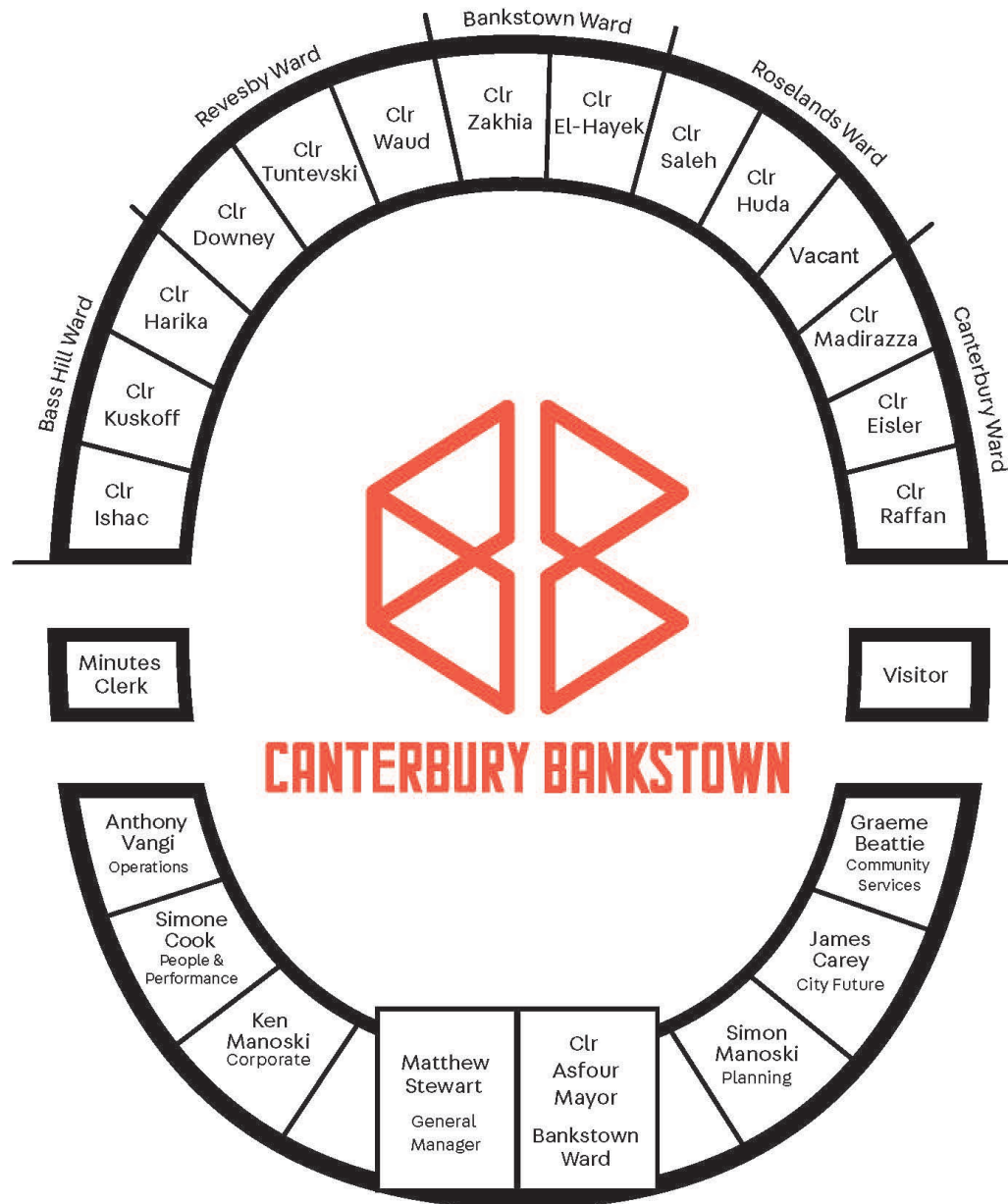




AGENDA FOR THE ORDINARY MEETING

25 August 2020

Gallery



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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 28 July 2020	7
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CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 28 JULY 2020

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

PRESENT BY AUDIO
VISUAL LINK: Councillors Raffan, Huda, Kuskoff

APOLOGIES Councillor Eisler

COUNCILLOR KUSKOFF WAS NOT PRESENT IN THE MEETING AT THE COMMENCEMENT OF THE MEETING.

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.03 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

(1000) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 June 2020 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(1001) CLR. EL-HAYEK:/CLR. ISHAC

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

- CARRIED

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

Nil

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 28 JULY 2020

SECTION 4: MAYORAL MINUTES

ITEM 4.1
(1002) **CANTERBURY RACECOURSE**
CLR. ASFOUR

RESOLVED that -

1. Council writes to the NSW Department of Planning, Industry and Environment requesting it establish a 'Canterbury Racecourse Coordination Committee'
2. Council also writes to the to the Greater Sydney Commission requesting that the South and Central City Districts Commissioner, Mr. Peter Poulet chair the Committee with membership from key relevant government agencies and the Australian Turf Club.
3. Council establish a community voice panel of up to 10 individuals to be selected through an expression of interest process with the aim of obtaining a broad mix of community who will be formally engaged throughout the process.

- CARRIED

AT 6.05 PM HIS WORSHIP THE MAYOR ACKNOWLEDGED THAT CLR KUSKOFF ENTERED THE MEETING BY AUDIO VISUAL LINK.

ITEM 4.2
(1003) **INFRASTRUCTURE**
CLR. ASFOUR

RESOLVED that Council engage with both the State and Federal Governments to seek funding for key infrastructure projects proposed by Council that will generate immediate employment opportunities and stimulate local businesses.

- CARRIED

ITEM 4.3
(1004) **COVID-19 BUSINESSES**
CLR. ASFOUR

RESOLVED that Council write to the NSW Government confirming Council's support for COVID safe business initiatives and also outlining Council's concerns regarding appropriate resourcing and regulatory authority to carry out enforcement.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
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ON 28 JULY 2020

ITEM 4.4 **REGAINING OUR SEAT AT THE NATIONAL CABINET**
(1005) **CLR. ASFOUR**

RESOLVED that

1. Council calls on the Australian and NSW Governments to return local government to the National Cabinet.
2. Council writes to our State and Federal Members of Parliament seeking their support that Local Government be a member of the National Cabinet.

- CARRIED

SECTION 5: PLANNING MATTERS

(1006) **PUBLIC ADDRESS**
CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that permission be granted to the person who has made the necessary application to address Council for five minutes.

- CARRIED

ITEM 5.1 **AMENDMENTS TO THE PLANNING AGREEMENT FOR THE FORMER RIVERLANDS GOLF COURSE SITE IN MILPERRA**

MS ASHLIE STEVENSON (ON BEHALF OF BANKSTOWN BUSHLAND SOCIETY) ADDRESSED COUNCIL.

(1007) **CLR. ASFOUR:/CLR. EL-HAYEK**

RESOLVED that

1. Council enter into the Deed of Variation as provided in Attachment A.
2. The General Manager be given delegation to make minor changes to the document that may be required for the purposes of execution, so long as these do not alter the intent or substance of the deed of variation.

- CARRIED

For:- Ctrs Asfour, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh and Zakhia

CANTERBURY BANKSTOWN
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Against:- Clrs Downey, Tuntevski and Waud

ITEM 5.2 **REVIEW OF INFRASTRUCTURE CONTRIBUTIONS IN NEW SOUTH WALES ISSUES PAPER - NSW PRODUCTIVITY COMMISSION**

(1008) **CLR. TUNTEVSKI:/CLR. ZAKHIA**

RESOLVED that

1. The Mayor be delegated authority to finalise Council's submission to the NSW Productivity Commission on the Review of Infrastructure Contributions in New South Wales Issues Paper consistent with the issues presented in this report.
2. A copy of the final submission to be circulated to all Councillors.
3. The NSW Productivity Commission be requested to include Council as one of the stakeholders in the roundtable meetings proposed to be held in August this year.

- CARRIED

SECTION 6: **POLICY MATTERS**

ITEM 6.1 **SUBMISSION ON THE "INQUIRY INTO THE PROBLEM OF FERAL AND DOMESTIC CATS IN AUSTRALIA"**

(1009) **CLR. RAFFAN:/CLR. KUSKOFF**

RESOLVED that Council endorses the proposed submission to the Inquiry into the problem of feral and domestic cats in Australia.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
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SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - DETERMINATION OF MAYOR AND COUNCILLOR FEES 2020/2021

(1010) CLR. MADIRAZZA:/CLR. WAUD

RESOLVED that

1. Effective from 1 July 2020 Council continues to apply the maximum fees structure for the Mayor and Councillors, as determined by the Local Government Remuneration Tribunal, being:
 - Mayoral Additional Fee \$88,600 p.a.
 - Councillor Fee \$30,410 p.a.
2. The current Additional Fee for the Deputy Mayor, being 20% of the Mayors Additional Fee, be confirmed.

- CARRIED

ITEM 7.2 PROPERTY MATTER - PROPOSED ACQUISITION OF COUNCIL LAND BY GEORGES RIVER COUNCIL

(1011) CLR. MADIRAZZA:/CLR. DOWNEY

RESOLVED that

1. Council agree to the proposal from Georges River Council to acquire Lot 12 DP 1038625, known as Tallawalla Street Reserve West, based on the same terms as those agreed in the original land swap with Hurstville City Council in 2011.
2. The Mayor and General Manager be authorised to execute all documents under the Common Seal of Council, as required.

- CARRIED

ITEM 7.3 PROPERTY MATTER - PROPOSED SALE OF 108 CRINAN STREET, HURLSTONE PARK

(1012) CLR. MADIRAZZA:/CLR. RAFFAN

RESOLVED that

CANTERBURY BANKSTOWN
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1. Council agree to the sale of 108 Crinan Street, Hurlstone Park, as outlined in the report.
2. The General Manager be authorised to sell the property based on the parameters, as outlined in the report.
3. The Mayor and General Manager be authorised to execute all documents under the Common Seal of Council, as required.
4. Council's 2020/21 Budget be adjusted to reflect relevant funding adjustments, as outlined in the report.
5. A further report, outlining other and/or future improvements in the Hurlstone Park / Ewen Park area, be provided to Council for its consideration in due course.

- CARRIED

ITEM 7.4
(1013)

CASH AND INVESTMENT REPORT AS AT 30 JUNE 2020
CLR. TUNTEVSKI:/CLR. DOWNEY

RESOLVED that

1. The Cash and Investment Report as at 30 June 2020 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

Nil

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SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 10 JUNE 2020

(1014) CLR. HARIKA:/CLR. TUNTEVSKI

RESOLVED that the recommendations contained in the minutes of the Audit Risk and Improvement Committee meeting held on 10 June 2020, be adopted.

- CARRIED

ITEM 9.2 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 14 JULY 2020

(1015) CLR. HARIKA:/CLR. TUNTEVSKI

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 14 July 2020, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

(1016) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motions and Questions with Notice.

- CARRIED

ITEM 10.1 NOTICE OF MOTIONS

(1017) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that the information be noted.

- CARRIED

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ITEM 10.2
(1018)

UWS MILPERRA SITE

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council writes to the Minister for Education, requesting an urgent briefing on the matter of the UWS Milperra Campus.

- CARRIED

ITEM 10.3
(1019)

DENOUNCING HATE SPEECH

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council -

1. Denounces public discourse which serves only to divide our communities and vilify marginalised communities, and
2. Writes to the Australian Human Rights Commission, to express concerns at the increased level of hate speech associated with the COVID-19 pandemic.

- CARRIED

ITEM 10.4
(1020)

CHILD WELLBEING

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council -

1. Write to the NSW Minister for Education requesting the Department of Education prepare and distribute information on the wellbeing (whole of child mind and body) of children, for schools to distribute to their communities of parents and caregivers, and
2. That this information be appropriately translated into the common languages for each Local Government Area.

- CARRIED

CANTERBURY BANKSTOWN
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ITEM 10.5
(1021)

M5 EAST TOLL

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council writes to the NSW Government, expressing its disappointment at the new toll imposed on the M5 East and calling for its removal and the introduction of a toll-free period on the M8.

- CARRIED

ITEM 10.6
(1022)

HARSHER PENALTIES FOR PRIVATE CERTIFIERS

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council writes to the NSW Government to call for harsher penalties to apply to private certifiers found to have failed to act appropriately in discharging their duties.

- CARRIED

ITEM 10.7
(1023)

FOOTWAY DINING

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council encourages businesses to utilise footway dining, where possible, to assist with social distancing.

- CARRIED

ITEM 10.8
(1024)

SAVE NSW KOALAS

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council writes to the NSW Government in support of the establishment of a new Koala National Park along the Upper Georges River, as recommended by the NSW Legislative Council's Planning and Environment Committees inquiry into Koala populations and habitat in New South Wales.

- CARRIED

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ITEM 10.9 HEAVY VEHICLE PARKING

(1025) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council investigates whether instances of heavy vehicles parking in residential streets has increased and implement targeted compliance action where required.

- CARRIED

ITEM 10.10 SMITH PARK BASKETBALL COURT

(1026) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council considers the enclosure of the Smith Park basketball court and provides advice on the acoustics of the new surface.

- CARRIED

ITEM 10.11 ENCOURAGING PLAY IN OUR STREETS

(1027) CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that Council considers how street play can be incorporated into the future development of strategies and plans for vibrant and liveable neighbourhoods.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

(1028) CLR. ISHAC:/CLR. ZAKHIA

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 and 11.2 in confidential session for the reasons indicated:

Item 11.1 EOI 02-20 Canterbury Leisure & Aquatics Centre and Max Parker
Leisure & Aquatics Centre

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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 T73-20 Milperra Drain Masterplan Works Stage 11 Part 2

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.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.37 PM AND
REVERTED BACK TO OPEN COUNCIL AT 6.39 PM.**

ITEM 11.1

**EOI 02-20 CANTERBURY LEISURE & AQUATICS CENTRE AND MAX PARKER
LEISURE & AQUATICS CENTRE**

(1029)

CLR. TUNTEVSKI:/CLR. ISHAC

RESOLVED that

1. In accordance with section 168(4)(a) of the Local Government (General) Regulation 2005 Council invites the shortlisted entities below to tender for the design development services for the Canterbury Leisure & Aquatics Centre and Max Parker Leisure & Aquatics Centre:
 - Brewster Hjorth Architects
 - CO.OP Studio Pty Ltd
 - Cox Architecture Pty Ltd
 - Mantric Architecture Pty Ltd
 - William Ross Architects Pty Ltd
2. Council notifies the unsuccessful respondents in writing and thank them for their submissions.
3. A further report to be provided to Council to determine the successful tenderer.

- CARRIED

CANTERBURY BANKSTOWN
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ON 28 JULY 2020

ITEM 11.2
(1030)

T73-20 MILPERRA DRAIN MASTERPLAN WORKS STAGE 11 PART 2
CLR. ZAKHIA:/CLR. TUNTEVSKI

RESOLVED that

1. Council accepts the tender received from J Holdings Group Pty Ltd for an amount of \$1,358,192.00 (excluding GST) for the Milperra Drain Masterplan Works Stage Eleven Part Two;
2. The General Manager be authorised to enter into a Works-In-Kind agreement with Bankstown Golf Club for the proposed reconfiguration works within the golf course to an upper limit of \$750,000 (excluding GST).
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 6.40 PM.

Minutes confirmed 25 AUGUST 2020

.....

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 Condolences to Lebanon	25
4.2 Public Accountability	27
4.3 Local Community Based Donations	29

Mayoral Minutes - 25 August 2020

ITEM 4.1 Condolences to Lebanon

I wanted to take some time tonight, before a minute's silence, to personally thank the community for the heartfelt tributes and responses to the disaster in Lebanon.

It was a blast in the City's capital, Beirut, which killed more than 200 people, injured thousands and left many more hundreds of thousands homeless. It took just seconds to rip through the City, but the damage and the scarring of innocence will take many years and billions of dollars of investment to repair.

The reaction in our community was instantaneous and overwhelming. Organisations and individuals from all backgrounds and faiths offering help and support to a country and its people brought to their knees.

One organisation, which didn't wish to be named, collected thousands of basic essentials like toothpaste, canned foods, nappies and at one stage had to stop the flood of donations as they didn't have the means to get them airfreighted. That was until an anonymous donor forked out \$93,000 from their own pocket and paid for three Emirates flights.

This was just one organisation and there were many, many others. Our own Councillor George Zakhia will be sending a container of necessities and essential goods, collected from our community, in the coming days.

Council, and fellow councillors played their part in consoling and talking to the community about the tragedy and fundraising initiatives, as well as supporting an online condolence book, flying the Lebanese flag at half-mast outside Bankstown Library and calling on the Premier to pay tribute by lighting up the Opera House with the Lebanese Cedar tree. I also attended a special prayer service at Our Lady of Lebanon.

Councillors, we all saw the heart wrenching images, images which will be with us for some time. Images of the blast spreading from the port like a wave, wreaking destruction and leaving misery in its wake. Then there were the images of people running for their lives, heroism, as rescuers risked their own lives to save others. Then the images of survivors miraculously being pulled from the rubble.

Councillors, tonight I propose we write to the Lebanese Ambassador in Australia, on behalf of our community, and offer our condolences and support to the people of Lebanon who like the symbolic Cedar Tree have shown strength and resilience through yet another tragic chapter in their history.

Mayoral Minutes - 25 August 2020

ITEM 4.2

Public Accountability

I have made a submission to the Chairperson of the Public Accountability Committee and requested the opportunity to be heard at the Inquiry into the Integrity, Efficacy and Value for Money of NSW Government Grant Programs. I table this submission tonight for the interest of Councillors and the community

This isn't about grandstanding but about ensuring that our City is represented, our case is put forward and our community's voices well and truly heard.

As you are all aware, our City and our community missed out on millions of dollars of funding under the Stronger Communities Grants scheme. Monies which had been set aside for councils, to assist them with the amalgamation process and building much needed community infrastructure.

I want the Inquiry to know how the City feels about the majority of this money being allocated to councils in Coalition held seats. I also want the opportunity to reinforce why \$90 million, out of \$250m was given to Hornsby Council, one of the least affected by the mergers.

The crux of my submission to the Inquiry is proposing a system to ensure transparency and clarity about how funds are allocated in the best interests of the community.

I have much to tell the Inquiry, including how I wrote to the Minister in June 2018 requesting consideration for further financial assistance to deal with the cost of merging our Council, and how my request was rejected; out of hand with no mention made of additional funding available under the Stronger Communities Program.

Councillors, I know you share my concerns in this matter and I will keep you informed about the proceedings and any outcomes.

ATTACHMENTS

[Click here for attachment](#)

-
- A. Submission of the Public Accountability Committee – Inquiry into integrity efficacy and value for money of NSW Government grant programs

Mayoral Minutes - 25 August 2020

ITEM 4.3 Local Community Based Donations

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

Human Appeal Lebanon Emergency Appeal

Human Appeal Australia (HAA) is an Australian registered non-for-profit providing immediate relief to those affected by the massive explosions in Lebanon that sadly killed over 90 people and wounded over 4,000. The disaster sent shockwaves throughout the entirety of Beirut.

The city of Beirut is in a state of panic with many still missing and many homes destroyed. Through HAA's Lebanon Emergency Appeal they aim to provide medical assistance, hygiene kits, food parcels and assist with rebuilding homes.

Accordingly, I recommend that Council support Human Appeal Australia's Lebanon Emergency Appeal through a \$2,000 donation.

National Breast Cancer Foundation - 10km Bridge Run

The National Breast Cancer Foundation has a very simple, but very important mission of achieving zero deaths from breast cancer by 2030.

Breast cancer is the most commonly diagnosed cancer in Australia. Its incidence is increasing, with 1 in 7 Australian women and 1 in 675 Australian men expected to be diagnosed in their lifetime. Over 200,000 women are living with Breast Cancer in Australia.

Councillor George Zakhia has nobly taken on the challenge to raise funds by participating in and one of Australia's most scenic running courses and raise money for life-changing breast cancer research. He has asked Council to support the Foundation through promoting this event and the work the Foundation.

Accordingly, I recommend that Council support the National Breast Cancer Foundation and the efforts of Councillor George Zakhia through a \$2,000 donation.

VCA

The Vietnamese community's contribution to our city far exceeds their relatively short history, acknowledging the many who fled to Australia in the pursuit of freedom, democracy and basic human rights.

The VCA has been working closely with Council to design and install a bronze monument and plaque bearing the portraits of five Generals from the Republic of Vietnam, within the Bankstown CBD. The VCA have requested financial assistance to support their contribution towards the establishment of this monument.

Accordingly, I recommend that Council contribute funds to assist the VCA with the installation of a plaque through a \$2,000 donation.

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 | Application to Amend Bankstown Local Environmental Plan 2015: 167
Hume Highway, Greenacre | 33 |
| 5.2 | Report on Council's Performance in the Assessment of Development
Applications for the 2019/20 financial year, Clause 4.6 Variations Approved
for the fourth quarter of the 2019/20 Financial Year, and Planning Related
Legal Appeals | 49 |

ITEM 5.1 Application to Amend Bankstown Local Environmental Plan 2015: 167 Hume Highway, Greenacre

AUTHOR Planning

PURPOSE AND BACKGROUND

This report considers a planning proposal application submitted by the Iris Capital to amend the building envelope controls for the site at 167 Hume Highway in Greenacre, known as the Palms Hotel. The proposal has changed since it was first considered by Council in December 2018. Council's approval is sought to seek a Gateway Determination.

ISSUE

At its Ordinary Meeting of 11 December 2018, Council considered a planning proposal application for the site at 167 Hume Highway, Greenacre. Council resolved to defer the application to consider additional information from the applicant in relation to potential infrastructure needs, economic and amenity impacts (noise and air quality) and community needs investigation prior to deciding whether to proceed with a planning proposal.

The proponent has since submitted additional information for Council's consideration in response to the Council resolution. A key change is the proposed expansion and embellishment of Peter Reserve (Council owned) which was previously identified for divestment under Council's Plan of Management. In order to facilitate the 600m² expansion of the park, which will double its size, changes to the floor space ratio and building heights are proposed (noting the allowable gross floor area will not change).

A revised letter of offer to enter into a planning agreement has been submitted by the applicant to dedicate land for the expansion of Peter Reserve, contribute to its embellishment, deliver a new bus stop along the Hume Highway, and contribute towards a new district level community facility and district level recreation facility.

This report recommends the application proceed to the Department of Planning, Industry and Environment for a Gateway Determination.

RECOMMENDATION That -

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) Permit a minimum floor space ratio of up to 0.3:1 for non-residential purposes within a maximum FSR for the whole site of up to 1.3:1.
 - (b) Permit a maximum building height of 20 metres (six storeys), 17 metres (five storeys), and 11 metres (three storeys).
 - (c) Rezone part of 167 Hume Highway, Greenacre from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation.

- (d) Reduce the depth of the 11 metre building height control along the Hume Highway for residential purposes from 20 metres to 12 metres.
 - (e) For consistency, the change recommended in (d) also be applied to the adjoining sites at 165 and 185 Hume Highway, Greenacre.
- 2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- 3. Subject to the issue of a Gateway Determination, Council address the conditions and exhibit the planning proposal, and the matter be reported to Council following the exhibition.
- 4. Council prepare and exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
- 5. A planning agreement be prepared and exhibited concurrently with the planning proposal, noting that development contributions for any future development of this site will be payable in addition to the planning agreement offer.
- 6. The planning agreement be reported to Council with the planning proposal following the exhibition.

ATTACHMENTS

[Click here for attachments](#)

- A. Recommended amendments to the Zoning Map, FSR Map and Height of Buildings Map
- B. Local Planning Panel Meeting– Report of 19 November 2018
- C. Local Planning Panel Meeting–Minutes
- D. Ordinary Meeting of 11 December 2018–Council Report and Minutes
- E. Urban Design Peer Review (Addendum), July 2020
- F. Peer review of Acoustic and Air Quality Assessments, July 2020
- G. Letter of offer, August 2020
- H. Updated Planning Proposal Report, June 2020
- I. Updated Urban Design Report, May 2020
- J. Updated Acoustic Assessment, May 2020
- K. Updated Air Quality Assessment, May 2020
- L. Social Impact and Community Needs Assessment, May 2019
- M. Social Impact and Community Needs Assessment (Open Space Addendum), May 2020
- N. Estimate of Operational Impacts, May 2020
- O. RMS Correspondence, September 2017
- P. Cover Letter, June 2020
- Q. Cover Letter, August 2020

POLICY IMPACT

This matter is consistent with the Council's Local Strategic Planning Statement, namely *E6.12 Ensure housing growth is supported by infrastructure and funding*, the action that requires infrastructure is properly staged and funded for the future housing growth and *E6.4 Protect the low density character of suburban neighbourhood*, the action that requires reinforcing the low density character of suburban areas consistent with Council's Housing Strategy.

The proposal is consistent with achieving the objectives of Zone B6 Enterprise Corridor under the Bankstown Local Environmental Plan 2015 to promote businesses along main roads and provide for residential uses as part of a mixed use development.

The proposal is also consistent with Council's newly adopted Housing Strategy and Employment Strategy. In particular, the inclusion of a minimum FSR for non-residential uses will preserve employment lands within the B6 Enterprise Corridor, as identified in the strategy, LSPS and consistent with the objectives of the zone. The retention and expansion of Peter Reserve is consistent with the guiding principles of the Housing Strategy, through location of housing within walking distance of open space.

FINANCIAL IMPACT

The proponent submitted a letter of offer to enter into a planning agreement to dedicate 600m² of land for the expansion of Peter Reserve, certain contribution to its embellishment, deliver a new bus stop along the Hume Highway, and contribute towards a new district level community facility and district level recreation facility. The increased density and inclusion of a minimum non-residential component will create increased job capacity on site and private investment in the area.

Further negotiations with the proponent will be required to confirm the extent of contribution towards a new district level community facility and district level recreation facility. As the proponent's offer for embellishment work is capped at \$50,000, any difference would be required to be incurred by Council to complete the embellishment work.

COMMUNITY IMPACT

The planning proposal contributes to doubling the size of Peter Reserve and embellishment works so that a public open space is available within a walking distance for future residents, which can be considered as broader public benefit.

The proposal contributes to achieving built-forms that are appropriate for a zone-transition area to ensure low density suburban character in Peter Crescent is maintained, whilst allowing appropriate density and built-forms along Hume Highway for the purposes of mixed use developments.

DETAILED INFORMATION

1. BACKGROUND

1.1 Site Description

The site at 167 Hume Highway in Greenacre (Lot 402, DP 631754) is 11,750m² as shown in Figures 1 and 2.

The site is within the Zone B6 Enterprise Corridor under the Bankstown Local Environmental Plan 2015. The zone permits highway related land uses such as hotel or motel accommodation, business and office premises and light industries subject to consent. The zone also permits certain residential uses (residential flat buildings, seniors housing and multi dwelling housing) only if the uses form part of a mixed-use development.

The site is currently occupied by the Palms Hotel and three other associated buildings used for accommodation, storage and a separate restaurant. The site is constrained by noise and air quality due to its interface to the Hume Highway. A small section of the site sits within the medium stormwater flood risk precinct. The site falls by approximately 5 metres from north to south.

The site adjoins a single storey commercial building to the north, low density residential development to the south, and Peter Reserve (Zone RE1 Public Recreation) to the east.

In relation to the local context, the site forms part of the Hume Highway Enterprise Corridor, which generally consists of industrial development on the northern side of the Hume Highway. The southern side of the Hume Highway consists of a mix of highway related businesses and low-density residential development, predominantly houses. The nearest shopping centre is Chullora Marketplace (1.2km) to the north east. Public transport is limited to bus services along the Hume Highway.



Figure 1: Site Map

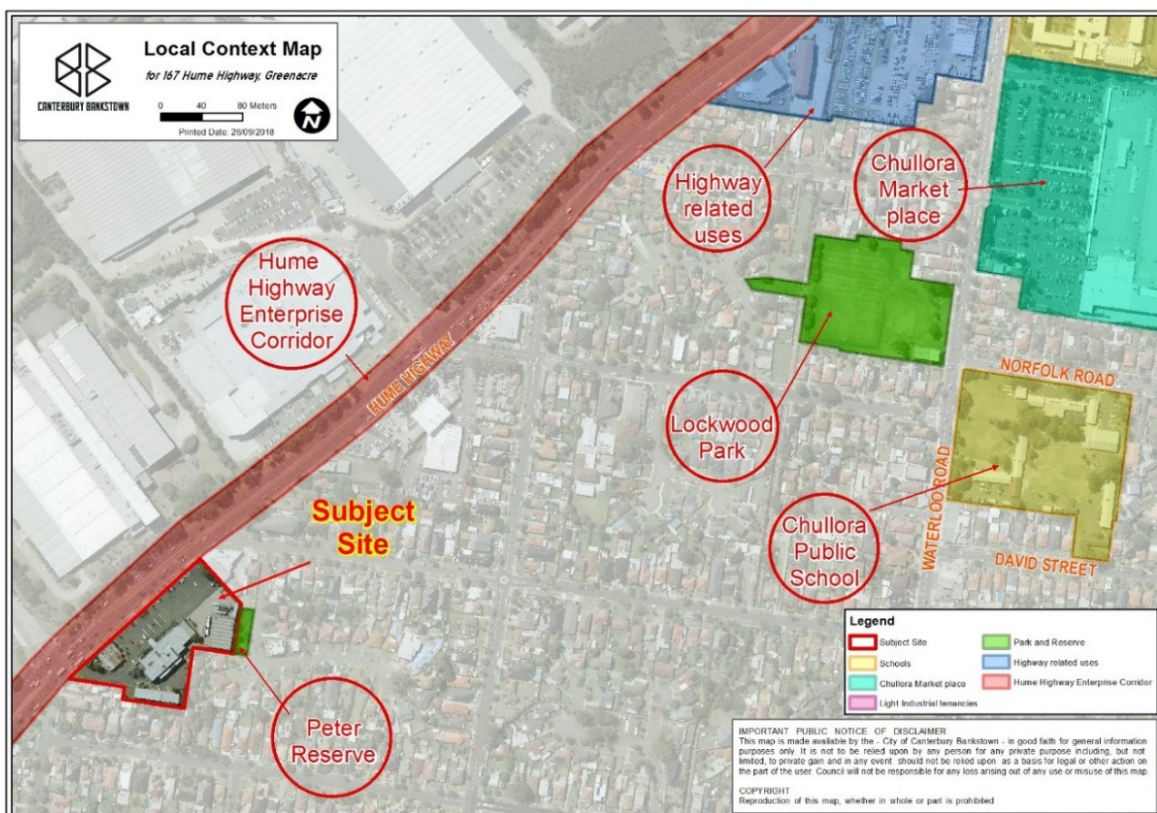


Figure 2: Locality Map

1.2 Original Proposal

In July 2018, the proponent submitted a planning proposal seeking to increase the building envelope on the site at 167 Hume Highway in Greenacre, generally consistent with the recommendations of the North East Local Area Plan as follows:

167 Hume Highway, Greenacre	Current controls	Proponents proposed controls
Zone	B6 Enterprise Corridor	No change
Maximum FSR	1:1	1.5:1
Maximum building height	11-14 metres (3-4 storeys)	14-17 metres (4-5 storeys)
Minimum highway setback for dwellings	20 metres	10 metres

The application showed a concept design for a mixed use development consisting of a commercial building (Block A) and three residential flat buildings (Block B, C, and D) to accommodate approximately 167 dwellings (refer to Figures 3). The concept design also includes 413 basement parking spaces (comprising 84 commercial spaces, 294 residential spaces, and 35 visitor spaces). A landscape strategy includes a 5–7 metre landscape buffer along the Hume Highway and areas of communal open space.



Figure 3: Original Indicative Concept Plan (Urban Design Report, Squillace 2018)

1.3 Request for additional information - Local Planning Panel Meeting and Ordinary Council Meeting

The Local Planning Panel considered the planning proposal application on 19 November 2018 and recommended that the application proceed to Gateway based on the following building envelope controls (refer to the Local Panel Planning Minutes as provided in Attachment C):

- (a) *Permit a minimum floor space ratio of 0.25:1 for non-residential purposes within a maximum FSR for the whole site of 1.25:1.*
- (b) *Permit a maximum building height of 17 metres (five storeys) to the north of the site, 14 metres (four storeys) in the centre of the site, and 11 metres (three storeys) along the southern boundary, as shown in Figure 11 of this report.*
- (c) *Reduce the depth of the 11 metre building height control along the Hume Highway from 20 metres to 12 metres.*
- (d) *For consistency, the change recommended in (c) should also apply to the adjoining sites at 165 and 185 Hume Highway in Greenacre.*

The Panel also recommended that the Gateway process should require the following additional information:

- (a) *Social Impact and Community Needs Assessment*
- (b) *Air Quality and Noise Impact Study*
- (c) *Consultation with the Roads & Maritime Services*
- (d) *An economic investigation and analysis for the non-residential land uses proposed for the site that is a Hotel and Serviced Apartments, to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site*

Panel Reason: *To ensure the B6 zone fulfils its purpose of employment generation.*

At its Ordinary Meeting of 11 December 2018, Council considered the application (refer to the Council Report as provided in Attachment D) and resolved that:

1. *The matter be deferred subject to the applicant providing the following additional information as outlined in the report:*
 - (a) *Social Impact and Community Needs Assessment*
 - (b) *Air Quality and Noise Impact Study*
 - (c) *Consultation with the Roads & Maritime Services*
 - (d) *An economic investigation and analysis for the non-residential land uses proposed for the site i.e. hotel and serviced apartments and to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site.*
2. *Once the additional information is received and evaluated, a further report be provided to Council on the matter.*

1.4. Updated Planning Proposal (June 2020)

In June 2020, Council received an updated planning proposal from the applicant to amend the building envelope controls for the site at 167 Hume Highway, Greenacre as follows:

167 Hume Highway	Current controls	Proposed controls
Zone	B6 Enterprise Corridor	Part rezone to RE1 Public Recreation
	RE1 Public Recreation	Part Rezone to B6 Enterprise Corridor
Maximum FSR	1:1	1.25:1 including a minimum commercial FSR of 0:25:1
Maximum building height	Part 11 metres (3 storeys); and Part 14 metres (4 storeys).	Part 11 metres (3 storeys), Part 14 metres (4 storeys); and Part 18 Metres (5 storeys).
Minimum highway setback for dwellings	20metres	10 metres

The updated information package included an updated planning proposal report, an updated urban design report and associated studies in order to satisfy the Council resolution of December 2018, including:

- Updated Planning Proposal Report (prepared by mecone, dated June 2020)
- Updated Urban Design Report (prepared by Squillace, dated May 2020)
- Updated Acoustic Assessment (prepared by Acoustic Logic, dated May 2020)
- Updated Air Quality Assessment (prepared by CETEC Solutions, dated May 2020)
- Social Impact and Community Needs Assessment (prepared by GHD, dated May 2019)
- Social Impact and Community Needs Assessment -Open Space Addendum (prepared by GHD, dated May 2020)
- Estimate of Operational Impacts (prepared by Atlas Urban Economics, dated May 2020)
- Letter of offer (prepared by mecone, dated August 2020)
- RMS Correspondence (email dated September 2017)
- Cover letter (prepared by mecone, dated June 2020)
- Cover letter (prepared by mecone, dated August 2020).

The updated concept plan shows a concept mixed-use development (3-5 storeys), consisting of 129 apartments (original proposal included 167 dwellings), distributed across four (4) residential flat buildings and associated basement parking (260 spaces). The proposed non-residential use include hospitality use in Block A (bistro of 280m² and sports bar/gaming area of 250m²) and ground floor commercial/retail space of 2,406m²) in Block B. The concept plan shows a total Gross Floor Area of 14,680m².

The revised concept plan proposes to dedicate approximately 400m² of the site to expand Peter Reserve. The concept plan also proposes to acquire and rezone 79m² of Peter Reserve for lot reconfiguration of the subject site. These matters are discussed in more details in section 2 of this report.

This report considers the additional information received to date in response to the Council resolution of 11 December 2018.

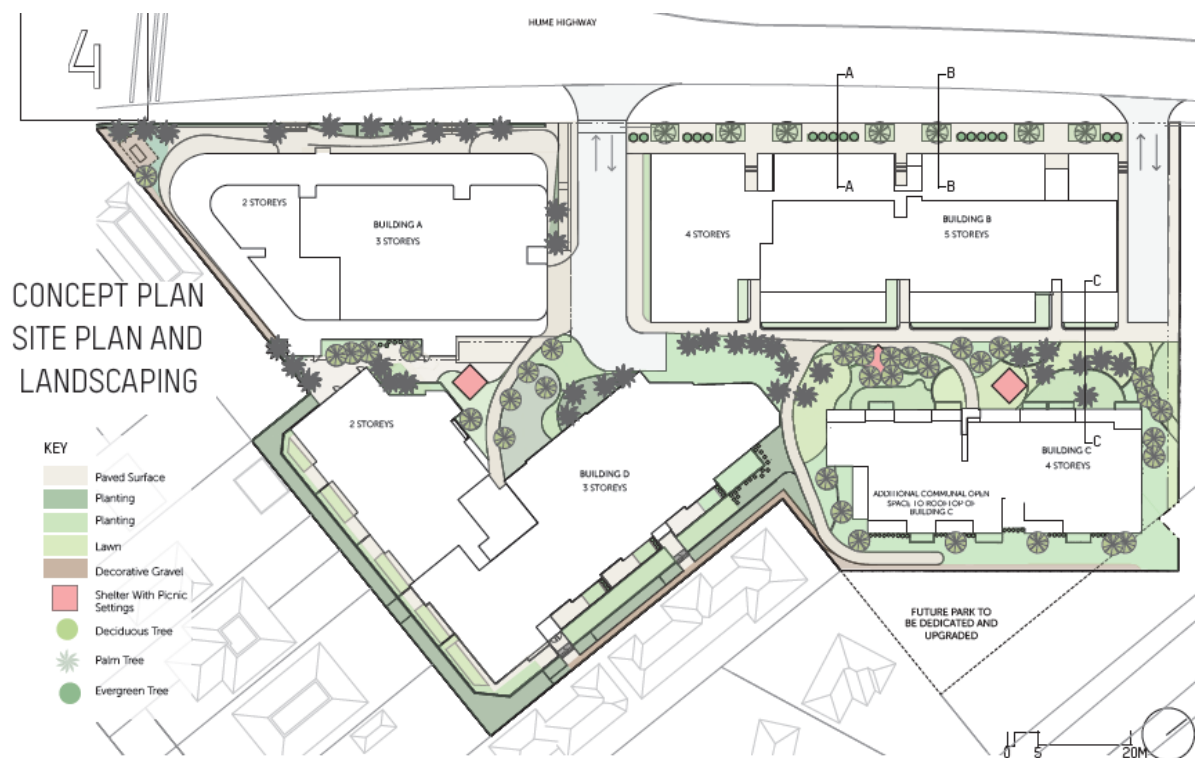


Figure 4: Proposed Revised Concept Plan (Urban Design Report, Squillace, June 2020)

2. ASSESSMENT FINDINGS

2.1 Social Impact and Community Need Assessment

Council requested a Social Impact and Community Needs Assessment to investigate local infrastructure needs arising from the proposal. The applicant submitted a Social Impact and Community Needs Assessment (SICNI, May 2019) and Open Space Addendum (May 2020) which indicated that:

The SICNI found there is a low provision of public open space in the study area, particularly large parcels of open space. Public open space in the study area primarily comprises local parks and informal greenspaces which do not appear to be uniformly available within 400 metres of residences, which is best practice and considered a 'walkable' distance for most people. The SICNI found the closest public open space to the development site was 700 metres away, however this did not consider Peter Reserve in the assessment. (Attachment M, Open Space Addendum)

The report's recommendation is consistent with the South District Plan, Planning Priority S16, which seeks to ensure that new dwellings are located within 400 metres of public open space for recreation and social activities.

In response, Council requested that the adjoining Peter Reserve be expanded by 600m² with associated embellishment works, effectively doubling the size of the existing reserve to create a new local park of 1,250m² to better service the local community.

In order to address the requirement of the public open space, the proponent initially proposed dedicating approximately 329m² of land to expand Peter Reserve and a land swap with Council for approximately 79m² of Peter Reserve, shown in Figure 6.

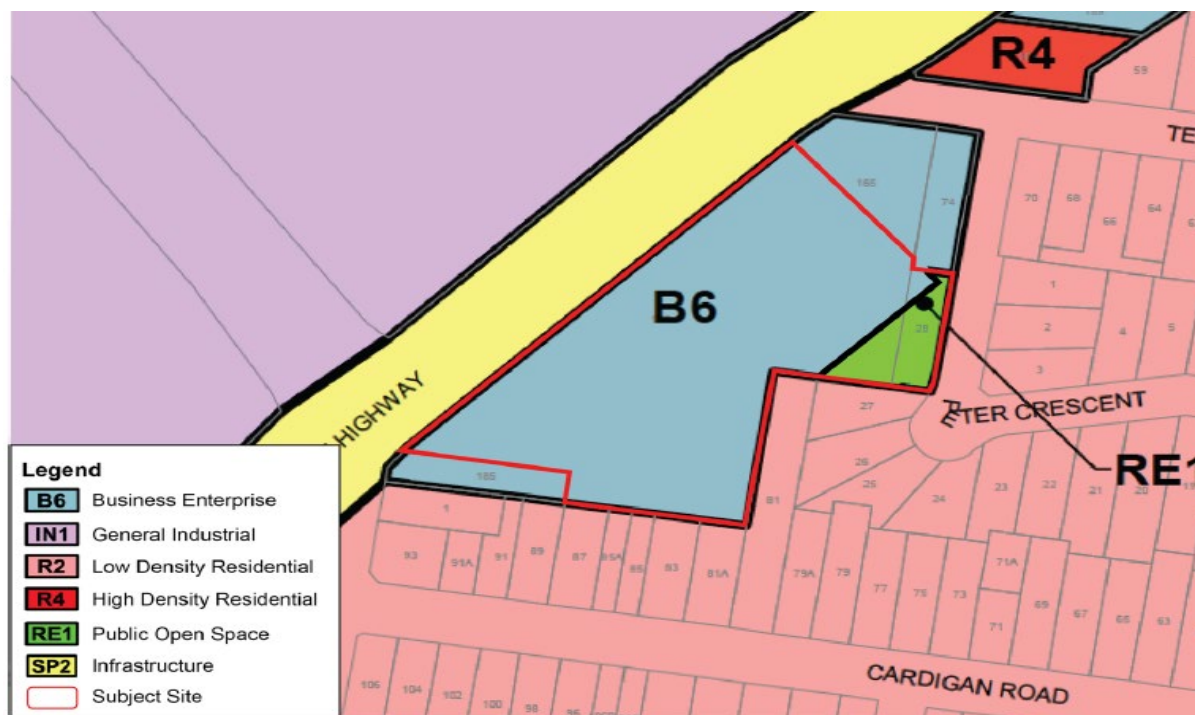


Figure 5: Applicant's proposed zoning map (2020)



Figure 6: Applicant's proposed (2020) land dedication and lot configuration of Peter Reserve (now superseded)

Council's assessment identified that the applicants proposed lot reconfiguration presented an irregular shape at the northern end of Peter Reserve which is not conducive to open space planning. The assessment identified that there is no merit in undertaking a public hearing and reclassification for a small portion (79m²) of Peter Reserve, where it serves little benefit to the community or Peter Reserve.

The urban design peer review commissioned by Council considered the above matters and recommended a revised lot reconfiguration based on land dedication and expansion of Peter Reserve by 600m², deletion of the proposed land swap and a revised maximum building height and FSR for the resultant smaller lot size. Council's urban design peer review is discussed in further detail below.

The proponent was advised of Council's revised urban design peer review and asked to update the planning agreement letter of offer to increase the land dedication to 600m², include a contribution to park embellishment works and remove the land swap component. The proponent has agreed and provided an amended letter of offer (Attachment G).

The amended letter of offer has also been amended to include other Infrastructure needs identified through the assessment of the revised information and consideration of other proposals in the locality. The offer also includes:

- New bus stop on the Hume Highway, adjacent to the site, as there is an identified need for a new bus stop to improve public transport access to the site.
- Contribution to a new district level community facility and district level recreation facility in the Greenacre locality.

Should Council proceed with the planning proposal, it is recommended that a planning agreement be prepared and exhibited to support the planning proposal.

2.2 Air Quality and Noise Impact Study

The Bankstown DCP 2015 requires that dwellings are setback a minimum 20 metres from the Hume Highway. In November 2018, the Local Planning Panel endorsed the recommendations of the urban design peer review (2018) to reduce residential setback from 20 metres to 12 metres along Hume Highway, subject to the applicant preparing air quality and noise assessment reports to confirm amenity impacts to the future residents.

In response to the above, the applicant submitted Updated Air Quality Assessment, May 2020 (Attachment K) and Updated Acoustic Assessment, May 2020 (Attachment J) to reduce the residential setback from 20 metres to 10 metres along Hume Highway.

Council's peer review of the above reports provided the following recommendations:

- Acoustic impacts can be managed for apartments with a 10m setback
- Air quality impacts can be managed for apartments through setbacks of greater than 10m

The peer review did not identify an exact setback to manage air quality impacts above 'greater than 10m'. Council's urban design peer review has retained the previously recommended 12m setback.

The proponent has responded with a request to reduce the setback to 10m. This report recommends a front setback of 12m be retained based on the recommendations of Council's air quality and urban design peer reviews.

2.3 Consultation with the Roads and Maritime Services

In relation to traffic implications, the proposal does not identify any impacts on the surrounding road network. Previously, Council's traffic engineer recommended that the applicant seek confirmation from the Roads and Maritime Services (RMS) on the proposed access crossover locations (Hume Highway is a classified road) and the impact of the proposed traffic on the signalised intersection.

In response to the Council resolution to consult with the RMS requirement, the applicant submitted previous correspondence from the RMS, dated September 2017 (Attachment O), which states:

Roads and Maritime reiterate our previous position that the access into the site should be via the furthest northern eastern extent of the subject bays, which is away from the right turn bays on Hume Highway.

The revised concept from the proponent still shows multiple access points to the site from the Hume Highway, which were not supported by the RMS. Council's urban design peer review (2020) has recommended a design concept consistent with the recommendations from the RMS, which will be used as guidance to form the draft site specific DCP. Further consultation with the RMS will also occur as part of post Gateway agency consultation, should the proposal be supported.

2.4 Economic Analysis

Council requested an Economic Analysis to ensure the proposal is compatible with the zone objectives of B6 Enterprise Corridor, namely, to promote businesses and other employment uses along main roads. This was to include an analysis for the non-residential land uses proposed for the site (for example, hotel and serviced apartments) and to explore the ratio of employees to FSR. The economic study was to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site.

The applicant submitted an *Estimate of Operational Impact* (Attachment N) which indicates that:

In addition to retaining the existing bistro and sports bar gaming operations, the Proposal Case is estimated to generate additional annual impacts through retail/commercial operations and dispersed jobs in new residential units.

On completion, the proposal will contribute to the Canterbury-Bankstown LGA through increased economic activity which will support local employment, direct and induced. Annual household expenditure by new residents will additionally support retail and other local service businesses in the Canterbury-Bankstown LGA, contributing to their economic vitality and sustainability.

The report indicates that the existing hotel and bistro provides approximately 31 full time employment (FTE) jobs. The proposal would create approximately 79 additional direct full-time jobs (i.e. those on-site) through the proposed non-residential FSR of 0.25:1.

Following a review, the proposal is considered to be compatible with the zone objectives. It is noted that the Estimate of Operational Impact report does not raise any issue with the minimum FSR set for non-residential purposes (0.25:1) for the site. Based on the reduced lot size after the dedication of land to expand Peter Reserve, the recommended non-residential FSR has been revised to 0.3:1, which is generally equivalent to the previous 0.25:1 FSR and endorsed by Council's urban design peer review (July 2020).

Council's review supports these findings to inform the planning proposal.

2.5 Urban Design Assessment

As a result of the additional work submitted by the proponent, Council commissioned a further urban design peer review of the proposal.

Previously, the urban design work had not considered:

- Retention of Peter Reserve

- Land dedication and expansion of Peter Reserve by 600m² to 1250m²
- Appropriate density and overshadowing impacts to Peter Reserve
- RMS requirement to reduce to one driveway from the Hume Highway

As a result of consideration of these new factors, Council's urban design review recommended a relocation of height and density towards the Hume Highway and decrease in density along Peter Reserve and the adjoining low density dwellings. The revised heights provide a sensitive transition to the adjoining R2 low density residential area, and opens up the site to benefit future residents and provide passive surveillance of the reserve. The addendum to urban design peer review is shown in Attachment E.

The key recommendations and comparisons are set out below:

167 Hume Highway, Greenacre	Current controls	Previous recommendations (peer review 2018)	Revised urban design peer review recommendations, July 2020
Zone	B6 Enterprise Corridor	B6 Enterprise Corridor	Part rezone to RE1 Public Recreation
Maximum FSR	1:1	1.25:1, including a minimum of 0.25:1 of non-residential purposes	1.3:1*, including a minimum of 0.3:1 non-residential FSR
Maximum building height	11–14 metres (3–4 storeys)	11, 14 and 17 including a minimum of 0.25:1 of non-residential purposes metres (3, 4 and 5 storeys)	11, 17 and 20 metres (3, 5 and 6 storeys)
Minimum Hume Highway setback for residential	20 metres	12 metres	12 metres

*For a reduced site area

The recommended maximum floor space area has been revised as a result of the decrease in total lot size from the land dedication of 600m² to expand Peter Reserve. The overall floor area of the site has not increased, as set out in the table below:

167 Hume Highway, Greenacre	Previous recommendations on Floor Space Ratio and Gross floor area (peer review 2018)	Revised urban design peer review recommendations, July 2020
Site Area	11,750m ²	11,150m ²
Total FSR	1.25:1 including a minimum of 0.25:1 of non-residential purposes	1.3:1 including a minimum of 0.3:1 non-residential FSR
Total GFA	14,687.5m ²	14,474m ² (-213m ²)
Min. Commercial FSR	0.25:1	0.3:1
Min. Commercial GFA	2,937.5m ²	3,345m ² (+407.5m ²)

Whilst the proponent does not object overall, the proponent has raised that the adjusted non-residential FSR equates to an additional 407.5m², beyond the previous recommendation. Whilst it is agreed that the proposal would result in an increase in commercial area, the requested retention of 0.25:1 FSR would result in a decrease in non-residential floor area, which is inconsistent with the recommendations of the Local Planning Panel. This report recommends that a revised FSR for non-residential of 0.3:1 be adopted, as it is generally consistent with the previous recommendation.

A comparison of the previous built forms and height is shown below:

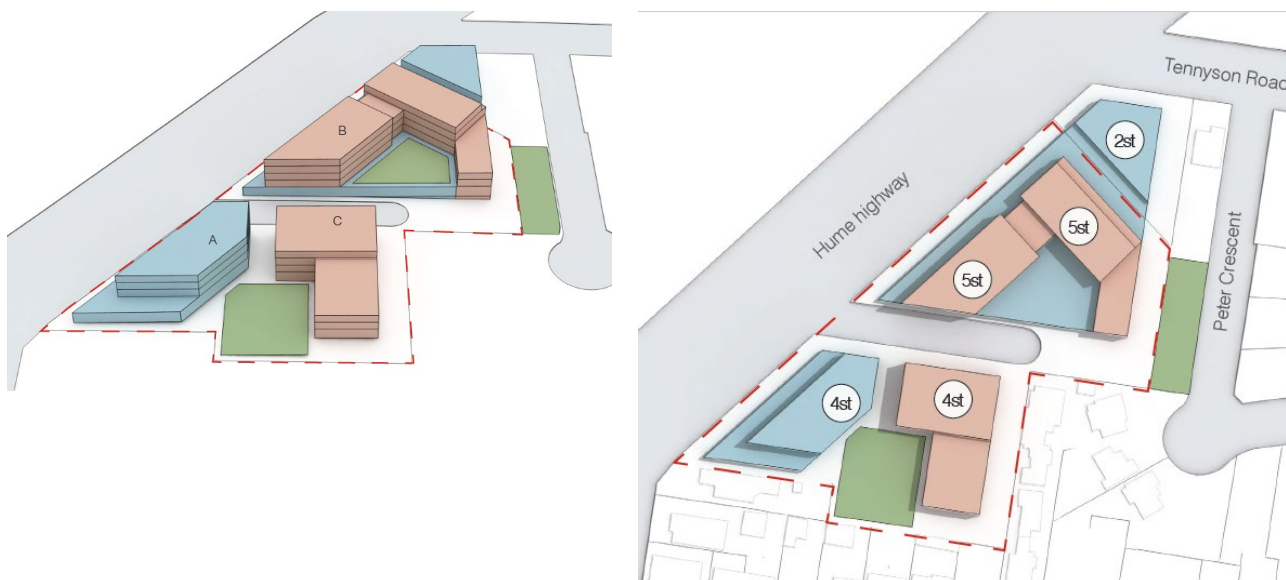


Figure 8: Previous peer review recommendation, Architectus 2018



Figure 9: Current peer review recommendation, Architectus 2020

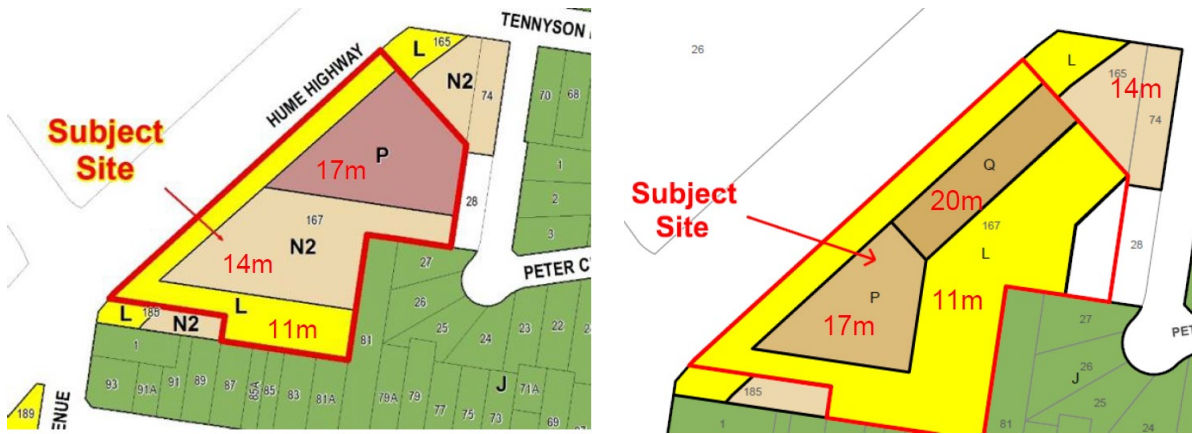


Figure 10: Previous (2018) and current (2020) peer review recommended maximum building heights

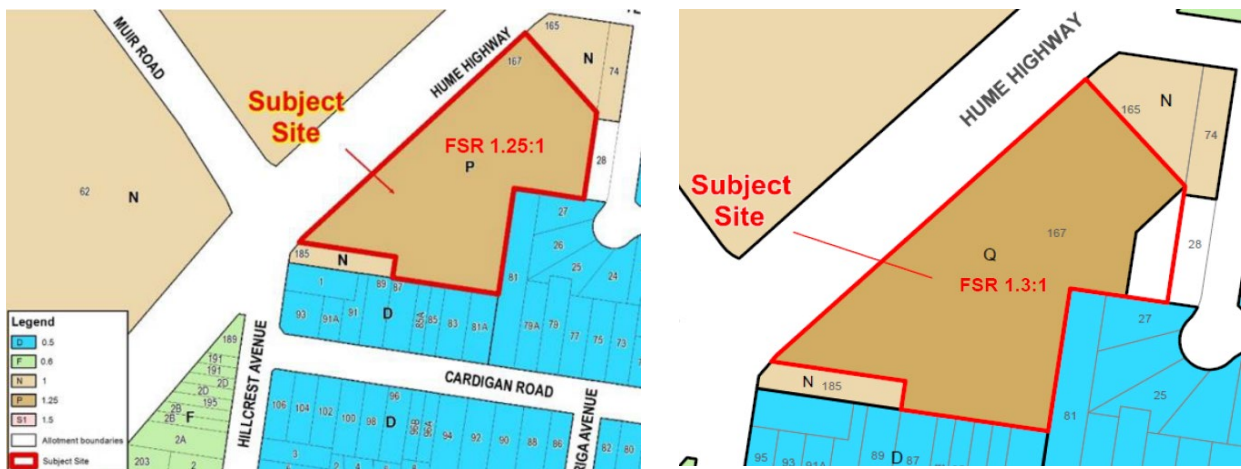


Figure 11: Previous (2018) and current (2020) peer review recommended Floor Space Ratios

Next Steps

The next step is to prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination. The planning proposal would request amendments to the Bankstown Local Environmental Plan 2015. It is also proposed to prepare a DCP amendment and a Planning Agreement to support the planning proposal.

Following the exhibition of the planning proposal, draft DCP amendments and Planning Agreement, the outcomes would be reported to Council.

Planning Matters - 25 August 2020

ITEM 5.2 **Report on Council's Performance in the Assessment of Development Applications for the 2019/20 financial year, Clause 4.6 Variations Approved for the fourth quarter of the 2019/20 Financial Year, and Planning Related Legal Appeals**

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 2019/20 financial year;
2. Development applications approved with a Clause 4.6 Variation for the fourth 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 attachments](#)

- A. Clause 4.6 variations for 4th quarter of 2019/20 financial year
- B. Appeal listing as of August 2020

POLICY IMPACT

This matter has no policy implications.

FINANCIAL IMPACT

This matter has no financial implications.

COMMUNITY IMPACT

The timely processing of development applications increases housing stock, provides employment, provides additional facilities for the community and improves the appearance of the City. Council's record of being one of the fastest Councils in metropolitan Sydney for processing development applications is a significant benefit for the community in this regard.

However, it is also important to ensure that the community is protected from inappropriate development. This report will detail that in instances where Council has not supported poor development outcomes, Council has been successful in defending a majority of appeals lodged by applicants, or in affecting changes to a proposal to advance it to a point that it satisfactorily meets relevant planning rules and can be approved.

DETAILED INFORMATION

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

For the 2019/20 financial year, Council determined 949 development applications, with a total capital investment value of \$951 million. The median gross determination times for all development applications for the financial year was 48 days.

Prior to the COVID 19 Pandemic the median gross determination time for all development applications was 40 days. In response to the Pandemic, Council altered its development assessment service, providing more time for applicants to submit information to address outstanding planning matters. This approach led to a reduction in refusals of development applications by 75% and was in line with the NSW Government's desire to "prime" the economy to ensure that it is able to bounce back when the Pandemic ends.

In the financial year there was 963 customer requests lodged and investigated in relation to unauthorised building works. Despite the Pandemic, the number of unauthorised works investigated and the time taken to address such matters remained the same as pre- Pandemic levels.

Council also maintained a share of the private certification market, assessing numerous construction certificates and occupation certificates for projects each valued at over \$10 million, as well as maintaining an extensive fire safety program and continuing to work with local building owners to investigate and address combustible cladding issues.

During the 2019/20 financial year, Council reviewed its development assessment processes from lodgement to determination to support moving to a digital assessment platform. In particular, during the financial year Council delivered two significant projects:

1. In October 2019 a digital (paperless) end-to-end development assessment process was implemented, allowing considerable time and cost savings.
2. On 14 April 2020, Council launched the Planning Portal where all development applications, Construction Certificates, Complying Development Certificates and Subdivision Certificates are lodged online through the NSW Government's website.

These two significant projects were implemented following extensive public consultation. Applicants can now manage their development application in their own time, in their own home online and can communicate with Council all through the Planning Portal. This is a significant benefit to the community and industry alike.

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 fourth quarter of the 2019/20 financial year, a total of 5 variations to an environmental planning instrument were approved. The attached report is the required report and includes all results for the fourth 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 third quarter of the 2019/20 financial year as well as those which have recently been concluded, and those which have been submitted prior to finalisation of this report. The attached list identifies a total of 46 appeals, 13 of which are completed, leaving 33 active appeals. It is worth noting that of all the appeals on the attached list, 22 applications relate to applications made under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

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 Community Gardens and Nature Strip Gardens Policy	55
6.2 Revocation of Council Policies	61

ITEM 6.1 Community Gardens and Nature Strip Gardens Policy

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of the Community Gardens Policy and Nature Strip Gardens Policy is to provide clear and aligned policies across the Canterbury Bankstown Local Government Area (LGA) for the establishment and management of resident-led garden and planting activities on Council owned and/or controlled land. The proposed Nature Strip Gardens Policy specifically outlines the circumstances under which residents could plant gardens on the road nature strips (aka verges).

ISSUE

Council receives frequent enquiries from residents regarding the establishment of community gardens and nature strip gardens. Aligning these policies will allow for consistent guidance and advice.

The Nature Strip Gardens Policy applies to residential properties for plantings directly in front of their property or place of residence and is proposed to operate under a self-assessment model.

The Community Gardens Policy and Guidelines establishes the process for community organisations to follow to seek permission to establish a community garden. To be considered, community groups must manage the site independently, be an incorporated group with relevant management and insurance.

RECOMMENDATION That -

1. Council endorse the Nature Strip Gardens Policy and Community Gardens Policy and both policies to be placed on public exhibition
2. A further report be submitted Council following public exhibition

ATTACHMENTS [Click here for attachments](#)

- A. Policy Draft Nature Strip Gardens Draft
- B. Guidelines for Establishing a Nature Strip Garden Draft
- C. Policy Community Gardens Draft
- D. Guidelines for Establishing Community Gardens Draft

POLICY IMPACT

The Nature Strip Gardens Policy is proposed to supersede the former Canterbury Council Nature Strip Gardens Policy. No equivalent policy was adopted in the former City of Bankstown, therefore a single policy across the entire LGA is required. This policy position would be applied in conjunction with the Nature Strip Mowing Policy and the Commercial Use of Footways Policy and guidelines.

Both former Council areas have community gardens operating successfully on Council land, however, neither adopted a policy guiding these activities. The Community Garden Policy and associated guidelines will not be applied retrospectively. All existing approved community gardens must continue to adhere to their current formal approvals and licence agreements.

FINANCIAL IMPACT

There is no direct financial impact as a result of these policies.

COMMUNITY IMPACT

These policies provide the community with the opportunity to create green spaces in and around the places they live. For many residents there is limited opportunity to grow plants for food or to engage in the identified health benefits of gardening. For these residents, nature strip or community gardens come with physical and mental health benefits including greater community engagement.

By enabling the planting of more native species on nature strips and community gardens, these policies will increase the number and diversity of native plants that provide appropriate food and shelter for native insects, birds and animals.

DETAILED INFORMATION

There are several existing activities and programs in the City of Canterbury Bankstown that involve community use of council-managed lands for planting including:

- Community gardens
- School gardens
- Nature strip gardens
- Adopt a Patch program
- Bushcare sites

Currently, most of these activities are not covered by formal policies or guidelines that articulate Council's position or define the roles, responsibilities, expectations, protocols or standards for those involved or for the sites. The former Canterbury Nature Strip Gardens Policy and Adopt a Patch Guidelines are the two exceptions to this, however, they only apply to the former Canterbury Local Government Area and are outdated.

Community Gardens

There are currently seven formal community gardens in the LGA located at Ashbury, Bankstown, Chester Hill, Croydon Park, Lakemba, Riverwood and Villawood run by groups including community support service providers, school Parents and Citizens committee and a sporting club.

Edible and ornamental plants are grown in community gardens and they also provide a hub for participants to share produce, create communal composting facilities and facilitate social networks. They can also be used to plant native species.

The proposed Community Gardens Policy and Guidelines establishes the process a group must follow to apply for permission to establish a garden. To be considered, typical assessment criteria include capacity to self-manage and self-fund, evidence of a suitable management/design plan, open decision-making processes, open membership capacity, etc.

Nature Strip Gardens

There are 26 registered gardens under the former Canterbury policy. The policy will not be applied retrospectively. All existing nature strip gardens must continue to adhere to their current formal approvals.

The proposed Nature Strip Gardens Policy applies specifically to residents for plantings adjacent to their property and operates under a self-assessment model. There are no demands on Council resources for assessing the process.

Adopt a Patch Program

There are currently eight individual and five large, Mudcrab-operated, Adopt a Patch sites in the Canterbury area. These arrangements will continue however any new sites will operate under the conditions of the community gardens policy.

Developing the Policies

Both policies address the various planting activities already in existence and set out the roles and responsibilities for Council and the community regarding management, maintenance, design and location.

A key position of Council proposed under the Community Garden Policy is that the establishment and ongoing management of community gardens is the responsibility of community individuals and groups. Council's role is limited to approvals and guidance and support as required.

The policies also address matter raised at the March 2020 Environmental Sustainably Advisory Committee (ESAC) and resulting Notice of Motion, to include specific reference to planting of native species.

Summary of Nature Strip Gardens Policy

This policy and accompanying *Guidelines for establishing a nature strip garden*, set out the requirements and expectations for residents who are interested in establishing and managing nature strip gardens adjacent to their property. It identifies areas excluded from the policy due to environmental and safety risks (i.e. endangered ecological communities, contaminated land, state and arterial roads, town centres, median strips and roundabouts).

This will be undertaken by a 'self-assessment' process where the proposed nature strip gardens must address key criteria set out in the guidelines including specific agreement on: location of the proposed garden; clearance from traffic signals, rain garden, corners, existing trees, and other infrastructure; size and type of plants; and consultation with neighbours.

Council will provide advice on garden design and plant selection where requested and will enforce compliance where complaints are made.

Summary of Community Gardens Policy

Applications for new community gardens must be submitted to Council and address key criteria set out in the guidelines and identify a community garden group that will manage the site. If the group application and site are deemed appropriate, the group will seek formal approval via a 12 month permit (in the first instance) from Council before establishing a community garden.

Council will assess and determine the Community Garden application. If successful, Council will provide initial advice on design and maintenance of gardens and connect local gardens to gardeners to help build relationships and encourage the sharing of information and experiences.

Once established, the community garden group is responsible for the safe implementation of the garden in line with the submitted design and for the maintenance and up-keep of the approved garden.

Next Steps

Subject to endorsement of the Community Gardens Policy and Nature Strip Gardens Policy and related Guidelines, both policies will be placed on public exhibition.

Following this period, submissions will be considered and where relevant, incorporated into the documents before a further report is submitted to Council.

ITEM 6.2 Revocation of Council Policies

AUTHOR Corporate

PURPOSE AND BACKGROUND

As part of setting new policies for our City, there is a requirement to ensure that any long standing policies of the former Councils are either reviewed, aligned and/or revoked where necessary - particularly when they have been superseded by more recent policies set by Council.

This report outlines former Council policies that have been reviewed and identified for revocation.

ISSUE

In order to give effect to Council functions under the *Local Government Act 1993*, policies and procedural directives are required to ensure uniformity in administration and approach.

Council policies state Council's position on an issue by outlining what it will or will not do. This may be in the form of general principles that it will adopt to administer its statutory obligations. A Council policy is formally adopted at a Council meeting. It reassures the public of Council's commitment to the community.

A summary of the suggested adjustments and/or revocation of policies is outlined, for Councillor's consideration.

RECOMMENDATION

That Council revokes the former Council policies as outlined in the report.

ATTACHMENTS

Nil

POLICY IMPACT

Council's policy register will be updated to reflect Council determination in this matter.

FINANCIAL IMPACT

No financial impact on Council.

COMMUNITY IMPACT

The alignment of Council policies ensures uniformity in policy development across Council. It also informs the community of Council policy priorities and direction.

DETAILED INFORMATION

Revocation of Policies

As part of Council's continuing alignment process, a number of former Canterbury and Bankstown Councils policies have been identified for revocation. These policies have been superseded by operational policies or procedures, legislation that makes the policy redundant, or a formal Council position on an issue that is no longer required by Canterbury-Bankstown Council.

Major Airport Needs Policy

This policy was adopted by the former Bankstown Council on 21 March 1989 and was due for review every four years. The purpose of the policy was that Council does not enter the debate on the merits of the third runway at Kingsford-Smith Airport or the development of Badgerys Creek.

The Western Sydney International (Nancy-Bird) Airport at Badgerys Creek has been approved and is due to open in 2026. Council's Local Strategic Planning Statement (LSPS) notes the need for enhanced connections to the airport therefore the policy is no longer required.

Councillor Training Policy

This policy was adopted by the former Canterbury Council in May 2010. The purpose of the policy was a commitment to ensuring Councillors have access to training and educational opportunities.

Recent amendments to the *Local Government (General) Regulation 2005* requires the General Manager provide induction training courses, refreshers, and ongoing professional development, thus making this policy redundant.

Smoke Free Workplace Policy

This policy was adopted by the former Canterbury Council on 7 June 1990. The purpose of the policy was to ensure that smoking by Councillors, staff and members of the public be totally prohibited in council areas.

The policy is redundant as current legislation, *Smoke-free Environment Act 2000* (NSW), addresses the issue of smoking in the workplace.

Sustainability Policy

This policy was adopted by the former Canterbury Council in November 2011. The purpose of the policy was to define sustainability for the City of Canterbury and reinforce commitment to supporting and encouraging environmental protection and social and economic development.

The policy is redundant as Council's LSPS and Community Strategic Plan (CSP) are currently used to guide Council's approach to sustainability.

Massage Centre Policy

This policy was adopted by the former Canterbury Council in July 2002. The purpose of this policy was to outline the necessity for massage centres and the like to have documentary evidence of the relative qualifications for operation.

Massage centres are currently regulated through the development application process via conditions of consent. As a result, this policy is no longer required.

Playground Equipment Policy

This policy was adopted by the former Canterbury Council in July 2002. The purpose of the policy was to consider the likelihood of public liability claims from playground equipment use. The policy has been superseded by the *Playgrounds and Play Spaces Strategic Plan* that was adopted by Council on the 25 September 2018.

Sponsorship and Receiving Money Policy

This policy was adopted by the former Canterbury Council in April 1994. The purpose of the policy was to outline issues relating to sponsorship (cash and in-kind donation) which support and contribute to Council delivering community festivals and events in the City of Canterbury.

Since then, the *Incoming Sponsorship Policy* was endorsed by the Executive Leadership Team on 31 March 2020 and remains an operational policy, superseding the former Canterbury policy.

Risk Management Policy

This policy was first adopted by the former Canterbury Council in December 1999. The purpose of the policy was to integrate sound risk management practices and procedures into the culture, business practices and processes of Council.

The policy has been superseded by the operational Risk Strategy, Enterprise Risk Management Framework and the Enterprise Risk Management Policy.

Customer Service Policy

This policy was adopted by the former Canterbury Council in May 2011. The purpose of the policy was to ensure the provision of a high level of service to council customers by ensuring its deliverance in a professional and timely manner. This policy has been superseded by the *Customer Service Charter*.

Advertising Income Policy

This policy was first adopted by the former Canterbury Council in February 1999. The purpose of the policy was to address advertising with Claude Neon (now known as Claude Group), responsible for advertising on poles at intersections.

The current *Statement of Environmental Planning Policy No 64- Advertising and Signage* provides guidance on this issue, thus making this policy redundant.

As noted above, the following policies should be formally revoked by Council:

1. Major Airport Needs Policy
2. Councillor Training Policy
3. Smoke Free Workplace Policy
4. Sustainability Policy
5. Massage Centre Policy
6. Playground Equipment Policy
7. Sponsorship and Receiving Money Policy
8. Risk Management Policy

9. Customer Service Policy
10. Advertising Income Policy

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

7.1	Review of the 2019/20 Operational Plan, Delivery Program and Budget to 30 June 2020	69
7.2	Code of Conduct Amendments	81
7.3	Naming Request for a Reserve - Corner Hume Highway and Miller Road, Bass Hill	87
7.4	Proposed Licence Agreement with the Western Suburbs Magpies Junior Australian Football Club	91
7.5	Cash and Investment Report as at 31 July 2020	95

Governance and Administration Matters - 25 August 2020

ITEM 7.1 Review of the 2019/20 Operational Plan, Delivery Program and Budget to 30 June 2020

AUTHOR City Future

PURPOSE AND BACKGROUND

The review provides a summary of progress on the delivery of Council's 2019/20 Operational Plan and 2018-21 Delivery Program.

Separately, the report considers the review of Council's financial results and proposed budget adjustments for the June 2020 Quarterly Budget Review period.

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 in delivering the actions outlined in Council's 2019/20 Operational Plan and 2018-21 Delivery Program. These are key documents for our City as they translate our priorities and services into measureable actions for the financial year and Council term.

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

- Operational Plan progress
- Budget Review

RECOMMENDATION

1. The quarterly review of the 2019/20 Operational Plan and six-monthly review of the Delivery Program to 30 June 2020 be noted, and the June 2020 Quarterly Budget Review Budget as outlined in this report be adopted.
2. Subject to the Federal Government approving Council's submission for the Local Roads and Community Infrastructure Program, Council's 2020/21 Budget be adjusted to reflect the proposed changes, as outlined in the report.
3. Council authorise the carryover of \$41.6M of funding to complete certain capital and operating projects commenced throughout the 2019/20 financial year, as outlined in the report.

4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005, as outlined in the report.
5. Council endorse the write-off of sundry debts for the 2019/20 financial year, as outlined in the report.

ATTACHMENTS

[Click here for attachments](#)

- A. 2019/20 Operational Plan Progress - Summary Report
- B. 2019/20 Operational Plan Progress - Detailed Report

POLICY IMPACT

The review is prepared in accordance with Schedule 1 of the Local Government Amendment (Planning and Reporting) Bill 2009, 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 June 2020. Whilst preliminary in nature, Council's financial position reflects a sound and stable financial position. A further assessment will be provided once Council's 2019/20 Annual Financial Reports are presented to Council.

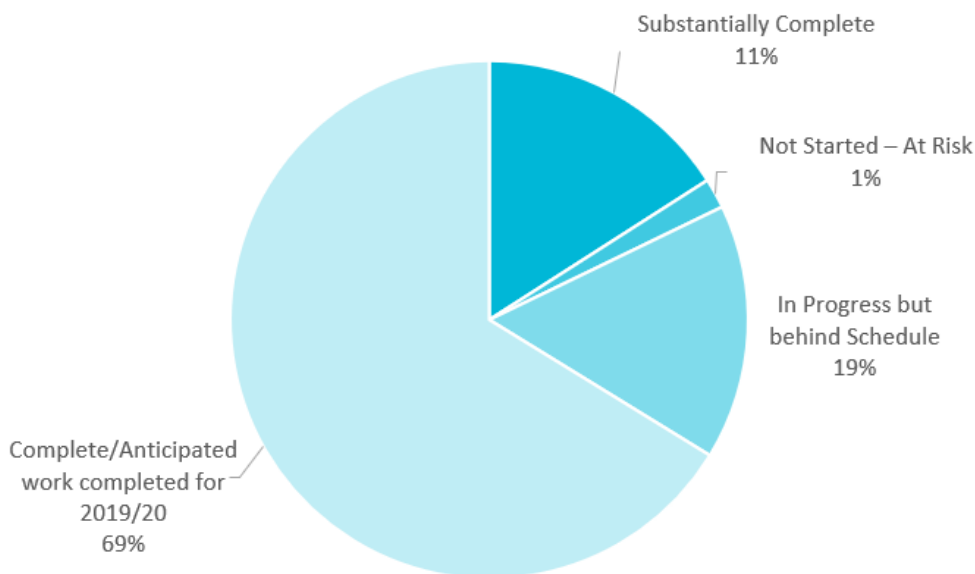
COMMUNITY IMPACT

The report provides the community with an understanding of Council's performance in delivering its yearly Operational Plan and Delivery Program, as well as an update on the financial position as at 30 June 2020.

DETAILED INFORMATION

Part A – Quarterly progress of the 2019/20 Operational Plan to June 2020

Broadly, Council's Operational Plan progressed well in 2019/20. At the close of quarter four, 80% of the Plan's programs and initiatives for the 2019/20 period were either complete or substantially complete, another 19% of projects in progress but behind schedule and one project had not commenced. 27% of projects were affected this quarter by COVID-19 restrictions.



At the close of the quarter, 84% of Council's Capital Works Program was either complete, under construction or in design. Of the 353 completed projects, there were 195 roads and transport projects, 35 building projects, 20 drainage projects and 64 sportsfields, playground and open space projects. A further 16% of projects are in the planning phase. A snapshot of capital works progress across the City is provided in Attachment A, and further detail is provided in Part B of this report.

Attachment A provides an overview of key highlights and achievements for the quarter structured 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.

Attachment A also provides a six-monthly progress of the Council's Delivery Program. The Delivery Program outlines Council's contribution towards achieving outcomes identified in CBCity 2028 during its current term.

Detailed actions for the entire 2019/20 Operational Plan are outlined in Attachment B.

The combined attachments outline a challenging year. Though many important projects were completed and commitments made to ensure that Council is making a solid contribution to CBCity 2028, the impact of bushfires, extreme weather and COVID-19 had a substantial impact on operations.

While some services were closed or reduced in the interests of public safety and in line with State and Federal Government requirements, Council staff worked hard to ensure that essential services continued to be delivered at current or even increased levels where needed. COVID-19 restrictions forced staff to develop innovative solutions to continue meeting community needs. The results can be seen in many of the highlights for the quarter:

Leading and Engaged

- Keep Connected at CBTv launched, a first for any NSW Council, keeping residents active, entertained and 'in the know';
- 'Open but different' campaign promoted Council facilities and services re-opening after the COVID-19 shutdown;
- Upgrade of the Bankstown Customer Service Centre completed including "concierge style" service; and
- Life After Lockdown survey undertaken to understand how locals fared during lockdown.

Safe and Strong

- \$223,000 provided to 56 non-profit organisations under the CBCity Cares Package - 'Helping You Help Others' initiative.

Clean and Green

- Recycle Right Program inspected nearly 16,000 bins; and
- Digital promotions on environmental topics resulted in 56,000 social media reactions.

Prosperous and Innovative

- Employment Lands Strategy adopted;
- Smart City Business Grants awarded 92 small business applications with a total dollar value \$151,245 to assist with COVID-19 restrictions; and
- *Eat Global Visit Local* online directory and campaign introduced.

Healthy and Active

- Click and Collect Library Service made available - more than 1000 reservations were made a week; and
- 21,500 views for the ANZAC Day Stand video.

Liveable and Distinctive

- Housing and Affordable Housing Strategies adopted;
- Outdoor dining fees scrapped for the 2020-21 financial year; and
- 100% of all new development applications now submitted electronically.

Moving and Integrated

- \$7.3 million secured in NSW and Commonwealth grant funding to improve local black spots and high pedestrian activity areas; and
- Cup and Saucer Creek Bike Path project completed adding a renewed 236 metres of shared path to the City.

Council also received a number of awards recognising it as an industry leader this quarter:

- The 2019 Ramadan Nights event won the 2020 NSW Local Government Excellence award for Local Economic Contribution;
- Complete Streets Program won 2020 NSW Local Government Excellence award for Special Project Initiative;

- Eyes On It Campaign was highly commended 2020 NSW Local Government Excellence award for Environmental Leadership and Sustainability;
- Bankstown Arts Centre won the Best Arts Program Award for its 2019 Boundless Festival, in the FBI Radio Sydney Music, Arts and Culture Awards; and
- CBCity was assessed as one of the top 50 smart cities in the world - results to be announced later in 2020.

The news that the NSW local government elections will be deferred to September 2021, means that Council's current Delivery Program will be extended for 12 months to align with the new Council Term. While the six monthly review of progress will continue and is provided here in Attachment A, there are some emerging issues which may affect, define or broaden service delivery in the near future and may need to be considered in future terms:

- Promoting good mental health;
- Person-oriented community services;
- Place-based services;
- Resilient City – e.g. health, climate;
- Night-time economy;
- Sharing economies – buy local;
- Automated transport;
- Lifestyle sports and the emergence during the pandemic of independent fitness; and
- Living buildings and green homes.

PART B – June 2020 Quarterly Budget Review

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

Council's net operating surplus of \$8.4M for the year, reflects a positive variance of \$20.5M to that forecast at the March 2020 Quarterly Budget Review. Whilst outlined in more detail further in the report, the net improvements is largely attributable to:

- | | |
|--|--------|
| ▪ Financial Assistance Grant – Upfront payment | \$5.7M |
| ▪ Operational Projects not completed and to be carried over | \$7.0M |
| ▪ Increased Income and Operational Savings (all funding sources) | \$8.0M |

Whilst Officers are currently finalising year-end financial reports, prior to referring them to our External Auditors, Council's preliminary draft financial performance (Income Statement) for the 2019/20 confirms that we have ended the year in a sound financial position.

CANTERBURY-BANKSTOWN COUNCIL

INCOME STATEMENT

Budget Review for quarter ended 30 June 2020

Description	Actual	Budget	Variance
	\$000	\$000	\$000
INCOME FROM CONTINUING OPERATIONS			
Rates and Annual Charges	237,760	236,540	1,220
User Charges and Fees	19,029	18,595	434
Interest and Investment Revenue	9,096	9,485	(389)
Other Revenues	23,035	21,184	1,851

Grants and Contributions Provided for Operating Purposes	24,590	17,308	7,282
Grants and Contributions Provided for Capital Purposes	20,164	31,301	(11,137)
Net Gain from Disposal of Assets	483	0	483
TOTAL INCOME FROM CONTINUING OPERATIONS	334,158	334,413	(255)
EXPENSES FROM CONTINUING OPERATIONS			
Employee Benefits and On-costs	137,181	140,093	(2,912)
Borrowing Costs	471	470	1
Materials and Contracts	81,253	94,196	(12,943)
Depreciation and Amortisation	74,090	73,815	275
Other Expenses	32,725	37,908	(5,183)
TOTAL EXPENSES FROM CONTINUING OPERATIONS	325,721	346,481	(20,760)
NET OPERATING RESULT FOR THE YEAR	8,437	(12,068)	20,505
Net Operating Result for the Year Before Grants and Contributions Provided for capital purposes	(11,727)	(43,369)	31,642

A summary of the more pertinent variations to Council's estimates when compared to that reported as part of the March 2020 Quarterly Budget Review is as follows:

Income from Continuing Operations

Council received income totalling \$334.2M throughout the year, a negative variance of \$0.3M to that reflected as part of the March 2020 Quarterly Budget Review.

The net variance is largely attributable to an advanced payment for Council's 2019/20 Financial Assistance Grant of \$5.7M and due to the nature and timing of certain capital works projects, grant & contributions income associated with a few large projects that were not completed at 30 June was not received, however this income is expected to be received in 2020/21.

Expenses from Continuing Operations

Whilst still subject to change, particularly to reflect certain accrued expenses, generally, Council's operating expenditure for the year has been quite positive. In total expenditure for the year was \$325.7M, \$20.8M less than previously reported.

The net variance is largely attributable to the following items:

- Savings in Council material & contracts costs and other expenses; and
- Projects not completed as at 30 June 2020 totalling \$7.0M, particularly those funded through government grants and contributions. These projects and their allocated funds will need to be carried over into the 2020/21 financial year for completion.

A complete assessment of Council's year end result will be submitted to Council once the external audit has been completed.

Capital Works

In terms of capital works, Council expended approximately \$61.3M during 2019/20, a significant investment in infrastructure and services throughout our city. In total over \$27.8M was spent on roads and traffic management assets, \$5.0M on footpaths, bridges & boardwalks, \$4.1M on parks, community and sporting fields, \$4.3M on town centres.

CANTERBURY-BANKSTOWN COUNCIL

CAPITAL EXPENDITURE AND CARRY OVERS

Budget Review for quarter ended 30 June 2020

Description	Budget	Actual	Carryovers
	\$000	\$000	\$000
CAPITAL BUDGET			
Bridges	4,812	1,165	3,647
Buildings	7,397	4,452	2,945
Street Furniture	187	187	-
Carparks	1,548	1,309	239
Drainage Conduits	2,531	1,299	1,232
Flood Mitigation Structures	2,340	381	1,959
Waste Management	10,117	3,105	7,012
Town Centres	9,660	4,252	5,408
Kerb and Gutter	847	760	87
Irrigation	442	436	6
Open Space	6,056	3,475	2,581
Other Structures	1,036	903	133
Park Furniture	392	314	78
Park Lighting	1,045	326	719
Park Signs	126	29	97
Pathways and Boardwalks	3,846	3,065	781
Road Pavement	19,386	18,415	971
Traffic Management Devices	8,098	8,094	4
Water Courses	921	427	494
Water Quality Devices	624	184	440
Operational Assets	14,510	8,761	5,749
TOTAL CAPITAL EXPENDITURE	95,919	61,336	34,583
CAPITAL FUNDING			
General Fund	2,762	2,762	-
Grants	10,095	9,052	1,043
Sec 7.11/7.12	13,890	5,727	8,162
Stormwater Levy	3,318	860	2,458
Other Reserves	65,854	42,934	22,920
TOTAL CAPITAL FUNDING	95,919	61,336	34,583

A further report outlining Council's projects will be provided when the 2019/20 annual financial reports are finalised and presented to Council for its information.

Similarly, given the nature and timing of certain projects, a further amount of \$34.6M will be carried over for specific projects for completion throughout 2020/21.

WRITING OFF OF RATES AND CHARGES AND SUNDRY DEBTORS AT 30 JUNE 2020

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

A broad summary of the required changes are as follows:

RATES AND ANNUAL CHARGES

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

The table below details a summary of the adjustments to rates and charges during the 2019/20 financial year:

Details	Amount * (\$)
Rates & Charges	37,791
Pensioner – Statutory	5,069,725
Pensioner – Council	811,096
Total	5,918,612

* Includes amounts for Rates, Annual Charges and Interest

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

SUNDRY DEBTS

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

Debts are only written off if:

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

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

The following table details a summary of the sundry debtor amounts written-off by the General Manager at 30 June 2020 under delegation as well as those amounts needing to be written off by way of Council resolution.

Delegated Write-Offs	Amount * (\$)
Illegal Dumping	7,374.30
POEO Administration	535.00
Licensing	24,407.35
Other Sundry Debts	4,539.05
TOTAL	36,855.70

Local Roads and Community Infrastructure Program

In the last quarter of the 2019/20 year, Council was advised it would be receiving \$1,679,331 in funding under the Federal Government's Local Roads and Community Infrastructure Program (LRCIP).

This funding has been made available as part of the Federal Government's COVID-19 economic stimulus package to inject further funds into local economies and enable local governments to fast-track 'shovel-ready' infrastructure projects.

There are a number of conditions attached to the acceptance of this funding, including the requirement that projects must be completed by 30 June 2021 and be in addition to the pre COVID-19 capital works program for 2020/21.

In accordance with these conditions, Council has returned the Funding Agreement and submitted the necessary information about proposed projects.

In identifying priorities for funding under the LRCIP, Council acknowledged the importance of progressing Greenacre Splash Waterplay and Playspace, and commitment to actively pursuing grant funding for the second stage of this project. It was envisaged that funding allocated under the LRCIP could be allocated towards this. However, due to the above mentioned conditions, this is not possible.

Rather, Council will bring forward proposed asset replacement projects identified in its Asset Management Plans - scheduled to be carried out in 2021/22 - and complete them in 2020/21 with funding from the LRCIP.

In turn, designated funding will then be made available to deliver the second stage of the Greenacre Splash Waterplay and Playspace as part of Council's 2021/22 capital works program.

The following projects have been submitted for funding under the LRCIP:

- Bayview Avenue, Earlwood - Pedestrian Crossing Flood Lighting
- Carlingford Street, Sefton – Regional Road Resurfacing
- Killara Reserve, Panania - Playground Upgrade
- Queensborough Road, Croydon Park – Road Resurfacing
- Roselands Aquatic Centre - Kiosk Upgrade
- Wangee Road, Lakemba - Pedestrian Crossing Flood Lighting
- Watson Road, Padstow - Footpath Reconstruction
- Winspear Avenue, Bankstown – Kerb and Gutter Rehabilitation

It is recommended that, pending approval by the funding body, these projects be brought into Council's 2020/21 capital works program and the necessary budget adjustments made to enable the commencement of planning and delivery of these works. This will allow for the second stage of the Greenacre Splash Waterplay and Playspace to be incorporated into the 2021/22 capital works program.

Conclusion

This report and Attachments A and B provide a progress report for the 2019/20 Operational Plan, Delivery Program and the 2019/20 Budget. This 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 - 25 August 2020

ITEM 7.2 Code of Conduct Amendments

AUTHOR Office of General Manager

PURPOSE AND BACKGROUND

As Councillors would be aware, the Office of Local Government (OLG) recently made some amendments to the Model Code of Conduct and the Procedures for the Administration of the Code.

The amendments to the Model Code and Procedures have been prescribed under the Local Government (General) Regulation 2005, are mandatory and take effect immediately. This report details the amendments, for Council's information.

ISSUE

Council last adopted its Code of Conduct on 26 March 2019. Council's Code uses the OLG's Model Code of Conduct for local councils in NSW as the basis and supplements it with specific provisions relevant to Canterbury Bankstown Council.

The OLG has made amendments to the Model Code that must be reflected in Council's Code.

RECOMMENDATION That -

1. Council note the amendments to the Model Code of Conduct, Model Code of Meeting Practice and the Procedures for Administering the Code.
2. Council adopt the required amendments to its Code of Conduct and Code of Meeting Practice, as attached.

ATTACHMENTS [Click here for attachments](#)

- A. Code of Conduct
- B. Code of Meeting Practice

POLICY IMPACT

The adoption of the amendments to the Code of Conduct ensures compliance with directions from the OLG and legislative requirements.

FINANCIAL IMPACT

The report has no financial impacts.

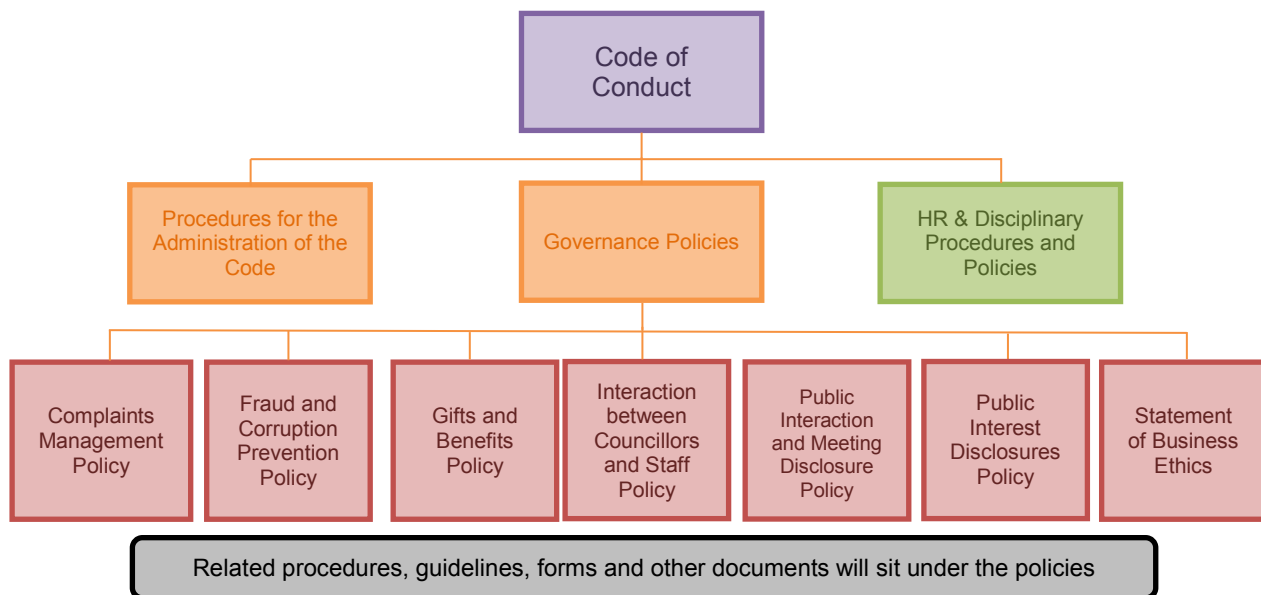
COMMUNITY IMPACT

The Code of Conduct underpins Council's accountability and transparency to the community.

DETAILED INFORMATION

Code of Conduct Framework

The Code of Conduct forms an important part of Council's broader corporate governance framework structure, which is supported by other key governance documents to ensure that the ongoing management and control of Council and its activities are both effective and appropriate. Council's framework is depicted as follows:



Council's framework is regularly reviewed to ensure it remains current and reflects Council's legislative and statutory requirements, and form part of Council's ongoing Induction Program for new starters and general training requirements.

Model Code of Conduct

As advised in OLG Circular 20-31 dated 14 August 2020 and at the Councillor Briefing on 18 August 2020, the following amendments have been made to the Model Code of Conduct and reflected in Council's Code.

- Failure to comply with a Council resolution requiring action on a code of conduct breach has been removed as it is now redundant (section 9.9)
- Amended wording and language regarding discrimination (section 3.6)
- Members of the audit, risk and improvement committees have been included in the definitions of Council Committees and Council Committee members (Definitions)
- Lift the value of the Cap on gifts and benefits that may be accepted from \$50 to \$100 (sections 6.8, 6.9, 6.10 and 6.11)
- Items with a value of \$10 or less are no longer considered gifts or benefits under the Code (section 6.2)
- Benefits provided by Council to Councillors and staff are not considered gifts and benefits under the Code (section 6.2)

- The cap (currently \$50) has been removed on the value of meals and refreshments that can be accepted by Councillors and staff in the performance of their official duties (section 6.2)

There is no mandatory requirement for Council to set the token value of a gift or benefit at the maximum value of \$100. It is open to Councils to set the value at a lower level.

Procedures for the Administration of the Code of Conduct

The Code of Conduct is administered under a separate framework known as the *'Procedures for the Administration of the Code of Conduct.'* The document sets out in detail the processes for dealing with complaints and investigations in relation to alleged breaches of the Code of Conduct. Council is required to adopt the OLG's Procedures for the Administration of the Code of Conduct in its entirety to facilitate reviews and investigations following reported breaches of the Code of Conduct.

The OLG has advised it has amended the Procedures as follows:

- Councils role in Code of Conduct breaches limited to censure of Councillors only. Council can refer breaches to OLG for disciplinary action
- Allowing Councillors to avoid formal censure by Council for minor offences by making voluntary undertakings including apologising and attending training, mediation and counselling
- Councils to publicly disclose the findings of an investigation when censuring a Councillor to ensure the public is aware of the misconduct. OLG has advised the purpose of the amendment is to act as a deterrent to bad behaviour
- OLG's role expanded in Code of Conduct breaches by imposing penalties on Councillors for more serious breaches, including requiring a public apology, suspension of payment of fees, and suspension or disqualification from Office
- Code of Conduct investigators are now required to consult with OLG before recommending the referral of a matter to ensure that the conduct in question is sufficiently serious to warrant disciplinary action.

Panel of Conduct Reviewers

Previously, the Procedures for the Administration of the Code of Conduct required the Council (by resolution) to appoint a panel of conduct reviewers of persons independent of Council for a term of up to four years for the purpose of reviewing certain allegations of breaches of the Code of Conduct. OLG has amended the procedures to provide for the General Manager to appoint the Panel.

Currently, Council utilises the panel of conduct reviewers established by the Southern Sydney Regional Organisation of Councils (SSROC). Council can draw upon the Panel Members on an 'as required' basis, and it is proposed to maintain these arrangements.

Code of Meeting Practice

A minor amendment has also been made to the Model Code of Meeting Practice that requires Councils to retain recordings of meetings on its website for a period of at least 12 months. Previously there was no set time limit for the retention of the recordings in the Model Code. This amendment has been prescribed under the Local Government (General) Regulation 2005, is mandatory and takes effect immediately.

Governance and Administration Matters - 25 August 2020

ITEM 7.3 Naming Request for a Reserve - Corner Hume Highway and Miller Road, Bass Hill

AUTHOR Corporate

PURPOSE AND BACKGROUND

The report considers and applies Council's Naming Policy and the requirements of the Geographical Names Board (GNB) to a request that has been received from the President of the Remembrance Driveway Council, Air Commodore Ian Scott AM, to name a small reserve located on the corner of Miller Road and Hume Highway, Bass Hill, 'Dick Payten Park'.

ISSUE

To consider the request to name a reserve in honour of the late Dick Payten OAM.

RECOMMENDATION That -

1. Council endorse the commencement of community consultation for the proposal to name the reserve on the corner of Miller Road and Hume Highway, Bass Hill, 'Dick Payten Park'.
2. A further report be provided to Council following on the outcomes of the community consultation process.

ATTACHMENTS [Click here for attachment](#)

- A. Hume Highway and Miller Road Unnamed Reserve Locality Plan

POLICY IMPACT

The proposal to name the reserve on the corner of Miller Road and Hume Highway, Bass Hill, 'Dick Payten Park', is consistent with Council's Naming Policy and the GNB Place Naming Policy.

FINANCIAL IMPACT

Costs associated with public exhibition can be met within the existing 2020/21 operational budget.

COMMUNITY IMPACT

The report has no community impacts.

DETAILED INFORMATION

Report

From time to time Council receives requests to name a Council asset in recognition of a person's contribution to the community of Canterbury Bankstown. These requests are assessed under Council's Naming Policy and the requirements of the GNB.

Council has received a request from the President of the Remembrance Driveway Council, Air Commodore Ian Scott AM, to name a small reserve on the corner of Miller Road and the Hume Highway, Bass Hill, in memory of the late Dick Payten OAM.

Mr Payten OAM was part of the 7th Division that fought in the Middle East and in New Guinea in World War II. Following the war, Mr Payten resided in Bankstown with his family and was a long-time President of the 7th Australian Division Association which was an instrumental force behind the development of memorials and commemorations held at said location.

Mr Payten dedicated much of his life to ensuring the men who fought as part of the 7th Division were never forgotten. Sadly, Mr Payten passed away on 1 March this year.

Mr Payten's family have confirmed their support for the proposal. Support for the proposal has also been received by Jason Clare MP, Member for Blaxland.

The small reserve in question is part owned by Council, the Department Planning, Industry and Environment and Transport for NSW. The joint owners have been notified of the request and advised that they have no objection to the naming request.

Council's Local Historical Librarian has researched the information provided to Council and indicated that they have no objection to the naming request.

The naming request meets the requirements of Council's Naming Policy and the GNB. If the request is supported by Council, community consultation will be undertaken as outlined in Council's Community Engagement Policy to ensure community support for the proposal. Following public exhibition, a further report will be submitted to Council. At that time, should Council support the naming proposal, the matter will be referred to the GNB for a final decision as the GNB is the agency with the legislative authority to determine naming requests.

Governance and Administration Matters - 25 August 2020

ITEM 7.4 Proposed Licence Agreement with the Western Suburbs Magpies Junior Australian Football Club

AUTHOR Community Services

PURPOSE AND BACKGROUND

The Western Suburbs Magpies Junior Australian Football Club (WSMJ AFL) are seeking to enter into a new Licence agreement for the clubroom and storeroom located within W H Wagener Oval amenities building in Ashbury for conducting activities relating to the management of the Junior AFL Club.

ISSUE

This report is seeking Council endorsement to enter into a Licence agreement with the Western Suburbs Magpies Junior Australian Football Club (WSMJ AFL).

RECOMMENDATION That -

1. In principle Council agrees to enter into a five year Licence agreement, with a five year option, with the Western Suburbs Magpies Junior Australian Football Club subject to the outcome of the public exhibition process.
2. Following the public exhibition process, a report will be presented to Council before agreeing to proceed to enter into a Licence Agreement with WSMJ AFL.
3. A clause be included into the Licence agreement that the current annual rental fee of \$1200 P/A will be applied until the updated Community Facilities Policy is adopted. Any changes to the rental amount will be applied to the agreement as per the provisions of the updated Community Facilities Policy.

ATTACHMENTS

Nil

POLICY IMPACT

The sporting clubhouse will be used for activities relating to the operation of the sporting club for the provision of sporting activities. The site is classified as Community Land and categorised as a “**sportsground**”, therefore granting a lease, licence or other estate for the current proposal would be consistent with the core objectives outlined in the *Local Government Act 1993*.

The proposed Licence Agreement is required to be placed on public exhibition in accordance with Section 47A (2) (a) of the Local Government Act 1993. At the end of the public exhibition period, should there be no submissions, Council will proceed to enter into a Licence Agreement with WSMJAFL as outlined in the report however a further report will be presented to Council.

FINANCIAL IMPACT

The proposed Licence Agreement will have an annual rental amount of \$1200 as per the current Community Facilities Policy (CFP). As this policy is currently under review the intent is to have a clause in the Licence Agreement that stipulates that if the rental amount and/or maintenance responsibilities for this facility changes with the updated CFP adopted by Council, then these will change to be in line with the provisions of the updated policy.

COMMUNITY IMPACT

The WSMJAFL have been a long-term tenant of this facility and the Licence Agreement will provide security and tenure for the future use of the sporting clubhouse clubroom.

The Licence Agreement does not cover the use of shared spaces within the facility, such as the toilets, change rooms and the canteen. These are community assets and are available to each hirer of the facility therefore the Licence Agreement will have minimal, if not any, impact to the community and other user groups.

DETAILED INFORMATION

The WSMJAFL are a long-term hirer of W H Wagener Oval in Ashbury and have been a long-term tenant within the amenities building, specifically the sporting clubhouse. They are an AFL club under the AFL NSW banner. They compete in the junior Australian Football League junior competition since 1961. The Club currently play their home games and undertake training at Wagener Oval.

Under Council's current Community Facilities Policy (former Bankstown Council), which was adopted in 2009, the proposed use of the clubroom by the WSMJAFL meets the principles that apply to the use and management of Council community facilities under the Policy.

The proposal for Council to enter into a Licence Agreement with the WSMJAFL will allow Council flexibility to cater to diverse, changing and competing community needs. A Licence agreement better facilitates capacity utilisation, more efficient management, and a more shared use of a facility than a Lease Agreement.

Under the provisions of the policy, a maximum term of five years will be offered however an option of an additional five years will be considered if the club can demonstrate a minimum of \$40K capital investment in the facility prior to, or at the time of, the time of the licence being offered. The recent construction of a brand new amenities block at this facility was partially funded by AFL NSW to the value of \$250K.

Therefore, the WSMJAFL are eligible for a five year Licence Agreement with a five year option. A Council resolution and public exhibition requirements will be undertaken prior to any Licence Agreement being issued.

Governance and Administration Matters - 25 August 2020

ITEM 7.5 Cash and Investment Report as at 31 July 2020

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 July 2020.

RECOMMENDATION That -

1. The Cash and Investment Report as at 31 July 2020 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Imperium Markets July 20 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

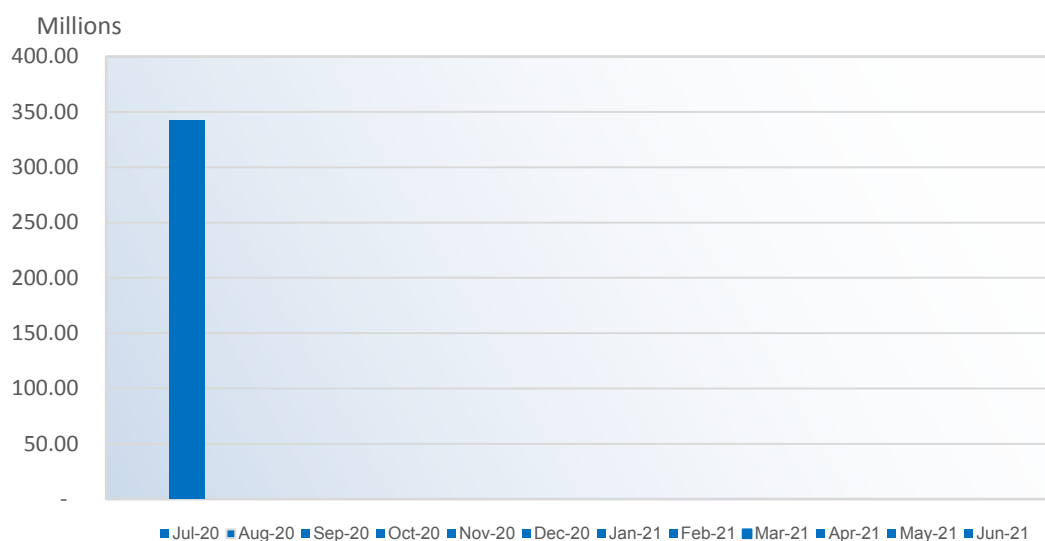
Cash and Investment Summary – as at 31 July 2020

In total, Council's Cash and Investments holdings as at 31 July 2020 is as follows:

Cash and Investments	\$
Cash at Bank	780,300.71
Deposits at Call	19,041,443
Term Deposits	256,921,000
Floating Rate Notes	65,255,553
Total Cash and Investments	341,998,297

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 2020 to June 2021.

Cash and Investment Rolling Monthly Balance 2020-2021



A summary of Council's investment interest income earned for the period to 31 July 2020 is as follows:

Interest Income	July 2020 \$	Year-to-date July 2020 \$
Budget	547,500	547,500
Actual Interest	568,839	568,839
Variance	21,339	21,339
Variance (%)	3.90	3.90

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	6	100
Working Capital Funds (0-3 months)	15	100
Short Term (3-12 months)	21	100
Short – Medium (1-2 years)	24	70
Medium (2-5 years)	34	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	5.6
Term Deposits	75.1
Floating Rate Notes	19.1
Total Cash and Investments	100%

8 SERVICE AND OPERATIONAL MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|-----|
| 8.1 | Paul Keating Park 2020-2040 Masterplan | 101 |
| 8.2 | Review of Street Tree Removal - 172 Northam Avenue, Bankstown | 107 |

ITEM 8.1 Paul Keating Park 2020-2040 Masterplan

AUTHOR City Future

PURPOSE AND BACKGROUND

The purpose of this report is to present the draft Paul Keating Park (PKP) Masterplan 2020-2040 which has been developed to set the framework for Civic Precinct for the next 20 years. The masterplan is proposed for public exhibition.

The report summarises the Community Engagement outcomes that led to the development of the vision and principles to guide the Masterplan. The Masterplan identifies seven key design moves for PKP which can be developed as distinct projects, being The Green Incline, The Appian Way, The Playspace, The Library Interface, The Mall, Civic Plaza and Courthouse Reserve, and the Urban Forest and Roundhouse Deck.

ISSUE

Within 20 years the quality of Bankstown's public spaces will be integral to the success of balancing community needs with large scale change. Paul Keating Park in 2040 will be a very different place and the Masterplan provides a long-term plan on how this space can be reimaged to support this change.

Further to this, Council has recently been presented with an opportunity to apply for significant grant funding through the Department of Planning's Public Spaces Legacy Program. This Program provides an opportunity for Council to secure funding to ensure the delivery of Stage 1 of the Masterplan, namely the creation of a significant city-shaping unique playspace for Bankstown CBD. The construction of a new playground in Paul Keating Park would be consistent with Council's Playground and Play Spaces Strategic Plan and the Everyone Can Play Inclusive Design Guidelines.

RECOMMENDATION That -

1. Council endorse the Paul Keating Park 2020-2040 Draft Masterplan for public exhibition, with a further report back to Council following exhibition.
2. Council submit an application under the Public Spaces Legacy Program to enable the delivery of Stage 1 of the Paul Keating Park Masterplan, the significant city-shaping unique playspace for Bankstown Central Business District.

ATTACHMENTS [Click here for attachments](#)

- A. Paul Keating Park Draft 2020-2040 Masterplan
- B. Paul Keating Park Masterplan Community Engagement Outcomes Report

POLICY IMPACT

The PKP Masterplan will set the direction and framework for future public domain spaces in the heart of the Bankstown CBD for the next 20 years. The PKP Masterplan proposes seven key design moves that can be developed into distinct projects that are deliverable over time. The projects allow for, or do not impede the development of other key sites into the future, including the Civic Tower, Hoyts, Bankstown Library and Knowledge Centre (BLaKC) and Town Hall, and The Council Chambers (Roundhouse).

FINANCIAL IMPACT

This report proposes a Masterplan that, if implemented, will require significant investment in the public domain. The projects proposed are costed at a high level in the vicinity of \$27 million. Sources of funding have yet to be identified and will be incorporated into future Operational Plans as grant funding, voluntary planning agreements and S711 contributions allow.

If Council is successful in the Public Spaces Legacy Program, \$5.5million dollars is potentially available for implementing stage 1 PKP Playspace. The exact budget will be incorporated into subsequent quarterly reviews once funding has been confirmed.

Additional maintenance funding will be a consideration as part of the annual Operational Plan review.

COMMUNITY IMPACT

The PKP Masterplan has been developed in consultation with the community and incorporates the principles and vision developed by the Community. As pressure on the open space grows, the function of the PKP will change, change is inevitable, and the network and linkage of PKP and surrounding open spaces will become increasingly important.

With the construction of the Western Sydney University (WSU) and development of other key sites surrounding, the visual impact and importance of PKP will reflect the image and reputation of Council. Council must ensure the open space, public domain and experience is high quality, well-maintained, beautiful and robust.

DETAILED INFORMATION

BACKGROUND

The Bankstown CBD will undergo rapid change over the next 20 years as it become the major centre for the region supporting both employment and housing. In addition, there are a number of significant game changing projects directly surrounding the park including:

- Western Sydney University (WSU)
- Compass Centre redevelopment
- Bankstown Central redevelopment
- Southwest Metro
- Possible relocation of the Bankstown Hospital to the CBD

As a result, the public spaces will become even more important to support the residents and workers of the City.

REPORT

Paul Keating Park Masterplan 2020 - 2040

The Paul Keating Park Masterplan 2020-2040 has been developed following comprehensive community and key stakeholder engagement. The masterplan both informs and is informed by the adjacent development proposals above.

From the comprehensive community engagement carried out in June-July 2019, the following PKP Masterplan Community Engagement vision statements have been developed:

- Create a **destination** that reflects the **history of the place** and the **culture** of its people
- Enhance **connections to future infrastructure** that incorporates a **diversity of activities**
- Create an **inclusive place for the whole community** that incorporates a **diversity of uses**
- Establish a **safe and welcoming** environment for **night and day** uses
- Maximise the **functionality and usability** of the space to **cater for CBD growth**

In addition, the PKP Masterplan 2020-2040 establishes the following key principles:

1. PLACE – A diversity of hard and soft spaces
2. FUNCTION – Retain flexibility and civic function
3. PEOPLE – Revitalised and varied local inclusive spaces

MASTERPLAN KEY DESIGN MOVES (7)

The Masterplan sets out 7 Key design changes to individual spaces in the study area. These are:

1. The Green Incline

Retaining the green heart is important however this has been achieved in a unique way the Green Incline raising the green lawn area to resolve level differences and improve connectivity between upper and lower levels. The lawn becomes a green roof to additional community space beneath, with ramped entrances expanding the access through and under. There is potential to accommodate car parking under the existing footprint to offset the proposed loss of kerb-side parking within the precinct, thereby aiming for no net loss of parking.

The existing mature plane trees on the pedestrian walkway to the BLaKC and tall avenue of Kauri Pine trees along The Mall edge are retained, and underground access and integration with the Council Chambers is maintained. Access to the architectural space under is proposed from the corners of Fetherstone Street and The Mall, and The Appian Way in front of the proposed WSU.

2. The Appian Way

Proposed is a reconfiguration of the former road carriageway space to establish a destination in itself and primary pedestrian thoroughfare and link between the Bankstown Station and WSU/ Civic precinct. The northern section from Rickard Road to Civic Drive will become a shared way per the adopted 'Complete Streets Place Plan', and the southern section to The Mall stays pedestrian only. Further south the section from The Mall to the new Southwest Metro entry will also become shared way per the adopted 'Complete Streets Place Plan'.

The activated zone becomes an anchor to the building interfaces either side with commercial frontages; with provision of seating, shade and outdoor dining amenity.

3. The Playspace

PKP will feature a Level 1 playspace (consistent with Council's Playgrounds and Play Spaces Strategic Plan) that becomes a destination as well as serving the local community. Council aspires to design a playspace that is unique, funky and original, with supporting well-designed toilet amenity building. Civic-style waterplay, seating, gathering and event spaces will feature. The playspace can be delivered independently from, and does not rely on, the Green Incline proposal.

4. Library Interface

A simple proposal to improve activity of the BLaKC foyer space and café, engage and link to the street activity of Chapel Road, whilst also enhancing visibility from the key CBD entry intersection at Rickard Road. The creation of the outdoor terrace/ podium is a commercial decision for Council to strengthen the economic viability and raise the visual profile of the Bryan Brown Theatre and café facility.

5. Civic Plaza and Courthouse Reserve

A proposed reconfiguration of the existing space to better service the established functions – court waiting area, war memorial, and enhancement of the treed lawn and open green space for increased activation and passive recreation usage.

6. Urban Forest and Roundhouse Deck

Predicated on the uniquely shaped Council Chambers (Roundhouse) remaining, the proposal is to enhance the exterior and allow the community to better interact with the building interface. A raised deck hugging the perimeter and situated amongst enhanced native planting highlights political importance and evokes national civic pride. Annexed to and complementing the adjacent BLaKC library, the ground plane is enhanced as a study space or 'reading room' under existing and new mature trees.

7. The Mall

The Mall is proposed as a 'road through a park' noting that there is significant green space, green canopy above, and recreational activity either side. The road surface is altered to prompt traffic calming thereby increasing pedestrian safety and priority. The Mall is designed as a flexible space that can be closed for events. Fetherstone Street and The Appian Way are elevated in importance as north-south pedestrian thoroughfares between the Bankstown Station and key educational facilities to the north, including the TAFE, schools and University sites.

Public Spaces Legacy Program

The NSW Department of Planning Industry and Environment recently launched the Public Spaces Legacy Program, targeted at delivering new and improved public spaces across NSW. The Program offers a financial incentive to Council's who accelerate the assessment of local development applications (DAs) and rezonings, to aid economic recovery from the impacts of Covid-19 by unlocking construction jobs, economic activity and broader public benefits.

The upper limit of funding that Canterbury- Bankstown Council is eligible to apply for is \$5.5M through this program. Council must submit their project plan by 28 August 2020 for consideration.

To be eligible for funding, Council must set out a project plan detailing a range of planning targets it proposes to meet. These are to be approved by the Department before funding is confirmed. The draft measures to be put forward for consideration are:

- 25% reduction over the financial year (by 30 June 2021) in the number of DA's greater than 180 days old (except ones that are subject to appeal, as these are subject to a Court determination and beyond Council's control)
- Completion of Planning Proposal's over 4 years by 30 June 2021 (except ones that are under appeal)
- Exhibition of LEP amendments to meet Council's 6-10 year housing and employment targets by 30 June 2021, including:
 - o WSU Bankstown University
 - o Bankstown and Campsie Masterplans
- From 1 September 2020, 75% of new Planning Proposals must be considered by the Local Planning Panel for Gateway within 6 months

The Program is targeted at the delivery of projects that will improve open space and connections between public spaces, promote walkability and is supported by strategic alignment to Local Strategic Planning Statements, urban design plans, and transport plans.

The Public Spaces Legacy Program provides an opportunity to deliver Stage One of the Paul Keating Park Masterplan involving the new Play space. The importance of this space is clearly highlighted in Councils LSPS, and will support the future growth of the CBD and surrounding centres.

NEXT STEPS

Subject to approval, the Paul Keating Park Masterplan 2020 - 2040 including Community Engagement 'closing the loop' actions, will be placed on exhibition over September and October 2020.

Council will submit an application under the Public Spaces Legacy Program to enable the delivery of Stage 1 of the Paul Keating Park Masterplan, Playspace along with the agreed planning targets.

Service and Operational Matters - 25 August 2020

ITEM 8.2 Review of Street Tree Removal - 172 Northam Avenue, Bankstown

AUTHOR Operations

PURPOSE AND BACKGROUND

To consider Council's retention of the *Lophostemon confertus* (Brush Box) outside 172 Northam Ave Bankstown, in accordance with Council's process for the approval to remove or prune a tree.

ISSUE

There have been a number of representations for the removal of the tree located on the footpath outside 172 Northam Ave, Bankstown, owing to the presence of debris, specifically nuts/fruit and these presenting as a nuisance to the elderly occupant of the same address.

Prior inspections by Council staff have determined that the mature Brush Box is in good health and showing signs of healthy growth. There has been no signs of any disease or decline.

Despite repeated determinations that there are no legitimate grounds for removing the Brush Box, there continues to be elevated concern, by others, for the wellbeing of the 104 year old occupant. Accordingly, in line with Council's process for determining appeals, the matter is being reported to Council.

RECOMMENDATION

That Council retains the healthy *Lophostemon conertus* (Brush Box) outside 172 Northam Avenue Bankstown

ATTACHMENTS [Click here for attachment](#)

A Arborist Inspection – VTA Report

POLICY IMPACT

The applicable Tree Management Order is the Bankstown Tree Management Order (TMO). The TMO expressly excludes the normal shedding of leaves, fruit, seeds, bark, twigs and small branches as valid reasons for removal of a tree, a position consistent with previous judgements of the Land and Environment Court.

As is required, a professional arborist's report has been furnished, outlining the results of a visual tree assessment. This report concludes that there are no arboricultural reasons to remove the tree and that the tree has an overall hazard rating of very low.

Previous requests to remove the tree have been appropriately declined.

FINANCIAL IMPACT

There are no financial impacts arising from determining this matter.

COMMUNITY IMPACT

The tree is noted to be part of a wider street-scape planting of Box Brush, contributing to the overall urban canopy.

Its retention contributes to the well-known benefits of the presence of trees in the urban landscape: mitigation of the urban heat island effect, reduced energy use by adjoining properties because of shading, improved air quality, carbon sequestration, participation in the local ecosystem and the streetscape's aesthetic.

The concern for the wellbeing of the elderly resident has increased, following a number of near-misses involving his loss of footing and falls. While this cannot be directly attributed to leaf and nut fall, carers have identified this as a particular concern in this instance.



The mature *Lophostemon conertus* (Brush Box) outside 172 Northam Avenue Bankstown

9 COMMITTEE REPORTS

The following item is submitted for consideration -

9.1	Minutes of the Traffic Committee Meeting held on 11 August 2020	113
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Committee Reports - 25 August 2020

ITEM 9.1 **Minutes of the Traffic Committee Meeting held on 11 August 2020**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 11 August 2020.

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 are 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 11 August 2020, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. Minutes of the Traffic Committee Meeting 11 August 2020

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 -

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10.8 1 Donovan Street Revesby Heights	131

Notice of Motions & Questions With Notice - 25 August 2020

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 attachments](#)

- A. Notices of Motion Status Table
- B. Correspondence sent in relation to Notices of Motion
- C. Correspondences received in relation to Notices of Motion

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.2 Commemorative Cedar Trees

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

“That Council plants a pair of Cedar trees in two appropriate locations across the City, in memoriam to those who were killed, and the many hundreds of thousands impacted by the explosion in Beirut.”

BACKGROUND

Canterbury Bankstown, proudly, boasts one of the highest Australian-Lebanese communities in Australia. This explains why the human tragedy unfolding in Beirut, following the now infamous blast, has hurt our City so much.

The desire to help is perfectly natural, as is the frustration and disappointment when we don't feel as though we are helping enough, or our efforts are constrained by the Covid Pandemic. But what we can do, as a Council, is to give our people a place to where they can reflect, mourn and, when it is safe to do so, come together.

The Cedar Tree is symbolic of Lebanon, its image entwined with the history of the land and its people. I can think of no better symbol than the planting of Cedar Trees, to serve as a memorial to those who have lost their lives, loved ones or their home.

Australia stands with #Lebanon. Canterbury Bankstown stands with #Lebanon and our Australian-Lebanese Community at this awful, tragic time.

GENERAL MANAGER'S COMMENT

As the primary purpose of planting these Cedar trees is to provide our community with a place to reflect, mourn and congregate, the final locations will be determined through investigation and consultation.

The planting of these trees can be accommodated as part of Council's Tree Planting program as adopted in Council's 2020-21 Operational Plan.

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.3 Supporting Beirut

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

“That Council:

1. Writes to the Prime Minister and NSW Premier, thanking their respective Governments for the contribution of aid, support and empathy toward Lebanese people both in Lebanon and here in Australia, and
2. In writing to the Prime Minister, requests that the Federal Government, on behalf of the largest Arabic-speaking community in Australia, establishes a national fundraising appeal “Aussies for Lebanon” to raise money for food, clothing, shelter and emergency relief, and in doing so, make the necessary arrangements so donations are tax deductible.”

BACKGROUND

The catastrophic blast in Beirut has left hundreds of innocent people dead, thousands more injured and hundreds of thousands homeless. The damage bill is estimated to be between 15-25 billion dollars and will likely take a decade or more to rebuild.

At any time, this would be an unimaginable crisis to respond to, and no doubt would see assistance from the international community flood in. Of course, with COVID still very much out of control, this will not be possible.

The NSW and Federal Governments have already either committed to providing aid, or other support for Lebanon and the significant Australian-Lebanese community. This has in many ways, at a personal level eased some of the pain during these most difficult times. I thank them for this support.

With the challenges presented by COVID, Australians wishing to help need a single point of fundraising. And in this regard, I would also call on the Federal Government to assist through the creation of the “Aussies for Lebanon” fundraising appeal, to pool the donations, which I hope will have the necessary tax deductibility status, of the many Australians who wish to help.

GENERAL MANAGER’S COMMENT

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

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.4 Face Masks

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

“That Council encourage the wearing of face masks during the COVID-19 pandemic in accordance with the NSW Chief Medical Officer’s advice, as an additional safety measure to keep our community safe and protect local jobs and our economy by making the City of Canterbury-Bankstown a Covid Safe City.”

BACKGROUND

The second wave of COVID-19 in Victoria has been very concerning and has sparked much debate about the wearing of facemasks in NSW. Whilst the numbers of COVID-19 positive cases in NSW has been relatively low, the Victorian experience indicates that it doesn’t take much for a major outbreak to occur. With confirmed cases approaching 24,000 in Australia and tragically over 450 Australians losing their lives, there is no question over how very dangerous this disease is.

The NSW Chief Health Officer has recently provided strong recommendations to wear a mask in certain circumstances, as they are a helpful addition in the fight against COVID-19. When used correctly, wearing a mask helps to reduce community transmission, primarily by reducing the likelihood of a person, who may be unaware they have it, from spreading it to others. The mask assists with the containment of aerosols and droplets produced when a person coughs or sneezes. It also goes some way in protecting those without it from contracting it and reduces the likelihood of COVID-19 spreading.

I urge all residents to take appropriate safety precautions, if not for them, for their loved ones and for the sick, vulnerable and elderly within our community.

It’s better to wear a face mask than a ventilator; home is better than ICU. Stay safe and wear a face mask.

GENERAL MANAGER’S COMMENT

Council has enacted the advice of the NSW Chief Health Officer, and as a leader within our community, we encourage all businesses and residents to similarly heed the advice of the NSW Chief Health Officer.

Council will, through its established communication channels, promote the NSW Government's health advice. Accordingly, there are no cost implications arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.5 Bankstown Bunker

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

“That Council writes to the NSW and Federal Governments, seeking the restoration and promotion of the former Air Defence Head Quarters site, known as the Bankstown Bunker, as a site of State and National significance.”

BACKGROUND

Many local residents will have heard of the “Bankstown Bunker”, the former Royal Australian Air Force’s World War II Air Defence Head Quarters site at Georges Hall and I understand that it has previously been granted heritage status as a site of State and possibly National heritage significance.

Although it was gutted long ago by fire, I understand the facility is structurally sound and could be either restored or made-safe in its current form, for the benefit of the people of NSW and Australia. There are many examples of similar heritage sites, both military and non-military, receiving such a treatment and our Bankstown Bunker should be no different.

GENERAL MANAGER’S COMMENT

The status of the Bankstown Bunker, including ownership and maintenance responsibility has been examined by Council.

Until Council received a definitive position from the Department of Planning, there was significant uncertainty over where ownership and responsibility lay for the structure. The question, however, was put to rest when the Department of Planning formed a view that the owner of the bunker is the owner of the land.

While this provided clarity on ownership, given the land is strata title, there are numerous owners and there remains no way forward as any access to the bunker, even if it were made safe, must be made through private land (a residential backyard).

Notwithstanding, Council will write to the NSW and Federal Governments, seeking their action toward restoring and making accessible to the public, the Bankstown Bunker.

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.6 Managing Footpaths

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

“That Council investigate and provide a briefing on pedestrian accidents that have occurred over the last 18 months on both local street and shopping village footpaths, with the briefing to indicate the number of those incidents reported, their causes and the action taken by Council to help ensure that these accidents are less likely to occur again.”

BACKGROUND

Each year there are footpath accidents reported to Councillors and Council Officers.

Among these to be considered:

- Footpath pavers and concrete that has become raised in sections causing an edge to develop that can result in a serious trip hazard.
- Incorrectly positioned retail sandwich board signage within our local shopping villages that can cause a serious trip hazard.
- Incorrectly positioned café tables and chairs within our local shopping villages that can cause a serious trip hazard.

GENERAL MANAGER’S COMMENT

There are no cost implications in relation to briefing on this matter.

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.7 National Breast Cancer Foundation

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

“That Council promotes the National Breast Cancer Foundation and their Road to 2030: zero deaths from breast cancer by 2030.”

BACKGROUND

This year, 3,000 women will lose their battle with breast cancer – that is 8 women every day. 55 women every day hear the dreaded news that they have the disease.

The National Breast Cancer Foundation has a very simple, but very important mission of achieving zero deaths from breast cancer by 2030. But to achieve this, they need the support of all Australians to build on the incredible achievements of the last 25 years.

This year, in September, I will be taking part in the 10km Bridge Run to raise money to go to the Foundation. I ask for Council to support the Foundation through promoting this event and the work the Foundation does to make sure that by 2030, no Australian will lose their life to breast cancer.

GENERAL MANAGER’S COMMENT

There are no cost implications arising from the proposed motion, as written. Council will utilise its existing communication channels to promote the National Breast Cancer Foundation.

Notice of Motions & Questions With Notice - 25 August 2020

ITEM 10.8

1 Donovan Street Revesby Heights

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

“That Council write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.”

BACKGROUND

I am aware the current owners of 1 Donovan Street Revesby Heights are looking to sell the property, which provides the NSW Government with an excellent opportunity to acquire this land for future open space, to serve our growing community.

I understand the Sydney Region Development Fund buys land to provide for the Greater Sydney Region and community, for the purpose of delivering, among other things, a network of open spaces where people meet, play, relax and experience nature.

I ask that Council writes to the NSW Government, requesting the Fund’s acquisition of 1 Donovan Street, Revesby Heights for future open space.

GENERAL MANAGER’S COMMENT

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

11 CONFIDENTIAL SESSION

11.1 Revesby Commuter Carpark

11.2 Property Matter - 17 Wangee Road, Lakemba

11.3 T75-20 Canterbury Town Centre Stage 2 - Intersection Upgrade and Underpass
Construction

11.4 Organisational Structure

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 , and 11.4 in confidential session for the reasons indicated:

Item 11.1 Revesby Commuter Carpark

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

Item 11.2 Property Matter - 17 Wangee Road, Lakemba

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

Item 11.3 T75-20 Canterbury Town Centre Stage 2 - Intersection Upgrade and Underpass Construction

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 Organisational Structure

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

