance the creative offerings in the area. The Bankstown Airport and Bankstown CBD Collaboration Area process led by the Greater Sydney Commission supports Council's partnership with Create NSW and other external stakeholders. There will be opportunities to increase the visibility and access to the creative output from Bankstown Arts Centre in the local area.
 - Broaden the use of public art in what we do. For example, include as part of any urban renewal, master planning process or planning proposal. The details about the implementation will be explored in the next step of creating a public art strategy to identify the type of public art required, commissioning and decommissioning.
 - Enhancing and aligning actions on Aboriginal and Torres Strait Islander culture with the draft Innovate Reconciliation Action Plan and a suggested external partnership.

ITEM 8.2 **City Relationships**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

Council currently has seven formal Sister City relationships. Recently there have been requests from other Cities for some recognition of a connection. This report addresses the benefits of partnerships and proposes a new approach to managing them in the future. In addition this report addresses some previous international visits as well as future proposed visits to Cities.

ISSUE

Currently there is no adopted Policy on how Council is to manage and respond to request for future City relationships.

RECOMMENDATION That -

1. Council adopt the Draft City Relationships Policy.
2. Council approve the Council delegation to visit its Sister City, Suita in April 2020 as set out in this report.
3. Council note the City visits as set out in this report.

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

- A. City Relationships Policy
- B. Sister City Activities
- C. Report - City of Zahle
- D. Report - East London

POLICY IMPACT

While Council does have formal adopted Sister City relationships, there is no current Policy on the future of these or other City relationships. The Draft Policy addresses this gap.

The city visits report fulfils the relevant section of the Councillor Expenses and Facilities Policy.

FINANCIAL IMPACT

There are no direct financial implications of the City Relationships Policy. Any decision for future formal City Partnerships will be considered by Council.

The financial impact of city visits are outlined in this report.

COMMUNITY IMPACT

The development of City relationships can deliver benefits to both the organisation and our broader community. We can learn from other government bodies how to be more agile and competitive, how to be advanced on the international stage while also developing broader City social, environmental and economic outcomes. The draft Policy will ensure that these are effectively developed, managed and reviewed.

DETAILED INFORMATION

Council has a range of associations with Cities, in particular, our formal Sister City relationship. Currently, there are seven Sister Cities with Council:

1. Broken Hill, NSW;
2. Cobar Shire Council, NSW;
3. Suita, Japan;
4. Yangcheon-gu, Seoul, South Korea;
5. Eunpyeong-gu, Seoul, South Korea;
6. Tianhe, Guangzhou, China
7. Colorado Springs, USA;

Attachment B summarises the history of these arrangements and some previous activities undertaken.

Sister Cities were originally developed after World War II with the intent of developing friendship and understanding among different cultures as an act of peace. These later developed into a strategic focus on culture and tourism then economic development and trade. Motivations for developing these relationships have continued to change over time.

Recently Council has received an invitation from Suita City, Japan in relation to a proposal to celebrate our 30-year anniversary with our Sister City. Council has also received correspondence from Colorado Springs seeking to re-open discussions on future opportunities.

There has been a general move away from developing any new formal Sister City relationships due to their long-term commitment, with other cooperative arrangements considered to provide greater flexibility and clarity on the desired outcomes. An example of this is Council's desire to develop a connection with other Smart Cities around the world to work collaboratively on our common objectives. This is an example of a program and potentially time limited relationship for purpose.

Council is also approached by other Cities who do not wish to work specifically on a common objective, but only wish to demonstrate a recognition and support of each City. An example of this is recent discussions with Zahle in Lebanon.

Work by the Australian Centre for Excellence for Local Government has identified the critical success factors for any relationship is:

- Creation of an enabling environment
- Careful choice of partners
- Broad-based community awareness and involvement
- Quality management and business planning
- Regular communication
- Historical connections
- Migrant source and migrant destination countries and communities
- Governance

Research has concluded, *inter-municipal cooperation is a form of organisational practice that can allow local government organisations to be 'more agile, flexible and dynamic to make their operation competitive with international standards of productivity, competitiveness and quality'. International cooperation allows councils to gain fame and recognition both nationally and internationally, enabling them to better function in a world characterised by increasing globalisation.* Franco and Marmello (2014: 76)

There is clear evidence that City relationships are valuable if effectively developed, managed and reviewed. To assist with this, it is proposed that Council have a Policy which sets out its city relationship arrangements.

City Relationships Policy

The Draft Policy (Attachment A) identifies the following Relationships Structure:

| Objectives | Types of Activities | Process |
|--|--|--|
| <p>Sister Cities are a formalised relationship between two cities to bring economic and social benefit to each city.</p> <p>Broad objectives set within agreement include but not limited to:</p> <ul style="list-style-type: none"> • Economic development; • Trade and investment; • Tourism; and • Culture and Arts | <ul style="list-style-type: none"> • Opportunities for Councillor and staff exchanges and visits • Development of shared programs • Student and sport exchanges • Exchanges of information and salutations via written communication • Displays and promotion of City • Exchange of gifts on occasion of visits • Holding of Civic Receptions on occasion of visits | <p>There is no proposal to expand on the current Sister City Relationships.</p> |
| <p>City Partnerships are a formalised relationship between two cities to deliver on specific benefits to each city.</p> <p>Objectives are specific and measurable such as:</p> <ul style="list-style-type: none"> • Smart Cities • Waste Management <p>Partnerships are time limited depending on the outcome of the agreement.</p> | <ul style="list-style-type: none"> • Opportunities for Councillor and staff exchanges • Development of shared programs • Exchange of information and knowledge • There are no obligations for delegation visits | <p>Proposal put forward by another City or Council.</p> <p>Formal resolution through an MoU adopted at a Council meeting.</p> |
| <p>City Friendships are a general acknowledgement and recognition of tolerance and goodwill.</p> <p>They are generally driven by common:</p> <ul style="list-style-type: none"> • Historical connections; and • Cultural connections | <ul style="list-style-type: none"> • Exchanges of information and salutations via written communication • Exchange of gifts on occasion of visits | <p>City Friendships are generally considered when approached by another City.</p> <p>A proposal is to be considered by the Mayor for approval.</p> <p>If endorsed by the Mayor, an exchange of letters between Cities is prepared.</p> |

Sister City – Suita

As noted above, Council has recently received an invitation from Suita City, Japan in relation to a proposal to celebrate our 30 year anniversary with our Sister City. Due to the significant milestone it is appropriate that Council support such request. In addition, Suita have advised Council that April 2020 is momentous month as they will be celebrating their 80th Year as a recognised municipal system and will be holding celebrations. Suita has also developed a new medical city associated with the Hospital. The Northern Osaka Health and Biomedical Innovation Town (NohBIT) brings together the hospital with other medical companies and academic research institutes. There is an opportunity to explore the future benefits of Bankstown Hospital as part of the broader Bankstown Health and Education Precinct. The objectives of this trip are consistent with the Relationship Policy as proposed.

As a result, it is proposed that a delegation attend from Sunday 5 April to Thursday 9 April 2020. Following an expression of interest seven Councillors have expressed a willingness to fund their own international travel to participate in this event and cultural exchange. Those Councillors are Cllr Eisler, Zakhia, Raffan, Saleh, Downey, Harika, Tuntevski.

Council would cover some land based travel, accommodation and associated costs as set out in the Councillor Expenses and Facilities Policy. Councillor's will pay their own international airfares and travel with the land costs (including accommodation, and sustenance) for the itinerary outlined above being \$1,850. The City of Suita will be covering land costs while we are in Suita.

City Visits

In July 2019 Council approved Councillor Harika to attend the First Migration Conference in the City of Zahle, in Lebanon. The purpose of the conference is to strengthen relationships between Zahle residents and those abroad who originated from the region and to establish ongoing cooperation and communication amongst its people. Attached (Attachment C) is a copy of the report as required under 6.18 of the Councillor Expenses and Facilities Policy.

In July 2019 Council approved the Mayor to attend the East London Study Tour which brought together senior executive leaders from Government, business and community sector, to develop an understanding of the urban transformation of the region. Attached (Attachment D) is a copy of the report as required under 6.18 of the Councillor Expenses and Facilities Policy.

Previously, Councillors have visited several leading Smart Cities in the United States including San Paulo, Houston, New York and Boston. The recently adopted Smart Cities roadmap identifies the importance of engaging with other smart cities to learn and apply this knowledge in Canterbury Bankstown. An opportunity has arisen for the Mayor and General Manager to visit Chicago from the 5-7 December 2019 at no cost to Council. Chicago has grown from a small trading post into one of America's largest cities. Today, it is a global city, a thriving centre of international trade and commerce. In order to maximise benefit from this visit several meetings and site visits have been arranged including with the office of Mayor Lori E. Lightfoot from the City of Chicago, representatives of the Kellogg School of Management at Northwestern University, Illinois and the start-up incubator mHUB Chicago.

All costs including flights, land costs and sustenance will be paid personally by the Mayor and General Manager. There will be no cost to Council.

Service and Operational Matters - 26 November 2019

ITEM 8.3 Dedication of 1 Phillips Avenue, Canterbury as Public Road

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Council owned land known as 1 Phillips Avenue, Canterbury (Lot 4 Sec 2 DP 9055) adjoins the existing road reserve known as Clunes Lane. The property has been cleared and part of Clunes Lane has been widened placing a footpath, kerb and gutter and road pavement in the southern part of the Lot. This land is identified as operational land in the Land Register. It was Council's intention upon completion of the works that the land would be dedicated as a public road. A development application adjacent to the Lot in question has identified that the dedication as road is yet to occur.

The purpose of this report is to seek Council's endorsement to dedicate 1 Phillips Avenue, Canterbury as a public road.

ISSUE

The existing "formed road, known as Clunes Lane" over 1 Phillips Avenue is being used by the public without the protections afforded a roads authority (Council) under the *Civil Liability Act 2002* given the land's status.

RECOMMENDATION That -

1. In accordance with Section 10 of the Roads Act 1993, authority be granted for Lot 4 Sec 2 DP 9055, 1 Phillips Avenue, Canterbury, to be dedicated as public road by the placement of a notice in the NSW Government Gazette.
2. Authority be granted to affix the common seal of Council to survey documents and any other documentation required to give effect to this resolution.

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

- A. A street view of cleared and landscaped 1 Phillips Avenue, Canterbury
- B. Plan View - 1 Phillips Avenue Canterbury

POLICY IMPACT

There are no policy implications for Council as a result of the proposal to dedicate the subject land as public road.

FINANCIAL IMPACT

The costs incurred in the road dedication include survey documentation and the cost of placing the notice in the NSW Government Gazette. These costs can be accommodated in the operational budget.

COMMUNITY IMPACT

Dedication of the public road will formalise the existing road to the benefit of the properties fronting Canterbury Road who utilise Clunes Lane, and Phillips Avenue, Canterbury for access.

DETAILED INFORMATION

The issue has been precipitated by a development application DA-153/2017 for the construction of a town house development at 3-5 Phillips Avenue, Canterbury. This application proposes a stormwater connection, across 1 Phillips Avenue to the kerb and gutter in Clunes Lane.

In investigating the above request it became evident that Council resolved to purchase 1 Phillips Avenue, Canterbury and classify the parcel as Operational land with the intention of its eventual dedication as public road, being part of the widening of Clunes Lane.

The existing “formed road” over 1 Phillips Avenue, Canterbury is being used by the public without the protections afforded a roads authority (Council) under the *Civil Liability Act 2002* given the land’s status.

The dedication of the subject land as public road will formalise the status of the existing constructed road on Council owned property.

Therefore it is proposed that the land be dedicated as public road by means of the placement of a notice in the NSW Government Gazette under Section 10, Roads Act 1993.

9 COMMITTEE REPORTS

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 9.1 | Minutes of the Audit Risk and Improvement Committee Meeting held on 18 September 2019 | 145 |
| 9.2 | Minutes of the Environmental Sustainability Advisory Committee Meeting held on 16 October 2019 | 147 |
| 9.3 | Minutes of the Integrated Transport Advisory Committee Meeting held on 6 November 2019 | 149 |
| 9.4 | Minutes of the Traffic Committee Meeting held on 12 November 2019 | 151 |

Committee Reports - 26 November 2019

ITEM 9.1 **Minutes of the Audit Risk and Improvement Committee Meeting held on 18 September 2019**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Canterbury Bankstown Council established the Audit Risk and Improvement Committee in October 2017. The Committee consists of independent members and is governed by the Audit, Risk and Improvement Committee Charter.

ISSUE

Recommendations of the Audit, Risk and Improvement Committee.

RECOMMENDATION

That the recommendations contained in the minutes of the Audit Risk and Improvement Committee meeting held on 18 September 2019, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Minutes of the Audit Risk and Improvement Committee meeting held 18 September 2019

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

There is no community impact.

Committee Reports - 26 November 2019

ITEM 9.2 **Minutes of the Environmental Sustainability Advisory Committee Meeting held on 16 October 2019**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Council resolved to establish its Advisory Committees and Reference Groups on 24 October 2017.

Attached are the minutes of the Environmental Sustainability Advisory Committee meeting held on 16 October 2019.

ISSUE

Endorsement of the Environmental Sustainability Advisory Committee minutes.

RECOMMENDATION

That the minutes of the Environmental Sustainability Advisory Committee meeting held on 16 October 2019, be endorsed.

ATTACHMENTS [Click here for attachment](#)

- A. Minutes of the Environmental Sustainability Advisory Committee meeting held on 16 October 2019

POLICY IMPACT

The Advisory Committees are based on the key themes that form the basis to delivering Council's Community Strategic Plan. Advisory Committees and Reference Groups have specific Terms of Reference, as well as Guidelines and Rules for their operation.

FINANCIAL IMPACT

In accordance with the Council's Guidelines and Rules, the Advisory Committee does not have the power to incur expenditure or to bind Council but may recommend action and initiatives to Council.

COMMUNITY IMPACT

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

Committee Reports - 26 November 2019

ITEM 9.3 **Minutes of the Integrated Transport Advisory Committee Meeting held on 6 November 2019**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Council resolved to establish its Advisory Committees and Reference Groups on 24 October 2017.

Attached are the minutes of the Integrated Transport Advisory Committee meeting held on 6 November 2019.

ISSUE

Endorsement of the Integrated Transport Advisory Committee minutes.

RECOMMENDATION

That the minutes of the Integrated Transport Advisory Committee meeting held on 6 November 2019, be endorsed.

ATTACHMENTS [Click here for attachment](#)

- A. Minutes of the Integrated Transport Advisory Committee meeting held on 6 November 2019

POLICY IMPACT

The Advisory Committees are based on the key themes that form the basis to delivering Council's Community Strategic Plan. Advisory Committees and Reference Groups have specific Terms of Reference, as well as Guidelines and Rules for their operation.

FINANCIAL IMPACT

In accordance with the Council's Guidelines and Rules, the Advisory Committee does not have the power to incur expenditure or to bind Council but may recommend action and initiatives to Council.

COMMUNITY IMPACT

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

Committee Reports - 26 November 2019

ITEM 9.4 **Minutes of the Traffic Committee Meeting held on 12 November 2019**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 November 2019.

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

The recommendations of the Committee is in line with the objectives of the Committee and with established practices and procedures.

ISSUE

Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 November 2019, be adopted.

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

- A. Minutes of the Extraordinary Traffic Committee Meeting held on 12 November 2019
- B. Comments from the Member for Canterbury

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 | Notice of Motions | 155 |
| 10.2 | Removal of Speed Camera Warning Signs | 157 |
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| 10.13 | Lebanese Independence Day | 178 |

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.1 **Notice of Motions**

AUTHOR **Office of the General Manager**

ISSUE

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

RECOMMENDATION

That the information be noted.

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

- A. Correspondence sent
- B. Correspondence received
- C. Notice of Motions Table

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.2 Removal of Speed Camera Warning Signs

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

“That Council write to the NSW Minister for Transport and Roads, objecting to the planned removal of speed camera warning signs.”

BACKGROUND

Recently, it was announced by the NSW Minister for Transport and Roads, that advanced warning signs alerting motorists to the presence of a speed camera and alerting motorists to the speed limit, could be removed from all speed camera locations in NSW.

Such a move is typical of this Government; another cash grab.

I understand that many of the fixed speed cameras in NSW have been installed in black spots where injuries have occurred in the past, reinforcing driver behaviour at that spot. Just fining drivers doesn't make our roads safer.

It is a similar story with red light speed cameras at intersections. This NSW Government should be addressing the rising toll through behaviour modification educating and advising motorists, not through hidden fines.

I urge the Government to scrap their plans to remove speed camera warning signs.

GENERAL MANAGER'S COMMENT

There are no cost implications arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.3 Street Libraries on Private Land

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

“That Council writes to the NSW Planning Minister requesting prioritisation be given to enable street libraries to be constructed as exempt development on private land.”

BACKGROUND

Street libraries have risen in popularity in our City in recent times. They basically operate as a neighbourhood book exchange, where someone can take a book of their interest, and sometime in the future either return the same book, or a different book. Street libraries are typically the size of a large possum box with a cabinet type door that is accessible from the street, and are an invitation to share the joys of reading with your neighbours. The benefits of street libraries are many as they foster a positive community spirit and generosity whilst also promoting literacy.

However, what I do not understand is why it is so difficult for members of our community to put up a few books in a street library on their own land and at no cost to Council. What on the face of it seems to be a no brainer, a resident is required to submit a development application to council to enable this. This simply does not pass the pub test and is bureaucracy gone mad, especially when you can build a carport, patio or pergola of a certain size without approval.

I understand that this requirement is not the fault of Council as we can only work within the confines of the planning legislation set by the State Government. Amendments to the State Codes Policy were exhibited in June last year and we are still waiting for a decision on these amendments. These amendments would have made street libraries exempt from needing approval where set criteria were complied with, something our community is desperately seeking.

Members from our community have made representations to the State Planning Department and I am aware that Council has also recently written to the Department seeking clarification into this issue. The Government needs to stop sweating the small stuff and prioritise its amendments to make it easier for residents to install Street Libraries.

GENERAL MANAGER’S COMMENT

There are no cost implications arising from the motion as written.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.4 Green Keep Cups

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

“That Council:

1. Promotes to businesses, through its established networks, the benefits of promoting the use of reusable coffee cups and
2. Promotes to its community the benefits of using their own cups to replace disposable coffee cups and a range of the initiatives that currently exist to reduce use of disposable coffee cups.”

BACKGROUND

Every year an estimated 500 billion disposable cups are thrown away worldwide after a single use! That’s 1 million cups an hour and the number is growing. Over 1.2 billion disposable coffee cups are used each year in Australia, 90% of which end up in landfill or littering the streets before entering the natural environment.

Cups and lids are also finding their way into our oceans where they breakdown and form tiny pieces called microplastics. These are ingested by marine life and cause millions to die every year.

Paper coffee cups are lined with plastic (Liquid paper board- LPB) to make them waterproof. Although the paper outside will breakdown, the plastic inner won’t. To recycle them they must be sent to a specialist recycling facility that is costly and complicated. Consequently only 8% are recycled. This equates to 2.7 million coffee cups in Australia going to land fill each day.

There are a number of different programs that have been developed to encourage a reduction in disposable cup waste, whether by avoiding their use in the first place (for example *Responsible Café* and *Green Cafeen*), or recycling disposable cups (for example *Simply Cups*). These are already in place in some parts of our City, but without promotion, many will remain oblivious to their existence and continue to use disposable coffee cups.

Not only do such programs avoid the landfilling of single-use coffee cups, it is often the case that they result in cost savings for both the consumer and business. However, at large events such as conferences, where it may simply be impractical to reuse cups, a recycling service could be the preferred service.

GENERAL MANAGER'S COMMENT

The motion, as written, can be incorporated as part of Council's adopted actions in its 2019-20 Operational Plan (OP Ref.: 2.1.1). Any costs are anticipated to be negligible, nonetheless these too can be incorporated into existing operational budgets associated with the OP Action.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.5 Fight the Bite - Mosquito Campaign

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

“That Council:

1. Deliver a ‘Fight the Bite’ mosquito social media campaign, using the key messages from the NSW Health, during the 2019-20 summer, and
2. Works with neighbouring councils on the Georges River to consider future awareness programs and other appropriate programs to address the issue of mosquitoes.”

BACKGROUND

Mosquitoes aren't just a nuisance - they can transmit serious diseases. Last year there was one confirmed case of Ross River Fever and there were mosquito populations detected carrying Ross River Virus, Edge Hill Virus and Kokobera Virus in Picnic Point and Deepwater Park in Milperra. There is no specific treatment for these viruses, which can debilitate sufferers with flu-like illness, rashes and sore or swollen joints.

In order to prevent Mosquito borne virus outbreaks, Council has repeatedly asked the State Government to take a comprehensive and whole-of-catchment approach to the management of mosquitos, by developing a Georges River Mosquito Management Plan to control mosquito populations. Sadly this request has fallen on deaf ears.

Residents and visitors near these hotspots have an increased chance of contracting these viruses if appropriate precautions are not taken.

NSW health have developed useful facts and practical tips that can help people protect against mosquitoes bites and I am seeking Council to promote this via their existing networks and media platforms.

I want to avert a public health emergency in the future and to that end, I am also seeking Council to work with neighbouring councils on the Georges River to consider future awareness programs and other appropriate programs to address the issue of mosquitoes.

GENERAL MANAGER'S COMMENT

There are no cost implications arising from the proposed motions, as written.

Liaison with other councils can inform the development of Council's 2020-21 Operational Plan.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.6 Christmas Toy Drive

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

“That Council collect donated children’s toys and distribute collected gifts to Bankstown and Canterbury Hospitals.”

BACKGROUND

Christmas can be a challenging time for many families in our community. With extra bills and everyday living expenses, the extra cost of Christmas can be difficult and weigh on people.

Last year, Council ran its own toy drive, touching the lives of some of our most disadvantaged members of our community. It was a privilege to be able to bring this initiative to realisation.

This year, I would like to see a similar initiative, but this time distribute the toys collected to sick kids in Bankstown and Canterbury Hospitals.

A gift of a Christmas present will make a world of difference to a child that is stuck in hospital over Christmas; it will raise their spirits and bring to them joy and a reminder that they are not alone, in whatever challenges they are facing.

GENERAL MANAGER’S COMMENT

Council is able to accept unwrapped toys at its Customer Service Centres at Bankstown and Campsie without incurring any additional costs. The donated toys will then be distributed to Canterbury and Bankstown Hospitals.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.7 Sale of 108 Crinan Street Hurlstone Park

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

“That Council approach the Trust of 108 Crinan Street, Hurlstone Park to seek feedback on the possible sale of the property to fund the Community Space in Hurlstone Park Town Centre.”

BACKGROUND

There is a property located at 108 Crinan Street Hurlstone Park that Council owns. This property has a requirement that it can only be sold by Council if the funds are to be invested into a community centre in Hurlstone Park.

Currently we have an opportunity for the sale of the property to go towards the new Community Building currently being designed on the old bowling club site in the Hurlstone Park Town Centre. This will allow funds to be freed up for other improvements in Hurlstone Park Bowling Club/Ewen Park.

GENERAL MANAGER’S COMMENT

108 Crinan Street, Hurlstone Park was formerly owned by the Congregational Union of NSW as a church hall. In 1976 the property was purchased by the Trustees of Hurlstone Park Community Centre with funds from the Australian Assistance Programme. In 1977 a Declaration of Trust was made by the Trustees. In 1979 the building was destroyed by fire.

In 1983 the Trustees of the Community Centre agreed to transfer ownership of the land to Council. The land was subsequently transferred to Council on payment of \$1 to the trustees.

The land transfer required Council to seek the approval of the trustees prior to any sale of the land, and that if the land is to be sold, the proceeds be used towards establishing a community centre in the vicinity of 108 Crinan Street.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.8 The Uluru Statement from the Heart

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

“That Canterbury Bankstown Council publicly supports The Uluru Statement from the Heart - a national Aboriginal and Torres Strait Islander consensus position on Aboriginal and Torres Strait Islander constitutional recognition.”

BACKGROUND

On 26 May 2017, more than 250 Aboriginal and Torres Strait Islander delegates met at the foot of Uluru in Central Australia on the lands of the Anangu to talk about changes to Australia’s constitution.

At 12 regional talks around the country before the Uluru meeting, delegates discussed five possible changes: to acknowledge Aboriginal and Torres Strait Islander peoples in the constitution, to establish an Aboriginal and Torres Strait Islander voice to parliament, to change the ‘race power’ so governments can’t use it to cause harm, to ban racial discrimination, and treaty.

At Uluru, the delegates agreed on three priorities - a voice to parliament, treaty and truth-telling. They also considered a roadmap to get to these goals.

WHAT DO THESE THINGS MEAN?

Voice to Parliament - including in the constitution a new Aboriginal and Torres Strait Islander body advising the Australian Parliament. It would compel politicians to listen to Aboriginal and Torres Strait Islander peoples before they make laws that affect them. Being in the constitution means this body could not be abolished without a referendum. Indigenous peoples from across Australia would elect representatives for this new body.

Treaty - a long-standing demand of Aboriginal and Torres Strait Islander peoples. A ‘Makarrata Commission’ would guide agreement-making between them and governments.

Truth-telling - the ‘Makarrata Commission’ would also make sure that the true history of colonisation is finally told: the massacres, the wars and the ongoing injustices and discrimination and the ways this colonial history continues to impact all Australians and influence our nationhood.

The Uluru Statement from the Heart says:

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago. This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution. Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

GENERAL MANAGER'S COMMENT

There are no cost implications arising from the proposed motion, as written.

Council officers have consulted with the Chair of Council's Aboriginal and Torres Strait Islander Reference Group who has expressed strong support for the proposed motion.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.9 Garie Vanguard Surf Lifesaving Program

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

“That Council investigates a possible partnership with the Garie Vanguard Surf to pilot a Lifesaving Program, at Birrong Leisure and Aquatic Centre.”

BACKGROUND

The Garie Vanguard Surf Lifesaving Program is an exciting volunteer led, grass roots initiative providing the communities of Western Sydney with the opportunity to complete a pool-supported Surf Rescue Certificate/Surf Bronze Medallion. It currently delivers these programs at Auburn Ruth Everuss Aquatic Centre and Garie Surf Life Saving Club.

I have been approached by the Garie Vanguard Committee to explore whether Council can support their program, but more importantly, give our local residents a chance to increase their beach confidence, and hence make the beach a safer and more accessible pastime and to encourage the transition from non-swimmer to potential life-saver.

The program involves an eight week course designed to provide candidates with surf, swimming, team building, communication, first aid and work, health and safety skills and knowledge to participate in surf lifesaving activities with Garie Surf Life Saving Club.

I would like to see this program have a home in our City and specifically at the Birrong Leisure and Aquatic Centre.

GENERAL MANAGER’S COMMENT

There are no cost implications arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.10 Fire Danger Rating Signs

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

“That Council writes to the NSW Government requesting that Fire Danger Rating signs be erected at appropriate locations on Henry Lawson Drive to inform residents and visitors about the immediate Fire danger in the area”.

BACKGROUND

The recent unprecedented catastrophic fires that have gripped NSW and Queensland has resulted in the tragic loss of lives, property, animals and livelihood. It’s a timely reminder how vulnerable we all are during the bushfire season.

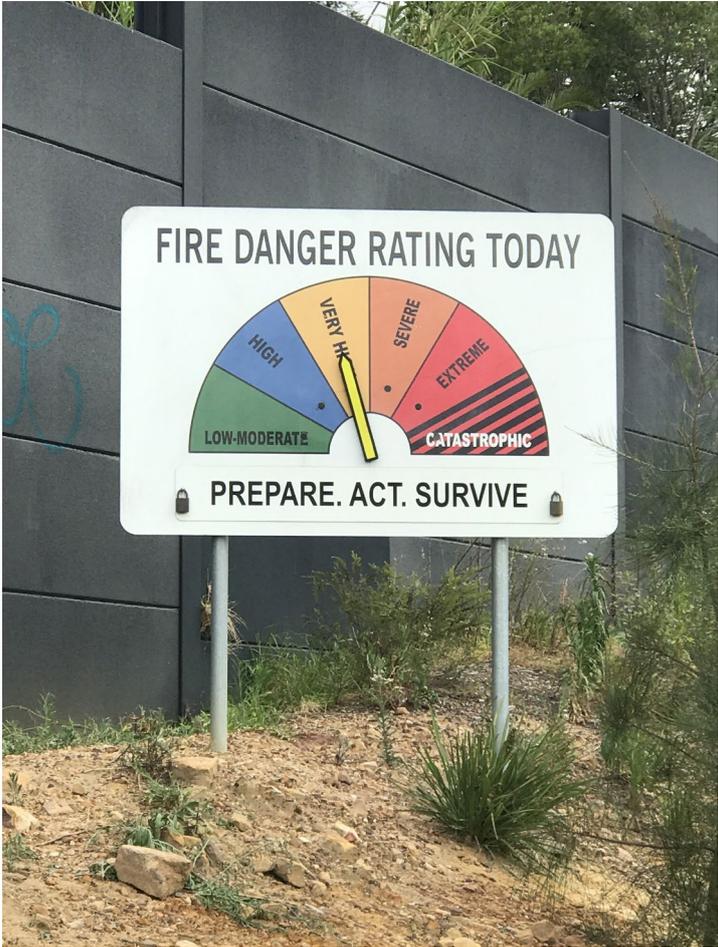
The overwhelming scientific consensus is that Australia's fire season is growing longer and more intense due to the effects of climate change; sadly the Coalition Federal Government has a record of questioning the science and is failing to take appropriate action.

Dry grass, parched native scrub and leaf litter are fire's basic fuel. During the extended absence of rain and in very hot, windy weather, even heavy fuels like large logs, green leaves and smaller branches of large trees can become dry and flammable, contributing to an increase in fire danger.

Most residents living in heavily vegetated bush-fire prone suburbs of Revesby Heights, Padstow Heights and Picnic Point are aware of practical measures to minimise the inherent bushfire risk to their own property, however in the absence of a nearby Fire Danger Rating signs, residents may be oblivious to the immediate fire danger risk rating.

Fire Danger Rating signs are an Aussie icon and are typically found along roadways at strategic locations. They serve a very important purpose of informing people how dangerous a fire would be if one started, and if the conditions were considered extreme or catastrophic, would trigger bushfire survival plans into action. The higher the fire danger rating, the more dangerous the conditions. Bush Fire Danger Ratings are based on predicted conditions such as temperature, humidity, wind and the dryness of the landscape.

In light of the devastating fires, it's imperative that local residents, visitors to the Georges River National Park and the general public be informed of the current Fire Danger Rating in the immediate area and therefore I ask the State Government to erect Fire Danger Rating Signs at appropriate locations on Henry Lawson Drive.



GENERAL MANAGER’S COMMENT

There are no cost implications arising from the proposed motion, as written.

Council is a member of the Canterbury Bankstown Georges River Bushfire Management Committee, whose purpose, among others, is to look at issues such as the location and responsibility for signs such as those referred to.

Council will raise this issue in that forum as well as write to the NSW Government.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.11 Illegal Tree Removal

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

“That Council write to the NSW Minister for Planning and Public Spaces and the Minister for Energy and the Environment, requesting that they consider introducing legislative reforms to address the problem of illegal tree clearing by making changes to the relevant legislation to:

1. Presume a landowner is responsible where an illegal tree removal has occurred on land they own unless they can establish that the tree clearing had nothing to do with them, and
2. Where it can be proved by Council that a tree has been illegally cleared that:
 - a. Council can issue an order on the land owner requiring the replanting of a replacement tree, and
 - b. Upon the issuing of such an order, the land is to be treated for the purpose of any planning control as though the replacement tree exists, thereby hindering development goals.”

BACKGROUND

Whilst it is understood that the majority of property owners comply with Council regulations and obtain the appropriate tree removal permit - the illegal clearing of trees is still a constant theme in CB City which threatens the achievement of the community’s goals of being *Clean and Green* (one of the 7 destinations in the CB City Community Strategic Plan.

In discussions with staff, it is apparent that there is no shortage of appropriate penalties to discourage illegal tree clearing – the Land and Environment Court is able to issue maximum fines of up to \$5,000,000 for such an offence. Instead, I understand the lack of deterrence arises from:

- The difficulty in actually identifying and punishing offenders due to legal barriers to proving who the offenders are. Unless they are caught red-handed (which is often difficult due to the ability for trees to be killed covertly), offenders generally get away with it.
- There is no financial consequence where illegal clearing results in development potential being improved due to the absence of the trees.

Without these failings being addressed, through legislative changes, I cannot see the issue of illegal tree clearing being one that we can overcome.

In my mind, the solutions are simple: overturn the burden of proof whereby a land owner is guilty of tree clearing unless they can establish they were unaware; and where a tree has been illegally cleared, irrespective of whether guilt can be established, Council can issue an order to replace the tree and from the issuing of that order, it is to be assumed that the tree exists for planning purposes.

I believe such changes strike the right chord in preserving our much needed urban tree canopy.

GENERAL MANAGER'S COMMENT

There are no cost implications arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.12 Support for Bushfire Crisis

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

“That Council makes contact with fire-affected councils, offering support and/or services to assist those councils with their recovery effort.”

BACKGROUND

The fires in northern NSW are truly horrifying. The images of houses burning to the ground, of hundreds of thousands of hectares of land razed and the trauma wrought on the lives of those communities have been devastating. I can only imagine what it must be like to live with those impacts.

This is just the beginning however of what will be a long and arduous journey of recovery for those communities. In this recovery effort, the local councils will play a pivotal and crucial role. We are all aware though of the limited resources councils in NSW have at their disposal. What might not be so obvious, are the feelings of isolation, of despair at the seemingly insurmountable challenge that they and their staff face.

And what is more, whilst playing this underpinning role for their communities, councils themselves will be counting the cost of the fires: timber bridges burnt to ashes, hundreds, if not thousands of guide posts and signs destroyed, safety barriers crushed by falling trees and of course razed community buildings, halls and playgrounds. They may very well need assistance in taking stock of the damage.

I am asking that our Council makes contact with fire affected councils, to see what support or services they may need assistance with and so that they know they are not alone.

GENERAL MANAGER’S COMMENT

Through its various networks and channels, Council will make contact with relevant councils with a view to offering those affected by the current bushfires support in their recovery effort.

The expenditure of any funds will be limited to what can be accommodated within adopted operational budgets.

Notice of Motions & Questions With Notice - 26 November 2019

ITEM 10.13 Lebanese Independence Day

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

“That Council:

1. Acknowledges the role of the Australian-Lebanese Community in its historical and ongoing contribution to the richness of our City’s diversity, and
2. Acknowledges Lebanese Independence Day and the importance that this day represents to our Australian-Lebanese Community.”

BACKGROUND

The 22nd of November was Lebanese Independence Day. This day celebrates the day that Lebanon gained its independence from French Colonial rule and marks the beginning of the return of the legitimate government and head of state to Lebanon.

The Australian-Lebanese community have played a significant role in developing and supporting the rich cultural diversity of Australia and, with 52,000 Australian-Lebanese in our community, specifically Canterbury Bankstown. I wish to acknowledge both this contribution and of course Lebanese Independence Day, which means so much too so many within our community.

GENERAL MANAGER’S COMMENT

There are no cost implications arising from the proposed motion, as written.

11 CONFIDENTIAL SESSION

11.1 T68-19 Hector Street and Wolumba Street Bridges Replacement

11.2 T13-20 Minor Civil Works and Restoration Works

11.3 T26-20 Canterbury Bankstown Council Roof Height Safety Systems Installation and Certification

11.4 T27-20 Tender for Lang Road Pedestrian Bridge

11.5 Legal Matter - Riverwood North Library & Senior Citizens Centre

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

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

Item 11.1 T68-19 Hector Street and Wolumba Street Bridges Replacement

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 T13-20 Minor Civil Works and Restoration Works

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

Item 11.3 T26-20 Canterbury Bankstown Council Roof Height Safety Systems Installation and Certification

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

Item 11.4 T27-20 Tender for Lang Road Pedestrian Bridge

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

Item 11.5 Legal Matter - Riverwood North Library & Senior Citizens Centre

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.