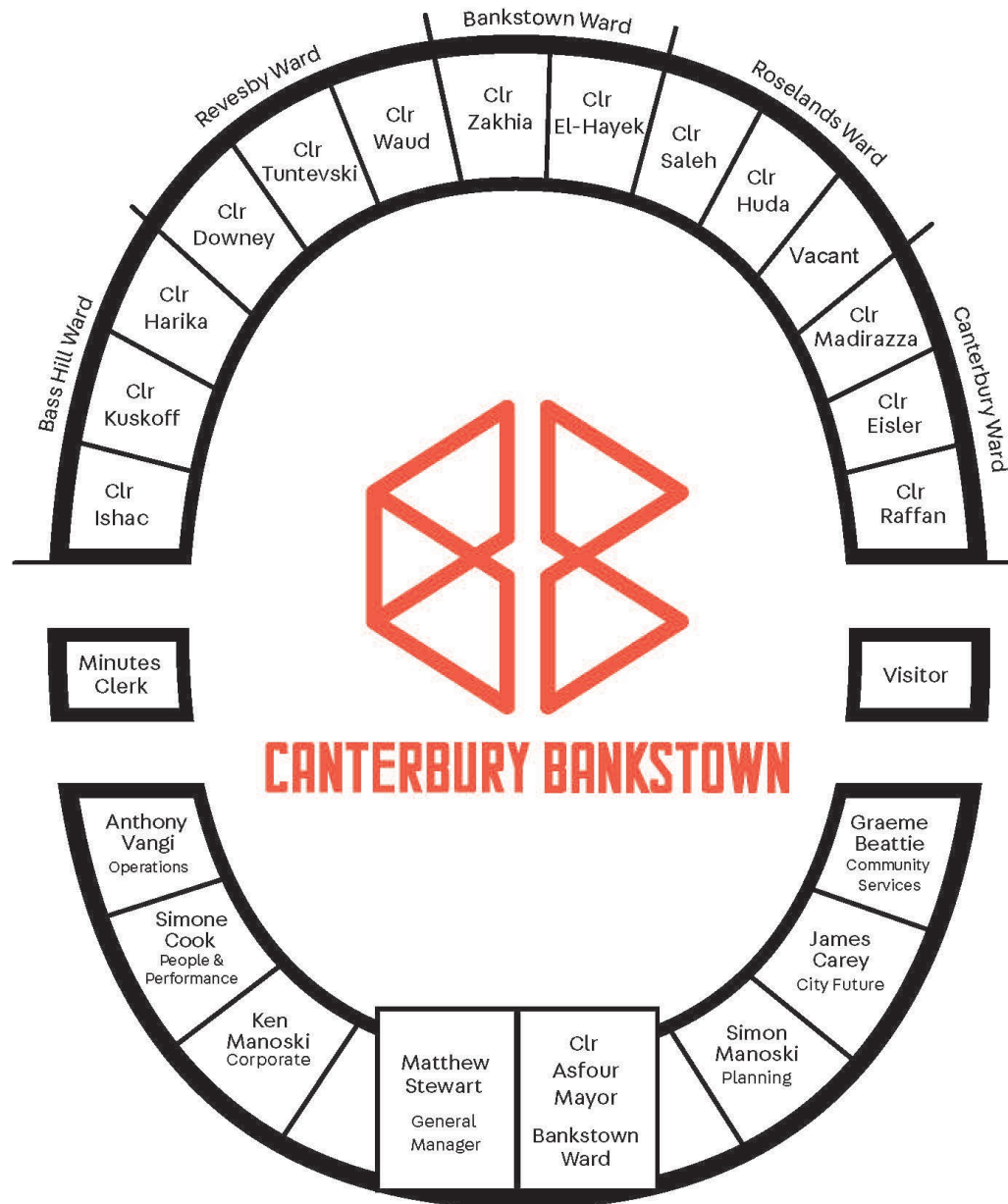




# AGENDA FOR THE ORDINARY MEETING

28 July 2020

# Gallery



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## ORDER OF BUSINESS

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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 23 June 2020 .....	7
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**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 23 JUNE 2020**

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

**PRESENT BY AUDIO**  
**VISUAL LINK:** Councillors Raffan, Zakhia, Eisler and Huda

**APOLOGIES** Nil

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.05 P.M.**

**At THIS STAGE HIS WORSHIP THE MAYOR ACKNOWLEDGED RECEIPT OF A LETTER FROM HER MAJESTY THE QUEEN REMEMBERING THE PROCLAMATION OF THE MUNICIPALITY OF BANKSTOWN AS A CITY 40 YEARS AGO.**

**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.

COUNCILLOR ISHAC ARRIVED AT 6.06PM.

**REF:** **CONFIRMATION OF MINUTES**  
**(961)** **CLR. EL-HAYEK:/CLR. ISHAC**

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 May 2020 be adopted.

- CARRIED

**SECTION 2:** **LEAVE OF ABSENCE**  
Nil

**SECTION 3:** **DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST**  
In respect of Item 7.2 – Helping You Help Others Grants, Clr Zakhia declared a significant, Non Pecuniary Conflict of Interest as he is a Board Member of Recreation Sports and Aquatic Centre who are a recipient of a community grant and indicated he will vacate the Chamber taking no part in debate.

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In respect of Item 7.2 – Helping You Help Others Grants, Clr Huda declared a significant, Non Pecuniary Conflict of Interest as he is a Board Member of Riverwood Community Centre, one of the recipients of a community grant and indicated he will vacate the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who are one of the recipients of a community grant and indicated she will vacate the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to community work he undertakes and as such has an association with a number of the recipients of a community grant and indicated he will vacate the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Mayor Clr Asfour declared a non-significant, Non Pecuniary Conflict of Interest due to his role as Mayor he is an Honorary Patron of a number of the recipients of a community grant and indicated it will not affect his consideration of the matter and he will remain in the Chamber.

**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 TORCH 100 YEARS**

**(962) CLR. ASFOUR**

RESOLVED that Council pay tribute to and congratulate the Torch Newspaper on its centenary and thank them for their service to the community.

- CARRIED

**ITEM 4.2 SUPPORTING OUTDOOR DINING**

**(963) CLR. ASFOUR**

RESOLVED that Council waives the outdoor dining fees for the 2020-21 financial year including permit application fees for new businesses.

- CARRIED

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**ITEM 4.3**                      **LOW RISE MEDIUM DENSITY HOUSING CODE**  
**(964)**                         **CLR. ASFOUR**

RESOLVED that

1. Council writes to the NSW Government requesting that the low rise medium density code be withdrawn from the Canterbury Bankstown Local Government area.
2. A new Planning Proposal to address R2/R3 zoning issues across the former Canterbury Local Government area be prepared.

- CARRIED

**ITEM 4.4**                      **UNIVERSAL POSTAL VOTING**  
**(965)**                         **CLR. ASFOUR**

RESOLVED that Council write to the NSW State Government strongly urging them to abandon the introduction of universal postal voting.

- CARRIED

**ITEM 4.5**                      **INFRASTRUCTURE FUNDING REFORM**  
**(966)**                         **CLR. ASFOUR**

RESOLVED that Council writes to the Minister for Planning and Public Spaces seeking an urgent briefing of Councillors on the current reforms to developer contributions.

- CARRIED

**ITEM 4.6**                      **FASTRACKING HOSPITALS**  
**(967)**                         **CLR. ASFOUR**

RESOLVED that Council write to the NSW Treasurer on behalf of the community to bring forward and deliver Bankstown-Lidcombe hospital, as promised.

- CARRIED

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**ITEM 4.7**  
**(968)**                      **LOCAL COMMUNITY BASED DONATIONS**  
**CLR. ASFOUR**

RESOLVED that

1. Council support the request from Padstow Community Care 2020 Winter Appeal and donate \$1,000.
2. These funds to be made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

**(969)**                      **SUSPENSION OF STANDING ORDERS**  
**CLR. DOWNEY:/CLR. TUNTEVSKI**

RESOLVED that;

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 7.1, 7.4, 5.1, 5.2 and 5.4 be dealt with now.
- iii) Standing Orders then be resumed.

- CARRIED

**ITEM 7.1**  
**(970)**                      **ADOPTION OF THE 2020/21 OPERATIONAL PLAN (INCLUDING 2020/21 BUDGET AND SCHEDULE OF FEES AND CHARGES), AND SUPPORTING UPDATED RESOURCING STRATEGIES.**

MR GEORGE JACKSON (RESIDENT) ADDRESSED COUNCIL.

**CLR. WAUD:/CLR. TUNTEVSKI**

RESOLVED that

1. In accordance with sections 402 to 406 of the *Local Government Act 1993*, Council adopt the Operational Plan 2020/21 including 2020/21 Budget, 2020/21 Capital Expenditure Program, Council's Revenue and Pricing Policies and 2020/21 Schedule of Fees and Charges, and updated asset and financial resourcing strategies.

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2. Those members of the community that have provided formal submissions be thanked and advised of Council's responses in this report.
3. In accordance with sections 534, 535 and 538 of the Local Government Act 1993, Council makes the following Rates and Charges – former Bankstown Council:

**3.1 Rating**

Subject to the provisions of Sections 404 and 494 of the Local Government Act 1993, an ordinary rate be made and levied for the rating year 1 July 2020 to 30 June 2021 upon the land value of all rateable land within the former city categorised as Residential or Business as detailed in the following table:

Category / Short Name	Ad-Valorem Rate (cents in \$)	Minimum Rate \$
Residential – Ordinary	0.207299	\$636.80
Business – Ordinary	0.549445	\$778.70
Bankstown Town Centre Special – see 3.1.1	0.092940	Nil

**3.1.1 Bankstown Town Centre Special Rate**

A Bankstown Town Centre Special Rate will be levied on rateable land value of the land delineated on the map and on the list held in Council's offices and described in the Operational Plan, being part of Council's area consisting of properties which formerly comprises the Bankstown Town Centre Local Improvement District which, in Council's opinion the land to be rated benefits, or will benefit from the works, services, facilities or activities; or contributes or will contribute to the need for the works, services, facilities or activities, or has or will have access to the works, services, facilities or activities provided or undertaken or proposed to be undertaken within the part of Council's area.

**3.2 Domestic Waste Management Service Charges**

Subject to provision of Sections 496, 501, 502 and 504 of the Local Government Act 1993, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2020 to 30 June 2021, as follows:

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Type of Charge	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic – Waste Management	\$565.00
Each additional service in respect of single dwelling premises.	Domestic Waste Extra Service	\$310.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$343.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$943.00
Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,543.00
Each additional service in respect of recycling.	Extra Recycling Service	\$87.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$142.00
Rateable Vacant Land	Domestic Waste Vacant Land	\$148.00

### **3.3 Stormwater Management Charges**

Council make and levy an annual stormwater management service charge for the year 1 July 2020 to 30 June 2021 as follows:

Description of Charge	Charge
Annual residential property charge	\$25.00
Annual residential strata property charge	\$12.50
Annual business property charge per 350 square metres or part there-off for non-vacant business land	\$25.00
Annual business property charge per 350 square metres or part there of surface land area for strata business unit (proportioned to each lot based on unit entitlement) not less than \$5.00.	\$25.00
Mixed Developments – see below	

#### **3.3.2 Mixed Developments**

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property; and

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

**3.3.3 Bankstown Airport**

- For properties where an ex-gratia payment in lieu of rates is applicable, Council will apply an annual Charge of \$25.00 per property plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres.

**3.3.4 Exemptions**

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

**3.4 Interest Rate on Overdue Rates & Charges**

Subject to the provisions of Section 566 of the Local Government Act 1993 the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The rate of interest for 2020-2021 has been adjusted to provide relief for ratepayers in relation to COVID-19 to 0% per annum for the period 1 July 2020 to 31 December 2020 (inclusive); and 7% per annum for the period 1 January 2021 to 30 June 2021 (inclusive), calculated on a daily basis.

4. In accordance with sections 534 and 535 of the Local Government Act 1993, Council makes the following Rates and Charges – former Canterbury Council:

**4.1 Rating**

Subject to the provisions of Sections 404 and 494 of the Local Government Act 1993, an ordinary rate be made and levied for the rating year 1 July 2020 to 30 June 2021 upon the land value of all rateable land within the former city categorised as Residential or Business as detailed in the following table:

Category / Short Name	Ad-Valorem Rate (cents in \$)	Minimum Rate
Ordinary - Residential	0.180159	\$713.90
Ordinary - Business	0.455657	\$713.90

**4.2 Domestic Waste Management Service Charges**

Subject to the provisions of Sections 496, 501, 502 and 504 of the Local

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Government Act 1993, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2020 to 30 June 2021, as follows:

Type of Premises	Short Name	Annual Charge
Single dwellings, a granny flat, dual occupancies and villas & townhouses (having and controlling use and storage of own bins).	Domestic Waste Service	\$530.00
Strata units and flats (with 1 or more bedrooms, not being flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons).	Domestic Waste Service	\$530.00
Flats owned by charitable or benevolent institutions for the housing of aged, infirm or disabled persons.	Waste Management – Non Rateable	\$530.00 for each rubbish bin
Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$530.00
Each additional service.	Domestic Waste Extra Service	\$310.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$343.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$943.00
Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,543.00
Each additional service in respect of recycling.	Extra Recycling Service	\$87.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$142.00
Vacant Land – refers to land that is devoid of buildings and excludes land on which building works are in progress	Domestic Waste - Vacant	\$148.00

#### **4.3 Stormwater Management Charges**

Council make and levy an annual stormwater management service charge for the year 1 July 2020 to 30 June 2021 as follows:

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Description of Charge	Charge
Annual residential property charge	\$25.00
Annual residential strata property charge	\$12.50
Annual business property charge per 350 square metres or part there-off for non-vacant business land	\$25.00
Annual business property charge per 350 square metres or part there of surface land area for strata business unit (proportioned to each lot based on unit entitlement) not less than \$5.00.	\$25.00
Mixed Developments – see below	

**4.3.2 Mixed Developments**

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

**4.3.4 Exemptions**

- Bowling and Golf Clubs - where the dominant use is open space;
  - Council-owned land;
  - Properties zoned: Open space 6(a); Private Recreation 6(b); and Rural.
5. Subject to the provisions of Section 566 of the *Local Government Act 1993* the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The rate of interest for 2020/21 has been adjusted to provide relief for ratepayers in relation to COVID-19 to 0% per annum for the period 1 July 2020 to 31 December 2020 (inclusive); and 7% per annum for the period 1 January 2021 to 30 June 2021 (inclusive), calculated on a daily basis.
6. Council adopt the proposed Financial Management and Asset Management Strategies and actions, as outlined in the report.

- CARRIED

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**ITEM 7.4**                      **PROPERTY MATTER - 15 CLOSE STREET, CANTERBURY**

**(971)**                      MS JANE HUNTER (RESIDENT) ADDRESSED COUNCIL.

**CLR. ZAKHIA:/CLR. DOWNEY**

RESOLVED that

1.     The General Manager be delegated the authority to enter into the Agreement for 15 Close Street, Canterbury, as outlined in the report.
2.     The Agreement to clearly reference the need for Sydney Metro to comply with all relevant operational controls, as outlined in their advice.
3.     Rental proceeds be restricted for the purposes of embellishing the site, as required.

- CARRIED

**ITEM 5.1**                      **EMPLOYMENT LANDS, HOUSING AND AFFORDABLE HOUSING STRATEGIES**

MR DENNIS MARKOU (RESIDENT) ADDRESSED COUNCIL.

CLR TUNTEVSKI TEMPORARILY RETIRED FROM THE MEETING AT 7.04PM AND  
RETURN AT 7.06PM

**MOTION**                      **CLR. ASFOUR:/CLR. ZAKHIA**

RESOLVED that

1.     Council note the issues raised during the exhibition period, and responses provided at Attachment A – Submissions Report.
2.     Council endorse the Employment Lands Strategy provided at Attachment B.
3.     Council endorse the Affordable Housing Strategy provided at Attachment C.
4.     Council endorse the Planning Agreement Policy at Attachment D.

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5. Council endorse the Housing Strategy provided at Attachment E and seek the concurrence of the NSW Department of Planning, Industry and Environment.
6. Council authorise the General Manager to make changes to the Housing Strategy in response to any issues raised by the NSW Department of Planning, Industry and Environment in order to obtain its endorsement, provided the changes do not alter policy positions endorsed by Council.
7. An Affordable Housing Scheme be developed and reported to Council prior to its public exhibition.

**AMENDMENT**

**CLR RAFFAN: / CLR EL-HAYEK :**

1. Council note the issues raised during the exhibition period, and responses provided at Attachment A – Submissions Report.
2. Council endorse the Employment Lands Strategy provided at Attachment B.
3. Council endorse the Affordable Housing Strategy provided at Attachment C.
4. Council endorse the Planning Agreement Policy at Attachment D.
5. Council endorse the Housing Strategy provided at Attachment E and seek the concurrence of the NSW Department of Planning, Industry and Environment.
6. Council authorise the General Manager to make changes to the Housing Strategy in response to any issues raised by the NSW Department of Planning, Industry and Environment in order to obtain its endorsement, provided the changes do not alter policy positions endorsed by Council.
7. An Affordable Housing Scheme be developed and reported to Council prior to its public exhibition.
8. Council undertake interim review of the performance of the Housing and Affordable Housing Strategies and Councils Development Control Plan within 2.5 years of being in place.

CLR ASFOUR / CLR ZAKHIA ACCEPTED CLR RAFFAN'S AMENDMENT BE INCLUDED IN THE MOTION.

**(972)**

**CLR. ASFOUR:/CLR. ZAKHIA**

RESOLVED that

1. Council note the issues raised during the exhibition period, and responses provided at Attachment A – Submissions Report.

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2. Council endorse the Employment Lands Strategy provided at Attachment B.
3. Council endorse the Affordable Housing Strategy provided at Attachment C.
4. Council endorse the Planning Agreement Policy at Attachment D.
5. Council endorse the Housing Strategy provided at Attachment E and seek the concurrence of the NSW Department of Planning, Industry and Environment.
6. Council authorise the General Manager to make changes to the Housing Strategy in response to any issues raised by the NSW Department of Planning, Industry and Environment in order to obtain its endorsement, provided the changes do not alter policy positions endorsed by Council.
7. An Affordable Housing Scheme be developed and reported to Council prior to its public exhibition.
8. Council undertake interim review of the performance of the Housing and Affordable Housing Strategies and Councils Development Control Plan within 2.5 years of being in place.

- CARRIED

**For:-** Ctrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud and Zakhia

**Against:-** Nil

**ITEM 5.2                      HURLSTONE PARK HERITAGE INITIATIVES**

MS LISA ALLEN (RESIDENT) ADDRESSED COUNCIL

MS MARGARET FASAN (ON BEHALF OF HURLSTONE PARK ASSOCIATION COMMITTEE) ADDRESSED COUNCIL

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

RESOLVED that an extension of two minutes be given to Ms Fasan to address Council.

- CARRIED

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CLR ISHAC TEMPORARILY RETIRED FROM THE MEETING AT 7.18PM AND RETURED AT 7.19PM

**(974)**

**CLR. EISLER:/CLR. RAFFAN**

RESOLVED that

1. The attached Planning Proposal is endorsed by Council.
2. Council exercise its delegation provided by the Department of Planning, Industry and Environment to make the plan.
3. The proposed amendments to Canterbury Development Control Plan 2012 be adopted as outlined in this report, and brought into effect once the Planning Proposal has been made.
4. The General Manager be given authority to make formatting, grammatical and other minor changes to the Development Control Plan amendments provided these do not change its intent.
5. All persons and organisations who made submissions to the planning proposal exhibitions be advised of Council's decision.

- CARRIED

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

**Against:-** Nil

**ITEM 5.4**

**LIVABLE HOUSING DISCUSSION PAPER**

DR JANE BRINGOLF (REPRESENTING THE CENTRE FOR UNIVERSAL DESIGN AUSTRALIA) ADDRESSED COUNCIL.

CLR WAUD TEMPORARILY RETIRED FROM THE MEETING AT 7.35PM

CLR MADIRAZZA TEMPORARILY RETIRED FROM THE MEETING AT 7.35PM AND RETURNED AT 7.37PM

CLR WAUD RETURNED TO THE MEETING AT 7.40PM

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CLR HUDA TEMPORARILY RETIRED FROM THE MEETING AT 7.40PM AND  
RETURNED AT 7.42PM

**(975)**

**CLR. TUNTEVSKI:/CLR. HUDA**

RESOLVED that

1. Council endorse the Livable Housing Design Guidelines as outlined in this report.
2. The development controls arising from the Livable Housing Design Guidelines be inserted into the Draft Canterbury Bankstown Consolidated Development Control Plan which will be brought to Council for consideration later in 2020.
3. Council review its livable housing development controls once the National Construction Code changes its settings for livable housing.
4. Council submit a motion in respect of Livable Housing Design Guidelines to the 2020 Local Government NSW Conference.

- CARRIED

**For:-** Ctrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud and Zakhia.

**Against:-** Nil

**STANDING ORDERS WERE RESUMED**

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 EMPLOYMENT LANDS, HOUSING AND AFFORDABLE HOUSING STRATEGIES**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 972 ON PAGE NO. 11 OF THESE MINUTES

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**ITEM 5.2                      HURLSTONE PARK HERITAGE INITIATIVES**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 974 ON PAGE NO. 13 OF THESE MINUTES

**ITEM 5.3                      HERITAGE GRANT FUND 2019-2020**  
**(976)                      CLR. EISLER:/CLR. MADIRAZZA**

RESOLVED that

1. Council endorse the recommendations from the Heritage Reference Group as outlined in this report (except as amended by this report) and grants be allocated in accordance with Council's Heritage Incentives Policy.
2. All owners who submitted an application be advised of Council's decision.

- CARRIED

**ITEM 5.4                      LIVABLE HOUSING DISCUSSION PAPER**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 975 ON PAGE NO. 14 OF THESE MINUTES

**ITEM 5.5                      ADOPTION OF THE CANTERBURY DEVELOPMENT CONTRIBUTIONS PLAN - WORKS PROGRAM**

CLR EISLER TEMPORARILY RETIRED FROM THE MEETING AT 7.51PM

**(977)                      CLR. RAFFAN:/CLR. EL-HAYEK**

RESOLVED that

1. Council adopt the amendments to the Works Program contained within the Canterbury Development Contributions Plan 2013 as shown in Attachment A.

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2. The amendments to the Canterbury Development Contributions Plan 2013 will come into effect on the date specified in a public notice.

- CARRIED

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

**Against:-** Nil

**SECTION 6: POLICY MATTERS**

Nil

**SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1 ADOPTION OF THE 2020/21 OPERATIONAL PLAN (INCLUDING 2020/21 BUDGET AND SCHEDULE OF FEES AND CHARGES), AND SUPPORTING UPDATED RESOURCING STRATEGIES.**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 970 ON PAGE NO. 4 OF THESE MINUTES.

**ITEM 7.2 HELPING YOU HELP OTHERS GRANTS**

In respect of Item 7.2 – Helping You Help Others Grants, Clr Zakhia declared a significant, Non Pecuniary Conflict of Interest as he is a Board Member of Recreation Sports and Aquatic Centre who are a recipient of a community grant and vacated the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Clr Huda declared a significant, Non Pecuniary Conflict of Interest as he is a Board Member of Riverwood Community Centre, one of the recipients of a community grant and vacated the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who are one of the recipients of a community grant and vacated the Chamber taking no part in debate.

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In respect of Item 7.2 – Helping You Help Others Grants, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to community work he undertakes and as such has an association with a number of the recipients of a community grant and vacated the Chamber taking no part in debate.

In respect of Item 7.2 – Helping You Help Others Grants, Mayor Clr Asfour declared a non-significant, Non Pecuniary Conflict of Interest due to his role as Mayor he is an Honorary Patron of a number of the recipients of a community grant and indicated it will not affect his consideration of the matter and remained in the Chamber.

CLR EISLER RETURNED TO THE MEETING AT 7.53PM.

CLRS ZAKHIA, HUDA, SALEH AND EL-HAYEK TEMPORARILY LEFT THE MEETING AT 7.53PM AND RETURNED AT 7.54PM

**(978)**

**CLR. DOWNEY:/CLR. HARIKA**

RESOLVED that Council approve the distribution of \$221,668 under the Helping You Help Others Grants, a component of the 2020-2021 Community Grants & Event Sponsorship Program as outlined in Attachment A.

- CARRIED

**ITEM 7.3**

**GENERIC PLAN OF MANAGEMENT FOR COMMUNITY LAND AND CROWN LAND**

**(979)**

**CLR. DOWNEY:/CLR. MADIRAZZA**

RESOLVED that

1. Council endorse the public exhibition for a period of six weeks of the draft Generic Plan of Management for Community Land and Crown Land, as outlined in the report, after approval from the Department of Planning, Industry and Environment (Crown Lands).
2. A further report be presented to Council at the conclusion of the public exhibition period to consider any submissions received.

- CARRIED

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**ITEM 7.4**                      **PROPERTY MATTER - 15 CLOSE STREET, CANTERBURY**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 971 ON PAGE NO. 10 OF THESE MINUTES.

**ITEM 7.5**                      **STRONGER COMMUNITIES FUND - QUARTERLY PROGRESS REPORT**  
**(980)**                          **CLR. KUSKOFF:/CLR. ISHAC**

RESOLVED that Council note the progress report of the implementation of projects funded through the Stronger Communities Fund.

- CARRIED

**ITEM 7.6**                      **CASH AND INVESTMENT REPORT AS AT 31 MAY 2020**  
**(981)**                          **CLR. WAUD:/CLR. MADIRAZZA**

RESOLVED that

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

- CARRIED

**ITEM 7.7**                      **COUNCIL'S HOUSING TARGETS**

CLR HUDA TEMPORARILY LEFT THE MEETING AT 7.59 AND RETURNED AT 8.00PM

**(982)**                          **CLR. TUNTEVSKI:/CLR. HARIKA**

RESOLVED that

1. Council note the information provided in this report regarding housing targets.
2. To set the record straight, The Mayor on behalf of Council implement an appropriate communication strategy including social media, across the Revesby Ward with respect to Council's Housing Targets and the low rise medium density code.

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3. The minor expected financial impact be reflected in the next Quarterly Budget process.

- CARRIED

**SECTION 8: SERVICE AND OPERATIONAL MATTERS**

Nil

**SECTION 9: COMMITTEE REPORTS**

**ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 9 JUNE 2020**  
**(983) CLR. HARIKA:/CLR. TUNTEVSKI**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 9 June 2020, be adopted.

- CARRIED

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

**(984) CLR. TUNTEVSKI:/CLR. KUSKOFF**

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 10.4, 10.5, 10.11 and 10.13.

- CARRIED

**ITEM 10.1 NOTICE OF MOTIONS**  
**(985) CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that the information be noted.

- CARRIED

**ITEM 10.2 WATERLOO ROAD INTERSECTION**

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**(986)**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council investigates, as a matter of urgency, a suitable treatment to address the road crash history at the intersection of Waterloo Road and Boronia Road Greenacre.

- CARRIED

**ITEM 10.3**

**BELMORE STADIUM**

**(987)**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council write to the NSW Government advocating for it to provide funding for the implementation of the Belmore Masterplan.

- CARRIED

CLR HARIKA TEMPORARILY LEFT THE MEETING AT 8.01PM

**ITEM 10.4**

**ENCOURAGING STREET ART**

**(988)**

**CLR. TUNTEVSKI:/CLR. DOWNEY**

RESOLVED that Council:

1. Investigates how to encourage high quality street art in our City, and
2. Incorporates street art into the development of its Public Art Strategy.

- CARRIED

**ITEM 10.5**

**FUNDING OF WATERWAY MAINTENANCE**

CLR HARIKA RETURNED TO THE MEETING AT 8.05PM

**(989)**

**CLR. DOWNEY:/CLR. TUNTEVSKI**

RESOLVED that Council write to the NSW Government requesting it identifies, or if absent, establishes a fund for residents to apply to for the purpose of maintaining or improving privately owned waterways.

- CARRIED

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**ITEM 10.6**  
**(990)**

**ILLEGAL DUMPING**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council write to the NSW Government requesting a permanent and secure funding stream, to be funded from the Waste Levy, for councils to address the growing issue of illegal dumping through deterrence, enforcement and clean up.

- CARRIED

**ITEM 10.7**  
**(991)**

**IMPROVING RECYCLING SYSTEMS IN NSW**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council play a key advocacy role; to ensure improvements to the recycling systems in NSW, are consistent across the state, and funded from the NSW Waste levy.

- CARRIED

**ITEM 10.8**  
**(992)**

**IMPROVING CHILDREN'S FINANCIAL LITERACY**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council writes to the Minister for Education, requesting she investigates opportunities for the Department to partner with appropriate organisations or develop their own program to improve the financial literacy of our youth.

- CARRIED

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**ITEM 10.9                      PARKING ACROSS DRIVEWAYS**

**(993)                              CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council investigate methods to reduce the incidence of drivers parking across residential and commercial driveways.

- CARRIED

**ITEM 10.10                    QUEEN STREET ROUNDABOUT**

**(994)                              CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council investigates the construction of a roundabout at the intersection of Gordon Parker and Queen St Revesby.

- CARRIED

**ITEM 10.11                    SMITH PARK BASKETBALL COURT**

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

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

Clr Tuntevski at this stage tabled a document relating to federal funding for new lighting at Smith Park, dated 25 March 2019 and moved the following amendment;

**AMENDMENT                      CLR. TUNTEVSKI:/CLR. DOWNEY**

Council defer the item so that the new information can be investigated by Council staff.

CLR WAUD / CLR ISHAC ACCEPTED THE AMENDMENT AS THE MOTION.

**(995)                              CLR. WAUD:/CLR. ISHAC**

RESOLVED that Council defer the item so that the new information can be investigated by Council staff.

- CARRIED

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**ITEM 10.12**  
**(996)**

**GRANT PIPELINE**

**CLR. TUNTEVSKI:/CLR. KUSKOFF**

RESOLVED that Council receive a briefing on the grants Council has made an application for over the 2019-20 financial year and what grants the Council knows of for the 2020-21 financial year.

- CARRIED

**ITEM 10.13**  
**(997)**

**SUICIDE PREVENTION**

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

RESOLVED that Council -

1. Includes this serious issue as part of its next social networking workshop with a view to it being elevated as a priority area for funding under our own community grants program, and
2. Writes to the NSW Minister for Health calling on more funding for mental health care generally and specifically for additional and better resourced acute mental health units in our area.

- CARRIED

**SECTION 11:**

**CONFIDENTIAL SESSION**

**(998)**

**CLR. DOWNEY:/CLR. ISHAC**

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

Item 11.1 EOI 01-20 Whitmarsh Reserve Solar Farm

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

- CARRIED

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**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.23 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 8.25 PM.**

**ITEM 11.1**  
**(999)**

**EOI 01-20 WHITMARSH RESERVE SOLAR FARM**

**CLR. ISHAC:/CLR. EL-HAYEK**

RESOLVED that

1. In accordance with section 168(4)(a) of the Local Government (General) Regulation 2005 Council invites the shortlisted companies below to tender for works and services associated with the proposed mid-scale Solar Farm at Whitmarsh Reserve.
  - Energy Solutions Pty Ltd trading as Beon Energy Solutions
  - Todae Solar
  - Autonomous Energy Pty Ltd
  - Progressive Green Pty Ltd trading as Flow Power
  - VivoPower Pty Ltd
2. Council notifies the unsuccessful Respondents to the EOI in writing and thank them for their submissions.
3. A further report be provided to Council to determine the successful tenderer.

- CARRIED

**THE MEETING CLOSED AT 8.26 P.M.**

Minutes confirmed 28 JULY 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	Canterbury Racecourse	37
4.2	Infrastructure	39
4.3	COVID-19 Businesses	41
4.4	Regaining Our Seat at the National Cabinet	43



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## Mayoral Minutes - 28 July 2020

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### ITEM 4.1                      Canterbury Racecourse

Since the release of the draft Sydenham to Bankstown Urban Renewal Corridor Strategy in 2015, our community has lived with absolute uncertainty about the fate of its commercial centres, planning rules, future growth patterns and roll out of supporting infrastructure along the rail corridor between Hurlstone Park and Bankstown. Indeed, the Canterbury Bankstown LGA has had to bear the brunt of the uncertainty for the Sydenham to Bankstown corridor.

To put an end to this uncertainty, this Council once again demonstrated why it is a leading council in this state and has itself initiated a series of masterplans that will be delivered along the rail corridor that will implement our housing and employment land strategies and sustainably plan each centre to deliver jobs, infrastructure, open space, investment and a diverse form of housing. This work is already underway for Bankstown and Campsie.

The missing piece in this corridor however is also its biggest asset and opportunity to deliver much needed open space to this community. The Canterbury Racecourse and its surrounds. This 33 hectare site has the potential to completely transform Canterbury for the better. I'm not prepared to sit and continue to watch this space, idle, without doing anything about it.

In my view, this racecourse is the centrepiece of the corridor and we have waited long enough to understand what the long term future for this site is, although I am under no illusion that should the racecourse choose to vacate the site at some point, the site will comprise a mix of uses including open space and create an opportunity to refocus and renew the Canterbury town centre.

This part of our city has significant deficiencies in open space and requires investment in education and health facilities to support our existing and future population. These pressures will only intensify as our city grows. The State Government must provide the resources to fund and deliver high quality, regional open space and supporting infrastructure that ensures our city is appropriately serviced.

To ensure the aspirations of the community are met, Council needs to have a voice at the table and be a part of setting the future for this site.

Tonight, I am therefore asking for the establishment of a 'Canterbury Racecourse Coordination Committee' and I am calling on the Greater Sydney Commission's South and Central City Districts Commissioner, Mr. Peter Poulet to Chair this Committee, with membership from key relevant government agencies and the Australian Turf Club.

Given the importance of this work, I believe it is essential that the community are also heard throughout this process and should be formally recognised. In this regard Council will establish a Community Voice Panel of up to 10 individuals (selected through a expression of interest process with the aim of obtaining a broad mix of community) who would be formally engaged through this process.

I expect the role of this Committee will be to clarify the Australian Turf Club's intentions for the land and agree on a way forward to deliver a clear vision for the racecourse lands. The work of the Committee will then be used to inform the future Canterbury Local Centre Master Plan, which has been scheduled to commence in 2021.



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### ITEM 4.2                      Infrastructure

They say Rome wasn't built in a day. True, it took many years to build but the infrastructure of the old great City was built brick by brick every day.

And as we know, building any great city relies on investing in infrastructure and creating jobs.

At Council's last meeting I asked for a list of key infrastructure projects to present a compelling case to the Premier and the Planning Minister for much needed funding.

This report titled "*More Jobs .. Better Places... More Quickly*" is aimed at both the Federal and State Governments and focuses on what our City needs to do to Respond, Recover and Thrive in a new world post COVID -19.

It deals with short term infrastructure spending which will generate immediate employment opportunities for our residents and stimulate local businesses.

It also addresses the importance of fast-tracking long-term infrastructure projects and restructuring financial arrangements across the tiers of Government, so those best placed to deliver economic stimulus have the necessary resources to do so.

The report outlines the key priorities for both the State and Federal Governments and proposes:

- They recognise the key role Local Government can play in the economic recovery.
- They provide immediate capital injection into shovel ready infrastructure projects.
- They allocate funding to long term projects, in particular those that target town centre renewal and the environment.
- They provide targeted funding to provide skills and employment support for those most affected, including female, youth aged and those from CALD backgrounds.
- They rethink their funding policies and how this can support and sustain local government.

Councillors it is well documented our Council was rorted out of millions of dollars of vital infrastructure funding under the Stronger Communities Fund, a matter which is now being investigated by the Auditor General.

And to ensure we are not left behind again, it is imperative we act swiftly.

Tonight, I propose the Council engage with both the State and Federal Governments and put forward our proposals so we can secure funding to enable us to build our Rome.

A real vision for our City which will create more jobs and a better place to live and work right now.



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## Mayoral Minutes - 28 July 2020

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### ITEM 4.3 COVID-19 Businesses

Our Council has played a critical role during the COVID-19 pandemic in keeping its residents informed and safe. I'm proud to say we were clear and concise with our messaging and showed compassion with our support to the needy and vulnerable and the many businesses who reached out for a helping hand.

As restrictions ease and we shift our attention towards recovery we must not be complacent or take anything for granted.

We sit at a crossroads, in one direction is continued recovery, in the other the path that Melbourne now finds themselves on, in lockdown. Therefore, we will continue to engage with our residents and ensure restrictions in public spaces and Council-owned facilities are adhered to until we are given the all clear.

Pleasingly, the NSW Government has acknowledged the outstanding work our Council has done but they have now reached out for us to do more.

The NSW Government has requested councils support their COVID Safe business initiative. For the record we have 36,623 registered businesses in our City and our involvement will include:

- Get businesses up to speed by educating them about hygiene and social distancing measures.
- Promote the Government's COVID Safe Check App which provides a way for customers to give feedback to businesses and regulators for action where necessary. Non-compliant businesses may be referred to Council for action.
- Engage with identified businesses through targeted site visits, the purpose of which will be to ensure they are complying with Public Health Orders.

There has been confusion about our role as a Council and our ability to undertake enforcement of COVID-19 Public Health Orders in the community. But it is actually quite simple.

First and foremost, I want to stress that all enforcement action remains a matter for the NSW Police Force. They must enforce the law as they cannot handball responsibility to Council, as we recently experienced at Greenacre and Lakemba during Ramadan.

When it comes to Council's role and particularly the role the NSW Government seeks us to fulfil, there are a number of serious concerns that I hold, including:

- The strain on Council resources which would include conducting inspections, attending to customer requests and providing and explaining educational material to business owners. All without any prospect at this stage of cost recovery.
- Our inability to explain the NSW Government's processes and Public Health Orders (given they are not Council's)
- The inconsistent approach to regulating the Public Health Orders and COVID-19 Safety Plans between local government areas.
- A risk to our Environmental Health Officers, carrying out inspections at premises known not to be adhering to the requirements of the Public Health Order.
- The safety of our Environmental Health Officers who may face abuse from irate business owners that are struggling financially.

Undoubtedly, we have a responsibility to support the Government to ensure the safety of our community during this COVID-19 crisis, but the approach taken by the Government appears to be adhoc, overly demanding and shifts far too much responsibility onto Councils. And all with the absence of any powers to fine, no powers to shut down non-compliant businesses and no power to move people on.

The NSW Government cannot simply pass the buck on this one and I will be writing to the Premier to make our position known to her.

### ITEM 4.4

### Regaining Our Seat at the National Cabinet

Local Government in Australia has enjoyed many years at the table of the Coalition of Australian Governments, rightly representing the interests of the tier of government closest to the people we all serve. Indeed, the President of the Australian Local Government Association has represented Local Government at COAG since it was convened by Prime Minister Keating in 1992.

But on 13 March 2020, as the Coronavirus pandemic took hold around the world, COAG met in Sydney to discuss a range of issues of national importance. At that meeting First Ministers (the Prime Minister, Premiers and Chief Ministers) agreed to establish a National Cabinet to meet at least weekly to address the country's response to the coronavirus. The focus was primarily on the health and wellbeing of Australians and managing the health response. Over time National Cabinet has broadened its agenda to include a focus on managing coronavirus impacts across Australia. There was no Local Government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, First Ministers, through the Prime Minister, announced the continuation of National Cabinet, which they considered to be a much more effective body than COAG for taking decisions in the national interest. Local Government was not given a seat at the National Cabinet table. However, ALGA as the national representative body of Local Government, was given a seat on the National Federation Reform Council (NFRC). The NFRC will meet once a year to focus on priority national federation issues such as Closing the Gap and Women's Safety. In addition to ALGA, the NFRC is comprised of the National Cabinet and the Council of Federal Financial Relations – Federal and State/Territory Treasurers.

Back in 1992, when COAG was convened, Local Government was included because all parties recognised that Australia has three levels of government and that the Government with most impact on people's daily lives in terms of the provision of local services and infrastructure is Local Government.

Decisions about how our Federation works and how it can be improved or reformed require all three levels of government working together to align their policies and programs. Australians expect the decisions of government affecting them to reflect their grass roots views and to be implemented at the local level as well as the state and national level. This was the case with the development and implementation of the National Competition Policy in the 1990s which included reform at the local government level as well as the National and State levels in areas such as water supply and infrastructure provision through procurement.

National Cabinet, and the Commonwealth Government in particular, are looking towards pro-growth policies to lift investment and get Australians back to work. With a focus on jobs growth they are seeking ways to enable parts of the economy to grow. Local Governments are willing and necessary partners in developing and implementing reform. Reform involving the streamlining of legislation and regulation requires all the levels of government which are involved in regulation working together to achieve the benefits of reform for everyone without imposing costs or burdens on local communities. Getting it right on the ground is Local Government's area of strength.

Councils facilitate, establish, and grow local businesses and economies. Economic development has always been at the core of every successful council. Just as we have done here in Canterbury Bankstown, councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and business alike. Many councils also provide business networking opportunities, business training, mentoring, and incubator facilities and employment hubs. It is local government that is best placed to drive locally-led recovery.

The challenge facing National Cabinet over the coming months is unlike any which has faced Australian governments in recent times and it will require the concerted, coordinated and complementary efforts of all three levels of government to rebuild consumer confidence, support business and recreate millions of jobs.

Australians expect their three levels of government to be working together, and to see evidence of that. Including Local Government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promote and implement National Cabinet decisions across the broadest implementation platform available to government.

It is for these reasons that I am calling on the NSW and Australian Governments to bring Local Government back into the fold and take up its rightful place at the table of the National Cabinet. I also intend on writing to all our State and Federal MPs, to help them understand why this is so critical and to seek their support in ensuring that the level of Government that so greatly serves their constituents maintains its voice on the National stage.

## **5 PLANNING MATTERS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 5.1 | Amendments to the Planning Agreement for the Former Riverlands Golf Course Site in Milperra          | 47 |
| 5.2 | Review of Infrastructure Contributions in New South Wales Issues Paper - NSW Productivity Commission | 53 |



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

**AUTHOR                      Planning**

#### **PURPOSE AND BACKGROUND**

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This report summarises the exhibition of draft amendments to the planning agreement for the former Riverlands Golf Course site at 56 Prescott Parade, Milperra.

#### **ISSUE**

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The Department of Planning, Industry and Environment approved the rezoning of the former Riverlands Golf Course site at 56 Prescott Parade, Milperra to a R2 Low Density Residential zone. The rezoning included a planning agreement, which outlines the owner's commitment to complete supporting local infrastructure works at an agreed time.

The property owner has since submitted development applications which are currently under assessment, together with a new concept design for the residential development of the site.

The property owner also requested amendments to the planning agreement to better align the delivery of the local infrastructure works with the construction staging of the proposed concept design for the site. The amendments are in the form of a Draft Deed of Variation. At the Ordinary Meeting of 26 May 2020, Council considered the request and resolved to exhibit the Draft Deed of Variation for public comment. Council received 13 submissions.

In considering the submissions, it is noted that most issues are in relation to the development applications currently under assessment, in particular the proposed designs of the residential subdivision layout and associated infrastructure works. The development assessment process will consider these issues.

It is recommended that Council enter into the Draft Deed of Variation as the proposed revisions to the staging of the local infrastructure works are considered to result in a more logical construction process, whilst not reducing the public benefits under the existing planning agreement. It is noted that this report does not impact on the assessment or determination process of the development applications, which remains a wholly separate process.

#### **RECOMMENDATION    That -**

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

## **ATTACHMENTS**

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

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- A. Deed of Variation
- B. Council Report and Minutes–Ordinary Meeting of 26 May 2020
- C. Submissions Report

## POLICY IMPACT

In 2016, the Department of Planning, Industry and Environment approved the rezoning of the former Riverlands Golf Course site at 56 Prescott Parade, Milperra to a R2 Low Density Residential zone. The rezoning included a planning agreement 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 agreement is a legal agreement between Council and the property owner, and outlines the owner's commitment to complete the local infrastructure works at an agreed time. The planning agreement came into effect on 7 October 2016 with the gazettal of the LEP amendment.

This planning agreement sits with the land on title and carries forward regardless of any sale of the land. The reason for this is that the planning agreement supports the rezoning executed by the NSW Government. The planning agreement requires certain works to support any use of the land as Zone R2 Low Density Residential. Again, local issues of traffic, environment and heritage are not part of the planning agreement but are assessed as part of any development application for actual development.

The next step in the process is for the property owner to submit development applications with the proposed detailed designs for the local infrastructure works. The property owner has since lodged four development applications which are currently under assessment, together with a new concept design for the subdivision of the land zoned R2 Low Density Residential:

- DA 1107/2019—Reconfigure the site from 27 lots to 6 lots.
- DA 4/2020—Subdivide the land zoned R2 Low Density Residential into 197 lots and associated internal roads and drainage works.
- DA 108/2020—Construct the Keys Parade roadway and associated works connecting to an upgraded signalised intersection of Keys Parade and Henry Lawson Drive.
- DA 370/2020—Construct the bank stabilisation works.

The property owner also requested amendments to the planning agreement, in the form of a Draft Deed of Variation. The intended outcomes are:

- To better align the delivery of the local infrastructure works with the construction staging of the proposed concept design for the site.
- To amend the scope of some of the local infrastructure works to enable these works to be consistent with the proposed concept design for the site.

At the Ordinary Meeting of 26 May 2020, Council considered the request (refer to the Council report provided in Attachment B) and resolved to exhibit the Draft Deed of Variation for public comment. It is considered that this matter has no policy implications as:

- The Deed of Variation is considered to result in a more logical construction process, while not reducing the public benefits under the existing planning agreement.
- The Deed of Variation does not impact on the assessment or determination process of the development applications, which remains a wholly separate process.

If Council does not support the variation, the existing planning agreement will not be in the public interest as the works would likely occur in a sequence that is inconsistent with any development (subject to consent). This will result in Council expending legal costs and resources to have a plan executed which is outdated and inconsistent with the proposed development of the land (again subject to a separate assessment).

## **FINANCIAL IMPACT**

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This matter has no financial implications as the delivery of the local infrastructure works align with the planning agreement as originally approved by Council. This means Council does not have expensive legal costs to enforce a previous version of the planning agreement that is no longer in the public interest.

## **COMMUNITY IMPACT**

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This matter has no community implications as the local infrastructure works agreed to as part of the existing planning agreement will continue to apply.

## DETAILED INFORMATION

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### Exhibition

Council exhibited the Draft Deed of Variation from 10 June to 10 July 2020. The exhibition process included a display on Council's website, notification in the local newspapers, and notification letters to property owners in the Milperra area west of Henry Lawson Drive.

It is noted that the exhibition process is consistent with State planning legislation, which only requires exhibition material to be made available on Council's website during the COVID 19 pandemic period. Changes were made to the *Environmental Planning and Assessment Act 1979* stating that any document that is required to be made available for public inspection at a physical location is instead to be made available on the NSW Planning Portal or any other website approved by the Planning Secretary. This extended to local council websites.

Council received 13 submissions. A summary of the submissions is provided at Attachment C.

### KEY ISSUES

In summary, the submissions raised the following key issues:

#### Issue 1: Process

A submission raises concern that it is inappropriate to determine the Draft Deed of Variation while the development applications are currently under assessment.

Comment: The Draft Deed of Variation focusses on the scope and delivery stages of the local infrastructure works, and proposes to better align the delivery of the local infrastructure works with the construction staging of the proposed concept design for the site. Council may consider the Draft Deed of Variation at this stage in the process as:

- It is considered to result in a more logical construction process, whilst not reducing the public benefits under the existing planning agreement.
- It does not impact on the assessment or determination process of the development applications, which remains a wholly separate process.

#### Issue 2: Impacts of the proposed development of the site

Submissions do not support the Draft Deed of Variation as the proposed development of the site would result in the following impacts:

- The proposed Keys Parade Road extension would impact on the breeding habitats of the Green and Golden Bell Frog and Southern Myotis (microbat), and would result in the loss of an unspecified number of trees and associated vegetation along the watercourse (Milperra Creek) entering the area from under Henry Lawson Drive.
- The proposed public corridor (pedestrian/ bike path) along the Georges River would impact on the estuarine mangroves and Endangered Swamp Oak Forest.
- There is inadequate protection for remnant trees including hollow bearing habitat trees.
- There is an inadequate provision of public open space.

- The proposed residential development would have adverse traffic impacts on the surrounding road network.
- The site is flood affected and it is inappropriate to develop the site as filling the flood plain will divert the flooding issues to different areas of Milperra, and evacuation routes are limited in the area.

Comment: In considering the submissions, it is noted that these issues are in relation to the development applications currently under assessment, in particular the proposed detailed designs of the residential subdivision layout and associated infrastructure works. The development assessment process will consider all relevant environmental implications of each development application in accordance with local and state planning legislation.

#### **NEXT STEPS**

Should Council decide to enter into the Deed of Variation, the next steps are for Council to execute the deed with the property owner and to register the deed to the land title of the affected lots.

### **ITEM 5.2                      Review of Infrastructure Contributions in New South Wales Issues Paper - NSW Productivity Commission**

**AUTHOR                      Planning**

#### **PURPOSE AND BACKGROUND**

The NSW Productivity Commission has released an issues paper for comment on the review of infrastructure contributions in New South Wales at the request of the Minister for Planning and Public Places.

The purpose of this report is to advise Council on key issues arising from the issues paper, and to recommend the preparation of a submission to express Council's views on these issues.

#### **ISSUE**

Infrastructure contributions are a key aspect of how Council finances community infrastructure, particularly arising from new population growth. It is of vital importance to Council that the contributions system enables it to deliver an appropriate level of services and facilities within set levels of funding.

This report recommends that Council make a submission to the review. This will ensure that issues relevant to Council are considered by the Productivity Commission in their review of the contributions system.

#### **RECOMMENDATION    That -**

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

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

- A.    Productivity Commission Review of Infrastructure Contributions Issues Paper

## **POLICY IMPACT**

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The Issues Paper has no policy impact. If reforms to the contributions system occur arising from recommendations issued by the Productivity Commission, these are likely to have policy impacts that could result in consequential amendments to Council's contributions plans.

## **FINANCIAL IMPACT**

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The recommendations of this issues paper do not commit Council to expending funds.

The review of the contributions process and associated financial and infrastructure mechanisms are likely to have a future financial impact if changes are implemented.

## **COMMUNITY IMPACT**

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The Issues Paper has no specific community impact at this stage. Council will continue to engage with the Productivity Commission to ensure its concerns are considered to ensure contributions continue to form part of Council's funding pool to deliver local level services and facilities to support growth and demand.

## DETAILED INFORMATION

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### Background

On 8 July 2020, the NSW Productivity Commission released an Issues Paper on the Review of Infrastructure Contributions in New South Wales on exhibition until 5 August 2020. This review was at the request of the Minister for Planning and Public Places.

A copy of the Issues Paper is contained at Attachment A.

It follows on from other legislative reforms in relation to infrastructure contributions that have occurred or been exhibited recently by the State Government. The review is intended to be complementary to these reforms and takes a much wider look at the contributions system than the other reforms. At this stage, it also has not made any specific recommendations for change to the system but is highlighting key issues with the current system.

The review is welcomed as there are issues with the existing contributions system and financing of local infrastructure that warrant attention and rectification.

The terms of reference of the review are:

- Review the infrastructure contributions system to determine whether it meets the objectives of certainty and efficiency while delivering public infrastructure required to support development.
- Make recommendations for reform aimed at delivering a principles-based system that delivers the infrastructure required to accompany growth.
- Identifies legislative regulatory changes necessary to implement the proposed reforms.

In examining the contributions system, the review is at a minimum to consider the following:

- Certainty and transparency for communities, local government and developers.
- The extent that contributions rates reflect efficient costs and the principle that beneficiaries should pay.
- The major cost drivers in the contributions system and how these factors can be managed.
- The relationship with local government funding and service provision.
- Implications for the volume and nature of the housing market and the delivery of public open space.

The goal of the review is to deliver a set of recommendations that will:

- Fund the infrastructure needed to support our growing communities
- Lead to an infrastructure contributions system this is simple to understand, transparent and principles-based
- Meet the objectives of certainty and efficiency to support our stakeholders and boost investment in New South Wales.

The outcomes from the public submissions and engagement activities will be used to inform and refine the design of a shortlist of reform options. These will be contained in the Final Report, planned for release later in 2020, for consideration by the Minister for Planning and Public Spaces.

In relation to the issues paper, feedback is invited and Council has until 5 August 2020 to make a submission.

### **Scope of the Issues Paper**

The Issues Paper has taken a broad approach in looking at the contributions system in NSW. It firstly looks at some key principles of a system. It notes that a well-functioning infrastructure contributions system should be based upon the principles of efficiency, equity, certainty, and simplicity, and finding a right balance between these principles.

The paper provides an overview of Infrastructure funding in New South Wales and examines the different types of contributions that exist, then looks at some further issues relevant to contributions.

### **Key emerging issues**

The Issues Paper highlights the following issues for further exploration with stakeholders:

- 1. Local government rate pegging** creates a financial disincentive for councils to accept growth and increases their dependence on other revenue sources such as infrastructure contributions.

**Council's position** – Rates is a major revenue source for Council and its ability to co-fund new infrastructure. Rate pegging restricts Council's revenue to support our growing population. However, Council rates are only one revenue source that fund infrastructure needs, and a holistic review of all revenue sources is needed.

Overall there is insufficient revenue to meet the community's infrastructure expectations. This is the core of the problem. There is not enough funding to maintain and replace existing assets, let alone the capital and life cycle costs of new assets.

A solution to this is to broaden the revenue base through:

- Relax or remove rate pegging in areas targeted for growth.
- Develop new funding sources based on sharing any unearned land value gains resulting from zoning or infrastructure decisions, such as value capture or a betterment levy.
- Ensuring that revenue from contributions is maximised and not restricted by artificial thresholds currently imposed at State Government level.

If the housing and job targets are known, this review must investigate all funding sources for Council to provide the necessary supporting infrastructure.

- 2. Rising infrastructure costs**—particularly through rising property prices—pose a financial risk to councils and developers by inflating the cost of contributions plans.

**Council's position** – All local infrastructure contributions plans should be made flexible to be allowed to incorporate land value based and construction cost indexes.

Over time, the land and construction costs in the plans become outdated and relevant indexes are required to reflect the changes in cost. The current Consumer Price Index issued by the Australian Bureau of Statistics does not adequately capture the real changes in cost.

- 3. Inconsistency in the application of s7.24 special infrastructure contributions** as a result of incremental and ad hoc changes may have limited their effectiveness in state infrastructure provision.

**Council's position** – Special Infrastructure Contributions by the State Government should not be prepared in isolation of Council's infrastructure contributions plans. An infrastructure that supports the future housing and jobs growth of a region should be implemented in conjunction with local infrastructure needs.

A single document should be prepared to outline all the infrastructure needs, cost and implementation responsibilities for a region. This will provide transparency to the community, State agencies, councils and developers.

- 4. 'Nexus' requirements in s7.11 contribution plans** add complexity and imposes administrative burden on councils in preparing local contributions plans. There is a clear need to find a balance between the principles of equity, efficiency and certainty that retains the best features of the current system but is more easily understood.

**Council's position** – It is agreed that s7.11 contributions plans are complex and resource-intensive. The alternative s7.12 contributions plans (with a fixed rate levy) are simpler and more flexible but rates are set low because there is no need to show nexus. The low rates makes their use unattractive because revenue collected is low and requires other funding to provide infrastructure.

For infill and middle ring councils, a higher fixed s7.12 levies is supported to capture the local contributions. For example, if the s7.12 levies were increased to 4-5% from the current 1% of the development cost, it would collect a similar contributions collected through s7.11 contributions plan. The fixed s7.12 levies could be differently applied for residential and non-residential developments.

The existing s7.11 contributions plans require co-funding of new infrastructure between Council and developers due to apportionment. Due to the restrictions on Council's funding sources, such as rate pegging, provision for new infrastructure is slow.

5. **Lack of principles in s.7.4 Planning Agreements** enables flexibility of planning agreements but creates uncertainty and undermines confidence in the planning system. While the Department has done some work to address this, questions remain about the role of planning agreements in a reformed infrastructure funding framework.

**Council's position** – Planning Agreements should be retained as part of the current suite of mechanisms for providing infrastructure. They are in particular valuable for providing infrastructure for unanticipated development, and addressing contribution matters not able to be dealt with in contributions plans.

A consistent approach in applying Planning Agreements is needed for all councils. However, until a betterment levy is established by the State Government, the use of the Planning Agreements should not be restricted to deny councils from applying a value sharing mechanism to fund local infrastructure.

6. **Lack of transparency and certainty** in the way contributions are calculated and spent on infrastructure provision needs to be addressed. There are opportunities to make better use of digital tools in project planning and when communicating costs, timing, and delivery to all stakeholders.

**Council's position** – A user friendly approach in informing the community about the contributions calculation and infrastructure project status is needed for all councils. This approach should be supported by funding from the State Government.

7. **Misalignment between contributions payments and delivery of infrastructure**, particularly as councils may wait for the full cost to be collected through the contributions plan instead of borrowing to fund timely delivery.

**Council's position** – The timely delivery of infrastructure requires simplification of the contributions system to allow Council to collect more revenue and to spend the contributions without co-funding from Council rates. The contributions system does not allow Council to pool contributions revenue without delaying other local infrastructure needs.

In addition, better oversight of the private certification system is required to ensure contributions are paid for complying development certificates and prior to construction certificates. There is little oversight and consequences to misconduct by private certifiers for not applying contributions amounts on the complying development certificates. This has led to no payment of contributions and places undue administrative pressure on Council to recover these payments.

This above matters are considered to be a good starting point, and contains some important issues for Council. Nonetheless there are further issues outside of this list that are also critical to Council, some of them not covered by the review.

A key issue that should be added to this list is the contributions system requires simplification. It is not easily understood except by specialised professionals. The system is multi-layered, fragmented, not transparent, and overly complex. Some potential reforms to achieve simplification are:

- State and local responsibilities be merged into a single, comprehensive infrastructure funding and delivery plan.
- Shift the focus away from deriving the contribution rate to efficient spending on the infrastructure priorities.
- Remove State imposed special infrastructure contributions and instead use a betterment levy or the like to fund a portion of the cost of state infrastructure.
- Introduce standardised procedures and charging – possibilities include:
  - works in kind procedures
  - indexing
  - timing of payments
  - infrastructure delivery reporting
  - higher fixed rate levies for all infill metro growth areas
  - standard contribution rates in greenfield areas

Simplicity should form one the key principles for a reformed contributions system along with efficiency, equity, and certainty.

It is noted that the Issues Paper only contains a limited overview of infrastructure systems from other states or countries, and does not appraise whether these systems may have advantages compared with the current NSW system (though it does give scope for comments in this respect). The likely indication of this is that future reforms will focus on improving what currently exists, rather than the introduction of a new system or methods to replace what currently exists.

### **Next steps**

It is important that the contributions system enables Council to provide for the efficient delivery of services with appropriate levels of funding.

On this basis, it is recommended that Council prepare a submission to the review incorporating the key issues identified in this report. This will ensure that relevant issues are brought to the attention of the Productivity Commission in their final recommendations on review into the contributions system.

The Issues Paper will be followed by a series of stakeholder roundtables with participation from NSW Government agencies, local government, industry, and community groups. It is also recommended that the Council requests to be invited to the industry roundtables to enable it to present relevant issues to the Productivity Commission.



## **6            POLICY MATTERS**

The following item is submitted for consideration -

- 6.1    Submission on the “Inquiry into the Problem of Feral and Domestic Cats in Australia” 63



### **ITEM 6.1                      Submission on the “Inquiry into the Problem of Feral and Domestic Cats in Australia”**

**AUTHOR                      City Future**

#### **PURPOSE AND BACKGROUND**

The Commonwealth is seeking submissions on the “the problem of feral and domestic cats and their impact on native wildlife and habitats across Australia.” The terms of reference for the Committee’s inquiry are broad and are seeking submissions based on eight key issues.

Working in partnership with the Southern Sydney Region of Councils (SSROC) a submission has been prepared for endorsement.

#### **ISSUE**

It is widely documented that the impact of feral cats in Australia is causing irreversible harm to our native wildlife and biodiversity. Feral cats can live in our towns and cities as well as in remote areas of the country. Feral cats and domestic cats are the same species *Felis catus*.

Council’s ability to address both the environmental and community concerns caused by straying cats (domestic and feral) is limited by existing legislation.

Under the current NSW Government’s *Companion Animals Act*, there are no specific clauses related to stray and feral cats in urban areas and provides very limited circumstances under which cats may be seized.

Cat-related harm in Canterbury Bankstown is primarily driven by domestic cats that are roaming or semi-owned or un-owned cats with no specific home. The term ‘feral cats’ generally applies to those in remote areas and is not relevant in most areas of CBCity.

#### **RECOMMENDATION**

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

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

- A.     CBC Submission on the “Inquiry into the problem of feral and domestic cats in Australia”

## **POLICY IMPACT**

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Council Policy regarding cat ownership and control would be updated to include any legislative changes that might result from the enquiry

## **FINANCIAL IMPACT**

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There is no financial impact from endorsement of this submission.

Any future funding impacts will be determined by the extent and nature of legislative change.

## **COMMUNITY IMPACT**

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The issue of cats and cat management causes significant community conflict. Council receives many complaints from residents in relation to cat control while other residents feed and support roaming cats. Best practice cat management requires communication and involvement of stakeholders in finding and implementing solutions.

## DETAILED INFORMATION

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Research indicates that the impacts cats, both feral and domestic, have on native wildlife is highly negative. In the context for Canterbury Bankstown the issue is primarily driven by domestic cats that are roaming or have no specific home. The term “feral cats” does not apply for most circumstances in our LGA.

In the Canterbury Bankstown LGA the impacts of domestic cats on native wildlife and biodiversity has been identified as a key issue.

The lack of enforced de-sexing and physical control of domestic and stray cats in the urban context has resulted in areas where there are colonies of cats with no identified owners. These cats often interact with other domestic cats and are often provided food by residents which provides them with the opportunities to increase their populations.

The ability for council to undertake any enforcement or control in regards to cats is very difficult as legislation only applies to an injured animal or where the cat may be in a food preparation area.

Complaints received by Council are very much seasonal, with the highest number of complaints being in the warmer months, which can be daily (breeding season). The majority of these complaints surround semi-owned and un-owned cat colonies, creating a nuisance within both residential and industrial areas of the Local Government Area. Most of the cats are not de-sexed, vaccinated or given parasite control. They serve as repositories for many feline diseases and their numbers expand rapidly when given access to food sources. The welfare of the individual cat and colonies are often poor.

### **Current Approach:**

Council’s approach to addressing community concerns regarding straying cats (domestic and feral) are very much limited by legislation. Council’s ability to trap stray or domestic cats is hampered by a lack of legislative control and welfare lobby groups who oppose this.

Council actively and effectively engages with its community to ensure the protection of its local environment and the continuous improvement of its business operations and services.

Council, in conjunction with the RSPCA provides subsidised companion animal de-sexing programs, such as the Companion Animal Welfare Scheme (CAWS). The program, now entering its fifth-year, targets community members that have not previously had the financial opportunity or welfare incentive to de-sex their companion animals (cats). The primary aim of CAWS is to humanely reduce the number of unwanted companion animals in a community by implementation of a subsidised means-tested de-sexing program, which may include community education and awareness programs.

A submission has been prepared based on the approach taken by the Southern Sydney Region of Councils (SSROC).

In summary Council's submission calls on the government to:

1. Declare feral cats as a 'pest species' under Federal and State legislation to drive urgent action and may assist in attracting resourcing for control programs in both urban and rural areas.
2. Expand or improve on the definition of domestic cats in urban areas to include unregistered, non-microchipped and semi-owned and un-owned cats as feral to assist with improved management and removal of animals from areas of high biodiversity value.
3. Reform the NSW State Companion Animal Act to include restrictions on the movement of owned and un-owned cats and greater power for Local Government to enforce these restrictions.
4. Align State and Local Government objectives under the Environment Protection and Biodiversity Conservation Act and to provide of the resources to achieve effective outcomes.

## **7 GOVERNANCE AND ADMINISTRATION MATTERS**

The following items are submitted for consideration -

7.1	Local Government Remuneration Tribunal - Determination of Mayor and Councillor Fees 2020/2021	69
7.2	Property Matter - Proposed Acquisition of Council Land by Georges River Council	73
7.3	Property Matter - Proposed Sale of 108 Crinan Street, Hurlstone Park	79
7.4	Cash and Investment Report as at 30 June 2020	85



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## Governance and Administration Matters - 28 July 2020

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### ITEM 7.1                      Local Government Remuneration Tribunal - Determination of Mayor and Councillor Fees 2020/2021

**AUTHOR**                      Corporate

#### **PURPOSE AND BACKGROUND**

Pursuant to Section 241 of the Local Government Act 1993, the NSW Local Government Remuneration Tribunal determines on an annual basis the amount of fees to be paid to mayors and councillors in each category of councils. In addition, Section 239 of the Local Government Act 1993 requires the Tribunal to determine the categories of councils at least once every three years. As the last review of categories was undertaken in 2017, the Tribunal undertook a review of the categories and allocation of councils as part of the 2020 review.

#### **ISSUE**

To advise Council of the determination by the NSW Local Government Remuneration Tribunal for Mayor and Councillor fees for the financial year 2020/21 and the categorisation of councils.

#### **RECOMMENDATION** That -

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

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

- A. LGRT - Annual Report and Determination 10 June 2020

## **POLICY IMPACT**

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The annual review and determination of Mayor and Councillor fees by the Tribunal are regulatory requirements as set by the Local Government Act. Under Section 248 and 249 of the Local Government Act 1993, Councils may fix the annual fees in accordance with the appropriate determination of the Tribunal, or otherwise the minimum fee will apply.

## **FINANCIAL IMPACT**

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Necessary funds for the Mayor and Councillors fees will be met from Council's 2020/21 budget.

## **COMMUNITY IMPACT**

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There is no community impact.

## DETAILED INFORMATION

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On 10 June 2020 in accordance with the Local Government Act the NSW Local Government Remuneration Tribunal determined the council categories and Mayor and Councillor fees for the financial year 2020/21.

### Categorisation of Councils

The Tribunal considered a number of submissions from councils requesting re-categorisation. Canterbury Bankstown Council made a detailed submission requesting a new category – Metropolitan Major highlighting factors such as Canterbury Bankstown is the largest Council in NSW in terms of population, the ratio of constituents to Councillor compared to other councils and the need for council to make significant planning decisions having regard to employment and housing targets set by the NSW State Government.

The Tribunal determined that Canterbury Bankstown was appropriately categorised and should remain as Metropolitan Large.

### Councillor Fees

In determining Councillor fees, the Tribunal must give effect to the NSW State Government Wages Policy. In its 2020 review the Tribunal also considered:

- a number of submissions from councils
- economic and social conditions such as the impact of recent bushfires and the current COVID 19 pandemic

The Tribunal determined that there be no increase in the minimum and maximum fees applicable to each existing category of councils for 2020/21.

A copy of the Tribunal's determination is attached (Attachment A).

The determination was gazetted in the NSW Government Gazette on 12 June 2020 and will be effective on and from 1 July 2020.

As part of the 2019 Canterbury Bankstown Deputy Mayoral election process, Council agreed that 20% of the Mayor's additional fees be allocated to the Deputy Mayor for the term of office. The current fees will remain to reflect Council's determination.



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## Governance and Administration Matters - 28 July 2020

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### **ITEM 7.2                      Property Matter - Proposed Acquisition of Council Land by Georges River Council**

**AUTHOR                      Corporate**

#### **PURPOSE AND BACKGROUND**

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To seek Council's concurrence to a proposal from Georges River Council ("GRC") to compulsorily acquire a parcel of land owned by Canterbury-Bankstown Council, which is located in the Georges River local government area.

The subject land is Lot 12 DP 1038625, a parcel of 5,857m<sup>2</sup>, which comprises a significant portion of Tallawalla Reserve in Tallawalla Street, Beverly Hills, as show on the aerial further in the report. The subject land is maintained by GRC.

By way of background, in 2011, Canterbury City Council and Hurstville City Council were parties to a jurisdictional boundary alteration involving reciprocal compulsory acquisitions of community-classified land holdings adjacent to the M5 motorway.

Canterbury City Council resolved at its Ordinary Council meeting on 26 September 2013 to approve the compulsory acquisition process for property affected by the boundary adjustment between the two Councils (refer attached report).

Despite concluding a resumption of all other affected Canterbury Council land, the subject land was omitted from the Government Gazette Notice of resumption published by Hurstville City Council – believed to be as a result of some uncertainty regarding the final configuration of the motorway corridor situated around the Reserve.

#### **ISSUE**

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To finalise/complete the 2011 land swap, GRC is proposing to compulsorily acquire the subject land on the same terms for nominal compensation of \$1, as previously agreed to by the former Council's.

#### **RECOMMENDATION    That -**

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

## **ATTACHMENTS**

[Click here for attachment](#)

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- A. Council Resolution: BOUNDARY ADJUSTMENT: COMPULSORY ACQUISITION OF LAND

## **POLICY IMPACT**

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The recommended action has no significant policy impact.

## **FINANCIAL IMPACT**

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The recommended action will have no financial implications for Council.

## **COMMUNITY IMPACT**

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The recommended action will have no significant community impact as the land will still be available for public recreation activity for Canterbury Bankstown Council residents to the same extent it is currently.

## DETAILED INFORMATION

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### Background

A local government area boundary change between the Canterbury City Council and Hurstville City Council was proclaimed in the NSW Government Gazette on 14 November 2011 – particularly as a result of the construction of the M5 Motorway.

As part of the 2011 boundary adjustment, Canterbury City Council and Hurstville City Council agreed to “swap” their respective pieces of community land and that if either Council were to effect a commercial transaction with property the subject of the land swap, the proceeds would be shared equally between the two Councils. This arrangement was to be formalised by registering restrictive covenants on the titles to the relevant lots.

At its meeting on 26 September 2013, the former Canterbury City Council resolved to approve the compulsory acquisition process for property affected by the boundary adjustment between the two Councils. The list of properties that were transferred between the two Councils are noted in the attached report.

The land the subject of GRC’s request has an area of 5,857m<sup>2</sup> and is identified as Lot 12 DP 1038625, being the residue of Lot 1462 DP 13705, known formerly in the former Canterbury LIS as “35 Eumina Street”. The lot was created following the resumption by RMS in 2002 of an area of approximately 4,500m<sup>2</sup> for the M5 East motorway.

As part of the negotiations between the Councils in the making of the joint Local Government Boundaries Commission submission seeking the boundary alteration, it was agreed that following the boundary change:

- both Councils’ community-classified public land proprietorship in the affected areas be mutually transferred;
- the transfers be effected by reciprocal compulsory acquisitions;
- both Councils waive their entitlement to compensation; and
- both Councils retain rights to 50% of any proceeds from any commercial transaction either Council in future effects with any of the land it acquired from the other Council.

Following the 2011 Proclamation, reciprocal compulsory acquisitions by both Councils were completed consistent with the above terms except for Lot 12 DP 1038625, the subject of this report. It is possible that this omission was deliberate, not inadvertent, due to the RMS land acquisition and expressway construction occurring at the time.

### Compulsory Acquisition - Tallawalla Reserve

Agreement to the request from GRC is considered reasonable in the circumstances to give effect to the previous agreement made between Canterbury City Council and Hurstville City Council.

It is recommended that Lot 12 DP 1038625 be acquired by GRC for nominal compensation (\$1) and that the Mayor and General Manager be authorised to execute all documents under the Common Seal of Council, as required.

Councillors should note that whilst the Reserve is in Council's ownership, it is and has been maintained by Georges River Council (and previously Hurstville Council), since its construction.

As is the case for all other sites, the registration of a restrictive covenant, to cover any future sale and/or dealing to require proceeds to be shared, will be required.

Aerial showing site, part of Tallawalla Reserve in Tallawalla Street, Beverly Hills





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## Governance and Administration Matters - 28 July 2020

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### **ITEM 7.3                      Property Matter - Proposed Sale of 108 Crinan Street, Hurlstone Park**

**AUTHOR                      Corporate**

### **PURPOSE AND BACKGROUND**

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The purpose of this report is to seek Council's approval to sell 108 Crinan Street, Hurlstone Park (Lot 10 DP 5924).

This property was acquired from the Hurlstone Park Community Centre Inc (HPCC Inc) following the destruction by fire of the former building on the site in 1979. On acquisition, Council agreed to re-establish a community facility elsewhere in Hurlstone Park.

Council resolved on 30 April 2019 to proceed with detailed design for a community meeting space at the Hurlstone Park Memorial Reserve.

Separately, on 26 November 2019 Council resolved to seek agreement from the sole surviving trustee of HPCC Inc to sell the property and put the proceeds towards the construction of the new community facility at Memorial Reserve 35-41 Crinan Street, Hurlstone Park. The trustee has agreed to Council's request.

### **ISSUE**

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Since acquiring the property, Council has been unable to identify a suitable/alternative site upon which to accommodate a community facility satisfactory to the trustees of HPCC Inc.

Council's recent decision to construct a facility at Memorial Reserve provides an opportunity to satisfy the HPCC's objectives.

Given the above, this report now seeks Council's endorsement to:

- authorise the General Manager to sell 108 Crinan Street, Hurlstone Park;
- direct the sale proceeds to constructing the new facility; and
- consider other improvements in the Hurlstone Park Town Centre / Ewen Park area, in due course.

### **RECOMMENDATION    That -**

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1. Council agree to the sale of 108 Crinan Street, Hurlstone Park, as outlined in the report.
2. The General Manager be authorised to sell the property based on the parameters, as outlined in the report.

3. The Mayor and General Manager be authorised to execute all documents under the Common Seal of Council, as required.
4. Council's 2020/21 Budget be adjusted to reflect relevant funding adjustments, as outlined in the report.
5. A further report, outlining other and/or future improvements in the Hurlstone Park / Ewen Park area, be provided to Council for its consideration in due course.

## **ATTACHMENTS**

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Nil

## **POLICY IMPACT**

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Adoption of the report's recommendation will have no impact on Council policy other than to fulfil a previous policy intention of Council with respect to the land.

## **FINANCIAL IMPACT**

---

Adoption of the report's recommendation will provide relevant funding to assist with constructing a new community facility on Hurlstone Park Memorial Reserve.

## **COMMUNITY IMPACT**

---

Adoption of the report's recommendation will fulfil the original obligations of the Trustee that if the land was sold, the proceeds would be used for establishing a community centre in the vicinity of 108 Crinan Street.

## DETAILED INFORMATION

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### ***Hurlstone Park Community Room***

In 2018, Council developed the Ewen Park Improvement Plan which outlined possible works and improvements to community assets in Hurlstone Park at the Ewen Park site. This included the scale and type of future community meeting place/facility for the Ewen Park site and/or other Hurlstone Park sites.

In April 2019, following extensive community consultation, Council resolved to proceed with detailed design and construction of a community meeting space at Hurlstone Park Memorial Reserve.

The project aims to provide the Hurlstone Park community with a new community meeting room and associated covered outdoor breakout space. The meeting room will include toilet facilities, a kitchenette and equipment/furniture storage. Additional works will include making good existing mature landscaping and fencing, an area of new landscaping associated with the community room, external lighting and car parking, as required.

This building will provide the community of Hurlstone Park with a diverse and inclusive community hub, which is flexible in use and sited to respond to the past and present heritage, environmental constraints of the site and future sustainability initiatives of Council and community.

The proposed building provides the community with a much needed place for gathering which is accessible to all and enhances safety through passive surveillance. While it is intended that the main functional spaces will be available to the community on a hire basis, the building will be sited and designed to provide optimal benefit for the whole of community at any given time.

The April 2019 report also noted the benefit of this proposal; it could be part funded from the proceeds from the sale of 108 Crinan Street (this being a condition of sale of that site) that was dedicated for the purpose of a community facility in Hurlstone Park.

### ***108 Crinan Street, Hurlstone Park***

108 Crinan Street is located on the corner of Crinan and Melford Streets Hurlstone Park (refer attached aerial photo). It is classified operational and zoned R3 Medium Density Residential with an area of 554.7m<sup>2</sup>. The property is vacant, turfed and fenced on two sides.

By way of background:

- The property was formerly owned by the Congregational Union of NSW as a site for a church hall;
- In 1976, the property was purchased by the Trustees of the Hurlstone Park Community Centre with funds from the Australian Assistance Programme.
- Unfortunately in 1979, the building was destroyed by fire;

- In 1983, the Trustees of the Community Centre agreed (subject to a Council commitment regarding a restriction on the use of funds from its sale) to transfer ownership of the land to Council. The land was subsequently transferred to Council on payment of \$1 to the trustees; and
- The land transfer required Council to seek the approval of the trustees prior to any sale of the land, and that if the land was sold, the proceeds be used to establish a community centre in the vicinity of 108 Crinan Street.

An aerial photo showing the location of 108 Crinan Street, Hurlstone Park appears below.



Previously, Council had been unable to identify a site to accommodate a community facility satisfactory to the trustees of HPCC Inc. In November 2019, Council resolved to *“approach the Trust of 108 Crinan Street, Hurlstone Park to seek feedback on the possible sale of the property to fund the Community Space in Hurlstone Park Town Centre.”*

Following Council’s resolution, concurrence was received from the sole surviving trustee of the HPCC Inc to the property’s sale and the use of sale proceeds as a funding source for the proposed new community facility at Memorial Reserve.

### ***Construction and Funding***

The required development application for the new community meeting space at Hurlstone Park Memorial Reserve is currently being assessed by Council and will be referred to the Local Planning Panel for its consideration.

Subject to there being no issues, it is anticipated that Council will commence the required tendering process and in turn its construction over the coming 12-18 months.

At present, Council’s 2020/21 Operational Plan includes an amount of \$1.4M to construct the facility. The funding of the project does not currently rely on funding of the sale of 108 Crinan Street.

Subject to its consideration/approval and in satisfying the Trustees requirements, Council's budget will be adjusted to redirect the proceeds of the sale of 108 Crinan Street to fund the new facility.

In turn, any net remaining funding from the original allocation for the project (\$1.4M) will be restricted and made available for other improvements in the Hurlstone Park Town Centre/Ewen Park area. The specific nature and/or type of project will be subject to a further report to Council, particularly when it is clear as to the extent of remaining and/or available funding.

### ***Sale Process***

Having regard to the requirements of the Local Government Act it is proposed that:

- Council agree to the sale of 108 Crinan Street, Hurlstone Park;
- The General Manager (GM) or his delegate, be authorised to sell the property on Council's behalf. In doing so, the GM will engage a suitable agent to assist with both marketing and determining the most advantageous method of sale of the property - at the most opportune time;
- Separately, the GM will rely on an independent valuation from one of Council's panel of registered Valuer's in setting a sale and/or reserve price (if method of sale is determined to be by auction) for the property; and
- The Mayor and GM execute all documents under the Common Seal of Council, as required.

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## Governance and Administration Matters - 28 July 2020

---

### ITEM 7.4                      Cash and Investment Report as at 30 June 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 June 2020.

#### **RECOMMENDATION**    That -

1.     The Cash and Investment Report as at 30 June 2020 be received and noted.
2.     The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

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

- A.     CPG Research & Advisory June 20 Monthly Investment Report

## **POLICY IMPACT**

---

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

## **FINANCIAL IMPACT**

---

Interest earned for this period has been reflected in Council's financial operating result for this financial year. Council's annual budget will be reviewed, having regard to Council's actual returns, as required.

## **COMMUNITY IMPACT**

---

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

## DETAILED INFORMATION

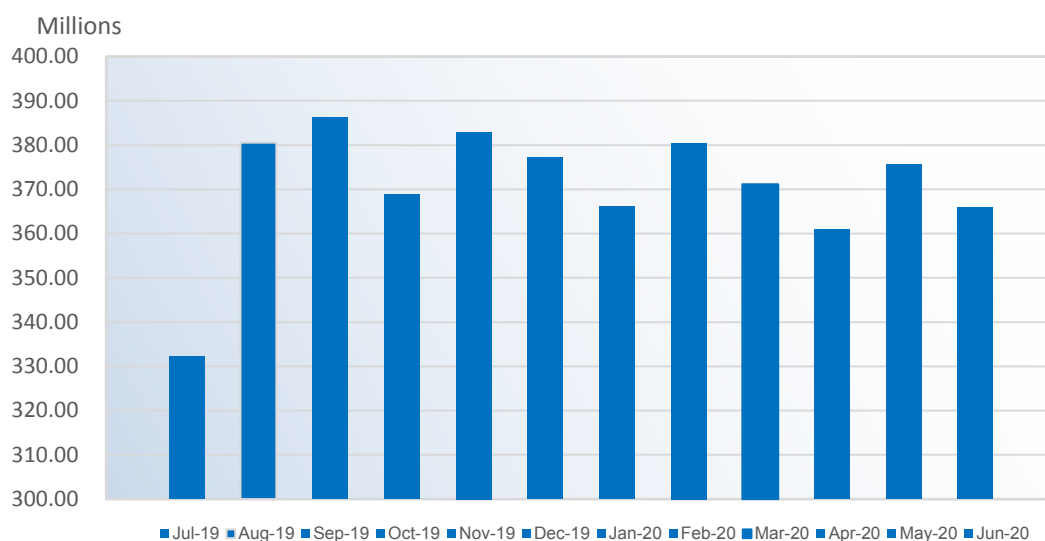
### Cash and Investment Summary – as at 30 June 2020

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

<b>Cash and Investments</b>	<b>\$</b>
<b>Cash at Bank</b>	1,966,473
<b>Deposits at Call</b>	43,807,828
<b>Term Deposits</b>	254,921,000
<b>Floating Rate Notes</b>	65,255,553
<b>Total Cash and Investments</b>	<b>365,950,854</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 June 2020 is as follows:

<b>Interest Income</b>	<b>June 2020 \$</b>	<b>Year-to-date June 2020 \$</b>
<b>Budget</b>	740,417	8,885,000
<b>Actual Interest</b>	634,748	8,359,677
<b>Variance</b>	(105,669)	(525,323)
<b>Variance (%)</b>	(14.27%)	(5.91)

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>	13	100
<b>Working Capital Funds (0-3 months)</b>	13	100
<b>Short Term (3-12 months)</b>	20	100
<b>Short – Medium (1-2 years)</b>	23	70
<b>Medium (2-5 years)</b>	31	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>	12
<b>Term Deposits</b>	69.7
<b>Floating Rate Notes</b>	17.8
<b>Total Cash and Investments</b>	100%

## **8 SERVICE AND OPERATIONAL MATTERS**

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



## **9 COMMITTEE REPORTS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 9.1 | Minutes of the Audit Risk and Improvement Committee meeting held on 10 June 2020 | 93 |
| 9.2 | Minutes of the Traffic Committee Meeting held on 14 July 2020                    | 97 |



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## Committee Reports - 28 July 2020

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**ITEM 9.1**                      **Minutes of the Audit Risk and Improvement Committee meeting held on 10 June 2020**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

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In accordance with the Local Government Guidelines for Internal Audit, issued under section 23A of the *Local Government Act 1993* (NSW), Canterbury Bankstown Council has an established Audit Risk and Improvement Committee.

### **ISSUE**

---

The consider the minutes and recommendations of the meeting of the Audit Risk and Improvement Committee held on 10 June 2020.

### **RECOMMENDATION**

---

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

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

---

- A.     Minutes of the Audit Risk and Improvement Committee meeting held on 10 June 2020

## **POLICY IMPACT**

---

The reporting of the Minutes of the Committees meetings to Council complies with the requirements of the Internal Audit Guidelines (for Local Government) and the approved Audit Risk and Improvement Committee Charter.

## **FINANCIAL IMPACT**

---

There are no financial impacts arising from the recommendations of the Committee.

## **COMMUNITY IMPACT**

---

Council will maintain an independent Audit Risk and Improvement Committee in accordance with the local government guidelines.

## DETAILED INFORMATION

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Matters arising from the meeting that may be of particular interest to Council include:

- Item 5.4 –the new four year Strategic Internal Audit Plan for Council has been deferred to 2021. This Plan is designed to align with the Council term, therefore in light of the postponement of the local government elections and subsequent new term of Council the new Plan will be finalised in accordance with the revised election timetable.



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## Committee Reports - 28 July 2020

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**ITEM 9.2**                      **Minutes of the Traffic Committee Meeting held on 14 July 2020**

**AUTHOR**                      **Operations**

### **PURPOSE AND BACKGROUND**

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Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 14 July 2020.

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

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

### **ISSUE**

---

Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

### **RECOMMENDATION**

---

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

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

---

A.     Minutes of the Traffic Committee 14 July 2020

## **POLICY IMPACT**

---

This matter has no policy implications to Council.

## **FINANCIAL IMPACT**

---

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

## **COMMUNITY IMPACT**

---

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

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

The following items are submitted for consideration -

10.1 Notice of Motions	101
10.2 UWS Milperra Site	103
10.3 Denouncing Hate Speech	105
10.4 Child Wellbeing	107
10.5 M5 East Toll	109
10.6 Harsher Penalties for Private Certifiers	111
10.7 Footway Dining	113
10.8 Save NSW Koalas	115
10.9 Heavy Vehicle Parking	117
10.10Smith Park Basketball Court	119
10.11Encouraging Play in our Streets	121



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## Notice of Motions & Questions With Notice - 28 July 2020

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

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

### **ISSUE**

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

### **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 Update Table
- B. Outgoing correspondence in relation to Notice of Motions
- C. Incoming correspondence in relation to Notice of Motions



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## Notice of Motions & Questions With Notice - 28 July 2020

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### ITEM 10.2

### UWS Milperra Site

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

“That Council writes to the Minister for Education, requesting an urgent briefing on the matter of the UWS Milperra Campus.”

### BACKGROUND

---

As you would all recall, this is the third occasion I have brought this matter to the Chamber, having previously raised it in December 2019 and May 2020.

In late June, and as you will read in this business paper, Council finally received a response from the Parliamentary Secretary for Education, not the Minister, to our enquiries about the UWS Milperra site.

To paraphrase that response, the Minister has met with the Member for East Hills, back in early December I note, so there is no need for the Minister or the Department to meet with Council or indeed even share what plans there may or may not be for the site.

That is all very well and good, to keep the local Member abreast of issues in their electorate, but that does not, or should not relieve the Department of their duty to inform Council about what is going on, let alone indeed consult us on their intentions or otherwise. What is the Department’s concern or fear in sharing with Council and the community what their plans are?

This simply does not pass the pub test and I am asking Council to write again to the Minister for Education, requesting an urgent briefing on the matter.

### GENERAL MANAGER’S COMMENT

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.3                      Denouncing Hate Speech**

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

“That Council -

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

### **BACKGROUND**

---

Earlier this month, we would have all been shocked to hear Senator Pauline Hanson’s awful commentary on the residents of the Melbourne high-rise towers that were the epicentre of Victoria’s second wave of COVID transmission.

I will not give life to those comments by repeating them, but they were grossly unfair, discriminatory and served only to illicit fear of and hatred toward the already marginalised communities that live there.

There is no place for such public discourse in our Country, at this time or indeed at any time. I feel that to remain silent on such an issue is to give implicit endorsement of the sentiments expressed. We should not stand for this. We need to denounce such public discourse for the divisive and vilifying speech that it is.

Furthermore, I would ask Council to also write to the Australian Human Rights Commission, to note our opposition to and concern for such speech and to express our concerns at the apparent increased occurrences of such speech.

### **GENERAL MANAGER’S COMMENT**

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.4            Child Wellbeing**

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

“That Council

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

### **BACKGROUND**

---

Throughout this pandemic, with so much uncertainty, job loss and anxiety, I have seen too many children neglected of all but basic shelter and food; robbed of their right to a happy and joyful childhood, one that will see them grow and develop into confident young members of our society.

To add insult to injury, this year, Youth Week coincided with the peak of restrictions in place in response to the pandemic, further robbing our children of the opportunity to come together.

I am sure that this story is repeated across Sydney, making the reversal of this trend a job larger than any one council can or should have to manage. It is schools that are best placed to disseminate messages of wellbeing and fulfilling childhoods. Parents, caregivers and children need to hear these messages from institutions they trust.

The NSW Government has the resources and the reach, via schools, to speak to virtually every family, in a community setting and in their language. It is their responsibility therefore to make sure this message is heard.

### **GENERAL MANAGER’S COMMENT**

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### ITEM 10.5

### M5 East Toll

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

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

### BACKGROUND

---

It has been called “toll mania” and I believe the Premier has even used this phrase herself, to describe her Government’s decision to introduce a toll on the M5 East and abandon any toll-free period for the new M8.

I understand that it may all be a big joke to the Premier, and her MPs, but the reality for our residents is that this move, particularly the new toll on the old M5, could mean thousands of dollars a year out of pocket. And if you’re a small business owner with a larger vehicle, I wouldn’t be surprised if this cost might run into the tens of thousands.

That’s no small change, particularly at this time with so much uncertainty and so much anxiety about household finances. And for our small businesses, this is just another overhead that will reduce their competitiveness and have to be passed on to their clients.

So what is a family to do if they can’t afford this extra whack to their household budget?

My very real concern is that we will see more and more traffic pushed onto our local roads, leading to increased congestion, deteriorating safety and a lowering of our residents’ quality of life.

The Government need to reverse their decision to slug residents of the Southwest a brand new toll to travel on an old road and at least introduce a toll-free period to assist people with the current uncertainty and allow them to get used to the M8.

### GENERAL MANAGER’S COMMENT

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### ITEM 10.6

### Harsher Penalties for Private Certifiers

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

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

### BACKGROUND

---

In June last year I moved a motion calling for greater enforcement of disciplinary measures for Private Certifiers. Since then, the NSW Government introduced the Building and Development Certifiers Act and Regulation on 1 July 2020 to regulate certifiers (building surveyors, certain engineers, swimming pool inspectors, and strata and subdivision certifiers).

While there are some improvements in the increased powers to penalise dodgy certifiers, require registration compared with accreditation and so forth, they have once again failed to go far enough to prevent good people continuing to be harmed by the very small minority of Private Certifiers who do the wrong thing and do so without fear of being penalised.

I am once again calling on the NSW Government to introduce harsher penalties for Private Certifiers who fail to act appropriately in discharging their duties.

### GENERAL MANAGER’S COMMENT

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.7                      Footway Dining**

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

“That Council encourages businesses to utilise footway dining, where possible, to assist with social distancing.”

### **BACKGROUND**

---

Council has already put in a tremendous effort to work with and relieve some of the financial pressures from eateries that currently utilise footway dining. This has included the waiver or deferment of fees or charges and proactivity around expanding existing footway dining to ensure social distancing is achieved and observed.

But there are many eateries that do not currently have footway dining, but for whom expanding out onto the footpath may very well be the difference between remaining a viable business and not.

I would like Council to encourage these businesses to consider the range of benefits and the concessions Council has introduced to assist with ensuring as many of our eateries are still there on the other side of this pandemic.

### **GENERAL MANAGER’S COMMENT**

---

Council will utilise its existing communication channels and opportunistic engagement with such eateries to draw their attention to the opportunities and possibilities, where it is appropriate, to employ footway dining as a means to achieving social distancing.

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.8            Save NSW Koalas**

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

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

### **BACKGROUND**

---

The impact of the last bushfire season has made the plight of NSW koalas more urgent. This comes on top of other serious threats to koala populations such as climate change, urban growth and loss of vital habitat and wildlife corridors through clearing.

Disturbingly, recent reports suggest that the rate of koala habitat destruction has increased, not decreased, since the species was declared vulnerable in 2012.

A recent cross party Legislative Council inquiry report into koala populations and habitat in NSW found that the current NSW Koala Strategy fails to meet the NSW Chief Scientist's recommendations regarding a whole of government approach to koala protection, and fails to protect koala habitat and populations.

Koala populations in NSW will become extinct before 2050 unless urgent steps are taken to align planning, forestry, land clearing and offsetting policies to ensure that koala habitat is protected. We can't let this happen. It's up to us to ensure this iconic species continues to enjoy its position as a key part of our ecosystems, as it has done for millennia.

The Inquiry's recommendations included the establishment of a new Koala National Park along the Upper Georges River, from about Macquarie Fields south to Appin. In addition to preserving vital koala habitat, there would no doubt be secondary benefits even for own communities through improved water quality.

This is a promising development and I urge Council to support the establishment of the new Koala National Park along the Georges River.

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

---

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



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.9                      Heavy Vehicle Parking**

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

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

### **BACKGROUND**

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The community have expressed increasing concern at the apparent increase in rates of heavy vehicles parking illegally in residential streets.

Heavy vehicles parked in such a manner are not just breaking the law, if they stay for longer than the hour allowed, but increase the danger to residents, pedestrians and other motorists.

It remains to be seen whether there is indeed an increased incidence of this sort of anti-social behaviour, which is why I seek Council investigate whether there has been an increase in complaints about heavy vehicles parking in residential streets and, where warranted target compliance action.

### **GENERAL MANAGER’S COMMENT**

---

Council staff undertake regular formal and informal targeted enforcement of heavy vehicle parking violations, along with other parking infringements. Council staff can undertake this work as part of Council’s ongoing regulatory operational activities.



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## Notice of Motions & Questions With Notice - 28 July 2020

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### **ITEM 10.10          Smith Park Basketball Court**

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

“That Council considers the enclosure of the Smith Park basketball court and provides advice on the acoustics of the new surface.”

### **BACKGROUND**

---

The Construction of the Smith Park Basketball Courts at East Hills is a great asset to the community and a credit to Council.

However, I have received local resident concerns regarding the usage times of these Courts. Reports of use after 9.00pm and the related noise created can have a very negative effect on the amenity of nearby residents.

By constructing a fence around these courts opening and closing times could be regulated in the best positive interest of the community.

### **GENERAL MANAGER’S COMMENT**

---

As noted, following the resurfacing of the Smith Park Basketball Court, local residents have responded positively by using the space for recreation. This has, no doubt, been compounded by COVID-19, given that it was one of the few available courts in southwest Sydney during the pandemic and there was a greater number of children and youths with free time on their hands.

Enclosing the court is estimated to have a capital cost of \$25,000 and ongoing operational costs of approximately \$3,000 per year. However, Council’s experience with other, similarly fenced facilities is that there is, relative to the capital and operational costs, a high maintenance cost owing to continued vandalism and forced entry.

Further, it has also been Council’s experience that the efficacy of fencing is limited, proving to have little deterrence and in some instances contributes to a worsening of anti-social behaviour. Furthermore, if individuals are using the courts at the time of closure, unless they voluntarily leave, it would not be possible to lock the gates. Councils in NSW lack any move on powers and, practically, cannot fine individuals for disobeying Notices controlling such activities. On the other hand, NSW Police can.

At its core, this is a policing and enforcement issue. Fencing the court will not eliminate this and will likely increase the chance of conflict. Council will continue to work with the Local Area Command to raise the level of enforcement from NSW Police.

With respect to the acoustics, the court surface manufacturer advise it provides up to a 9dB reduction in volume of ball bounce.

When this matter was considered at the June 2020 meeting, Council resolved to defer it in order to consider the funding commitment from the Hon David Coleman MP, made known through information tabled at the Council Meeting.

It appears Mr Coleman made the commitment to the Bankstown City Netball Association (refer Torch article 27, March 2019) that he would provide funding to light the basketball court at Smith Park as part of his 2019 Federal Election Commitments.

The first time Council was made aware about this commitment, was in the Torch. Council have since been made aware that this funding is being reallocated to works at Deverall Park netball courts. It is unclear through what program or what process this was provided in the first instance or moved now. Nevertheless, lighting of these courts is no longer being proposed by the Hon David Coleman MP and it has never been proposed by Council.

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## Notice of Motions & Questions With Notice - 28 July 2020

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### ITEM 10.11      Encouraging Play in our Streets

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

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

### BACKGROUND

---

I am sure we all remember, as children, playing on the street: cricket, footy or riding our bikes. These days, unfortunately, this has largely disappeared. I am aware of a study in 2011 that found 73% of adults said they played on the street when they were children, compared with only 24% of their kids.

1000 Play Streets is a national movement to support Australians and encourage local streets as places to come together with neighbours and play, to improve the health and wellbeing of individuals and communities (#1000PlayStreets). Play Streets create spaces for play in the local area by temporarily closing streets to through traffic.

Play Streets happen for short periods of time when roads are generally quiet and largely encourage kids to direct their own play. They aim to encourage a sense of community and facilitate social wellbeing and health benefits for the local neighbourhood. They make the most of under-used road space, creating new ways for kids and adults to be active while fostering stronger neighbourhood connections.

Play Streets have been successful in a number of cities worldwide, including in the UK and USA, and a number of councils in Melbourne and Perth have begun to offer permits to their residents (see [www.playstreetsaustralia.com](http://www.playstreetsaustralia.com) and [www.playaustralia.org.au/1000-play-streets](http://www.playaustralia.org.au/1000-play-streets) for more information).

Covid has given us a glimpse of what our streets and neighbourhoods could be: vibrant and active places with life. I would like to see street play incorporated into Council's future plans and strategies as a priority.

## **GENERAL MANAGER'S COMMENT**

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There are no cost implications arising from the proposed motion, as written. Council's draft 2020-21 Operational Plan contains a number of initiatives targeting the activation of our streets and neighbourhoods, which align with the proposed motion, including the Urban Intervention Program and Streets Design Manual. Additionally, Council has submitted an application to the Streets as Shared Spaces, the NSW Government's program for piloting street activation.

## **11            CONFIDENTIAL SESSION**

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

11.2 T73-20 Milperra Drain Masterplan Works Stage 11 Part 2

# **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 EOI 02-20 Canterbury Leisure & Aquatics Centre and Max Parker Leisure & Aquatics Centre**

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

**Item 11.2 T73-20 Milperra Drain Masterplan Works Stage 11 Part 2**

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