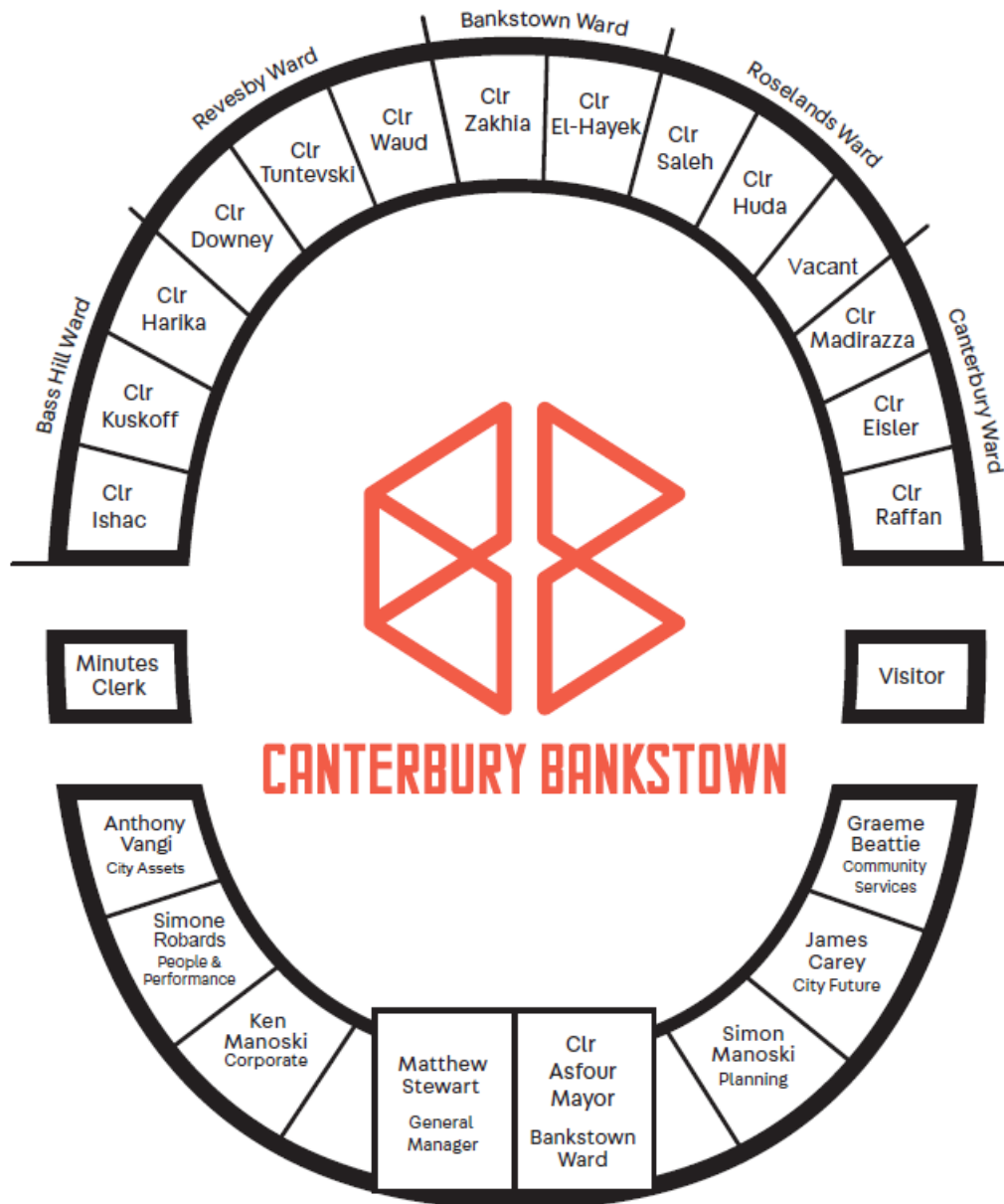




AGENDA FOR THE ORDINARY MEETING

24 August 2021

Gallery



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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

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| 1.1 | Minutes of the Ordinary Meeting of Council of 27 July 2021 | 7 |
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CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 JULY 2021

PRESENT: His Worship the Mayor, Councillor Asfour
Councillor Tuntevski

PRESENT BY AUDIO

VISUAL LINK: Councillors Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Huda, Saleh, Madirazza, Harika

APOLOGIES: Councillor Eisler

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

COUNCILLORS ATTENDING REMOTELY

(1350)

CLR. ISHAC:/CLR. MADIRAZZA

RESOLVED that permission be granted to Councillors Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Huda, Saleh, Madirazza and Harika to attend the meeting remotely by zoom.

- CARRIED

ACKNOWLEDGEMENT OF COUNTRY

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

REF: CONFIRMATION OF MINUTES

(1351)

CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that the minutes of the Ordinary Council Meeting held on 22 June 2021 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(1352)

CLR. TUNTEVSKI:/CLR. RAFFAN

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

- CARRIED

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

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Mayor Asfour declared a non-significant, Non Pecuniary Conflict of Interest due to his role as Mayor where he is an Honorary Patron of one of the recipients of a community grant and advised that it would not affect his consideration of the item and will remain in the Chamber.

In respect of Item 4.7 – Refugee Support, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest given his association with the LMA and as such he will vacate the meeting taking no part in debate.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr El-Hayek similarly declared a significant, Non Pecuniary Conflict of Interest due to his association with a number of the recipients of a community grant due to the community work he undertakes. As such he will vacate the meeting taking no part in debate.

In respect of Item 4.7 – Refugee Support, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest given that a family member is employed by the LMA and as such he will vacate the meeting taking no part in debate.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr Saleh similarly 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 as such she will vacate the meeting taking no part in debate.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr Zakhia declared a significant, Non Pecuniary Conflict of Interest due to his close relationship with a number of recipients of community grants and as such he will vacate the meeting taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 CHARITY BALL - ASFOUR
(1353) CLR. ASFOUR

RESOLVED that

1. Council support a Mayoral Charity Dinner to be held in October this year.

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2. Funds raised from the 2021 Mayoral Charity Ball be donated to Biyani House.
- CARRIED

ITEM 4.2
(1354) **COVID SUPPORT - ASFOUR**
CLR. ASFOUR

RESOLVED that Council

1. Write to the Premier and Treasurer outlining the bottom-line cost of COVID which our Council absorbed and urge the NSW Government to reimburse this \$20 million dollars directly to those ratepayers in our city who have suffered hardship as a result of this latest lockdown.
2. Also write to the Prime Minister and Treasurer calling on them to reinstate Jobkeeper and offer further support and incentives to our local businesses.
3. Support the relief package outlined in the Mayoral Minute.

- CARRIED

ITEM 4.3
(1355) **COVID THANK YOU**
CLR. ASFOUR

RESOLVED that Council send out a huge shout out to residents of Canterbury Bankstown for all they are doing to stop the spread of Covid by staying at home, getting tested and getting vaccinated.

- CARRIED

ITEM 4.4
(1356) **LOCAL GOVERNMENT PORTFOLIOS**
CLR. ASFOUR

RESOLVED that Council write to the Prime Minister expressing Council's disappointment at the decision to scrap the local government ministerial portfolio and call on him to reinstate the position immediately, in the best interests of not only our City but all LGAs across the country.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
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ITEM 4.5 **INFRASTRUCTURE CONTRIBUTIONS REFORM**
(1357) **CLR. ASFOUR**

RESOLVED that Council writes to the Chair of the upper house Parliamentary Inquiry into Infrastructure Contributions Reform outlining our concerns and highlighting the blatant attempt by the Government to create a “back door” tax to pilfer money from local communities to prop up their own balance sheets.

- CARRIED

ITEM 4.6 **LOCAL COMMUNITY BASED DONATIONS**
(1358) **CLR. ASFOUR**

RESOLVED that

1. Council support OzHarvest Hamper Hub by way of \$378.00 donation to help with covering the costs of hire fees for Lakemba Senior Citizens Centre.
2. Council support the Australian Lebanese Independent Forum by way of \$750.00 donation to help cover half of the costs of hire fees for Bryan Brown Theatre.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

ITEM 4.7 **REFUGEE SUPPORT**

In respect of Item 4.7 – Refugee Support, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest given his association with the LMA and as such he vacated the meeting taking no part in debate.

In respect of Item 4.7 – Refugee Support, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest given that a family member is employed by the LMA and as such she vacated the meeting taking no part in debate.

CLR EL-HAYEK AND CLR SALEH TEMPORARILY VACATED THE MEETING AT 6.33 PM AND RETURNED AT 6.43 PM.

CANTERBURY BANKSTOWN
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(1359)

CLR. ASFOUR

RESOLVED that

1. Council makes available up to \$100,000 from the Community Grants Scheme to go towards the purchase of food vouchers to be distributed to the organisations listed under the Emergency Relief Network banner.
2. Council also write to the Prime Minister urging him to show compassion and extend the COVID support payments to include these vulnerable people.

- CARRIED

ITEM 4.8

COVID COUNCIL PARKS LIGHTING

(1360)

CLR. ASFOUR

RESOLVED that Council

1. Commence a one week trial by extending the lighting in two parks per ward as detailed in the Mayoral Minute until 8pm each night to allow residents to exercise during the challenging Covid restrictions.
2. Notify the community about the changes, and ensure appropriate signage reminding people of the Covid restrictions and urging them to call crime stoppers to report any incidents, be erected at these locations.

- CARRIED

ITEM 4.9

ADDITIONAL WASTE SERVICE

(1361)

CLR. ASFOUR

RESOLVED that Council establish a “red bin flying squad” to be on call to offer an extra collection service to residential single unit dwellings during current Covid lockdown periods.

- CARRIED

CANTERBURY BANKSTOWN
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(1362) CLR. DOWNEY:/CLR. ZAKHIA

RESOLVED that Permission be granted to those people who have made the necessary application to address Council for five minutes.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 PLANNING PROPOSAL FOR WSU MILPERRA SITE AT 2 AND 2A BULLECOURT AVENUE, MILPERRA (RZ-3/2020)

MS RENAE CARTER (RESIDENT) ADDRESSED COUNCIL.

(1363) CLR. TUNTEVSKI:/CLR. WAUD

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

- CARRIED

MR THEO ZOTOS (ON BEHALF OF APPLICANT) ADDRESSED COUNCIL.

(1364) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that the matter be deferred until the Council can be appraised of what and if any meetings and deliberations have been held with the NSW Government Ministers and/or Local State Federal members and that Council be made aware of the nature of those discussions.

- CARRIED

CANTERBURY BANKSTOWN
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ITEM 5.2 **HOUSING STRATEGY**
(1365) **CLR. DOWNEY:/CLR. EL-HAYEK**
RESOLVED that the report be noted.

- CARRIED

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2021-2022 COMMUNITY GRANTS & EVENT SPONSORSHIP PROGRAM
In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Mayor Asfour declared a non-significant, Non Pecuniary Conflict of Interest due to his role as Mayor where he is an Honorary Patron of one of the recipients of a community grant and advised that it would not affect his consideration of the item and will remain in the Chamber.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr El-Hayek similarly declared a significant, Non Pecuniary Conflict of Interest due to his association with a number of the recipients of a community grant due to the community work he undertakes. As such he vacated the meeting taking no part in debate.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr Saleh similarly 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 as such she vacated the meeting taking no part in debate.

In respect of Item 7.1 – 2021-2022 Community Grants and Events Sponsorship Program, Clr Zakhia declared a significant, Non Pecuniary Conflict of Interest due to his close relationship with a number of recipients of community grants and as such he vacated the meeting taking no part in debate.

CLR EL-HAYEK, CLR SALEH AND CLR ZAKHIA TEMPORARILY VACATED THE MEETING AT 7.19 PM.

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CLR TUNTEVSKI TEMPORARILY VACATED THE CHAMBER AT 7.19 PM

CLR EL-HAYEK, CLR SALEH AND CLR ZAKHIA RETURNED AT 7.20 PM.

(1366)

CLR. HARIKA:/CLR. HUDA

RESOLVED that Council approve the distribution of the 2021-2022 Community Grants and Event Sponsorship Program as outlined in Attachment A.

- CARRIED

ITEM 7.2

LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

(1367)

CLR. MADIRAZZA:/CLR. HARIKA

RESOLVED that

1. Council note the progress in delivering projects funded from the Federal Government's Local Roads and Community Infrastructure Program (LRCI Program).
2. Council endorse the listing of proposed projects to be funded from Phase 3 of the LRCI Program as outlined in the report.
3. The General Manager submit the listed projects for consideration and approval by the Federal Government, in accordance with the LRCI Program's requirements.

- CARRIED

ITEM 7.3

DRAFT PLAN OF MANAGEMENT FOR MIRAMBEENA REGIONAL PARK

(1368)

CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. Council endorse the public exhibition of the Draft Plan of Management for Mirambeena Regional Reserve.
2. The draft Plan of Management be exhibited in accordance with the requirements of the Local Government Act 1993.

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3. A further report is presented to Council at the conclusion of the public exhibition period.

- CARRIED

ITEM 7.4
(1369)

FEES AND CHARGES 2021/2022
CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. Council endorse the public exhibition of the amended Fees and Charges.
2. The amended Fees and Charges be exhibited in accordance with the requirements of the Local Government Act 1993.
3. A further report be presented to Council following the public exhibition period.

- CARRIED

ITEM 7.5
(1370)

WESTERN SUBURBS JUNIOR AUSTRALIAN FOOTBALL CLUB – LICENCE AGREEMENT
CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. Council enter into a five year licence agreement and a five year option, with the Western Suburbs Junior Australian Football Club for the Clubroom and storeroom located within W H Wagener Oval amenities building in Ashbury.
2. The Mayor and General Manager be authorised to sign and (where necessary) affix the common seal of Council to any documentation to give effect to the above action as required.

- CARRIED

CLR TUNTEVSKI RETURNED TO THE CHAMBER AT 7.24PM

CANTERBURY BANKSTOWN
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ITEM 7.6 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2021

(1371) CLR. ZAKHIA:/CLR. ISHAC

RESOLVED that

1. The Cash and Investment Report as at 30 June 2021 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 GREATER CITIES SPORTS AND FACILITY FUND

(1372) CLR. HARIKA:/CLR. EL-HAYEK

RESOLVED that

1. Council proceed with submitting a joint application with Bankstown District Cricket Club under the Greater Cities Sports Facility Fund for upgrades at Memorial Oval.
2. If successful in receiving funding under the Greater Cities Sports Facility Fund, Council allocate the appropriate asset replacement funds as a co-contribution to this project, as outlined in this report.

- CARRIED

SECTION 9: COMMITTEE REPORTS

**ITEM 9.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD
16 JUNE 2021**

(1373) CLR. HARIKA:/CLR. KUSKOFF

RESOLVED that the recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 16 June 2021, be adopted.

- CARRIED

CANTERBURY BANKSTOWN
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ITEM 9.2 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 13 JULY 2021**
(1374) **CLR. HARIKA:/CLR. KUSKOFF**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 13 July 2021, be adopted.

- CARRIED

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

(1374) **CLR. RAFFAN:/CLR. WAUD**

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 Item 10.3, 10.6, 10.7, 10.8 and 10.11.

- CARRIED

ITEM 10.1 **NOTICE OF MOTIONS -**
(1375) **CLR. RAFFAN:/CLR. WAUD**

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 **FUNDING THE ARTS**
(1376) **CLR. RAFFAN:/CLR. WAUD**

RESOLVED that Council write to the Minister for the Arts requesting funding to help Council continue to deliver future arts programs that celebrate multilingualism and the diversity of our local communities.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
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ITEM 10.3
(1377)

PROTECTING OUR WILDLIFE

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that Council investigate the most appropriate method of providing information to cat owners of their responsibility to ensure that their pets not be allowed to roam at night to prevent attacks to our native wildlife.

- CARRIED

ITEM 10.4
(1378)

ONE YEAR ANNIVERSARY - BEIRUT BLAST

CLR. RAFFAN:/CLR. WAUD

RESOLVED that Council commemorate the one-year anniversary of the Beirut blast with a remembrance tribute on our social media channels.

- CARRIED

ITEM 10.5
(1379)

INTERSECTION OF THOMAS & PRINCE STREETS PICNIC POINT

CLR. RAFFAN:/CLR. WAUD

RESOLVED that Council investigate the current traffic safety provisions present at the intersection of Thomas and Prince Streets Picnic Point.

In order to conclude if these measures are sufficient enough to help considerably reduce the risk of future traffic incidents that result in serious injury or death.

- CARRIED

CANTERBURY BANKSTOWN
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ITEM 10.6
(1380)

ROAD SAFETY

CLR. EL-HAYEK:/CLR. HARIKA

RESOLVED that Council writes to the Minister for Transport and Roads, seeking his commitment to reinstate advanced warning signs and high visibility vehicle markings immediately.

- CARRIED

ITEM 10.7
(1381)

DE-AMALGAMATION BUSINESS PROPOSAL

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that Council obtain external advice analysing the relevant considerations for Council to consider the merits of de-amalgamating (or not) Canterbury Bankstown Council to re-constitute the former Canterbury and Bankstown council's. Councillors are to be briefed on the outcome of the analysis.

- CARRIED

ITEM 10.8
(1382)

LOCAL GOVERNMENT ELECTIONS

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that Council writes to the Minister for Local Government to support her decision made on the 24 July 2021 to postpone Local Government Elections in NSW and to defer them until 4 December 2021. Council believes that the decision provides a safer and more sensible outcome for our community in the current COVID affected times.

- CARRIED

CANTERBURY BANKSTOWN
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ON 27 JULY 2021

ITEM 10.9
(1383) **WOMEN OF CBCITY AWARD**
CLR. RAFFAN:/CLR. WAUD

RESOLVED that Council develop an Inaugural 2022 Women of CBC Award, and that the categories, criteria and suitable award prize be developed to celebrate and recognise the achievements and contribution of local women in our City.

- CARRIED

ITEM 10.10
(1384) **CULTURAL COMPETENCE**
CLR. RAFFAN:/CLR. WAUD

RESOLVED that Council write to both the NSW and Federal Health Ministers on the need for greater cultural competence and the need for improved communication with the community leaders and the NGO sector to ensure the effective roll out of the COVID vaccine in our community.

- CARRIED

ITEM 10.11
(1385) **HORSLEY ROAD**
CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that given the recent crash history and fatality, Council investigates the eligibility of Horsley Road, for its length through Revesby and Panania, and regardless of eligibility for funding under the Blackspot Program prepare a submission to the Program.

- CARRIED

CANTERBURY BANKSTOWN
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SECTION 11: CONFIDENTIAL SESSION

PRIOR TO CONSIDERING THE REPORTS IN CONFIDENTIAL SESSION COUNCILLORS KUSKOFF, EL-HAYEK, ISHAC, RAFFAN, ZAKHIA, WAUD, DOWNEY, HUDA, SALEH, MADIRAZZA AND HARIKA WHO WERE ATTENDING THE MEETING BY AUDIO VISUAL LINK DECLARED THERE WERE NO PERSONS WITHIN SIGHT OR HEARING OF THEM.

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 in the business paper:

Item 11.1 T36-21 Design and Construction of a Mid-Scale 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.

Item 11.2 SSROC PEERS 3 Tender (SSROC T2021-12) for supply of Electricity and Renewable Energy

This report is considered to be confidential in accordance with Section 10A(2)(d)(iii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, reveal a trade secret.

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.44 PM AND
REVERTED BACK INTO OPEN COUNCIL AT 7.45 PM.**

ITEM 11.1 T36-21 DESIGN AND CONSTRUCTION OF A MID-SCALE SOLAR FARM
(1386) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that

1. Council declines to accept any of the tenders received (as per clause 178 (1)(b) of the Local Government Regulations) for the reasons set out in this report.
2. Council cancels the proposal for the contract in accordance with clause 178 (3) (a) of the Regulations.
3. Council notifies the tenderers in writing and thank them for tendering.

- CARRIED

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ITEM 11.2 SSROC PEERS 3 TENDER (SSROC T2021-12) FOR SUPPLY OF ELECTRICITY AND RENEWABLE ENERGY

(1387) CLR. DOWNEY:/CLR. MADIRAZZA

RESOLVED that

1. Council notes the current status of the SSROC Tender T2021-12, as outlined in the report.
2. Council, in principal, agree to participate in the SSROC Tender T2021-12, including authority to purchase up to 100% renewable energy, as outlined in the report.
3. In consultation with SSROCs independent advisor and relevant financial parameters, the General Manager be delegated authority to consider and enter into a suitable contract, as required.
4. A further report be provided to Council, outlining the outcome of the tender process.

- CARRIED

THE MEETING CLOSED AT 7.46 P.M

Minutes confirmed 24 AUGUST 2021

.....
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 | The Canterbury Bankstown Community - COVID19 | 29 |
| 4.2 | Get Tested ! - COVID19 | 31 |
| 4.3 | Emergency Financial Support - COVID19 | 33 |
| 4.4 | Relief Grants - COVID19 | 37 |
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| 4.6 | School Selloff | 41 |
| 4.7 | Council Elections To Remove All Representation - COVID19 | 43 |

Mayoral Minutes - 24 August 2021

ITEM 4.1

The Canterbury Bankstown Community - COVID19

Councillors,

I won't be starting this minute by telling you we are all in this together, or use words like "please know" or tell you I'm working from some matrix or modelling.

But I will tell you, I am proud of our City and its residents, and that includes our family here at CouncilAND I will send them a "shout out".

The public battering we have copped over the past few weeks has been nothing short of disgraceful . . . to single out and blame the majority of residents for spreading a virus that nobody in the world has been able to stop, is, to put it simply, divisive politics.

It was very clear from the tone and language of the Health Minister he had the CALD community in his sights. He was strident in his attack and even went on to declare that people from other communities "were not decent".

Not the sort of language from a leader who should be showing compassion, offering hope and uniting the community. . . . but rather language from a Government that has lost control and trying to shift blame on anyone but themselves.

It took the fresh-faced Deputy Chief Health Officer, Dr Marianne Gale, to let the cat out of the bag and reveal what most of us knew . . . and what the Government wouldn't tell us.

And that is, the vast majority of new cases detected in the community were not people doing the "wrong thing" but essential workers and young people.

Essential workers putting food on the tables for all of us and providing vital care for others.

Let's face it, they haven't been one step behind this virus, they've been lapped many times over!

Bungling their messaging, bungling the vaccine rollout, bungling the support payout to businesses. . . which I will add they are still trying to get. bungling the laws around police powers, bungling the lockdowns, bungling the construction industry back to work rules. . . I can go on and on, but I think I have made my point.

With all this confusion and uncertainty . . . and with the restrictions and rules changing, sometimes on a daily basis, Council staff have shown patience and compassion in adapting and dealing with community expectations.

Like the community, Council staff have also faced challenges complying with the health orders, issues around travelling in and out of the LGA, working on building projects and working in maintenance yards and depots.

Council has also been trialling ways of enabling the community to use some of our parks after work and recently switched on the lights at 10 parks until 8pm. We have also opened up the Sefton golf course on a trial basis.

But we have also had to make some harsh decisions following police directions and community concern. The message from police was very clear, act now, as some people were breaching the health orders. As a result, Council switched off the lights at two parks because some people were gathering in large numbers and not adhering to the health orders.

Furthermore, after Police requests and community concerns, we removed basketball hoops at Smith and Northcote Parks, removed tennis netting and taped off some playgrounds. And I will add some of our sporting associations have removed some of their goal posts. All this to ensure the safety of our residents.

Councillors, as you have just heard things have been tough and we have continued to make decisions in the best interests of all in our community.

So tonight, on your behalf I want to thank the community for their patience and understanding and to show my appreciation, I intend writing an open letter to the local paper with the view it be published. I will further write to the Premier calling for more Pfizer vaccines for our LGA and also call on her to apologise on behalf of the Government over inflammatory comments made by the Health Minister.

Mayoral Minutes - 24 August 2021

ITEM 4.2

Get Tested ! - COVID19

Councillors,

Throughout this lockdown we have heard many messages, . . . we have to stay at home, we have to get tested, we have to reduce the case numbers and the latest messaging and emphasis on people to get vaccinated. . .

We also hear daily about the numbers of people who are infectious in the community

A term which is used daily by the Premier and the Chief health Officer. . . a term which is confusing and has set social media alight with many debates and misconceptions. Debates about why people who are infectious in the community are wandering around spreading the virus. . .

The reality is when the Premier refers to people infectious in the community the people she is referring to could in fact be doing nothing wrong and following health orders to the letter.

Councillors, my concern is that there are many people in the community who are infectious and unaware they are spreading it. . . . People who are following all the health orders and showing no obvious symptoms.

To it put simply, you can be infectious for days and not know it, or show symptoms.

And my biggest concern is that with the Government focus on getting people vaccinated (which we want), the messaging about getting tested is being forgotten (which we don't want).

Some will argue that the testing numbers are quite high, but let's not be fooled, the numbers are high because of the mandatory testing in place for essential workers, health care providers and now the many, many thousand construction workers.

And my fear is that while they are being tested regularly, there are many in the community that aren't. . . . and they may very well be silent carriers.

My messaging tonight is, we must not be complacent, and while vaccination is critical, we must continue to get tested it costs nothing and keeps you and your loved ones safe.

We will be doing our bit but keeping this messaging up to our community. . . . Please do your bit by getting tested, especially if you feel unwell, but even if you don't.

Council, I put this motion.

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ITEM 4.3 Emergency Financial Support - COVID19

Councillors

It pains me to tell you this. . . . and I guess you have probably already worked it out. . . but COVID is here to stay. . . . at least for a while yet.

You will recall at last month's Council meeting we approved several measures to support our community, but with the prolonged lock downs and with no clear end in sight, we must do more.

From way back in March last year when I introduced my 18-point plan until today, I am proud to say we have provided crucial support to our vulnerable ratepayers, businesses, non-for-profit organisations and the many sporting associations.

These measures have been roundly applauded but they do come with a substantial financial cost a cost in the order of some \$20m.

That said and given the pandemic uncertainty we need to look at further support.

In addition to the significant relief package announced last month, tonight, I wish to again activate Council's Emergency Event provisions outlined in its Community Grants and Events Sponsorship Policy - and propose that Council:

- Re-affirm its commitment to scrapping of the footway dining fees for the duration of the Public Health Orders (PHO);
- Re-affirm its commitment to offer an extra red bin service to residential single unit dwelling during the lockdown period;
- Re-affirm its commitment to families who opt out of sending their children to our childcare facilities during the stay at home orders by absorbing their financial gap for the duration of the PHO;
- As a result of the closure, or suspension of any Council facility or service, that Council hold in credit any fees and charges paid for the use of any facility and/or service. Importantly, where a specific user is experiencing financial hardship, then a full refund be provided;
- Given the significant impact that COVID-19 has had on all 2021 winter season sporting Associations, I propose that Council waive the seasonal ground hire fee for member clubs and their Associations for the use of their venues and/or use of our sporting fields.

The pandemic has yet again denied and/or abandoned regular competition rounds, final fixtures series and end of year presentations for participants. This initiative will enable the Association and clubs to partly deal with requests for refunds from parents and players and importantly deal with the financial pressures they themselves are contenting with;

- Further, I propose that those throughout our community who lease and/or license Council owned properties – and are financially struggling as a result of the current PHO - be similarly supported.

In managing the above, I propose that any lessee and/or licensee who has received Government support should have their rent reduced by 50% for the period commencing 1 July 2021 until the lockdown financial support ends.

The relevant Government support programs applicable in providing the reduction are:

- Commonwealth COVID-19 Disaster Payment;
- NSW COVID-19 Micro-Business Grant; and
- NSW JobSaver Payment.

Separately, it's important to also ensure that we appropriately support Ratepayers who are financially hurting due to the latest lockdown.

As a result, I also propose that Council again activate Council's Emergency Event provisions outlined in its *Rates and Charges, Debt Recovery and Hardship Assistance Policy* - and support the following eligible Ratepayers:

- *Residential Ratepayers* – those individuals that can substantiate that they are receiving support under the Commonwealth COVID-19 Disaster Payment; and
- *Business Ratepayers* – those entities that can substantiate that they are receiving support under the NSW COVID-19 Micro-Business Grant or the NSW JobSaver Payment.

Subject to meeting the above criteria and completing Council's relevant application, Ratepayers will be able to:

- Defer and/or vary instalment payments until 1 March 2022;
- Council to waive any accrued interest applicable from 1 July 2021 until 1 March 2022, though this would be subject to the Ratepayers account being brought up to-date by 30 June 2022; and
- Debt recovery action be suspended for eligible Ratepayers until 1 March 2022.

As Councillors will note, the proposed measures will ensure that those affected by this lockdown will be financially supported throughout the ensuing period. I understand that the likely impact of the above measures (around \$2M) will raise our 2021/22 COVID-19 financial impact to approximately \$5M – and bring our total impact to around \$22M since the pandemic started.

Whilst substantial, I believe it's the right thing to do in protecting our community.

I suggest Council request that the General Manager enact the above policy decisions and the likely impact on Council budget, including applying any legislative requirements to ensure that funding be made available as soon as feasibly possible.

I understand that in accordance with the Local Government Act, this will require Council to public exhibit the above support program before its implemented, though once ratified, relevant payments will be backdated as noted above.

On a separate note, I would again like to express my gratitude and well-wishes to all of Council's staff who have ensured that Council's services have continued to be carried out in an effective and safe manner throughout what has been a testing time for our organisation and community. Your unparalleled commitment and strong values reflect on the wonderful corporate citizens you are. On behalf of our Council and community, I say hats off to you and thank you from us all.

Council, I put the motion before you.

Mayoral Minutes - 24 August 2021

ITEM 4.4 Relief Grants - COVID19

Councillors,

There's not a day that passes without hearing of someone that is falling behind with their rent and bills or just struggling to put food on the table.

And I'm not alone, I'm sure most of you have heard similar stories.

And let's face it, this is the reality that this pandemic has brought with it. . . .and the way things are going, things are not going to look any brighter any time soon.

You will recall at last month's meeting, we resolved to help those in our community who are most vulnerable and in need of our support.

We set aside \$300,000, of which \$100,000 in support was allocated immediately, to desperate people who were not eligible for any Federal Government assistance.

People in our community like asylum seekers, temporary visa holders, international students and others, who came to our country looking for a better way of life. People who were gainfully employed and paying taxes but were laid off because of circumstances out of their control.

I am proud of what we are doing for them.

And, I am also proud to bring to Council tonight the remaining funding, a COVID Relief Grants Program that will provide up to \$200,000 in financial assistance to eligible Not for Profit community groups.

It is through these grass roots organisations we identify and reach those in real hardship.

Assistance will include:

- Providing crisis and responsive emergency relief services to people currently experiencing hardship and at risk of becoming entrenched in disadvantage due to the crisis;
- Assist those that are most at risk of serious infection such as immune compromised, older people, diagnosed chronic medical conditions, Aboriginal and Torres Strait Islander peoples;
- Support families struggling with wellbeing and educating in disadvantaged home environments, and;
- Enabling community organisations to continue to deliver their services via alternative delivery models:

Organisations can apply for the grants from September 1 with a closing date of September 21.

To be eligible for the Grants, which can range between \$500 right through to \$10,000, organisations must meet certain criteria. An appropriate approach to administer the allocation of funding will be developed by staff and made available in due course.

While we are making \$200,000 available I put the call out to any charitable business' in Australia that currently have the means and the will to support our community, with any sort of contribution to this initiative, to reach out to Council so we can help connect you directly to those most in need throughout our community.

Councillors, this health crisis has taken its toll in many ways, and if we can lighten the load, no matter how small, then we have made somebody's life just that little better. I commend this package to you.

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ITEM 4.5 Educating in a Pandemic - COVID19

Councillors,

As a parent with three children, home-schooling during lockdown, has provided some very important lessons. . . . Lessons about how vital face to face learning is, and the necessity for internet connectivity.

With most of the focus centred around students about to sit their HSC, I am becoming increasingly concerned about the thousands of other students who I believe are being left behind.

It is true the Government has provided some students sitting the HSC with laptops and internet dongles, and I applaud them for doing that. But what of the students in our city whose parents cannot afford computers, let alone pay for the internet.

Councillors, it will come as no surprise if I told you 1.2 billion children around the world are out of the classroom because of COVID.

And as a result, education has changed dramatically with the rise of e-learning, and teaching done remotely and on digital platforms. This demand has prompted many online learning platforms to offer their service for free.

But herein lies the problem.

We have a great digital divide when it comes to connectivity. A recent article stated that while 87 per cent of Australians can access the internet at home, only 68 percent of children aged between 5 and 14 living in disadvantaged communities have internet access compared to 98 per cent in advantaged communities.

And according to the article, it was abundantly clear family poverty and socio-economic circumstances were key factors in accessing technology.

Councillors, there are many families struggling in our City, battling to put food on the table and pay their bills, let alone trying to afford paying for internet services. And with no clear end to home schooling, I certainly don't want to see these vulnerable students falling behind.

Tonight, I propose to write to the CEOs of major Telcos on behalf of our primary and secondary students here at Canterbury Bankstown, with the view of sourcing sim cards and dongles to enable them to access the internet free of charge.

I will similarly write to the NSW Minister for Education to release the results of a study by the NSW Education Standards Authority into the extent of disadvantage in the state's Schools caused by COVID. I will further urge her to explore options at supporting students through this prolonged period, with one option being to provide "internet vouchers" to school principals to hand out to students in need.

Councillors, I am quietly confident of achieving a positive outcome, as we saw in Victoria last year when Telstra came to the fore providing 4000 sims and dongles to students in need.

And one final note, before putting this to you, I'd like to acknowledge all the School Children who are going through this tumultuous period,. . . just remember you have your whole life ahead of you. . . try not to stress . . . and in years to come you will look back and tell your kidsyou didn't know what all the fuss was about.

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ITEM 4.6

School Selloff

Councillors,

You know the familiar Government catchphrase by now, it goes . . . We're all in this together.
....

Or, that is when it suits them.

My concern tonight is a highly sensitive document obtained by the NSW Opposition under an order of Parliament, which reveals a \$3 billion land grab to prop up the Government's coffers.

The land grab is aimed at all NSW Government Departments and agencies, and high on the hit list is the Education Department, which includes schools and TAFES.

Let's not be confused, this "secret" document. . . is nothing more than a land sell off but according to the NSW Treasurer, it is part of the Government's Asset Recycling Strategy and only relates to surplus land.

Only relates to surplus land!

Councillors, I think we can all agree that with the growing population and the need for more housing and community open spaces, land is an asset for future generations and should not be sold off in secret but the full plan should be fully consulted with all affected communities.

And I don't think you will be surprised if I told you Council has had several approaches from schools crying out and looking for land, not to mention the use of our parks and recreational facilities. Because they don't have enough for our children now. . .

Which leads me to ask, where is this surplus land the Government is talking about?

Councillors, having said all that, I propose to write to the Treasurer and express my opposition over any Education land grab and sale. Furthermore, I will ask that if there are any surplus sites identified in our LGA, as suggested, as a goodwill gesture show that we are really all in this together and gift the land to Council so it can be used as open space and recreational/sporting facilities for all in the community to enjoy.

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ITEM 4.7

Council Elections To Remove All Representation - COVID19

Councillors,

I will start this Mayoral Minute by reminding you all of what Premier Gladys Berejiklian repeatedly said at her daily news conference last Thursday. She said words to the effect: I am here to listen to youand trust me, I will listen and I will act.

The reason I am telling you what she said is that we need the Premier to listen to what I am about to tell you . . . and we need the Premier to act.

You all know the process of electing the Mayor after elections and you are all no doubt aware of the lag in time of when the newly elected Mayor takes on the role. That lag in time could potentially be up to six weeks.

That's right up to six weeksa City like ours with no Mayor representing the community. . . instead, and I mean no offense or disrespect to the hard working officers herebut left with bureaucrats in charge. . . .

And let me tell you we are not alone. . . this anomaly affects at least another 90 other LGA's across NSW.

This was highlighted at a recent meeting between the Minister for Local Government Shelly Hancock and the LGNSW President Linda Scott.

One of the matters raised was to consider amendments to address the issue of Councils being without a Mayor following the ordinary election in December. This has come about because of changes made to the Local Government Act in 2016 . . . this despite objections at the time.

The changes at the time made no sense and went against the Westminster system in place for over 100 years.

Councillors, I have been reliably informed the meeting with LGNSW was quite cordial and the Minister was sympathetic and open to addressing the issue.

And if ever there was a time for the NSW Government to stand up and listen to Local Governments around the country, it is now. We are in the middle of a pandemic crisis and our community will be looking for guidance and leadership now and in the future. . . . to have any LGA without a leader (Mayor) for up to six weeks is simply ignoring their needs and letting them down.

I propose we write to the Premier and the Minister for Local Government urging them to make the necessary changes which will see our City represented by a Mayor at all times. . . .

Every Council should have a Mayor between the date of the election until the successor is elected. And I will add, it only requires the stroke of a pen.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|----|
| 5.1 | Planning Proposal for 165-169 Holden Street, Ashbury (Ashfield Reservoir) | 47 |
| 5.2 | Planning Proposal for Chullora Marketplace at 353-355 Waterloo Road, Greenacre | 57 |
| 5.3 | Planning Proposal for WSU Milperra Site at 2 and 2A Bullecourt Avenue, Milperra (RZ-3/2020) | 69 |

Planning Matters - 24 August 2021

ITEM 5.1 Planning Proposal for 165-169 Holden Street, Ashbury (Ashfield Reservoir)

AUTHOR Planning

PURPOSE AND BACKGROUND

The purpose of this report is to outline feedback received from the community and State agencies during the public exhibition of the Planning Proposal, draft site-specific DCP amendment and draft Planning Agreement for part of the Ashfield Reservoir site at 165-169 Holden Street, Ashbury. If developed to its maximum potential, the proposal would yield five dwellings.

This Planning Proposal has been exhibited in accordance with the Gateway Determination and is ready to be finalised. Council has been delegated the local plan making role by the Department of Planning, Industry and Environment (the Department).

ISSUE

The Planning Proposal, draft DCP amendment and draft Planning Agreement were placed on public exhibition for 28 days from 30 June to 27 July 2021 (inclusive). Six responses were received from State agencies and eleven submissions were received from the public.

Of the eleven community submissions; seven objected to the Planning Proposal, one supported the Planning Proposal, and three made comments or general enquiries. The concerns raised generally relate to pedestrian access, heritage and parking. These matters are addressed in detail in the Submissions Report appended to the Planning Proposal (Attachment A). There were no State Agency objections to the Planning Proposal.

In response to submissions, it is recommended that Council make minor amendments to the site-specific DCP as outlined in this report. Given the minor nature of these changes re-exhibition of the DCP is not considered necessary. This report recommends that the Planning Proposal and draft Planning Agreement be adopted as exhibited. Should Council decide to proceed, the Planning Proposal will be forwarded to the Department of Planning, Industry and Environment for finalisation.

RECOMMENDATION That -

1. Council adopt the Planning Proposal as exhibited (Attachment A) and forward it to the Department of Planning, Industry and Environment with a request that the LEP be made.
2. Council endorse the draft site-specific DCP for 165-169 Holden Street, Ashbury with minor amendments as shown in Attachment B, to amend the Canterbury DCP 2012 and adopted Canterbury Bankstown DCP 2021 and that it be in force on the date that the consolidated LEP is finalised.

3. Council endorse the draft the Planning Agreement as shown in Attachment C and delegate the General Manager to enter into the draft Planning Agreement.

ATTACHMENTS

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

- A. Planning Proposal
- B. Site Specific DCP - Amended Post Exhibition
- C. Planning Agreement as exhibited
- D. Remediation Action Plan
- E. Site Audit Report

POLICY IMPACT

The Planning Proposal is consistent with the relevant objectives and Planning Priorities of the Greater Sydney Region Plan and South District Plan. The Planning Proposal is also consistent with Council's Local Strategic Planning Statement, through the provision of appropriately located, low density housing in an established suburban area.

Draft amendments to the Canterbury Development Control Plan 2012/Consolidated DCP provide appropriate planning controls to deliver a high-quality built form, sympathetic with the surrounding Ashbury Heritage Conservation Area and to manage any impacts on the Ashfield Reservoir State Heritage item. The existing heritage conservation area and associated DCP controls will continue to apply to the site.

The report proposes no other changes to Council policies.

FINANCIAL IMPACT

The draft Planning Agreement between the applicant and Council will provide for new infrastructure and public benefits commensurate with the modest scale of the proposal, including:

- An affordable housing contribution in accordance with Council's Affordable Housing Strategy. This contribution is dependent on the uplift in residential floor space realised on the site being greater than 1,000m².
- Construction and dedication in perpetuity of a public access way between Holden Street and Peace Park through the site, and associated embellishments.

The above works are to be provided by the proponent or landowner at no cost to Council. This draft Planning Agreement does not exempt future Development Applications from the payment of section 7.11 or 7.12 development contributions.

COMMUNITY IMPACT

The Planning Proposal was placed on public exhibition for 28 days from 30 June to 27 July 2021 (inclusive).

Six State agency responses and eleven submissions from the community were received during the exhibition period. Of these submissions, one supported, seven objected to the proposal and another three submissions made comment or enquiries on the Planning Proposal.

Issues raised generally focused on pedestrian access, heritage, parking arrangements and the impacts of the future residential dwellings on the character of the area. These issues are discussed in detail within the Submissions Report that has been appended to the Planning Proposal (Attachment A).

DETAILED INFORMATION

Background and Overview of the Planning Proposal

Council received a spot rezoning application for the northern portion of the Ashfield Reservoir site at 165-169 Holden Street, Ashbury in 2017. The site is owned and operated by Sydney Water and includes the Ashfield Reservoir, a functional reservoir and State and local heritage item. The portion of the site proposed to be rezoned is shown in Figure 1 and has been identified by Sydney Water as surplus to its needs.

The Planning Proposal will allow the subdivision and redevelopment of a portion of the site as low-density residential dwellings. The exact number of dwellings will be determined at the development application stage, noting the site-specific DCP allows for a maximum of five dwellings on the site. A possible development scenario is provided in Figure 2, over page. The Planning Proposal will also align the heritage listing of the Ashfield Reservoir with the curtilage identified in the Conservation Management Plan prepared by Sydney Water.



Figure 1: Site Map – Ashfield Reservoir site (yellow) and proposed rezoning area (red)

The Planning Proposal was considered by the Local Planning Panel on 6 April 2020. The Panel resolved to support the proposal subject to several changes, these included:

- A reduction in the total area proposed to be rezoned to create a more regular subdivision pattern.
- A single east-west driveway through the site.
- The provision of public, pedestrian access to Peace Park through the site.

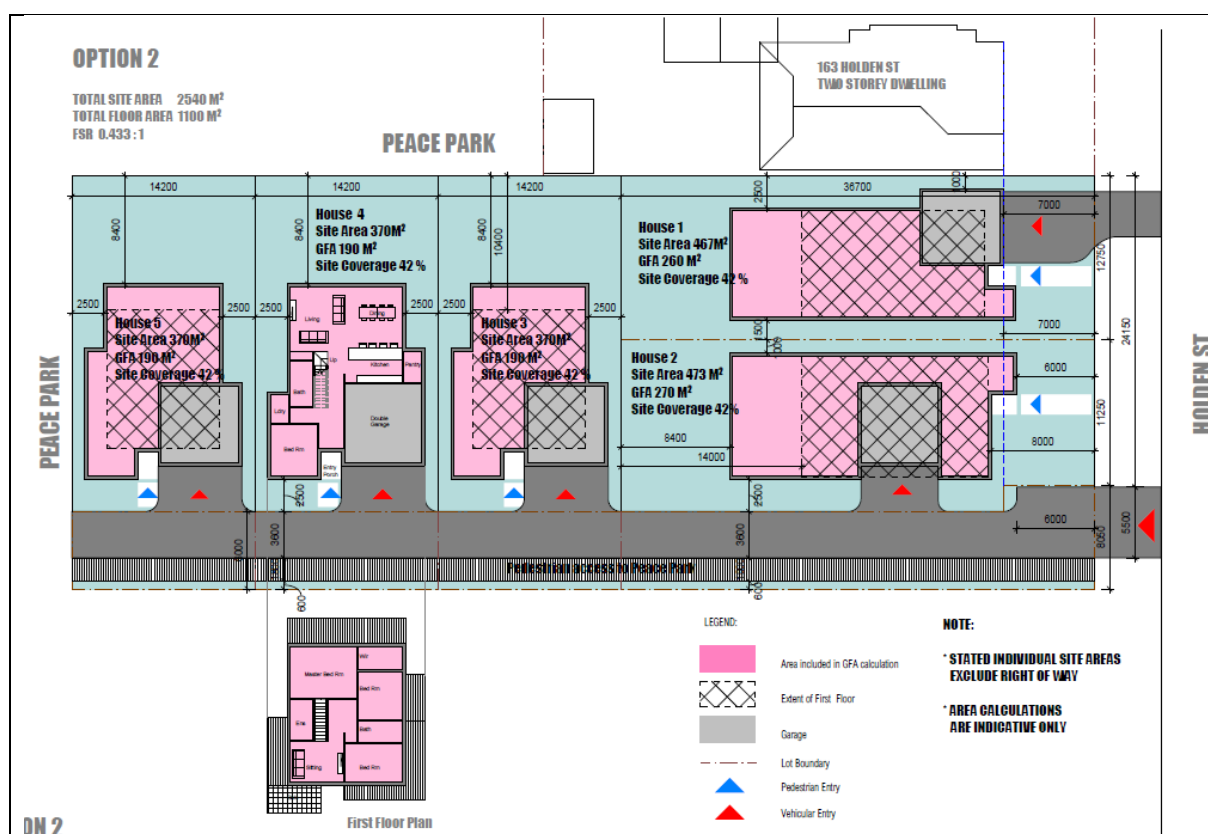


Figure 2: Possible development scenario (source: Sydney Water / RJK Architects)

At its meeting on 26 May 2020, Council resolved to submit the Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination. On 24 December 2020, a Gateway Determination was received, enabling the Planning Proposal to be placed on public exhibition subject to a number of conditions.

The proposed changes to the planning controls applying to the site are summarised in the table below:

| | Existing | Proposed |
|----------------------------|---|---|
| Zoning | SP2 Infrastructure (Water Supply System) | R2 Low Density Residential See Figure 3 |
| Heritage | Heritage Item & Ashbury Heritage Conservation Area | Ashbury Heritage Conservation Area See Figure 4 |
| Height of Buildings | None | 8.5m See Figure 5 |

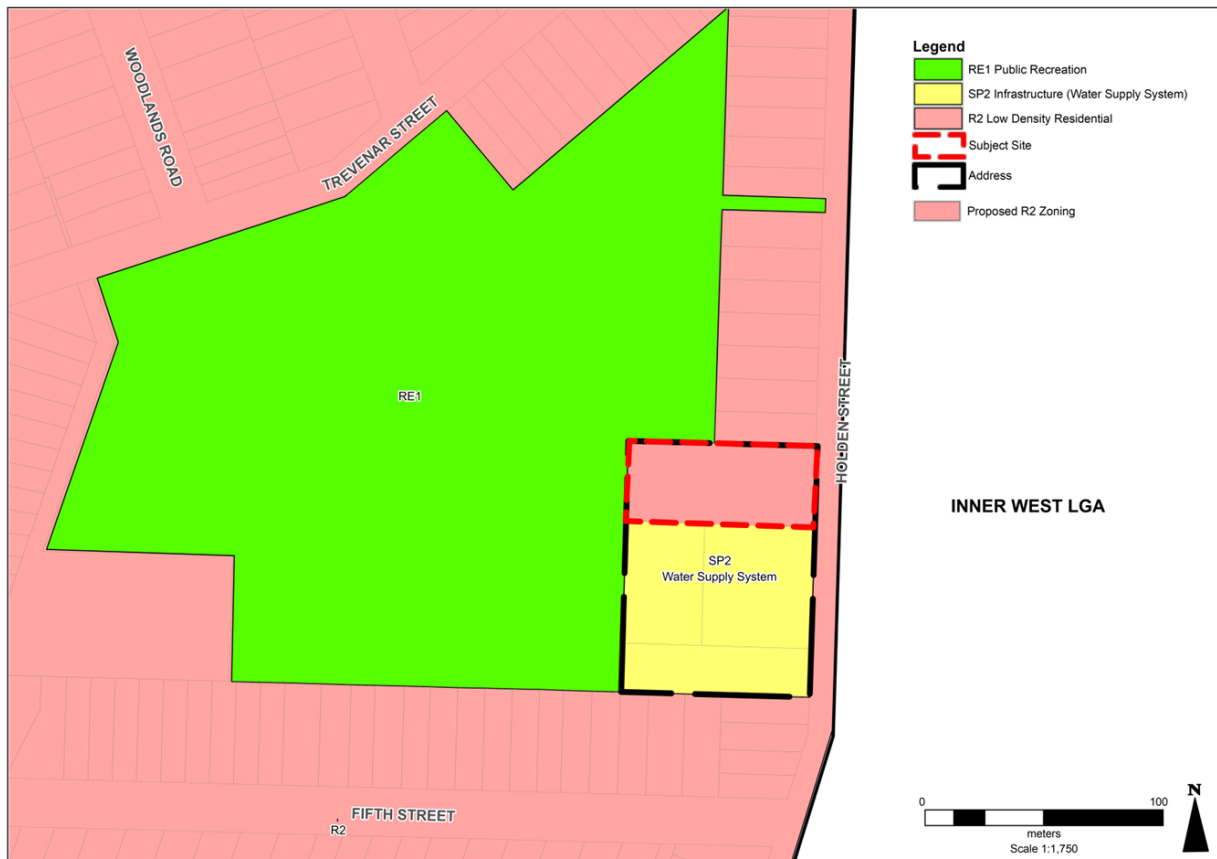


Figure 3: Proposed Land Zoning Map

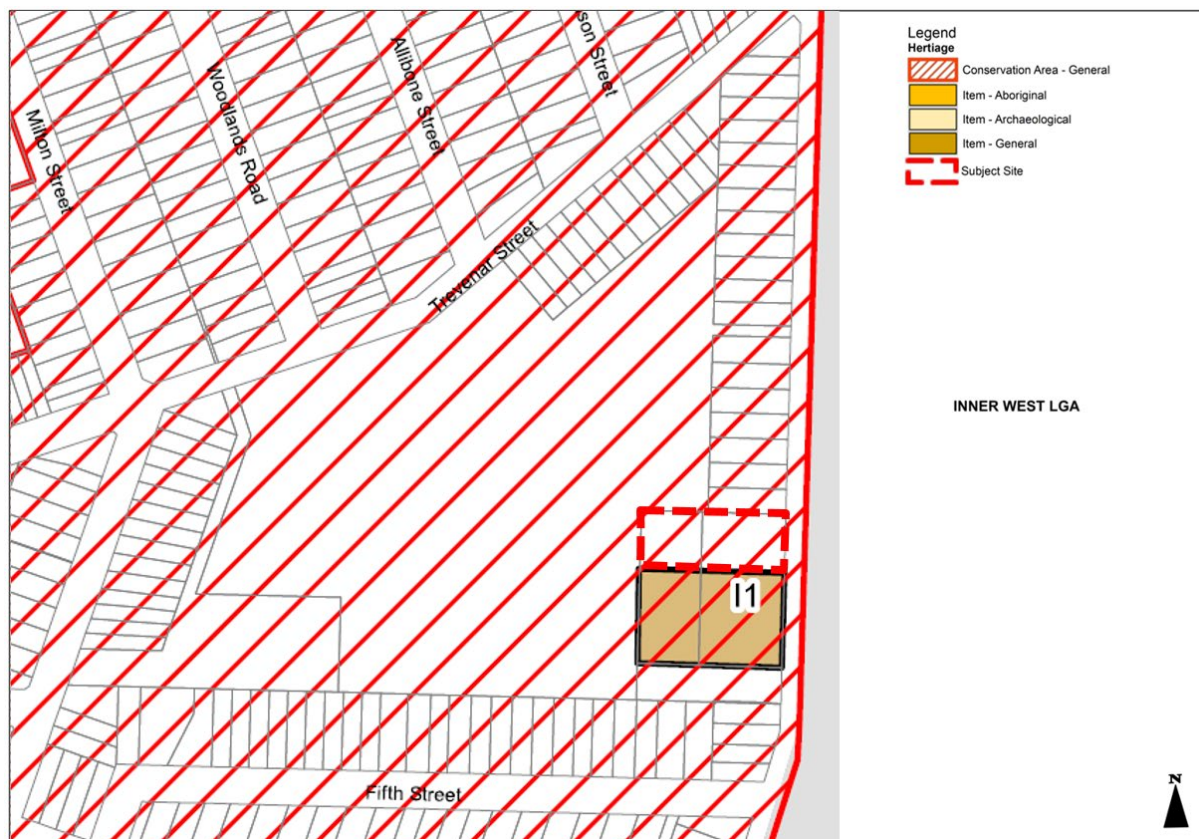


Figure 4: Proposed Heritage Map (the Ashbury Heritage Conservation Area will continue to apply)

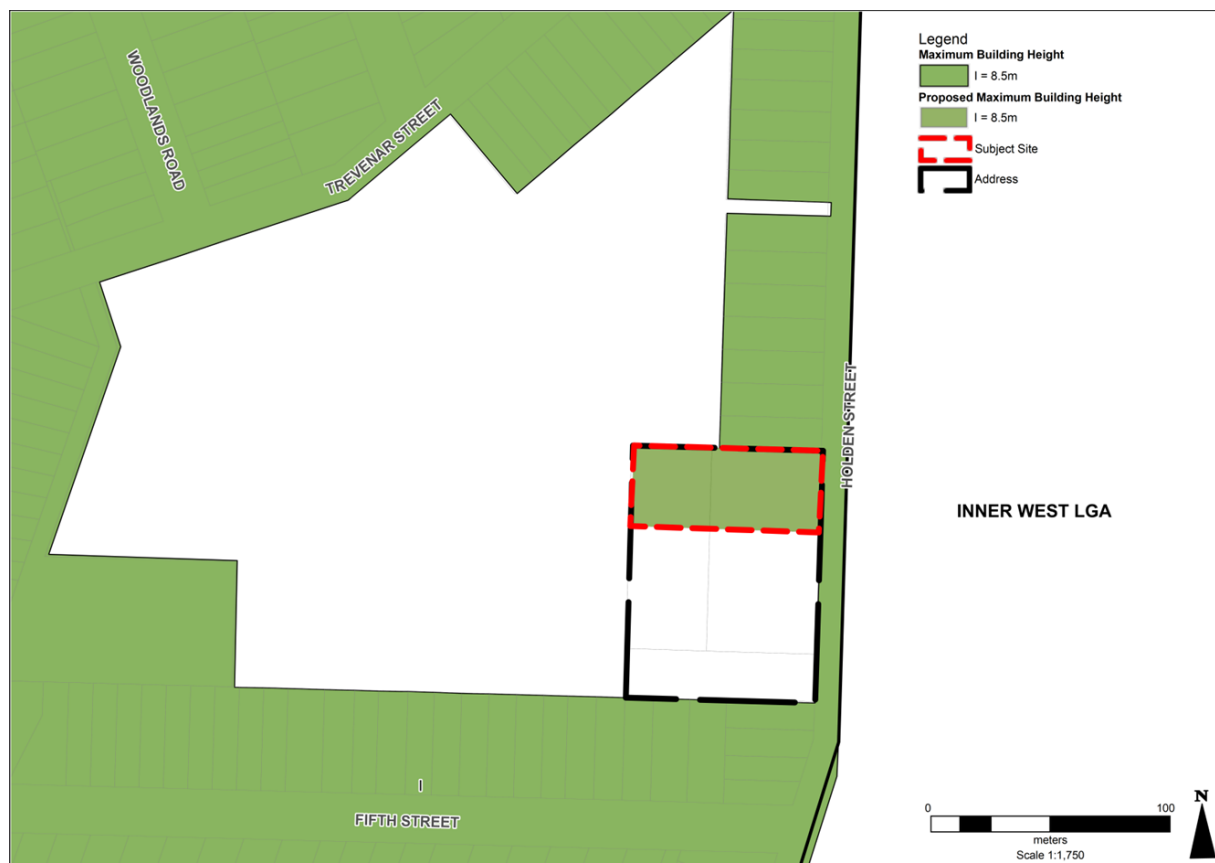


Figure 5: Proposed Height of Buildings Map

It should be noted that the Planning Proposal seeks to amend the extent of the curtilage of the Ashfield Reservoir under *CLEP 2012*. As this item is also listed on the State Heritage Register, the proponent will have to undertake a separate application under the Heritage Act 1977 to align the State curtilage with the extent proposed under the Planning Proposal. This amendment will be required to be undertaken by the proponent, Sydney Water, following the making of the LEP Amendment.

Contaminated Land

In accordance with Condition 3 of the Gateway Determination, the proponent prepared a revised Site Audit Report and a Remediation Action Plan. These reports demonstrate that the subject site is appropriate for all land uses under the R2 Low Density Residential Zone subject to remediation works being undertaken. Council's Environmental Health Team and the Department reviewed the Remediation Action Plan and determined that subject to compliance with the requirements of the Remediation Action Plan, contamination issues could be managed appropriately on this site.

The Site Audit Report and Remediation Action Plan are attached to this report (Attachments D & E).

Affordable Housing Strategy

In accordance with Council's Affordable Housing Strategy, adopted in June 2020, Council entered into negotiations with the proponent for an affordable housing contribution. The draft Planning Agreement (Attachment C) includes a monetary contribution towards affordable housing of \$329 per m², with a minimum contribution of \$329,000, subject to the

final gross floor area (GFA) uplift surpassing the policy threshold of 1,000m² of residential floor space. This rate is derived from work undertaken by Council staff as part of the preparation of the Bankstown and Campsie Master Plans. The rate has been calculated based on sales data of median price per square metre of a one-bedroom strata dwelling within the Canterbury Bankstown LGA.

The rate payable is indexed against the Consumer Price Index (CPI), and Council is assured of a minimum amount of \$329,000 subject to the total uplift being above the 1,000m² threshold. As the total GFA uplift will be determined at the Development Application stage, the minimum contribution will be paid as a bank guarantee of \$329,000, which will be refunded if the final residential GFA realised is below 1,000m². If the uplift *realised* is greater than 1,000m², the draft Planning Agreement includes a mechanism for the additional amount to be paid to Council on top of the bank guarantee.

Community Consultation

The Planning Proposal was placed on public exhibition for 28 days from 30 June to 27 July 2021 (inclusive). The exhibition process included:

- Notification and display on Council's Have Your Say Page.
- Public notice in the local newspaper.
- Notification letters to nearby property owners and occupants in both the Canterbury Bankstown and Inner West LGAs (approximately 450 properties).
- Email notifications to State agencies and other stakeholders including Ashbury Public School, Inner West Council and local bus operators.
- Email notifications to the Ashbury and Hurlstone Park community groups with information on the Planning Proposal, site-specific DCP and draft Planning Agreement.
- At the conclusion of public exhibition, the project page had been viewed 589 times by 340 visitors.

Community Submissions

A total of eleven submissions were received from the general community during the exhibition. Of these submissions seven objected to the proposal, one supported the proposal, and three submissions raised concerns or made on enquiries on certain aspects of the proposal. The main concerns raised in these submissions relate to:

- Public Access from Holden Street to Peace Park
- Heritage
- Parking
- Heights
- Existing character of the area
- Impacts on amenity of surrounding properties.

All submissions are summarised and addressed in detail in the Submissions Report appended to the Planning Proposal (Attachment A).

The concerns raised in the submissions around heritage, parking and compatibility with the character of the area have been appropriately addressed through the site-specific DCP. In response to the concerns raised in submissions, Council has made a number of amendments

to the draft site-specific DCP relating to setbacks to the Ashfield Reservoir and additional provisions for vehicular access. The changes to the site-specific DCP are indicated in Attachment B and given that they are of minor nature and do not change the intent of the DCP, re-exhibition is not warranted.

State Agency Referrals

In accordance with Condition 5 of the Gateway Determination the Planning Proposal was referred to the following agencies:

- Ashbury Public School.
- Ausgrid.
- NSW Environmental Protection Authority (NSW EPA).
- Heritage NSW.
- Inner West Council.
- School Infrastructure NSW.
- Sydney Water.
- Transport for NSW.
- Local bus operators.

The following State agencies responded with no comment or no objection to the Planning Proposal, site-specific DCP or draft Planning Agreement:

- Ausgrid
- NSW EPA
- Inner West Council
- Transport for NSW
- Sydney Water.

The submission from Heritage NSW made the following comments in relation to the site-specific DCP:

- The objectives of the site-specific DCP be amended to recognise the full heritage significance of the Ashfield Reservoir.
- 4m building setback to the curtilage of the Ashfield Reservoir and a 4m setback to the Valve House. These setbacks are consistent with the building separation controls already proposed within the draft site-specific DCP.

In response to the recommendations made in this submission, Council has amended the site-specific DCP accordingly. It should be noted that Heritage NSW made no objection to the Planning Proposal, and in its submission stated that the site-specific DCP contained appropriate provisions to minimise impacts on the heritage significance of the Ashfield Reservoir and ensure that future development on the site is sympathetic to the heritage values of the Ashbury Conservation Area.

Next Steps

As Council has delegation to make this Planning Proposal, should Council resolve to endorse the Planning Proposal and site-specific DCP amendment for 165-169 Holden Street, Ashbury Council will forward the Planning Proposal to the Department of Planning, Industry and Environment and Parliamentary Counsel for finalisation.

Should Council resolve to endorse the draft Planning Agreement, Council will seek to execute the Planning Agreement prior to the making of the Planning Proposal.



ITEM 5.2 Planning Proposal for Chullora Marketplace at 353-355 Waterloo Road, Greenacre

AUTHOR Planning

PURPOSE AND BACKGROUND

The purpose of this report is to update Council on the recent making of the amendment to the Bankstown Local Environmental Plan 2015 for land at 353-355 Waterloo Road, Greenacre (Chullora Marketplace) and to seek Council's endorsement on the site-specific Development Control Plan and the draft Planning Agreement.

At its Ordinary Council Meeting of 25 May 2021, Council resolved not to proceed with the Planning Proposal in consideration of the community concerns and issues raised during the exhibition, particularly traffic generation. Consequently, Council did not endorse the site-specific Development Control Plan and the draft Planning Agreement which were exhibited concurrently with the Planning Proposal.

On 28 May 2021, Council requested the Department of Planning, Industry and Environment (the Department) not proceed with the plan. A copy of the Council report and the Minutes of Council resolution of 25 May 2021 are included at Attachment A.

ISSUE

Notwithstanding Council's resolution, and in response to a request from the applicant, the Department undertook its own assessment of the planning proposal and proceeded to make the plan on 30 July 2021. However, the amendment to the Bankstown LEP 2015 does not come into effect until 25 November 2021. The delayed commencement was applied to enable Council adequate time to finalise the draft Planning Agreement with the proponent and draft a site specific Development Control Plan.

It is recommended that Council adopt the site specific DCP (Attachment B) and the draft Planning Agreement (Attachment C) which contributes to local works and facilities that will support future residents and businesses.

Should Council not progress the DCP controls, then the current DCP controls will continue to apply to the site and Council officers will have no ability to ensure orderly development at the DA stage. The controls proposed are specific to ensuring the plan is developed to minimise impacts. Additionally, if the Planning Agreement is not supported then the landowner would not be required to contribute financially in cash and to a number of local public benefits through works despite increased height limits being applied to the site.

RECOMMENDATION That -

1. Council note the Bankstown Local Environmental Plan 2015 - Amendment No 13, applying to the Chullora Marketplace at 353-355 Waterloo Road Greenacre has been finalised and made by the Department of Planning, Industry and Environment.
2. Council endorse the draft Site Specific DCP amendment for 353-355 Waterloo Road, Greenacre as shown in Attachment B to amend the Bankstown DCP 2015 and the draft Consolidated DCP 2021 and that it be in force on 25 November 2021, the date Amendment No 13 becomes effective.
3. Council endorse the draft Planning Agreement as shown in Attachment C and authorise the General Manager to enter into the draft Planning Agreement.

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

- A. Minutes and Council report of 25 May 2021
- B. Draft Site Specific DCP - Post Exhibition
- C. Draft Exhibited Planning Agreement signed by the proponent
- D. Amendment No 13 to the Bankstown LEP 2015
- E. Chullora Marketplace Planning Proposal - proposed maps

POLICY IMPACT

The draft Planning Agreement has been exhibited by Council and includes the delivery of public benefits and public infrastructure through monetary contributions to support the future population growth as a result of the redevelopment of the site. The proponent has committed to execute the draft Planning Agreement following the resolution of Council to enter into the agreement.

Draft amendments to Bankstown DCP 2015 (Attachment B) provide appropriate planning controls and guidance for the site and will work in tandem with the LEP Amendment as made by the Department. This report proposes no other changes to Council policies.

FINANCIAL IMPACT

Given the LEP Amendment has been made, it is recommended that Council enter into a Planning Agreement with the proponent to facilitate the delivery of public benefits and public infrastructure necessary to support the future redevelopment of the site

The draft Planning Agreement offers a monetary contribution of \$348,000 for a district level community facility and a district level recreational facility and \$193,000 for the replacement of playground equipment at Northcote Park (260 Waterloo Road, Greenacre).

A number of works as identified in the draft Planning Agreement comprising a combined value of approximately \$1.463 million will be delivered at various stages of the redevelopment of the site. Works to be delivered and monetary contributions identified through the draft Planning Agreement would be in addition to ordinary section 7.11 and 7.12 development contributions.

In total, the draft Planning Agreement would deliver over \$2 million worth of works and monetary contributions to Council. If Council does not resolve to enter into the draft Planning Agreement, \$2 Million in public benefits to be funded by the developer would be foregone and Council would be required to pay for these works itself over time.

COMMUNITY IMPACT

The detailed planning and development controls identified in the site specific DCP will guide orderly redevelopment of the site. The proponent is required to consult with the Transport of NSW (TfNSW) as part of the preparation of future development applications to ensure traffic and transport related matters are resolved.

The draft Planning Agreement has a positive community impact as the agreement would make a financial contribution as stated above and would facilitate a number of public domain improvement works as outlined in this report.

It is ordinary practice for Council to work with landowners to enter into a planning agreement and contribute to services and facilities beyond ordinary contributions. In general, this is on the basis that changes to planning controls would unlock the potential for additional residents, visitors and shoppers and therefore demands and expectations on Council to ensure local facilities are available to adequately support increasing demands can be met.

This is a legitimate approach available to all councils across NSW and Council has traditionally relied on planning agreements to ensure public benefits realised align with the increased demand imposed by new planning controls.

DETAILED INFORMATION

1. UPDATES ON THE MAKING OF THE PLAN

On 30 July 2021, the Department published a notification on the NSW Legislation website of the making of the Plan relating to the Chullora Marketplace, being Amendment No 13 to the Bankstown Local Environmental Plan 2015. According to the notification, the amendments come into effect on 25 November 2021. A copy of the notice is included in Attachment D.

The amendments to the Bankstown LEP 2015 applying to the subject site is shown in the table below:

| Planning Controls | Existing Controls | Controls made by the Department (effective 25 November 2021) | Reference |
|--|---|---|---|
| Zone | B2 Local Centre (355 Waterloo Rd) R2 Low Density Residential (353 Waterloo Rd) | B2 Local Centre | Amendments made to the existing Zoning map as shown in Attachment E. Zoning map change applies to 353 Waterloo Road only. |
| Floor Space Ratio (FSR) | 1:1 (355 Waterloo Rd) 0.5:1 (353 Waterloo Rd) | 1:1, with site-specific control specifying a minimum commercial FSR of 0.35:1 | Amendment No 13 Clause 6.14 (4) (b) confirms the requirement of a minimum commercial FSR of 0.35:1. FSR map change applies to 353 Waterloo Road only. |
| Maximum Height of Buildings (HOB) | 11m (355 Waterloo Rd) 9m (353 Waterloo Rd) | 9m (southern boundary) 14m (eastern/western boundaries) 20m (rest of the site) 14m | Amendment No 13 introduces a new Clause 6.14 in the Bankstown LEP 2015 instead of making amendments to the HOB map as originally proposed by the planning proposal. |
| Minimum Lot Size | N/A (355 Waterloo Rd) 450m ² (353 Waterloo Rd) | N/A | Amendments made to the existing Minimum Lot Size map as shown in Attachment E. |

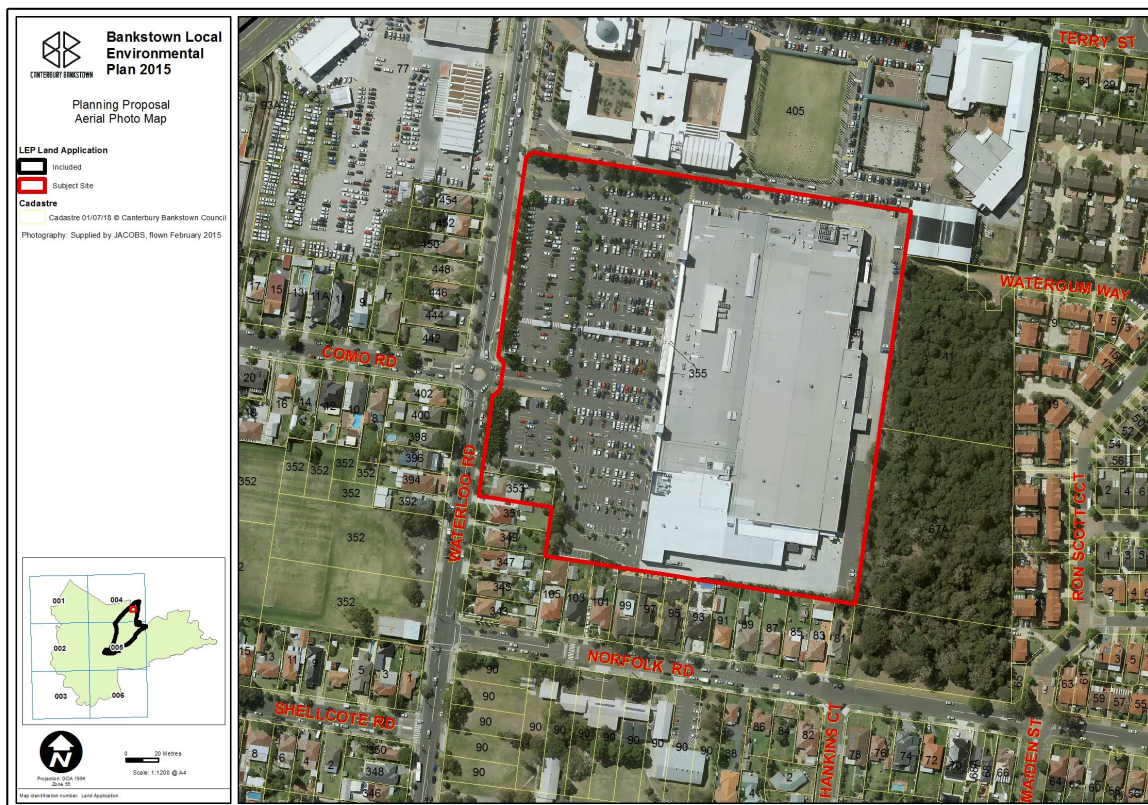


Figure1: The site and its surrounding locality

The Department has taken a different approach to Council in specifying amendments to the maximum height of buildings. Instead of amending the existing maximum height of buildings map, the Department has introduced a new clause, **Clause 6.14 Exception to maximum height of buildings—Chullora Marketplace** in the Bankstown LEP 2015, consistent with the recommendations of the Planning Proposal.

The amendments to the LEP also identify the following conditions that the Proponent must comply with in order to seek variation to the maximum height of buildings under Clause 6.14 of the LEP:

(4) Also, development consent must not be granted to development that results in a building with a height greater than the maximum height shown for the land on the Height of Buildings Map unless the consent authority is satisfied of all of the following—

- (a) Lot 9, DP 10945 and Lot 41, DP 1037863 have been consolidated into a single lot,*
- (b) without exceeding the floor space ratio otherwise applying to the land, the development includes floor space used for the purposes of commercial premises that is equivalent to a floor space ratio of at least 0.35:1,*
- (c) the development has a building setback of at least 10 metres from the southern boundary adjoining 81–105 Norfolk Road and 351 Waterloo Road, Greenacre,*
- (d) the development has a building setback of at least 15 metres, including a 6 metre wide deep soil zone, from the eastern boundary adjoining Norfolk Reserve,*

- (e) the development will not result in Norfolk Reserve receiving less than 4 hours of direct sunlight between 9am and 3pm on 21 June,*
- (f) the development avoids overshadowing of, and other adverse environmental impacts on, the endangered ecological communities and habitats of threatened species in Norfolk Reserve,*
- (g) a development control plan that provides for the matters specified in subclause (6) has been prepared for the land*

The above matters are addressed in the site specific DCP and the draft Planning Agreement which were exhibited concurrently with the Planning Proposal and reported back to Council post exhibition.

Whilst the approach of the Department is different to Council's proposed method, the outcome is consistent with the Planning Proposal as exhibited.

2. SITE SPECIFIC DEVELOPMENT CONTROL PLAN

The Bankstown Local Environmental Plan 2015 provides objectives, zones and development standards such as lot sizes, floor space ratios and building heights. The site-specific Development Control Plan (DCP) will support the LEP by providing additional objectives and development controls to enhance the function, design and amenity of the Chullora Marketplace site. A copy of the DCP is included in Attachment B and includes minor changes made in response to public submissions received by Council.

A summary of the key elements of the DCP are outlined below:

Desired future character of the site: The desired character for the Chullora Marketplace site is to create a vibrant mixed-use commercial destination with generous green and public open spaces to create a 'sense of community' for future residents and the surrounding neighbourhoods.

Staged development: To ensure a viable ongoing operation of the existing shopping Centre, the future development of the site may be undertaken progressively and incrementally, consistent with an indicative concept plan (applying to the whole site) which is required to be lodged with Council at the lodgment of the first Development Application.

Central Civic Plaza and open space: As a minimum, a total of 5,000m² of the site area shall be provided as a sum of the Central Civic Plaza and other additional public open space throughout the site.

Access and Movement: The first development application for each stage of the development of any land within the site must be accompanied by appropriate urban design and traffic and transport studies to inform in detail the design of the following:

- new streets and connections including any easements/right of way where required;
- car park layout and access to separate traffic within the site between different uses and services, including residential, retail/commercial, service vehicles, other different uses

and drop off areas to fully assess the impact of the development on the receiving road network and functionality of the site;

- locations of the public open space, including the Central Civic Plaza and the High Street; and
- publicly accessible open spaces.

Minimum site setbacks: Minimum setbacks applying to the site are summarised below:

| Site boundaries | Minimum setback requirements |
|---|---|
| Western boundary along Waterloo Road | <ul style="list-style-type: none"> • 8m as shown in Figure 2, Indicative Structure Plan. |
| Eastern boundary along Norfolk Reserve | <ul style="list-style-type: none"> • 15m as shown in Figure 2, Indicative Structure Plan. • Within this setback, a minimum 6m wide deep soil zone is required along the reserve. |
| Southern boundary along Zone R2 Low Density Residential | <ul style="list-style-type: none"> • Proposed minimum setbacks are shown in Figure 2, Indicative Structure Plan. • 10m to the rear boundary of properties facing Norfolk Road and to the northern side boundary of the property at No. 351 Waterloo Road. • 4m to the rear boundary of the properties at Nos. 349 and 351 Waterloo. |
| Northern boundary along Zone SP2 Infrastructure (Malek Fahd Islamic School) | <p>(a) For Commercial uses:</p> <ul style="list-style-type: none"> • ground and first storey- nil; • second, third and fourth storeys-6m; and • fifth and sixth storeys- 10m. <p>(b) For Residential uses:</p> <ul style="list-style-type: none"> • Ground to fourth storeys- 10m; and • fifth and sixth storeys- 13m. |

Landscaping and public domain: Provide a minimum mature tree canopy coverage of 25% across the site. The indicative concept plan at the lodgement of the first development application would need to demonstrate, through a landscape plan prepared by a landscape architect, progressively increasing mature tree canopy cover across the site as the redevelopment takes place. Deep soil zones shall consist of 7% of site area and have a minimum width of 6 metres.

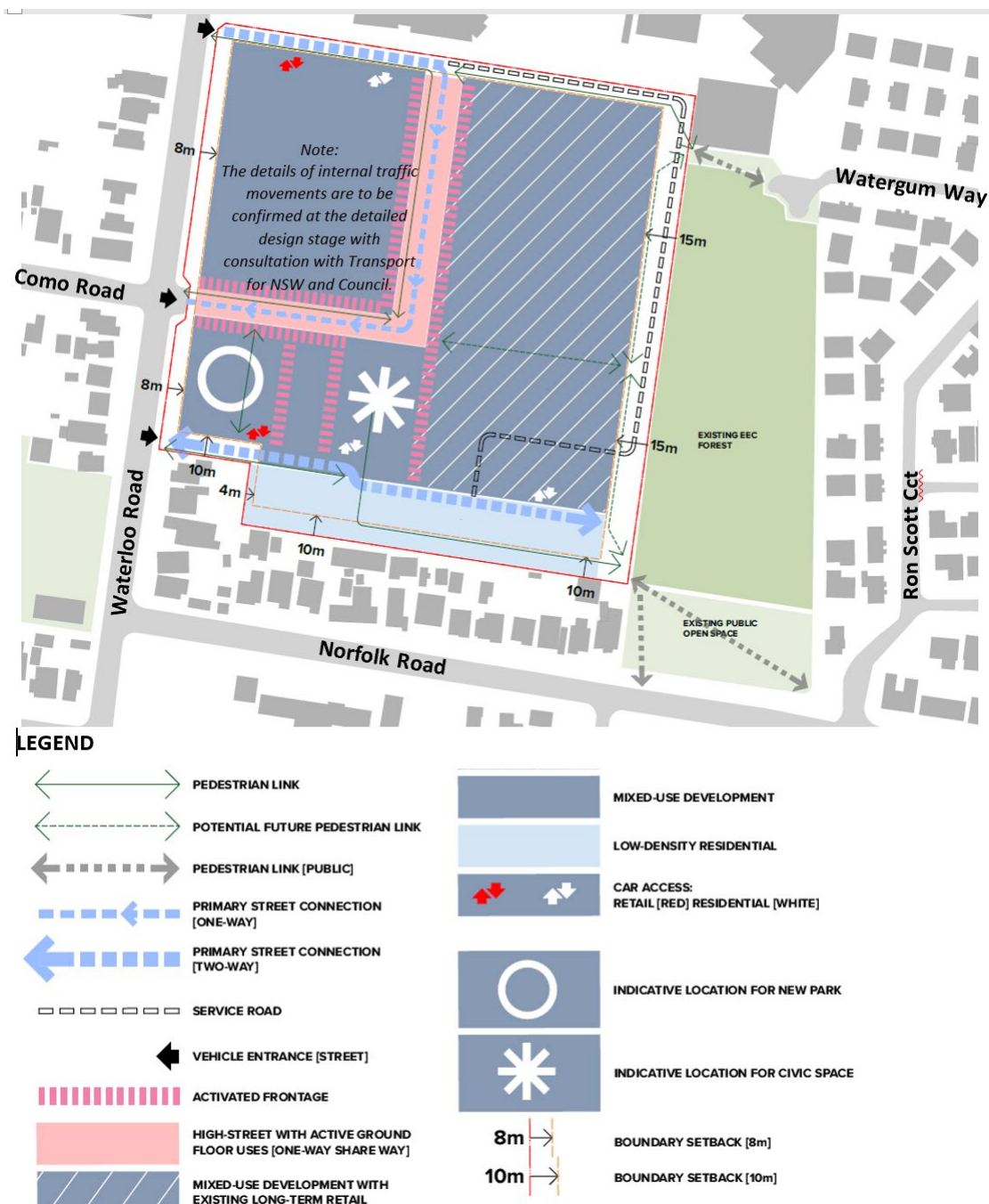


Figure 2: Indicative Structure Plan

Heritage management: An archaeologist or heritage specialist is to develop a Heritage Interpretation Plan in accordance with the Heritage Division of the NSW Office of Environment & Heritage publications, Interpreting Heritage Places and Items (2005) and Heritage Interpretation Policy (2005). This Plan is to be submitted with the first DA of every stage of development.

Rooftop Solar Features and lighting: The development to include the installation of a solar photovoltaic (PV) system to supply energy to the common areas of buildings, communal open space including outdoor lighting and any other parts of the development.

Consultation with the Transport for NSW: Waterloo Road is classified as a regional road. Prior to preparing a Transport Impact Assessment Report (TIA) on each stage of the development application, the applicant must consult with the Transport of NSW (TfNSW) to confirm scope of assessment to resolve the following issues:

- Access arrangements (including emergency vehicle access);
- potential upgrade requirement including network and intersection assessment;
- Potential road safety deficiencies;
- Pedestrian accessibility, demand management measures and trip generation rates;
- Public transport access;
- Any road network capacity;
- Air quality and Noise Impact Assessment for development fronting Waterloo Road;
- Cumulative impact of progressive development applications on the surrounding road networks especially on Waterloo, Como and Norfolk Roads.

3. DRAFT PLANNING AGREEMENT

The draft Planning Agreement identifies a number of public infrastructure and public benefits arising from the amendments to the LEP 2015, including a monetary contribution of \$541,000 for a district level community and district level recreational facility and the replacement of playground equipment at the nearby Northcote Park (260 Waterloo Road, Greenacre) which has since been completed by Council. In total, the draft Planning Agreement has a total value of approximately \$2,004,000.

A copy of the draft Planning Agreement is included in Attachment C and has been signed by the proponent, Henroth Pty Limited. Council will execute the draft Planning Agreement following the resolution of Council to enter into the agreement.

The following is a summary of infrastructure works the draft Planning Agreement would deliver over the staged delivery of the site:

- Publicly accessible pedestrian plaza and public open space (minimum of 5,000sqm).
- Construction of new public footpaths.
- Undergrounding of power lines on the eastern side of Waterloo Road (extending from 343 to 355 Waterloo Road) to enable better street tree planting.
- Cycle links from the site to Lockwood Park (may be in the form of a shared path) and to the north–south regional cycleway which runs along Maiden Street–Roberts Road.
- Design and construction of a new roundabout and associated splitter islands at the Waterloo and Como Roads intersection.
- Design and construction for a new signalised pedestrian crossing on the northern side of the Waterloo and Norfolk Roads intersection.
- Two new bus shelters on Waterloo Road, fronting the site.
- Improved street lighting in the mid-block connection that links the site to Watergum Way.

The above works are to be provided by the proponent at no cost to Council. The draft Planning Agreement does not exempt the future Development Application from the payment of section 7.11/7.12 development contributions to Council and will be registered on Title so that it continues to apply to the land regardless of any future changes to ownership.

4. NEXT STEPS

It is recommended that –

- Council note the Bankstown Local Environmental Plan 2015 - Amendment No 13, applying to the Chullora Marketplace at 353-355 Waterloo Road Greenacre has been finalised and made by the Department of Planning, Industry and Environment.
- Council endorse the draft Site Specific DCP amendment for 353-355 Waterloo Road, Greenacre as shown in Attachment B to amend the Bankstown DCP 2015 and the draft Consolidated DCP 2021 and that it be in force on 25 November 2021, the date Amendment No 13 becomes effective.
- Council endorse the draft Planning Agreement as shown in Attachment C and authorise the General Manager to enter into the Planning Agreement with the proponent.

Planning Matters - 24 August 2021

ITEM 5.3 Planning Proposal for WSU Milperra Site at 2 and 2A Bullecourt Avenue, Milperra (RZ-3/2020)

AUTHOR Planning

PURPOSE AND BACKGROUND

At its Ordinary Meeting of 27 July 2021, Council resolved to defer the WSU Milperra Planning Proposal matter to seek information relating to the nature of any meetings held between NSW Government Ministers and State and Federal parliamentary members. This report provides an update on the matter and presents the deferred report for Council's consideration.

ISSUE

Following Council's resolution, letters requesting further information were sent to:

- Ms Wendy Lindsay MP, Member for East Hills
- The Hon Dr Geoff Lee MP, Minister for Skills and Tertiary Education
- Mr Bill Parasiris, Chief Estate and Commercial Officer, Western Sydney University (including a letter sent on 4 August 2021 and a supplementary letter sent 17 August 2021)

A copy of the requests for information are at Attachment A, and the responses received are provided at Attachment B, which includes the following:

- Response from Mr Bill Parasiris dated 16 August 2021.
- Supplementary Response from Mr Parasiris dated 19 August 2021.

The next step is for Council to make a decision on whether to progress the Planning Proposal to the Department of Planning, Infrastructure and Environment for a Gateway Determination. It is noted that whilst the applicant has proactively engaged with the community at this stage no formal exhibition occurs until the Gateway Determination is issued.

RECOMMENDATION That -

1. The report be noted.
2. The application to amend the draft Canterbury Bankstown Local Environmental Plan 2021 proceed to Gateway subject to:
 - (a) A Floor Space Ratio (FSR) control being applied to all R1 General Residential zoned land on the site as outlined in this report.
3. Prior to public exhibition, the following additional information is submitted by the applicant:

- i. Additional flooding and stormwater related information to confirm:
 - a. Consistency with the State-led Flood Prone Land planning changes introduced on 14 July 2021.
 - b. The minimum floor levels of future development required to address 1 in 100 year and Probable Maximum Flood events on the site.
 - c. Details of the types of stormwater treatment measures.
 - d. Calculations of the stormwater detention requirements and to clarify post-development stormwater discharge rates.
 - ii. Further arboricultural assessment to confirm trees able to be retained based on the revised site structure plan. This may inform additional street tree planting and canopy cover in the draft DCP.
 - iii. Further ecological analysis to confirm the extent and location of ecologically significant land on the site and that the draft CBLEP 2021 Terrestrial Biodiversity Map be amended accordingly.
 - iv. An updated Remediation Action Plan to include additional testing, preparation of a remediation strategy and a Site Audit Statement that verifies the Remediation Action Plan methodology and data.
 - v. Further information in relation to how the proposal will respond to the change in levels across the site, as well as the likely approach to any cut and fill, with a view to minimise loss of trees.
4. Council prepare a DCP Amendment to address all relevant planning matters as outlined in this report and that it be exhibited concurrently with the Planning Proposal, subject to the following:
 - (a) Council working with the applicant to reach agreement on the affordable housing monetary contribution and other issues as outlined in this report.
 - (b) Development contributions under s7.11 and s7.12 being payable in addition to any public benefit offer, consistent with Council's Planning Agreement Policy.
 - (c) Undergrounding powerlines along Ashford Avenue being added, subject to any relevant Ausgrid approval.
 - (d) Construction of a footpath and landscaping along the eastern side of Ashford Avenue being added.
 - (e) The applicant considering a contribution toward cycleway connections to Panania Station to promote the use active and public transport for future residents and the broader Milperra community.
5. The applicant updating the supporting studies prior to exhibition to reflect the amendments to the Planning Proposal.
6. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP and draft Planning Agreement and the matter be reported to Council following the exhibition.
7. Council seek authority from the Department of Planning, Industry and Environment to exercise its delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

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

- A. Requests for Information Sent
- B. Responses to Requests for Information Received
- C. WSU Milperra Ordinary Council Meeting Report from 27 July 2021 and associated Attachments A-X

POLICY IMPACT

The application is consistent with NSW Government and Council strategic planning policy which is underpinned by the Canterbury Bankstown Local Strategic Planning Statement (LSPS) – ‘Connective City 2036’.

FINANCIAL IMPACT

The applicant has provided a formal Letter of Offer that outlines public infrastructure to be delivered via a Planning Agreement. The delivery of new public infrastructure as part of a Planning Agreement would be in addition to ordinary section 7.11 and 7.12 development contributions. Council and the applicant have not agreed to the quantum of the affordable housing contribution and this must be resolved before exhibition.

Should the Planning Proposal be progressed and a Gateway Determination Issued by the State Government, formal community, agency and stakeholder consultation will take place at which point a draft Planning Agreement that will be concurrently exhibited.

COMMUNITY IMPACT

As identified above, should Council resolve to progress the planning proposal and a Gateway Determination Issued by the State Government, Council would commence consultation in accordance with any conditions of the Gateway. It is expected that a minimum 28 public consultation period would be undertaken with the outcomes of the exhibition being reported back to Council.

DETAILED INFORMATION

1. RESOLUTION OF COUNCIL AT THE ORDINARY COUNCIL MEETING HELD ON 27 JULY 2021

At its Ordinary Meeting of 27 July 2021, Council considered the application submitted by Mirvac Residential (NSW) Development Pty Ltd to amend the zoning, floor space, height of building and minimum lot size provisions of Bankstown LEP 2015 for land at 2 and 2A Bullecourt Avenue, Milperra, known as the Western Sydney University Milperra campus.

The Council resolved to defer consideration of the matter, with the minutes of the meeting stating the following:

“RESOLVED that the matter be deferred until the Council can be appraised of what and if any meetings and deliberations have been held with the NSW Government Ministers and/or Local State Federal members and that Council be made aware of the nature of those discussions.”

2. REQUESTS FOR FURTHER INFORMATION

In response to the Council’s resolution, the following letters were sent by the Mayor:

- Letter sent to Ms Wendy Lindsay MP, Member for East Hills on 2 August 2021.
- Letter sent to the Hon Dr Geoff Lee MP, Minister for Skills and Tertiary Education on 3 August 2021.
- Letter sent to Mr Bill Parasiris, Chief Estate and Commercial Officer, Western Sydney University WSU on 4 August 2021 and a further request on 17 August 2021.

A copy of the letters sent are at Attachment A.

3. RESPONSES RECEIVED

On 16 August 2021 Council received a response from Mr Bill Parasiris, Chief Estate and Commercial Officer at Western Sydney University (refer to Attachment B).

In response to Mr Parasiris’ letter, on 17 August Council wrote a supplementary letter to Mr Parasiris seeking further clarification on the content of his letter regarding the level of involvement of the State Member for East Hills (refer to Attachment A). Mr Parasiris provided clarification via a supplementary response on 19 August (refer to Attachment B).

At the time of writing this report, no responses have been received from the Member for East Hills or the Minister for Skills and Tertiary Education.

4. RESPONSE TO OTHER ISSUES RAISED

During the process of reporting this matter to Council, a number of issues were raised by community members, and these have been addressed in the table below.

| Issue | Response |
|---|--|
| Loss of education use | <p>The Western Sydney University acquired the site, formerly the College of Advanced Education, for the establishment of the campus. In accordance with the Western Sydney University Act 1997, the University is required to secure approval for any sale or redevelopment of campus land.</p> <p>Council understands the University undertook a business case for the establishment of the new Bankstown CBD campus and the redevelopment of the Milperra campus.</p> <p>The Minister for Skills and Tertiary Education granted approval on 22 April 2020, to the University for the redevelopment of the campus land to furthering the University's objectives and functions in accordance with the Act.</p> <p>The planning and delivery of schools and educational infrastructure is a State Government responsibility. The State Government has not shown an intention to develop the site for a new primary or secondary school. And this has been confirmed on two separate occasions in response to direct representations being made by Council to the State Government.</p> <p>Notwithstanding, the application proposes to reserve 16% of the site for education purposes.</p> |
| Loss of large site that is suitable for future infrastructure needs | <p>Council's role is to assess planning proposals against the strategic planning framework. Unless there is a clear commitment and funding to establish a secondary school on the site, Council must assess the application submitted before it.</p> |
| Lack of Strategic Merit for R1 Zone and Inconsistent with Council's Housing Strategy | <p>The proposed R1 zone addresses the need for a diverse range of housing at different price points that will cater to broad segments of the housing market. The R1 zone is deemed appropriate for this site as it provides an opportunity to deliver a low scale diverse housing offer on a large site that will be master planned. The site will continue to be serviced by existing bus routes and the proposal will not remove existing bus stops on Bullecourt Avenue and Horsley Road.</p> <p>Housing diversity and choice is supported by Council's Housing Strategy and in the State Government South District Plan (Planning Priority S5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport).</p> <p>The density proposed is 19 dwellings/ha and is categorised as low density and 'low-rise housing' according to the State Government's <i>A Housing Strategy for NSW - Discussion Paper (2020)</i>, <i>Draft Medium Density Design Guide (2016)</i> and the <i>Low Rise Medium Density Housing Code Independent Review Report (2019)</i> identifies low density development being for up to 20 dwellings/ha.</p> <p>The proposal will include a sliding scale FSR to control development outcomes on a lot-by-lot basis, a dwelling cap of 430 dwellings, provides public open space (3 parks), sensitive built form transition to Ashford Avenue, reserves remnant bushland, sets aside part of the site for use by the adjoining school and will have a site specific DCP to provide finer grain</p> |

| Issue | Response |
|---|---|
| | <p>development controls. These factors will work in tandem to ensure the site is not overdeveloped and will deliver a high quality residential outcome that is sensitive to and inkeeping with the surrounding locality.</p> |
| <p>Lack of infrastructure to support increased intensification of site</p> | <p>Council has received a Letter of Offer from the applicant (Mirvac) that details the public benefits and infrastructure that would be delivered as part of the LEP amendments for the site. The Letter of Offer has been informed by Council's assessment of the likely demands that would be placed on local infrastructure by the proposal.</p> <p>The proposed public infrastructure includes:</p> <ul style="list-style-type: none"> • Affordable housing contribution of \$3.34 million • 3 x public parks dedicated to Council (1.5ha), including embellishments • Pathways and replanting to remnant bushland • Off-road shared cycleway to local road • Contribution of \$392,400 to repair existing Milperra Community Centre • Contribution of \$1.04 million to embellish Milperra Reserve • Agreement with adjoining school for shared use of school facilities |
| <p>Inappropriate infrastructure provided when comparing WSU Milperra & Riverlands with Chester Square Planning Proposals</p> | <p>Given the differences in the site, scale, access to services, facilities and transport, intended outcomes, and surrounding context, a comparison of the WSU Milperra and Riverlands sites with the Chester Square projects is not considered comparable in understanding or assessing the infrastructure needs of the proposal.</p> <p>The Council's Local Strategic Plan 'Connective City 2036' recognises that the subject site will transition from its current use in light of WSU's relocation to the Bankstown CBD. The LSPS states that the WSU site in Milperra will <i>"be subject to a master plan process to realise an appropriate future use"</i> based on its <i>"proximity to the Bankstown Aviation and Technology Precinct, the urban context and community consultation."</i></p> <p>This application is the first step in that process and should it be supported by Council to progress to Gateway a formal public consultation period will occur subject to the Department of Planning, Industry and Environment endorsing the proposal to progress to the next step in the planning process.</p> <p>It is important to also note here that should the Department enable the planning proposal to progress to exhibition, Council will have a further opportunity to consider the proposal following the consultation period.</p> |
| <p>No genuine strategic merit for provision of new commercial zoning and public parks</p> | <p>The site and future outcomes were identified in Council's LSPS and this proposal is consistent with the strategic intent endorsed by Council and Greater Sydney Commission.</p> <p>The proposal would facilitate around 8,200m² of B1 Neighbourhood Centre Zoned land on the site centred around the existing childcare centre. The impacts of the proposed B1 zone has been peer reviewed by an independent economic consultant which concluded that the size of the B1 zone will be sufficient to cater for the convenience shopping needs of the future residents while not detracting from the viability of existing nearby centres.</p> |

| Issue | Response |
|---|---|
| | <p>The proposal envisages a community childcare of a minimum 40 child places noting that approximately half of the current places are allocated to the families of WSU staff and students. A future demand analysis would be undertaken at the detailed development stage to determine the exact capacity needed and whether the current 67 places would continue to be needed. The long-term tenure of this facility must also be determined and if offered to Council, ongoing operations of this facility would need to be ensured that it is at no cost to the community.</p> <p>As noted above, the applicant has provided a Letter of Offer that involves the delivery of a range of public benefits to support the future community of Milperra.</p> |
| <p>Inaccurate and misleading traffic survey data does not reveal the significant impact on traffic congestion in the area once the site is developed</p> | <p>A Traffic and transport report has been submitted by the applicant and assessed by Council Traffic engineers. Council also commissioned a peer review of the applicant's traffic report by an independent traffic and transport specialist. As detailed in the LPP and Council Reports, Council will request further information from the applicant such as clarification of traffic counts and the design of the proposed new intersection on Ashford Avenue to prevent 'rat runs' through the existing streets to the west of the site.</p> <p>The applicant carried out traffic volume surveys over a 7 day period, including 24 hour traffic counts on weekdays and weekends. The counts were undertaken before, during and after Quarter 3 University exams.</p> <p>The proposal would increase car movements of some 158 vehicles movements between 8am and 9am and 262 movements in the afternoon peak of 5.15pm-6.15pm.</p> <p>Currently the site generates up to 381 movements between 3pm-4pm. The proposal will generate a maximum of 457 movements between 5.15pm-6.15pm.</p> <p>The proposal will result in the following Levels of Service at the nearest intersections:</p> <ul style="list-style-type: none"> • Ashford Ave site access: A to A • Ashford Ave/Bullecourt Ave: B to B • Bullecourt Ave site access: A to C • Horsley Rd/Bullecourt Ave: A to B • Horsley Rd/Site Access Rd: A to A • Horsley Rd/Beaconsfield St: A to A <p><i>A = Good operation (<14 sec average delay per vehicle)</i> <i>B = Good with acceptable delays and spare capacity (15-28 seconds)</i> <i>C = Satisfactory (29-42 seconds)</i></p> <p>Based on Council's assessments, the proposed and existing street network can accommodate the proposal and the proposal will not lead to unacceptable traffic congestion noting that further analysis will be undertaken prior to exhibition.</p> |

| Issue | Response |
|---|--|
| <p>Building height, floor space ratio and lot sizes inappropriate in existing low-density residential Milperra context</p> | <p>The low scale and density of the proposal is reinforced through limiting heights across the majority of the site to two storeys (or 9m), and with a maximum of three storeys applying to an area of 1.4% of the site located on the northern side near Bullecourt Avenue.</p> <p>In order to further control the density on the site, provide certainty of development outcomes for the community and to be consistent with Council policy to apply FSRs to residential land across the LGA, it is proposed to apply maximum FSRs for all R1 zoned land through a sliding scale FSR approach. The proposed sliding scale FSR will apply higher FSRs for smaller lots and lower FSRs for larger lots to ensure floor space and dwelling bulk and scale is appropriate for the different lot sizes proposed. Floor space ratios will also be determined based on detailed design testing to ensure amenity impacts are appropriately controlled.</p> <p>The sliding scale FSRs will be subject to testing and further analysis undertaken by Council and Council's independent urban design specialist to ensure the density proposed will achieve an acceptable standards of:</p> <ul style="list-style-type: none"> • Internal amenity • Landscaped area • Deep soil planting and tree canopy • Private open space • Visual and acoustic privacy, and • Solar access to internal living areas and private open space. <p>This further testing and analysis work will be undertaken prior to public exhibition of the Planning Proposal. This further work will also inform the preparation of the site specific DCP. The local community will have an opportunity to review and provide feedback on the draft site specific DCP and FSR controls during the formal exhibition of the application, subject to a Gateway being granted.</p> |
| <p>Incompatible with local character and housing targets in South West Local Area Plan</p> | <p>The South West Local Area Plan (SWLAP) is referred in Council's previous reports that have been considered by Council to provide context regarding the previous strategic vision for Milperra, however it is noted that the Local Area Plans no longer represent the current vision of Council and the community which is now contained within the Local Strategic Planning Statement 'Connective City 2036'. It is also noted that the SW LAP was developed and adopted by Council in 2016 before the State Government released the its Greater Sydney Region Plan – A Metropolis of Three Cities and South District Plan released in 2018. Council required to demonstrate how its planning and proposed outcomes align with these two State Government strategies.</p> <p>The objective of Council's LSPS 'Connective City 2036' is to locate 80% of new dwellings within walking distance of existing centres, with the remaining 20% of new dwellings in suburban areas.</p> <p>Council is progressing plans to ensure new housing is being focussed in centres, as evidenced by recently exhibited Bankstown and Campsie Master Plans which provide 60% or 34,400 dwellings of the total 50,000 new dwellings target by 2036 set by the LSPS.</p> |

| Issue | Response |
|---|--|
| | <p>This application represents in-fill housing in a suburban setting. The proposal contributes 0.9% towards Council's total housing targets to 2036 and 4.4% of new dwellings in suburban areas.</p> <p>The LSPS states the following regarding the WSU Milperra site:</p> <ul style="list-style-type: none"> • As Western Sydney University transitions from its Milperra campus, the site can be renewed to create an innovative and sustainable community area, with open space, community facilities and infrastructure and potential new educational uses. • Further master planning and community engagement will inform the area's future. • The site will <i>"be subject to a master plan process to realise an appropriate future use"</i> based on its <i>"proximity to the Bankstown Aviation and Technology Precinct, the urban context and community consultation."</i> |
| <p>Proposed increased housing density not able to be catered by Milperra</p> | <p>The centres hierarchy does not preclude housing growth occurring in other areas. In fact, 20% of the dwelling target is to be provided outside of centres.</p> <p>The Housing Strategy seeks to provide 80% of new dwellings within walking distance of centres and 20% in suburban areas. Although Milperra is not specifically listed in the table in Section 6.2.1 'Achieving housing growth in centres' (see below) the Housing Strategy states (p108) <i>"Outside these centres, housing growth will continue, consistent with current trends. This approach recognises that suburban locations are important to the overall low scale character of Canterbury-Bankstown."</i></p> <p>The proposal includes its own small commercial centre (B1 zone) that can support local scale convenience uses such as shops, cafes, restaurants and possible shared community facilities to service the existing and future population. Public benefits and public infrastructure required to support the proposal will be delivered by the applicant in a Planning Agreement to be further negotiated between Council and the applicant. Bus services are not proposed to be removed and existing bus stops along Bullecourt Avenue will remain. The traffic assessment that has been reviewed by Council and a peer consultant concludes the existing road network and intersections will operate with acceptable 'levels of service'.</p> <p>The applicant has committed to provide monetary contribution equivalent to 5% of all dwellings for provision of affordable housing elsewhere in the LGA, within centres.</p> |

5. NEXT STEPS

Council notes the correspondence sent and received by the Mayor in response to the resolution of Council on this matter.

Following consideration of the correspondence received, Council is to consider the recommendations of this report and Item 5.1 of the 27 July 2021 Ordinary Council Meeting and resolve whether to progress the Planning Proposal as recommended.

6 POLICY MATTERS

The following item is submitted for consideration -

- | | |
|---|----|
| 6.1 Policy Update - Rates and Charges, Debt Recovery and Hardship Assistance Policy | 81 |
|---|----|

Policy Matters - 24 August 2021

ITEM 6.1 Policy Update - Rates and Charges, Debt Recovery and Hardship Assistance Policy

AUTHOR Corporate

PURPOSE AND BACKGROUND

The purpose of this report is to seek Council's endorsement of the revised Rates and Charges, Debt Recovery and Hardship Assistance Policy.

ISSUE

Recently, the Government passed a number of changes to the Local Government Act, including changes relating to the harmonisation of rate paths for newly merged Council's.

By way of background, in 2016 the NSW Government mandated that amalgamated Council's must maintain its former Council's rate path (rate freeze) till 30 June 2020 which was extended to 30 June 2021.

The recent changes to the Local Government Act, as they relate to rating, have necessitated some minor amendments to be made to Council's existing Rates and Charges, Debt Recovery and Hardship Assistance Policy.

This report will allow Council's Rates and Charges, Debt Recovery and Hardship Policy to be brought into line with the updated Local Government Act and the proposed approach to gradually harmonising the former Council's rating structures over eight years as resolved by Council on 22 June 2021.

RECOMMENDATION

That Council adopt the revised Rates and Charges, Debt Recovery and Hardship Policy.

ATTACHMENTS [Click here for attachment](#)

- A. Rates and Charges, Debt Recovery and Hardship Policy

POLICY IMPACT

The Rates and Charges, Debt Recovery and Hardship Assistance Policy has been revised to bring it into line with Council's adopted Budget and Revenue Policy Position to gradually harmonise its former Council's rating structures over an eight-year period in accordance with the recent amendments to the Local Government Act.

The revised policy will formalise changes to Council's rates settings including:

- The gradual harmonisation of former Council's Ad Valorem Residential and Business Ordinary Rates;
- The rating income split between Residential and Business ratepayers;
- Business subcategories;
- Abolition of the Bankstown CBD special rate from 1 July 2022; and
- The application of supplementary rates and charges from the date of registration of a new plan of subdivision.

When adopted, the Rates and Charges, Debt Recovery and Hardship Assistance Policy will supersede the existing policy.

Council's Policy Register will then be updated to reflect the adopted policy position.

FINANCIAL IMPACT

The financial implications from this report have been addressed in the Council Report on the adoption of the 2021/22 Operational Plan, Budget and Schedule of Fees and Charges, Long Term Financial Plan and Asset Management Strategy resolved at the Council meeting on 22 June 2021.

COMMUNITY IMPACT

The Rates and Charges, Debt Recovery and Hardship Assistance Policy provides the framework for Council to set rates and charges at a level that provides a sustainable income but does not impose undue hardship on property owners. It also seeks to effectively manage and recover debt and assist ratepayers who experience genuine hardship in meeting their financial obligations to Council.

DETAILED INFORMATION

Background

This Policy was reviewed last year in response to the March 2020 Mayoral Minute regarding the CBCity Cares Package that has provided relief measures during the current Coronavirus pandemic. Although Council already had a compassionate Rates Hardship Policy in place to deal with those that may find it difficult to pay their rates, given the pandemic the General Manager was requested to review the policy in light of the significant pressures that lay ahead.

At its April 2020 meeting Council endorsed the changes to its Rates and Charges, Debt Recovery and Hardship Assistance Policy to allow it to deal with the COVID 19 crisis and more broadly any other emergency events – as determined by Council. These policy changes included:

- Section 5.3.5 Hardship assistance- Emergency Event, states:

In an emergency event, Council recognises that managing financial hardship is a shared responsibility. Council is therefore committed to providing assistance to its ratepayers who are experiencing financial hardship;

- Section 5.3.5.1 Administrative Guidelines, states:

During an emergency event, the General Manager is authorised to implement separate Administrative Guidelines to address the event. These guidelines, referred to as 'Administrative Guidelines Debt Recovery and Annual Charges- Emergency Event', will only apply during the period of the emergency event and as determined by Council.

Recently, the Government passed a number of changes to the Local Government Act, including changes relating to the harmonisation of rate paths for newly merged Council's.

By way of background, in 2016 the NSW Government mandated that amalgamated Council's must maintain its former Council's rate path (rate freeze) till 30 June 2020 which was extended to 30 June 2021.

As part of its recent changes, newly merged Council's now have the discretion to harmonise its former Council rate paths up to an 8 year period, commencing 1 July 2021. In accordance with this amendment Council's residential and business ad valorem rates will be gradually harmonised over an 8 year period from 1 July 2021 in order to have one harmonised rating structure by 1 July 2028. The gradual harmonisation of residential and business ad valorem rates will minimise the harmonisation impact on our ratepayers.

This report provides for Council to formalise its previous decisions, and reflect necessary changes to its Rates and Charges, Debt Recovery and Hardship Assistance Policy to bring it into line with the recent amendments to the Local Government Act.

Proposed Policy Changes

The proposed policy changes are all contained within section 5.1 of the policy which sets out Council's approach to formulating its rates and charges structures. The following amendments are proposed:

- Additional criteria added to formalise Council's gradual harmonisation of the former Council's Ad Valorem Residential and Business Ordinary Rates over an eight-year period, commencing 1 July 2021.
- Council had previously maintained fixed ratio splits for residential and business rates income as determined at the date of amalgamation due to the 'rate freeze' imposed by the NSW Government. With the ending of the 'rates freeze', and the requirement to harmonise former council rating structures, the criteria to maintain fixed ratios has been amended to allow the ratio to annually reflect growth in properties and appropriately allocated/recovered from each rating category.
- Council has now established and allocated each Business to a sub-category as part of formulating our 2021/22 rating structures. Changes to the proposed policy now reflects that Council's rating structures apply a subcategory to each rateable property categorised as business. Additional criteria have been added to allow each business subcategory to have a different ad valorem rate providing Council with flexibility when setting its rates structures annually as part of the budget process.
- In accordance with Council's adopted rating strategy and gradual harmonisation process, the existing special rate in addition to the ordinary rate applied to all properties within the Bankstown Central Business District (CBD) will be discontinued from 1 July 2022.
- To streamline the supplementary rating process, and avoid confusion for ratepayers regarding the changeover date, property owners will be levied rates and charges as of the date of registration of a new plan of subdivision rather than at each quarter after such date.

As Councillors will note, the majority of changes are to reflect certain decisions made by Council to-date. It is recommended that Council endorse the amended Rates and Charges, Debt Recovery and Hardship Assistance Policy as outlined in this report.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

| | | |
|-----|--|-----|
| 7.1 | Review of the 2020/21 Operational Plan, Delivery Program and Budget to June 2021 | 87 |
| 7.2 | Code of Meeting Practice - Amendment to 2021 Schedule of Meetings | 97 |
| 7.3 | Fees and Charges 2020/21 | 101 |
| 7.4 | Cash and Investment Report as at 31 July 2021 | 107 |
| 7.5 | Transport for NSW M6 Motorway Project - Proposed Acquisition from Council of Construction Lease and Easement for Cabling | 111 |

Governance and Administration Matters - 24 August 2021

ITEM 7.1 Review of the 2020/21 Operational Plan, Delivery Program and Budget to June 2021

AUTHOR City Future

PURPOSE AND BACKGROUND

The review provides a summary of progress on the delivery of Council's 2020/21 Operational Plan and 2018-22 Delivery Program.

Separately, the report considers the review of Council's financial results and proposed budget adjustments for the June 2021 Quarterly Budget Review period.

ISSUE

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

It demonstrates the organisation's performance in delivering the actions outlined in Council's 2020/21 Operational Plan and 2018-22 Delivery Program. These are key documents for our City as they translate our priorities and services into measurable actions for the financial year and Council term.

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

- Operational Plan progress; and
- Budget Review.

RECOMMENDATION That -

1. The quarterly review of the 2020/21 Operational Plan and six-monthly review of the Delivery Program to 30 June 2021 be noted, and the June 2021 Quarterly Budget Review Budget as outlined in this report be adopted.
2. Council authorise the carryover of \$54.6M of funding to complete certain capital and operating projects commenced throughout the 2020/21 financial year, as outlined in the report.
3. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005, as outlined in the report.

4. Council endorse the write-off of sundry debts for the 2020/21 financial year, as outlined in the report.

ATTACHMENTS

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

- A. Quarter 4 April - June 2021 - Summary Report
- B. Quarter 4 April - June 2021 - Detailed Progress

POLICY IMPACT

The review is prepared in accordance with Schedule 1 of the Local Government Amendment (Planning and Reporting) Bill 2009, which requires regular progress reports to be provided to Council and the community. Council currently generates reports on a quarterly basis to ensure through monitoring of the commitments it has made to the community.

FINANCIAL IMPACT

The report presents Council's operating result as at 30 June 2021. Whilst preliminary in nature, Council's financial position reflects a sound and stable financial position. A further assessment will be provided once Councils 2020/21 Annual Financial Reports are presented to Council.

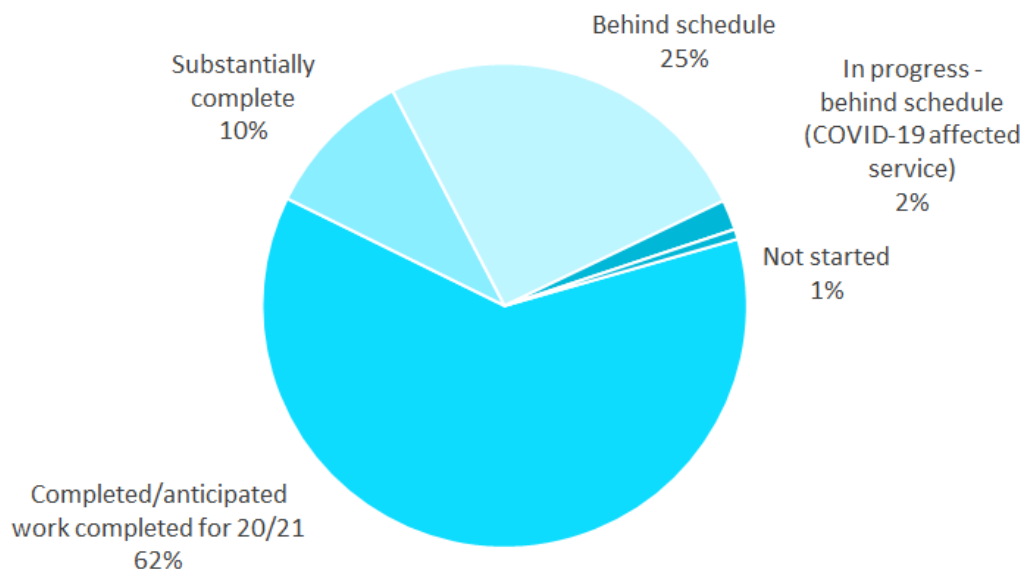
COMMUNITY IMPACT

The report provides the community with an understanding of Council's performance in delivering its yearly Operational Plan and Delivery Program, as well as an update on the financial position as at 30 June 2021.

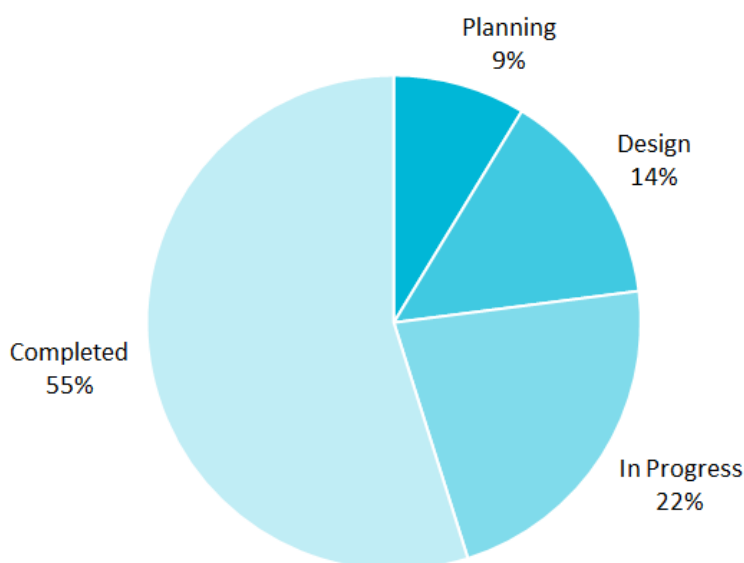
DETAILED INFORMATION

Part A – Quarterly progress of the 2020/21 Operational Plan to June 2021

Broadly, Council's Operational Plan progressed well over the 2020/21 financial year. At the close of quarter four, 72% of the Operational Plan's programs and initiatives for 2020/21 were either complete or on track. This is considered a strong result in light of the COVID-19 pandemic and resulting restrictions that significantly impacted services.



At the close of quarter four, 91% of Council's Capital Works Program was either completed, under construction or in design stage. Of the 215 completed projects, 127 were roads and transport projects, 40 were building projects, and 41 were sportsfield, playground and open space projects. Council has completed \$91M worth of capital works projects in 2020/21 and has \$29M currently in construction. See further information in Part B of this report.



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

Attachment A also provides details of progress towards delivering Council's Delivery Program. The Delivery Program outlines Council's contribution towards achieving outcomes identified in CBCity 2028 during its current term. Detailed actions for the entire 2020/21 Operational Plan are outlined in Attachment B.

Quarter four required vigilance regarding the ongoing effects of COVID-19 restrictions. Despite these challenges, Council continued to make a solid contribution to CBCity 2028. The results can be seen in the highlights for the quarter.

Leading and Engaged

- IPART approves Council's One Rate proposal for rates harmonisation and long-term financial sustainability;
- Adoption of Canterbury Bankstown 2021/22 Operational Plan;
- Adoption of Council's Financial Management Strategy and Plan;
- 'Respond, Recover, Thrive' campaign won the Organisational Change Category at the NSW Excellence Awards;
- Also at the NSW Excellence Awards, Erin Hogan, Environmental Health Officer, won the Col Mills Memorial Award and is now listed as a finalist in the National Federation Award as an Emerging Leader;
- Secured \$3M in funding for Waterworth Park upgrades; and
- Secured additional \$3M in funding under Phase Three of the Local Roads and Community Infrastructure Program.

Safe and Strong

- Hosted Australia's largest citizenship ceremony;
- Developed and engaged the community on options for traditional Dharug language names for the five Council wards;
- Invested \$700,000 to build new inclusive change rooms at Graf Park, Yagoona;
- Hosted Council's 55th Canterbury-Bankstown Meals on Wheel Volunteer awards; and
- Restored iconic WWII cannon and relocated it to Chester Hill RSL.

Clean and Green

- Partnered with Ausgrid to install a community battery at Mount Lewis;
- Inspected 63 local building sites as part of 'Get the Site Right' program;
- Promoted Council's 'ShareWaste' program as part of International Composting Awareness week; and
- Installed a new litter boom in the Cooks River.

Prosperous and Innovative

- Established new grant program to encourage festivals in our small village centres and to stimulate the local economy;
- Celebrated Ramadan applying COVID-safe restrictions;
- Organised and hosted a number of programs for National Reconciliation Week;

- Significantly increased visitors to the Bryan Brown Theatre as COVID-19 restrictions eased over the period; and
- Adopted the Economic Development Strategy and Night Time Economy Action Plans.

Moving and Integrated

- Adopted Council's Asset Management Strategy and Plan;
- Adopted of the Active Transport Action Plan;
- Construction of a new roundabout at Alma Street;
- Construction of a shared path at Allum Park; and
- Adopted the Active Transport Action Plan.

Healthy and Active

- 'Open but Different' for swimming in Leisure and Aquatic Centres;
- Implemented a Walking Basketball program to improve mental and physical health;
- Launch of CBfit new group fitness program; and
- Let's Go Polish festival exploring the culture of Poland through music, art and movies.

Liveable and Distinctive

- Draft Bankstown and Campsie Master Plans developed;
- Council won the 'Planning for jobs and skills' category of the Greater Sydney Commissions 2021 Greater Sydney Planning Awards; and
- Planning for the Canterbury Town Centre transformation.

PART B – June 2021 Quarterly Budget Review

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

Council's net operating surplus of \$23.1M for the year, reflects a positive variance of \$8.3M to that forecast at the March 2021 Quarterly Budget Review. Whilst outlined in more detail further in the report, the net improvements are largely attributable to:

- | | |
|---|---------|
| ▪ Financial Assistance Grant – Upfront payment | \$5.6M |
| ▪ Operational Projects not completed and to be carried over | \$13.5M |

Whilst Officers are currently finalising year-end financial reports, prior to referring them to our External Auditors, Council's preliminary draft financial performance (Income Statement) for the 2020/21 confirms that we have ended the year in a reasonably sound financial position.

CANTERBURY-BANKSTOWN COUNCIL
INCOME STATEMENT
Budget Review for quarter ended 30 June 2021

| Description | Actual | Budget | Variance |
|--|-----------------|-----------------|-----------------|
| | \$000 | Mar'21 | \$000 |
| INCOME FROM CONTINUING OPERATIONS | | | |
| Rates and Annual Charges | 244,745 | 244,349 | 396 |
| User Charges and Fees | 17,815 | 16,628 | 1,187 |
| Interest and Investment Revenue | 6,197 | 6,573 | (376) |
| Other Revenues | 21,604 | 19,040 | 2,564 |
| Grants and Contributions Provided for Operating Purposes | 27,866 | 22,132 | 5,734 |
| Grants and Contributions Provided for Capital Purposes | 39,805 | 63,998 | (24,193) |
| TOTAL INCOME FROM CONTINUING OPERATIONS | 358,032 | 372,720 | (14,688) |
| EXPENSES FROM CONTINUING OPERATIONS | | | |
| Employee Benefits and On-costs | 141,680 | 146,737 | 5,057 |
| Borrowing Costs | 83 | 80 | (3) |
| Materials and Contracts | 80,423 | 92,210 | 11,787 |
| Depreciation and Amortisation | 74,815 | 74,941 | 126 |
| Other Expenses | 35,833 | 43,952 | 8,119 |
| Net Loss from Disposal of Assets | 2,079 | 0 | (2,079) |
| TOTAL EXPENSES FROM CONTINUING OPERATIONS | 334,913 | 357,920 | 23,007 |
| NET OPERATING RESULT FOR THE YEAR | 23,119 | 14,800 | 8,319 |
| Net Operating Result for the Year Before Grants and Contributions Provided for capital purposes | (16,686) | (49,198) | 32,512 |

A summary of the material variations to Council's estimates when compared to that reported as part of the March 2021 Quarterly Budget Review is as follows:

Income from Continuing Operations

Council received income totalling \$358.0M throughout the year, a negative variance of \$14.7M to that reflected as part of the March 2021 Quarterly Budget Review.

The net variance is largely attributable to an advanced payment for Council's 2021/22 Financial Assistance Grant of \$5.6M and due to the nature and timing of certain capital works projects, grant & contributions income associated with a few large projects that were not completed at 30 June was not received, however this income is expected to be received throughout 2021/22.

Expenses from Continuing Operations

Whilst still subject to change, particularly to reflect certain accrued expenses, generally, Council's operating expenditure for the year has been quite positive. In total, expenditure for the year was \$334.9M, \$23.0M less than previously reported.

The net variance is largely attributable to:

- projects not completed as at 30 June 2021 totalling \$13.5M, particularly those funded through government grants and contributions. These projects and their allocated funds will need to be carried over into the 2021/22 financial year for completion;

- further assessment/application of accrued expenses (expenses incurred but not yet payable such employee entitlements) which will need to be accounted-for/reflected in Council's statements prior to finalising and submitting them to Audit.

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

Capital Works

In terms of capital works, Council expended approximately \$91.0M during 2020/21, a significant investment in infrastructure and services throughout our city. In total over \$21.5M was spent on roads and traffic management assets, \$11.6M on footpaths, bridges & boardwalks, \$14.0M on parks, community and sporting fields, \$4.3M on town centres and \$8.4M on irrigation, drainage & flood mitigation.

CANTERBURY-BANKSTOWN COUNCIL CAPITAL EXPENDITURE AND CARRY OVERS Budget Review for quarter ended 30 June 2021

| Description | Budget \$000 | Actual \$000 | Carryovers \$000 |
|----------------------------------|-----------------|-----------------|---------------------|
| CAPITAL BUDGET | | | |
| Bridges | 9,428 | 6,907 | 2,521 |
| Buildings | 18,429 | 8,153 | 10,276 |
| Street Furniture | 94 | 94 | - |
| Carparks | 1,761 | 1,387 | 374 |
| Drainage Conduits | 17,393 | 6,631 | 8,722 |
| Waste Management | 8,328 | 8,328 | - |
| Town Centres | 11,361 | 4,442 | 6,919 |
| Kerb and Gutter | 2,245 | 2,241 | 3 |
| Irrigation | 508 | 497 | 10 |
| Open Space | 26,907 | 12,626 | 14,281 |
| Other Structures | 2,559 | 373 | 2,186 |
| Park Furniture | 229 | 213 | 16 |
| Park Lighting | 2,540 | 1,535 | 1,005 |
| Park Signs, Screens & Fences | 526 | 526 | - |
| Pathways and Boardwalks | 3,065 | 2,352 | 913 |
| Road Pavement | 10,995 | 10,181 | 814 |
| Traffic Management Devices | 11,434 | 11,376 | 58 |
| Water Courses | 825 | 580 | 245 |
| Water Quality Devices | 991 | 665 | 325 |
| Operational Assets | 17,868 | 11,891 | 5,981 |
| TOTAL CAPITAL EXPENDITURE | 147,486 | 90,998 | 54,649 |
| CAPITAL FUNDING | | | |
| General Fund | 2,938 | 2,921 | - |
| Grants | 29,362 | 23,384 | 5,978 |
| Sec 7.11/7.12 | 33,528 | 14,513 | 19,016 |
| Stormwater Levy | 6,007 | 3,668 | 2,924 |
| Other Reserves | 75,651 | 46,512 | 26,731 |
| TOTAL CAPITAL FUNDING | 147,486 | 90,998 | 54,649 |

As noted in the above table, given the nature and timing of certain projects, a further amount of \$54.6M of funding will be restricted and carried over to the 2021/22 financial year to ensure their completion.

A further report outlining Council's projects will be provided when the 2020/21 annual financial reports are finalised and presented to Council for its information.

WRITING OFF OF RATES AND CHARGES AND SUNDRY DEBTORS AT 30 JUNE 2021

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

A broad summary of the required changes are as follows:

RATES AND ANNUAL CHARGES

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

The table below details a summary of the adjustments to rates and charges during the 2020/21 financial year:

| Details | Amount * (\$) |
|-----------------------|------------------|
| Rates & Charges | 27,226 |
| Pensioner – Statutory | 4,702,505 |
| Pensioner – Council | 752,401 |
| Total | 5,482,132 |

* Includes amounts for Rates, Annual Charges and Interest

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

SUNDRY DEBTS

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

Debts are only written off if:

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

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

The following table details a summary of the sundry debtor amounts written-off by the General Manager at 30 June 2021 under delegation as well as those amounts needing to be written off by way of Council resolution.

| Delegated Write-Offs | Amount * (\$) |
|--------------------------------------|----------------------|
| Shop & Food Premises Inspection Fees | 9,719.90 |
| Commercial Use Footways | 135.00 |
| Swimming Pool Inspection Fees | 750.00 |
| TOTAL | 10,604.90 |

Conclusion

This report and Attachments A and B provide a progress report for the 2020/21 Operational Plan, Delivery Program and the 2020/21 Budget. This ensures Council is meeting its obligations under the Integrated Planning and Report Framework and contributes to the ongoing enhancement of good governance across Council. The data contained within these reports will also be made available on Council's website.

Governance and Administration Matters - 24 August 2021

ITEM 7.2 **Code of Meeting Practice - Amendment to 2021 Schedule of Meetings**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

To amend the adopted 2021 Schedule of Council Meetings.

ISSUE

Due to the postponement of the Local Government Elections from 4 September 2021 to 4 December 2021, Council is required to review its Ordinary Meeting schedule to accommodate the change.

As a result, it is proposed that an Ordinary Meeting of Council be scheduled for 28 September 2021 to deal business arising as required. Separately, it also proposed that the Ordinary Meeting scheduled for 7 December 2021 be cancelled.

Councillors should also note that an Extraordinary Meeting to elect the Mayor and Deputy Mayor will also need to be held throughout September 2021. Councillors will be notified of the meeting, accordingly.

RECOMMENDATION That -

1. An Ordinary Meeting of Council be scheduled for 28 September 2021.
2. The Ordinary meeting of Council scheduled for 7 December 2021 be cancelled.

ATTACHMENTS

Nil

POLICY IMPACT

The report has no Policy impacts.

FINANCIAL IMPACT

The report has no financial impacts.

COMMUNITY IMPACT

The report has no community impacts.

DETAILED INFORMATION

On 24 November 2020 Council adopted its schedule of meeting dates for 2021. No Ordinary Council meeting was set at the time for September 2021 as the 2021 Ordinary Election of Council was scheduled for 4 September 2021. Due to the deferral of the election, an Ordinary Council meeting is now proposed for 28 September 2021.

Given that the poll for the 4 December 2021 election is not expected to be declared until 21 - 23 December 2021, it is recommended the Ordinary Council meeting proposed for 7 December 2021 be cancelled.

Council's Code of Meeting Practice requires that at least ten meetings of Council be held each calendar year, with each meeting held in a different month. The amended meetings schedule meets this requirement. The proposed remaining Ordinary Meeting dates for 2021 are as follows:

28 September
26 October
23 November

ITEM 7.3 Fees and Charges 2020/21

AUTHOR Planning

PURPOSE AND BACKGROUND

In late June 2021, CB City became part of a select group of Councils to take part in a new State Government initiative administered by the Department of Planning, Industry and Environment. The Program is aimed at reducing assessment times on a state-wide basis for large scale development applications identified as *regionally significant*.

The Program has triggered an internal process review of how Council manages regionally significant developments. To ensure these applications are determined within the required timeframe under the Program, the process review has identified the need for Council to assign significantly more time and resources with proponents in the pre-lodgement phase including formalising advice from numerous disciplines across Council.

Given the concentrated level of resources required to compress timeframes under the Program, it is proposed to impose a fee for pre-lodgement services for regionally significant development applications to be imposed for this service. Council's pre-lodgement service for all other forms of development will remain unchanged.

As the Program was not formally entered into until after the adoption of the 2021/22 Operational Plan and Council's Fees and Charges, this report proposes to introduce a new fee for the service and that Council exhibit the new fee in accordance with relevant provisions of the *Local Government Act 1993*.

All regionally significant development applications are determined by the Sydney South Planning Panel.

ISSUE

The NSW Government has allocated funding to the NSW Department of Planning, Industry and Environment (the Department) to focus on faster assessment timeframes, supported by reforms to the planning system.

To support faster assessment timeframes, the government has set State-wide performance targets for timeliness of Regionally Significant Development Applications (RSDAs). This performance target was established from a baseline average assessment timeframe for RSDAs of 366 days taken from FY 2018-19. These targets are:

- A 5% reduction in average assessment timeframes by 30 June 2021 – down to 348 days;
- A 12.5% reduction in average assessment timeframes by 30 June 2022 – down to 320 days; and
- A 25% reduction in average assessment timeframes by 30 June 2023 – down to 275 days.

In late June 2021, Council entered into a deed with the Department to take part in the pilot program. Process mapping has commenced to identify efficiencies which can be found in Council's assessment systems in order to deliver projects within this time frame. A crucial element which has been identified is a strengthened pre-lodgement service in order to improve the quality of applications on lodgement, thereby allowing them to be "fast tracked" once received as a development application.

Significant Council resources will be required in order to deliver this enhanced pre-lodgement service and it is proposed that a fee be imposed to partially recover Council costs for this category of development. This is in line with processes already established in other local government areas.

RECOMMENDATION That -

1. In principle, Council endorse the introduction of a new fee of \$2,500 (plus GST) for a pre-lodgement service for regionally significant development applications
2. In accordance with Section 610F of the Local Government Act 1993, Council exhibit the proposed fee/charge, as required.
3. A further report be presented to Council following the public exhibition period.

ATTACHMENTS [Click here for attachment](#)

- A. Proposed change to fees and charges for RSDA projects

POLICY IMPACT

This report will not result in any change to Policy however adoption of the recommendations will require amendment to the fees and charges that were adopted at the June 2021 Ordinary meeting.

In accordance with the Local Government Act – Section 610F - Council will exhibit the fee/charge for consultation and again consider the matter following this period.

FINANCIAL IMPACT

Council has an existing fee for informal pre-lodgement services which is generally reserved to town planning input.

This fee (\$391.20) is rarely charged because of the preliminary nature of the advice provided in most instances and the small scale nature of most development types. This approach is taken to also encourage applicants to liaise with Council early in the planning stage and avoid more costly amendments or information requests during the formal assessment process once an application is lodged.

Participation in the pilot program will see an increase in demand for pre-lodgement services for regionally significant development applications where detailed advice will be required across multiple areas of Council. The existing pre-lodgement fee is inadequate, and a new fee is required to be introduced for this specific group of applications. Whilst the proposed fee will not represent full cost recovery for the entire pre-lodgement assessment service, it will cover staff time associated with the preparation of, and participation in a pre- lodgement meeting with a proponent and the preparation of written advice.

The number of applications of this nature received over a financial year is typically in the order of 10 – 20 and so it is anticipated that a similar number of requests will be made for detailed pre-lodgement advice.

COMMUNITY IMPACT

Additional time expended by Council at the pre-lodgement phase will provide clear guidance to proponents on key issues associated with their proposal. The outcome for proponents who adopt Council's advice will be a higher quality application, which in turn should lead to a more efficient assessment process and improved development outcomes.

DETAILED INFORMATION

Currently, Council offers a pre-lodgement service where proponents are encouraged to discuss their proposal with Council staff and to seek guidance on key issues that they have encountered in the preparation of design documentation. Council provides advice on these and other issues in an informal setting.

The RSDA process is a fast track assessment process which is targeted at large sale development proposals, and which will require Council to deliver assessment reports to the Sydney South Planning Panel in compressed time frames.

The categories of development applications that will be subject to this process are typically:

- General development over \$30 million;
- Council related development over \$5 million;
- Crown development over \$5 million;
- Development carried out by or on behalf of the Crown (within the meaning of Division 4.6 of the Act) that has a capital investment value of more than \$5 million; and
- Private infrastructure and community facilities over \$5 million.

Given the scale of these developments and the fast tracked assessment process, it is anticipated that many proponents will seek far more detailed advice from Council staff prior to committing to lodgement of the application, so that there is greater certainty around what the likely planning, design, environmental, infrastructure and servicing issues may be. This has been evidenced already since the commencement of the pilot program on 1 July 2021.

Coordination of advice will be led by Council's Development Unit, but participation will be required across multiple areas of Council in order to provide comprehensive advice to the proponent.

It is proposed that the applicable fee be set at \$2,500 (plus GST) per request for advice. This fee would include all staff time associated with accepting the "application" for advice, assessment of the proposal across all relevant areas of Council, town planning assessment, a meeting with the proponent to deliver and discuss Council's advice, and preparation of written advice to the proponent. The proposed charge is unlikely to be construed as a burden to proponents, given the capital expenditure associated with these proposals and the likely time savings that result from a fast tracked assessment based on comprehensive pre- lodgement advice.

Further, it is noted that many Councils already have a fee for the provision of such a service with the following fees being imposed by neighbouring Councils.

| Council | Fee for Pre- DA advice |
|----------------|-------------------------------|
| Burwood | \$2,145 |
| Cumberland | \$2,340 to \$3,605 |
| Fairfield | \$1,100 for 30 minute meeting |
| Georges River | \$3,000 to \$5,000 |
| Inner West | \$2,077.40 to \$3,687.80 |
| Liverpool | \$1,648 |
| Sutherland | \$2,750 to \$5,000 |

Having regard to the above, it is evident that the proposed fee is commensurate with the pre-lodgement fees charged by other Councils for the service.

The implication of not introducing the pre-lodgement fee for RSDA projects would be that Council would have to decide between:

- a) offering a free service, which would see the community effectively subsidise the provision of pre-lodgement advice on large scale private and Government projects; or
- b) offering no service at all.

Neither of these outcomes are considered appropriate particularly with the underlying objective of this service being to improve the quality of built form and environmental outcomes. On this basis, the introduction of this a new fee for pre-lodgement planning advice for RSDA proposals is recommended.

Governance and Administration Matters - 24 August 2021

ITEM 7.4 Cash and Investment Report as at 31 July 2021

AUTHOR Corporate

PURPOSE AND BACKGROUND

In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the council with a written report each month, which sets out the details of all money that council has invested under section 625 of the Local Government Act 1993.

Council's investments are managed in accordance with Council's Investment policy. The report below provides a consolidated summary of Council's total cash investments.

ISSUE

This report details Council's cash and investments as at 31 July 2021.

RECOMMENDATION That -

1. The Cash and Investment Report as at 31 July 2021 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Imperium Markets Monthly Investment Report July 21

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

DETAILED INFORMATION

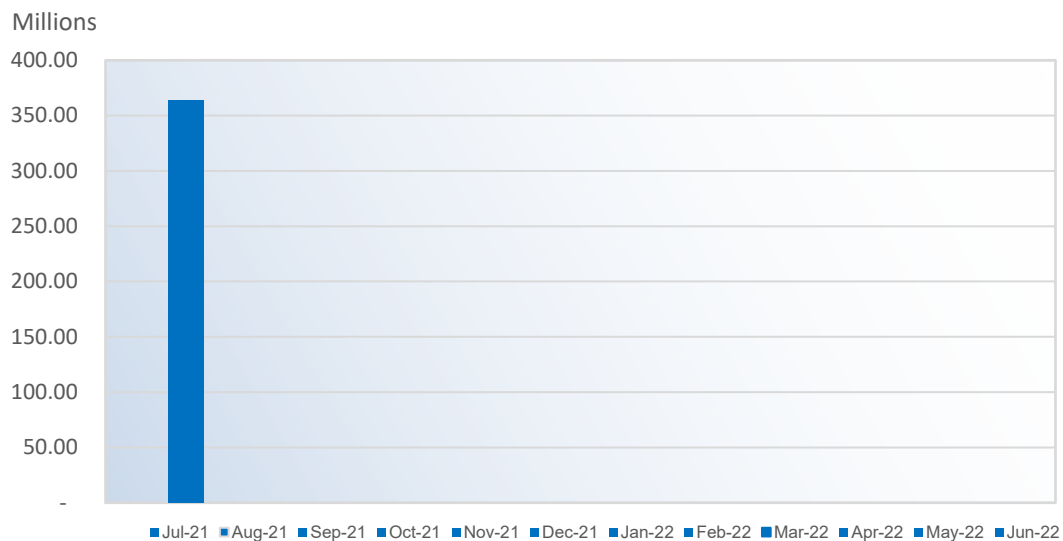
Cash and Investment Summary – as at 31 July 2021

In total, Council's Cash and Investments holdings as at 31 July 2021 is as follows:

| Cash and Investments | \$ |
|-----------------------------------|--------------------|
| Cash at Bank | 3,659,819 |
| Deposits at Call | 50,207,555 |
| Term Deposits | 250,611,000 |
| Floating Rate Notes | 45,601,052 |
| Bonds | 14,000,000 |
| Total Cash and Investments | 364,079,426 |

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 2021 to June 2022.

Cash and Investment Rolling Monthly Balance 2021-2022



A summary of Council's investment interest income earned for the period to 31 Jul 2021 is as follows:

| Interest Income | July 2021 \$ | Year-to-date July 2021 \$ |
|-----------------|-----------------|---------------------------------|
| Budget | 501,875 | 501,875 |
| Actual Interest | 419,748 | 419,748 |
| Variance | (82,127) | (82,127) |
| Variance (%) | (16.36) | (16.36) |

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

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

| Maturity Profile | | |
|---|------------------------------|------------------------|
| | Actual % of Portfolio | Policy Limits % |
| Cash | 14.80 | 100 |
| Working Capital Funds (0-3 months) | 7.93 | 100 |
| Short Term (3-12 months) | 17.06 | 100 |
| Short – Medium (1-2 years) | 18.01 | 70 |
| Medium (2-5 years) | 42.20 | 50 |
| Long Term (5-10 years) | 0.00 | 5 |
| Total Cash and Investments | 100% | |

| Portfolio Allocation | |
|-----------------------------------|------------------------------|
| | Actual % of Portfolio |
| Cash at Bank | 1.00 |
| Deposits at Call | 13.79 |
| Term Deposits | 68.83 |
| Floating Rate Notes | 12.53 |
| Bonds | 3.85 |
| Total Cash and Investments | 100% |

Governance and Administration Matters - 24 August 2021

ITEM 7.5 Transport for NSW M6 Motorway Project - Proposed Acquisition from Council of Construction Lease and Easement for Cabling

AUTHOR Corporate

PURPOSE AND BACKGROUND

By way of background, Transport for NSW (TfNSW):

- Will be constructing twin underground tunnels from Arncliffe to Kogarah as Stage 1 of the project to extend the F6 to link it to the M5;
- Intends sourcing power for the project from the Ausgrid substation adjacent Hughes Park Earlwood;
- Power supply cabling will be reticulated to Kogarah along the public road network mostly. Unavoidably the cable will need to traverse some land owned by Council;
- Are proposing the compulsory acquisition of an easement for the cabling and a short-term lease for its construction; and
- Council's authority is sought to affirm the General Manager's existing delegated authority to determine any compensation due to Council as a consequence of these compulsory acquisitions.

ISSUE

TfNSW plans to compulsorily acquire:

- an easement for the power cables over parcels of land owned by Council in Hughes Park, Earlwood, Bray Avenue, Earlwood and in the Wolli Creek valley; and
- a four-year lease for its construction, over land around the power cable easement location in Hughes Park and Bray Avenue, to commence in June 2022.

As indicated, TfNSW are proposing to carry out the above by way of compulsory acquisition, hence Council has minimal discretion to argue the proposal. Council's decision to negotiate a suitable approach – both operational and financial – will ensure that Council's requests are taken into consideration in resolving the matter.

RECOMMENDATION That -

1. The report be noted.
2. The General Manager be authorised to negotiate and finalise the matter, as required.
3. Council liaise with key users/stakeholders regarding the proposed impacts associated with Hughes Park.
4. The Mayor and General Manager be delegated authority to sign all documentation under the Common Seal of Council, as required.

ATTACHMENTS [Click here for attachment](#)

- A. M6 Extension Project - Power cabling - Amended sketch and offer from Transport for NSW

POLICY IMPACT

This issue has no policy impact.

FINANCIAL IMPACT

Adoption of the report's recommendations will have no adverse impact on the budget. Council will be compensated for the lease and easement as well as any associated costs in the relocation of the playing field.

COMMUNITY IMPACT

The community will be impacted in regard to the proposed lease in Hughes Park with the relocation of the playing field and the temporary loss of some car parking. This issue is being managed by Council to minimise its effects on the community.

DETAILED INFORMATION

Transport for NSW (TfNSW) will be constructing twin underground tunnels from Arncliffe to Kogarah as Stage 1 of the project to extend the F6 to link it to the M5.

Power for the project will be sourced from the Ausgrid substation adjacent Hughes Park Earlwood.

The power supply will run from the Ausgrid substation adjacent Hughes Park to Kogarah along the public road network although the cable will need to traverse some land owned by Council.

TfNSW are proposing the compulsory acquisition of an easement for the cabling and a short-term lease for its construction. Plans and details of the affected lots are set out in the attachment.

The lease area within Hughes Park will affect car parking space availability and have some impact on the use of the sporting field for football and, to a lesser degree, cricket. TfNSW advised the route through Hughes Park was chosen having regard to:

- tree preservation/protection
- field lighting infrastructure location
- Ausgrid separation requirements relative to existing underground cable installations
- avoiding proximity to sewer main infrastructure
- electricity network aerials proximity in Westfield Street, for workplace health and safety.

The feasibility of relocating the football field is being assessed. Consultation with playing field hirers is part of that assessment. Hughes Park's availability for passive use by the community will only be minimally impaired. The works in Bray Avenue will require short vehicle detours but otherwise the impact on public amenity will be minimal.

A valuation of Council's compensation entitlement will be obtained which, together with any costs to be incurred, such as possible sporting field relocation, will form part of Council's claim. The intention is to reach agreement with TfNSW regarding compensation prior to the resumption occurring.

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 item is submitted for consideration -

- | | | |
|-----|---|------|
| 9.1 | Minutes of the Traffic Committee Meeting held on 10 August 2021 | 119 |
| 9.2 | Minutes of the Traffic Committee Meeting held on 24 August 2021 | 120A |

Committee Reports - 24 August 2021

ITEM 9.1 **Minutes of the Traffic Committee Meeting held on 10 August 2021**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 10 August 2021.

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 10 August 2021, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. Minutes of the Traffic Committee Meeting held on 10 August 2021

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.

Committee Reports - 24 August 2021

ITEM 9.2 **Minutes of the Traffic Committee Meeting held on 24 August 2021**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 24 August 2021.

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 24 August 2021, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Minutes of the Traffic Committee Meeting held on 24 August 2021

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 | 123 |
| 10.2 Afghanistan Withdrawal - Councillor Clare Raffan | 125 |
| 10.3 In-school COVID19 Vaccination program - Councillor Steve Tuntevski | 127 |
| 10.4 Henry Lawson Drive, Milperra - Councillor Linda Downey | 129 |
| 10.5 Mobile Speed Cameras - Councillor Bilal El-Hayek | 131 |
| 10.6 One Rule for Us, Another for Others - Councillor Bilal El-Hayek | 133 |
| 10.7 Lebanon Humanitarian Relief - Councillor Nadia Saleh | 135 |
| 10.8 Encouraging our Community to Get Vaccinated – Councillor George Zakhia | 137 |

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.1 **Notice of Motions**

AUTHOR **Office of the General Manager**

ISSUE

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

RECOMMENDATION

That the information be noted.

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

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

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.2 Afghanistan Withdrawal

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

“That Council:

1. Write to the Prime Minister Scott Morrison, the Minister for Defence Peter Dutton and the Minister for Foreign Affairs Marise Payne expressing our great disappointment in the Federal Government’s response to the announcement and withdrawal of foreign troops from Afghanistan in protecting vulnerable citizens, interpreters and Australian defence force contractors from harm and deprivation at the hands of insurgents; and
2. Also write to the Leader of the Opposition in the Senate Shadow Minister for Foreign Affairs, Senator Penny Wong and Senator Jacqui Lambie, urging them to support a Senate Inquiry into the Federal Government’s slow response and handling of visa applications by hundreds of Afghan people who supported Australia on the ground..”

BACKGROUND

This week, the world witnessed the fall of the democratically elected Afghan Government. Insurgents lay claim to rule Afghanistan after the Afghan military was defeated in the capital Kabul.

The insurgent Taliban drew strength on the heels of announcements from western allied forces that foreign troops would withdraw from a war that has spanned two decades.

The Federal Government had advanced notice of troop withdrawal yet sat on it’s hands and abandoned the very Afghan people that had assisted Australian defence personal carry out their twenty year mission.

The Prime Minister Scott Morrison conceded that Australia will not be able to rescue all its former Afghan interpreters and other staff who risked their life assisting Australian forces.

It is disgraceful that the Prime Minister and other Ministers have not guaranteed safe haven for these people seeking protection and did not have a plan to protect and withdraw Afghans who could be subject to the harshest penalties and interrogation for their work in assisting allied forces in protecting the citizens of the country and the integrity of the elected government.

I fear that our representations to the Morrison Liberal Federal Government will not be received with genuine engagement, but rather generate a standard worthless response, and that is why I am also seeking a Senate Inquiry into the Federal Government's slow response and handling of visa applications by hundreds of Afghani people who supported Australia on the ground.

Of particular concern at the time of writing this notice of motion, is the safety and wellbeing of women and children who face an uncertain future of oppression, punishment, slavery and possible death.

GENERAL MANAGER'S COMMENT

There is no cost implication arising from the proposed motion as written.

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.3 In-school COVID19 Vaccination program

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

“That Council write to the State Government to consider the introduction of an in-school Covid-19 vaccination program for high school aged students so as to both assist the fast tracking of the vaccination roll out for Children in the short term and to safeguard our Children into the future from Covid-19.”

BACKGROUND

The Covid-19 Delta variant continues to cause serious illness as well as causing significant social and economic disruption throughout the Country.

The reports indicate that the Delta variant not only causes serious illness and hospitalisation of adults, but children as well.

Whilst the roll out is currently focused on vaccinating adults and certain industries, vaccinated adults are concerned that their unvaccinated children may unwittingly contract Covid-19 through them or others. This creates vaccination gaps within the family.

I understand that NSW Health works in partnership with secondary schools offering vaccination programs for Diphtheria-Tetanus-Pertussis, Human Papillomavirus and Meningococcal. While we acknowledge it may be some weeks or more before children return to on-site schooling, this would be a safer and easier program to deliver than busing secondary school aged students to the Homebush mass vaccination centre, it makes sense to bring the program to the school.

If we are to be successful in getting vaccinations up, once readily available of course, it is important that this planning between NSW Education and NSW Health commences now, not after the race has been lost. It is on this basis that I request that council write to the State Government requesting that they consider introducing an in-school Covid-19 vaccination program for high school aged students so as to fast track the vaccination roll out and safeguard our Children and community from Covid-19.

GENERAL MANAGER’S COMMENT

There is no cost implication arising from the proposed motion as written.

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.4 Henry Lawson Drive, Milperra

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 Minister for Transport and Roads, requesting the full function of the intersection of Henry Lawson Drive and Auld Avenue be retained and that the NSW Government commit to funding the remaining stages between the Hume Highway and M5.

BACKGROUND

Henry Lawson Drive (HLD) is becoming an ever important, but equally congested arterial road, servicing many residents in the western and southwestern parts of our City between the M5 Motorway and Hume Highway.

Recently, Transport for NSW commenced works associated with upgrading the capacity of HLD in what they are calling stage 1A of the project. And as part of these works, it has become apparent that there has been a serious oversight in the design of the intersection of HLD and Auld Ave; the latter being the only access to a significant recreational and sporting complex for thousands of our community, predominantly from the Revesby Ward.

The design of this intersection will see left in/left out only permitted, forcing thousands of motorists into an intersection the NSW Government is spending millions on upgrading; an own goal if ever I saw one, not to mention the significant inconvenience on residents from Milperra, Panania, East Hills, Picnic Point and Revesby.

Furthermore, while I understand the Government has identified future stages, it remains to be seen whether the works needed will ever materialise and until they have funding committed to them, my concern is that they will remain a distant promise, never to be completed.

Accordingly, I seek Council write to the Minister to intervene in this matter and ensure that the full function of the intersection of HLD and Auld Ave is maintained and that funding of the remaining stages between the Hume Highway and M5 be committed.

GENERAL MANAGER’S COMMENT

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

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.5 Mobile Speed Cameras

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

“That Council once again writes to the Minister for Transport and Roads, welcoming his commitment to install new signs and seeking his commitment that advanced warning signs and high visibility vehicle marking be reinstated immediately.”

BACKGROUND

At the Ordinary Council Meeting of 27 July, I raised a motion calling on the NSW Government to reinstate advanced warning signs ahead of and high visibility markings on mobile speed camera vehicles. What occurred next was a gymnastic feat worthy of an appearance at the Olympics.

In an apparent backflip followed by a reverse summersault, shortly afterward the Minister for Transport and Roads announced changes that will now see around 1,000 permanent signs installed and an advertising campaign to warn motorists about speeding and mobile speed cameras.

Whilst I welcome the news the NSW Liberal Government is listening to Council, it appears that while the Minister was listening, he only received half the message.

If the NSW Government is to take road safety seriously, it must reinstate advanced warning signs, to ensure behaviour is changed when it matters: at the time that speeding is occurring.

I request Council to once again write to the Minister seeking his commitment to reinstate advanced warning signs and high visibility markings immediately.

GENERAL MANAGER’S COMMENT

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

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.6 One Rule for Us, Another for Others

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

“That Council:

1. Write to the NSW Premier Gladys Berejiklian calling on her to stop this NSW Governments blatant double standards on hard working Australians across Sydney, in particular introducing health orders which single out Construction workers, forcing them to get vaccinated and tested, or lose their jobs.
2. We further write to the NSW Minister for Health Brad Hazzard calling on him to release the medical advice which allows construction workers outside the LGAs considered as hotspots, to come and go as they please, without the same restrictions imposed on them. ”

BACKGROUND

We all know of the snap decision made by the Government to shut down the construction industry across all LGAs. There was no medical advice presented and done with no consultation, or warning with the industry.

Shutting down an industry that employs something like 14,000 tradies, plumbers, sparkies, builders and many others in Canterbury Bankstown alone. An industry worth billions of dollars to the economy.

And when the decision was made to open up again, the Government imposed strict Health orders on workers in the LGAs deemed hotspots.

Orders which included getting vaccinated, getting tested every three days when travelling outside the LGA and other measures. And for those who did not wish to comply, they were told not to bother turning up for work, or they would be hit with substantial fines. The employers were also required to put checks in place and would face massive fines for any breaches of the orders.

These health orders have sparked anger and caused a rift in the community with claims of “discrimination by postcode”. Tradies in our LGA at a loss to understand how it is OK for someone from another LGA to come into our city and potentially spread the virus, without the same orders applying to them. And potentially picking up the virus and unknowingly spreading it elsewhere.

GENERAL MANAGER'S COMMENT

There is no cost implication arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.7 Lebanon Humanitarian Relief

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

“That Council:

1. I’m calling on like-minded Councillors to join with me to form a, Relief for Lebanon working group, with the view of meeting with the Prime Minister, or his/her representative, on behalf of Council and the Lebanese Australians not only in our City but the rest of the country.
2. The purpose of the meeting is to bring the humanitarian crisis to the Prime Minister’s attention and to plead with him to offer financial or other support and/or establish a fundraising/donations hotline with tax deductible contributions.”

BACKGROUND

Canterbury Bankstown has almost a quarter of its population from a middle-eastern background. Our community here knows of, or has a loved one living in Lebanon and knows all too well what is happening in towns and villages.

Lebanon in very simple terms is what you would call an economic basket case. According to the latest World Bank report, more than 50 per cent of the population is living in poverty with barely enough money to feed or clothe themselves.

There is no doubt the country has a humanitarian crisis on its hands, a result of a severe and prolonged depression.

Third world conditions for a country once described as the Paris of the Middle-east.

A free-falling Lebanese lira that once traded for \$1 American dollar to three Lira, is now traded in the streets for 40,000 lira, severe fuel shortages, electricity supplies reduced to a couple hours a day, a dysfunctional Government with no policy direction or consensus, corruption and social unrest. There is also a knowledge gap and high unemployment.

The situation in Lebanon has been exasperated by the rampant COVID virus, the blast at the Beirut Port 12 months ago and more recently a fuel tanker explosion.

The people of Lebanon are crying out for help and we must do all we can to heed their call. Fundraising money will not go to the Government but go to organisations on the ground, like Caritas, or Red Cross to distribute to people who need it most.

GENERAL MANAGER'S COMMENT

There is no cost implication arising from the proposed motion, as written.

Notice of Motions & Questions With Notice - 24 August 2021

ITEM 10.8 Encouraging our Community to Get Vaccinated

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

“That Council:

1. Be congratulated for showing strong leadership and a proactive commitment to educate and support our community in getting vaccinated.
2. Congratulate all businesses, non-for-profits, our religious organisations and our medical sector for their support and commitment in getting everyone vaccinated throughout our area.
3. Continue to share information and encourage our community to both get vaccinated and get tested.

BACKGROUND

Health advice clearly shows receiving one shot of either vaccine available offers some protection against the virus. Having two doses greatly decreases the severity of your illness and the need for hospitalisation.

Across Australia the latest vaccination data shows about 16 Million have had at least their first dose, while 28.2 per cent are fully vaccinated.

In NSW we have about 50 per cent of people with at least one vaccine and last week (Thursday Aug 19).

In our City, the take up rate of vaccinations for those under 40 is much lower than those over 50, but that is to be expected as the eligibility rolled down but now everyone can go get vaccinated.

Council has been proactive with its messaging, encouraging the community to get vaccinated. Using social and digital channels, recording videos in other languages and working closely with South-West Health and community organisations to identify and inform the public of vaccination locations and I encourage all Councillors to support us continuing this good work of informing our community.

GENERAL MANAGER COMMENT

There are no additional funding requirements resulting from this motion.

11 CONFIDENTIAL SESSION

11.1 General Manager's Performance Review

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 Item 11.1 in confidential session for the reasons indicated:

Item 11.1 General Manager's Performance Review

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