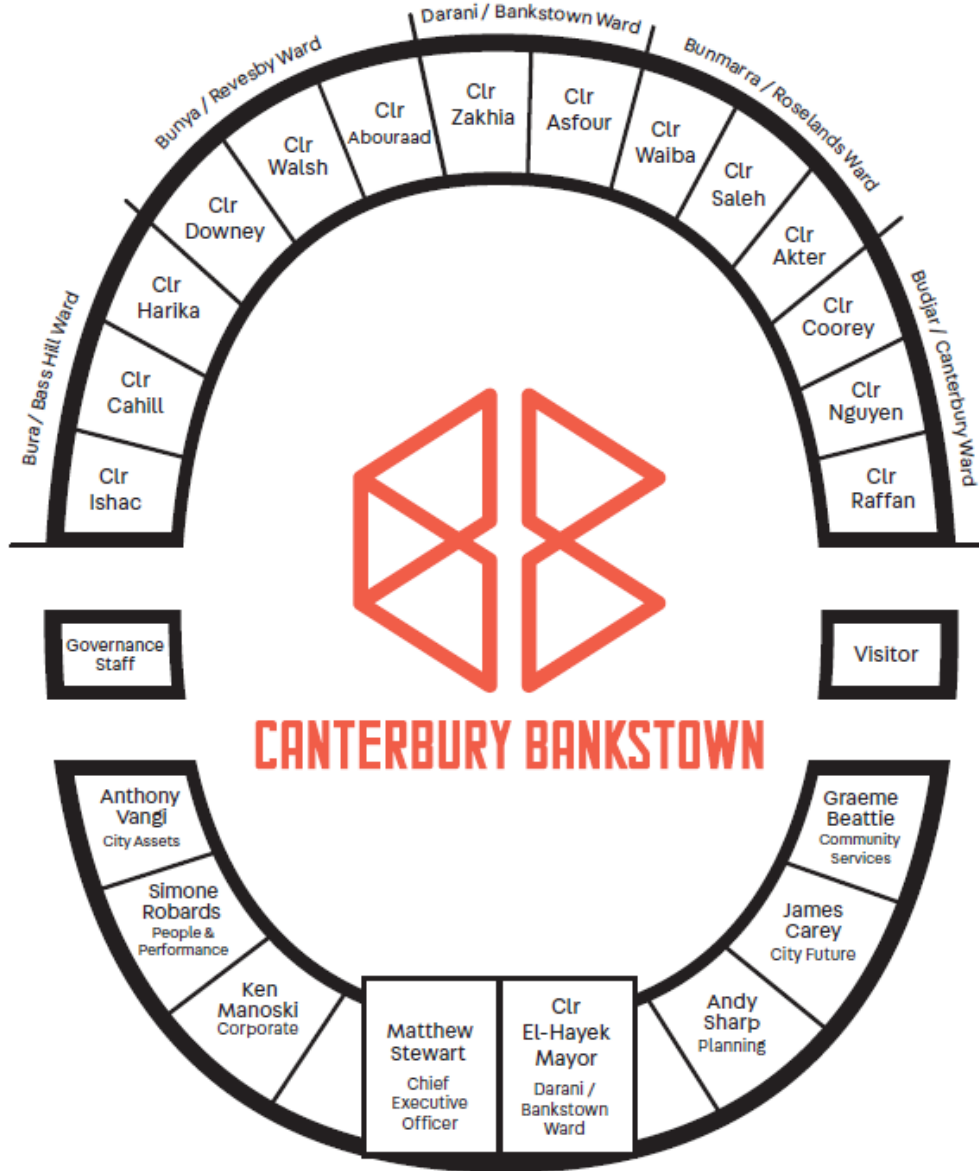




# AGENDA FOR THE ORDINARY MEETING

7 December 2023

# Gallery



## **Statement of Ethical Obligations**

### **Oath or Affirmation of Office**

In taking the Oath or Affirmation of Office, each Councillor has made a commitment to undertake the duties of the office of councillor in the best interests of the people of Canterbury Bankstown and Canterbury Bankstown Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

### **Conflicts of Interest**

A councillor who has a conflict of interest in any matter with which the council is concerned, and who is present at a meeting of the council when the matter is being considered, must disclose the interest and the nature of the interest to the meeting as soon as practicable. Both the disclosure and the nature of the interest must be recorded in the minutes of the Council meeting where the conflict of interest arises. Councillors should ensure that they are familiar with Parts 4 and 5 of the Code of Conduct in relation to their obligations to declare and manage conflicts of interests.

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# ORDER OF BUSINESS

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<b>1</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>5</b>
1.1	Minutes of the Ordinary Meeting of Council of 28 November 2023	7
<b>2</b>	<b>LEAVE OF ABSENCE.....</b>	<b>25</b>
<b>3</b>	<b>DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST.....</b>	<b>27</b>
<b>4</b>	<b>MAYORAL MINUTES .....</b>	<b>29</b>
4.1	Christmas Message 2023	31
4.2	Cancer Appeal	31A
<b>5</b>	<b>PLANNING MATTERS .....</b>	<b>33</b>
<b>6</b>	<b>POLICY MATTERS.....</b>	<b>35</b>
<b>7</b>	<b>GOVERNANCE AND ADMINISTRATION MATTERS .....</b>	<b>37</b>
<b>8</b>	<b>SERVICE AND OPERATIONAL MATTERS .....</b>	<b>39</b>
8.1	Ramadan Nights Lakemba	41
8.2	Overview of Development Assessment and the NSW Planning System	51
<b>9</b>	<b>COMMITTEE REPORTS .....</b>	<b>69</b>
9.1	Minutes of the Community & Inclusion Advisory Committee meeting held on 15 November 2023	71
9.2	Minutes of the Arts & Culture Advisory Committee meeting held on 22 November 2023	73
9.3	Minutes of the Traffic Committee Meeting held on 28 November 2023	75
<b>10</b>	<b>NOTICE OF MOTIONS &amp; QUESTIONS WITH NOTICE .....</b>	<b>77</b>
10.1	Status of Previous Notices of Motion - December 2023	79
10.2	Extension of the Western Sydney Airport Noise Abatement Program - Councillor Charlie Ishac	81
10.3	Western Sydney University Milperra - Councillor Charbel Abouraad	83
10.4	Metro's Temporary Bussing Plans - Councillor Charbel Abouraad	85
<b>11</b>	<b>CONFIDENTIAL SESSION.....</b>	<b>87</b>
11.1	Q78-24 Request for Quotations Lead Consultant (Design) Campsie Cultural Hub	
11.2	Recycling Tender	
11.3	Canterbury Leisure and Aquatic Centre (CLAC) Redevelopment	
11.4	T11-24 - The Mall, Appian Way and North Terrace Stormwater Upgrade	

# **1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

The following minutes are submitted for confirmation -

1.1 Minutes of the Ordinary Meeting of Council of 28 November 2023 .....7



**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

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**PRESENT:** Mayor, Councillor El-Hayek  
Councillors Abouraad, Asfour, Cahill, Coorey, Downey, Harika, Ishac, Nguyen,  
Raffan, Saleh OAM, Walsh and Zakhia

**APOLOGIES** Councillors Akter and Waiba

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.30 PM.**

**ACKNOWLEDGEMENT OF COUNTRY**

THE MAYOR ACKNOWLEDGED THE TRADITIONAL CUSTODIANS OF THE LAND, WATER AND SKIES OF WHERE WE ARE MEETING TODAY THE DARUG (DARAG, DHARUG, DARUK AND DHARUK) PEOPLE AND PAID RESPECT TO DARUG CULTURAL HERITAGE, BELIEFS AND RELATIONSHIP WITH THE LAND. THE MAYOR ALSO ACKNOWLEDGED FIRST PEOPLES' CONTINUING IMPORTANCE TO OUR COMMUNITY.

**SECTION 1:** **CONFIRMATION OF MINUTES**  
**(608)** **CLR. ZAKHIA:/CLR. WALSH**

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 October 2023 be adopted.

- CARRIED

**SECTION 2:** **LEAVE OF ABSENCE**  
**(609)** **CLR. RAFFAN:/CLR. ISHAC**

RESOLVED that Leave of Absence be granted to Clrs Akter and Waiba due to personal reasons.

- CARRIED

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

In respect of Item 4.3 - Local Community Based Donations, Clr Cahill declared a non-significant, non-pecuniary conflict of interest due to his association with Creating Links and as such, he will vacate the chamber taking no part in debate.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

In respect of Item 4.3 - Local Community Based Donations, Clr Asfour declared a non-significant, non-pecuniary conflict of interest given that he is a member of the St John The Beloved Melkite Catholic Parish. Clr Asfour advised that it will not affect his consideration of the item and he will remain in the Chamber.

In respect of Item 4.4 – Melkite Jubilee, Clr Asfour declared a non-significant, non-pecuniary conflict of interest given that he is a member of the St John The Beloved Melkite Catholic Parish. Clr Asfour advised that it will not affect his consideration of the item and he will remain in the Chamber.

In respect of Item 10.13 - Giants, Mayor El-Hayek declared a significant, non-pecuniary conflict of interest given that GWS Giants have participated in youth programs that he has ran and as such, he will vacate the chamber taking no part in debate.

**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 TRAIL BIKES CLAMPDOWN**  
**(610) CLR. EL-HAYEK**

RESOLVED that Council

1. Write to the NSW Government calling on them to consider introducing registration, and licence tests, for all trail bikes and riders.
2. Call on the NSW Government to increase fines, and the confiscation of bikes for repeat offenders, and a review of noise regulations which will prohibit trail bikes on private property, if they come within 500m of residences.
3. Review signage at our facilities to inform residents on how to report illegal trail bike riding to police.

- CARRIED

**ITEM 4.2 PLANNING POLICY REVIEW**  
**(611) CLR. EL-HAYEK**

RESOLVED that Council

1. Write to the NSW Minister for Planning Paul Scully to meet with us to discuss his letter dated 30 October 2023 and the potential ramifications on the comprehensive work already undertaken to plan for housing in our City, including our housing strategy and Master Plans.



**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

2. Prepare a report on Council's DA approval times, the increasing number of complying developments and the complexities associated with the approvals process and how we are dealing with them. The report will be handed to the Minister and will also be used to inform Councillors and to dispel any misinformation in the community.

- CARRIED

**ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS**

In respect of Item 4.3 - Local Community Based Donations, Clr Cahill declared a non-significant, non-pecuniary conflict of interest due to his association with Creating Links and as such, he vacated the chamber taking no part in debate.

In respect of Item 4.3 - Local Community Based Donations, Clr Asfour declared a non-significant, non-pecuniary conflict of interest given that he is a member of the St John The Beloved Melkite Catholic Parish. Clr Asfour advised that it will not affect his consideration of the item and he remained in the Chamber.

CLR CAHILL TEMPORARILY VACATED THE CHAMBER AT 6.45 PM.

**(612) CLR. EL-HAYEK**

RESOLVED that

1. Council support a donation of \$500 towards St John The Beloved Melkite Catholic Parish 2023 Christmas Carols and Fete.
2. Council support a donation of \$500 towards Creating Links End of Year Pool Party Celebration towards the cost of entry to the pool for their clients for this event.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

**ITEM 4.4 MELKITE JUBILEE**

In respect of Item 4.4 – Melkite Jubilee, Clr Asfour declared a non-significant, non-pecuniary conflict of interest given that he is a member of the St John The Beloved Melkite Catholic Parish. Clr Asfour advised that it will not affect his consideration of the item and he remained in the Chamber.

CLR CAHILL RETURNED TO THE CHAMBER AT 6.46 PM.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**(613)**

**CLR. EL-HAYEK**

That Council write to the Bishop of the Melkite Catholic Eparchy, Robert Rabbat, on behalf of our city, and offer our congratulations and support, as they celebrate their milestone Golden Jubilee.

- CARRIED

**SUSPENSION OF STANDING ORDERS**

**(614)**

**CLR. ISHAC:/CLR. CAHILL**

RESOLVED that

1. Standing Orders be suspended at 6.48 pm and Item 7.4 be dealt with now.
2. Standing Orders then be resumed.

- CARRIED

**ITEM 7.4**

**2022/23 ANNUAL FINANCIAL REPORTS**

MS KAREN TAYLOR FROM AUDIT NSW ADDRESSED COUNCIL.

**(615)**

**CLR. ABOURAAD:/CLR. ASFOUR**

RESOLVED that

1. Council note the 2022/23 Annual Financial Reports and Auditor Reports.
2. Any submissions received and proposed actions relating to those submissions will be reported back to Council at the next Ordinary Meeting, if required.
3. Copies of all submissions received will be referred to Council's External Auditor.

- CARRIED

**STANDING ORDERS WERE RESUMED AT 7.08 PM.**

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1**                    **REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE FIRST QUARTER OF THE 2023/24 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE FIRST QUARTER OF THE 2023/24 FINANCIAL YEAR, PLANNING RELATED LEGAL APPEALS, AND THE STATUS OF CURRENT PLANNING PROPOSALS**

**(616)**                    **CLR. ISHAC:/CLR. WALSH**

RESOLVED that the report be noted.

- CARRIED

**SECTION 6: POLICY MATTERS**

**ITEM 6.1**                    **DRAFT MEDIA POLICY**

**(617)**                    **CLR. SALEH OAM:/CLR. NGUYEN**

RESOLVED that Council adopts the Media Policy.

- CARRIED

**ITEM 6.2**                    **STREET PARKLET PROGRAM POLICY AND GUIDELINES**

**(618)**                    **CLR. NGUYEN:/CLR. WALSH**

RESOLVED that

1. Council endorse the Street Parklet Program Policy and Guidelines to be placed on public exhibition;
2. A further report be brought back to Council, following public exhibition;
3. The Street Parklet trial in Hurlstone Park to remain in place until May 2024, to allow time for the policy and guidelines to be formally endorsed at a later Council date and an Expression of Interest process released by Council.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1 CODE OF CONDUCT COMPLAINTS REPORT**  
**(619) CLR. ZAKHIA:/CLR. CAHILL**

RESOLVED that the information be noted.

- CARRIED

**ITEM 7.2 PROPERTY MATTER - EBP SPORTS (PREVIOUSLY EARLWOOD BARDWELL PARK**  
**RSL CLUB LIMITED) - 134 WOOLCOTT STREET EARLWOOD**  
**(620) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that

1. Council make an application to the Minister for Local Government under the provisions of section 47 (5) of the Local Government Act 1993 for consent to grant the proposed lease over the community land 134 Woolcott Street Earlwood to EBP Sports for a term of five-years with a five-year option for the purpose of EBP sports operating a club premises, bowling green and two separate car parking areas.
2. Once the Minister advises Council on its application to grant consent to the lease, the matter be reported back to Council.

- CARRIED

**ITEM 7.3 INTEGRATED PLANNING AND REPORTING UPDATE - 2022/23 ANNUAL REPORT**  
**AND QUARTERLY REVIEW OF THE 2023/24 OPERATIONAL PLAN AND BUDGET TO**  
**30 SEPTEMBER 2023**  
**(621) CLR. ABOURAAD:/CLR. ISHAC**

RESOLVED that

1. The 2022/23 Annual Report be endorsed.
2. The quarterly progress report of the 2023/24 Operational Plan to 30 September 2023 be noted.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

3. The quarterly review of the 2023/24 Budget to 30 September 2023, including proposed budget variations [Attachment D (Annexure C & H)] - as outlined in this report - be adopted.
4. Council allocate Ward Funds as outlined in the report.
5. Council endorse the listing of proposed projects to be funded from the Federal Government's Local Roads and Community Infrastructure Program (LRCI Program), as outlined in the report, and submit to the Federal Government for approval.

- CARRIED

**ITEM 7.4                    2022/23 ANNUAL FINANCIAL REPORTS**

THIS MATTER WAS DEALT WITH PREVIOUSLY. SEE RESOLUTION NO. 615 ON PAGE FOUR OF THESE MINUTES.

**ITEM 7.5                    CBCITY CULTURAL DIVERSITY PLAN 2024-2028**

**(622)                    CLR. SALEH OAM:/CLR. HARIKA**

RESOLVED that Council adopts the CBCity Cultural Diversity Plan 2024-2028.

- CARRIED

**ITEM 7.6                    CASH AND INVESTMENT REPORT AS AT 31 OCTOBER 2023**

**(623)                    CLR. ZAKHIA:/CLR. ABOURAAD**

RESOLVED that

1. The Cash and Investment Report as at 31 October 2023 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**SECTION 8: SERVICE AND OPERATIONAL MATTERS**

Nil

**SECTION 9: COMMITTEE REPORTS**

**(624) CLR. COOREY:/CLR. ZAKHIA**

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

- CARRIED

**ITEM 9.1 MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD ON 26 JULY 2023**

**(625) CLR. COOREY:/CLR. ZAKHIA**

RESOLVED that the recommendations of the Floodplain Management Committee held on 26 July 2023 be endorsed.

- CARRIED

**ITEM 9.2 MINUTES OF THE FIRST PEOPLES ADVISORY COMMITTEE MEETING HELD ON 5 OCTOBER 2023**

**(626) CLR. COOREY:/CLR. ZAKHIA**

RESOLVED that the minutes of the First Peoples Advisory Committee meeting held on 5 October 2023 be endorsed.

- CARRIED

**ITEM 9.3 MINUTES OF THE ENVIRONMENT ADVISORY COMMITTEE MEETING HELD ON 18 OCTOBER 2023**

**(627) CLR. COOREY:/CLR. ZAKHIA**

RESOLVED that the minutes of the Environment Advisory Committee meeting held on 18 October 2023 be endorsed.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**ITEM 9.4**                    **MINUTES OF THE YOUTH ADVISORY COMMITTEE MEETING HELD ON 6 NOVEMBER 2023**

**(628)**                    **CLR. COOREY:/CLR. ZAKHIA**

RESOLVED that the minutes of the Youth Advisory Committee meeting held on 6 November 2023 be endorsed.

- CARRIED

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

**ITEM 10.1**                **STATUS OF PREVIOUS NOTICES OF MOTION - NOVEMBER 2023**

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 7.18 PM.

**(629)**                    **CLR. ASFOUR:/CLR. HARIKA**

RESOLVED that the information be noted.

- CARRIED

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.19 PM TO COUNCILLOR ASFOUR FOR AN ACT OF DISORDER.

**ITEM 10.2**                **CAMPSIE BYPASS**

CLR ISHAC RETURNED TO THE CHAMBER AT 7.20 PM.

**(630)**                    **CLR. RAFFAN:/CLR. NGUYEN**

RESOLVED that Council

1. Advocate to Transport for NSW that any future design of the Campsie Bypass is such that:
  - a) There is minimal impact on Harcourt Public School, particularly the playground, green space and significant trees;
  - b) Pedestrian safety is prioritised, particularly around the school;
  - c) The intersection design of Ninth Avenue and Second Avenue reduces the need for acquisition of school land.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

2. Request that Transport for NSW undertake a high-level concept design for the Bypass that achieves the objectives set out in Point 1 above, and amend the acquisition plan accordingly.

- CARRIED

**ITEM 10.3**  
**(631)**                      **GREEK INDEPENDENCE DAY 2024**  
**CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that

1. Council hosts a celebration morning tea at Earlwood Senior Citizens Centre to mark Greek Independence Day.
2. The Greek flag be flown in Earlwood and the Bankstown and Campsie Offices on 25 March 2024 in support of our strong Greek community.

- CARRIED

**ITEM 10.4**  
**(632)**                      **IRANIAN WOMEN**  
**CLR. RAFFAN:/CLR. DOWNEY**

RESOLVED that Council

1. Writes to the Iranian Ambassador, Ahmad Sadeghi: strongly condemning his Government over the deaths of teenager Armita Geravand and Masha Amini, after altercations with the morality police, and for the continuing suppression and subjugation of Iranian women.
2. Call on the Iranian Government to immediately release Nobel Peace Prize winner, Narges Mohammadi, who is suffering ill-health and being held on trumped up charges.

- CARRIED



**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**ITEM 10.5**  
**(633)**

**SUE BISHOP MEMORIAL**

**CLR. RAFFAN:/CLR. NGUYEN**

RESOLVED that Council work with the Cooks River Valley Association to install a small memorial plaque in the Ewen Park site to commemorate its late member, and cofounder of 'Friends of Ewen Park', Sue Bishop.

- CARRIED

**ITEM 10.6**  
**(634)**

**NEW LIFE FOR OLD HOSPITAL**

**CLR. HARIKA:/CLR. ABOURAAD**

RESOLVED that Council writes to the NSW Health Minister, The Hon Ryan Park MP, urging him to investigate the feasibility of repurposing the existing Bankstown-Lidcombe Hospital and establishing a women's hospital, like the Royal Hospital for Women, along with other specialised health services and research facilities on the site.

- CARRIED

**ITEM 10.7**  
**(635)**

**BANKSTOWN SPORTING HALL OF FAME**

**CLR. CAHILL:/CLR. ASFOUR**

RESOLVED that

1. Council immediately commence a process to identify local athletes who meet the criteria for induction to the Bankstown Sporting Hall of Fame. With a view to holding an induction ceremony in the first half of 2024 for those that meet the criteria; and,
2. The induction of local sporting icons into the Hall of Fame be scheduled to occur in the last year of each successive term of Council.
3. Council investigate appropriate locations for a Hall of Fame for the entire CBCity and propose options for location and implementation of a citywide sporting hall of fame.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**ITEM 10.8**  
**(636)**                      **SUPPORT UNICEF CHILDREN'S FUND**  
**CLR. DOWNEY:/CLR. SALEH OAM**

RESOLVED that Council

1. Calls on the Federal Government to increase the humanitarian aid to civilians affected by the conflict in Gaza.
2. Donate \$5,000 to UNICEF Australia's emergency appeal for Children in Gaza and to promote the appeal on its social media platforms.

- CARRIED

**ITEM 10.9**  
**(637)**                      **DEMERGE OF CANTERBURY BANKSTOWN COUNCIL**  
**CLR. ASFOUR:/CLR. ZAKHIA**

RESOLVED that Council

1. Immediately halts all work, and financial spending, on preparing its implementation plan to de-amalgamate, until such time the NSW Government gives an iron-clad commitment to fully fund the cost of any de-amalgamation, and all ongoing costs.
2. Writes to the Minister for Local Government, Mr Ron Hoenig MP advising him of Council's decision and outlining the reasons for taking this stance.

- CARRIED

CLRS ABOURAAD AND COOREY STOOD FOR A DIVISION.

**For:-**                                      Clrs Asfour, Cahill, Downey, El-Hayek, Harika, Raffan and Walsh

**Against:-**                                Clrs Abouraad, Coorey, Ishac, Saleh OAM, Nguyen and Zakhia

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.53 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

**ITEM 10.10**  
**(638)**                      **GAZA ADVOCACY**  
**CLR. ASFOUR:/CLR. SALEH OAM**

RESOLVED that Council

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

1. Applauds Foreign Minister Penny Wong, Home Affairs Minister Clare O’Neil and Minister for Immigration and Citizenship Andrew Giles, on their compassionate and moral stance by granting 860 temporary visas to Palestinians in Gaza with families living here in Australia.
2. Urges the Federal Government to use its influence with the United States to secure a permanent ceasefire in Gaza which will bring an end to hostilities and the lifting of cruel sanctions and blockades.
3. Recognises the impact the conflict is having on residents, many of whom have families in the affected region, and implement practical measures to support them. Measures which could include our customer service staff directing residents to known support services.
4. Supports the promotion of registered Australian charities, raising donations for the humanitarian cause in Gaza through our established media platforms and our website.

- CARRIED

**ITEM 10.11**

**CEASEFIRE AND AID GAZA**

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 8.31 PM.

**(639)**

**CLR. SALEH OAM:/CLR. DOWNEY**

RESOLVED that Council

1. Applauds the Hon Tony Burke MP for his comments on ABC Radio National on 27th October supporting Canterbury-Bankstown Council's decision to fly Palestinian flag until a ceasefire is declared and to stand in solidarity with our local Palestinian Community.
2. Calls on the Federal Government to continue working with its allies, and the international community, to achieve a permanent ceasefire in Gaza.
3. Calls on the Federal Government to urge the international community to do all they can to bring an end to the humanitarian disaster unfolding in Gaza, and to restore access to food, electricity, water, medicines, and fuel to more than 2 million people, half of which are children.
4. Writes to Prime Minister The Hon Anthony Albanese MP, Foreign Minister The Hon Penny Wong MP and Local Federal Members for Watson, Banks and Blaxland notifying them of our motion and expressing our support for it.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

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**ITEM 10.12**                    **UWS MILPERRA**

CLR RAFFAN RETURNED TO THE CHAMBER AT 8.33 PM.

**(640)**                            **CLR. ABOURAAD:/CLR. DOWNEY**

RESOLVED that Council write to the NSW Planning Minister Paul Scully MP and urge that he delay providing final sign off to the rezoning of the land at UWS Milperra site until the NSW Education Minister Prue Car MP has completed her feasibility assessment of retaining the site for educational purposes.

- CARRIED

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING AT 8.39 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

**ITEM 10.13**                    **GIANTS**

In respect of Item 10.13 - Giants, Mayor El-Hayek declared a significant, non-pecuniary conflict of interest given that GWS Giants have participated in youth programs that he has ran and as such, he vacated the chamber taking no part in debate.

HIS WORSHIP THE MAYOR CLR EL-HAYEK TEMPORARILY VACATED THE CHAMBER AT 8.51 PM.

THE DEPUTY MAYOR CLR HARIKA ASSUMED THE CHAIR.

**(641)**                            **CLR. ABOURAAD:/CLR. SALEH OAM**

RESOLVED that Council write to the captain of the GWS Giants, Toby Greene and Coach, Adam Kingsley to congratulate them on a fantastic 2023 Season and invite them to our December Christmas celebrations.

- CARRIED

**ITEM 10.14**                    **BILL TO AMEND THE LOCAL GOVERNMENT ACT – DE AMALGAMATION**  
**PLEBISCITES**

HIS WORSHIP THE MAYOR CLR EL-HAYEK RETURNED TO THE CHAMBER AT 8.53 PM AND RESUMED THE CHAIR.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 8.53 PM AND RETURNED AT 8.54 PM.

**CLR. COOREY:/CLR ABOURAAD**

That Council write to the Minister of Local Government supporting the proposed legislative changes to the Local Government Act to introduce binding plebiscites on demerging.

- LOST

**SECTION 11: CONFIDENTIAL SESSION**

**(642) CLR. DOWNEY:/CLR. ABOURAAD**

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

Item 11.1 Property Matter - Proposed acquisition of property in Earlwood

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

Item 11.2 T66-23 Minor Concrete Works (Maintenance Works Only)

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

Item 11.3 Code of Conduct Investigation Report

*This report is considered to be confidential in accordance with Section 10A(2)(i) of the Local Government Act, 1993, as it relates to alleged contraventions of any code of conduct requirements applicable under section 440.*

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 9.19 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 9.50 PM.**

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**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

---

**ITEM 11.1**                      **PROPERTY MATTER - PROPOSED ACQUISITION OF PROPERTY IN EARLWOOD**  
**(643)**                              **CLR. NGUYEN:/CLR. ZAKHIA**

RESOLVED that the proposed approach regarding the matter, as outlined in the report, be approved.

- CARRIED

**ITEM 11.2**                      **T66-23 MINOR CONCRETE WORKS (MAINTENANCE WORKS ONLY)**  
**(644)**                              **CLR. ISHAC:/CLR. ABOURAAD**

RESOLVED that

1. Council accepts the tender received from the following five companies to make up the Minor Concrete Civil and Restoration Works Panel of contractors, for an initial term of three years, with the option to extend the contract by two further periods each of up to one (1) year in duration, subject to satisfactory performance of the contractor as determined by the Chief Executive Officer ("CEO"), for the provision of Minor Concrete Works (Maintenance Works Only).
  - a) KJ Civil & Paving Pty Ltd
  - b) Medden Civil Pty Ltd
  - c) Civotek Pty Ltd
  - d) Citywide Asphalt Pty Ltd
  - e) Knight Civil Pty Ltd
2. The Chief Executive Officer be authorised to enter a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

**ITEM 11.3**                      **CODE OF CONDUCT INVESTIGATION REPORT**

IN ACCORDANCE WITH CLAUSE 7.49 OF THE PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT, COUNCILLOR COOREY MADE A SUBMISSION ON THE CODE OF CONDUCT REVIEWERS RECOMMENDATION. COUNCILLOR COOREY THEN TEMPORARILY RETIRED FROM THE MEETING AT 9.42 PM.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 28 NOVEMBER 2023**

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CLR HARIKA TEMPORARILY VACATED THE CHAMBER AT 9.26 PM AND RETURNED AT 9.30 PM.

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 9.28 PM AND RETURNED AT 9.29 PM.

(645)

**CLR. WALSH:/CLR. CAHILL**

RESOLVED that

1. For the reasons outlined in the report by the Code of Conduct Reviewer, Council formally censures Councillor Coorey for the breach of Part 3 (General Conduct Obligations) of Council's Code of Conduct, under section 440G of the Local Government Act 1993.
2. The matter be referred to the Office of Local Government for further action under the misconduct provisions of the Local Government Act 1993.

- CARRIED

CLR COOREY RETURNED TO THE CHAMBER AT 9.50 PM.

**THE MEETING CLOSED AT 9.51 PM.**

Minutes confirmed 7 DECEMBER 2023

.....

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 | Christmas Message 2023 | 31  |
| 4.2 | Cancer Appeal          | 31A |



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## Mayoral Minutes - 07 December 2023

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### ITEM 4.1 Christmas Message 2023

Councillors

Merry Christmas. . . . Eid Milad Sayeed. . . Kala Christougena. . . Shengdan Jie Kuaile. . . Chuuc Giabg sinh an lanh. . . .

Just some of the Christmas greetings you will hear over the coming days . . . . as our diverse multicultural City of nearly 180 nationalities . . . . prepares to celebrate the festive season. . .

Last year, the Mayoral Christmas message focused on an 8-year-old girl, Virginia O’Hanlon, who had been encouraged by her papa to write to the editor of a newspaper and ask him if Santa Clause was real.

And as we know his response was: : “Yes, Virginia there is a Santa Clause”.

This Christmas I would like to focus on what it means. . . . whether its practising your faith, opening presents, enjoying a traditional lunch, or kicking a football or going to the beach . . . it’s a time of peace and love. . . . and each one of us will spend it in our own way.

It’s a time for families to really come together. . . . without the day-to-day deadlines or pressures . . . as most non-retail businesses shut down and schools are closed . . . .

It’s also a time to reflect on those less fortunate than us and to give generously whether its donating, or volunteering to help others. . . . like the volunteers who help my friend Rev Bill Crews who opens his door to feed thousands of people.

Volunteers who put others first and ask nothing in return.

No matter how you spend the Christmas period, remember to be respectful of others and to stay safe.

Councillors, it’s my first Christmas as Mayor, . . . . to you and your families, I wish you all a peaceful and loving Christmas, to the Executive and all Council staff, thank you for all you do . . . and to all in our community . . . I hope you all have a happy Christmas and a well-earned break.

Councillors, I put the Mayoral Minute.





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## Mayoral Minutes - 07 December 2023

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### ITEM 4.2                      Cancer Appeal

Councillors

You will all be wondering why I have brought this late Mayoral Minute before you and why this matter couldn't wait.

During the week, I was contacted by A Current Affair, who asked if we could support and rally behind a local Bankstown family that had been dealt a devastating blow.

The story of Maru and Pania Tarei is heartbreaking . . . . and one which needs to be shared . . . it is not unique . . . . and highlights the adversities many families endure in dealing with terminal and life-threatening illnesses.

Pania is just 37 years old. . . . . a mother of six. . . . including twins aged 16months. . . and sadly, she has been told by doctors they can do no more, and she has only days to live . . . . her body riddled with cancer.

Her dying wish is to attend her 12 year-old son's graduation next week. . . . and to spend one last Christmas with her family and loved ones. . . .

The couple has put on a brave face since Pania was diagnosed with stage 4 breast cancer. . . just two days before mother's day this year. . . .a routine check up for lower back pain that turned their lives upside down.

The aggressive cancer spread quickly throughout her body. . . affecting her liver, spine and brain . . . . And despite months of invasive treatment, she is now at home spending her final days in palliative care . . . .being cared for by her husband, Maru, who has had to quit his construction job. . . .her mother also flying in from New Zealand to be by her bedside and to help care for the children . . .

Maru has been her rock, providing support and ensuring a sense of normality for the children, as they continue with their schooling and sporting activities. . . . and unaware of how sick their mother really is.

The family hasn't given up hope. . . . and is hoping for a Christmas miracle. . . .

Councillors, we too can pray for that miracle. . . . and we can also get behind the family by supporting construction unions, local footballing clubs and other organisations which have started an appeal for them. . . .

Their support, along with a GoFundMe page which has been set up, will help with food. . . clothing. . . rent. . . . a car big enough to transport them. . . .and maybe even some Christmas toys.



Tonight, I am announcing that money donated to the Mayor's Christmas Appeal . . . . . will go towards the family. I further call on all local businesses, clubs, community groups and sporting organisations to open their hearts and get behind them. I also call on Council to share the family's story on our social media platforms and promote the GoFundMe page which will help them in their time of desperate need.

I am proud to lead a council which shows compassion and love and embraces all in our community.

Councillors, I put the Mayoral Minute.



## **5 PLANNING MATTERS**

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



## **6            POLICY MATTERS**

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





## **7 GOVERNANCE AND ADMINISTRATION MATTERS**

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



## **8 SERVICE AND OPERATIONAL MATTERS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 8.1 | Ramadan Nights Lakemba   | 41 |
| 8.2 | Overview of Development Assessment and the NSW Planning System | 51 |



### **ITEM 8.1                      Ramadan Nights Lakemba**

**AUTHOR                      City Future**

### **PURPOSE AND BACKGROUND**

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The purpose of this report is to provide Council with an overview of Ramadan Nights Lakemba, outlining its growth and conveying some of the challenges and issues that have arisen due to its growth and popularity; and recommendations to help ensure the long-term sustainability of the event and strategies to help address these challenges.

### **ISSUE**

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In 2019 Ramadan Nights Lakemba attracted an estimated 250,000 people. Following two years of Covid restrictions, this event was again run and managed by Council in 2022 but this time, attracted over 1.2 Million people. This was more than The Royal Easter Show. In 2023, attendance continued to grow to 1.4 Million people.

Between 2019 and 2023, Ramadan Nights Lakemba grew almost six-fold. It is now arguably one of the largest festivals in the country, but certainly the largest and longest in duration, of any kind, being run and managed by a local Council in all of Australia.

On many measures, the event is a phenomenal success. It attracts attendance from across Australia and overseas, contributes a healthy return to the local economy, and generates significant interest across all types of media channels. It is frequently referenced as a case-study for event 'success' across Australia.

For some local residents thought, success of the event brings challenges that this reports attempts to canvas and overcome.

Firstly, residents and the local Muslim community have made many representations to Council concerning the negative impacts that this event is having on their communities. They want the event either stopped, relocated, or subject to substantial change.

Secondly, resourcing this event has become a significant budget consideration for Council. The total cost for running this event in 2019 was around \$300,000 increasing to \$2M in 2023. The projected continued growth in the popularity of this event will see these costs will continue to increase. This year's event was only possible due to funding from the NSW Government (\$1M over 2 years) however this has not been confirmed beyond 2024.

Recognising there are different views on the event it was important that Council engage with the community to not only understand their views, but to collaborate together on possible solutions for the ongoing future and sustainability of Ramadan Nights Lakemba. As a result, in-depth stakeholder consultation was undertaken during September and October of 2023.

## **RECOMMENDATION** That -

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1. Council endorse Event Footprint OPTION 2 (move of event footprint north necessitating a hard closure at the corner of Gilles Street and Haldon Street, away from the highest density of residents),
2. Council endorse Event Timing OPTION 2 (Event to only be advertised and promoted for 4 days (Thu-Sun). Stalls will still be able to operate Mon-Wed with the intention of servicing local needs. Advise the community/stall holders of the intention to reduce the number of days trading from 2025 onward.
3. Council endorse creation of a *5-year Event Funding and Operational Strategy*. This would include the exploration of costs, location, duration and possible relocation of the event to another venue and its associated costs and implications.
4. Identify opportunities to better reflect the values of Ramadan within the event including prayers on the street and possible Iftar.
5. Council endorse the implementation of further event management and regulation measures to help improve event management and regulation.

## **ATTACHMENTS**

[Click here for attachments](#)

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- A. Ramadan Nights Lakemba Stakeholder Engagement Outcomes Report November 2023
- B. Ramadan Nights Lakemba 2023 Event Road Closures in relation to Residential Density
- C. Ramadan Nights Lakemba 2024 Proposed Event Road Closures in relation to Residential Density
- D. Ramadan Nights Lakemba Recommendations Actions and Implications
- E. Councils First Involvement with Ramadan Nights Lakemba

## **POLICY IMPACT**

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The adoption of the recommendations in this report are aimed at addressing major community concerns and lead to the strengthening of policies and processes around stallholder management. A review and creation of a long-term sustainable budget may lead to changes around stallholder fees and charges.

## **FINANCIAL IMPACT**

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The planning, curation and management of this event has a significant draw-down on Council revenue. The recommendations in this report make it clear that a sustainable long-term future budget which is underpinned by much greater contributions from Government is necessary to continue to run the event at the current scale.

## **COMMUNITY IMPACT**

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Ramadan Nights Lakemba has noteworthy economic and cultural community benefits. There are also challenging negative community impacts. The recommendations in this report will go some way to help addressing these adverse effects.

## **DETAILED INFORMATION**

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### **Ramadan Nights Lakemba**

Ramadan is an important time for Muslims with the aim to grow spiritually and become closer to Allah. It is a month which symbolises dedication, reflection, self-discipline and empathy for those who are less fortunate. During the month of Ramadan, it is spent fasting during the daylight hours from dawn to sunset. At the end of each day's fast Muslims gather for Iftar, the evening meal to break their fast.

This breaking of the fast plays out every night during Ramadan Nights, as the footpaths of Haldon Street, Lakemba, transform into a cultural buffet, and a festival of flavors and experiences with over 70 food vendors serving their traditional foods for everyone to experience into the early hours of the morning.

Ramadan Nights Lakemba is an event which strengthens relationships and the sense of solidarity among members of the community. It brings together people from across the Nation in celebration. At a local level, the ability to showcase people, culture and assets, builds enormous pride and is an event which positively informs perceptions of Canterbury Bankstown.

### **History of Ramadan Nights Lakemba**

The first Ramadan Nights Lakemba started at grassroots level over 15 years ago with a single BBQ and a desire to improve relations between the Muslim Community and the broader community (attachment E). In 2007, the former Canterbury Council contributed \$7,000 to the event and later became involved, in an operational capacity, in 2014 with the introduction of stall holder applications to manage concerns around public safety, food practices, waste management and illegal trading. Two years later, in 2016, the event recorded around 30 stalls trading and over 150,000 people in attendance.

Following the merge and creation of Canterbury Bankstown Council, Council undertook greater management of the event due to significant food and community safety issues occurring. In 2017 and 2018 this included introducing line marking, food handling training, risk assessments, police and regulatory patrols, coordinated waste operations, medics on-site, and Saturday road-closures. The first Council endorsed Ramadan Committee was also formed in 2017.

In 2019, further improvements were introduced, adding in Friday night road closures, as the estimated attendance reached 250,000 people over the month. The budget for this event in 2019 was approximately \$200,000.

During the following two years, the event was affected by Covid, and then in 2022, attendance broke all previous records with over 1.2 Million people attending. On day one of the 2022 event, the Police closed the road due the number of people spilling on to the road creating an unacceptable risk of harm. The road closures remained in place each night for the remaining duration of the festival dramatically increasing costs. In 2023, attendance grew again with the event attracting approximately 1.4 Million people over the month, this time with planned road closures every night.



Ramadan Nights Lakemba cost Council just over \$2M to run and manage in 2023. This figure was offset by a \$500k grant from Multicultural NSW (\$500,000 in 2023 and \$500,000 in 2024), and a further \$500,000 from stallholder fees and sponsorships. With these offsets, the net cost to Council from its revenue base in 2023 was \$1M.

### **The Success of Ramadan Nights Lakemba**

Ramadan Nights Lakemba is now arguably an event of State (if not National) significance. It has grown from a single BBQ to the largest event of its kind, and in duration, that is managed anywhere in Australia by a local Council.

Event intercept surveys in 2022 noted that almost four-fifths (78%) of attendees came from outside the Canterbury-Bankstown local government area. People attended from across Greater Sydney and beyond, including approximately 7% interstate visitors with a further 7% of visitors coming from overseas.

The event is free and open to all and is a celebration of inclusion with the community inviting others to share and learn about their traditions and culture. The 2022 survey found that 64% of people come to try authentic and traditional street food, and 43% for the cultural experience. Over 40% came with family, and 40% came with friends. Attendees are from all age groups, with the majority between ages 15 and 45. Over 65% of people do not always observe Ramadan, with the inference being this is a truly multicultural event. In terms of attendee's experience at the event, 95% rated food as Good or Very Good, and 97% rated Culture and Safety as either Good or Very Good.

Ramadan Nights Lakemba delivers significant local economic benefit both directly and indirectly through multiplier effects. In 2023, IER, a boutique business consultancy specialising in research, strategy development and performance measurement in the sport and entertainment industry, estimated that the economic impact into the local economy of running this event is between \$30M - \$50M. These economic benefits were derived from direct trading at the event by businesses and stallholders, short-term employment generation, attendees traveling to the event and the need, in many cases, for accommodation. Indirectly, vendors and local businesses purchase supplies and services thereby supporting further businesses.

Ramadan Nights Lakemba is a huge media success. In 2023, there were 220,027 unique page views of the event pages on our website. Social media spending of a budget of just \$5,000 reached 598,630 people generating 982,103 impressions. And Council's Communications Unit released just 6 media releases which themselves generated 189 media clips (press, tv and radio) reaching an audience of 12,640,430 with an advertising equivalent space rate of \$6,574,107, had we paid for this coverage ourselves. Arguably, Ramadan Nights Lakemba is generating very positive media and perceptions of Canterbury Bankstown.

The event does not include alcohol, or music and entertainment, and again by many measures – attendee experience, NSW Police, security and first aid responder feedback, there have been no major incidents in the event's history.

## The Challenges of Ramadan Nights Lakemba

Notwithstanding the enormous success of Ramadan Nights Lakemba, with the rapid growth and scale of the event, together with its popularity, there are challenges.

There is significant discontent amongst nearby residents concerning the following:

- noise management and sleep disturbances,
- health and safety, and emotional concerns for residents having to go to work or school during the event when they've had limited sleep,
- safety fears for the event,
- issues with waste, in and around the event footprint,
- traffic congestion and access to homes and services,
- access to Mosques for those wishing to pray during Ramadan, and;
- a feeling that the purpose of Ramadan as a Holy Month and the values as expressed in religious observances, are not at all reflected in the event e.g. moderation and reflection.

Even prior to Covid, there were concerns amongst residents and the religious communities about the impact the event was having on their lives. With the almost six-fold increase in attendance, when comparing 2019 to 2023, these issues have been noticeably exacerbated in the last two years.

The table below, frames the level of interaction between Council, the residents, and community over the last two years as we've tried to investigate options to ameliorate the issues and challenges. This culminated in Council recently appointing a third-party experienced community engagement consultant company, JOC, to facilitate a number of face to face workshops with a range of stakeholders to explore solutions to some of the challenges of the event going forward.

April / May 2022 high volume of complaints to Council from residents and the local Muslim community in and around Haldon Street about noise, waste, crowd behaviour, health and safety, traffic, noise, and access issues caused by the growth of Ramadan Nights during the event.
October 2022, representation from residents asking Council to NOT allow stallholders to trade near residential areas for the 2023 Ramadan Nights event.
December 2022, representations from the local Muslim Community to relocate the event due to waste, smell, noise, health and safety, and access issues for local worshippers.
December 2022 -February 2023, external risk consultant assisted Council to undertake a 'functional' or operational review of the event – looking at security requirements, traffic control, and safety management on site. This review provided advice to Council Officers and The Ramadan Working Group on minimum technical requirements to manage the growth of the event, thereby ensuring the logistics of road closures and security were planned ahead of time rather than being reactive.
March / April 2023, significant (nightly and sometimes hourly) complaints about issues affecting residents and the Muslim community in and around Haldon Street during the event. Council officers also met with resident representatives and the Muslim community on numerous occasions to try and help address issues as they arose.
April 2023, during the latter part of the event, Council commissioned an independent Sound Engineer to undertake noise measurements in and around the corner of Gillies Street and Haldon Street where there is a large concentration of residents.

Measurements showed noise levels sometimes 20 decibels and more above the acceptable level both on the street and inside residential properties.
Resident petition 27 May 2023 – over 300 signatures calling for the event to be relocated due to noise, security, waste, traffic, health and safety, and access issues.
June 2023 - resident representation and meetings with Councillors concerning the issues around the event.
July/August 2023 – Council Officers engage with residents and the Muslim community and held meetings to outline a plan for community consultation on issues.
September/October 2023 – JOC Consulting appointed to undertake third-party consultation with the four key stakeholders affected by Ramadan Nights - Residents, Stallholders, Businesses, and the Muslim Community representatives. Council Officers also attend a number of workshops with the key stakeholders to document concerns and look at options for addressing issues around Ramadan Nights.
October/November 2023 – written representations to the Mayor and Council Officers received from resident representatives and local Imams to reinforce their preference that the event be located away from Haldon Street.

From a business and stallholder perspective, there are unconfirmed concerns that the success of the event is acting as an inflationary force to push up rental costs for those businesses leasing space for their normal day-to-day business, some of which is then being passed onto general customers in Lakemba and stallholders for the event.

Further, from a Council point of view, there are logistical and staffing pressures of running such a large event, every night, for one month every year. This includes the need for significant resources such as:

- Event staff to coordinate all aspects of the event from traffic management to crowd control
- Health Officers to manage stalls and food practices
- Rangers to manage illegal parking
- Waste staff to manage waste removal and pavement cleaning.

This is equivalent to running a major event every night for 30 nights.

The annual budgetary resources to effectively plan, curate, run and manage Ramadan Nights is increasing. It now costs \$2M to run, but given the continued expected growth, and the scale of the challenges, it would be realistic to contend that even this amount is far from adequate.

### **Stakeholder Consultation to Address the Challenges of Ramadan Nights Lakemba**

Following Ramadan Nights Lakemba 2023, Council invited Expressions of Interest (EOI) from specialist consultants to undertake a program of stakeholder engagements to discuss and work through the challenges and issues around the event. JOC Consulting was appointed to facilitate the process and hear from each of the following key stakeholder groups:

- Residents
- Businesses
- The Muslim Community and its leaders
- Stallholders

The stakeholder engagement was undertaken in October 2023 and employed a deliberative consultation method. Deliberative engagement is a two-way form of communication within a participatory process, which seeks to achieve some form of consensus between the people / parties involved.

The program of consultation undertaken by JOC, and observed by Council Officers, involved:

- Interactive workshops with local residents
- Interactive workshop with local businesses
- Interactive workshop with stallholders
- A meeting with local religious leaders from the Masjids (Prayer Houses) in Haldon Street
- A meeting with the Chair of the Ramadan Committee
- Reviews of emails, phone calls and other feedback received from participants.
- A final interactive workshop with representatives from all participants combined.

Separate workshops for individual stakeholder groups were undertaken to ensure each group felt comfortable sharing their concerns about the event. Participants discussed challenges and issues and were encouraged to also consider some of the possible solutions.

67 people participated in the stakeholder engagement, with many more expressing their feedback via a survey on Council's Have Your Say website.

Attachment A - Ramadan Nights Lakemba Stakeholder Engagement Outcomes Report November 2023, outlines in detail the list of issues and challenges faced by each of the four stakeholder groups. With regards to suggested solutions, the report summarises the main options as follows:

- Continue to run the event as is, with no changes (do nothing)
- Cancel the event completely,
- Move the event to another venue,
- Make changes to the event in the immediate and longer term.

The option to continue the event, with no changes, was not supported by any of the stakeholder groups. The complete cancellation of the event received little support for stakeholders and would be a major loss for the City noting its value and benefits from a community, economic, and cultural perspective.

The option to relocate the event and / or make changes to the event in the immediate and longer term, are outlined below in the recommendations for Council's consideration.

### **Recommended Actions**

Based on the feedback from the community engagement a range of actions have been identified to make changes to the event in the immediate and longer term. These actions have been grouped into 5 themes:

1. Event Footprint
2. Event Timing
3. Event Funding and location
4. Event Theme
5. Event Management and Regulation

For each theme, proposed changes were considered, including options for both the Event Footprint and Event Timing. For each change, the benefits and challenges of making such a change were considered (Attachment B). It is important to note that any decision around the Event Timing from 2025 and beyond is subject to an appropriate Funding Strategy, including a further commitment from the State Government to support the event.

Having considered the benefits and challenges, a recommendation for each has been proposed, including a list of specific actions underpinning the recommendation. This is summarised below and set out in detail in Attachment B.

THEME	OPTIONS - where relevant	Recommendation
Event Footprint	<p><b>OPTION 1: No change.</b> Maintain existing footprint as per 2023</p> <p><b>OPTION 2: Move Event away from most affected residents:</b> Move the event footprint north necessitating a hard closure at the corner of Gilles Street and Haldon Street, away from the highest density of residents (attachment D)</p>	<p><b>OPTION 2: Move Event away from most affected residents:</b> Move of the event footprint north necessitating a hard closure at the corner of Gilles Street and Haldon Street, away from the highest density of residents</p>
Event Timing	<p><b>OPTION 1: No Change.</b> Event to operate 7 days per week</p> <p><b>OPTION 2: Reduced promotion of event in 2024 with a reduction in 2025.</b> Event to only be advertised and promoted for 4 days (Thu-Sun). Stalls will still be able to operate Mon-Wed with the intention of servicing local needs. Advise the community/stall holders of the intention to reduce the number of days trading from 2025 onward.</p> <p><b>OPTION 3: Reduce days now.</b> Reduction in the number of days in the week that the event runs and operates to 6 days (Tues to Sun) in 2024 and a further reduction down to 4 days (Th, Fr, Sat, Sun) in 2025 and beyond</p> <p><b>OPTION 4: Major reduction in days</b> Reduction in the number of days in the week that the event runs to 4 days (Th, Fr, Sat, Sun) in 2024 and beyond</p>	<p><b>OPTION 2: Reduced promotion of event in 2024 with a reduction in 2025.</b> Event to only be advertised and promoted for 4 days (Thu-Sun). Stalls will still be able to operate Mon-Wed with the intention of servicing local needs. Advise the community/stall holders of the intention to reduce the number of days trading from 2025 onward.</p>

Event Funding and location		Creation of a <i>5-year Event Funding and Operational Strategy</i> . This would include the exploration of possible relocation of the event to another venue and its associated costs and implications
Event Theme		Identify opportunities to better reflect the values of Ramadan within the event including prayers on the street and possible Iftar.
Event Management and Regulation		Implement further event management and regulation measures to improve the event management and regulation

### **Extend Stalls to Other Parts of the LGA**

Separate to the above consultation, in February 2023 Council also resolved that as part of the review into Ramadan Nights, this include an assessment of the feasibility and impact of allowing other interested businesses from across the LGA to trade outside their shops during the month of Ramadan.

As noted above, the current management of stalls and crowds within Haldon Street is a significant resourcing and logistical challenge. While there is the view that allowing other stalls to operate across the City may reduce the pressure on Haldon Street it is more likely that the opposite will occur. This will only drive more people to attend multiple locations stretching the resources of police, council and contractors well beyond its capacity.

Council has had informal discussions with the Police who have raised significant concerns over the possibility of allowing trading of stalls in other locations. There would also be additional costs to Council should 'User Pays Police' be required.

As a result, it is not recommended that businesses in other centres be allowed to operate stalls on the street. This does not preclude them operating consistent with their approval to attract and encourage visitors to attend their place of business during the month of Ramadan.

### **ITEM 8.2                      Overview of Development Assessment and the NSW Planning System**

**AUTHOR                      Planning**

#### **PURPOSE AND BACKGROUND**

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Recent comments by the NSW Premier and several senior Ministers begs the question: Is the NSW Planning System broken?

The answer to that question is quite broad and depending on who you speak with, whether you are a resident, a developer, Council, or the government, you will get a differing view and perspective.

But, one thing that is for sure, Councils should not be held accountable for the failings of a Planning System that doesn't adequately take into consideration the complexities of their own rules, and the many other factors which play a significant role in the approvals process.

To blame Councils for lacklustre performance times for development applications, is quite naïve, and focuses on average assessment times which is just one small measure when it comes to assessing a Council's performance.

Making Councils scapegoats and threatening to remove their planning powers because of the number of applications withdrawn across the State each year, will do nothing to address the overall problem, except to punish a Council like ours which is frequently recognised as a leader in the sector.

Responsible development assessment is very much about ensuring we get the balance right, a fine line we tread in managing growth, meeting community expectations, and maintaining the character of our suburbs.

We have worked in collaboration with our community to develop our Local Strategic Planning Statement and Housing Strategy which guides well-placed strategic housing growth and we are always committed to working in consultation and collaboration with the NSW Government, development community and residents to ensure we have the resources and processes in place to create a great city we all love.

The Federal Government's National Housing Accord requires the NSW Government to deliver 377,000 new homes over the next five years, and the newly elected Minn's Government is charging full steam ahead in delivering on those targets.

We have seen several planning announcements by the Government, with little or no consultation with us, or with any regard to the fact we already have in place meaningful strategic plans to meet the targets and the demands of our community.

The facts are indisputable! We have a proven track record when it comes to facilitating housing growth.

It is recommended that Council write to the NSW Premier seeking an urgent meeting, so that we can present our case, and provide fact-based examples, as to why there needs to be an urgent review of the planning system which is bogged down by competing pressures.

## **RECOMMENDATION**

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That Council write to the NSW Premier seeking an urgent meeting to discuss the NSW Planning system and the conflicting directions and comments being made by the Government and it's Ministers.

## **ATTACHMENTS**

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Nil



## **POLICY IMPACT**

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Council has in place a strategic framework that sets a clear vision for housing growth in our city that addresses the demand for housing, and the targets set by the NSW Government.

This policy framework includes the Local Strategic Planning Statement, Housing Strategy and Affordable Housing Strategy which collectively provides clear direction for the delivery of 50,000 new homes.

Strategies fully supported and endorsed by the NSW Government.

The integrity of these strategies, and the significant work we have undertaken in planning for co-ordinated and orderly growth, is now being undermined by ad hoc policy on the run. Unlike most other councils, we have a policy framework in place but are still being punished by the failings of other Councils.

### **Note:**

***The NSW Government has announced it is updating Region and City Plans, which will include new housing targets which may have an impact on our Strategic Plans.***

***While no time frame has been announced, it is expected a draft of the proposed Region and City Plans will be released within months. Once released, Council will need to update its own strategies, with further community engagements and separate reporting to Council.***

We have made significant investments in resourcing our Planning team and setting up our Planning framework. We are recognised by industry and Government for our strategic planning and our ability to responsibly plan for growth. Creating liveable, vibrant, sustainable, and accessible places that attract jobs and investment close to amenities, services, and infrastructure.

Our assessment systems are also recognised as being one of the most efficient in the State, carefully balancing the need for growth and the need to maintain the amenity and character of our streets and suburbs.

The recent comments and inconsistent messages and directions from the NSW Government have the very real potential to disrupt our strategic planning and development assessment systems. Maintaining the integrity of our planning strategies, processes and outcomes is the driver of this report and recommendation.

## **FINANCIAL IMPACT**

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Uncertainty in the Planning system and delays in the processing of our strategic Planning work will undoubtedly have an effect on investment in our city. The ramifications will flow on to the funding and delivery of community infrastructure.

In relation to development assessments, this matter does not have any financial impact to council.

However, a focus to drive down average assessment times across the NSW will lead to more development applications being refused, resulting in unnecessary financial burdens on applicants and an increased workload for Council staff.

## **COMMUNITY IMPACT**

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Confidence in the Planning system will be eroded if local Councils lose control of working with the community to meet their expectations and to create a clear plan on how our city should grow.

They have invested, and will continue to invest, based on our vision and the comprehensive work already undertaken.

Furthermore, a focus on average assessment times will stifle housing supply in our city, deepening the housing crisis, undermining confidence in the development industry with associated potential to increase housing stress.

It would also see a spike in the number of development applications being refused, many of which are submitted by our own ratepayers.

The recommendation contained in this report seeks to avoid these risks.

## DETAILED INFORMATION

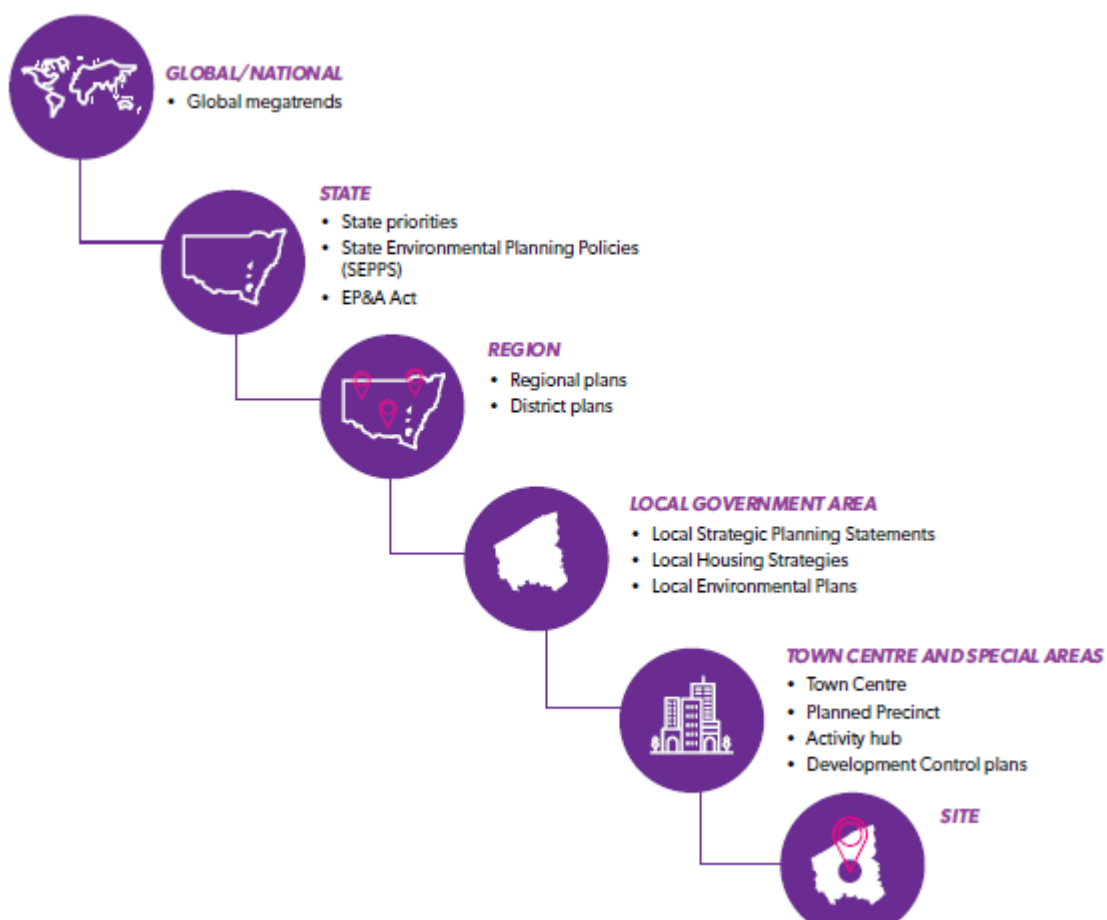
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### STRATEGIC PLANNING AND HOUSING DELIVERY OVERVIEW

Council supports the need for a clear vision for housing that unifies efforts across government to ensure the right type of housing occurs at the right time and in the right place.

In 2018, the NSW Government introduced amendments to the Environmental Planning and Assessment Act 1979 to provide this vision together with a clear line-of-sight to implement State priorities at the local level as shown in the figure below. Also known as a ‘plan-led’ system, this approach would ensure strategic planning is the foundation for all decisions about potential land use changes.

Figure 1: Local Housing Strategy Guideline (Department of Planning and Environment)



### Overview of Council’s new planning framework

Council has since invested significant resources and engaged widely to prepare its new planning framework as required by State legislation. The new planning framework provides a pathway to manage growth and change across Canterbury-Bankstown and includes Council’s Local Strategic Planning Statement ‘*Connective City 2036*’, Housing Strategy, Affordable Housing Strategy, Employment Lands Strategy and Consolidated Local Environmental Plan.

The Housing Strategy was prepared in accordance with the Department of Planning and Environment’s Local Housing Strategy Guideline, *Connective City 2036* and technical studies.

It recognises and responds to evidence and community consultation about what types of housing will be needed for future populations and where it is best located.

Based on the analysis, the Housing Strategy sets the following strategic directions:

1. Deliver 50,000 new dwellings by 2036 subject to the NSW Government providing upfront infrastructure support.
2. Stage the delivery of new dwellings to address complex renewal issues affecting Canterbury-Bankstown.
3. Focus at least 80% of new dwellings within walking distance of centres and places of high amenity.
4. Ensure new housing in centres and suburban areas are compatible with the local character.
5. Provide a choice of housing types, sizes, tenures and prices, to suite each stage of life.
6. Design quality housing to maximise liveability and provide positive built form outcomes.
7. Align the R2 Low Density and R3 Medium Density zones in the former Canterbury Local Government Area.
8. Urgently review dual occupancies in the suburban neighbourhoods.

The Housing Strategy also sets the following housing targets to meet community needs, to be staged over a 20-year timeframe:

Time horizon	Delivery of new dwellings to meet housing demand
5 Year Target (2016–2021)	12,500
10 Year Target (2016–2026)	25,000
20 Year Target (2016–2036)	50,000

***Note: we are aware that the NSW Government is updating Region and City Plans, which will include new housing targets. Once released, Council will need to update its own strategies, with further community engagements and separate reporting to Council.***

The strategy sets a clear direction – Canterbury Bankstown is delivering housing based on demand and forecast population growth. This housing needs to be well located and supported by infrastructure (i.e. parks, bicycle networks, Metro, bus services etc). Housing in the wrong locations will only exacerbate existing issues for Metropolitan Sydney – including a poor interconnected transport network, lack of access to amenities, retail and support services and increased strain on infrastructure. A common outcome being more cars and congestion in areas that cannot support it.

To date, Council has a demonstrated record of efficiently delivering housing as shown in Table 1. Council approved 12,194 dwellings, which represents 97% of Council’s 5-year housing target under its planning framework. Around two thirds of development approvals are in the form of low and medium density housing, which aligns with the NSW Government’s intention to see more medium density housing built across Sydney.

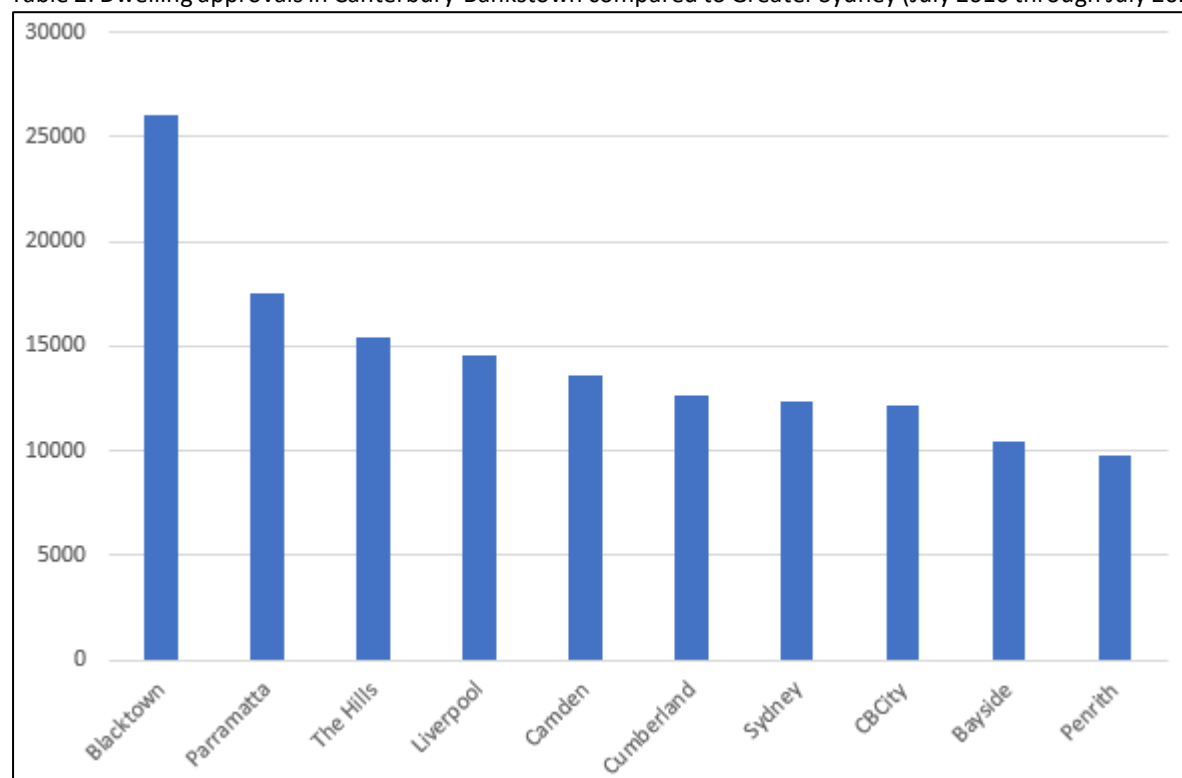
Table 1: Dwelling approvals and completions in Canterbury-Bankstown

	Canterbury-Bankstown (July 2016 through July 2021)
5-Year Target	12,500
Approvals	12,194 (97% of target)
Completions	8,822 (70% of target)

(Source: DPE, Greater Sydney Urban Development Program Dashboard)

Council is also making a significant contribution to Sydney’s housing supply compared to the other 32 councils that make up the Greater Sydney Region. Council ranked 8<sup>th</sup> alongside the mostly greenfield councils in Western Sydney and contributed 5% of new homes to Sydney’s overall total. Most councils in established areas approved less than 4,000 dwellings over the 5-year period.

Table 2: Dwelling approvals in Canterbury-Bankstown compared to Greater Sydney (July 2016 through July 2021)



(Source: DPE, Greater Sydney Urban Development Program Dashboard)

Council also has a proactive approach to planning for growth through reviews of our planning controls and an award winning, place-based master planning program. To date, Council has adopted or progressed the Bankstown and Campsie Master Plans and a number of planning proposals, with approximately 20,000 dwellings in the pipeline, along with thousands of new jobs focused in Bankstown and Campsie. The delivery of these plans has been hampered through extensive delays in receiving gateway determinations from the Department of Planning and Environment.

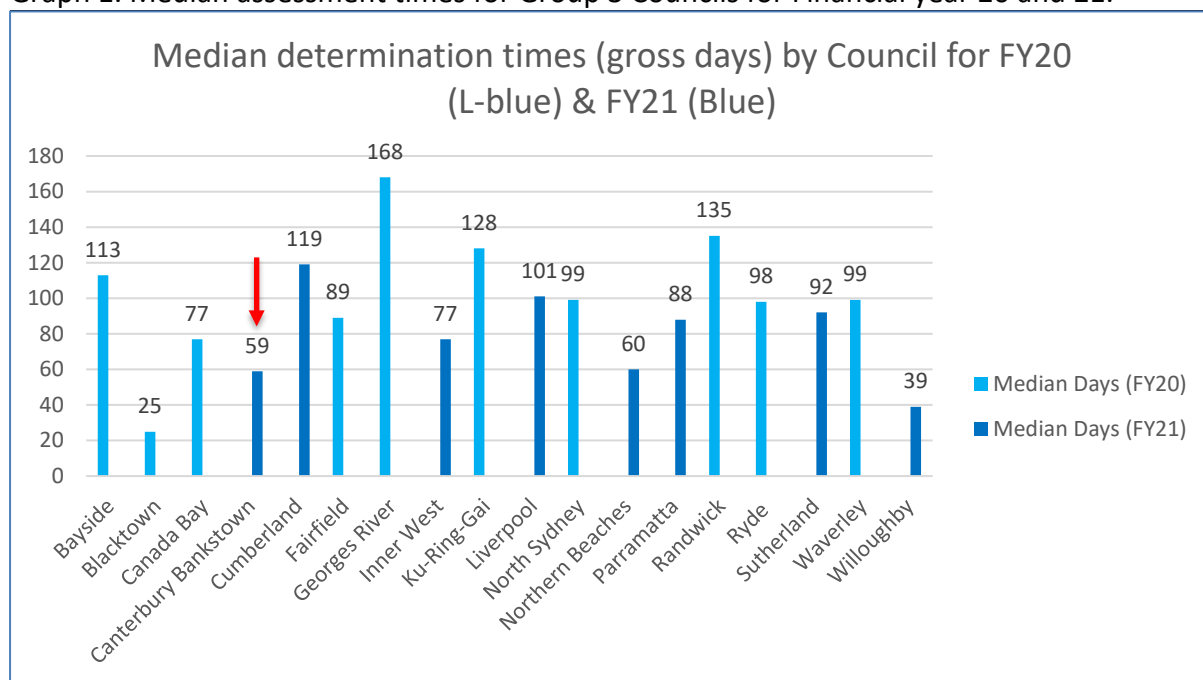
Our strategic planning efforts demonstrates Council’s commitment to housing and employment growth in an orderly and coordinated way that aligns with community expectations and our long-term strategic plans.

## DEVELOPMENT ASSESSMENT OVERVIEW

We are consistently recognised as having one of the most efficient planning systems in the State and are often called upon by the Department of Planning and other councils for input into improvement processes. We were a key contributor to the Department’s *“Development Assessment Best Practice Guide”*, were a pilot Council for the development of a faster assessment process for regionally significant development and are a part of the Department’s reference group for the NSW Planning Portal, to name a few.

In the most recent local development performance monitoring results, we were the third fastest Group 3 Council for the assessment of development applications when assessed against all development types. This is measured in median total days, not “stop the clock” time frames.

Graph 1. Median assessment times for Group 3 Councils for Financial year 20 and 21.



### Managing the pre-lodgement process

Managing an assessment process is a complex balancing act. We provide a free pre-lodgement service for our applicants as well as a fee based detailed pre-lodgement assessment service where more in-depth planning advice is sought and provided. We have also introduced a Design Excellence Panel for larger scale developments. All these initiatives are aimed at giving the development industry the benefit of our skill and experience up front so that there is a greater level of certainty when they lodge their application. We must also carefully balance this against our duty as a regulator and our responsibility to maintain a robust and transparent assessment system with integrity at its core.

Our comprehensive and scalable pre-lodgement process was the focus of a presentation to the Department of Planning’s Community of Practice.

Unfortunately, there are large parts of the development industry that do not use this service or who use it and ignore our advice, and we routinely see substandard applications lodged that do not comply with our controls. These applications have the potential to create significant impacts for our local community and upholding our controls is paramount.

In these instances, we offer applicants the opportunity to amend their proposal to be consistent with the critical controls within our LEP that relate to liveability and planned (and consulted) urban amenity.

Some applicants are willing to work with us to achieve great outcomes, others choose to ignore us and press on with what they want without any regard for the planning framework and/or legislation. Where applicants do not wish to meaningfully engage with us to achieve orderly development, we offer the opportunity to withdraw the application (which affords them the opportunity to receive a partial refund of fees paid) and where they demand an assessment, we have no other option but to refuse the application. This is the root cause of the issue, not Council ineptness.

The number of development applications that are refused have accounted for between around 7.5% to 15% of all determinations annually over the last 5 years.

### **The uptake of Complying Development and the growth of unauthorised work**

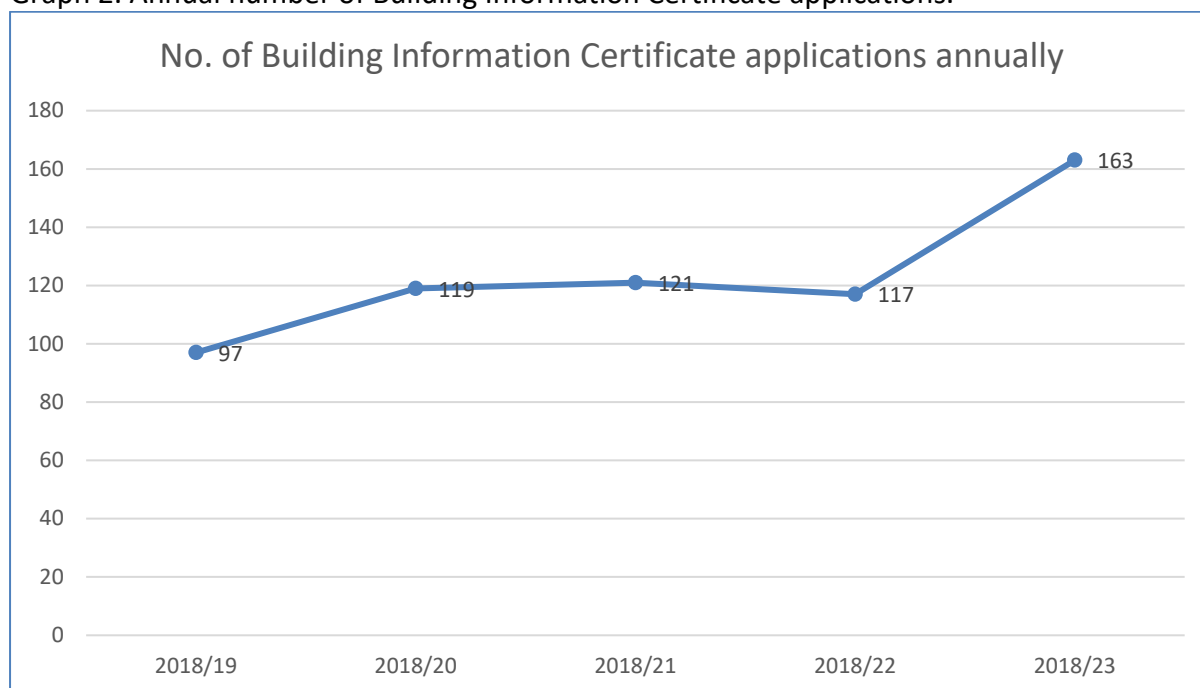
Each year, we see an increasing proportion of development approved through the complying development process, where a Private Certifier issues the approval under a State Environmental Planning Policy.

Whilst a significant proportion of the development and certification industry act in good faith, there are those that do not. Our Building compliance Team have seen a near doubling in the number of complaints about unauthorised building work over the past five years and a near doubling of building information certificate applications (seeking approval for unauthorised building work) lodged in that same period.

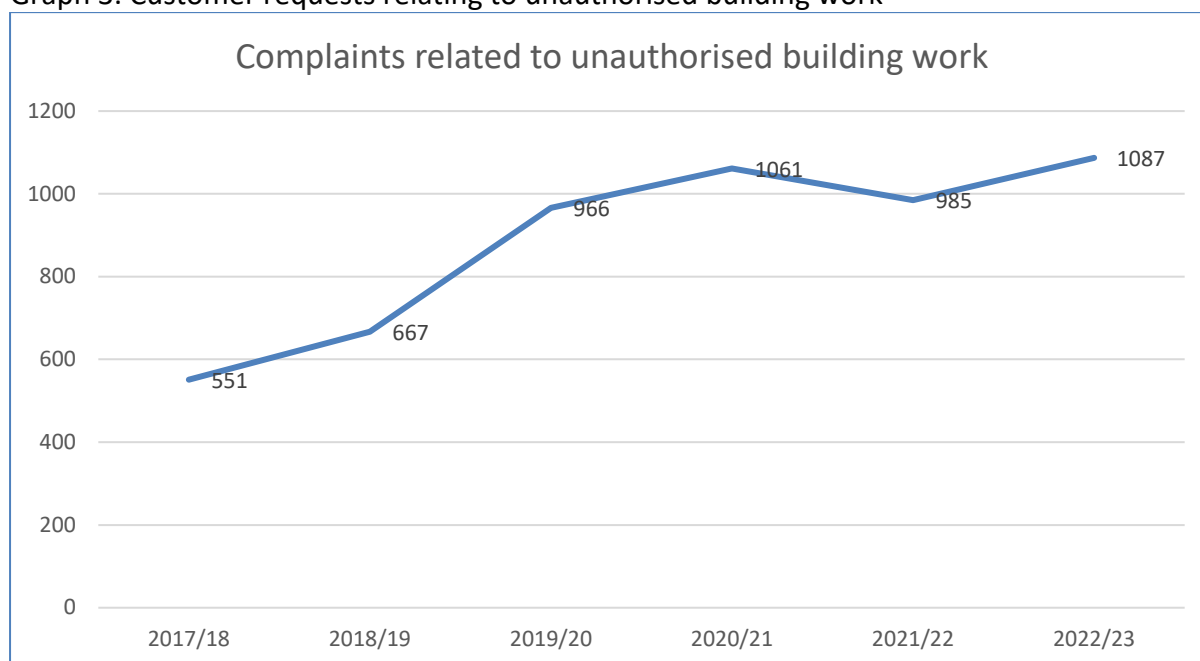
We have seen examples of entire basement levels being built without approval in educational establishments, significant additions and structures being built without approval, and even instances of building work concealed (that is as it sounds with false walls being built to hide vast living spaces with the intention of removing the walls after approvals are completed).

We have managed this extraordinary increase in workload without any increase in staffing levels, by constantly reviewing our process, upskilling our Team, and embracing new technologies.

Graph 2. Annual number of Building Information Certificate applications.



Graph 3. Customer requests relating to unauthorised building work



### Resource blowouts from the NSW Land and Environment Court Process

Investigation and enforcement of unauthorised work is a time consuming and arduous process and is made all the more difficult by cumbersome legislation which continues to expand. We are often involved in costly planning or building appeals with applicants where the NSW Land and Environment Court allows multiple opportunities for applicants to amend their proposals, only to arrive at the same point that we put to the applicant many months earlier.



This has occurred through a gradual creep in the Court allowing applicants more latitude and is a significant drain on Council resources. There is an urgent need to reform the Court process and calling for action on this issue was the subject of a previous report to Council's Ordinary meeting of 29 August 2023 (Item 7.3).

The Court has a Practice Note which clearly sets out how an appeal is to be conducted, including allowing a Council adequate opportunity to review any amended plans. This reflects the mechanism already built into the Environmental Planning and Assessment Act 1979 which assumes that Councils need 40 days to be able to properly assess a proposal that is before them.

In contravention of its own practice note, the Court consistently allows amended plans to be submitted on the eve of a hearing and even on the day of the hearing, despite our objections to the Court. This means that Council and its experts do not have adequate time to thoroughly assess the amended plans which are often significantly different to the previous plans on which all the evidence has been prepared. It also bypasses any objectors, leaving our community with no opportunity to view the amended scheme, or to raise their concerns with the amended proposal.

These practices undermine the Court process and introduce the opportunity for errors in assessments because there is a reduced opportunity to apply proper rigour to the assessment. We have found examples recently where the Court has issued approvals on the basis of hastily amended plans, only to find later that the approval issued by the Court is fundamentally flawed, causing more time, resources and Court time to correct.

Finally, as it becomes common place to allow late and frequent opportunities to amend plans with little to no time for the Council, it's experts, and the community to scrutinise them, it opens a new and dangerous pathway for applicants who want to avoid a proper assessment being made of their proposal by Council or the community.

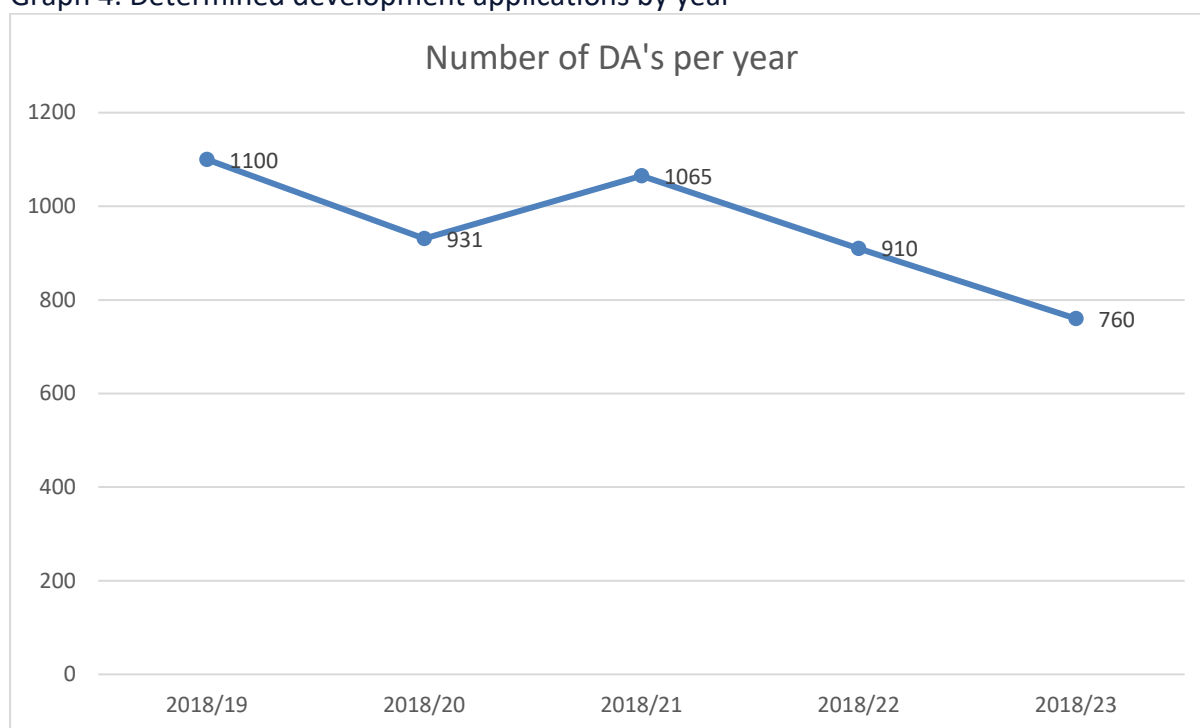
Our experience is not new and is not unique. Unfortunately, what we are seeing is repeated across the State and urgently needs to be addressed.

### **The real reason average assessment times are increasing**

Since the introduction of exempt and complying development in 2008, the number of development applications which we have received have been steadily declining. This has gathered speed when the "missing middle" was added to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 through the introduction of the Low-Rise Housing Diversity provisions. Graph 4 shows the five-year trend for development applications for our City and the fall is dramatic, with a 31% reduction in development applications. This trend is reflected across the State.

Allowing small scale developments to move through the system as exempt or complying development is beneficial to property owners and allows Councils to focus on larger proposals that are more complicated and require greater Council input.

Graph 4. Determined development applications by year



However, there are concerns that the reforms have already gone too far by including dual occupancy and manor house development and that in the future, it will include far larger forms of development that carry a much greater potential impact. In referring to a “Pattern book” that will allow mid-rise developments to bypass the Council approval process, Premier Minns is quoted in the Sydney Morning Herald on 16 November 2023 as saying ““If a builder builds to the pattern book, then the development will be considered complying development, and be given an immediate tick,”. It can only be assumed that these proposals will be approved by Private Certifiers.

This report has already outlined the problems we are seeing around unauthorised works and privately certified projects that have gone wrong. We already receive numerous complaints from our community regarding complying development where they feel that they have no input into the development that is occurring next door to them or in their neighbourhood. Broadening the range that can be considered as complying development will only worsen this situation.

As the amount of complying development increases, the pool of smaller “fast track” style applications that we assess reduces each year. Graph 4 has already highlighted this fact. The reality is that the applications that remain in our development application system are either (a) far more complex, or (b) smaller scale developments which often fail the planning controls, and requires significant input from our team to ensure that the development meets minimum legislative requirements (essentially small developments where applicants are seeking to overdevelop sites).

We know this because although the pool of applications has reduced by 31% over the last five years, the value of development has not changed by anywhere near this same amount. In fact, the total value of work that we determine each year has not changed significantly, despite a large fall in application numbers. This means that the value of each application is more than it was five years ago, reflecting the increased scale and complexity of the projects we assess.

We also know that around 80% of development applications are not able to be approved when we first receive them and require some form of amendment to address the planning controls.

It takes time for us to understand the complex issues of large developments and assist applicants understand them; and of course, for the applicant to then make changes to address their shortcomings and for us to once again review and assess their new plans. This all adds to the overall assessment timeframe.

When the more straightforward applications transfer into the complying development system, the *proportion* of simpler (and faster) applications in our “pool” of applications falls. The *proportion* of the more complex application in the system increases.

As complex applications make up a growing proportion of our case load each year, the average assessment time will naturally increase, and this is what we have been witnessing across Sydney.

All councils know this, agree with this and understand this, so it is confusing that the Department of Planning use the change in averages to vilify the performance of councils across the State.

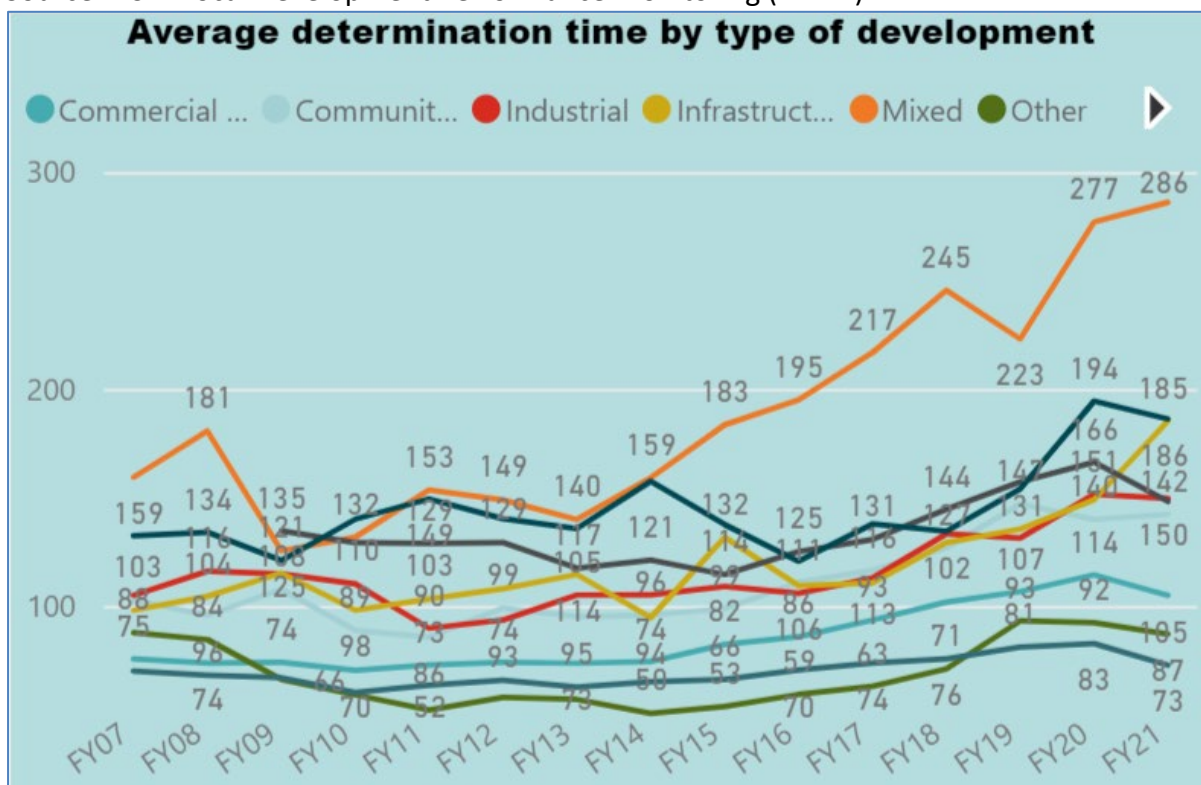
It becomes impossible to compare average assessment times year to year because the entire system now is radically different to what it was ten years ago, or even five years ago. When there is a radical transformation of the development application system over more than a decade, comparisons are impossible.

These are basic statistical facts that seem lost in the Government’s discussion and focus on average assessment times.

The following table provides a snapshot from the Department of Planning’s Local Development Performance Monitoring website that illustrates the sustained increase in average assessment times for most forms of development across NSW over the past 15 years.

Graph 5. Average assessment times.

Source: NSW Local Development Performance Monitoring (LDPM).



### A developer’s accountability

The NSW planning system is littered with measures that have been introduced to address poor performance of certifiers, poor practices of builders, and a lack of community confidence in the integrity of the development industry. The Government’s answer to the housing crisis cannot lie in criticising and threatening councils and pushing more complex projects into the broken certification system.

The 80% failure rate that we see when applications are first lodged with us is a simple case of applicant’s failing to understand a complex State planning system, or deliberately ignoring our controls.

Neither of these are issues of Council’s making.

We are often asked by applicants to provide assistance to address the concerns with their proposal.

However, this is a role we are not able to perform. We are a regulator and there needs to be a clear appreciation that our role is to assess a proposal. The development industry is a complex one that does not begin and end with a development application. There are financial considerations, engineering and design limitations, and labour and market forces to name a few factors influencing development. This is a development *industry* and it is the responsibility of any person who wants to enter this industry to understand it and engage suitably skilled professionals to assist them navigate the industry, the same as any other sector in the economy.

Applicants cannot and should not turn to Councils to help them resolve issues with their proposal or to refine their design. To do so would blur the lines between developer and regulator and would undermine the integrity of the assessment process.

A better approach from the Government would be to work with the development industry to increase the quality of development applications on lodgement to reduce this 80% failure rate. This would reduce assessment times significantly and would ensure that Councils are not wasting resources correcting the errors of applicants and can spend the time adding value to the assessment process.

### **Falsehoods about withdrawn development applications**

In October 2023, the NSW Government issued guidelines addressing the number of development applications that are withdrawn across the State. In its press release from 10 October 2023, it said “The NSW Government is ramping up its efforts to have fewer development applications (DAs) withdrawn and to get more people into homes sooner by releasing new guidelines for councils”.

Development applications are withdrawn (by the applicant) when they are unable to achieve compliance. To say that withdrawing applications of this nature will have an impact on housing supply is not correct.

These applications cannot possibly contribute to housing supply because there is no pathway that leads to approval.

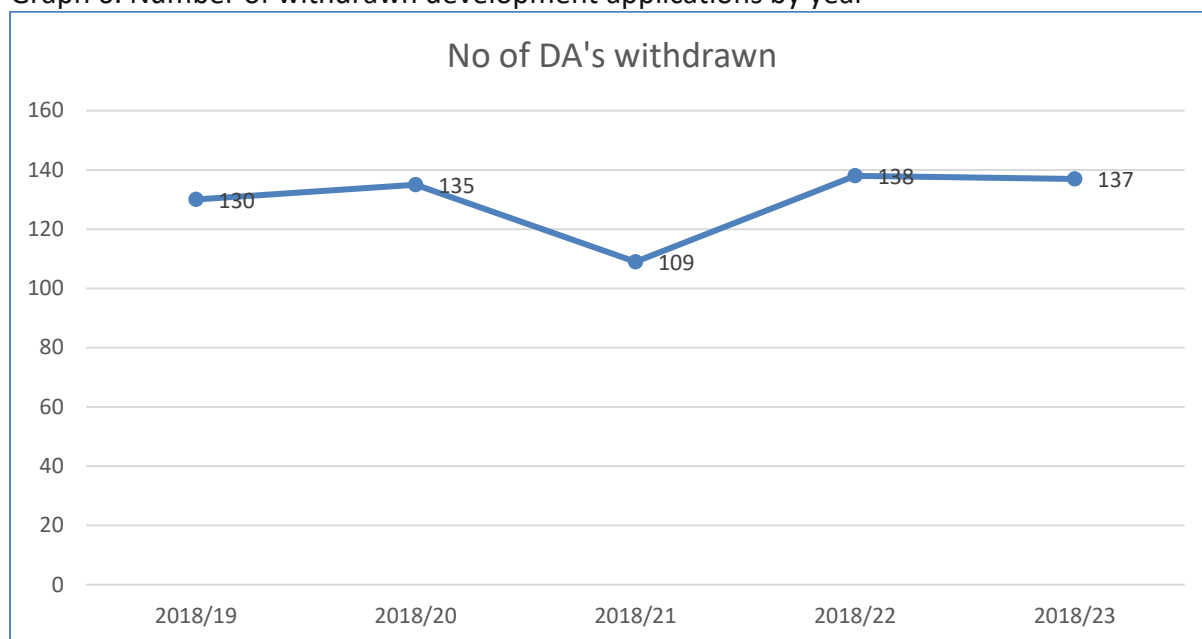
The alternative to allowing withdrawal of the application is to leave these substandard proposals in the assessment system, accumulating days increasing average assessment times, and burning through staff resources.

The end point for these applications is still withdrawal or refusal because we can see that there is no prospect of success from the outset. The State Government’s approach simply delays the inevitable, causes a blowout in assessment times, consumes Council resources and provides zero certainty to an applicant, costing them time and money as well.

At the same time, the Premier has threatened to name and shame Councils whose average assessment times increase. These two messages fail to recognise that a push to reduce the number of withdrawn applications while at the same time reducing average assessment timeframes are working in entirely opposite directions.

We can confidently say that there has been minimal movement in the number of applications that are withdrawn in our City by applicants. Graph 5 shows that the number of applications that are withdrawn is almost identical now to what it was five years ago. This is despite the large skew to high value complex applications, with all the quick easy ones out of our system and being dealt with by private certifiers.

Graph 6. Number of withdrawn development applications by year

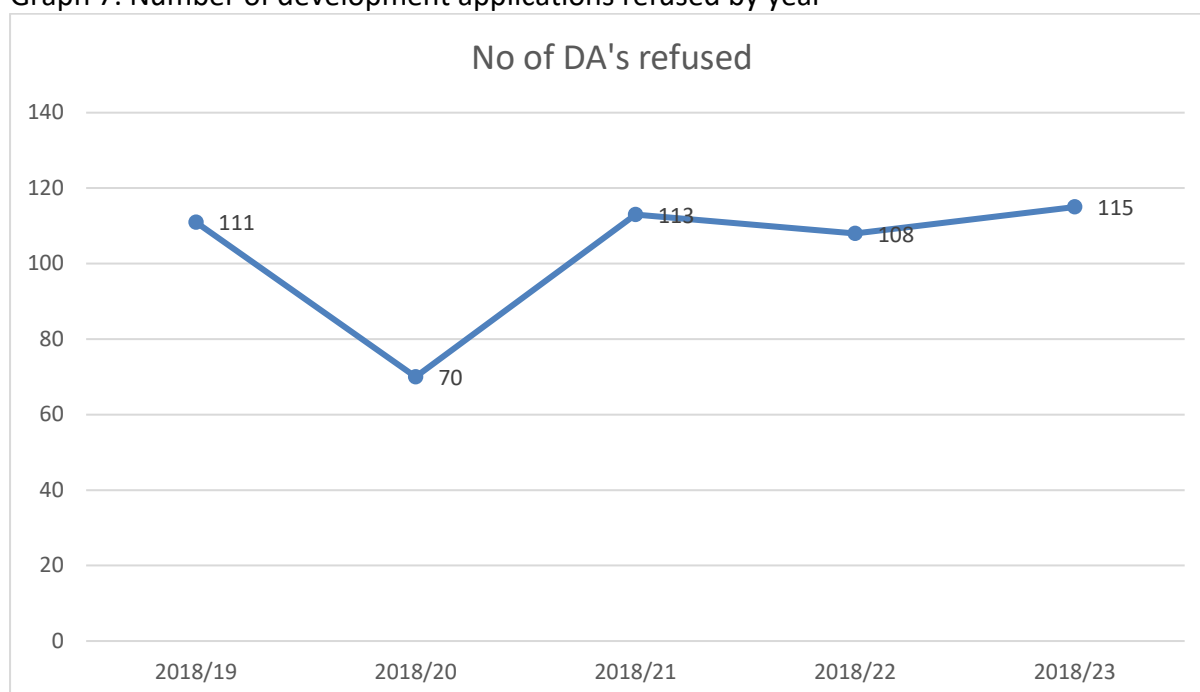


### **Falsehoods about the number of refused development applications**

Recently, the NSW State Government and Premier Minns have attacked local government over the lack of housing supply and the housing crises, rather than looking at the failure of the State government to address the issue. We have undertaken a comprehensive master planning process for the Bankstown and Campsie centres to deliver almost 20,000 new homes to the mums and dads and first home buyers that Premier Minns speaks of. They would be living in them now if the Department of Planning hadn't been sitting on them for almost two years.

The graph which follows shows that the number of development applications that are refused each year remain essentially unchanged, demonstrating that for our Council, this is not a factor affecting housing supply.

Graph 7. Number of development applications refused by year



### **The impact of reducing average assessment timeframes**

This report spoke of a delicate balancing act around assessment times. Some councils have a strict “one strike” policy where development applications are refused after one chance to make an amendment. We do not support this approach.

We spend considerable time and effort providing planning and building advice to applicants so that they can progress their application where we see that there is a real prospect of achieving an outcome. This inevitably has an impact on average assessment times as they remain in the system while the issues are resolved, and they are guided to compliance.

This is because we are doing what the Premier wants, we are trying to get applications to approval to get homes built. As said earlier, it takes time to help poor applications reach approval. If applications were well prepared, researched and considered up front then approvals would of course be quicker.

There is talk by the Department of Planning about the potential for Artificial Intelligence (AI) to assess DA's. Perhaps they could start with developing AI to help applicants navigate the complex planning system and to ensure they have all issues and bases covered so they lodge compliant applications?

Even though we already have one the fastest median assessment times, we can significantly reduce our average assessment times in a relatively short period of time, but this comes at a significant price. The answer is to not provide these opportunities to our applicants, many of whom are our own rate payers, and to simply assess and determine what is put before us without offering opportunities to reach an outcome.

This report has already identified that around 80% of applications are unable to be supported when they are first lodged with us. Average assessment times will fall, as will the number of withdrawn applications, but the number of refused applications will skyrocket.

This would be the steep price that the development industry would have to pay if the NSW Government pursues an agenda of reduced average assessment times over a balanced assessment system. It is entirely at odds with the goal of increasing housing supply and affordability.

### **The way forward**

We recognise and fully support the need to boost housing supply. Our entire assessment system is designed to achieve this in a responsible manner and our customers acknowledge this. We survey every customer, regardless of whether their application is approved or refused, and they overwhelmingly rate the service our assessment team provide as “very good” to “excellent” and our Team as extremely responsive.

We know how to deliver a balanced system that is efficient and transparent while still appreciating that some applicants need time to address complex matters. We also recognise that some applications are entirely inappropriate and warrant refusal.

Unfortunately, the recent messaging from the State Government ignores the many factors that councils must balance when delivering an assessment service.

We have an outstanding track record as a leader in our sector and we have the knowledge and data to justify our decisions. We are in a unique position to share this knowledge with the NSW Government so that they aware of what the actual outcome of their approach would look like.

It is recommended that we write to the NSW Government and Premier Minns seeking an urgent meeting to share our experience and to discuss the NSW Government’s approach to assessment times. A further report will be provided to Council following any meeting so that our Council remain informed.



## **9 COMMITTEE REPORTS**

The following items are submitted for consideration -

- |     |  |    |
|-----|--|----|
| 9.1 | Minutes of the Community & Inclusion Advisory Committee meeting held on 15 November 2023 | 71 |
| 9.2 | Minutes of the Arts & Culture Advisory Committee meeting held on 22 November 2023        | 73 |
| 9.3 | Minutes of the Traffic Committee Meeting held on 28 November 2023                        | 75 |



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## Committee Reports - 07 December 2023

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**ITEM 9.1**                      **Minutes of the Community & Inclusion Advisory Committee meeting held on 15 November 2023**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

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Council resolved to establish its Advisory Committees and Working Groups on 22 February 2022.

The minutes of the Community & Inclusion Advisory Committee are attached.

### **ISSUE**

---

Endorsement of the Community & Inclusion Advisory Committee minutes.

### **RECOMMENDATION**

---

That the minutes of the Community & Inclusion Advisory Committee meeting held on 15 November 2023 be endorsed.

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

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- A.     Minutes of the Community & Inclusion Advisory Committee meeting held on 15 November 2023

## **POLICY IMPACT**

---

Advisory Committees and Working Groups have Terms of Reference, as well as Guidelines and Rules for their operation.

## **FINANCIAL IMPACT**

---

Advisory Committees and Working Groups do not have the power to incur expenditure or to bind Council but may recommend actions and initiatives to Council.

## **COMMUNITY IMPACT**

---

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

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## Committee Reports - 07 December 2023

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**ITEM 9.2**                      **Minutes of the Arts & Culture Advisory Committee meeting held on 22 November 2023**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

---

Council resolved to establish its Advisory Committees and Working Groups on 22 February 2022.

The minutes of the Arts & Culture Advisory Committee meeting are attached.

### **ISSUE**

---

Endorsement of the Arts & Culture Advisory Committee minutes.

### **RECOMMENDATION**

---

That the minutes of the Arts & Culture Advisory Committee meeting held on 22 November 2023 be endorsed.

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

---

A.     Minutes of the Arts & Culture Advisory Committee meeting held on 22 November 2023

## **POLICY IMPACT**

---

Advisory Committees and Working Groups have Terms of Reference, as well as Guidelines and Rules for their operation.

## **FINANCIAL IMPACT**

---

Advisory Committees and Working Groups do not have the power to incur expenditure or to bind Council but may recommend actions and initiatives to Council.

## **COMMUNITY IMPACT**

---

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

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## Committee Reports - 07 December 2023

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**ITEM 9.3**                      **Minutes of the Traffic Committee Meeting held on 28 November 2023**

**AUTHOR**                      **City Assets**

### **PURPOSE AND BACKGROUND**

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Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 28 November 2023.

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

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

### **ISSUE**

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Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

### **RECOMMENDATION**

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That the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 28 November 2023, be adopted.

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

---

A.     Traffic Committee Meeting Minutes - 28.11.2023

## **POLICY IMPACT**

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The matter has no policy implications to Council.

## **FINANCIAL IMPACT**

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Potential costs arising out of recommendations of the Traffic Committees are detailed in each report and included in either current Operational Budgets or Future Works Programs for Roadworks/Traffic Facilities.

## **COMMUNITY IMPACT**

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



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

The following items are submitted for consideration -

10.1 Status of Previous Notices of Motion - December 2023	79
10.2 Extension of the Western Sydney Airport Noise Abatement Program – Councillor Charlie Ishac	81
10.3 Western Sydney University Milperra - Councillor Charbel Abouraad	83
10.4 Metro's Temporary Bussing Plans - Councillor Charbel Abouraad	85



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## Notice of Motions & Questions With Notice - 07 December 2023

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**ITEM 10.1**                      **Status of Previous Notices of Motion - December 2023**

**AUTHOR**                      **Corporate**

### **ISSUE**

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

### **RECOMMENDATION**

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That the information be noted.

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

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A.     Status of Notice of Motion Table December 2023



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## Notice of Motions & Questions With Notice - 07 December 2023

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### **ITEM 10.2                      Extension of the Western Sydney Airport Noise Abatement Program**

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

“That Council prepare and make a submission to the Commonwealth Government on the proposed Western Sydney International (Nancy-Bird Walton) Airport EIS. The submission is to include a request for noise insulation for those properties worse off as a result of increased exposure to noise due to changes to flight paths from Sydney (Kingsford Smith) Airport.”

### **BACKGROUND**

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The new Western Sydney International (Nancy-Bird Walton) Airport (WSI) is set to open by late 2026. While the bulldozers are already well underway, it is only now that the Commonwealth Government has begun to engage with the community on the proposed flight paths and the impact on the community.

Our residents may have thought this would have little impact with the majority of the documentation being focused on areas west of our City. However, we have recently been made aware that this will trigger changes to flight paths from Sydney (Kingsford Smith) Airport creating noise impacts on suburbs such as Clemton Park and Belmore.

Under the Western Sydney Airport Plan, the Infrastructure Department has developed a noise insulation and property acquisition policy. Under the draft policy, properties that are partly or fully within the Australian Noise Exposure Concept (ANEC) 20 contour, have the ability for the government to pay for noise abatement treatment. However this only applies to those properties around Nancy-Bird Walton airport.

Properties affected by the same level of noise from Sydney's Kingsford Smith Airport are not offered the same opportunity for insulation and noise abatement

While it is appreciated that Nancy Bird Airport will be operating 24 hours, the proposed changes to Kingsford Smith will see a concentration of flights (more frequent) impacting the suburbs of Clemton Park and Belmore and therefore should have the same access to insulation.

## **FINANCIAL IMPACT**

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There is no financial impact of the motion as written as the Federal Government as it is proposed that the Federal Government would pay for works to homes in Clemton Park and Belmore.

## **CHIEF EXECUTIVE OFFICER'S COMMENT**

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The draft EIS is on public exhibition until 31 January 2024. A submission can be prepared based on the above information.

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## Notice of Motions & Questions With Notice - 07 December 2023

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### ITEM 10.3                      Western Sydney University Milperra

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

“That -

1. Council writes to Hon. Jason Clare MP requesting Federal Grants to assist with the transformation of the UWS Milperra Site into a Public Education facility.
2. Request that he engage with Prue Car MP and explore what additional support he can provide to her whilst she completes her investigation into retaining the UWS site for educational purposes.
3. This letter be forwarded to the Hon. Prue Car MP, Hon. Paul Scully MP and Kylie Wilkinson MP.”

### BACKGROUND

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Council previously resolved on 23 June 2022 to write to the Federal Education Minister, Mr Jason Clare, and request his intervention in order to retain this site as an educational facility for NSW public school students and the local Milperra Community.

In his response, Mr Clare absolved himself of any responsibility regarding the Milperra site.

This was disappointing considering he is the Federal Education Minister and the Milperra site is in his electorate.

When he was sworn in as Education Minister he spoke to Sky News and “credited past Labor Governments” with giving working class kids in Western Sydney the opportunity to attend University.

He also expressed a desire to work with State Government Ministers to stop the fall in our Global Education ranking and look at ways to “turn it around”.

Now is his opportunity to leave his mark as other’s have done before him and leave his legacy for the people of Milperra.

The people of Milperra want it to remain as an Education Facility and this is the final opportunity we have to save this site.

## **FINANCIAL IMPACT**

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There is no financial impact of this motion.

## **CHIEF EXECUTIVE OFFICER'S COMMENT**

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There is no financial impact of this motion as written.



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## Notice of Motions & Questions With Notice - 07 December 2023

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### ITEM 10.4 Metro's Temporary Bussing Plans

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

“That Council provide the background of this motion to Transport for NSW to analyse as part of its temporary bussing plan as part of the 2024/25 Bankstown Rail Line Shutdown.”

### BACKGROUND

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There is no doubt that it is important we have regular bus services between the Bankstown Line and the Airport Line once the Bankstown Line is shut down for testing and final conversion to a dedicated Metro Line. It is essential though that these buses are efficient and take people directly where they need to go, not just following the exiting train line because it looks good on a map.

Most will agree that commuters on the train in peak periods are travelling to and from Central and CBD stations.

Bus replacement services from Hurlstone Park Station to Sydenham Station is reasonable during peak times however travel on a bus from the other stations west of Hurlstone Park Station isn't practical in peak periods.

The Bankstown Line and Airport Line run parallel to each other and are roughly 3-5kms apart depending on which station you're at. On the other hand, Sydenham to Bankstown is 17km apart.

By having Bus Services between the Bankstown Line and Airport Line, the amount of time spent on a bus will be much less as the distance is shorter and the travel will be against traffic in a southerly direction as opposed to an easterly direction towards the CBD in the morning and conversely in the afternoon/evening.

Furthermore, when the Bankstown Line shuts down there will be additional capacity for train services on the Airport Line to the CBD as they no longer have to share the City Circle Train Line with Bankstown (this was one of the primary reasons for converting the Bankstown Line to Metro).

It is essential that Transport for NSW and Metro investigate adding bus services between the following stations:

- Bankstown to Padstow (5.1km)
- Punchbowl to Riverwood (3.1km)
- Wiley Park/Lakemba to Beverly Hills (3.9km)
- Belmore to Kingsgrove (3.2km)
- Campsie to Bexley North (4.3km)
- Canterbury to Bardwell Park (3.2km)

Whilst we accept that commuters will be negatively impacted during this transition phase, we need to ensure that TfNSW does everything possible to make the experience for commuters / residents as pleasant and efficient as possible considering the circumstances.

Unfortunately, travelling to and from Sydenham in peak hour on a bus will be a nightmare for commuters. In addition, it won't be efficient and you'll find that buses will carry less passengers per hour.

Transport for NSW has advised they are finalising a tender for a bus operator (or operators) and that detailed planning of the services will shortly commence with public announcements in early 2024. Now is the time for them to consider these options in detail.

## **FINANCIAL IMPACT**

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There are no financial impacts of the motion to Council.

## **CHIEF EXECUTIVE OFFICER'S COMMENT**

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There are no financial impacts of the motion as written.

## **11 CONFIDENTIAL SESSION**

11.1 Q78-24 Request for Quotations Lead Consultant (Design) Campsie Cultural Hub

11.2 Recycling Tender

11.3 Canterbury Leisure and Aquatic Centre (CLAC) Redevelopment

11.4 T11-24 - The Mall, Appian Way and North Terrace Stormwater Upgrade

# **Chief Executive Officer's Statement**

## **Confidentiality**

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

## CONFIDENTIAL SESSION

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

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

### RECOMMENDATION

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

#### Item 11.1 Q78-24 Request for Quotations Lead Consultant (Design) Campsie Cultural Hub

*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 Recycling Tender

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

#### Item 11.3 Canterbury Leisure and Aquatic Centre (CLAC) Redevelopment

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

#### Item 11.4 T11-24 - The Mall, Appian Way and North Terrace Stormwater Upgrade

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