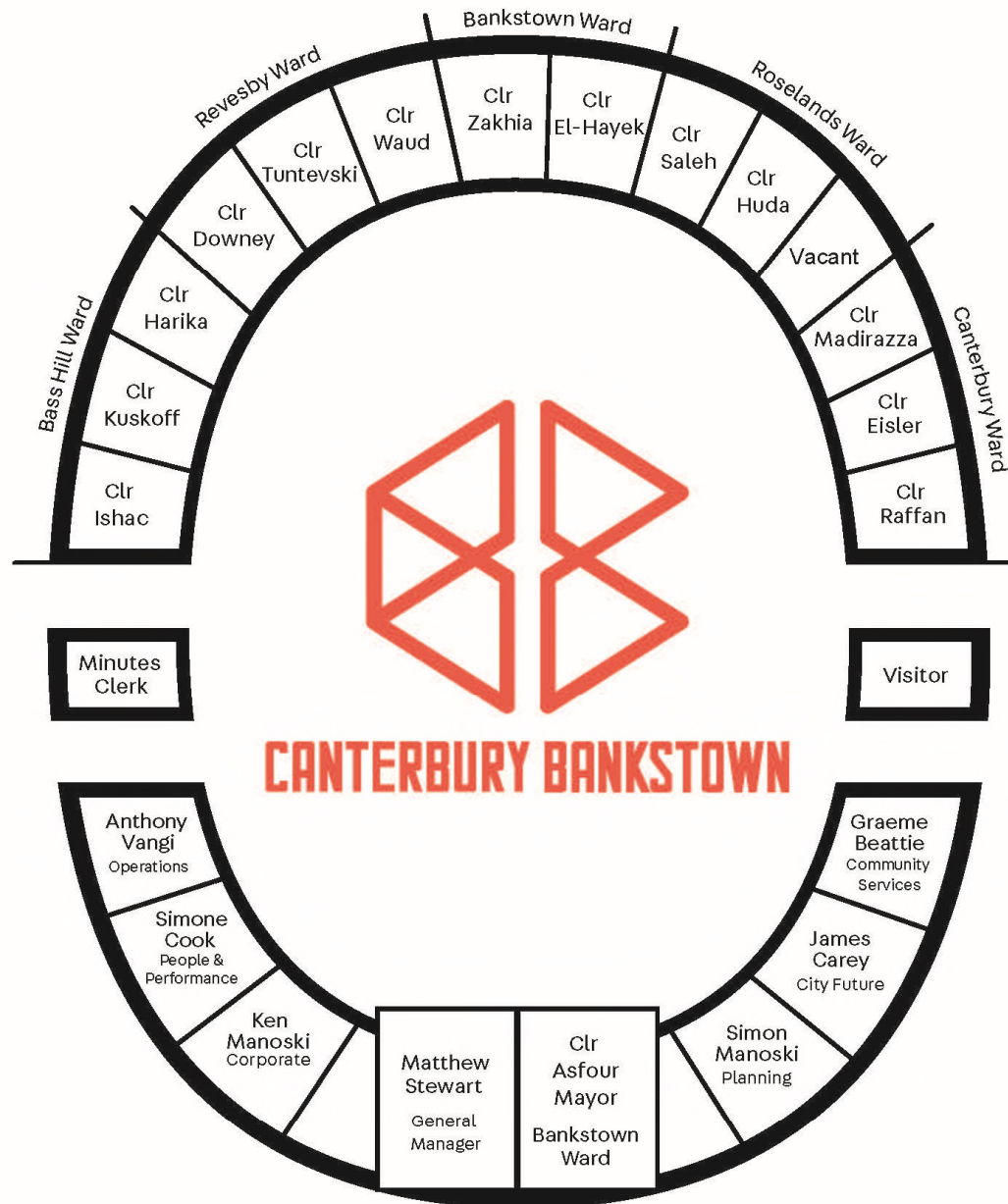




# AGENDA FOR THE ORDINARY MEETING

26 May 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 April 2020 .....	7
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**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 APRIL 2020**

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**PRESENT IN COUNCIL  
CHAMBERS:**

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

**PRESENT BY AUDIO  
VISUAL LINK:**

Councillors Kuskoff, Raffan, Eisler, Huda

**APOLOGIES:**

Nil

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.05 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:**

**(904)**

**CONFIRMATION OF MINUTES**

**CLR. HARIKA:/CLR. TUNTEVSKI**

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 March 2020 be adopted.

- CARRIED

**SECTION 2:**

**LEAVE OF ABSENCE**

Nil

**SECTION 3:**

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

Nil

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**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 STIMULATING LOCAL GOVERNMENT**

**(905) CLR. ASFOUR**

RESOLVED that Council write to our local Federal Members, and State Members, Prime Minister, NSW Premier, Federal Treasurer, NSW Treasurer, NSW Local Government Minister, Federal Minister for Local Government, Federal Opposition Leader, NSW Opposition Leader, Federal Shadow Minister for Local Government and the NSW Shadow Minister for Local Government, to confirm their support for increased financial assistance and stimulus funding for local government to help councils maintain essential services and employment during the COVID-19 pandemic and the range of other measures outlined by Canterbury Bankstown Council and the local government sector's campaign for assistance.

- CARRIED

**ITEM 4.2 COMMUNITY GRANTS PROGRAM ADVANCEMENT**

**(906) CLR. ASFOUR**

RESOLVED that Council fast tracks \$200,000 from next year's community grant program to this year, to assist those outstanding organisations helping our community to deal with the impacts of the Coronavirus.

- CARRIED

**ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS**

**(907) CLR. ASFOUR**

RESOLVED that –

1. Council support the request from The Heart Foundation Gear Up Girl and waive the fee of \$174.50 for the use of Rosedale Reserve and that any future requests for assistance be made through Council's Community Grants and Event Sponsorship Program.
2. Council support the request from Seena Incorporated for the R4R Program and donate \$5,000 to enable them to deliver a special project for a very different Ramadan in 2020 to the local community.



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3. These funds to be made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN - WORKS PROGRAM REVIEW**

**(908) CLR. DOWNEY:/CLR. ISHAC**

RESOLVED that

1. Council exhibit the amendments to the Works Program contained within the Canterbury Development Contributions Plan 2013 as shown in Attachment A.
2. A further report be submitted to Council following the exhibition period.

- CARRIED

**SECTION 6: POLICY MATTERS**

**ITEM 6.1 POLICY UPDATES - CBCITY RELIEF PACKAGE**

**(909) CLR. DOWNEY:/CLR. ZAKHIA**

RESOLVED that Council endorse the proposed actions as outlined in the report.

- CARRIED

**SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1 REVIEW OF THE 2019/20 OPERATIONAL PLAN AND BUDGET TO MARCH 2020**

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

RESOLVED that

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1. Council note the quarterly review of its 2019/20 Operational Plan to 31 March 2020 and adopt the March 2020 Quarterly Budget Review as outlined in this report.
2. Council allocate Ward Funds as outlined in the report.

- CARRIED

**ITEM 7.2                      2020/21 DRAFT OPERATIONAL PLAN, BUDGET AND SCHEDULE OF FEES AND CHARGES**

**(911)                      CLR. WAUD:/CLR. ZAKHIA**

RESOLVED that

1. In accordance with Section 405 of the *Local Government Act 1993*, the draft Operational Plan 2020/21, including the draft 2020/21 Budget and draft 2020/21 Schedule of Fees and Charges, be placed on public exhibition.
2. The proposed Rating and Annual Charges for 2020/21 as outlined in Annexures F and G (forming part of Attachment A to this report) be adopted. The proposal is based on the following:
  - (a) For areas covered by the former City of Bankstown
    - (i) Council's ordinary and special (CBD Infrastructure Improvement) rates for 2020/21 making provision for an ad valorem structure and an increase to Council's general income equivalent to the percentage of 2.6%, as specified by the Independent Pricing and Regulatory Tribunal (IPART).
    - (ii) A Minimum Ordinary Residential Rate of \$636.80 in respect of each separate parcel of rateable land in the City categorised as Residential land.
    - (iii) A Minimum Ordinary Business Rate of \$778.70 for each parcel of rateable land in the City categorised as Business.
    - (iv) Annual charges from Domestic Waste collection be set at \$565.00 for all Residential properties.
    - (v) The maximum mandatory pensioner rebate of \$250.00 per annum. In addition Council continue to provide a further voluntary rebate, which equates to \$40.00 per annum in

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accordance with Council's 'Rates and Charges Debt Recovery and Hardship Assistance Policy'.

(vi) Annual Charges for Stormwater Management Services as follows:

- **Residential Properties**

- Annual Residential Charge of \$25.00 per property.
- Annual Residential Strata Charge of \$12.50 per property.

- **Business Properties**

- Annual Charge of \$25.00 per property plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

- **Mixed Development**

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property.
- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential charge.

- **Exemptions**

In addition to the exemptions stipulated in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following exemptions will also apply in managing the service:

- Council-owned land;
- Bowling and Golf Clubs - where the dominant use is open space;
- Properties zoned:
  - Open space 6(a);
  - Private Recreation 6(b); and
  - Rural

(vii) A maximum rate of interest on overdue rates and charges as specified by the Minister for Local Government.

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- (b) For areas covered by the former City of Canterbury
- (i) Council's ordinary rates for 2020/21 making provision for an ad valorem structure and an increase to Council's general income equivalent to the percentage of 2.6%, as specified by the Independent Pricing & Regulatory Tribunal (IPART).
  - (ii) A Minimum Ordinary Residential Rate of \$713.90 in respect of each separate parcel of rateable land in the City categorised as Residential land.
  - (iii) A Minimum Ordinary Business Rate of \$713.90 for each parcel of rateable land in the City categorised as Business.
  - (iv) Annual charges from Domestic Waste collection be set at \$530.00 for all Residential and Business properties.
  - (v) The maximum mandatory pensioner rebate of \$250.00 per annum. In addition Council to provide a further voluntary rebate, which equates to \$40.00 per annum in accordance with Council's 'Rates and Charges Debt Recovery and Hardship Assistance Policy'.
  - (vi) Annual Charges for Stormwater Management Services as follows:
    - **Residential Properties**
      - Annual Residential Charge of \$25.00 per property.
      - Annual Residential Strata Charge of \$12.50 per property.
    - **Business Properties**
      - Annual Charge of \$25.00 per property plus an additional \$25.00 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.
    - **Mixed Development**
      - Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property.

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- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential charge.

- **Exemptions**

In addition to the exemptions stipulated in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following exemptions will also apply in managing the service:

- Council-owned land;
- Bowling and Golf Clubs - where the dominant use is open space;
- Properties zoned:
- Open space 6(a);
- Private Recreation 6(b); and
- Rural

- (vii) A maximum rate of interest on overdue rates and charges as specified by the Minister for Local Government.

- 3. A further report be submitted to Council at the conclusion of the exhibition period.

- CARRIED

**ITEM 7.3**

**(912)**

**VACANCY IN CIVIC OFFICE**

**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that

1. The information be noted.
2. In accordance with Section 294 of the Local Government Act, Council make application to the Minister for Local Government requesting that a by election not be held as a result of the vacancy and that the office of the Councillor remain vacant until the next local government election.

- CARRIED

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**ITEM 7.4**                      **INSURANCE RENEWALS AND BROKERAGE SERVICES**  
**(913)**                           **CLR. DOWNEY:/CLR. ZAKHIA**

RESOLVED that

1.     The information be noted.
2.     Given the extenuating circumstances, as outlined in the report, and in accordance with Section 55(3)(i) of the Local Government Act 1993, Council agrees to engage Jardine Lloyd Thompson Pty Ltd for a period of one year, for the provision of Insurance Brokerage Services.
3.     The General Manager be authorised to negotiate and enter into a contract and sign all documentation in accordance with Council's resolution, as required.
4.     In consultation with Council's Insurance Broker, the General Manager be delegated authority to make the necessary arrangements to adequately insure Council for the 2020/21 financial year, as outlined in the report.

- CARRIED

**ITEM 7.5**                      **CASH AND INVESTMENT REPORT AS AT 31 MARCH 2020**  
**(914)**                           **CLR. MADIRAZZA:/CLR. TUNTEVSKI**

RESOLVED that

1.     The Cash and Investment Report as at 31 March 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**

**(915) CLR. WAUD:/CLR. HARIKA**

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Committee Reports.

- CARRIED

**ITEM 9.1 MINUTES OF THE SOCIAL INCLUSION REFERENCE GROUPS MEETINGS**

**(916) CLR. WAUD:/CLR. HARIKA**

RESOLVED that the minutes of the Social Inclusion Reference Groups meetings be endorsed.

- CARRIED

**ITEM 9.2 MINUTES OF THE PROSPERITY & INNOVATION REFERENCE GROUPS MEETINGS**

**(917) CLR. WAUD:/CLR. HARIKA**

RESOLVED that the minutes of the Prosperity & Innovation Reference Groups meetings be endorsed.

- CARRIED

**ITEM 9.3 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE HELD ON 11 MARCH 2020**

**(918) CLR. WAUD:/CLR. HARIKA**

RESOLVED that

1. The recommendations contained in the minutes of the Audit Risk and Improvement Committee meeting held on 11 March 2020 be adopted.
2. The proposal to extend the term of the current Audit Risk and Improvement Committee to March 2022 be adopted.

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3. The election of the chairperson for the Audit Risk and Improvement Committee for its remaining term be noted.

- CARRIED

**ITEM 9.4**                      **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 14 APRIL 2020**  
**(919)**                        **CLR. WAUD:/CLR. HARIKA**

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

- CARRIED

**SECTION 10:**              **NOTICE OF MOTIONS & QUESTIONS WITH NOTICE**

**(920)**                        **CLR. TUNTEVSKI:/CLR. SALEH**

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 with the exception of Items 10.2 and 10.7.

- CARRIED

**ITEM 10.1**                      **NOTICE OF MOTIONS**  
**(921)**                        **CLR. TUNTEVSKI:/CLR. SALEH**

RESOLVED that the information be noted.

- CARRIED



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**ITEM 10.2**                      **BAN THE TRADE IN ILLEGAL WILDLIFE**  
**(922)**                              **CLR. DOWNEY;/CLR. TUNTEVSKI**

RESOLVED that Council:

1. Supports the ongoing efforts to eliminate wildlife trafficking;
2. Raises awareness with the public, through its established communication channels, of the dangers associated with wildlife trafficking, particularly for human consumption; and
3. Writes to the NSW and Australian Governments expressing this support and seeking their advice on what measures NSW and Australia are taking to prevent the trafficking of wildlife domestically and internationally.

- CARRIED

**ITEM 10.3**                      **RECOGNISING EDDIE AVENUE, PANANIA**  
**(923)**                              **CLR. TUNTEVSKI;/CLR. SALEH**

RESOLVED that Council install appropriate signs on Eddie Avenue, Panania, recognising the origin of the street name and documenting Lance Corporal Edward Maxwell's story.

- CARRIED

**ITEM 10.4**                      **5G**  
**(924)**                              **CLR. TUNTEVSKI;/CLR. SALEH**

RESOLVED that Council writes to the Federal Communications Minister, seeking:

1. Information on the existing and proposed deployment of 5G facilities within the Canterbury-Bankstown LGA; and
2. That the health impacts of 5G be fully explored and/or made available to the public prior to the deployment of any more 5G facilities.

- CARRIED

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**ITEM 10.5**  
**(925)**

**SUPPORTING THE AVIATION INDUSTRY**  
**CLR. TUNTEVSKI:/CLR. SALEH**

RESOLVED that Council:

1. Acknowledges the critical importance of a healthy, competitive domestic airline industry;
2. That the domestic airline industry be serviced by Australian-based companies;
3. Acknowledges that domestic aviation is the responsibility of the Federal Government; and
4. Writes to its Federal Members of Parliament expressing its concern at the prospect of the domestic airline industry becoming a monopoly.

- CARRIED

**ITEM 10.6**  
**(926)**

**FRACKING THE NT**  
**CLR. TUNTEVSKI:/CLR. SALEH**

RESOLVED that Council:

1. Write to Origin Energy:
  - Noting Council's Power Purchase Agreement with Origin Energy, through SSROC, 20% of which is currently sourced from the Moree Solar Farm;
  - Noting Council's acknowledgement, in August 2019, of the existence of a climate emergency and our plans to achieve zero net emissions by 2050;
  - Expressing our support for the traditional owners and communities in the Northern Territory who have expressed their strong opposition to fracking due its threats to the climate and to their lands, waters and rights; and
  - Requesting that Origin Energy cease all plans to conduct fracking in the Northern Territory and elsewhere due to its impact on the climate, communities, environment and water, and commit to further

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investment in environmentally and socially sustainable renewable energy projects.

2. Forward a copy of the letter referred to above to all NSW Regional Organisation of Councils and Joint Organisations.
3. Writes to all state and territory Energy and Environment ministers urging them to implement, strengthen or retain permanent bans on the use of hydraulic fracturing (fracking) to extract gas within their jurisdictions.
4. Continues to increase the use of sustainable energy for its operations.

- CARRIED

**ITEM 10.7**  
**(927)**

**FLOOD PLANNING CONTROLS**

**CLR. WAUD:/CLR. ISHAC**

RESOLVED that:

1. Council receive a briefing outlining the mechanisms available to ensure flooding and associated impacts are appropriately considered and planned for across the city; and
2. What approach has been taken to secure the safety of future residents at the Riverlands site in light of the flood event experienced in February this year.

- CARRIED

**ITEM 10.8**  
**(928)**

**PLANNING CHANGE TRANSPARENCY**

**CLR. TUNTEVSKI:/CLR. SALEH**

RESOLVED that Canterbury Bankstown Council acknowledges the impacts on the community, on business and on employment brought about by the Covid-19 pandemic. We also recognise that the NSW State Government has needed to respond with extraordinary legislation to assist the community to stay safe and aid with their economic safety.

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Canterbury Bankstown Council acknowledges that the amendments to planning legislation have given the Minister powers that include overriding all Council conditions of consent.

The NSW State Government has indicated it is proposing to implement further changes to planning legislation in order to fast track development and zonings.

We request that NSW State Government consult in an open and timely manner with Council before putting amendments to the Parliament.

- CARRIED

**SECTION 11: CONFIDENTIAL SESSION**

Nil

**THE MEETING CLOSED AT 6.35 PM.**

Minutes confirmed 26 MAY 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	Stronger Communities Fund: Rorted	27
4.2	Thank U Campaign	29
4.3	Support for Sporting Organisations	31
4.4	Rezoning Canterbury Bowling Club Back to Open Space	33
4.5	Local Community Based Donations	35



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## Mayoral Minutes - 26 May 2020

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### **ITEM 4.1                      Stronger Communities Fund: Rorted**

It has no doubt failed to escape the attention of Councillors that our community has effectively been rorted by the NSW Government, as exposed by the media last week. This will no doubt leave a sour taste in the mouths of every one of our residents and a distinct and justified feeling of being rorted.

I am referring of course to an exclusive story on National Nine News in the last week, which highlighted the distribution of the Stronger Communities Fund grants to amalgamated Councils, and some that didn't even end up amalgamating.

The report was highly critical of the way the NSW Government allocated the majority of the money and noted there was an obvious bias towards councils in Coalition held seats. In fact, \$200 million was handed over to Councils in those blue-ribbon seats whilst only a paltry \$5m was given to Councils in Labor electorates. Special mention was made that our Council, the biggest LGA in NSW, received ZERO dollars.

Hornsby Council, whose Mayor happens to be Former Federal Minister and NSW Liberal Party President, Phillip Ruddock, received a whopping \$90 million.

To give you some background, whilst Council received its original Stronger Community Fund allocation for specific community projects when we merged, conveniently we were forgotten when it came time to consider the allocation of the additional \$200 million.

At the time, I wrote to the then Minister for Local Government, Gabrielle Upton, requesting additional funding to meet our needs and received a very clear response that there was no money available. You can imagine my shock to hear so many Liberal councils received buckets of money I was told didn't even exist!

Fast forward to today and the current health and economic crisis we find ourselves in and there is no doubt our City, like the rest of the Country, must invest in infrastructure projects to help revive the economy and provide much needed jobs and community facilities.

And right now, more than ever, is the time for such spending.

Council has an extensive list of projects which includes roads, community centres, parks and sporting facilities. And two major environmental initiatives: a Solar Farm at Salt Pan Creek and a Resource Recovery Facility at Kelso, all waiting to go.

Very simply, we have \$5m of shovel-ready projects waiting to go right now and another \$571m in the pipeline.

I have set up a petition for our residents to let the NSW Government know that now is the time to give us our fair share of the money we were rorted out of so that we can get on with delivering much needed infrastructure, and stimulate our flagging COVID-19 economy.

Together with Council's list of Infrastructure projects this will provide a compelling case to the Premier and the Planning Minister for funding, so we can get on with the job of building and reinvigorating our City.

Now is the time for the NSW Government to give us our fair share; \$90 million, just like the non-merged Liberal Hornsby Council would be a good start.

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## Mayoral Minutes - 26 May 2020

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### ITEM 4.2                      Thank U Campaign

Councillors, since we last met, the General Manager was asked to provide the Minister for Local Government with a list of initiatives delivered to the community and to share stories on how Council was affected by COVID-19.

When I looked over the document, “I got a real good feeling”, and I would like to say how proud I am at how much OUR Council has achieved in such a short time.

In just six weeks, we were responsible for the CBCity Cares package, including our 18-point plan, the Smart City Smart Business Grant, assistance for local businesses to help them with technology and online marketing, our Helping You Help Others relief package for NFP organisations providing help to those in need, and the Keep Connected program including CBTV, a first for any Council.

I will also add the Minister has thanked us for our “fantastic” contribution and good work and has indicated she will share our success stories.

But our success in keeping the number of virus cases low has been because of our community’s diligence and the sacrifices they are making every day and are continuing to make.

So, it is only fitting that we, as a Council, recognise and applaud them.

Councillors, tonight, I seek your support in backing a proposal “FROM ME TO YOU” ..... a campaign which says . . . THANK YOU to our many residents.  
Two simple words. . . which say it all.

I’m proposing that Council explore innovative and exciting ways of showing our gratitude and appreciation.

From Paris to London and across the US, countries are saying thank you to their frontline workers. But here at Canterbury Bankstown we want to go further and applaud our community and put THEM on the world stage.



### ITEM 4.3

### Support for Sporting Organisations

I recently met with a number of our sporting groups and associations, as I have done with our charity sector and religious leaders, to hear of their concerns, to provide support where we can and give them a chance to come together.

The message I heard was loud and clear: grassroots sporting associations and clubs are crying out for help.

Organisations that look after our netballers, footy players and many other sports and rely on funding by playing week-in-week out, are doing it tough.

With no canteens, no barbecues, no sponsorships, no game day fees, it is fair to say their revenue streams have been hit for six by COVID-19.

But their financial problems don't stop there. They are still having to fork out significant operating costs like staff wages, office leases, player insurance, gear and equipment and pre-ordered uniforms. Many of the expenses remain while their revenue has evaporated.

Tonight I'm asking that Council supports me in writing to the Premier and the relevant Ministers to provide additional funding to support grassroots sporting associations and sporting clubs. These groups should not be forgotten, and the burden should not rest solely with the thousands of volunteers. The last thing I would want is for mums and dads to pull their children out of sports because they were hit with higher fees, or for these clubs to be but a memory on our recovery to the new normal.

Our sporting community will not be alone in this; it will be a story repeated in every suburb and every country town and that is why I also intend on raising this with LGNSW, to raise a united voice, to advocate for all communities in NSW. Together we can get the barbies fired up and put some heat on the NSW Government.





### **ITEM 4.4                      Rezoning Canterbury Bowling Club Back to Open Space**

For years now there has been uncertainty and rumours circulating about the future of the Canterbury Bowling Club site. The former Canterbury Council only fuelled these rumours with investigations into redevelopment options and ultimately a planning proposal to rezone the land to allow over 300 apartments to be built.

Pleas from our community to keep the site for open space were completely ignored by the former Canterbury Council, while the condition of the greens and clubhouse continued to deteriorate into an unusable state. It was a scandalous way to treat our community; it showed nothing but contempt for what is such an important piece of open space.

Since I was elected Mayor of this Council in 2017, I have consistently said that we will not sell the Canterbury Bowling Club site, and that we will consider its future through the State Government's Planned Precinct process. However, as the Government has since moved away from its approach, and Sydney Metro is looking to temporarily acquire the site, I am not willing to simply sit on my hands and abandon the long term protection of this important community asset.

Recently, I have driven Council's long term vision and aspiration for our city through the development of our Local Strategic Planning Statement, Connective City 2036, which was recently endorsed by the State Government. Retaining open space close to where people live is a critical part of that vision, and the Canterbury Bowling Club site is singled out as an excellent opportunity for providing more and much needed open space in Canterbury.

Unfortunately the State Government did not allow us to rezone the site back to open space as part of our Comprehensive Local Environmental Plan, but as mentioned in the report at item 7.1 of the business paper, we are able to prepare a fresh planning proposal to do that.

I propose that Council resolves to immediately commence the preparation of and submit a planning proposal to rezone 15 Close St Canterbury to RE1 Public Recreation, remove the height of building control, remove the floor space ratio control, and delete the site specific clause which applies to the land to align the planning controls with other land zoned for open space throughout the city.

I also ask the General Manager to review the work undertaken as part of the comprehensive LEP to determine whether there is any avenue to have this site rezoned now as part of the current city wide planning proposal so that we can put an end to the confusion, rumours and uncertainty for the Canterbury community and lock in the long term future of this site as open space.



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## Mayoral Minutes - 26 May 2020

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### ITEM 4.5

### Local Community Based Donations

The following community-based organisation has approached Council for financial assistance.

#### **Earlwood Senior Citizens Centre**

Earlier this year the Fundraiser to Support Bushfire Victims event to raise awareness for people affected by bushfires fires was held at the Earlwood Senior Citizens Centre. The fundraiser, organised by Canterbury Earlwood Caring Association and Earlwood Business Chamber raised over \$1,000 for the Eden Community Access Centre and the Uralla Neighbourhood Centre.

The Earlwood Senior Citizen Centre has requested consideration be made of waiving their fees relating to the event and in response I propose Council waive their full fee of \$42.

#### **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 | Draft Amendments to the Planning Agreement for the Former Riverlands Golf Course Site in Milperra  | 39 |
| 5.2 | Planning Proposal for 20-21 Boorea Avenue, Lakemba   | 47 |
| 5.3 | Application to Amend the Canterbury Local Environment Plan 2012: 165-169 Holden Street, Ashbury (Ashfield Reservoir)   | 57 |
| 5.4 | Report on Council's Performance in the Assessment of Development Applications, Clause 4.6 Variations Approved in the Third Quarter of the 2019/20 Financial Year, and Planning Related Legal Appeals | 73 |



### **ITEM 5.1                      Draft Amendments to the Planning Agreement for the Former Riverlands Golf Course Site in Milperra**

**AUTHOR                      Planning**

#### **PURPOSE AND BACKGROUND**

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The entity which recently gained development rights for land at 56 Prescott Parade, Milperra, known as the former Riverlands Golf Course site, has requested Council amend an existing voluntary planning agreement by realigning the delivery of the public benefit works to the proposed development staging of the site.

The purpose of this report is to seek Council's approval to exhibit draft amendments to the planning agreement in response to this request.

The planning controls applying to the site which permit residential development have been in force since 2016. This report does not in any way change the planning rules or zoning relating to the Riverlands site, nor is it a vehicle to do so. This report only relates to the planning agreement that applies to the R2 Low Density Residential zoned area (*refer to Figures 1 & 2 later in this report*).

#### **ISSUE**

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In 2015, Council adopted a planning proposal to rezone part of the site for residential purposes and to enter into a planning agreement offered by the owner to provide the following public benefits:

- public foreshore walkway and land along the Georges River
- bank stabilisation works along the Georges River
- riparian corridor along the Georges River
- vegetation rehabilitation along the Milperra Drain and
- road improvements on Keys Parade, Raleigh Road and Pozieres Avenue.

The area of the site zoned R2 Low Density Residential has come under the control of Mirvac, which has prepared a new design layout for the site comprising a reduction in the number of residential allotments and introduction of open spaces. This new design layout has been submitted as a development application to Council and remains currently under assessment. This report does not impact the assessment or determination process of the development application and this remains a wholly separate process over which Council has no role in determination.

Council has been requested to amend the existing planning agreement to better align the delivery of the public benefit works with the new concept design and associated construction staging.

Following a review and noting the planning agreement is voluntary in nature, it is proposed to support the request as it would not reduce the public benefits under the existing planning agreement and result in a more logical construction process.

## **RECOMMENDATION** That -

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1. Council exhibit the draft Deed of Variation and the Explanatory Note to the Planning Agreement for the former Riverlands Golf Course site (56 Prescott Parade, Milperra) as shown in Attachment A.
2. The matter be reported to Council following the exhibition including a submissions report addressing any submissions received during the exhibition period.

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

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- A. Draft Deed of Variation to the Planning Agreement



## **POLICY IMPACT**

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This matter has no policy implications for Council. The proposed changes would not reduce the public benefits under the existing planning agreement.

## **FINANCIAL IMPACT**

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There is a financial benefit to Council in that the developer is being up front about logical staging for the delivery of works consistent with its proposed development staging. Having a voluntary planning agreement that is in line with that means that Council does not have expensive legal costs in dealing with enforcing an old agreement that is no longer in the public interest.

## **COMMUNITY IMPACT**

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This matter has no community impact as all the works including public amenity and environmental improvements agreed to as part of the existing planning agreement will continue to apply.

Should Council decide to exhibit the draft Deed of Variation to the Planning Agreement, the community will be able to provide feedback on the proposed changes.

## DETAILED INFORMATION

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### REPORT

#### Background

In 2015, Council adopted a planning proposal to rezone part of the site at 56 Prescott Parade, Milperra, known as the former Riverlands Golf Course site, to permit residential purposes (refer to Figures 1 and 2) and to enter into a planning agreement offered by the property owner to provide the following public benefits:

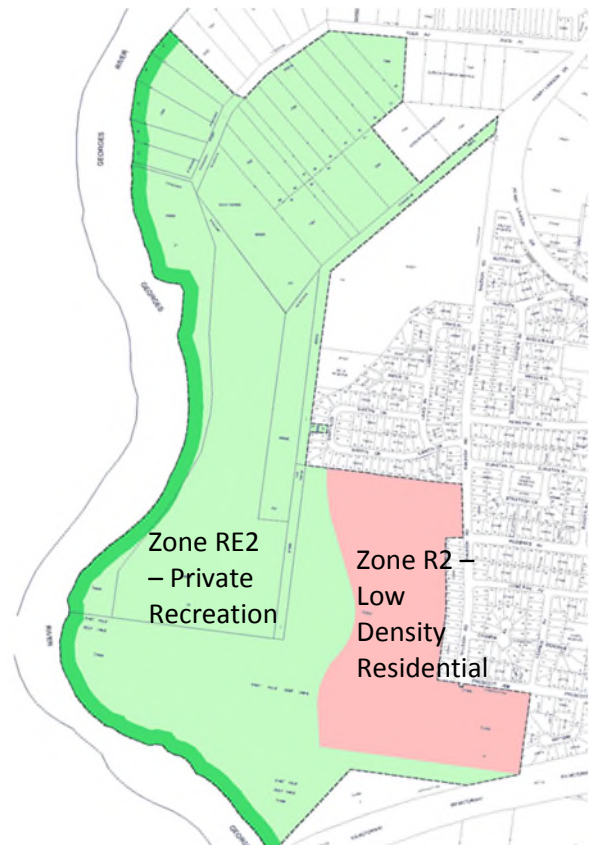
- public foreshore walkway and land along the Georges River
- bank stabilisation works along the Georges River
- riparian corridor along the Georges River
- vegetation rehabilitation along the Milperra Drain
- road improvements on Keys Parade, Raleigh Road and Pozieres Avenue.

The planning proposal was made on 7 October 2016 which was supported by a planning agreement with set time frames within which works needed to be delivered. In 2017, the previous owner lodged a development application (DA 675/2017) seeking 241 residential lots within the residential zoned land.

Due to planning and environmental related concerns with the original development application, the application had not been determined and in 2019, Council adopted amendments to the planning agreement to allow the owner more time to deliver on some of the public benefit works whilst the development application remained under assessment. However, the previous development application was refused and was appealed to the Land and Environment Court. Prior to a court hearing on the matter, Mirvac gained control of the site.



*Figure 1 – Site on Aerial Map*



*Figure 2 - Zoning Map*

## **Request to Amend the Planning Agreement**

Mirvac has since gained the rights to develop the part of the site within Zone R2 Low Density Residential area with a new concept design for the residential development of the site.

Mirvac has requested Council amend the existing planning agreement to better align the delivery of the public benefit works with the new concept design and construction staging. The draft amendments do not intend to reduce the public benefits that were agreed in the existing planning agreement.

At the same time, Mirvac has lodged three development applications to redevelop the part of the site within Zone R2 Low Density Residential:

- DA 1107/2019 – Procedural subdivision DA to re-subdivide the site from 27 lots into 6 lots.
- DA 4/2020 – Subdivision of R2-zoned site into 197 lots and associated internal roads and drainage works.
- DA 108/2020 – Construction of lead in road Keys Parade and Henry Lawson Drive intersection works as per the Planning Agreement.

While the development applications are currently under assessment, they provide an indication of the intended development of the site. The draft amendments to the planning agreement provide a transparent and appropriately timed delivery of public benefit resulting from any works should a consent be forthcoming through other processes.

## **Key Draft Amendments to the Planning Agreement**

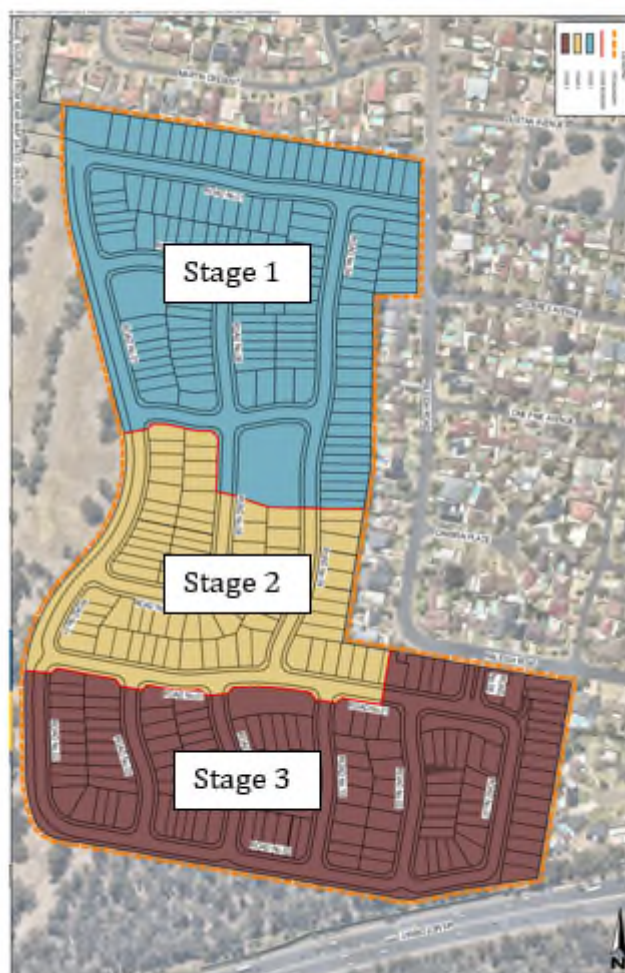
The draft Deed of Variation and Explanatory Note are shown in Attachment A. In summary, the key amendments are discussed below:

### **1. Draft amendments to the delivery of priority public benefit works**

When Council agreed to the existing planning agreement, there was uncertainty on the proposed concept design for the residential development of the site. As such, the planning agreement was designed to deliver the public benefit works based on two development stages – prior to the issue of a construction certificate or a subdivision certificate, whichever came first.

However, Mirvac is requesting that Council amend the existing planning agreement to better align the delivery of the public benefit works with the construction staging of the new concept design for the site, as shown in Figure 3. The delivery of the public benefit works would be reprioritised as high, medium or low as follows:

1. High priority works – prior to the issue of the subdivision certificate of Stages 1, 2 or 3.
2. Medium priority works – prior to the issue of the subdivision certificate of Stages 2 or 3.
3. Low priority works – prior to the issue of the subdivision certificate of Stage 3.



*Figure 3 – Proposed construction staging*

Based on the proposed reprioritised list, the public benefit works would be delivered as follows:

Public Benefit Works	Existing priority	Proposed priority
Bank stabilization works - south	High	High
Bank stabilization works - north	Medium	High
Keys Parade, and internal road to Raleigh Road construction	High	High
Henry Lawson Drive/Keys Parade intersection works	High	High
Pozieres Avenue road improvements	High	High
Pozieres Avenue raised junctions	High	High
Roundabout on Raleigh Road	High	High
Foreshore pedestrian crossings	Low	Medium
Foreshore pedestrian/cycleway construction	Medium	Medium
Riparian corridor establishment along the Georges River	Low	Medium
Riparian corridor establishment along the Milperra Drain	Low	Medium
Internal road to Prescott Parade construction	High	Low
Foreshore land dedication	High	Low

The draft amendments continue to provide certainty that the public benefit works would be provided as new residents move into the new residential development.

## 2. Draft amendments to the scope of some of the public benefit works

Mirvac is also requesting Council to amend the scope of some of the public benefit works to enable these works to be consistent with the new concept design for the site, as follows:

Works	Existing scope	Proposed scope
Keys Parade (between Henry Lawson Drive and the residential zone)	17 metre-wide public road reserve with a 10 metre-wide carriageway and footpath on both sides. The 10 metre-wide carriageway allows on-street parking on both sides.	<p>Amend the scope by retaining the 17 metre-wide public road reserve but reducing the carriageway width from 10 metres to 8 metres. This width reduction will delete on-street parking but allow drainage swales and a minimum 2.5m wide shared path.</p> <p>Reason: The primary purpose of this section of Keys Parade is to provide vehicle access from Henry Lawson Drive to the residential land. On-street parking is not required in this section of Keys Parade. Delivering a shared path along Keys Parade will provide increased opportunity for safe active transport.</p>
Pozieres Parade (road improvements and raised junctions)	Road markings, flashing school signs and two raised junctions to be provided to improve road safety.	<p>Retain the need for these works but include a mechanism in the planning agreement that would allow Mirvac to build or pay a monetary contribution to Council to build alternative public benefit works in Milperra.</p> <p>Reason: These works are subject to development consent. If the development consent concludes that these works are not required, the mechanism in the planning agreement would require alternative public benefit works in Milperra in lieu of these works.</p>
Roundabout on Raleigh Road	A roundabout to provide access into the residential development site.	<p>Retain the need for a roundabout but include a mechanism in the planning agreement that would allow Mirvac to build or pay a monetary contribution to Council to build alternative public benefit works in Milperra.</p> <p>Reason: The roundabout is subject to development consent. If the development consent concludes that the roundabout is not required, the mechanism in the planning agreement would require alternative public benefit works in Milperra in lieu of the roundabout.</p>

### **3. Minor administrative amendments**

In the existing planning agreement, there is an item of works that seeks road connections from the residential site to Pozieres Avenue. However, this is an administrative error and the intent is to construct a road connection to the adjoining Prescott Parade. The draft deed seeks to rectify this administrative error.

The draft amendments maintain the intent of the public benefit works while balancing the need to be consistent with the new concept design for the site.

#### **NEXT STEPS**

Should Council support the draft amendments to the planning agreement, the draft Deed of Variation will be exhibited for a minimum 28 days and will be reported to Council following the exhibition period.

### ITEM 5.2                      Planning Proposal for 20-21 Boorea Avenue, Lakemba

**AUTHOR**                      Planning

#### **PURPOSE AND BACKGROUND**

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The purpose of this report is to determine whether to refer a planning proposal enabling a 'residential care facility' at 20-21 Boorea Avenue, Lakemba to the Minister for Planning and Public Spaces for finalisation and gazettal.

The planning proposal seeks to add *residential care facility* as an additional permitted use for the entire subject site and increase the floor space ratio for 21 Boorea Avenue from 1:1 to 2:1.

The planning proposal was placed on public exhibition from 29 October to 29 November 2019. A total of 33 submissions from the community were received. 32 submissions supported the proposal and 1 objected to the proposal on parking and traffic grounds.

#### **ISSUE**

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##### **Height**

The original Council resolution of 27 February 2018 did not include a height control, which meant that there was no restriction on height applicable to future development on land at 21 Boorea Avenue. To address this, the proponent suggested a height control of 22 metres and documentation to that effect was included in the exhibited material.

After exhibition, Council engaged an urban designer to peer review the height based on the resolved FSR, who recommended 21 metres for a conceptual part 4, part 5 storey building. Setbacks to protect adjoining neighbours' solar access and reduce the visual impact of the building were recommended to form part of a site specific development control plan (DCP). These recommendations for a height limit and site specific DCP form part of this report to Council.

Council has engaged with the proponent through this process with a more detailed review of this site, the proposed FSR and various site constraints; and has arrived at an appropriate height of 21m, balancing the impacts of the development while more than enabling the 5 storey elements to be delivered as requested by the proponent.

##### **Gateway Consultation**

The Gateway Determination that was issued by the Minister for Planning on 20 December 2018 authorised Council to exhibit the planning proposal, requested additional flooding information and required consultation with State agencies. Two State agencies issued advice that they did not support the proposal for flooding, contamination, noise and air quality reasons. These issues have since been satisfactorily addressed based on further information provided by the proponent.

In considering submissions from the community, government agencies and further technical studies, it is considered that the proposal has met the conditions of the Gateway Determination and the planning proposal can be finalised subject to a 21 metre height limit on 21 Boorea Avenue; and a site specific DCP be prepared and exhibited for 28 days in line with the Community Participation Plan.

Should Council decide to proceed, the planning proposal will be forwarded to the Department of Planning, Infrastructure and Environment for finalisation.

## **RECOMMENDATION** That -

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1. Council adopt the planning proposal as shown in Attachment A and that it be referred to the NSW Department of Planning, Infrastructure and Environment for finalisation.
2. Council prepare an amendment to Bankstown Development Control Plan 2015 to apply appropriate site-specific controls on the subject site.
3. The draft DCP is placed on public exhibition for a minimum of 28 days.
4. Council receive and consider a further report on the outcomes of the DCP exhibition.

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

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- A. CBC Planning Proposal - Boorea Avenue
- B. Appendix A - Community Consultations
- C. Appendix B - Remediation Action Plan
- D. Appendix C - Site Audit Statement
- E. Appendix D - Site Audit Report for SAS
- F. Appendix E - Expanded Flood modelling
- G. Appendix F - Urban Design Study
- H. Appendix G - Noise Impact Assessment



## **POLICY IMPACT**

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This report proposes no change to Council's policies.

A draft Development Control Plan amendment is required to apply appropriate planning and development controls to guide any future development of the site.

## **FINANCIAL IMPACT**

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There is no financial impact to Council as a result of this planning proposal.

## **COMMUNITY IMPACT**

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The planning proposal was placed on public exhibition from 29 October 2019 to 29 November 2019. A total of 33 submissions were received (this does not include state agency submissions). 32 submissions supported the proposal and 1 objected to the proposal on parking and traffic grounds. The proponent submitted a traffic and parking study which found the traffic impact to be acceptable based on meeting off-street parking requirements. Transport for NSW (including the RMS) raised no issues with the proposed traffic generation.

An additional submission supported the proposal but raised concern about adequate green space being provided within the development. Any future development application will need to provide adequate landscaping and open space for future residents in accordance with the DCP.

## DETAILED INFORMATION

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### Introduction

This report discusses the public exhibition of a planning proposal relating to land at 20-21 Boorea Avenue, Lakemba. The planning proposal proceeded based on the following Council resolution of 27 November 2018:

*Council prepare and submit a planning proposal to the Greater Sydney Commission to seek a Gateway Determination that will:*

- a) permit an additional permitted use for the purposes of a Residential Care Facility*
- b) increase the Floor Space Ratio from 1:1 to 2:1*

*subject to the specific reports as outlined in the Council report being prepared prior to exhibition.*

### Site Details

The site is situated at the end of Boorea Avenue on the northern and eastern sides. It has a total combined area of 3,136.4 square metres. 20 Boorea Avenue is a regular dwelling lot with frontage to Boorea Avenue of 12.19m. 21 Boorea Avenue is a site with an irregular shape at the end of the Boorea Avenue cul-de-sac, with a frontage of approximately 6.3m. The site comprises two allotments in a single ownership. Existing land uses are detailed below.

Table 1: Site details

Property Address	Property Address	Existing Use	Site Area
21 Boorea Avenue, Lakemba	Lot X in DP 377169	Stone masons yard	2,580m <sup>2</sup>
20 Boorea Avenue, Lakemba	Lot 25 in DP 13586	Single storey dwelling house	556.4m <sup>2</sup>

The subject site is identified as follows:



## Planning Proposal

The planning proposal seeks to add *residential care facility* as an additional permitted use for the entire subject site and increase the floor space ratio for 21 Boorea Avenue from 1:1 to 2:1. The FSR for 20 Boorea Avenue shall remain at 0.75:1. No height limit currently applies to 21 Boorea Avenue, this report recommends a height limit of 21 metres as shown in the table below:

Site	Existing Height Limit	Proposed Height Limit	Existing FSR	Proposed FSR
21 Boorea Avenue Lakemba	N/A	Original resolution: N/A  Proposed now: 21m	1:1	2:1
20 Boorea Avenue Lakemba	8.5m	8.5m No change	0.75:1	0.75:1 No change

It is noted that the current report seeks to apply a height limit of 21 metres as detailed in this report.

The planning proposal was first considered by the Canterbury-Bankstown Independent Hearing and Assessment Panel (IHAP) on 5 December 2017. In line with Council officer's recommendation, the IHAP recommended the proposal not be supported due to conflicts with strategic policies adopted by the State government and Council, which seek to preserve industrial land in the South District. At the time of the IHAP decision, Planning Priority S9 under

the revised Draft South District Plan sought to *“Manage industrial land in the South District by protecting all industrial zoned land from conversion to residential development, including conversion to mixed-use zones”*.

As detailed in the original Council report, the planning proposal is not consistent with a number of strategies and planning directions including the Greater Sydney Region Plan and South District Plan, Ministerial Direction 1.1 (Business and Industrial Zones), Ministerial Direction 3.4 (Integrating Land Use and Transport) and Ministerial Direction 7.1 Metropolitan Planning.

The inconsistency relates to the broad strategic aim contained within these policies to protect industrial land from encroachment from residential uses. The planning proposal is also inconsistent with the strategic objectives to locate residential development in close proximity to public transport.

Both the Minister for Planning and Council have formed the view that the social and economic benefits of the proposal outweigh this objective on this occasion. The Minister for Planning also considered that the “...subject site provides an opportunity to enhance and support a cultural hub with multifunctional and intergenerational spaces...”.

The council resolution stated that the planning proposal could proceed, subject to receiving reports on further economic analysis, flooding, contamination and height/FSR. These reports have been received and were exhibited with the planning proposal.

As part of the exhibition and referral to State agencies as required by the Gateway approval on 20 December 2018, several issues emerged during consultation with agencies and the public as summarised below.

## **Issues**

### **Gateway Condition and Office of Environment and Heritage (OEH) Submission**

#### **Flooding**

The Gateway Determination included a condition for further investigation into flooding issues prior to exhibition. The OEH also raised that they did not support the proposal as the site is subject to a significant flood risk. The OEH confirmed that the submission was ‘advice’ and not a formal agency objection.

A revised flooding report was submitted to Council which carried out “expanded flood modelling that assesses upstream and downstream impact of making changes to the site”. This report concluded that “The results of the 1-dimensional hydraulic modelling of the Coxs Creek for 1% AEP flood has shown that the proposed development will slightly reduce the flood levels in the Coxs Creek near the site location between 0 and 7mm which is consistent with previous expectations. Therefore, the proposed development has a small beneficial impact on flood levels experienced by neighbouring properties”. The additional flooding information was exhibited with the planning proposal.

Council officers have reviewed the report and consider the issue resolved, subject to further flood studies to be completed at the development application stage. Accordingly, it is considered that the planning proposal has addressed the issues raised in the Gateway Determination and satisfies Ministerial Direction 4.3 Flood Prone Land.

### **EPA Submission**

The EPA did not support the proposal on the basis of:

- Strategic Planning Matters
- Contamination
- Noise
- Air Quality
- Water Quality
- Waste Management

The EPA confirmed that the submission and issues raised are comments, and not an agency objection to the proposal. Therefore, it is for Council to determine that the issues raised have been satisfied. The other matters raised by the EPA are detailed below:

#### Contamination

The EPA advised that further detailed investigations regarding contamination was required.

A Detailed Site Investigation report, Remedial Action Plan and Site Audit Report was undertaken by the proponent which identified mitigation measures relating to site preparation, demolition and asbestos removal, fill excavation and waste management and reporting. The RAP found that "...the successful implementation of the measures described in this RAP...concluded that the site can be made suitable for the intended use and that the risks associated with identified contamination can be managed such that human health and the environment are adequately protected".

Accordingly, it considered that the planning proposal has met the requirements of *State Environmental Planning Policy 55 – Remediation of Lands* and addressed the concerns raised by the EPA.

#### Noise Impact

The EPA assessed vehicular activity to be in exceedance of the intrusive noise criterion contained within the NSW Road Noise Policy. The EPA recommended that Council require further information to demonstrate that the resulting development can meet the requirements of the NSW Road Noise Policy.

A Noise Impact Assessment report was provided which found that "...without mitigation, exceedance of the project noise trigger levels is likely due to the vehicles accessing the car park via the access ramp to/from Boorea Avenue".

The Noise Impact Assessment report found that a significant reduction of noise is achievable with a solid noise barrier of 1.9m located between the access ramp and 18 Boorea Avenue; among other mitigation measures proposed.

The Noise Impact Assessment report concluded that with the recommended mitigation, including the use of good practice management measures to minimise excessive noise from vehicles, the predicted noise levels at the worst-affected receiver (18 Boorea Avenue) can comply with the with established noise standards during the day and night times.

Council officers reviewed the Noise Impact Assessment report and were satisfied, subject to a further acoustic report be submitted at the development application stage once the mechanical plant to be installed on site is known.

It is considered that the planning proposal will not present an unacceptable noise impact on the local amenity with the use of mitigation measures to be conditioned at the development application stage.

#### Air Quality

The EPA advised that further investigation of “sources of nuisance” and “polluting operations” would need further analysis under *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* at the development application stage. An air quality report will be required at the development application stage in order to determine any required mechanical ventilation, planting or setbacks as required by a future air quality report.

There was no objection to the planning proposal proceeding on air quality grounds.

#### Water Quality

The EPA advised that its ‘Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-Use Planning Decisions’ provided an opportunity to assist in maintaining and improving water quality. The advice continued that contemporary approaches such as integrated water cycle management should also be encouraged.

The management of water quality is considered at the development application stage through the Canterbury Development Control Plan 2012

#### Waste Management

The EPA raised that the planning proposal contained little waste management details and recommended waste management principles for consideration. Waste management can be satisfactorily addressed at the development application stage and guided by Canterbury Development Control Plan 2012, which outlines adequate waste management principles and controls for demolition, construction and ongoing waste management.

#### **Transport for NSW, RMS and State Emergency Services (SES)**

No issues were raised by these agencies. The SES requested to be notified of the development application.

## **Built Form**

The planning proposal seeks to increase the Floor Space Ratio at 21 Boorea Street from 1:1 to 2:1. This site currently has no maximum building height control. The absence of a planning control regulating height presents the potential for a built form that is incompatible with the surrounding local context.

Council commissioned an urban design study to identify an appropriate maximum building height and setback controls to ensure that the impact of the planning proposal is well managed.

The outcome of the urban design study is that a maximum building height of 21 metres should be applied to the subject site. A 21-metre height limit facilitates a part 4, part 5 storey building with fourth storey roof terrace. The 21-metre height limit also accommodates the raised flood level height, floor to floor heights for this type of development and adequate visual transition to adjoining residential properties on Boorea Avenue.

In addition, the urban design study recommended that site specific provisions be inserted into the DCP to establish appropriate setbacks to minimise the impact of any future development on surrounding sites in terms of bulk, scale, overshadowing and visual and acoustic privacy.

The applicant proposed a 22m height limit for both a four storey and five storey concept design. Council's urban design report recommends 21m for the reasons detailed above, whilst also allowing for up to five storeys as sought by the proponent.

It is considered that with the adoption of the 21-metre maximum height limit and recommended DCP controls, the impact on the surrounding built environment will be acceptable.

## **Community Consultation**

The planning proposal was placed on public exhibition from 29 October to 29 November 2019. A total of 33 submissions were received. 32 submissions supported the proposal and 1 objected to the proposal on parking and traffic grounds.

A Traffic and Parking Study was provided with the planning proposal which found the traffic and parking impact to be acceptable as it meets off-street parking requirements.

In any event, a future development application will need to be lodged that demonstrates that the proposed development will not cause an unreasonable impact on parking in Boorea Avenue.

The Traffic and Parking Study was referred to the Roads and Maritime Services authority. Through Transport for NSW, the RMS have raised no objection to the planning proposal on traffic and parking grounds.

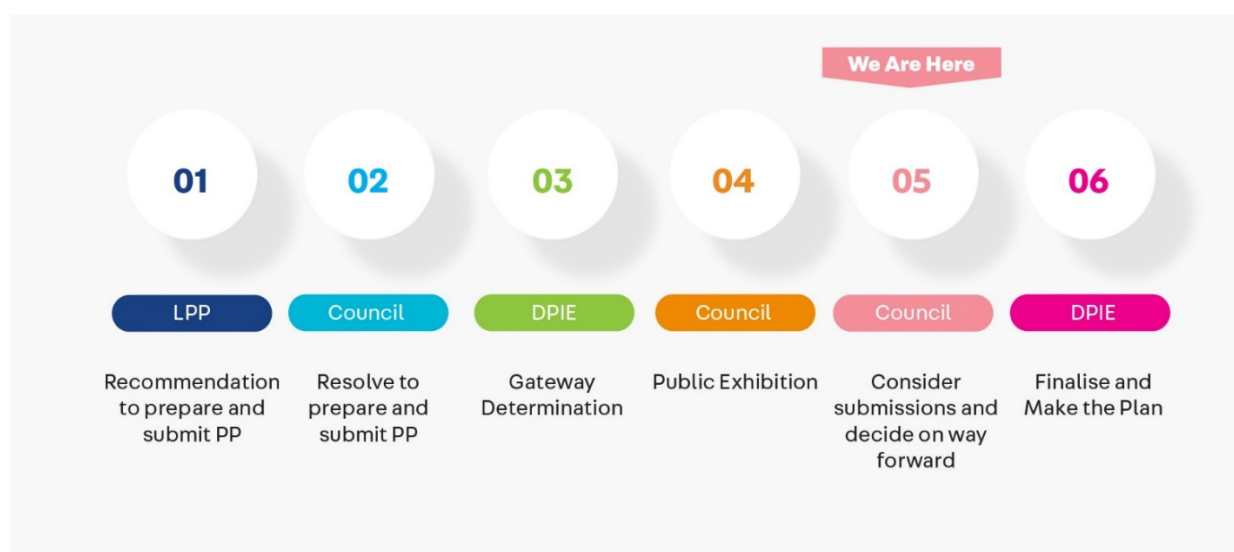
It is considered that the planning proposal will not result in an adverse impact on traffic and parking in Boorea Avenue and should proceed.

A further submission which supported the proposal also raised concerns about adequate green space. The Canterbury DCP 2012 requires a landscaping plan and contains other principles for green space as required for this type of development. This matter can be managed as part of the detailed design stage for the site.

### Next Steps

Should Council decide to endorse the planning proposal and proceed with a site specific DCP, Council would forward the planning proposal to the Department of Planning, Industry and Environment for finalisation.

Council officers would also prepare and exhibit the draft DCP. The draft DCP would be exhibited for 28 days and return to Council for endorsement subject to community submissions.





**ITEM 5.3                      Application to Amend the Canterbury Local Environment Plan 2012: 165-169 Holden Street, Ashbury (Ashfield Reservoir)**

**AUTHOR                      Planning**

### **PURPOSE AND BACKGROUND**

To consider a planning proposal seeking to amend the zoning, height of buildings and heritage item curtilage controls for part of Sydney Water's Ashfield Reservoir site at 165-169 Holden Street, Ashbury.

### **ISSUE**

Council is in receipt of an application to prepare a planning proposal for the site at 165-169 Holden Street, Ashbury. The application seeks to rezone part of the site, identified by Sydney Water as surplus land, from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential.

Council's assessment demonstrates that the proposal has strategic and site-specific merit and progressing to Gateway is recommended. The proposed zone is compatible with the surrounding R2 Low Density Residential zone and any potential impacts to the Heritage Conservation Area will be mitigated through a site-specific DCP. The assessment identifies the need for additional information as part of the Gateway process to manage the likely effects of the proposal.

The Local Planning Panel considered Council's report on 6 April 2020. The Panel's recommendation is for the application to be proposed with some changes to the Council staff report, including the provision of a pathway through the site and reconfiguration of the rezoning to remove the area behind the heritage item.

### **RECOMMENDATION    That -**

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination with a reduced area and no lot size control as outlined in this report.
2. Additional studies be undertaken following a Gateway Determination and prior to exhibition including a draft site specific Development Control Plan (DCP), Statement of Suitability of Proposed Uses and Planning Agreement for the accessway and Affordable Housing contribution as outlined in this report.
3. Council seek authority from the Department of Planning, Industry and Environment to exercise delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.

4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

## **ATTACHMENTS**

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

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- A. Proposed Amendments to Canterbury LEP 2012
- B. Local Planning Panel Meeting - Agenda and Reports
- C. Local Planning Panel Meeting - Minutes
- D. Applicant Response to CBLPP Recommendation
- E. Heritage NSW Supporting Correspondence (May 2018)
- F. Planning Proposal prepared by GLN Planning
- G. Statement of Heritage Impact (SOHI) prepared by Extent Heritage
- H. Preliminary Site Investigation (PSI) prepared by Parsons Brinkerhoff
- I. Detailed Site Investigation (DSI) prepared by Parsons Brinkerhoff
- J. Summary of Contaminated Condition prepared by PRM Consulting
- K. Data Gap Analysis [of contamination] prepared by PRM Consulting
- L. Site Auditor Report of Contamination Investigations

## **POLICY IMPACT**

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The adoption of the accessway on 165 Holden Street, Ashbury would assist in achieving strategy D2 in the Canterbury Open Space Strategy and is consistent with the Local Strategic Planning Statement, Connective City 2036, Evolution 5 Green Web.

## **FINANCIAL IMPACT**

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This matter has no financial implications for Council at this point.

## **COMMUNITY IMPACT**

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This report recommends that the proposal facilitate an accessway into the high point of Peace Park. The provision of an accessway through this site would provide residents, both south and west of Peace Park, with a direct connection to the observation tower and be beneficial to the local community.

## DETAILED INFORMATION

### Site Description

The current site address is 165–169 Holden Street, Ashbury (the ‘site’), and is legally known as:

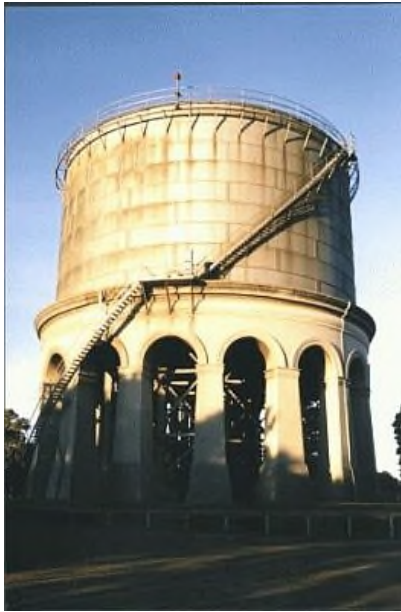
Property Address	Lot and DP Description	Site Area
165 – 169 Holden Street, Ashbury	Lot 1 on DP711077, Lot 1 on DP911478 and Lot 1 on DP115504	8,225m <sup>2</sup>

The site is occupied by a reservoir tower and ancillary buildings (including storage buildings). An area of land surrounding the reservoir tower has been identified as surplus land by Sydney Water, which it is seeking to rezone. The resultant portion of land proposed to be rezoned under this proposal (‘subject site’) is approximately 2,540m<sup>2</sup> which partially affects both Lot 1 on DP911478 and Lot 1 on DP115504 (see Figure 2). The remainder of the site is to be retained by Sydney Water and will continue to be used for operational purposes.



Figure 1: Site Identification with Aerial Photo (Council).

The site contains the heritage significant Ashfield Reservoir, an elevated reservoir, made of steel panels riveted together, standing on a steel frame. The base of the reservoir is concealed behind a concrete arched colonnade. The reservoir is located at a geographic high point and is a prominent local landmark. It is one of a group of four reservoirs in the Sydney Metropolitan area of similar construction and is listed on the State Heritage Register (WS003), and in Schedule 5 Environmental Heritage of Canterbury LEP 2012 (Item No.11). The site is also within the Ashbury Heritage Conservation Area.



Figures 2 and 3: Ashfield Reservoir now and in 1936. (Council, Royal Australian Historical Society)

This site is within the SP2 Infrastructure (Water Supply System) zone under the Canterbury Local Environmental Plan 2012 (CLEP 2012). There is currently no Floor Space Ratio (FSR), Height of Buildings (HOB) or minimum lot size controls on the site. Residential uses are not currently permitted.

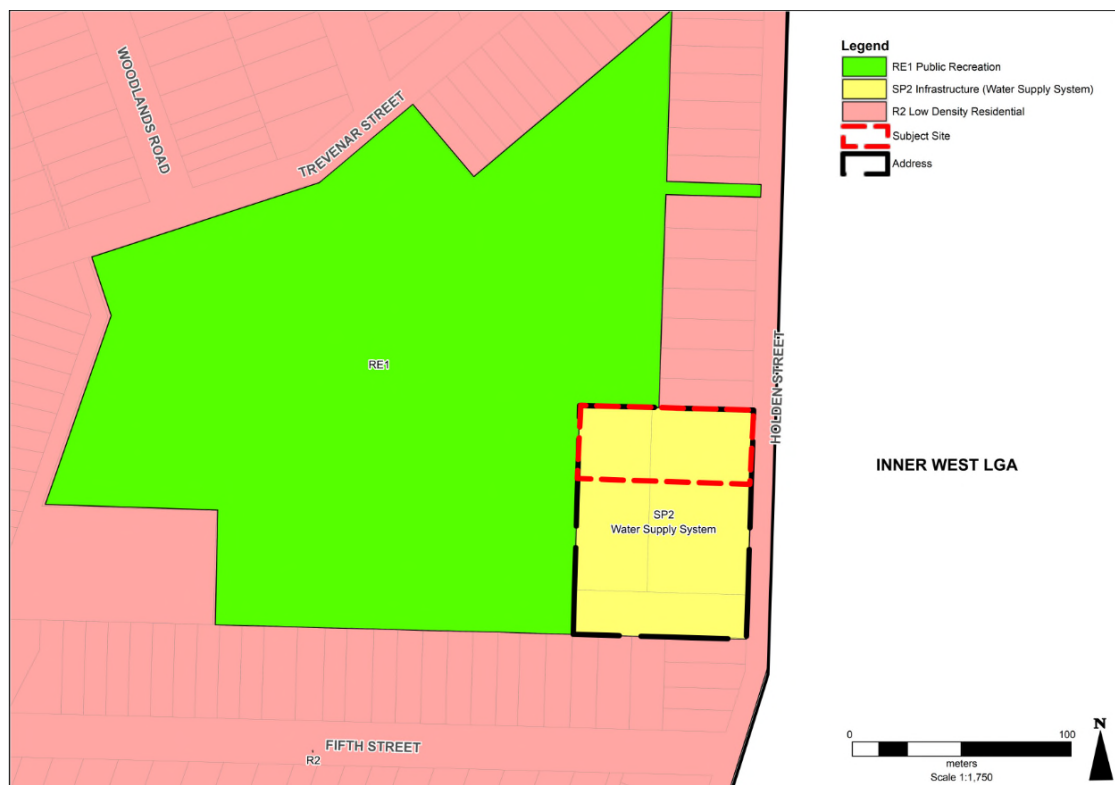


Figure 4: Existing Land Zoning Map (Council)

The address is bound to the north and south by low density residential dwellings (zoned R2), to the west by Peace Park and by Holden Street to the east. Lot 1 on DP911478 has a frontage of about 85m along Holden Street. The site sits at the crest of Holden Street and Peace Park and is occupied by disused Sydney Water buildings of an industrial nature.



The immediate area surrounding the site is characterised by detached, single storey, inter-war period housing comprising the Ashbury Heritage Conservation Area. While there is some contemporary housing in the area, it is predominately characterised by various heritage conservation areas.

While the site is about 1 kilometre away from either Ashfield or Canterbury Train Stations, it is within 400 metres of multiple bus stops.

## Background

The Ashfield Reservoir site is owned by Sydney Water and made up of 3 parcels being Lot 1 DP911478, Lot 1 DP115504 and Lot 1 on DP711077. Sydney Water is seeking to subdivide and divest the northern parts of 1 DP911478, Lot 1 DP115504 which are surplus to Sydney Water's needs.

Prior to the application for a planning proposal, Sydney Water lodged a development application (DA-272/2017) on 18 July 2017 to subdivide the land and create two (2) lots.

Council advised Sydney Water that the subdivision could not progress without a planning proposal to rezone the surplus land for the intended use which is for residential development. The subdivision DA is on hold until the planning proposal is finalised. It is noted that the Subdivision DA will need to be amended once the planning proposal is finalised to reflect the final area approved for rezoning.

## Planning Proposal Application

In October 2017, Council received an application to amend the zoning on 2,934m<sup>2</sup> ('the site') of the existing 8,225m<sup>2</sup> area from Zone SP2 Infrastructure (Water Supply System) to Zone R2 Low Density Residential under the CLEP 2012 (refer Attachment A for maps).

The application proposes amending the development standards under the Canterbury Local Environmental Plan 2012 for the site at 165-169 Holden Street, to be consistent with the surrounding R2 Low Density Residential zoning as follows:

Control	Existing Controls	Application's Proposed Controls	Council Recommended Controls	Adjoining R2 Zoned Land
<b>Zone</b>	SP2 Infrastructure (Water Supply System)	R2 Low Density Residential	R2 Low Density Residential	R2 Low Density Residential
<b>Building Height</b>	N/A	8.5m	8.5m	8.5m
<b>Minimum Lot Size</b>	N/A	460m <sup>2</sup>	Nil – to be managed through the Site Specific DCP.	460m <sup>2</sup>
<b>Floor Space Ratio</b>	N/A	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012*.	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012.	Nil – managed through clause 4.4(2A) and 4.4A of CLEP 2012*.
<b>Heritage</b>	State Heritage Curtilage – Ashfield Reservoir and Ashbury Heritage Conservation Area	Amend Heritage Item Curtilage  Ashbury Heritage Conservation Area	Amend Heritage Item Curtilage  Ashbury Heritage Conservation Area	n/a  Ashbury Heritage Conservation Area

#### Clause 4.4(2A)

##### *Floor Space Ratio*

*(2A) Despite subclause (2), the maximum floor space ratio for a building that is a dwelling house or a semi-detached dwelling is as follows—*

- (a) 0.65:1—if the site area is less than 200 square metres,*
- (b) 0.55:1—if the site area is at least 200 square metres, but less than 600 square metres,*
- (c) 0.5:1—in any other case.*

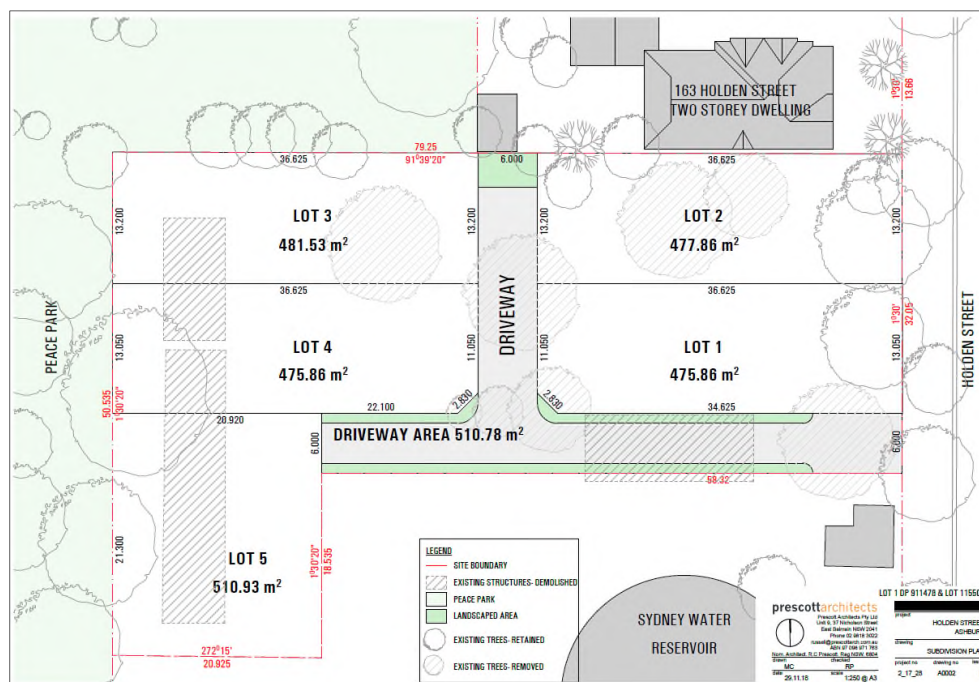
#### Clause 4.4A

##### *Exceptions to maximum floor space ratio for non-residential development*

*(2) Despite clause 4.4, the floor space ratio for non-residential development on land to which this clause applies must not exceed—*

- (a) if the land is in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—0.5:1,*

The applicant has also provided an indicative subdivision pattern for the new lot (Figure 5).



Further refinement of the subdivision pattern will be undertaken as part of the site specific DCP (which this report recommends preparing after a Gateway Determination is issued, but before exhibition).

#### **Assessment Findings**

Council's assessment indicates the proposal has strategic merit and should proceed to Gateway. A site specific DCP and additional studies are to be undertaken post Gateway, and prior to Exhibition, to ensure future development at the site would be in-keeping with the surrounding context. Additionally, a Planning Agreement is to be agreed and signed prior to gazettal of the planning proposal.

### Proposed R2 Low Density Residential Zone

The application of the proposed R2 Low Density Residential zone aligns with the adjoining land zoning. The R2 zoning together with the proposed height of building, lot size and site specific DCP controls would ensure future development is compatible with the surrounding locality and delivers a consistent streetscape and character with the broader Ashbury Conservation Area.

### Proposed Heritage Changes

The subject site is part of the Ashfield Reservoir State Heritage Item listed on Canterbury LEP 2012 (Schedule 5 Environment Heritage) and on Sydney Water's S170 Heritage Register.

The proposal seeks to realign the boundary of the Ashfield Reservoir (Heritage 'State' Item No. I1) in Part 1 of Schedule 5 Environmental Heritage of the Canterbury LEP 2012. The item will retain its listing within CLEP 2012 and continue to form part of the Ashbury Heritage Conservation Area.

The planning proposal and associated Statement of Heritage Impact (SOHI) (Attachment G) has been reviewed internally by the CBCity Heritage Officer and externally, by the Heritage NSW.

The Heritage NSW assessment supported the spot rezoning and curtilage reduction as the recommended controls are considered appropriate and in keeping with the surrounding residential development (refer attachment E). The Heritage Office requested a site specific DCP to ensure sympathetic development is achieved at the site.

Council's Heritage Officer reviewed the SOHI and agrees that the spot rezoning and potential future development will have minimal impact on the heritage significance of the Ashfield Reservoir or Ashbury Heritage Conservation Area, with the application of a site specific DCP to guide sympathetic development.

### Proposed Site Specific Development Control Plan (DCP)

Based on the Heritage NSW request and internal consultation with CBCity's Heritage Officer, Council is recommending a site specific DCP for this planning proposal.

The recommendation was supported by an internal review of the Ashbury Heritage Conservation Area (HCA) which identified that the existing controls are insufficient to effectively manage new multi-lot development. Due to the developed nature of Ashbury as a suburb, it is reasonable to anticipate that any rezoning or land releases would require site specific responses to ensure development sympathetic of the surrounding heritage character, such as this planning proposal. Beyond heritage, contamination is the other key issue affecting this site.

### Contaminated Land

Council notes that the controls for assessing contaminated land as part of a planning proposal for rezoning have changed since the matter was reported to the Local Planning Panel on 6 April 2020. The contaminated land requirements are now managed through a ministerial



direction (c9.1 of the *EP&A Act*) instead of State Environment Planning Policy 55 - Remediation of Land.

Following an internal review of the new provisions, Council is of the view that a Remediation Action Plan (RAP) is no longer required until the DA stage. Instead, in accordance with the Ministerial Direction 2.6(2)(c), a Statement that clearly addresses the suitability or how the land could be made suitable for all the proposed permitted uses (with or without consent) by an appropriately accredited person should be sufficient to meet the new ministerial direction. Accordingly, a *Statement of Suitability of Proposed Uses* will be required prior to exhibition.

The subject site has been identified as contaminated and currently unsuitable for the proposed use without remediation. As such, remediation will be required for development of the site. The attached contamination reports (refer attachments H – L) identify the contaminants and the proposed approach to remediation. It is noted that the site's location within the Ashbury Heritage Conservation Area restricts the application of *State Environment Planning Policy (Exempt and Complying Development Codes) 2008*, and instead redevelopment for residential purposes will require a development application to Council.

#### Proposed Driveway

Council's assessment of the driveway proposed to access the rear lots is that it should remain in private ownership and not be handed over to Council as a local road. This approach is recommended from an infrastructure planning perspective, given the site is contaminated and ownership of land that may be affected by a long term management plan.

This is a detailed design issue and will be resolved post gateway as part of the site specific DCP and potential planning agreement.

#### Impact on Surrounding Infrastructure

The proposal is located within a suburb that is adequately serviced by existing utility, community and transport infrastructure. The anticipated impacts of the potential development on transport and community infrastructure such as schools is relatively minor.

Future development at the site would also be subject Council's Section 94 Contributions Plan at the development application stage which would need to financially contribute to the provisions of local infrastructure.

#### **Local Planning Panel**

The Local Planning Panel considered Council's report on 6 April 2020 as shown in Attachments B and C. In accordance with the Department of Planning, Industry and Environment's Direction, the Panel's role is to consider planning proposal requests and recommend whether the matter should proceed to a Gateway determination. The Panel's comments and recommendation are as follows (refer Attachment F for further details):

The Panel agrees that a large part of the site can be rezoned low density residential. However, the Panel does not agree that the rezoning should extend to the whole of the proposed lot 5 as shown in the indicative subdivision plan (Refer Figure 6 over page).

In the Panel's opinion the rezoning should be confined to generally the area of lots 1, 2, 3 and 4 with a single east west driveway on the southern side of any proposed lots.

While the Panel notes that there is the potential for another access way into Peace Park further north from the site, the Panel is of the opinion that this release of public land by the Waterboard provides an important opportunity for an additional pedestrian access way to the upper part of Peace Park. This would be in addition to any other access way that the Council may be able to arrange in the long term through the use of the Council land further to the north of the site. In the Panel's opinion, the additional public access way is an important public benefit that should occur from the rezoning of this land.

The Panel would have no objections to the southern boundary of the proposed rezoning being extended to the south to enable the east west driveway to include a proper pedestrian access along the length of the driveway to Peace Park which provides a clear line of sight from Holden Street to the park.

#### CBLPP Recommendation to Council:

1. The application to amend Canterbury Local Environmental Plan proceed to gateway subject to the following:
  - a) amend the PP to delete most of Lot 5 from the concept subdivision and continue the access road in a straight line from Holden St through to Peace Park to provide a direct line of sight from Holden St through to the Park as a community benefit (see attached sketch plan and notes "the Attached Plan").
  - b) in addition to the east west vehicular access on the southern part of the rezoned land, as described above, a separate public pedestrian access way for members of the public from Holden Street to Peace Park is to be provided on Sydney Water land within the curtilage of the Water Reservoir (see Attached Plan)
  - c) as a consequence of (a) and (b) the area to be rezoned from SP2 to R2 Low density be recalculated as generally shown in the Attached Plan

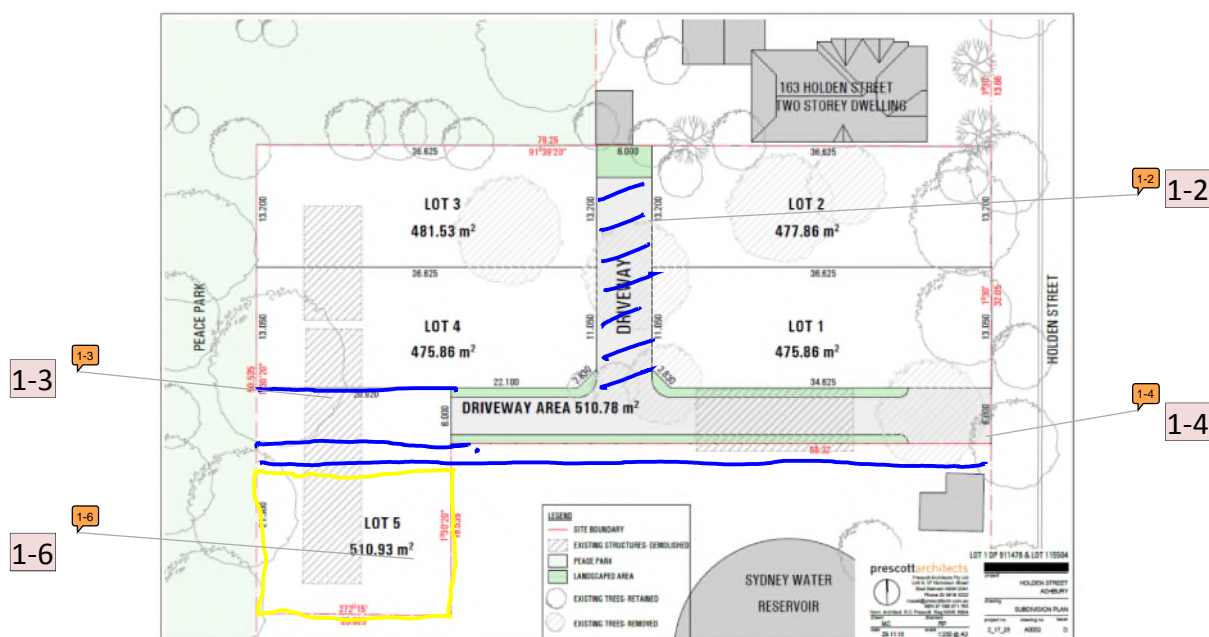


Figure 6: LPP Proposed Alterations to Indicative Subdivision (refer annotations below)

Annotations:

- 1-2 Consider deleting and re-orienting lots 3 and 4 to potentially creating a new lot 5.*
- 1-3 Extend driveway*
- 1-4 Widen to provide separate pedestrian path.*
- 1-6 Delete lot 5 and retain current zone except for extended driveway and pedestrian path.*
  
- d) Apply a maximum building height of 8.5m to the portion of the site that is proposed for rezoning to R2 Low Density Residential.*
- e) Apply a minimum lot size of 460m<sup>2</sup> to the portion of the site that is proposed for rezoning to R2 Low Density Residential.*
  
- 2. In the event that Council's affordable Housing strategy has been adopted, this is to be applied to the development at the subdivision stage.*
  
- 3. Council prepare a site specific DCP Amendment as outlined in Section 5 of the officers report for this item to ensure a development outcome that is sympathetic to the character of the surrounding area and exhibit the draft DCP concurrently with the planning proposal.*
  
- 4. Prior to any exhibition, following a gateway determination, the applicant is to prepare a Remediation Action Plan (RAP) and update the supporting studies to reflect the outcome of the RAP including a Site Audit Report (SAR) covering the RAP provided by EPA Accredited Site Auditor.*

Based on the Panel's recommendation to alter the lot form and create public access into Peace Park through the subject site a review of potential impacts was undertaken. The following issues were identified for further evaluation:

- Utilisation of existing Council owned land to the north of the site (adjacent to 149 Holden Street, Ashbury)
- Adoption of an accessway as part of this planning proposal, including consideration of existing Council owned land to the north of the site.
- Adoption of an accessway within the SP2 zoned land (owned, operated and managed by Sydney Water).
- Removal of the remaining Lot 5 area, if an accessway is adopted.
- Adoption of a Lot Size control.
- Consideration of the decreased developable area in triggering the Council's Draft Affordable Housing Strategy (currently under Exhibition).

Council Land Adjacent to 149 Holden Street, Ashbury

Council currently owns a piece of land adjacent to 149 and 151 Holden Street, Ashbury as shown in Figure 7 below which is approximately 6m wide by 43m in length.

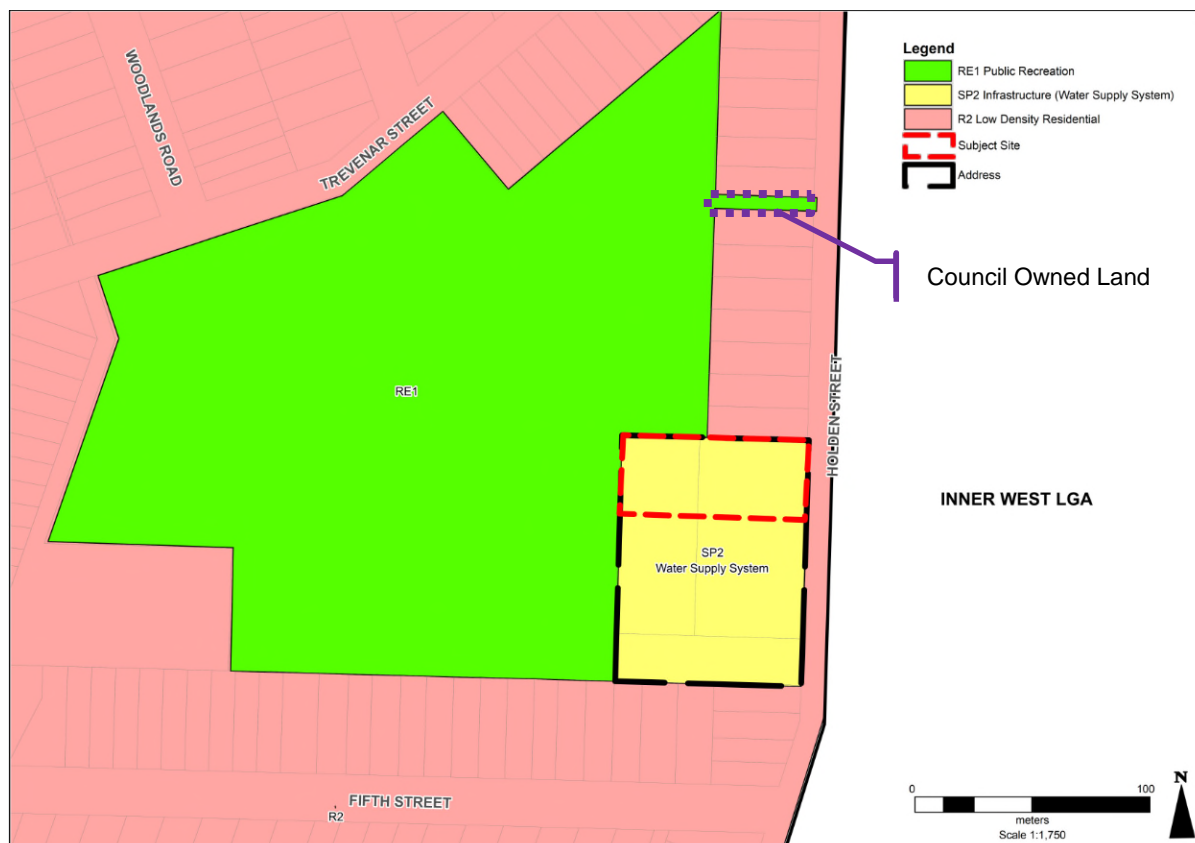


Figure 7: Council land identified to the north of the planning proposal subject site.

The land in question is part of the existing Peace Park lot from its former life as a Brickworks. Council records indicate that over 60 years ago the owners of 149 Holden Street approached the Brickworks operator and were granted informal temporary use of the land.

Following the closure of the Brickworks, the property associated with Peace Park (including the land in question) was transferred to Council in 1989.

Shortly afterwards, Council elected to formalise and allow continued temporary use on the condition that the land was maintained by the residents at 149 Holden Street, Ashbury at no cost to Council and no structures were erected on Council's land. Council notes that fencing, landscaping and a clothesline has been constructed on the Council owned land, early correspondence indicates that these erections were present at the time of the agreement.

The existing agreement including provisions for termination at Council's election with 1 month notice.

Since 1989, Council has transformed the former Brickworks site into Peace Park and has made ongoing improvements to the park.

The Panel recommended that an accessway be provided through the subject site. In response, the proponent advised that they do not intend to include the accessway and instead believe Council should promote the current access through the land adjoining 149 Holden Street.

Following the recommendation from the Panel, the subject site is considered a better option for providing access to Peace Park based on the following impediments to opening the existing enclosed connection:

- 6m width x 43m long pathway provides a narrow viewpoint
- 1.8m fences on either side with minimal opportunity for casual surveillance for pedestrians through this path
- Entry to the park at a 'low activity' area with minimal supporting infrastructure.
- Minimal opportunity to acquire and widen the existing path for park users given both adjoining properties contribute to the heritage character of the Ashbury Heritage Conservation Area.

There is merit in creating a link through the subject site as it would create an improved access pathway for the surrounding community and future residents on the subject site and this may be designed appropriately through the DCP.

#### Adoption of an Accessway to Peace Park from Holden Street

The Panel recommended adoption of an accessway to Peace Park from Holden Street as part of this planning proposal. The existing Council owned land (adjacent to 149 Holden Street, Ashbury) was considered as an access point to Peace Park, however, Council has assessed the benefits of the recommendations of the Panel and supports the Panel's position as outlined below:

From an urban design perspective, the site and surrounding neighbourhood would be improved by an accessway on the planning proposal site, regardless of if the site adjacent to 149 Holden Street, Ashbury is ever reopened. A pathway at the high point of Peace Park right near the observation tower presents a public benefit for residents. The proposed accessway would address safety concerns while increasing connectivity to the park.

The applicant's response to the Panel's recommendations is that as the opportunity for Council to connect Peace Park to Holden Street already exists adjacent to 149 Holden Street, Ashbury the "absence of access to the park from Holden Street as a result of Council's actions is not a matter that should be remedied by obtaining access to either Sydney Water land or any other privately owned land." Equally the applicant feels that the matter should be addressed via the future site specific DCP provisions with consideration to the value of the acquisition of an alternative access to Peace Park by Council.

While Council can appreciate the applicant's position, the overall public benefit of an accessway on this site:

- Strengthens the recreational destination value of Peace Park,
- Better services current and future local residents
- Would deliver a more attractive and integrated access option in comparison to narrow path adjoining 149 Holden Street
- Provides a material public benefit that Council and the community anticipates as part of any spot rezoning.

Based on the above feedback and evaluation, Council officers support the Panel's recommendation and amended the recommendation to Council accordingly.

### Creation of an Accessway on the SP2 Zoned Land

CBLPP recommended the encroachment of a pathway into the heritage curtilage and on the SP2 zoned land (owned, operated and managed by Sydney Water).

Noting that the land is owned, operated and managed by Sydney Water and continues to operate as a Water Supply facility for the local community the applicant has noted a reluctance to provide any public access onto the land within the Heritage curtilage and SP2 zoning. The applicant also provided that public access to the SP2 Infrastructure (Water Supply Service) zoned land is inconsistent with the permitted uses as it is not a considered ordinarily incidental or ancillary to infrastructure development, nor consistent with the operational use of the reservoir. Council agrees with this assessment and requires the accessway to form part of the R2 Low Density Residential zone as recommended in this report.

If the accessway is adopted, it would either need to be dedicated or have an easement provided to Council following construction. Council is willing to resolve the location of the pathway as part of the site specific DCP.

### Removal of Remaining Lot 5 Area from Rezoning

The Panel recommended the removal of the remaining Lot 5 area as identified by the yellow boundary in Figure 6 previously shown. This area is located behind the heritage item.

The proponent responded that the Panel's recommended reduction in rezoning was a negative outcome as the future form of development is unclear. Furthermore, Sydney Water intends to sell the land once rezoned and subdivided. A reduced area of approximately 2,540m<sup>2</sup> from the previous 2,934m<sup>2</sup> would limit future development at the site.

Council's position is that the proposed accessway with a regular subdivision would be more appropriate for the Ashbury area as recommended by the LPP, CBCity's Heritage Officer and an urban design perspective.

Based on the above assessment, Council supports the Panel's recommendation to remove the remaining Lot 5 area, which would reduce the area for rezoning from 2,934m<sup>2</sup> to approximately 2,540m<sup>2</sup>.

### Adoption of a Lot Size control

The Panel supported Council's original recommendation that a minimum lot size control of 460m<sup>2</sup> be adopted on the site as per the surrounding controls for R2 Low Density Residential uses.

With consideration to the decreased area for rezoning recommended by the CBLPP and intent to provide an accessway to Peace Park, Council has removed the Lot Size control from the recommendation and will review lot size provisions as part of the site specific DCP development, post Gateway and prior to public exhibition.

### Proposed Affordable Housing Contribution

Council is currently exhibiting a Draft Affordable Housing Strategy. The draft strategy identifies that the Planning Agreement Policy will be amended to require a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1000m<sup>2</sup> of residential floorspace, unless otherwise agreed with Council.

With consideration to the decreased area for rezoning, Council reviewed this requirement and identified that there is an opportunity that the threshold requirement may be triggered.

Subsequently, Council recommends that a provision within the Planning Agreement for a 5% Affordable Housing contribution. It is noted that the Panel recommended this be implemented at the subdivision stage, however this generally occurs for the delivery of dwellings that are to be dedicated. If the proposal triggers the requirement, a dwelling or equivalent monetary contribution would be determined in a planning agreement as part of this planning proposal, in line the draft Affordable Housing Strategy.

The proponent will be asked to demonstrate how they can comply with this requirement post Gateway.

### **Next Steps**

The next steps are as follows:

1. Council prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination for the following amendments to the Canterbury Local Environmental Plan 2012:
  - i. Rezone part of the site (approximately 2,540m<sup>2</sup>) from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential.
  - ii. Amend the heritage item curtilage and Statement of Heritage Impacts (SOHI) report on the Ashfield Reservoir (WS003, Item No.11) to align with the revised SP2 zoned lot as shown in Figure 2 of Attachment A.
  - iii. Apply a maximum building height of 8.5m to the area proposed for rezoning to R2 Low Density Residential.
2. The following actions be undertaken prior to any exhibition, following a Gateway determination:
  - i. A draft site specific Development Control Plan (DCP) be prepared to ensure a development outcome that incorporates the Council requirements while delivering a development layout which is sympathetic to the character of the surrounding area.
  - ii. Council request a Planning Agreement that includes a 5% contribution to Affordable Housing Outcomes if the threshold is triggered by the development.
  - iii. Council request a Planning Agreement for the delivery of an accessway with associated improvements to be delivered as part of the future development.
  - iv. Council request the applicant prepare a Statement of Suitability of Proposed Uses and update the supporting studies to address contamination and remediation of the site as required to support this planning proposal.

3. Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

Following the exhibition of the planning proposal and supporting documents, the outcomes would be reported to Council.



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## Planning Matters - 26 May 2020

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**ITEM 5.4**                      **Report on Council's Performance in the Assessment of Development Applications, Clause 4.6 Variations Approved in the Third Quarter of the 2019/20 Financial Year, and Planning Related Legal Appeals**

**AUTHOR**                      **Planning**

### **PURPOSE AND BACKGROUND**

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

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

### **RECOMMENDATION**

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That the report be noted.

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

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- A.     Curent legal appeals
- B.     Clause 4.6 Return for January to March 2020

## **POLICY IMPACT**

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This matter has no policy implications.

## **FINANCIAL IMPACT**

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This matter has no financial implications.

## **COMMUNITY IMPACT**

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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**

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

For the third quarter of the 2019/20 financial year, Council determined 188 development applications and 73 Section 4.55 applications (applications to modify a development consent), with a total capital investment value of \$257,372,938.74. The median gross determination times for all development applications over the third quarter of the 2019/20 financial year was 40 days.

### **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 third quarter of the 2019/20 financial year, a total of 4 variations to an environmental planning instrument were approved. The attached report is the required report and includes all results for the third 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 52 appeals, 19 of which are completed, leaving 33 active appeals. It is worth noting that of all the appeals on the attached list, 24 applications relate to other 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.

### **Lodgement of development applications through the NSW Government Planning Portal**

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. Applicants can manage their development application in their own time, in their own home online and can communicate with Council all through the Planning Portal.

The launch of the Portal, augments the paperless DA assessment system which Council commenced in October 2019. The result is that all elements of the planning and building assessment system from lodgement to determination is now paperless and able to be managed by applicants more conveniently. This is a significant enhancement to the service provided to the community, with associated time and cost savings.

## **6        POLICY MATTERS**

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



## **7            GOVERNANCE AND ADMINISTRATION MATTERS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 7.1 | Property Matter - 15 Close Street, Canterbury  | 81 |
| 7.2 | Cash and Investment Report as at 30 April 2020 | 87 |





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## Governance and Administration Matters - 26 May 2020

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### ITEM 7.1                      Property Matter - 15 Close Street, Canterbury

**AUTHOR**                      City Future

#### **PURPOSE AND BACKGROUND**

This report combines concurrent issues and opportunities in relation to the condition of the old bowling club building, future use as community space and the opportunity of a short term lease of the site by Sydney Metro for their contractors as part of the construction of the new Sydenham to Bankstown South West Metro Line. This would both assist with costs associated with demolishing the failed building while also allowing time for Council to engage meaningfully with our community about their vision for the future of this space for community uses.

#### **ISSUE**

15 Close Street is an old bowling club that ceased operation in 2013. It is currently leased to the Theatre Guild, however the condition of the building now necessitates that it be demolished. The building itself is unsafe and is not able to be brought into a serviceable condition without demolition.

Separately, Sydney Metro have recently advised Council that it intends to compulsorily lease several parks and other spaces along the corridor to facilitate its construction works. Council has raised the potential to occupy this one space at 15 Close Street rather than many spaces throughout our community. Sydney Metro have indicated a willingness to reengage with Council on the possible temporary use of the site for construction compounds, including returning the site in any manner Council wishes.

A detailed assessment of the matter is provided further in the report, for Council's consideration.

#### **RECOMMENDATION**

That Council adopt the proposed approach for 15 Close Street as set out in this report.

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

A.      Bowling Club condition

## **POLICY IMPACT**

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This report has no direct policy implications on Council. The future use of the site is consistent with Council's adopted Local Strategic Planning Statement Connective City 2036.

## **FINANCIAL IMPACT**

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The proposed agreement includes the requirement that Sydney Metro will demolish the old building on the site and make good. This is a significant cost that Council will no longer have to undertake. It is proposed that all monies paid to Council as compensation for use of the site be retained in a dedicated reserve to be only used by Council on the Close Street site and immediate surrounds to invest in the delivery of a new and modern open space in line with a community vision to be developed in partnership with the community.

## **COMMUNITY IMPACT**

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It is acknowledged that Sydney Metro have the ability to compulsory acquire any land it requires for temporary compounds for the construction of the Metro. The initial proposal for utilisation of open space would provide significantly greater impact on the community than the utilisation of 15 Close Street which is currently not accessible to the general community. It is recognised that the utilisation of this site will result in additional traffic movement. However, it is considered that this will have less overall affect compared to multiple sites in neighbourhood areas if the parks were chosen as compounds.

## DETAILED INFORMATION

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### Background

15 Close Street Canterbury (Lot1 DP818683) is a Council-owned operational site with an area of approximately 11,000 m<sup>2</sup>. Currently it has 3 unused bowling greens and an old bowling club building that is in a significant state of disrepair. The Bowling Club ceased operation in December 2013.

Since that time, the site has been licensed to the Canterbury Theatre Guild who currently operate on a month to month basis. They use the premises for the storage of their equipment and props. The Theatre Guild sub-let space to a bus company who use it for parking.



**Figure 1: Aerial Image of 15 Close Street, Canterbury Site – Proposed Leasehold Area**

The former Canterbury Bowling Club is in a poor state or repair (see photos at attachment A).

In summary:

- The building structure is in significant poor condition
- Amenities are not operational
- The floor structure is unstable, with much of the floor inaccessible and the rest propped up to prevent its immediate collapse
- Windows, roof and other building elements require full replacement
- The electrical supply, distribution, wiring, circuits, lights are not compliant with current requirements and the various 'home' wiring jobs by tenants over the years renders the electrical reticulation needing complete replacement.

The land is currently zoned R4 High Density Residential and (part) RE1 Public Recreation in the south east corner. The former Canterbury Council in 2014, resolved to rezone 15 Close Street, Canterbury (the old Canterbury Bowling Club site) from RE1 to R4 High Density Residential and to reclassify from community to operational land.

More recently the new Canterbury Bankstown Council via a Mayoral Minute resolved that this site would not be sold or redeveloped, and that this site would be retained as open space. Further information is provided later in the report on previous and proposed land use changes on the site.

In 2017 Transport for NSW (TfNSW) notified Council of its intention to compulsorily acquire a leasehold over 15 Close Street for a period up to 5 years for the construction of the Sydenham to Bankstown Metro. In December 2018 TfNSW informed Council that it would no longer proceed with Close Street site and that it would pursue other options between Sydenham to Bankstown that provide suitable construction lay down areas.

### **Future of current Bowling Club Building and its users**

As noted above the condition of the building is in extremely poor condition and it is no longer appropriate to continue leasing the site.

Council staff have had discussion with the Theatre Guild over the past few years in this regard and alternative accommodations have been confirmed and will be available subject to COVID allowing recommencement of community activities.

Council has undertaken a full building assessment to determine the current building condition and the cost to repair the facility to a point of enabling any use. This concluded that:

- Considerable works would be required, including full electrical upgrades; window replacement and repairs; major structural repairs to walls, roofing and floor; plumbing and toilet replacement and fire protection.
- Even with the above works some spaces would still be closed and could not be utilised
- Repair costs would exceed \$1million and only enable part use of some of the building.
- Any repair would still only be temporary and would require further significant investment in the short term.

Based on the above poor condition of the facility and alternative accommodation being found for the Theatre Guild it is recommended that the building be demolished, and the site converted to open space as previously resolved by Council.

### **Metro compounds**

As noted above, TfNSW informed Council that it would investigate various sites between Sydenham to Bankstown that provide it suitable construction lay down areas. As a result, Sydney Metro have notified Council the following areas meet their needs and will be subject to compulsory leasehold acquisitions:

- Heynes Reserve – 60 Berna Street, Canterbury;
- Little Tasker Park – 1 East Parade Campsie; and
- Ewen Park - Tennent Parade, Hurlstone Park. – 3000sq m compound

It is considered the utilisation of these open space areas for compounds has the following significant impacts:

1. Utilisation of these parks as a construction compound will result in a major loss of open space. The city already has limited open space in this part of the City
2. Any loss of parks will have significant impacts on the community, in particular the loss of 3000 m<sup>2</sup> of Ewen Park
3. Open space will not be available for at least four years during construction
4. There will be significant truck and vehicle movements impacting on multiple local streets surrounding the three proposed works compounds in parks listed above.

### **Sydney Metro Alternative Compound**

While it is noted that TfNSW originally notified Council it would not proceed with 15 Close Street as a compound, based on the above far reaching impacts, Council initiated further discussions regarding the utilisation of 15 Close Street as an alternative to the multiple open space sites listed above.

The proposal is based on the following parameters:

- The lease term would be for a period of four years and three months, commencing on 1 October 2020. Sydney Metro have also asked for vacant possession of the site.
- Sydney Metro DO NOT pursue any of the other parks listed in the report.
- That on this basis, Council does not object to Sydney Metro's compulsory leasehold acquisition.
- Sydney Metro have proposed that, should Council wish, it would demolish the former club building, re-turf the area and return the remainder of the site to a similar condition prior to their occupation.
- Sydney Metro has provided Council with a compensation amount for its use of the site for the period of time set above. The financial proposal is consistent with other leasehold acquisitions entered into by Council in recent years (Council would seek independent valuation advice to confirm values agreed are fair value).

It is proposed that should the above proposal be accepted by Council and Sydney Metro that all monies paid to Council as compensation for use of the site be retained in a dedicated reserve to be only used by Council on the Close Street site and immediate surrounds to invest in the delivery of a new and modern open space in line with a community vision to be developed in partnership with the community prior to the end of the lease.

### ***Council Evaluation***

It is considered there is a far greater public benefit in consolidating these Sydney Metro compounds into one site at 15 Close Street and accessing directly onto the State Road, rather than multiple open space sites located throughout local residential areas and local roads. Considerations include:

- It would avoid significant and/or widespread disturbance to public amenity and our community surrounding the three parks. It is noted that there will still be some impact at Close Street however it is considered this can be managed easier due to close access to Canterbury Road.
- Sydney Metro have agreed to the demolition of the old building which is a significant cost saving to Council

- The financial compensation provided by Metro will be able to contribute to future park improvements on the site
- A key consideration is that Sydney Metro still have the ability pursue the broader compulsory acquisition of Council's other park sites if Council objects to this proposal.

### **Future Landuse of the Site**

While the above utilisation will only be for the 4 years, the site will return to Council at the completion of the construction. The community has long held concerns about Council's intention for the future land since the former Canterbury Council started exploring options for its redevelopment in 2010. These concerns intensified in 2014 when the former Canterbury Council submitted a planning proposal to rezone the land from RE1 Public Recreation to R4 High Density Residential in order to allow over 300 apartments to be built on the site, up to 8 storeys high.

More recently Canterbury Bankstown Council considered a Mayoral Minute in November 2017 where it was made clear that the site was critical in the supply of necessary open space for the area. This was followed with a report to Council in December 2018 which clearly noted: *"there is no intent or decision to develop the site at this point. The future use of this site will be dependent on strategic planning to be undertaken for the broader Canterbury Planned Precinct."*

In December 2019 Council adopted the Local Strategic Planning Statement, Connective City 2036. On page 64 of the Strategy the Canterbury Bowling Club site was identified as an opportunity to provide much needed open space in a town centre location that is anticipating significant housing and jobs growth.

For Council to implement the recommendation above it will need to prepare and lodge a planning proposal to the Department of Planning, Industry, and Environment (DPIE) to rezone the land back to RE1 Public Recreation with appropriate reductions in the height and floor space controls. Alternatively, it could seek to make this change through an amendment to the final version of the Comprehensive Local Environmental Plan before it is submitted to DPIE for making.

### **Proposed Approach**

Subject to Council's consideration:

- Council agrees to Sydney Metro compulsory acquiring the leasehold interest identified in this report:
- The agreement will require the old club house building to be demolished at the end of the agreement with the cost to be met by Sydney Metro.
- The General Manager be delegated the authority to negotiate and enter into the terms of an agreement under section 30 of the Land Acquisition (Just Terms Compensation) Act 1991 in order to implement the compulsory acquisition agreed to above;
- Council work with the Canterbury Theatre Guild to relocate them into a new facility
- Council, in conjunction with the Theatre Guild, give notice to the bus company to vacate the site;
- Rental proceeds be restricted for the purposes of embellishing the site, as required; and
- In the interim, Council will review its longer-term requirements for the site and engage with the community

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## Governance and Administration Matters - 26 May 2020

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### ITEM 7.2                      Cash and Investment Report as at 30 April 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 30 April 2020.

#### **RECOMMENDATION**    That -

1.     The Cash and Investment Report as at 30 April 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.     CPG Research & Advisory April 20 Monthly Investment Report

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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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**

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



## DETAILED INFORMATION

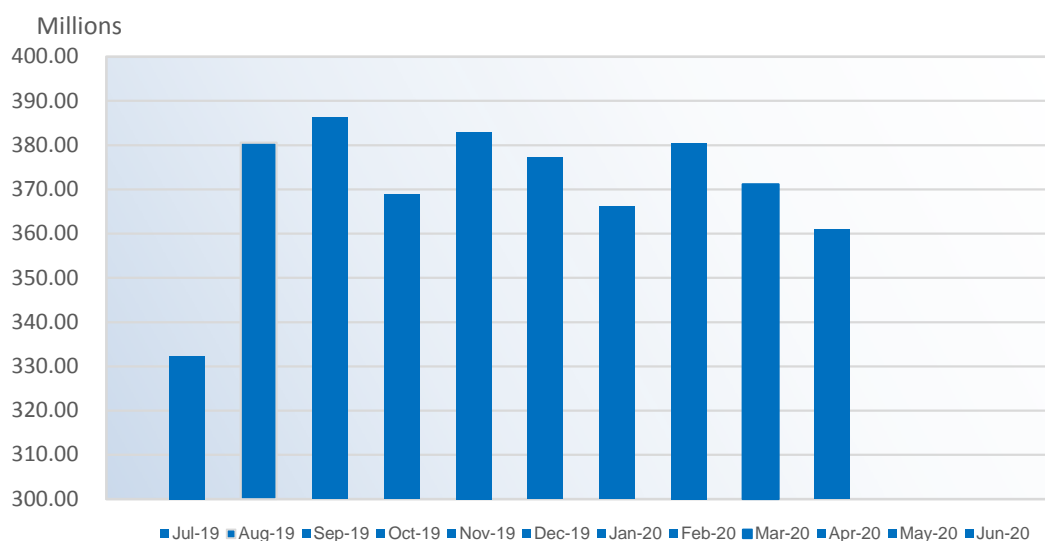
### Cash and Investment Summary – as at 30 April 2020

In total, Council's Cash and Investments holdings as at 30 April 2020 is as follows:

Cash and Investments	\$
Cash at Bank	1,683,560
Deposits at Call	37,925,173
Term Deposits	255,921,000
Floating Rate Notes	65,321,978
<b>Total Cash and Investments</b>	<b>360,851,711</b>

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The following graph outlines Council's closing cash and investment balances from July 2019 to June 2020.

Cash and Investment Rolling Monthly Balance 2019-2020



A summary of Council's investment interest income earned for the period to 30 April 2020 is as follows:

Interest Income	April 2020 \$	Year-to-date April 2020 \$
Budget	740,417	7,404,167
Actual Interest	621,339	7,131,388
Variance	(119,078)	(272,779)
Variance (%)	(16.08%)	(3.68)

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

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

<b>Maturity Profile</b>		
	<b>Actual % of Portfolio</b>	<b>Policy Limits %</b>
<b>Cash</b>	11	100
<b>Working Capital Funds (0-3 months)</b>	3	100
<b>Short Term (3-12 months)</b>	31	100
<b>Short – Medium (1-2 years)</b>	20	70
<b>Medium (2-5 years)</b>	35	50
<b>Long Term (5-10 years)</b>	0	5
<b>Total Cash and Investments</b>	100%	

<b>Portfolio Allocation</b>	
	<b>Actual % of Portfolio</b>
<b>Cash at Bank</b>	0.5
<b>Deposits at Call</b>	10.5
<b>Term Deposits</b>	70.9
<b>Floating Rate Notes</b>	18.1
<b>Total Cash and Investments</b>	100%

## **8 SERVICE AND OPERATIONAL MATTERS**

The following item is submitted for consideration -

8.1	Revesby Commuter Carpark	93
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## Service and Operational Matters - 26 May 2020

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### ITEM 8.1                      Revesby Commuter Carpark

**AUTHOR**                      City Future

#### **PURPOSE AND BACKGROUND**

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To provide an update on Transport for NSW's (TfNSW) proposal to increase commuter car parking in Revesby.

#### **ISSUE**

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In order to fulfil a 2019 NSW State Election commitment, TfNSW is aiming to deliver 400 new commuter parking spaces in Revesby by 2022. Following exhaustive investigation, TfNSW has realised that the only way to deliver the carparking is to build two additional levels on the existing Revesby multistorey carpark structure to accommodate the 400 spaces, more than half of which is owned by Council.

#### **RECOMMENDATION**

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That Council proceed with negotiations with Transport for NSW as outlined in the Report.

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

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- A.     Proposed Intersection Realignment- The River Road, Marco Avenue, Sphinx Avenue, Revesby

## **POLICY IMPACT**

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This proposal is in-consistent with the Clause 18 of the Project Delivery Agreement Revesby Commuter Carpark (the Agreement) (dated 20 March 2011) between TfNSW and Council which outlines the provision for the construction of additional levels of parking. As outlined in the Agreement, TfNSW has the right to develop additional levels on its land and Council has the sole right to undertake development above its land (currently leased by TfNSW). The current proposal proposes that TfNSW develops on both Council and TfNSW land.

## **FINANCIAL IMPACT**

---

There are no financial impacts as a result of this report. Pending the result of negotiations with TfNSW, there may be operational, financial and infrastructure implications for Council in the future which will be reported to Council accordingly.

## **COMMUNITY IMPACT**

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This Report supports the Moving and Integrated destination of CBCity 2028, Council's Community Strategic Plan. Our community expressed a desire for an accessible city with great local destinations and many options to get there, including the provision of convenient, equitable and accessible parking.

However the proposal as currently set out by TfNSW is for commuter parking only. It will prevent the future opportunities of Council providing additional town centre parking for the Revesby Town Centre. The current proposal by TfNSW has also not adequately resolved the increased traffic impact on the surrounding centre from the 400 additional spaces.

## DETAILED INFORMATION

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### Background

The existing multistorey carpark in Revesby was a project led by TfNSW (formerly Transport Construction Authority) with support from Council (formerly Bankstown Council). The carpark is located partly on land owned by Council and partly on land owned by RailCorp. A ninety-nine (99) year ground lease was granted by Council over the Council owned land to accommodate the carpark structure. The multi-storey carpark at Revesby currently has 716 car spaces, comprising 592 commuter spaces and 124 council timed spaces. The ground lease includes a licence back to Council for its timed parking areas.

The car park building was constructed to accommodate at least two additional levels if further parking was required in the future. Clause 18 of the Agreement between TfNSW and Council outlines that if additional levels of parking were required, TfNSW has the right to develop additional levels on its land and Council has the sole right to undertake development above its land.

### Proposal from TfNSW

In order to fulfil a 2019 NSW State Election commitment, TfNSW is aiming to deliver 400 new commuter carparking spaces in Revesby by 2022. In November 2019, TfNSW wrote to Council seeking Council's consent to relinquish its sole rights pursuant to Clause 18.2.2 of the Agreement. This would allow TfNSW to use the available development capacity to deliver approximately 390 new commuter carparking spaces, at the expense of Council's rights. The approach by TfNSW was taken after its investigations revealed they didn't in fact have any available land to deliver on the election commitment.

### Council and Community Implications

Although additional timed parking to accommodate shoppers is not a current need in Revesby, Council is in the process of reviewing and updating the Local Environment Plan in line with the Local Strategic Planning Statement vision, Connective City 2036, to deliver on the NSW Government housing targets placed on Council. This will include investigating future growth opportunities in the Revesby Town Centre for both residential and commercial activities and conducting traffic and parking assessments. Throughout Council's initial conversations with TfNSW no other suitable sites for parking were identified. Thus, if Council were to relinquish its right to develop above its land on the existing multistorey site, and did need to provide additional timed parking (or parking as part of a future voluntary planning agreement) in the future, Council would be forced to purchase land to accommodate that carparking.

While it is difficult to quantify the value of the lost opportunity for Council giving up its rights to develop parking in the future, a rough indication is the burden of cost if Council (or TfNSW) had to find alternative land to build the equivalent parking. This would be in the order of \$15M in land costs alone at today's value, before even considering construction costs.

TfNSW have indicated construction would take approximately eight months, during which time there will be a loss of approximately 160 commuter carspaces in the carpark and the temporary closure of Winders Lane. Prior to Covid-19, the commuter section of the carpark was reaching capacity prior to 8:30am, origin and destination surveys indicate a significant

volume of commuters from outside of our Council area driving to Revesby to park and catch trains. This is not just in this carpark but spilling all through our local roads.

It is important to note that Council should not give away its rights to bandaid the failings of the NSW train network and the lack of appropriate commuter carparking in other areas.

### **Negotiation Options**

There are a number of options which Council has considered to guide negotiations with TfNSW over relinquishing our right to develop the additional carparking that considers the public benefit for both Council, TfNSW and of course the community more broadly. These include;

1. Direct contribution or construction of infrastructure.

There is already a number of traffic and pedestrian pinch points in the Revesby Town Centre with the traffic signals at The River Road (with Marco Avenue and Sphinx Avenue) being one of the worst performing intersections in the City. When the additional 400 spaces are active this will only worsen.

At the top of the infrastructure priority list is fixing this intersection, which would require the NSW Government to relocate the Police Highway Patrol office. An indicative plan is shown in Attachment A.

This would be a significant benefit to the broader community and one that has long been called for by our residents. This is our top priority, along with a number of other minor path and laneway improvements.

2. Additional carparking dedicated to Council.

A fair contribution of short stay parking to benefit the local community into the future could form part of the negotiated outcome subject to a value analysis against lost opportunity.

3. Monetary compensation.

A financial contribution, while seeming obvious, is not a preferred outcome because it provides no benefit to the community now and it does not provide certain opportunity for parking for future generations. Nevertheless, it is an option after infrastructure and parking dedication options have been exhausted through negotiations.

4. Acquisition of other sites.

This is an option for TfNSW now, but taking Councils rights appears more attractive.

5. Land property negotiations.

Whilst an option, it is the least favoured due to the long 99 year encumbrances and again no community benefit being realised for generations.



## **Conclusion**

The preferred outcome for Council would be for TfNSW to contribute to infrastructure improvements that improve traffic flow through the Town Centre. In particular the improvement to the intersection at the corner of The River Road, Marco Avenue and Sphinx Avenue (as per Attachment A). This would assist to alleviate the impact of 400 additional vehicles using the carpark and of course fix once and for all a terribly performing intersection that is a frustration for all residents and visitors to our City. Alternatively the provision of additional timed spaces would provide benefit to the wider community, not just commuters and address some of the concerns about requiring additional Council spaces in the future.

It is proposed that Council consider the TfNSW proposal subject to negotiations occurring with priority on options 1 and 2 as set out above. Depending on the outcome of this negotiation a further report will be provided to Council.



## **9 COMMITTEE REPORTS**

The following item is submitted for consideration -

9.1 Minutes of the Traffic Committee Meeting held on 12 May 2020	101
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## Committee Reports - 26 May 2020

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**ITEM 9.1**                      **Minutes of the Traffic Committee Meeting held on 12 May 2020**

**AUTHOR**                      **Operations**

### **PURPOSE AND BACKGROUND**

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Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 May 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**

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Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

### **RECOMMENDATION**

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That the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 May 2020, be adopted.

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

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A.     Minutes of the Traffic Committee Meeting 12 May 2020

## **POLICY IMPACT**

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This matter has no policy implications to Council.

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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

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

The following items are submitted for consideration -

10.1 Notice of Motions	105
10.2 UWS Milperra	107
10.3 Illegal Animal Products	109
10.4 Flexible Working Spaces	111
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10.9 Housing Target Update	121
10.10 Hero's Hill	123
10.11 Delivery Riders	125
10.12 Supporting Business through COVID Recovery	127





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## Notice of Motions & Questions With Notice - 26 May 2020

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**ITEM 10.1**                      **Notice of Motions**

**AUTHOR**                      **Office of the General Manager**

### **ISSUE**

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The attached schedules provide a status report on Notice of Motions resolved at previous meetings and correspondence sent and received, related to Notices of Motions.

### **RECOMMENDATION**

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That the information be noted.

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

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- A.    Notice of Motions Status Table
- B.    Correspondence sent in relation to Notice of Motions
- C.    Correspondence received in relation to Notice of Motions



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## Notice of Motions & Questions With Notice - 26 May 2020

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### ITEM 10.2

### UWS Milperra

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

“That Council once again writes to the NSW Education Minister seeking her support for the NSW Government acquiring the UWS Milperra site for educational purposes such as a future state of the art secondary school”

### BACKGROUND

---

Councillors would no doubt recall that in December 2019, I brought a motion to the Chamber highlighting the incredible opportunity to acquire the existing UWS Milperra site to establish a new state of the art high school.

I am raising this again as despite some five or six months passing, neither Cllr Downey, myself, nor Council have received any correspondence from the NSW Minister. The Federal Minister, The Hon. Dan Tehan MP had responded by February, and while it was, unsurprisingly, quick to pass the buck to the State, we at least had the courtesy of a reply.

The need to establish a new school in our area is underpinned by a recent Sydney Morning Herald article, outlining that more than 500 NSW schools exceed their newly introduced enrolment caps with Picnic Point Public School named as one local school exceeding their enrolment cap by 85 students. As the population grows, no doubt there will be more schools exceeding their enrolment caps.

We're all aware of the extraordinary and unprecedented times we have faced this year and I acknowledge it has been particularly difficult for schools given first the bushfires and then the impacts of COVID, but the question we are asking is not a difficult one. It is: does the Minister support the principle of acquiring the site for a future state of the art school? Yes, or no.

I look forward to finally hearing her position on this soon.

### GENERAL MANAGER'S COMMENT

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



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## Notice of Motions & Questions With Notice - 26 May 2020

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### ITEM 10.3                      Illegal Animal Products

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

“That Council:

1. Investigate amending event and market application forms and guidelines to prohibit the sale of fur and other exotic animal products on Council property in-line with national conservation and biodiversity protection legislation;
2. Actively enables residents and businesses to report the sale of suspected illegal animal products;
3. Council writes to the Minister for Home Affairs, the Hon. Peter Dutton supporting the call for the introduction of random forensic testing of imported fake fur products to assess how widespread this practice is; and
4. Council writes to the NSW Minister for Better Regulation and Innovation, to support the request for the establishment of a fur task force assess how the size and impact of the practice of illegal fur labelling is.”

### BACKGROUND

---

Reports from around the world have highlighted examples of animal cruelty and biodiversity loss due to illegal and/or poorly regulated breeding, capture and sale of animals and animal products.

Increased awareness of animal cruelty has resulted in reduced consumer demand for fur products, but recent exposés have shown that some producers and vendors are now mislabelling real animal products as ‘fake fur’. Forensic tests on products labelled as synthetic fur, including on clothing and plush toys sold at the Queen Victoria and South Melbourne markets, showed they were produced using racoon and racoon dog fur – animals known to be mistreated in fur harvesting facilities in China.

The movement of animals, plants and products to and from Australia is a Federal responsibility governed by The Environment Protection and Biodiversity Conservation Act the responsibility for consumer protection sits with the state government. Council calls on governments at both levels to implements reviews to better understand these issues.

The NSW Local Government Act allows councils to establish policies for the use of its land,

including banning the sale of harmful products. Promoting knowledge of and adherence to national regulations, disrupting the sale of illegal or mislabelled products and enabling businesses and residents to report suspect practices will help eliminate the economic drivers of this harmful trade.

## **GENERAL MANAGER'S COMMENT**

---

There are no cost implication arising from the proposed motion, as written. Event and market application forms can be amended to incorporate the proposed motion and although Council isn't the regulatory body for investigating and/or enforcing the sale of illegal animal products, any reports received will be forwarded on to the appropriate authority.

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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.4                      Flexible Working Spaces**

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

“That Council investigate how Council’s existing facilities, such as our libraries, community centres and/or the current Canterbury Bankstown Business Advisory space, provide flexible working spaces for public and private sector employees.”

### **BACKGROUND**

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Gone are the days of people only working at an office and this has never been as evident as in the last couple of months with COVID. With a more mobile workforce and many businesses operating out of home there is a growing need for flexible office space. This type of office space is fitted with basic equipment, like phone lines, desks, and chairs that allows employees who normally work from home or telecommute to have a physical office for a few hours when needed. It also provides the opportunity for small businesses to meet clients or customers, or hold meetings if they do not have these types of facilities at home. It would also assist in reducing congestion for local residents who could occasionally use the office rather than travelling further to their workplace.

While there are some businesses that provide this service as part of an ongoing membership arrangement, there is no service for those who are only after short term or intermittent use. There is a real opportunity for Council to fill this gap by exploring the modification, use and promotion of our own facilities.

### **GENERAL MANAGER’S COMMENT**

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





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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.5                      Support for Micro-businesses**

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

“That Council write to the NSW Government, calling for more support for home-based and micro-businesses with annual turnover of less than \$75,000, in response to COVID-19.”

### **BACKGROUND**

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Our City is one built on an entrepreneurial spirit, with thousands of micro-businesses; mum and dad ventures, home-based businesses, all adding value to the economy and their customers' lives.

Unfortunately though the battler, the small guy and especially those with annual turnovers of \$75,000 or less who are ineligible for the Government's COVID support grant have been overlooked.

This isn't good enough. No one should be left behind and I am calling on the Government to ensure there is viable support for these largely home-based, and micro businesses, so they too can continue to support the people that rely on them: owners, employees and customers and so they are still there on the other side of this pandemic.

### **GENERAL MANAGER'S COMMENT**

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



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## Notice of Motions & Questions With Notice - 26 May 2020

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### ITEM 10.6

### Drive-in Cinema

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

“That Council investigate establishing a pop-up Drive-in Cinema within the City of Canterbury-Bankstown.”

### BACKGROUND

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The recent Covid-19 pandemic has had a devastating effect on our economy, resulting in mass job losses as industry and small businesses close. Sadly, many of these businesses will never open again. Whilst Covid-19 has changed the way we live and continue to live for some time yet, we need to reopen our economy and provide much needed employment opportunities and services as restrictions are being slowly lifted. The good news is that our residents are very eager to get out and about and support local businesses.

I have learned that some cities are stimulating their local economies whilst also holding much need social events by holding Pop-up Drive In Cinemas. I understand that the United States are undergoing a Drive-In Cinema renaissance.

Many residents fondly remember going to the former Bass Hill Drive-In which operated for half a century, and as it is in the US I'd love to see the Drive-In Cinema undergo a renaissance in our city. In these unprecedented times, it would allow families and couples to have a Covid-19-safe fun night out, they can grab a bite to eat from an array of food trucks and watch a double blockbuster movie. It's just another opportunity to hold social events and re-invigorate our flagging economy.

Who knows, it may end up being so popular that it could be a permanent event in our city.

### GENERAL MANAGER'S COMMENT

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



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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.7                      Installation of Nepalese Plaque**

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

“That Council support the installation of a plaque/sign in Gough Whitlam Park to recognise the valuable contribution of the Nepalese community in our City.”

### **BACKGROUND**

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The 2016 Census identified that almost 1 per cent of Canterbury-Bankstown’s residents’ ancestry is Nepalese which is higher than Greater Sydney.

Council has been approached by a representative from the Nepalese community who wishes to raise money for the construction of a sign or similar structure to recognise the Nepalese community in our City.

While no design has been confirmed at this stage they are seeking approval from Council for the installation of some form of plaque/sign on Council land so that they may commence fundraising through the Nepalese and broader community.

I am proposing that Council find a suitable location on Gough Whitlam Park for this to occur and, subject to funding, Council work with the community to develop an appropriate plaque/sign which does not interrupt the quiet enjoyment of the park but acknowledges this community. This builds on our successful engagement with the Bangladesh community in the development of the International Mother Language monument.

### **GENERAL MANAGER’S COMMENT**

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Subject to adequate funding being provided by the community, Council staff will be able to assist with the development on an appropriate sign within the available budget. This will require appropriate community engagement and notification and form part of Council’s Operational Plan through appropriate quarterly review updates.



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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.8                      Condolence Motion - Jack Munday AO**

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

“That Council, in honour of the life and contribution made by Jack Munday AO

1. Investigates a suitable park or green space, preferably in or near Croydon Park to be renamed Jack Munday/Green Bans Park, supported by photo and history signage at the location, and
2. Establish the “Jack Munday Environment and Heritage Award for Australia Day (for groups and individuals to be eligible)”

### **BACKGROUND**

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Jack Munday was leader of the BLF (Builders Laborer’s Federation) in the 1970’s. At the time there was a building boom.

Residents of The Rocks came to the Union asking for help to save their homes. The Union required the Community to demonstrate their case. From there The Green Bans grew. As a result The Rocks; Centennial Park; Victoria St Kings Cross; QVB; Kellys Bush (last bit of foreshore bush on the Parramatta River, on the North Shore) were saved.

BLF workers willingly lost pay because they agreed with the argument that a city needed to be liveable.

Jack grew up in the Atherton Tablelands in Queensland. He came to Sydney to play for Parramatta Ruby Leagues Club while earning a living as builder’s labourer.

He joined the union and from there began a life of struggle for justice, a fair go and environmental protection.

His efforts have been recognised worldwide. Including a meeting with Petra Kelly from Germany and Green Bans inspiring the establishment Greens Partys all over the world.

Jack was named a National Living Treasure. He lived in Croydon Park for over forty years and, as one of our community, should be honoured for all he has given and achieved.

### **GENERAL MANAGER’S COMMENT**

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





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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.9                      Housing Target Update**

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

“That Council receives a briefing on the housing targets for Canterbury Bankstown Council and in particular that briefing address:

- a. What are the Greater Sydney Commission’s housing targets set at in the South District Plan?
- b. When are they to be achieved by?
- c. How much of that target has already been achieved?
- d. How we intend to achieve the target set by the Greater Sydney Commission?
- e. What is Councils current view on the target set by the Greater Sydney Commission?”

### **BACKGROUND**

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I speak with many people from the Revesby Ward, from all walks of life and I have heard loudly and clearly the concern that they have about more dwellings being forced on our suburbs.

There is also much confusion and some misinformation within the community. This is not a good thing as it unnecessarily raises the anxiety of our community.

I would like to receive a briefing on the housing targets for the city, which have been informed by the Greater Sydney Commission’s South District Plan as well as Council’s Local Strategic Planning Statement and Draft Housing Strategy.

### **GENERAL MANAGER’S COMMENT**

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A briefing will be provided for the information of Councillors.



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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.10      Hero's Hill**

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

“That Council investigates the installation of a flag pole, suitable lighting and seating at the Hero’s Hill War Memorial in Cox Reserve, Sandakan Road, Revesby, utilising the Veterans Affairs Community War Memorials Fund”

#### **BACKGROUND**

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Hero’s Hill, for many of our residents in Revesby Ward and further afield, holds a tremendous significance, for what it represents, for the memories of those who gave the ultimate sacrifice and for those who carry their memory in life.

There is a strong desire within our community that this solemn and sacred place receive a flag pole, suitable lighting and some seating to allow loved ones and mates alike to sit, remember and reflect.

I would like Council to investigate the possible installation of these utilising the Veterans Affairs’ Community War Memorials Fund, including the option of solar lighting to minimise or reduce any ongoing costs to Council.

#### **GENERAL MANAGER’S COMMENT**

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There are no cost implications arising from the proposed motion, as written. Council would not make a submission without the benefit of broader community engagement and support as lighting of a flag pole (as the Australian Flag must be floodlighted when left overnight) may provide amenity issues for local residents and raising and lowering the flag daily would be expensive to manage in perpetuity.



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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.11      Delivery Riders**

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

“That Council writes to the NSW Police Commissioner, urging the NSW Police to increase action against the illegal practices employed by delivery riders.”

### **BACKGROUND**

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There was already a significant demand for delivery bike riders, delivering meals through platforms such as Uber Eats and Menulog, but the COVID-19 Pandemic has seen an explosion in the number of people ordering takeaway meals, to be delivered to their homes. In itself, this has been a great thing, as businesses pivot and take up technology to keep them operating and keeping as many people in work as possible.

But the side effect of this has been the dramatic increase in the near-misses involving these riders illegally riding on footpaths and congregating around eateries' shop fronts, ignoring social distancing requirements and blocking the path to pedestrians, families and people with prams.

It is not possible to walk through any of our town centres without seeing one of these riders disobeying one of the many rules controlling cycling on our roads. Council is powerless to do anything; it falls to the Police to take the action that is needed. And it will only take a small effort to send a very big and loud message that these dangerous practices cannot continue.

I've already written to the Campsie Local Area Commander seeking that LAC's attention to these issues and now I am seeking Council's support in writing to the Commissioner to bring about action, to address this multi-pronged public safety issue, across LACs in Sydney.

### **GENERAL MANAGER'S COMMENT**

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



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## Notice of Motions & Questions With Notice - 26 May 2020

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### **ITEM 10.12      Supporting Business through COVID Recovery**

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

“That Council liaison officers engage with small businesses and where support is needed, point them to Council programs or appropriate State and Federal government support programs.”

### **BACKGROUND**

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I have been engaging with businesses in recent weeks, and the message I am hearing is that they need support as they begin the process of recovering from this pandemic.

I know our liaison staff already do a wonderful job engaging across our City. I would like to see an increase in our reaching out and where people need help and simply don't know where to turn our staff can introduce them to all the Council measures put in place and also encourage them to take advantage of any State and Federal support programs that are in place.

### **GENERAL MANAGER'S COMMENT**

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





## **11        CONFIDENTIAL SESSION**

11.1 T33-20 - Waste Collection Services

11.2 Property Matter - 19 and 21 Wangee Road, Lakemba

# **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 , and 11.2 in confidential session for the reasons indicated:

#### **Item 11.1 T33-20 - Waste Collection Services**

*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 Property Matter - 19 and 21 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.*