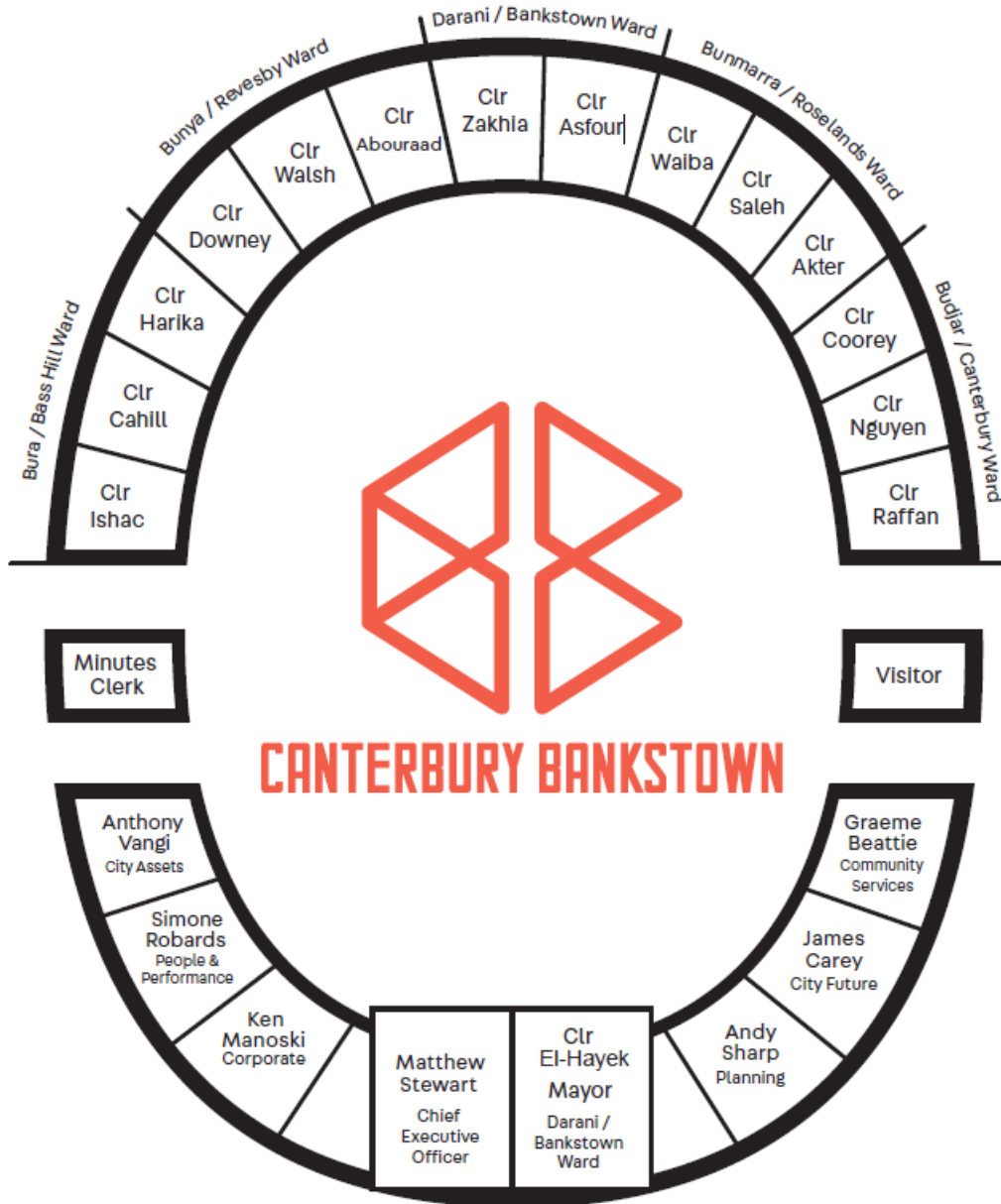




AGENDA FOR THE ORDINARY MEETING

25 July 2023

Gallery



Statement of Ethical Obligations

Oath or Affirmation of Office

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

Conflicts of Interest

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

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1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1 Minutes of the Ordinary Meeting of Council of 27 June 20239

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 27 JUNE 2023

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

APOLOGIES Councillors Asfour and Raffan

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 7.15 PM.

ACKNOWLEDGEMENT OF COUNTRY

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

SECTION 1: CONFIRMATION OF MINUTES

(454) CLR. ABOURAAD:/CLR. HARIKA

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 May 2023 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

(455) CLR. HARIKA:/CLR. ISHAC

RESOLVED that Leave of Absence be granted to Clr Asfour and Clr Raffan due to personal reasons.

- CARRIED

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

In respect of Item 4.5 – Local Community Based Donations, Clr Saleh OAM declared a Significant, Non Pecuniary Conflict of Interest given his role as Chair of the Riverwood Community Centre, and as such, he will vacate the chamber taking no part in debate.

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In respect of Item 4.5 – Local Community Based Donations, Clr Waiba declared a Significant, Non Pecuniary Conflict of Interest given her role as Board Member of the Riverwood Community Centre, and as such, she will vacate the chamber taking no part in debate.

In respect of Item 11.4 – Voyager Point Footbridge – Agreement with Liverpool City Council, Clr Ishac declared a Non-significant, Non Pecuniary Conflict of Interest given his work involvement at Liverpool City Council, and as a matter of precaution, he will vacate the chamber taking no part in debate.

SECTION 4: MAYORAL MINUTES

ITEM 4.1 THE VOICE TO PARLIAMENT REFERENDUM

(456) CLR. EL-HAYEK

RESOLVED that

1. Council establishes a Your Choice, Your Voice information page on our corporate and social media sites, and to utilise the Federal Government's Yes and No referendum material to present a balanced and unbiased coverage.
2. Council facilitates information sessions across our City, which includes distributing the Federal Government material.

- CARRIED

ITEM 4.2 MAYOR'S SLEEPOUT 2023

(457) CLR. EL-HAYEK

RESOLVED that

1. Council to hold a Mayor's sleepout on 11 August 2023, aptly during homelessness week (6-12 August 2023).
2. Community leaders and business CEOs be invited to join me as we raise funds through Mission Australia.
3. Council staff identify a suitable location and coordinate the event, including promoting it through the community.

- CARRIED

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ITEM 4.3 **BANKSTOWN-LIDCOMBE HOSPITAL LOCATION**
(458) **CLR. EL-HAYEK**

RESOLVED that Council write to the NSW Health Minister the Hon. Mr Ryan Park MP asking him to clear up the ambiguity around the location of the new hospital and to update us on a timeline to build it.

- CARRIED

CLR COOREY REQUESTED THAT HER NAME BE RECORDED AS VOTING AGAINST THIS RESOLUTION.

ITEM 4.4 **MAYORAL CERTIFICATES OF RECOGNITION**
(459) **CLR. EL-HAYEK**

RESOLVED that

1. Council introduce Mayoral Certificates of Recognition, certificates awarded to individuals, organisations and school children and not based on any popular vote but merit.
2. The first certificate will be a Mayoral award bestowed to locals who contribute to our city. This recognition could be a certificate of letter to those I encounter, or am told about, during my visits across our City.
3. The second certificate will acknowledge the school children in our City by introducing the Mayor's Merit Award. This non-academic award will be given to a student/s, nominated by their school, as someone who has contributed to making a real difference. It could be through volunteering, through creative and innovative thinking or maybe mentoring other students.

- CARRIED

ITEM 4.5 **LOCAL COMMUNITY BASED DONATIONS**

In respect of Item 4.5 – Local Community Based Donations, Clr Saleh OAM declared a Significant, Non Pecuniary Conflict of Interest given his role as Chair of the Riverwood Community Centre, and as such, he vacated the chamber taking no part in debate.

In respect of Item 4.5 – Local Community Based Donations, Clr Waiba declared a Significant, Non Pecuniary Conflict of Interest given her role as Board Member of

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the Riverwood Community Centre, and as such, she vacated the chamber taking no part in debate.

CLRS SALEH OAM AND WAIBA TEMPORARILY VACATED THE CHAMBER AT 7.30 PM AND RETURNED AT 7.31 PM.

(460)

CLR. EL-HAYEK

RESOLVED that

1. Council support a fee waiver for The Association for the Development of the Arabic Folk Poetry in Australia and the Arab World Incorporation towards the hire of the Bryan Brown Theatre of \$500.00.
2. Council support a fee waiver for the Recreation Sports and Aquatics Club towards the hire of Grahame Thomas Oval of \$500.00.
3. Council support a fee waiver for the East Hills Charity Car Show towards the hire of Kelso Park of \$574.00 and an in Kind donation (electrical services) of \$400.00.
4. Council support a donation to support the Padstow Community Care 2023 Winter Appeal of \$1,000.00.
5. Council support a few waiver for Riverwood Community Centre towards the hire of Salt Pan Creek Reserve of \$643.00.

- CARRIED

SECTION 5:

PLANNING MATTERS

ITEM 5.1

ST PAUL'S ANGLICAN CHURCH – 459 CHAPEL ROAD, BANKSTOWN

(461)

CLR. CAHILL:/CLR. DOWNEY

RESOLVED that

1. Council notes that under Council's delegation for making an Interim Heritage Order, it cannot apply for an Interim Heritage Order for a second time.
2. Council notes that the Heritage Office of the Department of Planning and Environment has noted it would not place an Interim Heritage Order on the St Paul's Anglican Church site, and recommended Council consider heritage as part of the Bankstown City Centre Master Plan.
3. Council investigate the significance of the St Paul's Anglican Church site at 459 Chapel Road, Bankstown as part of a heritage study, to include all previous reports (in accordance with recommendation 2).

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4. Council request the Department of Planning and Environment to exhibit the heritage study together with the Bankstown City Centre planning proposal post-Gateway.
5. The matter be reported to Council following the exhibition of the Bankstown City Centre planning proposal, including a response to proposed heritage listings.

- CARRIED

ITEM 5.2 **PLANNING PROPOSAL - 30 TREVENAR STREET, ASHBURY**
(462) **CLR. DOWNEY:/CLR. ABOURAAD**

RESOLVED that

1. The matter be deferred for a Councillor Briefing
2. Council Officers write to the Department of Planning to seek an extension of time.

- CARRIED

SECTION 6: **POLICY MATTERS**

ITEM 6.1 **ENVIRONMENTAL SUSTAINABILITY POLICY**
(463) **CLR. ISHAC:/CLR. ZAKHIA**

RESOLVED that Council adopts the updated Environmental Sustainability Policy.

- CARRIED

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ITEM 6.2 **MOBILE FOOD VENDING VEHICLES POLICY**
(464) **CLR. ZAKHIA:/CLR. ABOURAAD**

RESOLVED that

1. Council endorse the Mobile Food Vending Vehicles Policy, and the Policy to be placed on public exhibition.
2. A further report be brought back to Council, following public exhibition.

- CARRIED

ITEM 6.3 **COUNCILLOR EXPENSES AND FACILITIES POLICY**
(465) **CLR. DOWNEY:/CLR. CAHILL**

RESOLVED that the matter be deferred for a Councillor Briefing.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 **INTEGRATED PLANNING AND REPORTING - ADOPTION OF REVISED CBCITY 2025**
(INCORPORATING THE DELIVERY PROGRAM 2022-25 AND OPERATIONAL PLAN
2023/24), ASSET MANAGEMENT STRATEGY 2023-33 AND FINANCIAL
MANAGEMENT STRATEGY 2023-33
(466) **CLR. ABOURAAD:/CLR. CAHILL**

RESOLVED that

1. In accordance with *ss402-406* of the *Local Government Act 1993*, Council's revised Integrated Planning and Reporting documents, including Council's Delivery Program 2022-25 and Operational Plan 2023/24 incorporating the Budget and Schedule of Fees and Charges (collectively known as CBCity 2025); Asset Management Strategy 2023-33; and Financial Management Strategy 2023-33 be adopted.
2. Those members of the community that provided formal submissions be thanked and advised of Council's responses in this report.

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3. In accordance with the relevant sections of the *Local Government Act 1993*, Council makes the following Rates and Charges – Former Bankstown City Council:

3.1 Rating

Subject to the provisions of the *Local Government Act 1993*, an ordinary rate be made and levied for the rating year 1 July 2023 to 30 June 2024 upon the land value of all rateable land within the former Bankstown City Council categorised as Residential or Business as detailed in the following table:

Category / Sub-Category	Ad-Valorem Rate	Minimum Rate
Residential – Ordinary	0.00126660	\$990.00
Business – Commercial Large	0.00424311	\$990.00
Business – Commercial General	0.00360981	\$990.00
Business – Industrial Large	0.00424311	\$990.00
Business – Industrial General	0.00360981	\$990.00
Business – Ordinary	0.00297651	\$990.00

The residential and business ad valorem rates in the table above have been adjusted to account for year 3 (2023/24) of the eight-year gradual harmonisation process in order to have one harmonised rating structure for the City by 1 July 2028.

3.1.1 Bankstown Airport

For properties where an ex-gratia payment in lieu of rates is applicable, Council will apply an equivalent ad-valorem rate or minimum charge that applies to the Business – Industrial General sub-category.

3.2 Domestic Waste Management Service Charges

Subject to provision of Sections 496, 501, 502 and 504 of the *Local Government Act 1993*, annual Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2023 to 30 June 2024, as follows:

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Type of Charge	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic – Waste Management	\$605.00
Each additional service in respect of single dwelling premises.	Domestic Waste Extra Service	\$335.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$369.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$1015.00
Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,667.00
Each additional service in respect of recycling.	Extra Recycling Service	\$94.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$153.00
Rateable Vacant Land	Domestic Waste Vacant Land	\$159.00
Each additional service in respect of multi residential unit - single bins	Domestic Waste Extra Service Strata single bin	\$166.00

3.3 Stormwater Management Charges

Council make and levy an annual stormwater management service charge for the year 1 July 2023 to 30 June 2024 as follows:

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

3.3.1 Mixed Developments

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

3.3.2 Bankstown Airport

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

3.3.3 Exemptions

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

3.4 Interest Rate on Overdue Rates & Charges

Subject to the provisions of Section 566(3) of the *Local Government Act 1993* the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The rate of interest payable on overdue rates and charges for the period 1 July 2023 to 30 June 2024 (inclusive) will be 9.0% per annum.

3.5 Voluntary Pensioner Rebate

In addition to the current maximum pensioner rebate of \$250.00 per annum, Council continue to provide a further voluntary rebate, totalling \$40.00 per annum in accordance with Council's 'Rates and Charges, debt recovery and Hardship Assistance Policy'.

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

4.1 Rating

Subject to the provisions of the *Local Government Act 1993*, an ordinary rate be made and levied for the rating year 1 July 2023 to 30 June 2024 upon the

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land value of all rateable land within the former Canterbury City Council categorised as Residential or Business as detailed in the following table:

Category / Sub-Category	Ad-Valorem Rate	Minimum Rate
Residential – Ordinary	0.00129942	\$990.00
Business – Commercial Large	0.00435306	\$990.00
Business – Commercial General	0.00370335	\$990.00
Business – Industrial Large	0.00435306	\$990.00
Business – Industrial General	0.00370335	\$990.00
Business – Ordinary	0.00305364	\$990.00

The residential and business ad valorem rates in the table above have been adjusted to account for year 3 (2023/24) of the eight-year gradual harmonisation process in order to have one harmonised rating structure for the City by 1 July 2028.

4.2 Domestic Waste Management Service Charges

Subject to the provisions of Sections 496, 501, 502 and 504 of the *Local Government Act 1993*, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2023 to 30 June 2024, as follows:

Type of Premises	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic Waste Service	\$605.00
Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$605.00
Each additional service.	Domestic Waste Extra Service	\$335.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$369.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$1,015.00

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Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,667.00
Each additional service in respect of recycling.	Extra Recycling Service	\$94.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$153.00
Rateable Vacant Land	Domestic Waste - Vacant	\$159.00

4.3 Stormwater Management Charges

Council make and levy an annual stormwater management service charge for the year 1 July 2023 to 30 June 2024 as follows:

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

4.3.1 Mixed Developments

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

4.3.2 Exemptions

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

4.4 Interest Rate on Overdue Rates & Charges

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ITEM 7.4 **2023-2027 COMMUNITY SAFETY & CRIME PREVENTION PLAN**
(469) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council endorses the draft 2023 – 2027 Community Safety & Crime Prevention Plan for Public Exhibition.
2. A further report be brought back to Council following the Public Exhibition.
3. Council engage with Police during the exhibition to establish their infrastructure needs to support this plan.

- CARRIED

ITEM 7.5 **CODE OF MEETING PRACTICE - AMENDMENT TO 2023 SCHEDULE OF MEETINGS**
(470) **CLR. ISHAC:/CLR. HARIKA**

RESOLVED that the 2023 Schedule of Council Meetings be amended – whereby the August 2023 Ordinary Meeting of Council be rescheduled from Tuesday, 22 August 2023 to Tuesday, 29 August 2023.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 **CAMPSIE ADMINISTRATION BUILDING - REACTIVATION OF COUNCIL MEETINGS**
(471) **CLR. DOWNEY:/CLR. CAHILL**

RESOLVED that Council does not proceed with any refurbishment of the former council chambers at Campsie, for the reasons as outlined in the report.

- CARRIED

CLR COOREY REQUESTED THAT HER NAME BE RECORDED AS VOTING AGAINST THIS RESOLUTION.

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ITEM 9.1 **MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD ON 3 MAY 2023**
(475) **CLR. ZAKHIA:/CLR. HARIKA**
RESOLVED that the recommendations contained in the minutes of the Floodplain Management Committee meeting held on 3 May 2023 be endorsed.
- CARRIED

ITEM 9.2 **MINUTES OF THE COMMUNITY & INCLUSION ADVISORY COMMITTEE MEETING HELD ON 15 MAY 2023**
(476) **CLR. ZAKHIA:/CLR. HARIKA**
RESOLVED that the minutes of the Community & Inclusion Advisory Committee meeting held on 15 May 2023 be endorsed.
- CARRIED

ITEM 9.3 **MINUTES OF THE UNIVERSAL ACCESS ADVISORY COMMITTEE MEETING HELD ON 7 JUNE 2023**
(477) **CLR. ZAKHIA:/CLR. HARIKA**
RESOLVED that the minutes of the Universal Access Advisory Committee meeting held on 7 June 2023 be endorsed.
- CARRIED

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ITEM 9.4 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 13 JUNE 2023**
(478) **CLR. ZAKHIA:/CLR. HARIKA**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 13 June 2023, be adopted.

- CARRIED

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

(479) **CLR. ZAKHIA:/CLR. CAHILL**

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 10.2, 10.3, 10.4, 10.5, 10.6, 10.7 and 10.11.

- CARRIED

ITEM 10.1 **STATUS OF PREVIOUS NOTICES OF MOTION - JUNE 2023**
(480) **CLR. ZAKHIA:/CLR. CAHILL**

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 **LAMBETH RESERVE**
(481) **CLR. DOWNEY:/CLR. ABOURAAD**

RESOLVED that Council write to Transport for NSW (TfNSW) requesting a joint investigation into the feasibility of improving pedestrian access across Henry Lawson Drive (HLD) to Lambeth Reserve at Picnic Point.

- CARRIED

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ITEM 10.3 **BEACONSFIELD AND ALBERT ST ROUNDABOUT**
(482) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that Council investigates the feasibility of constructing a roundabout at the intersection of Beaconsfield and Alberts Streets at Revesby, and to apply for any grant funding available.

- CARRIED

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 8.13 PM.

ITEM 10.4 **WE LOVE OUR RIVERS PROJECT**
(483) **CLR. NGUYEN:/CLR. ABOURAAD**

RESOLVED that Council acknowledges the staff and community groups that made the We Love Our Rivers campaign a huge success and Council write to those groups thanking them for their participation.

- CARRIED

ITEM 10.5 **DEDICATED CAR SHARE PARKING SPACES IN CANTERBURY BANKSTOWN**
(484) **CLR. NGUYEN:/CLR. ABOURAAD**

RESOLVED that Council reviews the provision and possible locations for dedicated car share spaces in the City.

- CARRIED

CLR ISHAC RETURNED TO THE CHAMBER AT 8.15 PM.

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ITEM 10.6 **PUBLIC SCREENING - FIFA WOMEN'S WORLD CUP 2023**
(485) **CLR. NGUYEN:/CLR. EL-HAYEK**

RESOLVED that Council works with the local football associations and Groups to offer them financial support (up to the value of \$3,000 per event) to host a maximum of three live screening of any of the upcoming games across the City.

- CARRIED

ITEM 10.7 **UPDATED MASTER PLAN FOR JENSEN PARK**
(486) **CLR. CAHILL:/CLR. HARIKA**

RESOLVED that

1. At the next Quarterly Review, Council introduce funds to undertake the following:
 - a. Investigate and understand the costs to transition to LED lighting at Jensen Park
 - b. Prepare a concept plan and layout of a new amenities building
 - c. Review and update the 2014 Jensen Park Masterplan
2. Following the above, delivery of these projects then be considered as part of a future review of the Delivery Program and Capital Works Program.
3. Council work cooperatively with the Lions Football Club to achieve the vision outlined in the revised Masterplan.

- CARRIED

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ITEM 10.8
(487)

BLOCKED BY UTILITIES

CLR. ZAKHIA:/CLR. CAHILL

RESOLVED that Council write to all utilities requesting a change to their procedures where Council is immediately notified of any planned or emergency road closures.

- CARRIED

ITEM 10.9
(488)

FINDING FREEDOM

CLR. ZAKHIA:/CLR. CAHILL

RESOLVED that Council staff be acknowledged for their ongoing efforts in raising awareness about the issues facing refugees, especially during Refugee Week (18 Jun-24 Jun). I further support Council in continuing to advocate on their behalf and to support the Refugee Council promote the "Finding Freedom" theme.

- CARRIED

ITEM 10.10
(489)

COOKS RIVER - CATCHMENT MANAGEMENT

CLR. ZAKHIA:/CLR. CAHILL

RESOLVED that Council write to the NSW Government calling for a review of catchment management across the State with a view of the bringing back greater accountability and ownership of State Government Agencies in the coordination and management of the Cooks River.

- CARRIED

ITEM 10.11
MOTION

RE-ZONING 20-22 WARDELL RD, EARLWOOD

CLR. COOREY:/CLR. ZAKHIA

That Council

1. Receive a report to the July 2023 Council Meeting outlining the considerations and merits of initiating a planning proposal to rezone the lands known as 20-22 Wardell Rd Earlwood from R2 Residential to Open Space Recreation; and funding options for Council to consider in nominating itself as the acquisition authority;

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2. Council write to Local Federal, State MP's and Inner West Council requesting funds to cover the acquisition of these properties.

- LOST

CLRS ISHAC AND ABOURAAD STOOD FOR A DIVISION.

For:- Clrs Abouraad, Akter, Coorey, Ishac, Nguyen and Zakhia

Against:- Clrs Cahill, Downey, El-Hayek, Harika, Saleh OAM, Waiba and Walsh

ITEM 10.12 **RECOGNITION OF THE KERSHAW FAMILY**
(490) **CLR. ZAKHIA:/CLR. CAHILL**

RESOLVED that Council investigate and report back at or before the October Ordinary meeting regarding the dedication of a park/space in Ashbury, to the Kershaw family, who for over 100 years have made a significant historical and cultural contribution to the suburb.

- CARRIED

SECTION 11: **CONFIDENTIAL SESSION**

(491) **CLR. ISHAC:/CLR. ABOURAAD**

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

Item 11.1 Extinguishment of Easement - 6 Glyn Avenue Picnic Point

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

Item 11.2 Canterbury Town Centre Update

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

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on a person with whom the Council is conducting (or proposes to conduct) business.

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 11.3 The Appian Way Culverts

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 11.4 Voyager Point Footbridge - Agreement with Liverpool City Council

This report is considered to be confidential in accordance with Section 10A(2)(g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 8.44 PM AND
REVERTED BACK TO OPEN COUNCIL AT 9.12 PM.**

**ITEM 11.1
(492)**

EXTINGUISHMENT OF EASEMENT - 6 GLYN AVENUE PICNIC POINT

CLR. CAHILL:/CLR. DOWNEY

RESOLVED that

1. Council consents to the extinguishment of the drainage easement located at 6 Glyn Avenue Picnic Point on the terms outlined in the report.
2. The Mayor and Chief Executive Officer be delegated authority to sign all documentation under the Common Seal of Council, as required.

- CARRIED

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ITEM 11.2 **CANTERBURY TOWN CENTRE UPDATE**
(493) **CLR. ZAKHIA:/CLR. ABOURAAD**

RESOLVED that Council note the information contained in the report.

- CARRIED

CLR COOREY REQUESTED THAT HER NAME BE RECORDED AS VOTING AGAINST THIS RESOLUTION.

ITEM 11.3 **THE APPIAN WAY CULVERTS**
(494) **CLR. ZAKHIA:/CLR. CAHILL**

RESOLVED that

1. Pursuant to Section 55(3)(i) of the Local Government Act 1993, Council agrees to the extenuating circumstances associated with the supply and delivery of precast concrete culverts for The Appian Way, Bankstown Culvert Upgrade, as outlined in the report.
2. Subject to Council's endorsement of Recommendation 1, Council agree that in lieu of inviting tenders, the Chief Executive Officer, carry out a procurement process with suitable suppliers for the supply and delivery of precast concrete culverts for The Appian Way, Bankstown Culvert Upgrade, as outlined in the report.
3. The Chief Executive Officer be delegated authority to prepare and sign all relevant documentation, as required.

- CARRIED

ITEM 11.4 **VOYAGER POINT FOOTBRIDGE - AGREEMENT WITH LIVERPOOL CITY COUNCIL**

In respect of Item 11.4 – Voyager Point Footbridge – Agreement with Liverpool City Council, Clr Ishac declared a Non-significant, Non Pecuniary Conflict of Interest given his work involvement at Liverpool City Council, and as a matter of precaution, he vacated the chamber taking no part in debate.

CLR ISHAC TEMPORARILY VACATED THE CHAMBER AT 9.12 PM AND RETURNED AT 9.13 PM.

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(495)

CLR. WALSH:/CLR. DOWNEY

RESOLVED that

1. Council reaffirms its resolution adopted on 25 August 2020 to repair the Voyager Point Bridge and relinquish on-going maintenance responsibilities through a lump sum payment to Liverpool City Council.
2. The CEO be delegated authority to consider legal options in defending Council's position and the matter reported back to Council upon resolution.

- CARRIED

THE MEETING CLOSED AT 9.13 PM.

Minutes confirmed 25 JULY 2023

.....

Mayor

2 LEAVE OF ABSENCE

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

4 MAYORAL MINUTES

The following items are submitted for consideration -

4.1	Domestic Violence	39
4.2	Vale Trevor Newton	41
4.3	Drowning in Waste	43

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ITEM 4.1 Domestic Violence

Councillors,

Tonight, I will light a candle in memory of some of the latest victims of domestic violence. . . .

Amira Moughnieh. . . a Bankstown Aged Care Worker, and the mother of three children. . . .
dead at the age of 30. . . and 50-year-old Christine Rakic.

Amira and Christine’s tragic deaths in the past few weeks, are not isolated cases, and have once again, elevated the scourge of domestic violence onto the front pages of our daily newspapers.

Their death has sparked outrage in the community, with the NSW Police Commissioner Karen Webb labelling domestic violence “an epidemic” and vowing to do everything in her power to fix it.

Commissioner Webb is not wrong to label it an epidemic when you look at the harrowing statistics, and hear the stories from frontline Police, who are faced with dealing with broken families every day they turn up for work.

I’m going to share some of those statistics to give you a sense of what we as a community are facing.

Since the beginning of the year, in NSW alone, there have been 15 deaths. . . and in the last five years that number is an alarming 140 lives lost.

Police have revealed they answer something like 140,000 calls a year, or around 400 calls a day, and the reality is there are countless others, for a number of reasons, like too afraid, family shame, financial or cultural matters, who simply don’t report the violence. I refer to them as the silent sufferers, victims who go about their daily work, putting on a brave face.

And what should be pointed out, is that many victims are opting to contact agencies like 1800 RESPECT and Lifeline, rather than the Police.

There are many more statistics I could roll out, but the full extent of the problem lies not only behind the statistics but behind closed doors. The impact it has on families, children, loved ones and friends. . . . psychological impacts and ramifications which can last for many, many years . . . and even their entire lives.

I am proud of the work our Council is doing, in conjunction with a number of Critical Local Domestic Violence Organisations, that are doing everything they can when it comes to raising community awareness. . . . campaigns like “Say No to Domestic Violence”, “Say yes to healthy relationships’ and “Kids Hurt Too”. . . . all have been central in raising this awareness.

Council also convenes the Canterbury Bankstown Domestic Violence Liaison Committee and holds the annual Tug-O-War Cup. Our online presence is equally important, and we host a Canterbury Bankstown Domestic Violence Service Directory and “it’s time to talk” page.

Councillors, I want us to do more. Tonight, I call on Council to facilitate a local roundtable summit consisting of Domestic Violence Advocates, Women’s Organisations, Religious and Spiritual Leaders and Police, so we can hear their stories and issues, identify what more we can do to stop this now and advocate loudly on their behalf.

And, before I put this Mayoral Minute, I would like you all to reflect on this. . . . by the time we finish this meeting tonight, and I blow out this candle, another 40 women would have called Police for help.

Councillors, I put the Mayoral Minute.

Mayoral Minutes - 25 July 2023

ITEM 4.2 Vale Trevor Newton

Councillors,

Tonight, I would like to set aside a few moments. . . and reflect on the life of a man, many working here at Council, considered a friend, a mentor . . . and a part of their family.

Trevor Newton, born on the thirteenth of December 1944, during the Second World War, sadly lost his battle with cancer and was laid to rest last week.

Farewelled by the love of his life Mary, his two children, Belinda and David, his three grandchildren . . . and hundreds of family, friends, former work colleagues and members of the community.

Trevor was a quiet, unassuming man, who worked for Council for 60 years. . . and according to our records, he was our longest serving employee. . . an achievement which is rare to find in today's ever-changing workplaces, as employees move from job to job.

Trevor joined Bankstown Council when he was just 15 years old, as a junior clerk in the mailroom, on the ninth of May 1960. He was a gangly, quietly spoken teenager, who was employed in the records section to manage outgoing mail and to ensure the record ledgers were kept up to date.

Imagine what it was like working back then . . . no computers, no mobile phones, manual typewriters, payments by cheque and that's not to mention sorting through bags and bags of mail that would arrive daily.

During his time at Council, he went through many changes and saw tracts of market gardens turned into suburbs, house numbering and new streets created . . . and it was his intricate knowledge of the City that would prove to be invaluable years later as Council records were lost during a fire which razed the Council building.

Trevor loved telling friends and colleagues of his brush with fame when in 1980 he was part of the official welcoming party to greet the Queen as she proclaimed Bankstown a City. And then there was the time he entertained the former Prime Minister Kevin Rudd over lunch . . . by all reports Mr Rudd was most impressed with Trevor's knowledge of the City and was overheard to tell some people "this bloke is a walking library".

I could go on and on but his genuine love of our city, and his job, is unquestionable. . . working for Council was his life and in fact his family's life as his wife Mary was also a long serving employee of 40 years. . . that's 100 years between them. . .

Finally, I would like to share this. . . during his final weeks, as he was surrounded by family and friends, he fondly spoke of his job and his friends at Council and how he wished he could be still working with them.

Councillors, I recently announced Mayoral Certificates to recognise people in our city who have dedicated their lives for those in the community. Tonight, I propose my first Mayoral Certificate of Recognition be aptly awarded posthumously to Trevor Newton for his love and service of our city.

I invite you all to stand for a minute's silence in his memory.

Councillors, I put the Mayoral Minute.

Mayoral Minutes - 25 July 2023

ITEM 4.3 Drowning in Waste

Councillors,

We've all heard the phrase "drowning in debt", and we all know the implications. . . tonight, I'm going to use the same analogy in my mayoral minute when dealing with our waste issues.

We are drowning in waste. . . and unless Governments at all levels, industry leaders and manufacturers begin to seriously tackle this issue we will be left sitting on a pile of waste. . . that's not an exaggeration, it's a reality with more than half of Sydney's household and commercial waste going to landfill.

At a recent Mayoral summit I attended, the message was very clear, Sydney's waste is growing somewhere in the order of 400,000 tonnes every year. . . and by 2040 residents will be generating around 3.2 million tonnes a year.

To put it quite simply, the grim message is that unless we take urgent action, in the next decade the red bin waste will have nowhere to go.

To give you a snapshot of the conference, which was hosted by the Southern Sydney Regional Organisations of Councils and attended by Mayors and executives from 33 Councils, representatives from the EPA and the Federal Government, the areas of most concern were waste management and lack of infrastructure to process the City's waste.

There is no clear plan for the future . . . and for all of us here tonight that should be of most concern.

More and more waste, landfill sites reaching capacity, an increase in the Waste Levy and valuable resources which can be recycled going into landfill.

Councillors, from the first of this month (July) the waste levy we pay per tonne has increased to \$163.20 . . . that means an extra \$1.16m on top of what we already pay this next financial year . . . and that in turn is passed onto our ratepayers. . . revenue which goes to the State Government and not pumped back into solving the waste crisis.

Tonight, I propose we commit to continuing to tackle this issue by working with other Councils to:

- Reduce waste
- Improve environmental outcomes where waste has to be processed
- Influence policies and markets by planning, procuring and advocating together
- Finding solutions for the residue that is left.

Furthermore, I propose to write to the NSW Government urging them to invest the revenue they collect from the waste levy, into building the waste infrastructure needed to meet the current waste pressures, let alone, the pressures of population growth, and to educate and support communities to reduce waste.

I will also write to the Federal Government urging them to play their part and to expedite bans on materials that cannot be recycled or recovered in Australia and to significantly expand the range of products covered by extended producer responsibility schemes and to make those schemes compulsory.

Finally, I also propose that Councillors receive a briefing, or a series of briefings, on the complex waste issues that all councils in Metropolitan Sydney are facing.

Councillors, I put the Mayoral Minute.

5 PLANNING MATTERS

The following item is submitted for consideration -

5.1 Planning Proposal - 30 Trevenar Street, Ashbury

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Planning Matters - 25 July 2023

ITEM 5.1 **Planning Proposal - 30 Trevenar Street, Ashbury**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

In August 2022, the Council resolved to endorse and advance a planning proposal for the rezoning of the subject site located at 30 Trevenar Street, Ashbury. The proposal aimed to rezone the site from R2 Low Density Residential to RE1 Public Recreation for finalisation. However, finalisation was contingent upon the NSW Government providing funding for the land and designating a relevant State agency as the public acquisition authority.

On 4 August 2022, the then Mayor met with the Minister for Planning and Homes, who indicated that the site would be considered for WestInvest funding. However, no announcement has been made regarding WestInvest funding for this project. Subsequently, in October 2022, Council wrote to the Department of Planning and Environment, seeking confirmation of the funding to proceed with the Planning Proposal. The Department, in their letter dated 4 May 2023, conveyed that they will not provide funding for the acquisition of the site.

This matter was reported to Council in June 2023. Council resolved that the matter be deferred in order for Councillors to be briefed. Councillors were briefed on this matter on Tuesday, 18 July.

The purpose of this report is to present Council with the option to finalise the planning proposal, including considering the nomination of Council as the public acquisition authority for the site.

If Council chooses to nominate itself as the public acquisition authority and the LEP Amendment is finalised accordingly, it is anticipated that the private landowner will request Council to purchase the site. Therefore, Council must carefully assess the funding implications associated with its potential role as the acquisition authority.

It is important to note that the Gateway determination does not grant Council the authority of the Local Plan Making Authority for this planning proposal. The decision on whether to approve the proposed Local Environmental Plan amendment will rest with the Minister for Planning and Public Spaces.

ISSUE

The Gateway determination for the planning proposal stipulates that Council must nominate an acquisition authority to acquire the land from the current private landowner. To facilitate this acquisition, Council sent letters to the then Minister for Planning and Public Spaces in June 2021 and to the then Minister for Planning and Homes in January 2022, requesting funding from the NSW Government for the land acquisition. However, the Department has confirmed that the NSW Government will not act as the acquisition authority (see Attachment B).

Council faces limitations in funding an unplanned land acquisition. Without a dedicated funding source, acquiring the land will have a significant impact on Council's financial position for the 2023/24 financial year. This concern was previously highlighted in Council reports from June and August 2022 (see Attachment C).

While recognising the strategic and site-specific merits of the planning proposal, it is crucial to consider the substantial costs associated with acquiring the land. This must be weighed against the broader implications for Council's ability to deliver essential infrastructure, services, and facilities throughout the City.

RECOMMENDATION That -

1. Council resolves not to proceed with acquisition of this property, and therefore requests to withdraw this planning proposal.
2. Council writes to all submitters to inform of them of Council's decision.

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

- A. Councillor Briefing Overview
- B. Letter from the Department of Planning and Environment - 4 May 2023
- C. Council Report - June 2022 and August 2022
- D. Mayoral Minutes and Council Resolution of 25 May 2021
- E. Gateway Determination - January 2022

POLICY IMPACT

At the citywide level, 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. In the local context, Council's existing open space, playground and place-based strategies do not identify this site as being required for acquisition. The site has not been identified in Council's 7.11 contributions plan for acquisition, given higher priorities for open space acquisition in other parts of the City.

Should Council resolve to proceed with finalising the planning proposal, the proposal will make changes to the Canterbury Local Environmental Plan 2012 (CLEP 2012) including identifying an acquisition authority for the land.

FINANCIAL IMPACT

In the absence of any funding assistance from the NSW Government, Council is constrained in its ability to fund land acquisition. This is particularly the case for multiple residentially zoned properties as a single transaction. For completeness, Council sought an independent valuation of the land. The total financial cost to Council of acquisition would be many millions of dollars. Further detail has been confidentially provided to councillors on the anticipated cost but it must be noted that this is currently unbudgeted.

Open space acquisitions are generally funded through development contributions that provide for an increase in open space correlating 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 the land is not identified in the Canterbury Bankstown Local Infrastructure Contributions Plan 2022. It is also important to note that under legislation, the use of contributions funds must be for projects with a clear nexus with population growth. It would not be possible to fund the full cost of purchase of this site from contributions given the limited growth in Ashbury, and higher growth occurring elsewhere in the City.

For Council to fund the acquisition of the land, alternative sources of funding are required. Alternative sources may include reprioritisation of significant capital works scheduled for FY2023/24 and/or discontinuing Council services and redirecting these funds toward land acquisition or borrowing.

COMMUNITY IMPACT

The exhibition of the planning proposal from 23 March 2022 to 22 April 2022 clearly demonstrated community support for the proposed rezoning of the land. The majority of submissions received during the exhibition period expressed support for the intent of the planning proposal.

Peace Park currently serves as a district-level public open space, spanning approximately 49,820m². If Council decides not to proceed with the acquisition of the land, a future master plan for the park could be developed to ensure coordinated management and address community expectations by providing new and enhanced park facilities, even without an expansion.

It is worth noting that a significant number of community concerns received could be addressed through a future master plan for Peace Park, if the planning proposal does not proceed to finalisation. Some of these concerns focused on the overall benefit to the park's function and use, rather than solely emphasising the need for expansion.

DETAILED INFORMATION

The information in this section of the report was initially presented to the Council during its Ordinary Meeting in June 2023. Council resolved to defer the matter and schedule a briefing before bringing it back to Council. A briefing for the Councillors took place on Tuesday, July 18. An overview of the key matters discussed at the briefing is provided at Attachment A.

Below is a summary of the key points discussed:

- Council originally supported this planning proposal on the grounds that the State Government would nominate an appropriate agency as the acquisition authority and/or provide funding for the acquisition of land, at no cost to Council.
- According to legislative guidelines governing the allocation and utilisation of developer contributions, it is not possible to finance the acquisition and improvement of this particular property through such funding. The funds must be allocated to areas directly connected to urban expansion and city requirements. Although there has been some local development, it represents only a small portion of the overall and anticipated growth throughout our city. Moreover, Ashbury is not considered a high-growth suburb, and the demand for open space in this area is relatively low compared to other rapidly developing suburbs within the local government area (LGA), with Campsie serving as a notable example. Consequently, the majority of funding for this acquisition will need to come from Council's general revenue.

There are a number of important considerations in understanding the implications of Council nominating itself as the acquisition authority, being:

1. The expenses involved in acquiring the site encompass not only the purchase of the land at its fair market value but also the compensation required under the Just Terms Act. Additionally, there will be legal costs associated with negotiation and purchase, as well as the expenses for enhancing the land to ensure its accessibility and usability.
2. The present landowner retains the ability to initiate the process for the Council's acquisition of the land. Consequently, Council must be prepared with the necessary funding for acquisition in the event that this situation arises.
3. Complying with the reasonableness and nexus tests mandated by the Contributions Plan will lead to a significant portion of funding being sourced from the Council's general revenue and capital works program funding. This will likely require a combination of reprioritising capital works, potential service cuts, or even replacing capital assets. While the specific projects or services to be reprioritised or cut do not need to be decided at this moment, they will need to be addressed by the Council in due course.

It is important to note that Council has, on multiple occasions, sought funding or the nomination of an acquisition authority by the State Government. In May 2023 the Department of Planning and Environment confirmed that:

“The Department has explored options to potentially fund the acquisition of the subject land. However, at this time the site’s acquisition has not been identified as a project to receive State Government funding.”

In accordance with Ministerial Direction 5.2 (Reserving Land for Public Purposes), the relevant public authority must give approval for the acquisition of the land. In this case the NSW Government does not give that approval, therefore this issue remains unresolved. The Department requests written confirmation on how Council wishes to proceed.”

Subject Site

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



1. *Figure 1. Site and its surrounding locality. Subject site outlined in blue (Source: Nearmap, 2023)*

The site was previously owned by Ausgrid and in May 2021 the site was sold to a private entity. The landowner lodged a Development Application (DA-703/2021) with Council in September 2021 to subdivide the land into seven residential allotments and the construct driveways and services. This matter was refused by the Land and Environment Court on 7 December 2022 due to an unsatisfactory On-Site Detention design, as well as issues regarding flooding and stormwater management. No further DAs have been lodged at the time of this report.

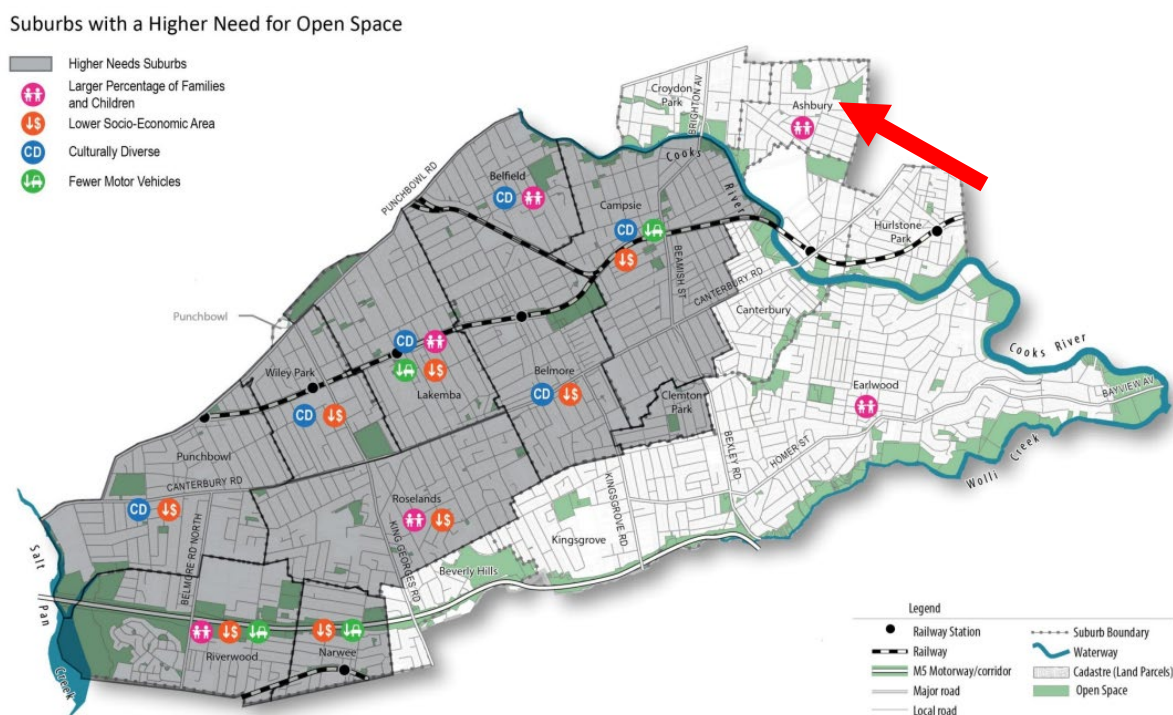
Planning Proposal Gateway Determination

On 20 January 2022, Council received Gateway determination from the Department. The Gateway determination requires that prior to the finalisation of the planning proposal, Council would need to nominate an acquisition authority for the purposes of satisfying the Minister's Local Planning *Direction 6.2 Reserving Land for Public Purposes*.

The Gateway determination does not grant delegation to Council to finalise this planning proposal. As Council is not nominated as the Local Plan Making Authority in this instance, the Minister for Planning and Public Spaces determines whether or not to make the proposed local environmental plan amendment, notwithstanding Council's decision. A copy of the Gateway determination can be found in Attachment E.

The Need for Public Open Space

The Canterbury Open Space Strategy 2017 serves as a guiding document for Council in making informed decisions regarding open space within the former City of Canterbury area. Figure 2 in the strategy highlights suburbs within the former City of Canterbury LGA that have a higher need for open space. Rightly, Ashbury is not identified as an area of 'higher needs,' indicating that land purchases for open space in other areas take priority.



2. Figure 2. Extract from the Canterbury Open Space Strategy 2017. The site is marked with a red arrow.

Ashbury currently has four parks, with three of them conveniently situated within a 400m walking radius for residents. These parks include Peace Park and Whitfield Reserve/WH Wagener Oval, which are adjacent to each other. Additionally, there are adjoining parks in nearby suburbs such as Campbell and Blick Oval in Canterbury, Rosedale Reserve in Croydon Park, and Pratten Park in the neighbouring Inner West LGA. Ashbury already enjoys a high provision of open space, surpassing other suburbs within the LGA in terms of open space availability, regardless of whether the site is rezoned to RE1 Public Recreation.

If Council decides not to proceed with the planning proposal, ample access to open space will still be available. However, it's worth noting that previous exhibitions of the proposal have received positive community feedback. Further information regarding the exhibitions and submission contents can be found in Attachment C.

Financial implications of acquiring the land

The Mayoral Minute of 25 May 2021 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. The Mayoral Minute also 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..."

Council is estimated to require many millions to acquire the land, subject to negotiation through a process established by the Just Terms Act. Any funding will need to be sourced outside of the funds collected via Section 7.11/7.12 Development Contribution because the site was not included in the former Canterbury Contributions Plan 2013 or the current Canterbury Bankstown Local Infrastructure Contributions Plan 2022. Further detail on anticipated costs have been confidentially provided to councillors for their information.

Implications of Council not nominating an acquisition authority

Should Council decide not to nominate itself as an acquisition authority and not proceed with the planning proposal, Council would have to advise the Department of its decision. The Department would withdraw the Planning Proposal at Council's request.

Implications of Council nominating itself as an acquisition authority

Should Council nominate itself to be the acquisition authority, it would be liable for the financial impact of purchasing the land, plus any compensation required under the Just Terms Act. This is considered to be in the many millions and it is noted that this is currently unbudgeted.

Open space acquisitions are generally funded through development contributions that provide for an increase in open space correlating 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, and there must be a demonstrated nexus to growth – which means it would not be possible for contributions to be capable of funding the full cost of purchase. This was never a priority for acquisition as it was in State Government ownership. Council has other priority acquisitions in the current plan.

For Council to fund the acquisition of the land, alternative sources of funding would be required. Alternative sources may include reprioritisation of capital works scheduled for FY2023/24 and/or discontinuing Council services and redirecting these funds toward land acquisition or borrowing. The re-allocation of the significant funds required will result in abandoning other major projects and/or services across the City.

Can Council nominate a State agency as the acquisition authority?

It is important to note that Council is unable to appoint a public agency as the acquisition authority without their agreement. The NSW Government has not provided its consent to acquire the land.

Recommended next steps

Council officers will write to the NSW Department of Planning and Environment, advising them that Council will not proceed with the acquisition of this property, and therefore requests to withdraw the Planning Proposal. Following Council's decision on this matter, Council will write to submitters to inform them of Council's decision.

6 POLICY MATTERS

The following item is submitted for consideration -

6.1 Councillor Expenses and Facilities Policy

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Policy Matters - 25 July 2023

ITEM 6.1 Councillor Expenses and Facilities Policy

AUTHOR Corporate

PURPOSE AND BACKGROUND

Council is required under Section 252 of the *NSW Local Government Act 1993*, to adopt a Policy for the payment of any expenses and provision of any facilities for the Mayor and Councillors.

By way background, Councillors would be aware that the recent Parliamentary Inquiry included an examination of matters concerning Council's existing Policy.

Pleasingly the inquiry and the Office of Local Government (OLG) found that Council's Policy accords with their applicable template/guideline regarding the matter as did our application of the policy to expenses and facilities.

Further, Council's Audit, Risk and Improvement Committee – as part of their audit program - has also:

- reviewed Council's Policy and concluded that it is largely consistent with the suggested policy template and guidelines issued by OLG and complies with regulatory requirements; and
- notwithstanding the above, the Committee has suggested council review the policy for any opportunity to strengthen the efficiency and effectiveness of the Policy.

ISSUE

Given the above, ideally, Council would wait for OLG to again review their guidelines on the matter before proposing any changes. That said, it is understood that their review is not a priority at present.

Notwithstanding this - and following discussions at the Audit, Risk and Improvement Committee – it was agreed that a review would be completed this calendar year by Council rather than await OLG's review.

On that basis, this report has been prepared, having regard to feedback provided by Councillors, following their consideration of the recent Briefing Note circulated regarding the matter.

RECOMMENDATION That -

1. In accordance with Section 252(4) of the *Local Government Act 1993*, Council, in principle, agree to the amendments proposed to Council's Councillor Expenses and Facilities Policy, as outlined in this report.

2. Council's proposed Councillor Expenses and Facilities Policy be placed on public exhibition in accordance with the requirements of the Local Government Act 1993.
3. Subsequently, a further report be submitted to Council at the conclusion of the public exhibition period, for Council's consideration.

ATTACHMENTS

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

- A. Draft Councillor Expenses and Facilities Policy
- B. Councillor Expenses and Facilities Policy adopted by Council on 26 April 2022

POLICY IMPACT

Adoption of this Policy ensures Council abides by good governance practices and meets its legislative obligations.

FINANCIAL IMPACT

The draft Policy will not result in any significant change to the budget requirements. A budget allocation for Councillor expenses has been provided for in the 2022/23 and 2023/24 financial years.

COMMUNITY IMPACT

This report is seeking Council endorsement to place the draft Councillor Expenses and Facilities Policy on public exhibition, allowing members of the public to make submissions for the consideration of Council.

The adoption of these policies provides our community the assurance that relevant policies and practices are in place to ensure that Council meets its obligations under the *NSW Local Government Act 1993* and its Corporate Governance Framework.

DETAILED INFORMATION

BACKGROUND

Despite recent comments raised in a Parliamentary Inquiry regarding matters concerning Council's existing Policy, in the main, the inquiry, OLG and Council's Audit, Risk and Improvement Committee have confirmed that Council's Policy, accords with the applicable template/guideline regarding the matter.

Nevertheless, a review of the Policy was carried out, having regard to clarity, consistency and strengthening the efficiency and effectiveness of the Policy – using OLG's suggested template as a guide.

Ordinarily, Council would not make changes to its Policy unless and/or until such time that OLG required all councils to reflect any updates and/or changes with regards to the matter.

That said, it was agreed in discussions at its recent Audit, Risk and Improvement Committee meeting that Council would review its Policy by the end of this calendar year.

DRAFT POLICY

Having regard to the above – and feedback received from Councillors following its consideration of a recent Briefing Note distributed on the matter – Council's existing Policy has been modified in certain parts to streamline certain sections/clauses of the Policy and/or remove particular clauses not expressly written into the OLG template.

Notwithstanding, it is noted that the OLG model template provides the minimum standard requirements for Council's Facilities and Expenses policy and leaves decision making on limits and other matters up to each council to complete taking account of its local context and specific circumstances. It is recognised that the provisions in the OLG Policy template will not be appropriate for every council. Furthermore OLG suggest benchmarking against other councils is a good practice and guide in setting any policy.

The financial impact of the changes are immaterial.

LOCAL GOVERNMENT ACT 1993

The legislative requirements concerning Council's Policy are governed by Section 252 and 253 of the *Local Government Act 1993* (the Act).

Indeed, Section 252(5) specifically requires that *"...a policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A."*

Importantly, both Council's current policy and Council's Draft Policy accords with the relevant provisions of Section 252 of the Act.

In progressing the amendment to Council's Policy (Section 253 of the Act), Council is required to:

- Give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions;
- Consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment, before adopting or amending the policy;
- Despite the above points, a Council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.

Whilst the amendments are minor from a financial perspective, they do depart from our current policy and as such – as a precaution – should be exhibited for the purposes of transparency and good governance.

ADDITIONAL INFORMATION

The report was considered by Council on 26 June 2023 when it was resolved that the matter be deferred for a Councillor Briefing. The Briefing was held on 18 July 2023 and the matter is now reported back to Council.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|----|
| 7.1 | Federal Election Commitments | 67 |
| 7.2 | Code of Meeting Practice - Amendment to 2023 Schedule of Meetings | 73 |

Governance and Administration Matters - 25 July 2023

ITEM 7.1 Federal Election Commitments

AUTHOR City Future

PURPOSE AND BACKGROUND

The Australian Government has advised that commitments made during the 2022 Federal Election will be delivered through two funding streams:

- *Investing in Our Communities Program* – will fund the delivery of commitments up to \$5 million.
- *Priority Community Infrastructure Program* – will fund the delivery of commitments over \$5 million.

Canterbury-Bankstown Council has been invited to apply under these programs for those commitments relating to Council owned or managed infrastructure.

ISSUE

These programs present an opportunity for Canterbury-Bankstown Council to submit funding applications to enable the delivery of a number of infrastructure projects for the City.

Applications for this non-competitive funding opportunity are by invitation only. This report sets out those projects for which Council has been invited to apply for funding.

RECOMMENDATION That -

1. Council proceed to apply under the *Investing in Our Communities Program* and *Priority Community Infrastructure Program* for the projects outlined in this report.
2. If successful in receiving funding under these programs, Council allocate the appropriate funds as a co-contribution to those projects, as outlined in this report.

ATTACHMENTS

Nil

POLICY IMPACT

This report is consistent with the Guidelines of the *Investing in Our Communities Program* and *Priority Community Infrastructure Program*.

FINANCIAL IMPACT

This report, as written, does not have a direct financial impact. If approved, costs associated with delivering the projects outlined in this report will be considered as part of Council's Quarterly Review process following the outcome of Council's applications.

COMMUNITY IMPACT

The delivery of these projects will deliver a range of social, cultural and economic benefits to the community. The delivery of these projects will result in significant new or improved infrastructure to the community across the City and for some of the identified projects.

DETAILED INFORMATION

During the 2022 Federal Election, several funding commitments were made for the delivery of infrastructure in Canterbury-Bankstown. A number of these relate to Council owned or managed infrastructure.

Earlier this year, the Australian Government, through the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (Department), formally notified Council of these commitments.

The election commitments will be delivered through a one-off funding round of two new funding programs:

- *Investing in Our Communities Program* – for election commitments up to \$5 million; and;
- *Priority Community Infrastructure Program* - for election commitments over \$5 million.

These programs were announced as part of the 2022-203 October Budget and are funded through to the end of 2026–27.

This report provides further detail on the funding programs, the commitments that Council has been invited to apply for and next steps.

Application Process

Central to the objective of the *Investing in Our Communities Program* and *Priority Community Infrastructure Program* is the delivery of infrastructure that will realise a range of improvements to community amenity, liveability and generate economic activity.

The programs are non-competitive with the Australian Government inviting nominated organisations with projects to apply to the Department. Applicants are required to provide a well-evidenced plan for the viable delivery of projects and respond to the following assessment criteria:

- Economic and social benefits of the project to the community;
- Project viability and sustainability;
- Grantee capacity, capability and resources to carry out the project.

Projects are required to be delivered by 31 December 2026.

Projects

Council has been invited to submit an application to the Department for the projects outlined in the table below. It is noted that these projects align with strategic and operational priorities of Council as set out in key Masterplans, Strategic Plans or as otherwise adopted by Council.

While Council endorsement is not a requirement, confirmation of land ownership and/or landowners' consent is required by applicants when submitting their final application. Council is in support of projects that focus on upgrading existing community infrastructure and align with Council's strategic direction.

Project Name	Project Description	Federal Electorate	Funding Program	Funding Amount	Strategic Alignment
Beautification of Haldon Street, Lakemba	Deliver public domain upgrades	Watson	Investing in Our Communities Program	\$1 million	<p>This project will enhance the Lakemba Town Centre and complement works being planned as part of Council's WestInvest funding allocation and the TfNSW funded Her Way Program, both of which have previously been resolved by Council.</p> <p>Through planning and engagement for this project, specific elements and public domain upgrades to be funded through this mechanism will be identified.</p>
Bill Delauney Reserve New Amenities Building	Deliver a new sports amenities building	Banks	Investing in Our Communities Program	\$1.5 million	<p>This project aligns with Council's sports facilities planning and has been identified as a site requiring asset improvement through Council's capital works planning.</p> <p>Council has already identified future works funded through asset replacement funds in its forward works program which can be brought forward as a co-contribution to this project. This would be made available through Council's quarterly budget process.</p>

Project Name	Project Description	Federal Electorate	Funding Program	Funding Amount	Strategic Alignment
Improving Active Transport Routes	Deliver priority active transport routes and connections	Banks	Investing in Our Communities Program	\$3 million	<p>Funding will be used to:</p> <ul style="list-style-type: none"> improve the condition and connectivity of shared paths / cycleways at priority locations; and deliver new footpaths identified in line with the election commitment. <p>The projects to be delivered through this funding have been identified from Council's adopted Active Transport Action Plan and will address key missing links within the local Active Transport Network. Projects have been prioritised in response to Council's principles to connect people, transport and place.</p> <p>Council can leverage additional funding through development contributions (s7.11) as a co-contribution towards this project. This would be made available through Council's quarterly budget process.</p>
Campsie Cultural Hub	Deliver a new cultural and music hub in Campsie	Watson	Priority Community Infrastructure Program	\$6 million	<p>This project will deliver a new cultural and music hub to be located within the new Campsie Cultural Precinct. It will create a central space for recording, rehearsal and performance.</p> <p>This project is consistent with Council's planning for the Campsie precinct and previous resolutions of Council. While a distinctly separate element, it will complement works being planned to deliver the Campsie Cultural Hub as part of Council's WestInvest funding allocation.</p>

Next Steps

If successful, this funding will enable the delivery of significant infrastructure projects previously identified by Council across the City. In some instances, access to this funding in conjunction with existing grants or Council funding, will ensure greater community benefit is realised.

Subject to Council's endorsement of the above specific projects, all applications will be submitted to the Department. Submissions are required due no later than 31 August 2023 and will include further detail including:

- Benefits and outcomes;
- Project cost breakdown;
- Key milestones and timeframes for each implementation stage; and
- Project Management Plan.

Governance and Administration Matters - 25 July 2023

ITEM 7.2 **Code of Meeting Practice - Amendment to 2023 Schedule of Meetings**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

To amend the adopted 2023 Schedule of Council Meetings.

ISSUE

Given the commitments of a number of Councillors during the September school holidays, and following engagement with Councillors, it is proposed that the September 2023 Ordinary Meeting be rescheduled to Tuesday 12 September 2023, to ensure the majority of Councillors can be in attendance to meet the requirements of a quorum as detailed in Council’s Code of Meeting Practice.

All other administrative matters remain and are consistent with Council’s Code of Meeting Practice.

RECOMMENDATION

That the 2023 Schedule of Council Meetings be amended – whereby the September 2023 Ordinary Meeting of Council be rescheduled from Tuesday, 26 September 2023 to Tuesday, 12 September 2023.

ATTACHMENTS

Nil

POLICY IMPACT

The report presents no policy impacts.

FINANCIAL IMPACT

The report has no financial impacts.

COMMUNITY IMPACT

The report does not present any significant impacts for the community.

8 SERVICE AND OPERATIONAL MATTERS

The following items are submitted for consideration -

- | | | |
|-----|---|----|
| 8.1 | Women's Rest Centres | 77 |
| 8.2 | Alcohol Free Zones and Alcohol Prohibited Areas | 81 |

Service and Operational Matters - 25 July 2023

ITEM 8.1 **Women's Rest Centres**

AUTHOR **Community Services**

PURPOSE AND BACKGROUND

In August 2022 Council resolved to re-open Lakemba and Campsie Women's Rest Centres for a trial period of six months. This report provides an update on the customer usage data collected during the trial and recommendations for future use of the Centres.

ISSUE

The provision of Women's Rest Centres are a service model dating back to the 1960's. It is evident that there are not many LGA's that still provide this service, with many local governments closing these facilities or repurposing them. Many of the closures around Sydney have been a result of an influx of public spaces and public toilets that simply weren't around in 1960. These new spaces and facilities can be accessed in multiple council facilities or private retail developments.

Canterbury-Bankstown Council had Women's Rest Centres operating in Lakemba and Campsie. In March 2020, in response to NSW Health regulations and guidelines these Women's Rest Centres were closed. Other than anecdotal information and observation from Council's maintenance teams, Council didn't have a good understanding of how these Centre's were being used.

RECOMMENDATION That -

1. Council note the outcomes of the Women's Rest Centre trial period;
2. Council conduct an EOI process for Not for Profit Organisations to utilise available space at the Lakemba and Campsie Women's Rest Centres, with an aim to provide targeted women's services. Note that as part of the EOI terms Council will continue to clean the Centre's at a cost of \$30,000 p/a.

ATTACHMENTS

Nil

POLICY IMPACT

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

FINANCIAL IMPACT

As part of the trial Council undertook a financial analysis to understand the true operating costs. Full year operational costs including staffing, and on costs, is approximately around \$220,000 per year. The report as written does not have any financial implications at this stage, however, should the EOI process proceed it is identified that the annual cleaning costs (\$30,000) be included in the EOI terms.

COMMUNITY IMPACT

The report as written has no impact on the community at this point. The current service being provided will not be impacted (public toilet) and the intent of the EOI process is to provide targeted women's services out of the Centres addressing the needs of the local communities.

DETAILED INFORMATION

Women's Rest Centres became a popular fixture in the 1950-60s in many town centres across Sydney. They provided areas that allowed for mothers to rest, wash, toilet and feed their children. The facilities were often serviced by an attendant and allowed mothers a place to rest, meet and socialise with other mothers. It is evident that there are not many LGA's that still provide this service, with many local governments closing these facilities or repurposing them.

Many of the closures around Sydney have been a result of an influx of public spaces and public toilets that simply weren't around in 1960. With the change in times and changing attitudes, facilities like these have largely been replaced by amenities such as parent's rooms within shopping centres, meeting rooms have been supplemented by the provision of dedicated meeting facilities within libraries and other community facilities and less informally, in cafes.

Canterbury-Bankstown Council had Women's Rest Centres operating in Lakemba and Campsie. In March 2020, in response to NSW Health regulations and guidelines these Women's Rest Centres were closed. Other than anecdotal information and observation from Council's maintenance teams, Council didn't have a good understanding of how these Centres were being used. It should be noted that while these Centres were closed Council did not receive any requests from the community to access these Centres.

In August 2022 Council resolved to:

- 1. 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.*

Results of the Trial

As detailed in the report, Council undertook a trial re-opening of the Centres at Lakemba and Campsie and collected usage data from patrons.

The Centres re-opened on 4 October 2022. The trial period lasted for 31 weeks, with the trial concluding for the purposes of reporting on 21 May 2023. As per normal operations, the Centres were opened on weekdays between 9.00am to 5.00pm. During the trial, there were 26,600 visits to the Centres combined, with Campsie being more frequently used with a total number of 21,300 visits, approximately 680 people per week. Considerably fewer people accessed the Lakemba Women's Rest Centre, with 5,300 visits, equating to approximately 171 people per week.

Centre users were invited to participate in a survey to assist Council in understanding the usage and users of the facility. Approximately 45% of the visitors to the centres participated in the survey, with 88% of those surveyed indicating they were repeat users of the facility. The Centres were predominantly used to access the public toilet, with approximately two thirds of visitors using the facility for this reason. The most popular days of use at Campsie was Wednesday and Friday, and Wednesday and Monday at Lakemba. Of those surveyed, 61% indicated they also used the local shopping centre toilets and 13% indicated they could alternatively use their facilities at home.

Next Steps

The trial demonstrated that both Centres were being used by members of the community. The use, however, was largely to access a public toilet. Given the space, it is considered an opportunity to test our not-for-profit market to see if there are any organisations that could utilise the space for staffing or activities that are related to women's support and/or related services so that rather than encountering a casual cleaner, patrons can gain access to a range of women related support services. This would be a lift in the purpose and relevance of these toilets. In that arrangement Council could still clean the facilities as it does now.

The aim of the EOI would be to keep the existing Women's Rest Centres open for use as a public toilet, as well as introducing a women's focused service from a local not-for-profit service provider to maximise the potential of the Centres.

Service and Operational Matters - 25 July 2023

ITEM 8.2 Alcohol Free Zones and Alcohol Prohibited Areas

AUTHOR Community Services

PURPOSE AND BACKGROUND

The purpose of this report is for Council to adopt the extension of Alcohol-Free Zones and Alcohol Prohibited Areas for a further four-year period following the public exhibition period finishing 4 July 2023.

ISSUE

Alcohol-Free Zones (AFZ) are established in public roads, footpaths, and car parks where the consumption of alcohol is prohibited. Alcohol Prohibited Areas (APA) are established in public places, or part of a public place, and include parks or reserves, or another space that has been established by Council where the consumption of alcohol is prohibited. The purpose of AFZs and APAs is to discourage anti-social behaviour and social disturbances that can arise from the consumption of alcohol in public spaces.

Canterbury Bankstown Council's Alcohol-Free Zone and Alcohol Prohibited Areas Policy states that AFZs are reviewed every four years in line with guidelines set out in the Local Government Act 1993 which states the duration limit is a maximum of four years. While APAs have no maximum durations date, Canterbury Bankstown Council's policy states they will be reviewed on the same schedule as AFZs. There are currently 19 APAs and 21 AFZs with current signage which expired in May 2023.

RECOMMENDATION

That Council adopts the proposed Alcohol-Free Zones and Alcohol Prohibited Areas for a four-year period as identified in Attachment A.

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

- A. Location of 2023 - 2027 Alcohol-Free Zones and Alcohol Prohibited Areas within Canterbury Bankstown LGA
- B. Submissions received during the Exhibition Period and Considerations.

POLICY IMPACT

The recommendations of this report comply with Council's Alcohol-Free Zones and Alcohol Prohibited Areas Policy.

FINANCIAL IMPACT

Funds for the update of existing signage and the installation of new signage will be met from the existing 2023/2024 Operational Budget.

COMMUNITY IMPACT

The AFZs and APAs assist Council in its strategic direction of Safe and Strong by seeking to ensure that specific areas within the LGA are safe and welcoming for all. The signs allow NSW Police Force to act on anti-social behaviour involving alcohol and have a positive impact on the community.

DETAILED INFORMATION

The public exhibition was open 7 June – 7 July 2023. During the exhibition:

- **375** people viewed the webpage,
- **46** people downloaded the list of proposed locations,
- **19** downloaded the Policy
- **7** people contributing to the feedback survey in a one text box, and
- **5** people selected to be notified when this proposal is discussed at the next Council Meeting.

Overall, four submissions were against the proposal with two in support and one direct question in relation to the determination and enforcement of the Zones.

The main issues raised in the submissions were:

- Several parks in Campsie are APAs yet none in Bankstown, with reference to a need for one in Paul Keating Park;
- That the AFZs and APAs will unfairly target youth and disadvantaged in the area;
- Already too many restrictions are in place ie. smoking and parking; and
- Statement that Police already have powers to move on people.

The details of these submissions can be found in Attachment B.

The issues raised in the submissions have been considered by Council's Community & Cultural Services Unit and with no supportive evidence available no following amendments/changes are recommended. It was evident the submissions that some respondents were under the understanding that the proposed AFZs and APAs are a new addition to CBCity, whereas they have been in place for a number of years. This anecdotally provides evidence that the current AFZs and APAs are effective, given the respondents stated that they haven't seen any alcohol related issues over several years.

The request to have Paul Keating Park become an APA was considered and based on the fact that Bankstown Police Area Command did not have any evidence to suggest there are any issues at this location it has not been added to the list.

In saying this, the Community & Cultural Services Unit and Bankstown Police Area Local Command as we did for this report will ensure that data is collected over the next four-year period to provide evidence as to the necessity of AFZ and APA locations within the Canterbury Bankstown LGA, including the locations mentioned in the community feedback.

9 COMMITTEE REPORTS

The following items are submitted for consideration -

9.1	Minutes of the Community Safety Advisory Committee Meeting held on 22 June 2023	87
9.2	Minutes of the Audit Risk and Improvement Committee Meeting held on 20 June 2023	89
9.3	Minutes of the Traffic Committee Meeting held on 11 July 2023	91

Committee Reports - 25 July 2023

ITEM 9.1 **Minutes of the Community Safety Advisory Committee Meeting held on 22 June 2023**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

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

The minutes of the Community Safety Advisory Committee meeting are attached.

ISSUE

Endorsement of the Community Safety Advisory Committee minutes.

RECOMMENDATION

That the minutes of the Community Safety Advisory Committee meeting held on 22 June 2023 be endorsed.

ATTACHMENTS [Click here for attachment](#)

A. Minutes of the Community Safety Advisory Committee meeting held on 22 June 2023

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

Committee Reports - 25 July 2023

ITEM 9.2 **Minutes of the Audit Risk and Improvement Committee Meeting held on 20 June 2023**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

In accordance with Section 428A of the Local Government Act (1993), the City of Canterbury Bankstown Council has established an Audit Risk and Improvement Committee (ARIC) which meets on a quarterly basis.

The purpose of this report is to consider the minutes of the meeting of the ARIC held on 20 June 2023.

ISSUE

To consider the recommendations of the Audit Risk and Improvement Committee (ARIC).

RECOMMENDATION

That the recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 20 June 2023, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Minutes of the Audit Risk and Improvement Committee meeting held 20 June 2023

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

Council maintains an independent Audit Risk and Improvement Committee in accordance with the Local Government Act.

Committee Reports - 25 July 2023

ITEM 9.3 **Minutes of the Traffic Committee Meeting held on 11 July 2023**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 11 July 2023.

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

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

ISSUE

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 11 July 2023, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. Traffic Committee Minutes - 11 July 2023

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 - July 2023	95
10.2 Ferndale Road, Revesby - Request for Roundabouts - Councillor Linda Downey	97
10.3 Private Certifiers - Councillor Linda Downey	99
10.4 Illegal Dumping - Councillor Linda Downey	101

Notice of Motions & Questions With Notice - 25 July 2023

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

AUTHOR **Corporate**

ISSUE

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

RECOMMENDATION

That the information be noted.

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

- A. Status of NOMs Table - July 2023
- B. Outgoing correspondence related to NOM resolutions
- C. Incoming correspondence related to NOM resolutions

Notice of Motions & Questions With Notice - 25 July 2023

ITEM 10.2 Ferndale Road, Revesby - Request for Roundabouts

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

“That Council investigates the feasibility of constructing roundabouts at both ends of Ferndale Road, Revesby, and to apply for any grant funding available.”

BACKGROUND

The local community has raised concerns in relation to road safety, and in particular, difficulties turning in and out of the intersections at either end of Ferndale Road.

Residents report that it is difficult to navigate for pedestrians and vehicles at both ends during peak hour which is school pick up and drop off times. Turning out of either end of the street is very difficult and I am informed there has been many near misses. The area generally is growing in population, and as Ferndale is a main thoroughfare changes need to occur to keep the area safe.

I ask that we consider introducing roundabouts at each end to improve the road environment for students, pedestrians, drivers passing through, and especially locals who are having to deal with these difficult intersections multiple times daily.

FINANCIAL IMPACT

It is anticipated that the traffic team can review this request as part of their normal processes.

CHIEF EXECUTIVE OFFICER'S COMMENT

The traffic team can include this intersection to their list of investigations.

Notice of Motions & Questions With Notice - 25 July 2023

ITEM 10.3 Private Certifiers

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

“That Council writes to the NSW Minister for Planning and Public Spaces the Hon. Paul Scully MP and the Minister for Fair Trading the Hon Anoulack Chanthivong MP seeking an urgent meeting to discuss the growing concerns in our community relating to Private Certification.”

BACKGROUND

Before 1998, construction projects in New South Wales were assessed solely by Councils through development applications and building applications. During that time, our staff oversaw these projects, and our community knew who to approach if they had concerns about a building project nearby.

However, in 1998, the NSW planning system underwent amendments that introduced private certification to the industry. And those changes allowed Private Certifiers to act autonomously without input from the Council.

NSW Fair Trading is responsible for the registration of all Private Certifiers in NSW and is responsible for monitoring and regulating Private Certifiers activities to ensure that they operate in accordance with the applicable laws; follow appropriate building standards; and maintain professional conduct. This includes investigating complaints and taking necessary actions to address any misconduct or non-compliance by Private Certifiers.

Fair Trading registers Private Certifiers to issue construction, occupation, subdivision, strata, compliance and complying development certificates under the *Environmental Planning and Assessment Act 1979* (EP&A Act), *Strata Schemes (Freehold Development) Act 1973* and *Strata Schemes (Leasehold Development) Act 1986*.

Despite the NSW Fair Trading being the authority responsible for investigating complaints regarding Private Certifiers, with each passing year Council has seen an increase in the number of complaints it receives from our community arising from the growing number of projects across our City and NSW being approved by Private Certifiers. These complaints reflect the frustration and desperation felt by our residents. Council directs the complainants to NSW Fair Trading which adds another layer of frustration in circumstances where Council is not the authority responsible for Private Certifiers.

Numerous articles in the press have questioned the role of Private Certifiers, and we have all seen news reports about buildings where residents have been forced to vacate their premises due to significant structural issues. These instances have eroded the confidence of our community in the housing industry, making it difficult for them to buy a home with the same level of assurance as before.

Neighbours also live in fear when a privately certified project is being constructed next to their property. Council has received numerous complaints from residents who feel powerless when a development is being constructed next to their homes, reporting that in some instances Private Certifiers have failed to even return their calls.

In recent years, the NSW Government introduced reforms aimed at strengthening the certification system. These reforms included the introduction of the *Building and Development Certifiers Act 2018*, *Building and Development Certifiers Regulation 2020*, and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. While some improvements have been achieved through the introduction of these pieces of legislation, challenges persist due to the practices of certain Private Certifiers.

What needs to be clearly stressed is that the majority of Private Certifiers in our City are highly professional, responsive, and diligent in ensuring compliance with planning legislation. But there are some flouting the rules and we are seeing more and more projects where construction works deviate from approved plans.

Whilst the responsibility of investigating complaints against Private Certifiers rests with the NSW Fair Trading (and that process is time consuming and resource intensive), quite clearly the current situation is unsatisfactory.

Our community deserves much better.

FINANCIAL IMPACT

There is no financial impact of meeting ministers

CHIEF EXECUTIVE OFFICER'S COMMENT

There is no financial impact of the motion as written.

Notice of Motions & Questions With Notice - 25 July 2023

ITEM 10.4 Illegal Dumping

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

“We acknowledge the proactive strategies Council has employed in tackling illegal dumping in our city, and to maintain its focus on cracking down on those offending, and on education campaigns.

I further call on Council staff to report back on any shortcomings, issues, or resources needed, to ensure we maintain our fight against illegal dumpers.”

BACKGROUND

As I understand it, from the beginning of this month Council’s participation in the Regional Illegal Dumping Squad (known as RID) has come to an end.

Council has been a proactive partner for many years and has been instrumental in a number of high-profile convictions against illegal dumpers.

Illegal dumpers caught red-handed soiling our bushland, dumping building materials in our parks and along busy roadways. These cases have all been the subject of National television coverage.

Council has in place a number of initiatives to tackle illegal dumping and the intention of my notice of motion is to ensure staff have the adequate resourcing to continue fighting those who flout the laws with no regard to the community and the environment.

In December’s meeting we received a report outlining the very positive results Council has had in reducing illegal dumping in hot spots across the City. As that report stated, “Despite the huge investment in time, resources and money and the positive results ..., illegal dumping remains a significant problem in the City,”.

It’s vital that we continue to focus efforts and resources on managing this problem and that we make sure any gap left by the cessation of the RID program is filled. That’s why I’m asking Council to investigate strategies that allow us to maintain our focus on reducing illegal dumping.

FINANCIAL IMPACT

There are no financial implications of this motion as written

CHIEF EXECUTIVE OFFICER'S COMMENT

There are no implications of this motion as written.

11 CONFIDENTIAL SESSION

11.1 Property Matter - Proposed acquisition of property in Campsie

11.2 Property Matter - Proposed acquisition of property in Belmore

11.3 CBD Renewal Strategy - Former Bankstown Library Site

11.4 Land Acquisition for Wolumba Street Bridge Construction

Chief Executive Officer's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

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

Item 11.1 Property Matter - Proposed acquisition of property in Campsie

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

Item 11.2 Property Matter - Proposed acquisition of property in Belmore

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 CBD Renewal Strategy - Former Bankstown Library Site

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.

This report is considered to be confidential in accordance with Section 10A(2)(f) of the Local Government Act, 1993, as it relates to matters affecting the security of the Council, Councillors, Council staff or Council property.

Item 11.4 Land Acquisition for Wolumba Street Bridge Construction

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.