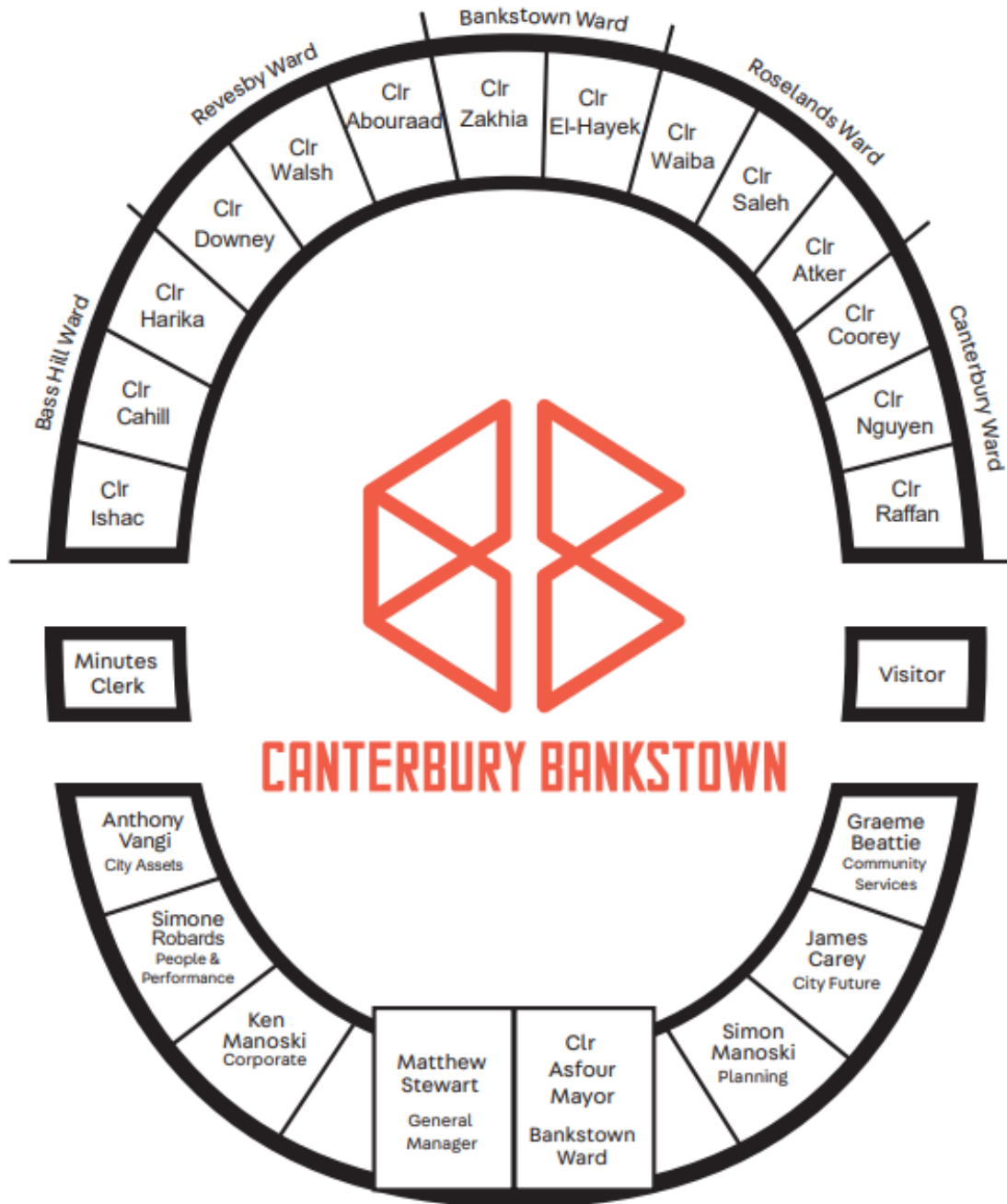




AGENDA FOR THE ORDINARY MEETING

23 August 2022

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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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 26 July 2022	9
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CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 26 JULY 2022

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

APOLOGIES: Councillor Waiba

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.45PM.

ACKNOWLEDGEMENT OF COUNTRY

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

CLR SALEH ARRIVED AT THE MEETING AT 6.46PM.

SECTION 1: CONFIRMATION OF MINUTES

(142)

CLR. ABOURAAD:/CLR. HARIKA

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 June 2022 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(143)

CLR. EL-HAYEK:/CLR. SALEH

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

- CARRIED

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

Nil

CANTERBURY BANKSTOWN
MINUTES OF THE
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SECTION 4: MAYORAL MINUTES

ITEM 4.1 SBS CAMPAIGN

CLR RAFFEN TEMPORARILY VACATED THE CHAMBER AT 6.50PM AND RETURNED TO THE MEETING AT 6.52PM.

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 7.00PM.

(144) CLR. ASFOUR

RESOLVED that

1. Council updates the SBS proposal we shared with the previous Federal Government.
2. Council identify any other suitable sites it can propose, that it identifies any major city partners, like Vicinity, which may have something to offer our bid, and that we continue to both publicly promote our bid and ensure that, together with Community Partners and industry experts, actively engage with the Federal Government so we can ensure SBS is relocated to our multicultural heartland.

- CARRIED

ITEM 4.2 WAIVING SPORTING FEES

CLR COOREY RETURNED TO THE MEETING AT 7.02PM.

(145) CLR. ASFOUR

RESOLVED that

1. Council waive the fees for winter sports which were affected by the weather for a period of two months.
2. Council offer a range of complimentary passes to affected members at outdoor sporting venues, like golf courses, that were impacted by the weather but not eligible for the fee waiver.
3. The cost to Council for this support is estimated to be up to \$100,000 which will be considered as part of Council's quarterly review process.

- CARRIED

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ITEM 4.3 **FORMER JAPANESE PRIME MINISTER SHINZO ABE CONDOLENCE**
(146) **CLR. ASFOUR**

RESOLVED that Council write to the Mayor of Suita City, Keiji Goto and the Japanese Consul-General, Mr Kiya Masahiko, on behalf of our City and offer our deepest condolences on the passing of Shinzo Abe.

- CARRIED

ITEM 4.4 **LOCAL COMMUNITY BASED DONATIONS**
(147) **CLR. ASFOUR**

RESOLVED that

1. Council support a fee waiver of \$688 for the Bankstown Women's Health Centre.
2. Council support a fee waiver of \$360 for the Bankstown Lions Football Club.
3. Council support a fee waiver of \$285 for the North Bankstown Soccer Club.
4. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 **OUTCOME OF EXHIBITION - PLANNING PROPOSAL FOR 34 ALLAN AVENUE AND**
(148) **BENDA STREET RESERVE IN BELMORE**
CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that

1. Council note the findings of the exhibition, issues raised by the public submissions and Council's response to the submissions.
2. Council adopt the exhibited Planning Proposal as shown in Attachment A.

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3. Council exercise local plan-making authority functions under the Gateway Determination to finalise this Planning Proposal and advise all respondents of its decision.

- CARRIED

For:- Clrs Asfour, Abouraad, Akter, Cahill, Downey, El-Hayek, Harika, Ishac, Nguyen, Raffan, Saleh, Walsh and Zakhia

Against:- Clr Coorey

SECTION 6: POLICY MATTERS

Nil

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 CASH AND INVESTMENT REPORT AS AT 30 JUNE 2022

(149) CLR. ZAKHIA:/CLR. HARIKA

RESOLVED that

1. The Cash and Investment Report as at 30 June 2022 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

ITEM 7.2 DISCLOSURE OF INTEREST RETURNS

(150) CLR. ISHAC:/CLR. ABOURAAD

RESOLVED that the tabling of the Disclosure of Interest Returns be noted.

- CARRIED

CANTERBURY BANKSTOWN
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ITEM 7.3
(151) **PROPOSAL TO DE-AMALGAMATE**
CLR. DOWNEY;/CLR. SALEH

RESOLVED that

1. Council prepare and submit a Business Case to the Minister for Local Government to restore the former Canterbury City Council and Bankstown City Council to their pre-amalgamation status and boundaries by de-amalgamating the current Canterbury Bankstown Council and that the NSW Government fund both the upfront and ongoing/recurrent costs of such a de-amalgamation.
2. The Business Case be reported back at or before Council's September Ordinary Meeting 2022.
3. The de-amalgamation be in place for the next Local Government Ordinary Election, due in September 2024.
4. The Business Case is to include that Council and Councillors oversee the transition process and that no Administrator be appointed to govern the City.

- CARRIED

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 7.40PM AND RETURNED TO THE MEETING AT 7.41PM.

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1
(152) **E-SCOOTERS**
CLR. WALSH;/CLR. DOWNEY

RESOLVED that Council monitor the implementation of the NSW Government's E-Scooter trial and use the outcomes of the trial to help inform Council's strategic transport planning, including future E-Scooter use in Canterbury-Bankstown.

- CARRIED

CANTERBURY BANKSTOWN
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SECTION 9: COMMITTEE REPORTS

(153) CLR. HARIKA:/CLR. NGUYEN

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 AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD 29 JUNE 2022

(154) CLR. HARIKA:/CLR. NGUYEN

RESOLVED that the recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 29 June 2022, be adopted.

- CARRIED

ITEM 9.2 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 12 JULY 2022

(155) CLR. HARIKA:/CLR. NGUYEN

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 12 July 2022, be adopted.

- CARRIED

SECTION 10: NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

(156) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motions and Questions with Notice with the exception of Items 10.2, 10.3, 10.4, 10.5, 10.6 and 10.7.

- CARRIED

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ITEM 10.1 STATUS OF PREVIOUS NOTICES OF MOTION

(157) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 ENDING STRATA-INITIATED BANKRUPTCIES

(158) CLR. RAFFAN:/CLR. HARIKA

RESOLVED that Council

1. Lends its voice to support elderly Earlwood couple, Nitsa and Spiros Tzavellas, as they fight bankruptcy and being thrown out of their family home of 50 years.
2. Write to the NSW Minister for Fair Trading to review their case and to examine implementing law reforms to protect elderly pensioners and others from strata-initiated bankruptcies.

- CARRIED

ITEM 10.3 COOKS RIVER UPPER HOUSE INQUIRY - FIX THE SHEET METAL PILING

(159) CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council

1. Writes to The Hon. Mark Buttigeig MLC seeking his support to instigate an Upper House Inquiry to help identify the NSW Government Department responsible for the maintenance and management of the Cooks River Catchment and sheet metal piling, and;
2. Writes to all NSW MPs in the river catchment area, urging them to support the Upper House Inquiry which is in the best interests of their communities and for the long-term health of the Cooks River.

- CARRIED

CLR HARIKA TEMPORARILY VACATED THE CHAMBER AT 7.52PM AND RETURNED TO THE MEETING AT 7.54PM.

CLR AKTER TEMPORARILY VACATED THE CHAMBER AT 7.53PM AND RETURNED TO THE MEETING AT 7.56PM.

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ITEM 10.4 BANKSTOWN AND CANTERBURY STATE EMERGENCY SERVICES UNITS

CLR COOREY TEMPORARILY VACATED THE CHAMBER AT 7.57PM AND RETURNED TO THE MEETING AT 8.01PM.

(160) CLR. EL-HAYEK:/CLR. DOWNEY

RESOLVED that Council

1. Host a “Mayor’s Thank You BBQ” for our local Bankstown and Canterbury State Emergency Services units in recognition of their dedication and outstanding efforts following several major storm related events in recent months, and for their ongoing work in our community.
2. Write to the NSW Minister for Emergency Services and Resilience, The Hon. Steph Cooke MP to initiate a recruitment campaign for more State Emergency Services personnel, and to ensure they are properly funded and resourced. This call to action is to bolster low numbers and to address the impacts of climate change both now and into the future.

- CARRIED

ITEM 10.5 INCLUSIVE CRICKET

(161) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council acknowledges the quiet achievers in our community, in particular the Primary Club of Australia, for their contribution and support of the Recreation, Sports and Aquatics Club’s (RSAC) inclusive cricket program for people with disabilities.

- CARRIED

ITEM 10.6 MENAI SCHOOL BUS

(162) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council writes to the NSW Minister for Education, The Hon. Sarah Mitchell MLC and the NSW Transport Minister, The Hon. David Elliott MP, calling on them to stop putting school children’s lives at risk and honour a promise to provide students with a direct bus service from Padstow North and Padstow Heights to Menai High School.

- CARRIED

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ITEM 10.7 CONDOLENCE - MURRAY KITTINGHAM

(163) CLR. DOWNEY:/CLR. WALSH

RESOLVED that Council acknowledges the outstanding contribution to the community of one of our local educators, Murray Kitteringham, the former principal of Sir Joseph Banks High School, who passed away suddenly last month.

- CARRIED

ITEM 10.8 COMMUNITY BUS INVESTIGATION

(164) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that Council investigates the feasibility and costs associated with operating a community bus service, or services, across our City.

- CARRIED

ITEM 10.9 BANKSTOWN WOMEN'S HEALTH CENTRE DOMESTIC VIOLENCE CAMPAIGN

(165) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that Council

1. Acknowledges the Bankstown Women's Health Centre for the outstanding work they do in our community, in particular the work they do in raising awareness about domestic violence against women.
2. Promote our latest video campaign, 'Let's Talk' on our social and digital media platforms.

- CARRIED

ITEM 10.10 FEDERAL RACE DISCRIMINATION COMMISSIONER'S ANTI-RACISM CAMPAIGN

(166) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that Council

CANTERBURY BANKSTOWN
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1. Reinforces its strong stance against racism by supporting the Federal Race Discrimination Commissioner's latest anti-racism campaign by encouraging youth groups, or community organisations to record anti-racism messaging. It is envisaged that the slickly produced material will be potentially distributed throughout the community, schools and on social and digital media platforms.
2. Makes available our new recording facility, StudioVenture, at no cost, for a one-week period and subject to availability, to enable them to record these messages.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

(167) CLR. EL-HAYEK:/CLR. DOWNEY

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

Item 11.1 Proposed Acquisition of Property in Canterbury

This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.08PM AND
REVERTED BACK TO OPEN COUNCIL AT 8.13PM.**

ITEM 11.1 PROPOSED ACQUISITION OF PROPERTY IN CANTERBURY

(168) CLR. COOREY:/CLR. EL-HAYEK

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

- CARRIED

CANTERBURY BANKSTOWN
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ON 26 JULY 2022

THE MEETING CLOSED AT 8.15PM.

Minutes confirmed 23 AUGUST 2022

.....
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 Hospital Passes	27
4.2 Riverwood Housing	29
4.3 Thanks to Local Sporting Organisations	31
4.4 Fixing RFS Accounting	33
4.5 Local Community Based Donations	35

Mayoral Minutes - 23 August 2022

ITEM 4.1 Hospital Passes

Councillors,

We recently waived the winter ground hire fees for our local sporting organisations because of the atrocious weather. . . We also scrapped the footway dining fees to support our local businesses still feeling the financial strains of COVID.

For some in the community, COVID is just a memory. . . a blur. . . and they are going about their day to day affairs like normal. . . But the reality is, it is still lurking and the tens of thousands of cases in the community prove it . . .

With that in mind, we must not forget the workload on our health care workers. . . putting it simply, our public hospitals are still under enormous pressure, not only dealing with COVID but trying to clear the backlog of patients delayed because of the pandemic. . .

And from what I have been told. . . that will continue for some time yet. . .
I don't have to tell you all what wonderful work our frontline health care workers have done and are still doing.

As you are all aware, Council issued parking passes to healthcare workers at our two major hospitals Bankstown and Canterbury which allowed them to park in timed zones around those hospitals without being booked, . . .

Those passes are now coming to an end, and are due to expire on 31 August. . .

So tonight, I propose we extend the parking passes by a further 12 months until 31 August 2023, and write to the CEOs of both hospitals advising them of our decision and thanking staff for their continued efforts and tireless work in the community.

Councillors, I put the Mayoral Minute.

Mayoral Minutes - 23 August 2022

ITEM 4.2 Riverwood Housing

Councillors,

We were recently given a briefing about a proposal by the NSW Land and Housing Corporation (LAHC) to build something like 3,900 homes on the Riverwood Estate.

Their proposal will see a mix of social and private homes. . . along with shops and community facilities developed on the 30-hectare site on Belmore Road over the next 15-20 years.

And those plans have now been placed on public exhibition by the Department of Planning and Environment for community consultation and feedback.

Councillors, let's not be hoodwinked by this "smoke and mirrors" proposal which on paper promises more social and private housing and a "renewal" of the current run down Estate and surrounds. . . .

What the NSW Government is forcing on us is a real stinker. . . . a plan to plonk more than three times as many homes with very little gain in social housing As you all know we already have about 1000 social housing places within the estate . . . and they plan to build a paltry 170 new homes over 20 years Absolutely disgraceful!

There are around 50 thousand people on the NSW housing waiting list, and many thousands of these live in our City. You would be appalled to learn that the waiting list for 2, 3 and 4-bedroom houses across our City is more than 10 years.. . . that's right, more than 10 years and the NSW Government through the Land and Housing Corporation are planning just 170 homes.

There are families in our community desperate and in need of public housing. . . living in cars and motels. . . with very little hope. They are the silent sufferers who need a voice. . .

And when the Land and Housing Corporation was asked about what the impacts, or what provisions, have been made in relation to schools, transport, community facilities and open spaces their responses gave no reassurances and left us with more questions

Councillors, I am under no illusion that the Riverwood Housing Estate is in need of a spruce up but let's do it with the focus on delivering more social housing for our community. . . . a community struggling when it comes to socioeconomic status.

I will be urging the community to have their say on this proposal and to make a submission about what impact it will have on their lives for what appears to be very little community benefit I urge you all to do the same.

Councillors, I put the Mayoral Minute.

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ITEM 4.3

Thanks to Local Sporting Organisations

Councillors,

If I can indulge you with some sporting parlance to describe the role and support our sporting organisations have played during the unprecedented and extraordinary COVID pandemic and the recent weather events.

These groups were thrown a curve ball, had their backs against the wall, all the time faced with an opposition that wouldn't lie down. . . and there's no doubting the ball was well and truly in their court. But they took the bit between their teeth, teed up, said a few Hail Marys, took one for the team and knocked it out of the park.

If you followed all that it simply means, our sporting organisations across our City have done. . . and continue to do. . . a fantastic job in the face of many obstacles and adversities.

The leaders of these sporting organisations are unsung heroes, responsible for the well-being and healthy choices of tens of thousands of players and participants all year round. They are dedicated people, from all walks of life. . . mums and dads, professionals and retirees. . . with one thing in common. . . ensuring our community has the means to compete at all levels. . . whether for social or professional choices.

Leaders who spend countless hours of their time for all of us.

Councillors, as you are aware, at last month's ordinary Council meeting, we waived the fees for our winter sporting organisations for two months and offered a range of complimentary passes in recognition of the financial loss they endured because of the weather. . . . but we can do more. . .

Tonight, I propose we acknowledge and recognise the leaders of these sporting organisations by presenting them with certificates of thanks on behalf of Council and the entire community.

Councillors, I put the Mayoral Minute.

Mayoral Minutes - 23 August 2022

ITEM 4.4 Fixing RFS Accounting

Councillors,

The NSW Government is on fire and now they want to add fuel to their woes by upsetting Local Councils across the State.

Their latest sleight of hand and blatant cash grab is laughable, if it wasn't a real thing. . . What this Government is trying to impose on us is that the Rural Fire Service assets be deemed the property of Council and should be recorded on our balance sheets.

This matter has now come to a head after a recent Auditor General's Report (22 June 2022) which stated that Councils which do not include the RFS assets on their financial books be found to be non-compliant. It also found that not only should the RFS assets be recorded on our balance sheets Council should absorb all depreciation costs.

This threat of non-compliance flies in the face of the NSW Government's own Local Government Accounting Code of Practice and Financial reporting which very clearly and with no ambiguity states Councils are able to choose whether to record this RFS equipment on their books.

That's right, it is up to us to decide, not to be dictated to!

I don't need to spell out what this would mean but it will obviously mean money diverted, which more appropriately could be better spent on local infrastructure.

Councillors, advice from Local Government NSW is that many Councils are standing up to this intimidation and are refusing to comply with the Auditor General's instructions. And in fact, are encouraging Councils like ours to take the following action.

1. Council writes to local State MPs, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment;
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements;
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and

- e. Amending s119 of the *Rural Fires Act 1997* so that the effect is to make it clear that RFS assets are not the property of councils.
2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:
 - a. Advising Members of our Council's position, including providing copies of correspondence to NSW Government Ministers; and
 - b. Seeking Members' commitments to support NSW Councils' call to amend the *Rural Fires Act 1997* as set out in correspondence.
3. Council writes to the Auditor General advising that notwithstanding any overtures of future qualified audits, it will not carry out RFS stocktakes on behalf of the NSW Government, and will not record RFS assets in Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for councils to determine whether or not they record the RFS assets as council assets.
4. Council promotes these messages via its digital and social media channels and via its networks.
5. Re-affirms its complete support of and commitment to local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.
6. That Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets

Councillors I propose that we support LGNSW and councils with RFS assets by implementing the above action plan.

Councillors, I put the Mayoral Minute.

Mayoral Minutes - 23 August 2022

ITEM 4.5

Local Community Based Donations

In accordance with Clause 5.1.5 of Council's Community Grants and Event Sponsorship Policy, the following community-based organisations have approached Council for financial assistance.

CRPH Support Group & Burmese Diaspora Community

The CRPH (Committee Representing Pyidaungsu Hluttaw) Support Group Australia and Burmese Diaspora community hosted an event at the Bryan Brown Theatre on 12 August 2022.

The event was a commemoration of Myanmar Spring Revolution heroes, recognising their sacrifices.

The CRPH Support Group is seeking a fee waiver of \$500 to support the hire and use of the Bryan Brown Theatre.

Council support a fee waiver of \$500.

The Northern Beaches Committee for Palestine

The Northern Beaches Committee for Palestine, in cooperation with the Gaza group, was formed in 2016 by a group of local residents with the aim of promoting justice for the people of Palestine. They have established a Nippers training programme and a surf club on the Australian model at Gaza Beach.

They are hosting an event at the Bryan Brown Theatre on the 7 October to raise funds to help achieve a project which will give children of Gaza a healthy activity of Nippers as well as prevent drownings.

Council support a hire fee waiver of \$1700

RECOMMENDATION

1. Council support a fee waiver of \$500 for the CRPH Support Group Australia.
2. Council support a fee waiver of \$1700 for the Northern Beaches Committee for Palestine.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

Councillors, I put the Mayoral Minute.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|----|
| 5.1 | Report on Council's Performance in the Assessment of Development Applications for the 2021/22 financial year, Clause 4.6 Variations Approved for the fourth quarter of the 2021/22 financial year and Planning Related Legal Appeals | 39 |
| 5.2 | Exhibition of Planning Proposal - 30 Trevenar Street, Ashbury | 45 |
| 5.3 | Planning Proposal for WSU Milperra Site at 2 and 2A Bullecourt Avenue, Milperra (RZ-3/2020) | 61 |

Planning Matters - 23 August 2022

ITEM 5.1 **Report on Council's Performance in the Assessment of Development Applications for the 2021/22 financial year, Clause 4.6 Variations Approved for the fourth quarter of the 2021/22 financial year and Planning Related Legal Appeals**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

The purpose of this report is to provide Council information regarding:

1. Performance for processing of development applications for the 2021/22 financial year;
2. Development applications approved with a Clause 4.6 Variation for the fourth quarter of the 2021/22 financial year; and
3. Planning related legal appeals currently before the Land and Environment Court.
4. Active Planning Proposals.

RECOMMENDATION

That the contents of the report be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Clause 4.6 register for fourth quarter 2021/22
- B. Court Listing as of 8 August 2022
- C. List of active Planning Proposals

POLICY IMPACT

This matter has no policy implications.

FINANCIAL IMPACT

This matter has no financial implications.

COMMUNITY IMPACT

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

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

The progression of Planning Proposals stimulates the NSW economy, creates jobs and housing, delivers infrastructure, provides public benefits to the community and facilitates urban renewal across the city where appropriate and it can be demonstrated that a change to planning rules will result in an improved locality based on a broad number of factors, including economic, social and environmental factors.

DETAILED INFORMATION

1. DEVELOPMENT APPLICATIONS

Processing of development applications for the 2021/22 financial year

For 2021/22 financial year, Council determined 915 development applications with a total capital investment value of approximately \$1.141 billion. The median gross determination times for all development applications was 59 days, consistent with Council's target of 59 days.

This was achieved despite a complete lockdown of the construction sector due to the impacts of the COVID 19 Pandemic. In response to the Pandemic, Council was able to rapidly alter its development assessment service, providing more time for applicants to submit information to address outstanding planning matters. This approach was in line with the NSW Government's desire to "prime" the economy to ensure that it can bounce back when the Pandemic ends.

In recent weeks, the NSW Department of Planning and Environment (the Department) has released its most recent Local Development Performance Monitoring data. This data set includes information on all NSW Councils in relation to the processing of development applications (among other application types). The most recent release is for Financial Year 2020 and analysis of this data reinforces our position as one of the fastest Councils for the assessment of development applications, ranked the third fastest amongst all large metropolitan Councils from across the State (gross median assessment times).

In addition, CB City continues to be recognised as a market leader. At the commencement of the 2021/22 financial year, we became one of the founding Councils for the NSW Department of Planning's Pilot Program for Faster Regionally Significant Development Applications. This continues to build on Council's past roles as a key contributor to the Department of Planning's publication "Development Assessment Best Practice Guide" which is used by NSW Councils to develop faster assessment processes and our involvement in the Public Spaces Legacy Program throughout 2020/21, where we met our obligations in full.

Reporting of development applications which involved a Clause 4.6 submission

On 21 February 2018, the Department issued Planning System Circular PS 18-003 Variation to Development Standards. The Circular requires that a report of all variations approved under delegation from a Council must be provided to a meeting of the Council at least once each quarter.

During the fourth quarter of the 2021/22 financial year, a total of two variations to an environmental planning instrument were approved. The report provided at Attachment A is the required report and includes all results for the fourth quarter of the current financial year.

Current planning related appeals before the New South Wales Land and Environment Court

Attachment B to this report provides details of the appeals currently before the New South Wales Land and Environment Court, as of 8 August 2022. The attached list identifies a total of 17 appeals. At the commencement of the 2020/21 financial year, there were 33 active appeals, with the current listing representing a 48% reduction in appeal numbers over the past two years.

The active matters relate to refused development applications, or “deemed refused” matters, where Council has requested modifications to a proposal to bring about an acceptable development outcome and the applicant has sought approval through the Court rather than amend the development.

2. PLANNING PROPOSALS

At its Ordinary Meeting on 8 December 2020, Council resolved to receive a regular report detailing all Planning Proposals. The section below provides Council an outline of the Planning Proposals currently before Council and at what stages of the Planning Proposal process each is at. Planning Proposals are initially considered by the Canterbury Bankstown Local Planning Panel with advice issued by the Panel being forwarded to Council for its consideration with exception of Planning Proposals that correct obvious errors, are minor in nature or that the General Manager considers to not have any significant adverse impact on the environment or adjoining land.

Planning Proposals are made public at the time of being considered by the Panel and prior to being considered formally by Council.

Council currently has 12 Planning Proposals in progress which are outlined in the attachment to this report (with the number of proposals at each stage in Figure 1 below). In addition, four private proposals are related to Council’s master planning program and are located within the Campsie and Lakemba Precincts. The planning proposals within the Campsie masterplan precinct have been included in Council’s Campsie Town Centre Planning Proposal which has been submitted to the Department. Consistent with Council’s resolution of 24 May 2022, Council will no longer progress with planning proposals relating to:

- 2-10 Harold Street, Campsie
- 21-23 Claremont Street and 76-90 Evaline Street, Campsie
- 25 Anglo Road, Campsie (Campsie RSL)

The largest of Council’s applicant-initiated Planning Proposals is for Bankstown Central, with an approximate capital investment value of \$1.3 billion. There are several other major urban renewal proposals at various stages of the process, including Chester Square, and two private hospitals.

Three of Council’s Planning Proposals are with the Department of Planning and Environment to be finalised, one has completed exhibition, one is being prepared for exhibition and five are with the Department awaiting a Gateway determination to proceed to exhibition.



Figure 1: Number of Planning Proposals at key stages of the process

Public Spaces Legacy Program

The Public Spaces Legacy Program was announced by the NSW State Government in August 2020 in response to the COVID-19 pandemic with the key purpose to provide funding to Councils to deliver new public and open space to protect the health of the community and to provide economic and jobs stimulus. The program supports Councils to accelerate the assessment of development applications and Planning Proposals that create new capacity to meet the demand for housing and employment over the next decade.

All Planning Proposals and regionally significant development applications related to this program have been finalised or are with the Department for finalisation. Council met the target of a median DA timeframe of 59 days at 30 June 2021. The remaining commitment required the consolidated LEP to be completed by June 2021. Council has submitted its draft consolidated LEP to the Department which is currently in the process of finalising the legal instrument.

Council has completed Stage 1 of the Legacy Program. Stage 2 involves Council exhibiting Planning Proposals to implement the Campsie and Bankstown Master Plans in order to receive a total of \$5.5 million for public open space. Consistent with the Council resolutions on 25 August 2020 (item 8.1) and 8 December 2020 (also item 8.1) these funds will be directed towards improvement and upgrades to Paul Keating Park.

On 1 October 2021, Council received a letter from the Department proposing a variation to the funding agreement to allow an additional 18 months to the timeframe for exhibiting the Planning Proposals. Council has agreed to the variation, and the variation was executed between Council and the Department on 18 November 2021. The updated timing is outlined in the table below.

Milestone	Amount of Funding	Status
1. Execution of the funding agreement	\$825,000	Completed
2. Execution of the variation to the funding agreement	\$2,750,000	Completed
3. Exhibit the Planning Proposals to implement the Campsie and Bankstown Master Plans by 31 December 2022.	\$1,925,000	In progress

ITEM 5.2 **Exhibition of Planning Proposal - 30 Trevenar Street,
Ashbury**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

At its Ordinary Meeting of 25 May 2021, Council resolved to prepare a Planning Proposal to rezone 30 Trevenar Street, Ashbury (the land) from Zone R2 Low density Residential to Zone RE1 Public Recreation. The land has a total area of approximately 6,700m².

The land was sold by Ausgrid to a private entity on 21 May 2021. Prior to the sale of the land, Council wrote to the selling real estate agent to advise of Council's intent to submit a Planning Proposal to rezone the land. The new owner of the land lodged a Development Application with Council (DA-703/2021) on 8 September 2021 to subdivide the land into seven residential lots (ranging in size from 780m² to 1,660m²) and construct driveways and services. Following a deemed refusal appeal of the development application to the Land and Environment Court and no agreement being reached at the Section 34 conciliation conference, the matter progressed to a Hearing which was held on 17, 18 and 19 August. The Hearing has concluded, and Council awaits the decision of the Commissioner of the Court.

A Planning Proposal was submitted by Council to the Department of Planning and Environment (the Department) in October 2021. The Department issued a Gateway Determination on 20 January 2022. The Court matter does not prevent Council progressing with the planning proposal as recommended in this report.

The Planning Proposal was exhibited from 23 March to 22 April 2022. A total of 73 submissions were received. These consist of 68 public submissions and five submissions from public authorities, namely Sydney Water, Transport for NSW, Heritage NSW, Environment Protection Authority and Inner West Council. None of the public authorities opposed the Planning Proposal and the comments received are addressed within this report. Two public submissions (including one from the owner of the land) made objections to the Planning Proposal, whilst the remaining 66 submissions supported the Planning Proposal. Council's response to the submissions received are outlined and addressed within the Submissions Report at Attachment H.

This matter was considered at the 23 June 2022 Ordinary Council Meeting where Council resolved to urgently seek a meeting with the Minister for Planning and Homes seeking NSW Government financial support to acquire the land for public open space purposes and report back to Council with a recommendation whether or not to proceed with the Planning Proposal.

A meeting with the Minister for Planning and Homes was held on 4 August 2022 with the request to fund the purchase of the former Ausgrid land to expand Peace Park at Ashbury. The Department has subsequently advised that it is progressing a WestInvest bid, including business case, to support the NSW Government's purchase of this land. The Department has also advised that the Government's decision on WestInvest priorities are expected later this year, and at this time, there is no indication of the likely outcome of their bid. As such, it is recommended that Council support the progression of this Planning Proposal, subject to the NSW Government providing funding, and nominating an appropriate acquisition authority for the site.

The purpose of this report is also to outline feedback received following the exhibition of the Planning Proposal and convey to Council the potential significant financial implication that would arise should Council seek to be the acquisition authority. On this basis, this report recommends that the Department nominate an appropriate State agency as the acquisition authority.

ISSUE

The Gateway Determination (Attachment B) requires an acquisition authority to be nominated for the purposes of acquiring the land from the current private landowner. In order to facilitate the acquisition, Council wrote to the Minister for Planning and Homes on three occasions, in June 2021, January 2022 and July 2022, seeking for the NSW Government to appoint a relevant acquisition authority. Council's correspondences to the Minister for Planning and Homes are included in Attachment D. Notwithstanding the Minister noting an opportunity to fund the acquisition via the WestInvest program, at this point, the Government has provided no formal commitment of financial assistance in response to Council's three written requests as noted in Attachment E.

A recently completed valuation of the land obtained by Council indicates that acquisition under the *Land Acquisition (Just Terms Compensation) Act 1991* (Just Terms Act) would result in a significant cost to Council. Council is limited in its ability to fund large scale land acquisition without a dedicated funding source. Acquisition of the land would have a significant impact on Council's financial position.

Despite the strategic and site-specific merit of the Planning Proposal, considering the unplanned and significant financial cost associated with the acquisition of the land, this report recommends that Council advise the Department that Council is unable to nominate itself as an acquisition authority. Consistent with Condition 2 of the Gateway Determination, it is open to the Department of Planning and Environment to (and subject to funding being made available by Government for acquisition) nominate a relevant acquisition authority in accordance with the requirements of 9.1 Direction 6.2 Reserving Land for Public Purposes (now known as Local Planning Direction 5.2).

The Gateway Determination does not authorise Council to make this Planning Proposal as it is not nominated as a Local Plan Making Authority by the Department. As such, it is recommended that Council support the progression of this Planning Proposal, subject to the NSW Government providing funding (through WestInvest or other funding mechanism administered by the State Government) and nominating a relevant acquisition authority. As the Department is the Plan Making Authority, it is responsible for the finalisation of the Planning Proposal.

RECOMMENDATION That -

1. Council endorse the Planning Proposal for 30 Trevenar Street, Ashbury and progress the Proposal to the Department of Planning and Environment for finalisation, subject to the NSW Government providing funding for the land and nominating a relevant State agency as the acquisition authority.
2. Council note the unplanned and significant financial implications arising from the acquisition of the land to satisfy Local Planning Direction, *5.2 Reserving Land for Public Purposes* as noted in the Gateway determination.

ATTACHMENTS [Click here for attachments](#)

- A. Planning Proposal Exhibition Version
- B. Gateway Determination, January 2022
- C. Mayoral Minutes and Council Resolution of 25 May 2021
- D. Mayoral letters to the Minister for Planning and Public
- E. Responses from the Minister for Planning and Public Spaces
- F. VPA offer and easement instrument, 7 April 2022
- G. Submission from the land owner
- H. Public submissions report

POLICY IMPACT

The Planning Proposal is consistent with the relevant objectives and Planning Priorities outlined within the Greater Sydney Region Plan, the South District Plan and the Local Strategic Planning Statement: Connective City 2036, as it will deliver additional public open space for the improved health and enjoyment of the existing community and provide opportunities to increase tree canopy and minimise urban heat island effect.

Should Council resolve to proceed with finalising the Planning Proposal, the proposal will make changes to the Canterbury Local Environmental Plan 2012 (CLEP 2012), however no changes are proposed to Council's Development Control Plan or other Council plans or policies as a result of the Planning Proposal being finalised.

Should Council decide not to proceed with the Planning Proposal, no amendments will be made to the CLEP 2012 or other Council plans or policies.

FINANCIAL IMPACT

Council's recent valuation of the land indicates that the cost to Council would be significant if the site was to be acquired under the Just Terms Act. In the absence of any funding assistance from the NSW Government, Council is limited in its ability to fund land acquisition of this amount.

Open space acquisitions are generally funded through development contributions that provide for an increase in open space that correlates to the forecast increased population density. In order to be funded through development contributions, the proposed properties for acquisition must be listed in the Development Contributions Plan. Council is unable to fund the potential acquisition from s7.11 developer contributions as this land is not identified in the existing contributions plan for the Canterbury Contributions Plan 2013 or the recently adopted Canterbury Bankstown Local Infrastructure Contributions Plan 2022 to come into effect in September 2022.

Council has a dedicated funding reserve for strategic land acquisitions. However, this reserve is not intended for large scale acquisitions and primarily intended for isolated site acquisitions that have the potential to unlock open space corridors or in constrained locations with a high degree of need. There are no other available funding sources dedicated for any potential land acquisitions. All other dedicated reserves funded by Council are tied to other specific Council commitments. Acquisition would therefore require a reduction to services and/or capital works already committed to.

Given the significant financial impact that acquisition of this property will have on Council, it is recommended that the Planning Proposal progress subject to the NSW State Government providing funding for the acquisition of land and nominating a relevant acquisition authority.

COMMUNITY IMPACT

The recent exhibition of the Planning Proposal has demonstrated strong community support for the proposed rezoning of the land. The majority of the submissions received during the exhibition supported the intent of the Planning Proposal.

Should the Planning Proposal not proceed to finalisation, the opportunity to enlarge Peace Park and provide access to the park via King Street to the west will not occur.

DETAILED INFORMATION

Overview of the Subject Site and Planning Proposal

Subject Site

The subject site is located at 30 Trevenar Street, Ashbury as identified in Figure 1 and 2 below.

Table 1: Subject site details

Property Addresses	Legal Descriptions	Site Area (m ²)	Current Zone
30 Trevenar Street, Ashbury	Lot 1 DP 566982	6,700m ²	R2 Low Density Residential

The land is currently vacant and has been fenced with no public access. It has dual street frontages along King Street and Trevenar Street. The land adjoins a district level open space (Peace Park) to the north and east and sits in a low scale established residential area. King Street is located to the west and residential properties fronting Fifth Street are located to the south of the site.

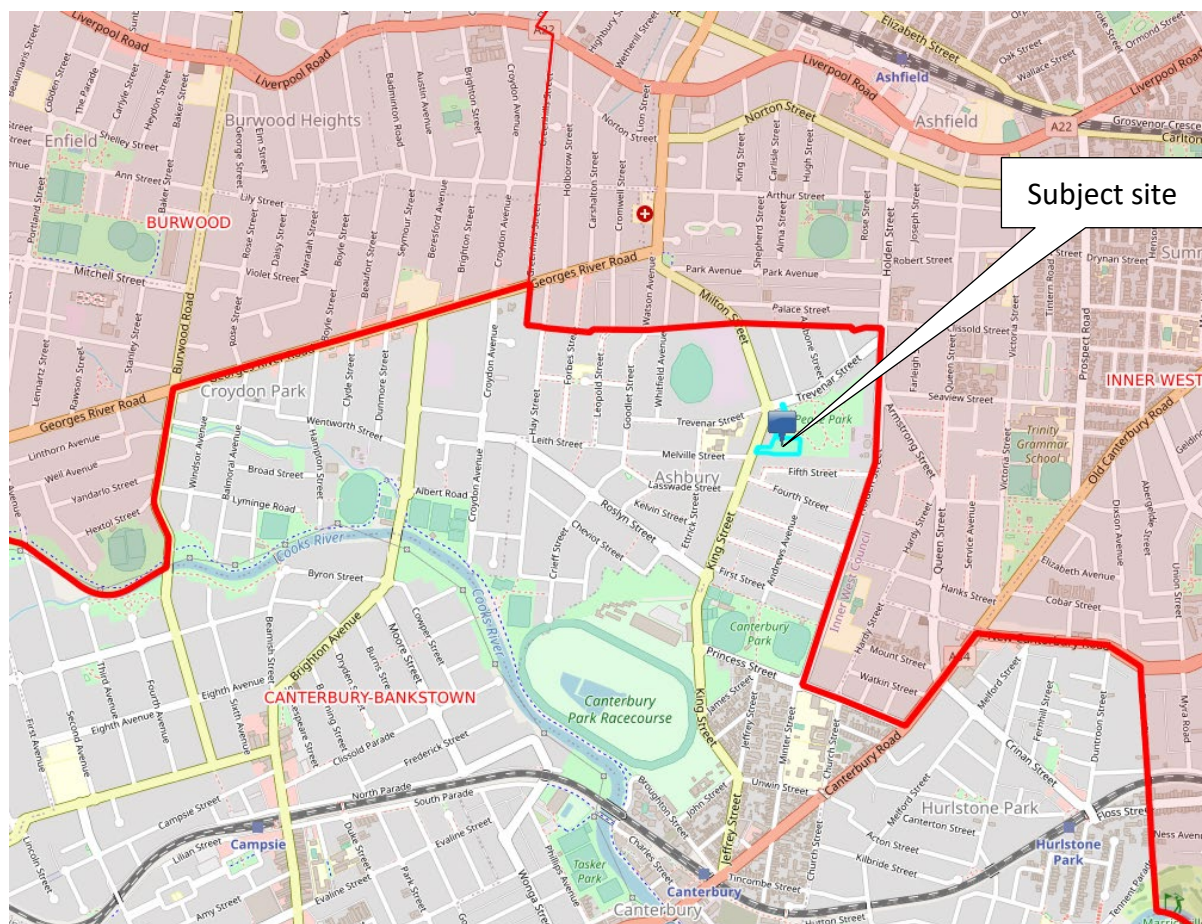


Figure 1: Site Context Map showing LGA Boundaries (in red)



Figure 2: Site and its surrounding locality

The land is also within the Ashbury Heritage Conservation Area, which includes the entire suburb of Ashbury and some adjoining parts of Croydon Park.



Figure 3: Views of the land from King Street



Figure 4: Views of the land from Trevenar Street





Figure 5: A typical streetscape in Ashbury comprising consistent single storey cottages in the California Bungalow style

Canterbury Railway Station is located 1.7km south of the site and the Ashfield Railway Station is located approximately 1.2km to the north. The Canterbury Park Racecourse is located approximately 800m to the south west.

The locality has public infrastructure provisions including transport (bus) networks (routes 413, 428, 491) and public utilities including potable water, sewerage and electricity.

The land is a topographical low point and is within the 1 in 100 Year and Probable Maximum Flood areas. The land gradually slopes down from both the street frontages to its southern boundary, the lowest point being the rear of the properties at No. 53 and 57 Fifth Street, Ashbury.



Figure 6: Flood Affectation (Source: Canterbury Bankstown Council)

Site History

The figures below indicate the historical association the land once had with the adjoining open space, Peace Park. From 1910 until as late as 1965, this hillside was a brickyard and shale quarry, first known as the South Ashfield Brickworks and later as Ashbury Brickyard. Peace Park was named to mark the International Year of Peace and was opened in 1993. The trees, symbolic of Eastern and Western cultures, were planted by students from Canterbury Girls High School.

Historical features associated with the previous use of the park as a brick manufacturing area such as brick stack and kilns have since been removed. However, the park currently features a ceremonial paved area to pay tribute to the land's previous history of brick manufacture.

Peace Park is identified as a district level open space under the Canterbury Open Space Strategy 2017.



Figure 7: 1943 Aerial View of Peace Park

Mayoral Minutes of 25 May 2021

The Mayoral Minute of 25 May 2021 (Attachment C) notes Council's concern regarding the loss of potential public open space as a result of the sale of the land by Ausgrid without proper consultation with Council and/or the community. The Minute notes that the land is vacant which presents a rare opportunity to expand Peace Park and provide access from King Street to the west which is currently not permitted.

Arising from the Mayoral Minute, Council resolved to rezone the subject site from Zone R2 Low Density Residential to Zone RE1 Public Recreation at its Ordinary Meeting of 25 May 2021.

Planning Proposal

A Planning Proposal (Attachment A) was prepared by Council and lodged with the Department in October 2021. The Planning Proposal seeks to:

- Rezone the land from Zone R2 Low Density Residential to Zone RE1 Public Recreation;
- Remove the land from the Height of Building Map as this map does not apply to Zone RE1 Public Recreation;
- Remove the land from the Lot Size Map as this map does not apply to Zone RE1 Public Recreation;
- Continue to apply the existing Ashbury Heritage Conservation Area to the land, and;
- Make no changes to the existing Floor Space Ratio (FSR) Map as currently no FSR controls apply to the land.

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

Table 2: Summary of the proposed controls

30 Trevenar Street, Ashbury	Current controls	Proposed controls
Zone	R2 Low Density Residential	RE1 Public Recreation
Maximum FSR	No FSR applies to heritage conservation area	No changes proposed
Maximum Building Heights	8.5 Metres	Remove the land from the Maximum Building Heights Map
Lot Size Map	450m ²	Remove the land from the Lot Size Map

Development Application for a subdivision (DA-703/2021)

On 8 September 2021, a Development Application (DA-703/2021) was lodged by the landowner to subdivide the land into seven residential lots (ranging from 780m² to 1,660m²) and the construction of the proposed driveways and services as indicated in the figure below.

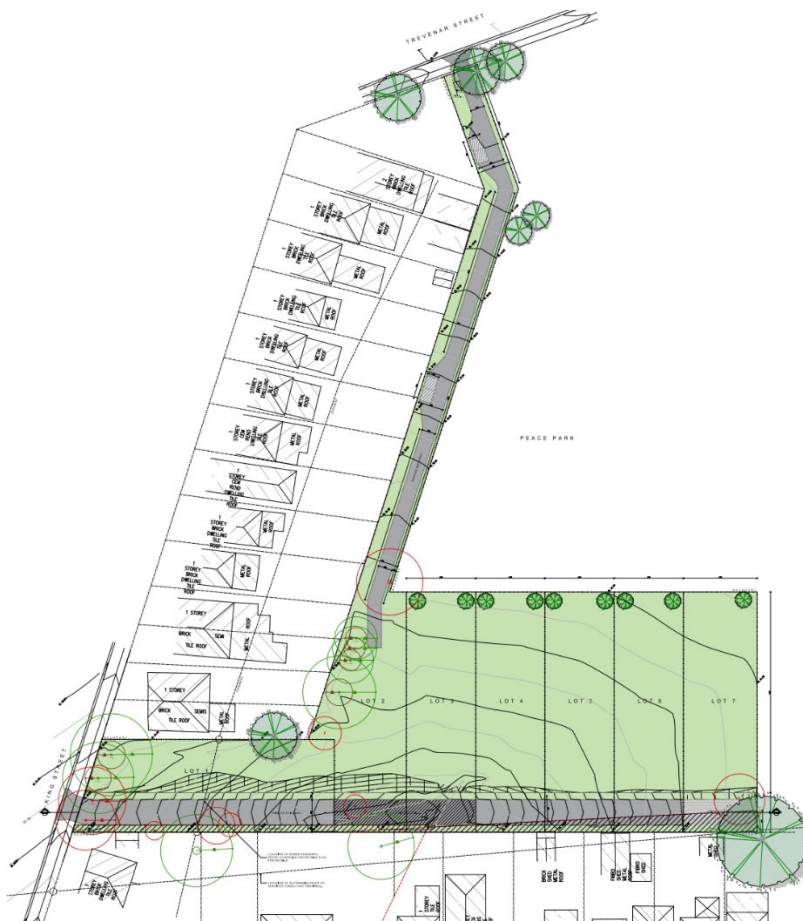


Figure 8: Proposed subdivision of the land (Source: DA 703/2021, September 2021)

Status of the Court Proceedings on the DA

Following the “deemed refusal” period of DA-703/2021, the applicant filed a Class 1 Appeal with the NSW Land and Environment Court (the Court) on 22 October 2021. The Section 34 conciliation conference on 22 March 2022 did not result in a mutual agreed position on the DA. The Court allowed adjournment for the applicant to present revised plans.

Given no agreement was reached at the Section 34 conciliation conference, the Hearing for the matter was conducted on 17, 18 and 19 August 2022. The matter has now been concluded and Council awaits the decision of the Commissioner of the Court.

Letter of Offer to enter Planning Agreement Associated with DA-703/2021

On 7 April 2022, the applicant offered to enter into a Planning Agreement with Council as part of DA-703/2021. A copy of the applicant’s Planning Agreement offer, and the easement instrument is included in Attachment F. The Letter of Offer included:

- Land Dedication: Land dedication of 831.5m² which is an access handle from Trevenar Street as shown by a red rectangle in Attachment F. The land to be dedicated to Council prior to issuing Occupation Certificate, but without making any improvements to the land.
- Easement for a public access: An easement to the benefit of Council, 1.5m wide along the length of the southern boundary of the existing site to provide for public pedestrian access to Peace Park, refer to Figure 9.

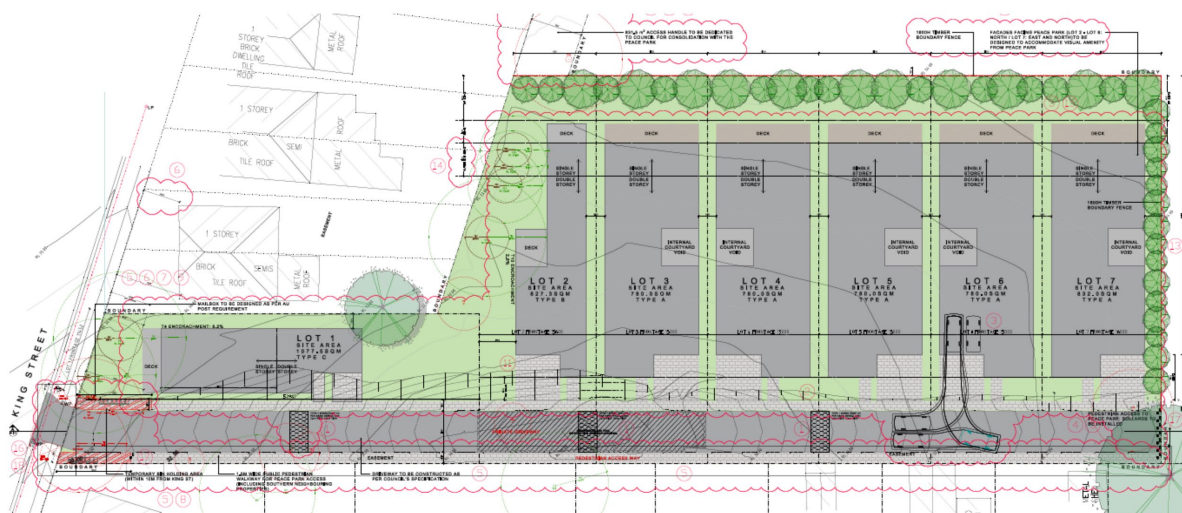


Figure 9: Proposed easement for a pedestrian access

Council Response to Applicant's Letter of Offer

Council requested that the dedicated land be remediated and made fit for use as open space. In the event the offer is not accepted by Council and the DA approved, the applicant would be required (under the DA) to make the land suitable for the intended use. Council required that any public footpath from King Street to Peace Park be created and dedicated to Council to provide a tangible community benefit from the development of the land.

The negotiations between the applicant and Council on these matters did not result in a mutually agreed position, as such, this matter will also be considered by the Land and Environment Court in association with DA-703/2021. A court hearing occurred on 17, 18 and 19 August 2022. At the time of writing, the outcome of this matter is being considered by the Commissioner.

Gateway determination

On 20 January 2022, Council received Gateway Determination (Attachment B) from the Department. The Gateway Determination requires that prior to the finalisation of the Planning Proposal, an acquisition authority for the purposes of satisfying the Minister's Local Planning Direction 6.2 *Reserving Land for Public Purposes* is required to be nominated. Should Council resolve to proceed with the Planning Proposal, it is recommended that the Department nominate a relevant Government agency as the acquisition authority.

Exhibition

In accordance with the Gateway determination and Section 3 of Council's *Community Participation Plan*, the Planning Proposal was placed on public exhibition for a minimum of 28 days, from 23 March to 22 April 2022. The exhibition process included:

- Display on the Council 'Have your Say' website
- Public notices in the 'Torch' newspaper

- Notification letters to property owners and occupiers affected by changes to the proposed rezoning. (397 properties in the vicinity were notified and 496 notification letters were issued)
- Email notification to public authorities:
 - Ausgrid
 - Sydney Water
 - Inner West Council
 - Transport for NSW (TfNSW)
 - Heritage NSW, and
 - Department of Premier and Cabinet

It is noted that the Inner West Times is no longer published, however a website is maintained for the Times newspaper that provides a link to the Torch Newspaper website where all advertisements regarding Planning Proposals are made available for public access during the exhibition period.

Submissions from the community

A total of 68 submissions were received from the community during the exhibition period. Two submitters oppose the Planning Proposal, one being the owner of the land. The remaining 66 submissions support Council's intent to rezone the land and expand Peace Park.

The key reasons provided in the submissions supporting the Planning Proposal include:

- Opportunities the Planning Proposal would create in terms of providing a new access point to Peace Park via King Street
- Expansion of Peace Park to improve local biodiversity,
- Heritage conversation values,
- Tree canopy cover, and
- Managing flood impacts by not permitting redevelopment of the site for residential dwellings.

The submissions also noted that the Planning Proposal identified the need for Council to prepare a master plan that sets out the long term vision of Peace Park as a district level open space.

Council's response to the submissions is outlined in Attachment H.

Submission from the landowner

A submission from the landowner was received during the exhibition period (Attachment G) and includes a copy of the letter sent by the legal representatives acting for the landowner to the Minister for Planning and Homes. The submission notes the following:

- That the land owner strongly opposes the Planning Proposal
- That the DA is currently the subject of the NSW Land and Environment Court proceedings following Council's deemed refusal of the DA

- That Council can compulsorily acquire the site and then rezone the land, and
- If the amendment to the LEP as proposed if ultimately adopted, a suitable savings provision be incorporated so as to allow the DA and any future Development Applications consistent with the current DA in relation to the land to continue to be assessed under the current controls.

The intended outcome of the Planning Proposal is to rezone the site to RE1 Public Recreation. Therefore, the applicant's request for a savings provision to permit the redevelopment of the site for residential dwellings is not supported.

The proposal by the landowner to compulsorily acquire the land prior to its rezoning via the Planning Proposal is addressed in this report with respect to the financial impact this will have on Council.

Submissions from the public authorities

Council received five submissions from public authorities listed below. None of the submissions objected the Planning Proposal. Submissions from the public authorities and Council's comments are summarised below:

- Sydney Water: A response received from Sydney Water confirms that the proposal does not require further assessment by Sydney Water. Council has noted comments made by Sydney Water.
- Transport for NSW: TfNSW commented that the Planning Proposal would need to nominate an appropriate authority for the acquisition of the land, prior to its finalisation in accordance with the Gateway determination. Council has noted this comment.
- NSW Environment Protection Authority: EPA recommended that an assessment in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* be undertaken to confirm suitability of its proposed use and whether the land would require remediation, due to the historic use of Peace Park as landfilling and brick manufacturing site.

It was also advised that the EPA does not require any follow-up consultation nor further engagement on this proposal unless land contamination is identified at the site that creates a duty to notify the EPA.

Council has noted comments made by EPA. Council is of opinion that the Planning Proposal intends to rezone the land from Zone R2 Low Density Residential to Zone RE1 Public Recreation. Therefore, the potential risks associated with any potential site contamination in the context of the Planning Proposal is further reduced. However, in the event this Planning Proposal does not proceed as intended to its finalisation, any future land use proposed on the site would need to demonstrate that the land is suitable for the proposed use and that the land has been remediated if any site contamination is identified.

- Heritage NSW: A submission from Heritage NSW notes that this Planning Proposal will ensure less intensification and encroachment of development on the site, allow for more public open space in the existing urban setting, and continue the existing heritage conservation provisions that apply to the broader HCA.

The submission also notes that no further referral/consultation on the Planning Proposal is required with Heritage NSW. Council has noted the comments.

- Inner West Council: A response received from Inner West Council confirms that Inner West Council has no comments to make.

Review of Financial Implications arising from land acquisition

Council undertook the following steps to ascertain the financial implications arising from the acquisition of the land by Council:

Request for assistance with the NSW Government

The Mayoral Minutes notes the following as Council's current financial position towards the purchase of the land:

"...we simply don't have the funds to purchase more land to add to our open spaces to meet the growing need and demands of our community..."

The Mayor wrote to the Minister for Planning and Public Spaces on 2 June 2021 seeking his support for the land to be rezoned to RE1 Public Recreation. A copy of the letter is included in Attachment D.

The response received from the Minister's office is included in Attachment E and did not commit to any financial assistance. The Mayor wrote to the Minister for Planning and Homes on 26 January 2022 highlighting the urgency of the matter and the need for financial assistance from the NSW Government to acquire the site. A response received from the Deputy Secretary of the Department on 14 March 2022 did not provide any certainty to Council for financial assistance from the NSW Government to acquire the site. The response recommended that Council review its financial resources to fund the acquisition of the site.

Valuation of Land and financial implications arising

Council recently obtained a valuation of the site which indicates that financial impact of acquisition would be significant. If Council is to fund a land acquisition of this amount without any funding assistance from the NSW Government, it would have a significant impact on Council's capital works program for the next financial year. Refer to the 'Financial Impact' section of this report.

Consideration of Planning Proposal at 23 June 2022 Ordinary Council Meeting

This matter was considered at the 23 June 2022 Ordinary Council Meeting where Council resolved to urgently request a meeting with the Minister for Planning and Homes to seek NSW Government financial support to acquire the land for public open space purposes and report back to Council with a recommendation whether or not to proceed with the Planning Proposal. It was noted by the Minister at this meeting that the proposed acquisition could be considered through WestInvest funding. As such, it is recommended that this Planning Proposal be finalised, subject to WestInvest funding being made available for the site's acquisition.

Implications of Council not nominating an acquisition authority

Should Council resolve not to nominate itself as an acquisition authority, Council would have to advise the Department of its decision and request that the Department nominates an acquisition authority and finalises the plan, subject to funding being made available through WestInvest or other funding source made available by the Government. The Department has not delegated Council as the Local Plan Making Authority.

The attached public submissions report (Attachment H) details the community comments received during the exhibition and Council's response notes that, whether or not the Planning Proposal proceeds, a future master plan for Peace Park that is prepared by Council could address the majority of the community comments relating to protecting biodiversity, increasing tree canopy, resolving drainage/flooding impacts and enhancing the functionality and long-term management of Peace Park.

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

AUTHOR **Planning**

PURPOSE AND BACKGROUND

The purpose of this report is to seek Council's endorsement to progress a Planning Agreement and the preparation of a site-specific Development Control Plan for the Western Sydney University, Milperra Campus, given the NSW Department of Planning and Environment (the Department) has progressed this Planning Proposal and issued a Gateway Determination.

At its Ordinary Council Meeting of 24 August 2021, Council resolved not to proceed with the Planning Proposal for the WSU Milperra site. Consequently, Council did not resolve to prepare and exhibit a site-specific DCP and a draft Planning Agreement.

Following Council's resolution, the proponent submitted a Rezoning Review with the Department in September 2021 and the matter was considered by the Sydney South Planning Panel (SSPP). Council wrote to the SSPP advising of its resolution that the Planning Proposal should not proceed to Gateway.

On 10 December 2021, the SSPP issued its decision that the Planning Proposal should proceed to a Gateway Determination. On 1 June 2022, despite Council's resolution, the Department issued a Gateway Determination that permits the Planning Proposal to proceed to exhibition, subject to conditions. A copy of the Department's Gateway Determination is included at Attachment B.

On 23 June 2022, Council considered this matter and resolved to receive a briefing on the Gateway Determination by Council staff, to write to the residents of Milperra to advise of the Gateway Determination and to write to Federal Education Minister the Hon. Jason Clare MP to request his intervention in order to retain this site as an educational facility for NSW public school students and the local Milperra Community. These actions have been completed.

ISSUE

In light of the fact that the NSW Government over ruled Council and issued a Gateway Determination, it is recommended that Council resolve to prepare and exhibit a site specific DCP and enter negotiations with the proponent to prepare and exhibit a draft Planning Agreement which contributes to affordable housing, local works and public facilities that will support future residents and businesses.

Should Council resolve to proceed as recommended, Council will finalise a draft site specific DCP and draft Planning Agreement and submit the documents to the Department for the Department to exhibit alongside the Planning Proposal. At the conclusion of the exhibition, Council will request a copy of all submissions from the Department to review and report the outcome of the exhibition to a Council Meeting. Council will also provide access to the Planning Proposal and associated material on its Have Your Say page.

In the event Council does not progress a site specific DCP and the Planning Proposal is finalised by the Department, then no appropriate planning controls will apply to the site and Council officers will have no ability to ensure orderly development when considering future development applications for the site. The DCP would be designed to ensure the outcomes of the Planning Proposal (if finalised) results in quality development with high amenity and positive environmental outcomes.

Additionally, if a Planning Agreement is not progressed by Council with the proponent, then the landowner would not be required to contribute financially to affordable housing, local infrastructure or local public benefits despite the possibility for increased development potential being granted to the site by the NSW Government.

For these reasons, it is recommended that Council resolves to prepare and exhibit a draft DCP and Planning Agreement to ensure Council has the ability to guide positive development outcomes on the site at the DA stage and to ensure the development provides public benefits to the community that would otherwise be forgone if there is no Planning Agreement in place. The implementation of a Planning Agreement and DCP would only be implemented if the SSPP and Department continue to progress the Planning Proposal for the site.

RECOMMENDATION That -

1. Council note that the Gateway Determination to amend the Bankstown Local Environmental Plan 2015 at 2 and 2A Bullecourt Avenue, Milperra has been issued by the NSW Government, despite Council's resolution to not proceed (Attachment B).
2. Council authorise the General Manager to finalise a draft Planning Agreement consistent with Section 3 of this report and request the Department of Planning and Environment to exhibit the draft Planning Agreement concurrently with the Planning Proposal.
3. Council prepare a site specific DCP to address all relevant planning matters identified in the Gateway Determination and that it be exhibited by the Department of Planning and Environment concurrently with the draft Planning Agreement and Planning Proposal.
4. The draft DCP and Planning Agreement be reported to Council following the exhibition.

ATTACHMENTS [Click here for attachments](#)

- A. Ordinary Council Meeting report dated 23 June 2022
- B. Gateway determination
- C. Letter of Offer prepared by Mirvac
- D. Proponent's Draft Site Specific Development Control Plan

POLICY IMPACT

The Planning Proposal associated with the subject site has been progressed by the SSPP and the Department, despite Council resolving to not proceed at its Ordinary Meeting of 24 August 2021.

The applicant's Letter of Offer includes the delivery of public benefits through public infrastructure works and monetary contributions to support the future population growth as a result of the redevelopment of the site. The proponent has committed to prepare a draft Planning Agreement subject to the resolution of Council.

Draft amendments to Bankstown DCP 2015 (or Consolidated DCP once it is effective) will be required to be prepared by Council to provide appropriate planning controls and development design guidance for the site and will work in tandem with the LEP Amendment if made by the Department.

The preparation of a site specific DCP and entering into a Planning Agreement is an ordinary practice when considering a change to the LEP. This enables appropriate planning principles to be applied to the site and secures good design and tangible public benefits are delivered to the community by the proponent, reflective of the scale of the proposal. This is particularly relevant in this instance given Council is not the Planning Proposal Authority and therefore has limited opportunities within the existing planning framework to influence the final form of development on the site.

This report proposes no other changes to Council policies.

FINANCIAL IMPACT

Given a Gateway Determination has been issued and the NSW Government is the Planning Proposal Authority, it is recommended that Council proceed to prepare and exhibit a draft Planning Agreement to facilitate the delivery of public benefits and infrastructure necessary to support the future redevelopment of the site.

Based on the proponent's Letter of Offer, the draft Planning Agreement would deliver over \$4.7 million worth of works and monetary contributions to Council. Works and monetary contributions under the draft Planning Agreement would be in addition to ordinary section 7.11 and 7.12 development contributions.

If Council does not resolve to enter into the draft Planning Agreement, over \$4.7 Million in public benefits to be funded by the proponent would be foregone, placing the financial burden wholly on Council to deliver this infrastructure over time.

COMMUNITY IMPACT

The detailed planning and development controls to be included in the site specific DCP will guide orderly redevelopment of the site. Entering into a planning agreement will secure positive community outcomes as the agreement would require a contribution toward local infrastructure and facilitate public improvements in addition to standard developer contributions.

Entering into a planning agreement with a proponent is a legitimate approach available to all Councils across NSW and is common practice when changes to planning rules are being considered. Under NSW planning legislation Council has traditionally relied on planning agreements to ensure public benefits are realised and align with the increased demand imposed by new planning controls.

DETAILED INFORMATION

1. SITE DESCRIPTION AND SUMMARY OF PLANNING PROPOSAL

The subject site (site) at 2 and 2A Bullecourt Avenue, Milperra comprises the following properties as shown in Figure 1.

Table 1: subject site details

Property Address	Property Description	Current Zone	Site Area
2 Bullecourt Avenue	Lot 103 DP 874035	SP2 Infrastructure (Educational Establishment) Zone	19.64ha (excluding 3.68ha in south east corner, sold to adjoining Mount St Joseph Catholic College)
2A Bullecourt Avenue	Lot 1 DP 101147	SP2 Infrastructure (Electricity Transmission or Distribution Network) Zone	202m ² (approx.)



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

Table 2: summary of current and proposed controls

	Current controls	Proposed controls
Zone	SP2 Infrastructure (Educational Establishment) SP2 (Electricity Transmission or Distribution Network)	<ul style="list-style-type: none"> • R1 General Residential (new zone – not currently in the BLEP or proposed as part of the new Consolidated Canterbury Bankstown LEP nearing completion) • B1 Neighbourhood Centre • RE1 Public Recreation • C2 Environmental Conservation (new zone not currently in the BLEP or proposed as part of the new Consolidated Canterbury Bankstown LEP nearing completion)) • SP2 Infrastructure (Drainage)
Height of Building	N/A	<ul style="list-style-type: none"> • 11m (B1 zone and part R1 zoned land near Bullecourt Avenue) • 9m (remaining land)
Floor Space Ratio	N/A	<ul style="list-style-type: none"> • 0.5:1 (properties fronting Ashford Avenue) • 1:1 (B1 zone) • Sliding scale FSR for remaining R1 zoned land
Lot size	N/A	<ul style="list-style-type: none"> • 300m² (general residential zone) • Include a provision to vary to the minimum lot size provision for varied housing types (124m² – 300m² lots)
Lot size of community title subdivision	N/A	<ul style="list-style-type: none"> • Include Zone R1 General Residential as an exclusion to the minimum lot size for community title subdivision
Number of dwellings	N/A	<ul style="list-style-type: none"> • Limit the number of dwellings on the site to 430 dwellings
Terrestrial biodiversity	Site is not mapped	<ul style="list-style-type: none"> • Map the extent of terrestrial biodiversity area on the site (the remnant Cumberland Plain woodland in the north east corner)

The Planning Proposal seeks to facilitate redevelopment of the site to accommodate a low scale diverse housing residential precinct comprising:

- A total of 430 dwellings (capped maximum) with a mix of attached, detached, semi-detached, multi dwelling and dual occupancy dwellings
- A small commercial neighbourhood centre (8,200m²) on the location of the existing childcare centre
- Retention of existing childcare centre
- Majority of dwellings being two storeys (9m building height) with a small portion being three storey attached dwellings in the northern end of the site facing Bullecourt Avenue (11m building height)
- Detached dwellings with a frontage to Ashford Avenue with a maximum FSR of 0.5:1 and minimum lot size frontage width of 10m
- A road network within the site comprising new local roads (18m road reserve), 'minor' local roads (17.2m road reserve) and laneways (8.5m road reserve) as per Council's design requirements
- Residential lot sizes ranging from 124m² to 300m²
- Retention of the existing Cumberland Plain Woodland (2ha) in the north eastern corner of the site and zoning that land C2 Environmental Conservation, and
- Provision of three public parks to be dedicated to Council (total area of 1.49ha).

2. COUNCIL RESOLUTION AND DEPARTMENT OF PLANNING AND ENVIRONMENT GATEWAY DETERMINATION

On 24 August 2021, Council resolved not to proceed with the Planning Proposal as follows:

- “1. The report be noted.*
- 2. The proposal does not proceed to Gateway determination.*
- 3. Council advise the Department of Planning, Industry and Environment accordingly.”*

The proponent submitted a Rezoning Review with the Department on 27 September 2021. Council made a submission to the Department reiterating the resolution of Council that this matter should not proceed to a Gateway Determination.

On 10 December 2021 the SSPP published its decision advising that the Planning Proposal should be submitted for a Gateway Determination because the proposal demonstrated strategic and site-specific merit. The SSPP confirmed on 4 February 2022, that it would act as the Planning Proposal Authority.

On 1 June 2022, the Department issued its Gateway Determination for the Planning Proposal to proceed to exhibition, subject to conditions. A copy of the Gateway Determination is included in Attachment B.

The key timeframes set out by the Gateway Determination are as follows:

- Public exhibition (minimum 30 days required, to be undertaken by the Department): to commence no later than 1 November 2022
- Department to submit post-exhibition report to the SSPP for a final recommendation: by 1 March 2023, and
- Finalisation of LEP Amendment by the Department: by 1 June 2023.

Before the exhibition of the Planning Proposal can commence, the Gateway Determination requires the following key matters to be addressed:

- Provide a cut and fill assessment having regard to existing topography, maximising tree retention and satisfying flood requirements
- Submission of updated Arboricultural Impact Assessment, Ecological Assessment and Bushfire Assessment
- Include the proposed FSR sliding scale for the Zone R1 General Residential
- Clarify whether the proposed Zone C2 Environmental Conservation zone will be publicly accessible and how the land will be managed on an ongoing basis to protect and conserve the Endangered Ecological Community
- Provide a detailed masterplan for the site to show how the site can be developed in accordance with best urban design practices and taking account of the site’s current attributes, and
- Provide a Remediation Action Plan (RAP) and Site Audit Statement which demonstrates that the site can be made suitable for residential uses.

Given the process outlined above will be administered by the Department, any decision to proceed with a Planning Agreement and site-specific DCP is in direct response to, and subject to the State Government's progression of this Proposal.

3. DRAFT PLANNING AGREEMENT

Council received a Letter of Offer from the applicant (Mirvac) that details the public benefits and infrastructure that would be delivered as part of the LEP amendments for the site (Attachment C). The Letter of Offer has been informed by Council's assessment of the likely demands that would be placed on local infrastructure by the proposal. Table 3 below summarises the public offer.

In principle, the items included on the Letter of Offer are reasonable however, it is Council's intention to negotiate with the applicant on these matters further as part of the preparation of a draft Planning Agreement to be agreed upon by Council and the applicant for public exhibition concurrently with the Planning Proposal and site specific DCP.

It is noted that Council and the applicant have not yet agreed on the appropriate amount of the affordable housing contribution and that this needs to be resolved prior to exhibition of the planning agreement. The proponent has also requested that the future development be excluded from Section 7.11/7.12 Development Contributions which is not supported.

Table 3: Proposed list of public benefits and infrastructure to be delivered in conjunction with the Planning Proposal by the applicant as part of a future Planning Agreement

Item No.	Description	Estimated Value
1	Monetary contribution for affordable housing in perpetuity (equivalent to 5% dwelling yield or approx. 22 dwellings).	\$3,347,390 offered by Mirvac – to be confirmed
2	Local park with children's playground equipment, outdoor fitness, walking/cycling tracks and sheltered picnic tables, BBQs within subject site.	Costing to be confirmed
3	Pathways around remnant bushland (e.g. raised boardwalk, signs, replanting) within subject site subject to further ecological assessment.	Costing to be confirmed
4	Provision of off-road shared cycleway along collector roads linking site to external road/cycle network.	Costing to be confirmed
5	<p>Monetary contribution to repair and renovate Council's existing Milperra Community Centre (128 Ashford Ave, Milperra). Works to include:</p> <ul style="list-style-type: none"> • Repairs and cleaning of the existing building façade. • Alterations to internal layout to ensure an active frontage is provided to Ashford Street. • Upgrade to existing building to current standards such as disabled access and egress. • Smart building elements such as access control, energy, water saving improvements. • Upgraded security measures. • Alterations to current car parking arrangements to improve vehicular entry and exit from the site. • Landscaping improvements. 	\$392,400 (based on IPART costing, to be refined)

Item No.	Description	Estimated Value
6	Monetary contribution to embellish Milperra Reserve incl. amenity block, footpaths, picnic tables, bins, flood lighting, turf etc (Crown Land under the care and control of Council).	\$1,041,921 (based on IPART costing, to be refined)
7	Enter into agreement with Mt St Joseph Catholic College Milperra for shared use of school facilities outside of school hours. Initial meeting between Mirvac and the school to be initiated by Council.	-
8	Dedication of land zoned RE1 Public Recreation to Council in perpetuity.	To be confirmed

In addition to the above, and in response to the advice of the Local Planning Panel and based on discussions between Council and the applicant, the following matters are to be requested from the applicant to include as part of a draft Planning Agreement:

- (a) Undergrounding powerlines along Ashford Avenue being added, subject to any relevant Ausgrid approval.
- (b) Construction of a footpath and landscaping along the eastern side of Ashford Avenue being added.
- (c) The applicant considering a contribution toward cycleway connections to Panania Station to promote the use active and public transport for future residents and the broader Milperra community.

Council has also commenced investigations whether to seek transfer of ownership of the existing child care centre and remnant bushland to Council as part of a draft Planning Agreement in connection with this Planning Proposal. Any such transfer of ownership would be subject of a detailed financial and operational analysis undertaken by Council before being included as part of a draft Planning Agreement.

4. SITE SPECIFIC DEVELOPMENT CONTROL PLAN

The Bankstown Local Environmental Plan 2015 (and the Consolidated LEP when it becomes effective) provides objectives, zones and development standards such as lot sizes, floor space ratios and building heights. The site specific DCP will support the LEP (should it be amended by this Planning Proposal process) by providing additional objectives and development controls to enhance the function, design and amenity of the site.

The proponent's draft site specific DCP is included in Attachment D. The proponent's DCP has been reviewed by Council and is not deemed adequate for Council's requirements. Council intends to prepare a site specific DCP that includes development controls that address the key matters that have not been included in the proponent's draft DCP and to reflect the requirements of the Gateway Determination, including but not limited to:

- Provide minimum solar access requirements for new residential dwellings. The proponent's DCP did not contain any solar access requirements for new dwellings.
- Controls to guide transition from the existing residential area to the west along Ashford Avenue.
- Design objectives and requirements for the new public open space on the site.
- Private open space and setbacks that reflect the 'sliding scale' Floor Space Ratio' that will apply to the site.

- Controls that reflect Council's road reserve and carriageway requirements including provision of street trees and shared pedestrian paths/cycleways.
- Future desired character objectives and development and building design controls focused on the intended housing product, as opposed to residential flat buildings.
- Protection of existing trees and requirements for additional landscaping on private and public land within the site.

It is intended to prepare the site specific DCP prior to exhibition and make necessary changes in response to public submissions following exhibition and (as with the Planning Agreement), will be reported back to Council for endorsement.

5. RESOLUTION OF 23 JUNE 2022 COUNCIL MEETING

At its Ordinary Council Meeting of 23 June 2022, Council resolved as follows:

- "1. Councillors to receive a full briefing on the NSW government gateway approval.*
- 2. Milperra Residents to be informed in writing of the NSW government's gateway approval and its implications prior to Council giving consideration to the matters outlined in Item 5.2.*
- 3. Council 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.*
- 4. Council to not finalise the site specific DCP until matters listed under Item 5.2, point 4 (page 50) of the 23 June 2022 business paper are resolved."*

In response to the above resolution, the following actions have taken place:

- on 9 August 2022, Councillors received a detailed briefing on the Gateway Determination by Council staff
- on 10 August 2022, a letter to the Federal Education Minister, the Hon. Jason Clare MP was issued
- in the week commencing 15 August 2022, letters to inform the residents of Milperra of the Planning Proposal were distributed.

Item 4 of the above resolution will be addressed by Council during the preparation of the site specific DCP. The DCP will be reported to Council following exhibition where the Council report will address the matters raised in Item 4 of the above resolution.

6. NEXT STEPS



Should Council resolve to not prepare a site specific DCP, then no DCP controls will apply to the site and Council officers will have no ability to ensure orderly development at the site when considering future development applications. The controls proposed will be specific to ensuring the plan is developed to minimise impacts and result in a quality development with high amenity. Additionally, if Council resolves to not proceed with preparing and exhibiting a draft Planning Agreement, the landowner would not be required to contribute financially to affordable housing and to a number of local public benefits despite the potential for increased development yield being granted to the site by the NSW Government.

Should Council resolve to endorse the recommendations of this report, the next step is for Council to commence the preparation of the site specific DCP and to prepare a draft Planning Agreement with the proponent. Once these documents have been prepared, it is proposed that Council send the documents to the Department for the Department to exhibit alongside the Planning Proposal on the NSW Planning Portal website. Council will also provide access to all the Planning Proposal exhibition material on Council's 'Have Your Say' website via a link to the Department's Planning Portal for the public to make submissions.

Following the exhibition of the site specific DCP and draft Planning Agreement, Council would request a copy of all public submissions from the Department to review and the outcomes would be reported to Council together with a detailed submissions report for each item. The report will detail any changes that are recommended to the documents as a result of any submissions received during the exhibition period.

As outlined in this report and the Gateway Determination at Attachment B, further information will be required from the proponent to be submitted to the Department before public exhibition can occur.

6 POLICY MATTERS

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

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

7.1	Local Government NSW - Annual Conference and Consideration of Motions	77
7.2	Quarterly Progress Report of the 2021/22 Operational Plan, Delivery Program and Budget to June 2022	87
7.3	2022 - 2023 Community Grants and Events Sponsorship Program	99
7.4	Cash and Investment Report as at 31 July 2022	103
7.5	Sydney Metro City and Southwest - Proposed compulsory acquisition of easement for electricity supply purposes for land at Earlwood/Canterbury	107
7.6	Malaysian Festival	111
7.7	Property Matter - Leigh Place Aged Care, 12-18 Leigh Avenue, Riverwood	115

Governance and Administration Matters - 23 August 2022

ITEM 7.1 Local Government NSW - Annual Conference and Consideration of Motions

AUTHOR Corporate

PURPOSE AND BACKGROUND

The Local Government NSW (LGNSW) Annual Conference will be held this year on 23 – 25 October 2022 in the Hunter Valley.

The Annual Conference is the key policy making event for the local government sector. Delegates are afforded the opportunity to discuss, deliberate and vote on motions that determine policies and priorities for LGNSW and the broader sector.

Following the Conference, LGNSW will review resolutions and identify priority advocacy areas to guide LGNSW actions in 2022/23.

ISSUE

To inform Council of changes to the 2022 LGNSW Annual Conference and key dates relevant to voting delegates, and for Council to consider the submission of motions.

RECOMMENDATION

That Council endorse the draft motions as detailed in the report.

ATTACHMENTS

Nil

POLICY IMPACT

The submission of motions to the annual LGNSW Conference provides an important opportunity for Council to continue its advocacy on issues impacting local government and our community.

FINANCIAL IMPACT

The costs associated with attendance at the Annual Conference are in accordance with the Councillor Expenses and Facilities policy and will be met from within Council's adopted budget.

COMMUNITY IMPACT

Motions presented for consideration and endorsement by Council have been formed with the benefit of the City's community as a leading priority.

However, there is generally no immediate impact on the community from the adoption of the recommendations.

DETAILED INFORMATION

The Local Government NSW (LGNSW) Annual Conference is scheduled to take place from 23 to 25 October 2022 at the Crowne Plaza Hunter Valley.

The Conference is a key event for the local government sector that provides councils the opportunity to submit motions on important policies and priorities for the local government sector for discussion and determination by delegates.

LGNSW are inviting submissions of motions for consideration at the 2022 Conference. Motions are to be based on the following categories:

1. Industrial Relations and Employment Policy
2. Economic Policy
3. Infrastructure Policy
4. Social and Community Policy
5. Environmental Policy
6. Council Governance and accountability
7. Planning and building regulation Policy
8. Associated Business, LGNSW Rules and Governance

To be considered, motions are required to be in accordance with the following criteria as determined by the LGNSW Board:

- Are consistent with the objects of the LGNSW;
- Relate to Local Government in NSW and/or across Australia;
- Concern or are likely to concern Local Government as a sector;
- Seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
- Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- Are clearly worded and unambiguous in nature; and
- Do not express preference for one or several members over one or several other members.

Motions are to be submitted to LGNSW online by 25 September 2022 for inclusion in the Business Paper at the Annual Conference. Motions submitted after this deadline will not be accepted.

Category: Infrastructure Policy

1. s. 7.11 and 7.12 contribution rates

Proposed Motion

That Local Government NSW

- 1. calls on the NSW Government to empower councils to levy s7.12 contribution rates of up to 4% of the cost of works of new development. This would represent a contribution of between \$15k-\$20k per additional dwelling.*
- 2. Advocate to the Minister to amend the Environmental Planning and Assessment Act 1979 to enable the application of section 7.11 and 7.12 rates for different land uses within the same development application.*

Motion Background

The s7.12 contributions are easy to understand and apply, as they are based on a percentage of the cost of works of new development. This percentage can also easily be translated into a standardised cost per dwelling. However, for most councils, s7.12 contributions are currently capped at 1% of the value of development cost. On an additional dwelling with a value of \$600,000, the 1% levy would represent a contribution of only \$6,000. If contributions income generated by the levy rates was increased, s7.12 would be more likely be used as an alternative to s7.11 contributions.

Independent modelling for Canterbury-Bankstown Council (Council) showed that a s7.12 contribution rate, equivalent to \$15,000 per dwelling, would generate greater income than other contribution funding scenarios, and fund nearly all the costs of new or improved infrastructure proposed in Council's Contributions Plan. In Canterbury Bankstown and other middle and outer ring councils, this contributions rate is approximately 4% of the development cost of a new dwelling.

The nexus principle that is applied to s7.11 contributions is not applied to s7.12 contributions. This provides councils with greater flexibility in the type and location of new infrastructure which can be funded and would remove a key restriction into how developer contributions are expended.

Applying the s7.12 levy rates can lead to significant improvements in the simplicity of contributions planning across NSW and permit a more appropriate range of works that are responsive to community needs, negating the need to draw on general revenue to fund any gaps.

Enabling all councils to apply s7.12 levy rates of up to 4% with the rate selected to be at each council's discretion, would achieve the consistency in contributions planning sought by the Productivity Commission's review of infrastructure funding, make the \$20,000 cap on residential contributions irrelevant, and provide predictable infrastructure funding income for councils.

The current legislation precludes applying sections 7.11 and 7.12 contributions to the same development. For councils, this means it is not possible to levy a mixed–use development for the separate components of residential (where s7.11 contributions apply) and commercial (where s7.12 applies). A loss of contributions to fund infrastructure therefore arises. Infrastructure funding reforms should remove this artificial barrier to enable the levying of all development that generates demand for new facilities.

Category: Infrastructure Policy

2. Regional Infrastructure Contribution

Proposed Motion

That Local Government NSW advocate to the NSW Government that no Regional Infrastructure Contribution (RIC) be applied to new developments.

Motion Background

The RIC is proposed to be a flat rate tax paid to the NSW Government for new developments.

The RIC:

- Is a regressive tax, which would have a disproportionate and unfair impact on economically disadvantaged communities who may struggle to pay, especially small scale “mum and dad” developments.
- Represents the NSW Government applying a “double standard” to infrastructure funding. It does not demonstrate a link between the new development and the need to fund new infrastructure by paying the RIC. Meanwhile, the NSW Government applies onerous “nexus” requirements on councils’ s7.11 local infrastructure contributions.
- Fund does not have to be spent in the local government area where collected – it can be spent anywhere in the metropolitan region.
- Does not enable councils within the various Greater Sydney Districts to guide expenditure, as expenditure is determined by the NSW Treasurer.
- Exempts large scale residential development, (like build-to-rent housing), which place pressure on local and regional infrastructure as any development.

Category: Infrastructure Policy

3. Review of New Contributions Plans

Proposed Motion

That Local Government NSW advocate to the NSW Government that new contributions plans adopted by councils from 1 July 2021 should not be required to be reviewed for at least four years.

Motion Background

Any transitional arrangements for contributions planning reforms should:

- Provide new contributions plans with a four year transition period. This would recognise that councils have invested significant resources in preparing new Contributions Plans based on current legislation and should be permitted to operate for at least a four year period.
- Provide published criteria for extensions in plan review timeframes, with criteria including:
 - How recently the current plan was prepared (with more recent plans qualifying for extensions);
 - The extent of change in the growth forecast in the plan;
 - Capacity for councils to undertake plan reviews given available resources.
- Upgrade the NSW Planning Portal to make loading or amending contributions plan details, including rates, easier and better supported by the Department of Planning and Environment.

Category: Environmental Policy

4. *The provision of infrastructure to process Food Organics and Garden Organics (FOGO) in NSW.*

Proposed Motion:

That LGNSW call on the NSW Government to ensure that:

- 1. Local infrastructure exists for councils to enable the efficient transfer and processing of Food Organics and Garden Organics (FOGO) across NSW;*
- 2. Funding be made available to assist councils through to 2030 in the planning and implementation for FOGO;*
- 3. Ongoing financial support is provided to councils to assist with collection, transport, processing and community education;*
- 4. It develops and implements an ongoing education campaign that delivers a consistent and state-wide message to NSW residents.*

Motion Background

In accordance with the *NSW Waste and Sustainable Materials Strategy 2041*, NSW is targeted to halve the amount of organic waste (FOGO) sent to landfill by 2030. As part of this target, NSW councils are being mandated to provide FOGO services to households across NSW.

Currently, there are insufficient transfer stations and related infrastructure for councils to provide this service across NSW. Furthermore, there is not enough capacity in existing facilities to process organic waste for all NSW councils. The urban markets for processed organic material are saturated so materials from Sydney will need to travel further to supply the agriculture markets, at additional costs to those Councils.

There are currently no available facilities to process FOGO or food organics in metropolitan Sydney. Councils in metropolitan Sydney are required to transport organic waste to regional areas to process. There are no transfer or staging facilities in metropolitan Sydney with current capacity to allow for transport to the regional areas.

The mandate for councils to provide FOGO waste recycling services to households also requires councils to update and manage their contracts with waste service providers which can also include additional expenses. For Canterbury- Bankstown Council, this expense for changing a waste contract adds up to \$7 million in the first year.

Ongoing education to residents about the changes to service, requires significant additional funds, especially for councils with high multi-cultural communities. This can be an additional \$1M per annum to ensure the community is understanding and doing the right thing.

Category: Council Governance and accountability

5. Funding of upfront and ongoing de-amalgamation costs

Proposed Motion

That Local Government NSW advocates to the NSW Government that all upfront financial costs of de-amalgamation for new councils and ongoing financial costs be fully funded directly following the Minister's support of the de-amalgamation proposal.

Proposed Background

On 12 May 2016, the NSW Government announced the amalgamation of 42 councils into 19 new councils. As a result of recent amendments made to the *Local Government Act 1993* (the Act), new councils may within ten years of the constitution of their new area, submit a written business case to the Minister for Local Government setting out a proposal for the de-amalgamation of the area, whether to reconstitute the former areas or different areas.

In accordance with Section 218CC (6) of the Act: *The Minister is, by making grants under section 620 or using money otherwise appropriated by Parliament for the purpose, to ensure that the cost of any de-amalgamation of the new area resulting from a business case submitted under this section is fully funded.*

Section 218CC (6) provides little certainty on the whether the cost of any de-amalgamation refers to the funding of upfront costs only and/or includes the expected annual ongoing/recurrent costs that would apply each year following de-amalgamation. If councils were to consider any other option to fund ongoing costs, this would fall on ratepayers and residents through either increased rates, a reduction in services or a mix of both. A preliminary high – level assessment undertaken for Canterbury-Bankstown Council, excluding any upfront costs of amalgamation found that there could be an increase of an average of \$170 in rates per annum for businesses and residents across the two former councils.

Registration and Voting Delegates

Registrations for the Annual Conference are now open.

Member councils are required to advise LGNSW of the names of their nominated voting delegates for the Annual Conference by **5pm, 10 October 2022**. It should be noted that the conference registration is a separate process from advising LGNSW of nominated voting delegates.

As is our common practice, it will again be proposed that the Mayor be delegated authority to finalise Council's voting delegates for the Annual Conference.

Category: Social and Community Policy

6. *Increase the mandatory pensioner rebate*

Proposed Motion

That Local Government NSW calls on the NSW Government to show compassion and to immediately restore indexation of the pensioner rebate. We further call on the Government to fund the entire cost of the rebate and alleviate the cost burden on Councils.

Motion background

The Local Government Act introduced in 1993 requires Councils provide a mandatory pensioner rebate of \$250 per year, of which 55 percent is funded by the State Government and the balance by Councils.

This rebate has not increased one cent in the last 30 years.

When it comes to looking after our pensioners, the NSW Government lags way behind the rest of the other States. States like WA are supporting pensioners and offering discounts of 50 per cent up to \$750 off their rates. Fully funded by the State Government.

An IPART Review of the Local Government Rating System recognised the need to review assistance for pensioners and that review was swept under the carpet and no action was taken. It is clear the review recognised that pensioners on fixed incomes needed assistance in paying their bills.

With the cost of living on the increase, the NSW Government has an opportunity to show compassion and assist our most vulnerable.

Governance and Administration Matters - 23 August 2022

ITEM 7.2 Quarterly Progress Report of the 2021/22 Operational Plan, Delivery Program and Budget to June 2022

AUTHOR City Future

PURPOSE AND BACKGROUND

The review provides a summary of progress on the delivery of Council's 2021/22 Operational Plan and 2018-22 Delivery Program.

Separately, the report considers the review of Council's financial results and proposed budget adjustments for the June 2022 Quarterly Budget Review period.

ISSUE

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

It demonstrates the organisation's performance in delivering the actions outlined in Council's 2021/22 Operational Plan and 2018-22 Delivery Program. These are key documents for our City as they translate our priorities and services into measurable actions for the financial year and Council term.

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

- Operational Plan and Delivery Program progress; and
- Budget Review.

RECOMMENDATION That -

1. Council note the quarterly review of the 2021/22 Operational Plan and six-monthly review of the Delivery Program to 30 June 2022.
2. Council adopt the June 2022 Quarterly Budget Review as outlined in this report.
3. Council authorise the carryover of budgets to complete certain capital and operating projects commenced throughout the 2021/22 financial year, as outlined in the report.
4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2021, as outlined in the report.

5. Council authorise the write-off of sundry debts for the 2021/22 financial year, as outlined in the report.
6. Council allocate Ward Funds as outlined in the report.

ATTACHMENTS

[Click here for attachments](#)

- A. Quarter Four Progress on the 2021/22 Operational Plan and Six-Monthly Progress on the Delivery Program - Summary Report
- B. Quarter Four Progress on the 2021/22 Operational Plan - Detailed Report

POLICY IMPACT

The review integrated planning documents is prepared in accordance with Section 406 of the *Local Government Act 1993* and the NSW Office of Local Government Integrated Planning and Reporting Guidelines, which require regular progress reports to be provided to Council and community. Council currently generates reports on a quarterly basis to ensure thorough monitoring of the commitments it has made to the community.

FINANCIAL IMPACT

The report presents Council's operating result as at 30 June 2022. Whilst preliminary in nature, Council's financial position reflects a sound and stable financial position. A further assessment will be provided once Council's 2021/22 Annual Financial Reports are presented to Council.

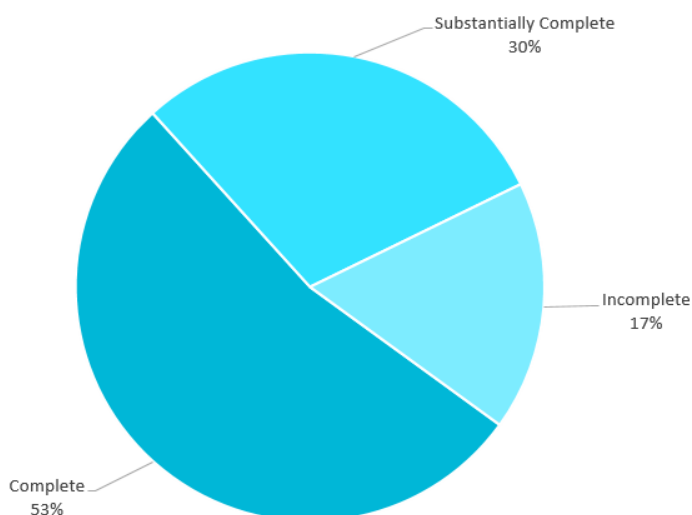
COMMUNITY IMPACT

The report provides the community with an understanding of Council's performance in delivering its yearly Operational Plan and Delivery Program, as well as an update on the financial position as at 30 June 2022.

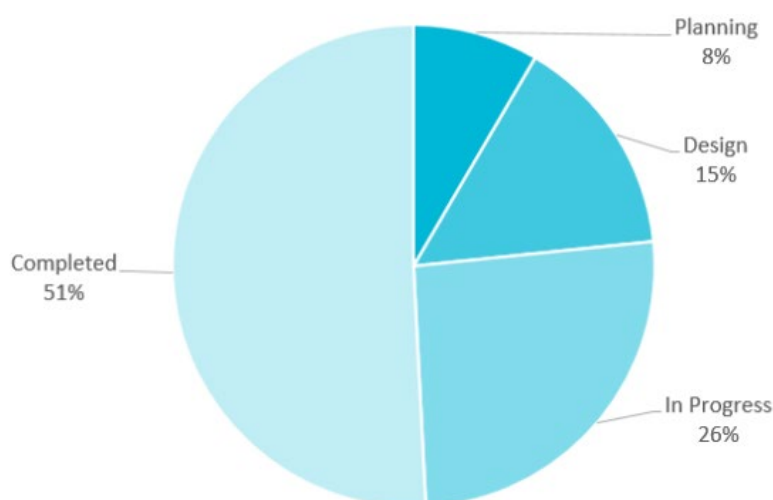
DETAILED INFORMATION

Part A – Quarterly progress of the 2021/22 Operational Plan and 2018-22 Delivery Program to June 2022

Progress on Council's Operational Plan for 2022 has been good considering the challenges imposed by COVID-19 and extreme weather including flooding across the City. At the close of quarter four, 83% of projects are listed as complete or substantially complete, and 17% of projects were not able to be completed.



At the close of quarter four, 92% of the 390 projects being tracked for the Capital Works Program was either completed, under construction or in design stage. Of the 224 completed projects this quarter, 122 were roads, and transport projects, 19 stormwater projects, 31 were building projects, and 52 were sportsfields, playground open space projects. Council has expended \$80.8 million on capital works projects in 2021/22. See further information in Part B of this report.



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

Attachment A also provides details of progress towards delivering Council's Delivery Program. The Delivery Program outlines Council's contribution towards achieving outcomes identified in the Community Strategic Plan during its current term. Detailed actions for the entire 2021/22 Operational Plan are outlined in Attachment B. This also includes the progress of projects funded under the Stronger Communities Fund (SCF).

The highlights below indicate a solid contribution to the 10-year Community Strategic Plan for the City:

Leading and Engaged

- Dual Ward names recognise the status of the Darug and Eora peoples as the Traditional Custodians.
- New Integrated Planning and Reporting Suite adopted including revised 10-year Community Strategic Plan (CBCity 2036), Delivery Program and Operational Plan (CBCity 2025) and Resourcing Strategies for Finance, Assets and Workforce.
- CBEvolve event – like-minded business leaders, developers and allied health professionals gathered to advocate for the Bankstown health and wellbeing precinct.
- Australia's largest Citizenship Ceremony held at the Dunc Gray Velodrome on Friday 13 May 2022 welcoming nearly 2,600 new citizens.
- Council applied for \$159 million in funding under the WestInvest Program for transformational infrastructure projects.

Safe and Strong

- New Disability Inclusion Action Plan adopted to set the direction in enhancing accessibility and inclusion for people with a disability.
- Consultation for Positive Aging Strategy.
- Community events held for Refugee Week, Men's Health Week, Reconciliation Week, and Youth Week.
- Child Safety Policy adopted to guide Council as a Child Safe Organisation under the *Children's Guardian Act 2019* in keeping children safe both within Council and the community.
- The Policy outlines Council's commitment to embedding a culture of safety for children throughout the organisation. Council aims to meet and maintain the National Principles for Child Safe Organisations and the NSW Child Safe Standards.

Clean and Green

- The Sydney Morning Herald reports that there are more electric vehicles (EVs) registered in Canterbury-Bankstown and around Parramatta than anywhere else NSW reinforcing Council's strong promotion and lead in electrifying the City.
- Community engagement conducted for Reimagining Kelso - the 70-year-old landfill site in Panania to be upgraded into a state-of-the-art resource recovery centre.

Prosperous and Innovative

- Ramadan Nights Lakemba held - the event has become a State significant tourism drawcard attracting over 1.2 million daily unique visitors, with one night alone attracting 66,000 people.
- Campsie Street Festival, Lebanese Film Festival held.
- Talent Advancement Program auditions held.

- Studioventure 12-month trial commenced with space in the Bankstown Library and Knowledge Centre converted into a mini studio encouraging local businesses to record professionally produced photographs, video recordings, podcasts and vodcasts.
- Outdoor dining fees waived for 2022/23 to make it easier for businesses to provide outdoor dining – a cost implication to Council of \$200,000.

Moving and Integrated

- Council trials Australia's first ever use of recycled glass in the sub-base of roads, making the way our roads are built more sustainable, safer, more durable and with longer life.

Healthy and Active

- Sports Facilities Strategic Plan adopted to provide clear direction for sports facilities and will assist Council in working with sporting clubs, associations and other sporting bodies in the prioritisation of projects.
- Council partnered with the Office of Sport to hold *Activefest!* with 600 students from 15 schools taking part in the showcase of a range of sports.
- Actor and author Bryan Brown helped open a new Little Library at the Milperra Community Centre.

Liveable and Distinctive

- New Developer Contributions Plan adopted which provides for over \$900 million in infrastructure improvement works over the next 15 years, of which \$656 million will be fully funded under the plan from local infrastructure contributions from new developments.
- Engagement held for the Belfield Small Village Masterplan.
- Three water tank murals by local artists installed at Beaman Park, Earlwood, Bennett Park, Riverwood, and Marco Reserve, Panania.
- Campsie Town Centre Master Plan adopted to guide the creation of new planning controls for development across the Campsie centre including Canterbury Road within this precinct. The Master Plan provides greater transparency for the existing community and certainty to industry with respect to the planned growth and change envisaged for Campsie over the next 15 years and beyond.

PART B – June 2022 Quarterly Budget Review

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

Council's net operating surplus of \$36.8M for the year, reflects a positive variance of \$9.5M to that forecast at the March 2022 Quarterly Budget Review. Whilst outlined in more detail further in the report, the net improvements are largely attributable to:

- Financial Assistance Grant – Upfront payment \$8.8M
- Operational Projects not completed and to be carried over \$12.5M

Whilst Officers are currently finalising year-end financial reports, prior to referring them to our External Auditors, Council's preliminary draft financial performance (Income Statement) for the 2021/22 confirms that we have ended the year in a reasonably sound financial position.

CANTERBURY-BANKSTOWN COUNCIL

INCOME STATEMENT

Budget Review for quarter ended 30 June 2022

Description	Actual	Budget Mar'22	Variance
	\$000	\$000	\$000
INCOME FROM CONTINUING OPERATIONS			
Rates and Annual Charges	257,572	257,570	2
User Charges and Fees	18,258	17,115	1,143
Interest and Investment Revenue	6,171	6,323	(152)
Other Revenues	15,979	14,819	1,160
Grants and Contributions Provided for Operating Purposes	28,540	28,954	(414)
Grants and Contributions Provided for Capital Purposes	37,446	71,039	(33,593)
Other Income	6,464	5,719	745
TOTAL INCOME FROM CONTINUING OPERATIONS	370,430	401,539	(31,109)
EXPENSES FROM CONTINUING OPERATIONS			
Employee Benefits and On-costs	143,824	152,104	(8,280)
Borrowing Costs	80	85	(5)
Materials and Contracts	104,273	127,617	(23,344)
Depreciation and Amortisation	78,146	77,872	274
Other Expenses	6,955	16,523	(9,568)
Net Loss from Disposal of Assets	340	-	340
TOTAL EXPENSES FROM CONTINUING OPERATIONS	333,618	374,201	(40,583)
NET OPERATING RESULT FOR THE YEAR	36,812	27,338	9,474
Net Operating Result for the Year Before Grants and Contributions Provided for capital purposes	(634)	(43,701)	43,067

A summary of the material variations to Council's estimates when compared to that reported as part of the March 2022 Quarterly Budget Review is as follows:

Income from Continuing Operations

Council received income totalling \$370.4M throughout the year, a negative variance of \$31.1M to that reflected as part of the March 2022 Quarterly Budget Review.

The net variance is largely attributable to an advanced payment for Council's 2022/23 Financial Assistance Grant of \$8.8M, and due to the nature and timing of certain capital works projects, grant & contributions income associated with a few large projects that were not completed at 30 June were not received, however this income is expected to be received throughout 2022/23.

Expenses from Continuing Operations

Whilst still subject to change, particularly to reflect certain accrued expenses, generally, Council's operating expenditure for the year has been quite positive. In total, expenditure for the year was \$333.6M, \$40.6M less than previously reported.

The net variance is largely attributable to:

- projects not completed as at 30 June 2022 totalling \$12.5M, particularly those funded through government grants and contributions. These projects and their allocated funds will need to be carried over into the 2022/23 financial year for completion;
- further assessment/application of accrued expenses (expenses incurred but not yet payable such employee entitlements) which will need to be accounted-for/reflected in Council's financial statements prior to finalising and submitting them to Audit.

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

Capital Works

In terms of capital works, Council expended approximately \$80.8M during 2021/22, a significant investment in infrastructure and services throughout our city. In total over \$27.5M was spent on roads and traffic management assets, \$18.5M on parks, community and sporting fields, \$12.0M on Community buildings and other structures, \$9.8M on town centres and \$4.7M on irrigation, drainage & flood mitigation.

CANTERBURY-BANKSTOWN COUNCIL
CAPITAL EXPENDITURE AND CARRY OVERS
Budget Review for quarter ended 30 June 2022

Description	Budget	Actual	Carryovers
	\$000	\$000	\$000
CAPITAL BUDGET			
Bridges	8,358	4,546	3,811
Buildings	25,953	11,651	14,302
Carparks	1,565	257	1,309
Drainage Conduits	22,981	3,554	19,427
Waste Management	2,098	1,000	1,099
Town Centres	18,911	9,790	9,121
Open Space	38,141	16,915	21,226
Park/Street Furniture	372	363	9
Park Lighting	2,749	1,060	1,689
Park Signs, Fences & Screens	134	134	-
Other Structure	732	372	361
Pathways and Boardwalks	5,570	1,167	4,403
Road Pavement	15,811	12,815	2,997
Traffic Management Devices	12,270	9,848	2,421
Water Courses	2,143	305	1,837
Water Quality Devices	1,180	850	331
Operational Assets	14,473	6,153	8,321
TOTAL CAPITAL EXPENDITURE	173,441	80,780	92,662
CAPITAL FUNDING			
General Fund	1,023	1,023	-
Grants	54,088	24,606	29,481
Sec 7.11/7.12	29,917	15,297	14,621
Stormwater Levy	4,766	1,284	3,482
Other Reserves	83,647	38,570	45,078
TOTAL CAPITAL FUNDING	173,441	80,780	92,662

As noted in the above table, given the nature and timing of certain projects, a further amount of \$92.7M of funding will be restricted and carried over to the 2022/23 financial year to ensure their completion.

The majority of the \$92.7M requested capital carryover projects were commenced in the 2021/22 financial year and are planned to be completed during 2022/23. The requested carryover amount of \$92.7M includes \$29.5M of specific grant funded capital projects. Some of the larger capital projects, requested for carryover, include the North Terrace Culvert Duplication \$16.6M, Paul Keating Park Playground \$5.8M, Appian Way \$4.2M and Canterbury Rd underpass \$3.2M.

In addition, requests to allocate the following Ward Funds for specific projects have been received and reflected as part of this quarterly review process.

Description / Project	Councillor	Allocation
Nepalese Monument	Saleh	\$1,000

A further report outlining Council's projects will be provided when the 2021/22 annual financial reports are finalised and presented to Council for its information.

WRITING OFF OF RATES AND CHARGES AND SUNDRY DEBTORS AT 30 JUNE 2022

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

A broad summary of the required changes are as follows:

RATES AND ANNUAL CHARGES

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

The table below details a summary of the adjustments to rates and charges during the 2021/22 financial year:

Details	Amount * (\$)
Rates & Charges	29,499
Pensioner – Statutory	4,564,404
Pensioner – Council	730,299
Total	5,324,202

* Includes amounts for Rates, Annual Charges and Interest

It is proposed that Council resolve to apply the noted adjustments to Councils' rating databases to satisfy its obligations under the Local Government Act, 1993 and the Local Government (General) Regulation, 2021.

SUNDRY DEBTS

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

Debts are only written off if:

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

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

The following table details a summary of the sundry debtor amounts written-off by the General Manager at 30 June 2022 under delegation as well as those amounts needing to be written off by way of Council resolution.

Delegated Write-Offs	Amount (\$)
Shop & Food Premises Inspection Fees	17,101.15
POEO Administration Fees	3,352.00
Commercial Use Footways	1,332.65
Swimming Pool Inspection Fees	1,050.00
Other Sundry Debts	11,267.31
TOTAL	34,103.11

Council Write-Offs	Amount (\$)
Facility Hire / Lease	58,524.68
Hoarding Fees	10,454.55
Road / Footpath Restoration Fees	36,768.80
TOTAL	105,748.03

Conclusion

This report and Attachments A and B provide a progress report for the 2022/23 Operational Plan, Delivery Program and the 2022/23 Budget. This ensures Council is meeting its obligations under the Integrated Planning and Report Framework and contributes to the ongoing enhancement of good governance across Council. The data contained within these reports will also be made available on Council's website.

Governance and Administration Matters - 23 August 2022

ITEM 7.3 2022 - 2023 Community Grants and Events Sponsorship Program

AUTHOR Community Services

PURPOSE AND BACKGROUND

The purpose of this report is to recommend the allocation of \$495,212 funding from Council's Community Grants and Events Sponsorship Program to 116 community programs in accordance with the adopted policy framework.

ISSUE

The 2022-2023 Community Grants and Events Sponsorship Program opened on Wednesday 1 June and closed on Friday, 1 July 2022. The program was widely advertised in the local press, through community networks, social media and on Council's website.

An online Information session was held on Thursday, 9 June 2022. At the close off time, 142 applications were received seeking a total of \$1,110,387.

This report presents the recommended funding amounts after the assessment process for Councils consideration and adoption.

RECOMMENDATION

That Council approve the distribution of the 2022-2023 Community Grants and Event Sponsorship Program as outlined in Attachment A.

ATTACHMENTS [Click here for attachment](#)

- A. 2022-2023 Community Grants & Events Sponsorship Program Recommendations Spreadsheet

POLICY IMPACT

The recommendations of this report comply with Council's Community Grants and Events Sponsorship Policy and funding category guidelines.

In terms of Code of Conduct, applications were assessed by Council Officers and Council's Grants Assessment Working Party. The Working Party, which was observed by a Council Probity Officer, consisted of the Mayor, Councillors El-Hayek, Downey and Abouraad and Council staff with declarations made and managed at appropriate times.

FINANCIAL IMPACT

Funds for the Community Grants and Events Sponsorship programs are available from within the adopted Operational Budget for 2022–2023.

COMMUNITY IMPACT

In accordance with exercising its function under the *Local Government Act 1993*, Council provides financial assistance to community groups, not-for-profit organisations and other eligible applicants to support the provision of programs and services that:

- respond to an identified community need or generates benefit to the community.
- contribute to the building of stronger communities by increasing capacity, harmony and social cohesion.
- are in accordance with Council's strategic objectives.

Council will only provide funding under this Policy if it is satisfied the funding will be used for a purpose that is in the best interest of the community of Canterbury-Bankstown.

Financial assistance granted by Council under this Policy is not intended to subsidise the day to day operations or functions of eligible community groups and non-profit organisations and is not to be treated as a source of recurrent funding.

DETAILED INFORMATION

Council's Community Grants and Event Sponsorship Program is highly valued by local Community Organisations as source of funds to enable them to value add to their services and channel funding towards needs and issues that are impacting on residents in our local community. It also helps to increase participation in sport and recreation, arts and culture and in local community celebrations and events.

Under the program applicants could seek funding within five categories:

- Community
- Arts/Cultural
- Youth
- Sport & Recreation
- Event Sponsorship

Each category has a specific set of guidelines. These guidelines include the outcome priorities that are being targeted by the upcoming round. For example, the largest category is Community. In this year's round there were thirty-three priorities under the banners of Skills Based Outcomes, Knowledge Based Outcomes and Social and Cultural Outcomes.

Priorities for the Grants Program were set utilising information from Council's Social Planning Workshops, Sport and Recreation planning sessions and issues raised in the creation of Council's Creative City Strategic Plan.

This year applications opened on 1 June and closed on 1 July. Notifications were advertised in the Torch Newspaper, posted on Council's website and social media and emailed to local community networks and a listing of agencies who have requested information.

An information session was held on 9 June and attended by 25 participants. Here an overview of the program, instruction on registering into the online platform and the application process was provided and questions answered.

Many groups were supported to complete their applications with one on one instruction, follow ups seeking missing information and general enquiries.

A total of 142 applications were received seeking \$1,110,387. This represented a ratio of \$2.22 being requested for every \$1 available.

Applications were assessed based on their capacity to deliver on the outcome/s identified in the proposal. Staff met to workshop the application recommendations. Two meetings of the Grants Assessment Working Party were held on 4 and 9 August in order to finalise the recommendations outlined in the report attachment.

Following the Council decision, notifications will be sent to both successful and unsuccessful applicants. Those who are successful will be required to sign a Funding Agreement that outlines their requirements for delivering the programs, acknowledging Council's contribution and reporting. A Grants Presentation Ceremony has been scheduled for Tuesday 20 September at Bryan Brown Theatre commencing at 10am.

Governance and Administration Matters - 23 August 2022

ITEM 7.4 Cash and Investment Report as at 31 July 2022

AUTHOR Corporate

PURPOSE AND BACKGROUND

In accordance with clause 212 of the Local Government (General) Regulation 2021, the Responsible Accounting Officer must provide the council with a written report each month, which sets out the details of all money that council has invested under section 625 of the Local Government Act 1993.

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

ISSUE

This report details Council's cash and investments as at 31 July 2022.

RECOMMENDATION That -

1. The Cash and Investment Report as at 31 July 2022 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Imperium Markets Monthly Investment Report July 2022

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

DETAILED INFORMATION

Cash and Investment Summary – as at 31 July 2022

In total, Council's Cash and Investments holdings as at 31 July 2022 is as follows:

Cash and Investments	\$
Cash at Bank	8,775,534
Deposits at Call	45,026,606
Term Deposits	271,000,000
Floating Rate Notes	44,996,730
Workers Compensation Security Deposit	4,686,000
Bonds	36,000,000
Total Cash and Investments	410,484,870

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The following graph outlines Council's closing cash and investment balances from July 2022 to June 2023.

Summary of Council's investment interest income earned for the period to 31 July 2022 is as follows:

Cash and Investment Rolling Monthly Balance 2022-2023



Interest Income	July 2022 \$	Year-to-date July 2022 \$
Budget	501,875	501,875
Actual Interest	530,616	530,616
Variance	28,741	28,741
Variance (%)	0.06%	0.06%

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

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

Maturity Profile		
	Actual % of Portfolio	Policy Limits %
Cash	14.2	100
Working Capital Funds (0-3 months)	7.6	100
Short Term (3-12 months)	8.9	100
Short – Medium (1-2 years)	22.6	70
Medium (2-5 years)	46.7	50
Long Term (5-10 years)	0	5
Total Cash and Investments	100%	

Portfolio Allocation	
	Actual % of Portfolio
Cash at Bank	2.1
Deposits at Call	11.0
Term Deposits	66.0
Floating Rate Notes	11.0
Workers Compensation Security Deposit	1.1
Bonds	8.8
Total Cash and Investments	100%

Governance and Administration Matters - 23 August 2022

ITEM 7.5 **Sydney Metro City and Southwest - Proposed compulsory acquisition of easement for electricity supply purposes for land at Earlwood/Canterbury**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Sydney Metro City and Southwest ("SMC&SW") has sourced power for its Metro rail project from the Ausgrid substation adjacent to Hughes Park Earlwood.

As part of the project, there is an interval of cabling which will run from the Ausgrid substation through Council's Pat O'Conner Reserve for which SMC&SW are proposing to compulsorily acquire an easement.

Council's authority is sought for the General Manager to negotiate and determine any compensation payable to Council in accordance with a valuation provided by a registered valuer.

ISSUE

SMC&SW plan to compulsorily acquire an easement for electricity purposes, over Pat O'Connor Reserve, Earlwood. The report proposes that Council negotiate and determine compensation for the easement burdening its land.

RECOMMENDATION That -

1. The General Manager be authorised to negotiate and determine any compensation payable to Council in accordance with a valuation provided by a registered valuer.
2. The Mayor and General Manager be delegated authority to sign all documentation under the Common Seal of Council, as required.

ATTACHMENTS

Nil

POLICY IMPACT

There is no policy impact.

FINANCIAL IMPACT

Council will be entitled to receive, on behalf of the community, fair compensation on just terms related to the proposed compulsory acquisition of the easement.

COMMUNITY IMPACT

The acquisition of an easement for underground conduits through Pat O'Conner Reserve will likely be insignificant and generally only impact infrequently and minimally (if and when maintenance/testing activities occur).

DETAILED INFORMATION

Background

As part of the Metro rail project, Sydney Metro City and Southwest (“SMC&SW”) has sourced power from the Ausgrid substation adjacent to Hughes Park Earlwood.

Cabling to supply the power, for the majority of its route from the substation to the rail project site, mostly follows the road network but also, for a relatively short distance, traverses some land owned by Council.

The interval of cabling in question extends from the substation, through Pat O’Conner Reserve to Anzac Street Canterbury, from where it follows a route along public roads to its destination in the rail reserve adjacent to the Metro project works (see aerial photo below).

The proposed cabling easement is situated below the surface of the land and traverses the stormwater channel, near the substation, by means of a conduit bridge.

Pat O’Conner Reserve is already traversed by a number of aerial, high-voltage electricity lines, the easements for which together with its physical terrain, limits its use to be solely for passive, unstructured forms of public recreation.

The proposed easement will have minimal effect on the public’s use of the land.

Aerial showing proposed Easement location in Pat O’Connor Reserve



Compulsory acquisition process

SMC&SW will exercise its statutory powers to compulsorily acquire the easement for electricity purposes across Pat O'Connor Reserve.

A valuation will be obtained from a registered valuer of the compensation payable to Council for the compulsory acquisition of the easement which will form the basis of negotiations between Council and SMC&SW.

The intention is to reach agreement with SMC&SW on compensation payable. However, if agreement cannot be reached, Council may have to initiate a Class 3 appeal to the Land and Environment Court for the compensation's determination.

Governance and Administration Matters - 23 August 2022

ITEM 7.6 Malaysian Festival

AUTHOR City Future

PURPOSE AND BACKGROUND

The Malaysian Festival event held in 2019 at the Tumbalong Park, Darling Harbour, attracted over 40,000 people and was known as the biggest Malaysian Cultural Event in Sydney.

Post-pandemic, the Malaysian Postgraduate Students Association (MyPSA) which is a non-profit, volunteer-based organisation, have indicated interest in running their event in our City.

The purpose of this report is to seek endorsement to support the event in 2022 through Council's existing Village Festival Grants Program.

ISSUE

The Malaysian festival is a unique event, which will raise the profile of Canterbury Bankstown, and will bring in new audiences, in particular youth, students and their families, into our city and encourage local trading in the Campsie Town Centre.

The event organisers have approached Council seeking support through partnership to assist in delivering this large-scale event.

MyPSA is a volunteering body representing Malaysian postgraduate students and their families in Sydney and New South Wales territory. MyPSA is under the Malaysian Students' Council of Australia (New South Wales branch). It was founded in 2007 with the objective of supporting Malaysians studying in NSW and to help current and future Malaysian's feel proud to be in Australia.

This report provides information and objectives of the proposed Malaysian Cultural Festival and outlines proposed support that Council could consider providing to MyPSA.

RECOMMENDATION

That Council support the Malaysian Cultural Festival 2022 to be held Saturday 19 November 2022, 9am– 6pm, at Anzac Mall and Beamish Street, Campsie as set out in this report.

ATTACHMENTS

Nil

POLICY IMPACT

The recommendations of this report are consistent with the Canterbury Bankstown Community Strategic Plan, CBCity2028, which sets out the community's aspiration for events that celebrate and promote our local identity. Council has committed to providing the community and visitors with the opportunity to experience and participate in a diverse range of vibrant and stimulating events and cultural activities through its Local Strategic Planning Statement, Delivery Program and Operational Plan.

FINANCIAL IMPACT

It is estimated that the total budget for the event is in excess of \$75,000 which is being part funded through sponsorships and grants from the Ministry for Tourism. It is proposed that Council's contribution will be through in-kind support to the value of \$16,566 which will come from the existing Village Festival Grants Operational Plan budget.

COMMUNITY IMPACT

The event will bring excitement, culture and activation to Campsie CBD. It will bring visitors, positive media attention and economic growth. It will also showcase our City and promote a sense of belonging and cultural connection.

DETAILED INFORMATION

What is The Malaysian Cultural Festival?

The Malaysian Festival event is a significant cultural event organised by the Malaysian Postgraduate Students Association (MyPSA).

Their aim is to showcase Malaysia's diverse culture, bringing together the multi-religious and multi-ethnic Malaysian Diaspora in Australia.

The event has support from the High Commission of Malaysia, Ministry of Tourism, Arts and Culture, Malaysian Australian Welfare Association, as well as various corporate sponsors.

MyPSA has delivered various large-scale events in NSW such as the National Conference games 2012, Merdeka Raya (Independence and Eid) 2014 in Central Park and the Malaysia Festival in 2015 attracting over 10,000 people for each event. In 2022, MyPSA is aiming to promote Malaysia's rich cultural diversity to the community in NSW through the Malaysian Cultural Festival and attract over 35,000 people.

The main target groups they aim to attract to their event are:

- Malaysians in Australia
- Travellers in Sydney
- Backpackers
- Students of higher educational institutes
- Families, young adults and teenagers
- Working professionals

This year's festival is a free event and will consist of a vibrant program with food stalls offering Malaysian cuisine, as well as traditional games, and dance performances.

From 9am-6pm Anzac Mall, Campsie would feature a main stage set that showcases performances by Malaysian artists. Beamish Street would also be decorated with various food stalls and local businesses are proposed to be involved and open for local trading.

Event objectives

This is an opportunity for our City to be associated with having a strong and vibrant multicultural population which could attract business investment and visitors while showcasing our community and promoting a sense of belonging and cultural connection.

The event sets out the following objectives:

- Introduce and promote Malaysia's rich cultural diversity to the community in NSW;
- Create public awareness and understanding of Malaysia's diverse culture tradition;
- Engage and promote interaction between the public and the Malaysian community in Sydney;
- To grow the attendance numbers from Malaysia Festival 2019.

Support proposal

The City of Canterbury Bankstown is proposing to partner with MyPSA. This is an opportunity for our City to be associated with having a strong and vibrant multicultural population which will attract business investment and visitors. It will showcase our community and promote a sense of belonging and cultural connection.

It is proposed that Council could offer the following in-kind support:

- Traffic Management Plan - \$7,500
- Venue hire - \$2,066
- Waste and cleaning - \$5,500
- Advertise on Council website and local media including Mayor's column, council's EDM, internal council news, and a torch advertisement \$1,500

Total Council contribution: \$16,566

Conclusion

This event proposal aligns with the objectives of Council's Village Festival Grants which has been setup to support not-for-profit organisations or community groups in delivering community driven, fete-style festivals which take place within business centres of the City creating a village fair which supports and enhances the business in that centre.

It also aligns with the grant objectives to:

- Encourage visitation;
- Acknowledge diversity and build harmony;
- Nurture community pride or sense of belonging;
- Contribute to a positive image of Canterbury-Bankstown and its people;
- Promote the City and its suburbs and showcase local talent;
- Educate, inform and engage;
- Provide fun, affordable and accessible activities for local residents.

The recent Village Festival Grant applications have recently closed, however at the time there were no suitable applicants despite making contact with numerous groups and organisations as well as advertisements. As a result funding remains in this budget. It is recommended that the support Council provides come from the existing Village Festival Grants Operational Plan budget to assist event organisers with hire of event infrastructure and equipment, marketing and traffic management. As noted above this is consistent with the grant objectives.

Governance and Administration Matters - 23 August 2022

ITEM 7.7 Property Matter - Leigh Place Aged Care, 12-18 Leigh Avenue, Riverwood

AUTHOR Corporate

PURPOSE AND BACKGROUND

In 1986 the former Canterbury Council purchased a 3Ha site in Riverwood from the Department of Education (via the NSW Premiers Department) to establish an aged persons accommodation facility.

In acquiring the site, Council subsequently partnered with Land and Housing Corporation (LAHC) to have LAHC construct the facility on part of the site.

The aged care accommodation constructed by LAHC is known as Leigh Place Aged Care (LPAC) and is a 68-bed high-care aged care facility.

In addition to the lease, Council and LAHC entered into certain Management Agreements that define the project principles and oblige LAHC to operate and maintain the aged care facility in accordance with those principles.

With Council's agreement, LAHC entered into a sub-lease with Leigh Place Aged Care (LPAC), whereby LPAC assumed LAHC's management obligations.

In accordance with the provisions of the Lease, LAHC has recently notified Council of its intention to transfer the lease to LPAC.

Notwithstanding the above – particularly LPAC's inability to assign the Management Agreements to LPAC - all parties have agreed to negotiate a more contemporary leasing arrangement, particularly to:

- end the current management agreements which bind and/or place obligations on both LAHC and Council; and
- importantly provide LPAC the opportunity to request any reasonable modifications to suit practical operational performance and requirements of financiers, if required.

Both LAHC and LPAC have agreed to the approach.

ISSUE

To seek Council's endorsement to allow the General Manager to negotiate with LPAC and LAHC - and enter into a new contemporary ground lease with LPAC.

The new lease will:

- Incorporate certain provisions of the Management Agreement – which would ordinarily be included in a standard lease;
- give LPAC the opportunity to request any reasonable modifications to suit practical operational performance and requirements of financiers;
- surrender of the Head Lease; and
- mutual release of rights and obligations under the Primary and Management Agreements.

All other terms and conditions of the existing lease will continue to operate as normal.

RECOMMENDATION

That Council agree to the Proposed Approach in addressing the matter, as outlined in the report.

ATTACHMENTS

Nil

POLICY IMPACT

The report has no policy impact.

FINANCIAL IMPACT

The renegotiation of the lease with LPAC will have no financial impact on Council, as the Lessee will be responsible for the ongoing operation and maintenance costs of the facility.

COMMUNITY IMPACT

A new ground lease between Council and LPAC will ensure the ongoing provision of aged care accommodation services within our City.

DETAILED INFORMATION

Background

In 1986 the former Canterbury Council purchased a 3Ha site in Riverwood from the Department of Education (via the NSW Premiers Department) to establish an aged persons accommodation facility.

Council partnered with Land and Housing Corporation (LAHC) to have LAHC construct the facility on part of the site.

Following construction of the aged care facility the balance of the land was subdivided, re-zoned to Industrial 2(b) and sold by Council.

The aged care accommodation constructed by LAHC is known as Leigh Place and is a 68-bed high-care aged care facility.

The 8,116m² site is located at 12-18 Leigh Avenue, Riverwood (Lot 1 DP 775862). The property is zoned R3 Medium Density Residential and classified as Operational land (refer aerial photo below).

Council and LAHC entered a 99-year lease on 1 January 1989. LAHC pays Council a “peppercorn” rent of \$1 per annum.

In addition to the lease, Council and LAHC entered into agreements that define the project principles and oblige LAHC to operate and maintain the aged care facility in accordance with those principles.

With Council’s agreement, LAHC entered into a sub-lease with LPAC, whereby LPAC assumed LAHC’s management obligations.

LPAC is a not-for-profit charity. The sub-lease is for the same term as the head lease. LPAC pays LAHC a “peppercorn” rent of \$1 per annum.

On 12 November 2021 LAHC gave notice to Council that it intended to transfer its lessee interest to LPAC, in accordance with the provisions of the lease.

Following several meetings with Council, LAHC has agreed to place the transfer of the head lease on hold, pending the in-principle agreement for a contemporary lease to be negotiated between Council and LPAC. This was supported by LPAC

Lease Limitation/Constraints

In November 2021, LAHC providing notice of its intention to assign the Head Lease to LPAC under Clause 7 of the Lease. LAHC has advised that LPAC has reimbursed it for the construction of the facility and that LAHC no longer has any involvement with the day to day operation of the facility.

Council had identified that whilst LAHC could legally assign the lease, it had no power to assign the management agreements with Council that operated in tandem with the head lease – and thereby LAHC would continue to be bound by the obligations of the Management Agreement despite assigning the lease.

Whilst not clear as to the reasoning why – the Head Lease, in its current form between Council and LAHC omits to several fundamental covenants usually found in a long-term lease, including:

- payment of outgoings;
- repair and maintenance;
- right to undertake alterations; and
- insurance following completion of the construction works.

Separately, the lease and the Agreements contain specific cross default and termination provisions which are interlinked between both the Head Lease and Agreements.

All parties have agreed that the current legal arrangements be reviewed and that a more contemporary legal arrangement be established which would:

- allow LAHC and Council to surrender the Head Lease – and allow LAHC to withdraw itself from all arrangements/obligations;
- allow council to enter a standard ground lease with LPAC;
- ensure that all relevant management, operational and building risks rest with and/or revert to LPAC; and
- allow LPAC the opportunity to request any reasonable modifications to suit practical operational performance and requirements of financiers, if required.

All other terms and conditions – including rent and the term of the lease - would continue to apply, as normal.

An aerial of the site is included for Councillors information.

Aerial of 12-18 Leigh Avenue, Riverwood



Proposed Approach

All parties have agreed for Council to prepare the relevant standard/relevant lease documents and put into effect the necessary steps to finalise the above.

Given that the essence and/or primary provisions of the original head lease and agreements would continue to apply – it is proposed that the General Manager – in consultation and advice from its lawyers - be authorised to negotiate and finalise the following:

- negotiate a contemporary lease between Council and LPAC which will:
 - include the missing Lease Covenants so that further reliance on LHC's Procurement Obligation in relation to application of project objectives and project revenues is not necessary;
 - remove cross references to the Primary and Management Agreements;
 - remove the linkage to the Management Agreement in the default and termination provisions;
 - give LPAC the opportunity to request any reasonable modifications to suit practical operational performance and requirements of financiers.
- surrender of the Head Lease; and
- mutual release of rights and obligations under the Primary and Management Agreements.

Subsequently, once all parties are in agreement and the Ground / Head Lease is finalised, it is proposed that the Mayor and the General Manager would sign all documents under the common seal of Council, as well as the surrender of all previous lease documents and management agreements between LAHC and LPAC, as required.

8 SERVICE AND OPERATIONAL MATTERS

The following item is submitted for consideration -

8.1 Women's Rest Centres

123

Service and Operational Matters - 23 August 2022

ITEM 8.1 Women's Rest Centres

AUTHOR Community Services

PURPOSE AND BACKGROUND

To provide Council with a report on the background of Women's Rest Centres in the Canterbury Bankstown LGA and the details of trial reopening proposal.

ISSUE

Canterbury Bankstown had two operating Women's Rest Centres in the LGA pre-COVID. In response to the risk mitigation regulations and guidelines mandated through NSW Health for COVID these Women's Rest Centres were closed in March 2020.

This report proposes to re-open these Centres for a trial period of six months so that usage data can be collected to help Council undertake an informed review of the service.

RECOMMENDATION That -

1. Council re-open the Campsie and Lakemba Women's Rest Centres in accord with their former hours, days and level of service for a trial period of six months commencing in late September 2022 so that usage data can be collected.
2. The outcomes of the trial are to be reported back to Council.

ATTACHMENTS

Nil

POLICY IMPACT

Council does not have a policy that directly relates to the provision and operation of these Centres.

FINANCIAL IMPACT

Both Centres would spend roughly \$500 each on consumables over six months, that is mainly toilet paper and other paper products. Also, the Centres provide nappy and sanitary services including air freshers which cost about \$500 per Centre.

Cleaning wages are estimated at \$37,414 for the Campsie Centre and \$41,158 for the Lakemba Centre, totalling \$81,000 for the six months trial.

Funding for this trial can be considered through Councils quarterly Operational Financial Review Processes.

COMMUNITY IMPACT

The proposal outlined in this report to reopen these Centres for a six-month trial period would provide Council with valuable data on their usage. This data could then inform ensuring that the communities needs are understood and appropriately considered.

DETAILED INFORMATION

Women's Rest Centres were a service that goes back to the 1960's for Local Government. There isn't much information available about this service model other than it is clear that there are not many LGA's that still provide such a service. The records would indicate that generally at a Women's Rest Centre it was a serviced facility that provided facilities for Women:

- Some storage spaces
- Public toilets
- Sitting space such as a communal room

Over time many have been closed down such as Cronulla Women's Rest Centre or repurposed such as the Bankstown Women's Rest Centre which is now a pop-up Art Studio or the Eastwood Women's Rest Centre which is now a hireable facility.

There is no historical data on patronage for our Centres. Furthermore, staff in Council's Cleaning Team, who either supervised or worked cleaning the Centres advise that Lakemba Women's Rest Centre would see up to 20 women a day and Campsie Women's Rest Centre up to 40 women a day on average. However, there is no other details on this data such as;

- How often they used it?
- Why did they use it?
- Where do they come from?
- Did they use it for anything else then a toilet facility?

The Centres were open prior to COVID 19 closures in March 2020 from 8.30am to 5pm Monday to Friday and 9.00am to 1.00pm Saturday at Lakemba.

Of note is that these Centres are in close proximity to quite large Council Library and Knowledge Centre Facilities, being the Campsie Library and Knowledge Centre and Lakemba Library and Knowledge Centre respectively. These facilities offer everything and more to what is offered in the Rest Centres with access to services such as computer access, WIFI and community information.

The trial period will allow us to understand how the community use these spaces and what value the community sees in these facilities to ensure we fully understand the current and emerging needs, and not just continue to do what we have done in the past.

9 COMMITTEE REPORTS

The following item is submitted for consideration -

9.1	Minutes of the Traffic Committee Meeting held on 9 August 2022	129
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Committee Reports - 23 August 2022

ITEM 9.1 **Minutes of the Traffic Committee Meeting held on 9 August 2022**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 9 August 2022.

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

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

ISSUE

Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 9 August 2022, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. Minutes of the Traffic Committee Meeting held on 9 August 2022

POLICY IMPACT

The matter has no policy implications to Council.

FINANCIAL IMPACT

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

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	133
10.2 Welcome Father Superior, Assaad Lahoud - Councillor Rachelle Harika	135
10.3 Revesby Police - Councillor Linda Downey	137
10.4 Suez Recycling and Recovery Facility - Violet Street, Revesby - Councillor Linda Downey	139
10.5 Mental Health Awareness and Treatment - Councillor Bilal El-Hayek	141
10.6 Rohingya Refugees in Canterbury Bankstown LGA - Councillor Sazed Akter	143

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.1 **Status of Previous Notices of Motion**

AUTHOR **Office of the General Manager**

ISSUE

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

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Notice of Motion Table - August 2022
- B. Correspondence Sent - Previous Notice of Motions
- C. Correspondence Received - Previous Notice of Motions

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.2

Welcome Father Superior, Assaad Lahoud

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

“That Council

1. Acknowledges the recent appointment of Father Superior, Assaad Lahoud, of St Charbel’s Monastery at Punchbowl, and to thank the outgoing Father Charbel Abboud for his leadership and tireless work in our City.
2. Holds a Mayoral Civic reception in honour of both men to show our appreciation and support on behalf of the Maronite people and the entire community.”

BACKGROUND

The Lebanese Maronite order arrived in Australia in 1972 and very soon set up its first chapel in Highclere Ave at Punchbowl. From very humble beginnings, saying mass in a small modest house, with worshippers spilling into the backyard and sitting under vine plants, to what is in place today.

The monks embarked on building and expanding the church and monastery, and by the end of 1983 had completed their work on a fully operational primary school. By 1994, their vision to complete secondary schooling up to the year 12 was complete and now boasts in excess of 1000 students.

A new library, playgrounds, car parks a community hall and more recently an aged care home just some of the facilities shared by the community.

St Charbel’s Monastery, and the dedicated monks, pray and visit the sick, feed the poor and vulnerable, care for the elderly in our community and promote the faith and teachings of the church.

The monks lead by example and Father Charbel Abboud’s selfless approach and leadership, along with others before him, is the reason why St Charbel’s following has grown in the tens of thousands and our Council has a special relationship with the church.

FINANCIAL IMPACT

I understand that the likely cost of holding a Civic Reception in the chambers for Councillors with father Lahood and Father Abboud with limited guests would be less than \$1,000. Given the significance of the stakeholders to large parts of our community – and minimal cost – I propose that the event be funded from Council's Community Grants and Sponsorship Program.

GENERAL MANAGER'S COMMENT

Given its value/cost, the motion, as written, can be funded from Council's Community Grants and Sponsorship Program.

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.3 Revesby Police

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

“Council writes to the NSW Minister for Police, The Hon. Paul Toole MP, calling on him to rebuild the Revesby Police station and properly resource it to give the community surety and confidence in our Police Force. We further call on the Minister to restore and increase the police on the beat in and around our town centres.”

BACKGROUND

The latest gangland style shooting of two women at Panania has once again highlighted the need for a fully staffed and resourced police station at Revesby. The community doesn't want a dilapidated building with a police sign out the front running highway patrols, it wants investigators, police walking the streets, it wants a police presence gathering intel on the ground, reassuring community members the force is with them.

The Bankstown Police Area Command currently covers 23 suburbs including:
Bankstown 2200 Bankstown Aerodrome 2200 Bass Hill 2197 Birrong 2143 Chester Hill 2162 Chullora 2190 Condell Park 2200 East Hills 2213 Georges Hall 2198 Greenacre 2190 Lansdowne 2163 Milperra 2214 Mount Lewis 2190 Padstow 2211 Padstow Heights 2211 Panania 2213 Picnic Point 2213 Potts Hill 2143 Revesby 2212 Revesby Heights 2212 Sefton 2162 Villawood 2163 Yagoona 2199.

A Police command to service tens of thousands of residents is not sustainable or realistic.

The community wants to see more police on foot walking around the shops and engaging with them, not just Highway Patrol cars screaming out of Revesby Police Station looking for traffic offenders.

The last time our city saw police on the ground was during COVID, remember the police on horseback, helicopters and heavily armed units crash tackling non-mask wearing locals!

However, the new local area Commander Supt Adam Johnson is doing what he can with the resources available and has conducted several shopping centre 'walk-throughs' at Bass Hill and Greenacre but nothing yet in the southern part of the command.

The latest bureau of crime statistics for the past six months shows that drug crime in our City is above the State average, and there are high rates of assault and robbery.

The Revesby Police Station was built around 70 years ago to service a community which consisted of a large number of market gardens and an ageing population. The area has grown since then and according to the latest population figures boasts around 14,000 residents.

FINANCIAL IMPACT

The motion does not present any financial impact for Council.

GENERAL MANAGER'S COMMENT

The motion, as written, presents no financial impact for Council.

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.4 Suez Recycling and Recovery Facility - Violet Street, Revesby

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

“Council writes to the NSW Minister for Environment and Heritage, The Hon. James Griffin MP, calling on him to take urgent action to address the stench and distress to local residents caused by the Suez/Veolia Biosecurity Treatment Plant facility at Revesby.

I further propose we write to the Environment Protection Authority calling on them to conduct a full investigation at the facility on their emissions and practices and issue heavy fines, or shutdown orders for any breaches.”

BACKGROUND

Suez Recycling and Recovery is situated at 78 Violet Street Revesby. And as of 22 March 2022, is now a part of Veolia, a company which touts itself as a global leader in environmental services.

A company that “warmly welcomes all new customers” and encourages feedback from the community.

That is unless you want to complain!

The Violet street facility is fast becoming known to nearby locals as the emitter of the foulest of odours. . . . quite at odds with the name of the street.

Residents and local businesses have had a nostril full of this blatant air pollution and are now demanding action by the EPA and the NSW Government. They are fed up and desperate as their requests for answers have been ignored.

Surrounding businesses have complained of smells getting trapped in their premises and lingering for hours, while others go further and say their staff are having to endure a mixture of rotting meat, tobacco and garbage smells.

They claim with summer fast approaching the situation will be ten times worse.

According to the EPA website they have been fined twice but they are clearly not heeding the authorities or our community.

FINANCIAL IMPACT

The motion does not present any financial impact for Council.

GENERAL MANAGER'S COMMENT

The motion, as written, presents no financial impact for Council.

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.5 Mental Health Awareness and Treatment

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

“That Council remembers and honours the life of legendary Rugby league coach and player Paul Green by dedicating a page on its social and digital media platforms toward the promotion of mental health awareness and treatment. I further propose this tribute coincides with his private and public memorial which will be held on 30 August 2022.”

BACKGROUND

Paul Green passed away suddenly at his home on August 11, 2022. Just weeks away from celebrating his 50th birthday.

Paul Green had an impressive playing and coaching career which included 162 games for several clubs including Cronulla, North Queensland, Sydney Roosters, Parramatta and the Brisbane Broncos.

He also represented Queensland in seven State of Origin games.

One of the many highlights of his career was when he coached North Queensland to a Grand final victory over the Brisbane Broncos, winning 17-16 by a last-minute field goal.

His extraordinary career overshadowed by his inner demons which nobody saw or knew about until his sudden death.

A common theme among many men in our community who suffer from mental illness yet choose to suffer in silence because they are too embarrassed to speak out.

The latest figures reveal that one in five Australians aged between 16-85 experience a mental illness in any year. . . and nearly 45 per cent at some time in their life.

For men the figures are quite alarming as they tend not to report. However, 2 in every 5 will be diagnosed with a metal health disorder in their lifetime.

Paul Green's passing highlights the need to continually promote mental awareness campaigns and organisations where sufferers can seek help. Organisations like: Lifeline — 13 11 14; MensLine Australia — 1300 789 978; BeyondBlue — 1300 224 636; Suicide Call Back Service — 1300 659 467; Headspace — 1800 650 890; Kids Helpline — 1800 551 800, <https://missionofhope.org.au/hayat-line-telephone-crisis-intervention-service/>

His farewell will be held on 30 August 2022 at Kougari Oval, at Wynnum Manly where he played his junior football.

FINANCIAL IMPACT

The motion does not present any financial impact for Council.

GENERAL MANAGER'S COMMENT

The motion, as written, presents no financial impact for Council.

Notice of Motions & Questions With Notice - 23 August 2022

ITEM 10.6

Rohingya Refugees in Canterbury Bankstown LGA

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

“That Council writes to the UN High Commissioner for Human Rights, Michelle Bachelet, on behalf of the Rohingya refugees in our City, and congratulate her on just completing the first official visit by a UN Human Rights chief to Myanmar, a region under siege.”

BACKGROUND

The latest Census paints a very vivid picture of the size and makeup of our City and the different cultures that co-exist here. There is something like 176 languages spoken from countries around the world, countries some in the community would have difficulty finding on a map.

However, there are many communities, whilst small in numbers, contribute so much to the cultural mix and social well-being of our City. These communities don't “make a noise” or “promote themselves” but simply go about living peacefully in our City.

The refugees from Rohingya is one such community. Beautiful people who were forced to flee the violence in Myanmar and seek refuge in neighbouring Bangladesh.

The Rohingya people are stateless and their plight has seemingly been forgotten by World leaders.

However, the UN High Commissioner for Human Rights, Michelle Bachelet's, visit just last week has again highlighted and shone a spotlight on the region. Ms Bachelet's 4-day visit took in a number of locations including a refugee camp in Cox's Bazar, as she witnessed first-hand the humanitarian crisis unfolding.

Ms Bachelet's mission and ongoing work must be commended.

FINANCIAL IMPACT

The motion does not present any financial impact for Council.

GENERAL MANAGER'S COMMENT

The motion, as written, presents no financial impact for Council.

11 CONFIDENTIAL SESSION

11.1 Canterbury Leisure and Aquatic Centre EOI Principal Contractor

11.2 Property Matter - Heartbreak Ridge Paint Ball, 2 Maxwell Avenue, Milperra

11.3 T63-22 Brighton Avenue, Croydon Park and Fifth Avenue, Campsie Bridge
Rehabilitation Tender

11.4 General Manager's Performance Review

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

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

Item 11.1 Canterbury Leisure and Aquatic Centre EOI Principal Contractor

This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

Item 11.2 Property Matter - Heartbreak Ridge Paint Ball, 2 Maxwell Avenue, Milperra

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

Item 11.3 T63-22 Brighton Avenue, Croydon Park and Fifth Avenue, Campsie Bridge Rehabilitation Tender

This report is considered to be confidential in accordance with Section 10A(2)(d)(ii) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

Item 11.4 General Manager's Performance Review

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