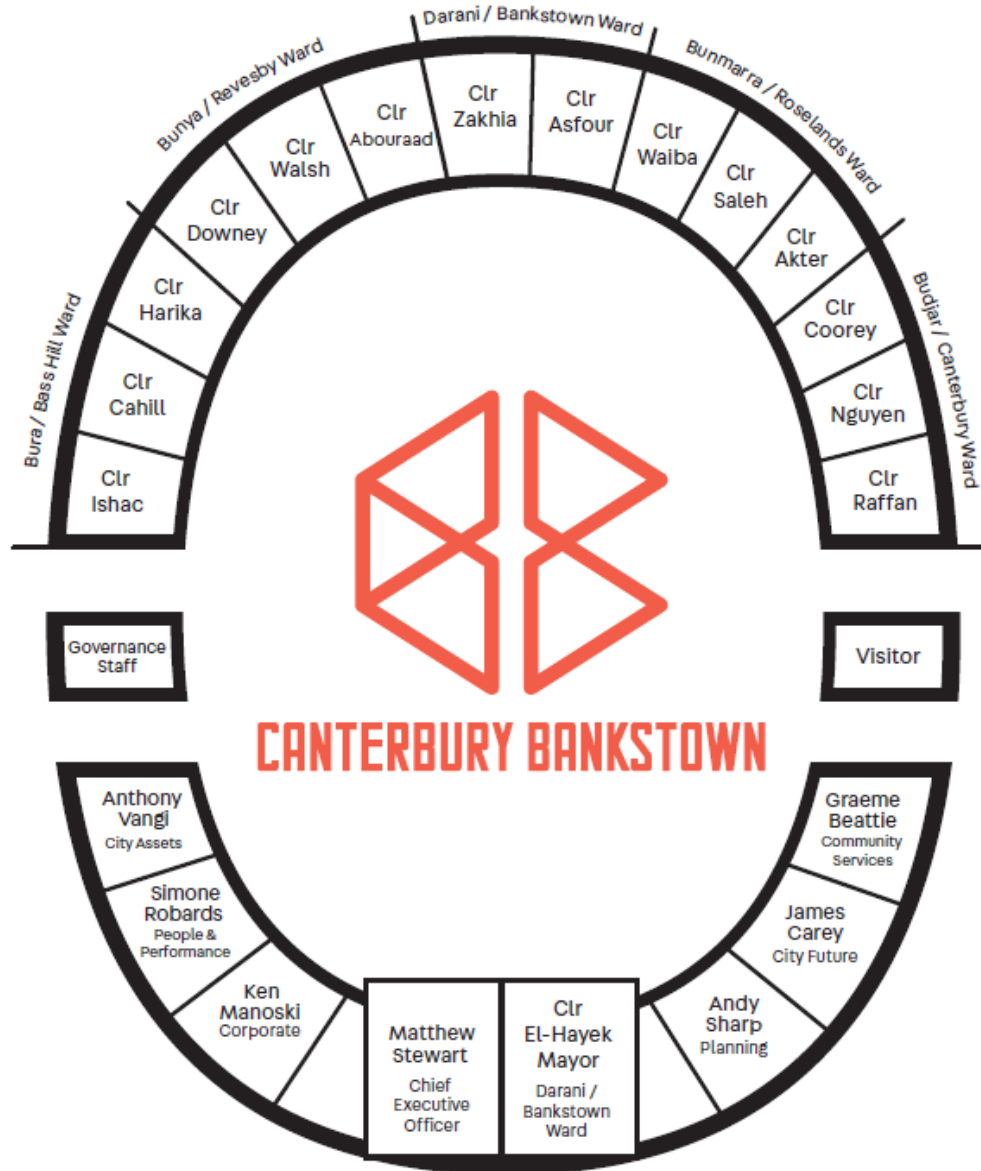




# AGENDA FOR THE ORDINARY MEETING

27 February 2024

# Gallery



## **Statement of Ethical Obligations**

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

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

### **Conflicts of Interest**

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

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# ORDER OF BUSINESS

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|          |   |            |
|----------|---|------------|
| <b>1</b> | <b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>  | <b>7</b>   |
| 1.1      | Minutes of the Ordinary Meeting of Council of 7 December 2023   | 9          |
| <b>2</b> | <b>LEAVE OF ABSENCE.....</b>  | <b>19</b>  |
| <b>3</b> | <b>DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST.....</b>  | <b>21</b>  |
| <b>4</b> | <b>MAYORAL MINUTES .....</b>  | <b>23</b>  |
| 4.1      | The Year Ahead  | 25         |
| 4.2      | Proposed Government Housing Changes   | 27         |
| 4.3      | Advocacy Strategy   | 29         |
| 4.4      | Sikh Games 2025   | 31         |
| <b>5</b> | <b>PLANNING MATTERS .....</b>   | <b>33</b>  |
| 5.1      | Report on Council's Performance in the Assessment of Development Applications for the Second Quarter of the 2023/24 Financial Year, Clause 4.6 Variations Approved for the Second Quarter of the 2023/24 Financial Year, Planning Related Legal Appeals, and the Status of Current Planning Proposals | 35         |
| 5.2      | Planning Proposal for 81-95 Boronia Road, Greenacre (RZ-1/2021)   | 39         |
| 5.3      | Planning Proposal for 11 Harp Street, Campsie (RZ-3/2019)   | 51         |
| 5.4      | Council's submission to the NSW Government's Housing Policy Changes   | 79         |
| 5.5      | Update on Bankstown City Centre Planning Proposal   | 93         |
| <b>6</b> | <b>POLICY MATTERS.....</b>  | <b>99</b>  |
| 6.1      | DRAFT CBCity Advocacy Strategic Plan and Associated Advocacy Priorities   | 101        |
| 6.2      | Street Parklet Program Policy, Guidelines and Fees and Charges  | 105        |
| <b>7</b> | <b>GOVERNANCE AND ADMINISTRATION MATTERS .....</b>  | <b>111</b> |
| 7.1      | Cash and Investment Report as at 31 January 2024, 31 December 2023 and 30 November 2023   | 113        |
| 7.2      | Code of Meeting Practice - Amendment to 2024 Schedule of Meetings   | 121        |
| 7.3      | 2024 Australian Local Government Association National General Assembly  | 125        |
| 7.4      | Quarterly Progress Report of the 2023/24 Operational Plan, 2022-25 Delivery Program, and Budget to 31 December 2023   | 137        |
| <b>8</b> | <b>SERVICE AND OPERATIONAL MATTERS .....</b>  | <b>147</b> |
| 8.1      | Property Matter - 1A Leyland Parade, 1B and 1C Edison Lane, Belmore   | 149        |
| 8.2      | Property Matter - 82 Brighton Avenue, Croydon Park (Former Croydon Park Bowling Club)   | 155        |

|           |  |            |
|-----------|--|------------|
| 8.3       | 75 The Mall Bankstown - Proposed Easement for Gas Line                             | 161        |
| 8.4       | Canterbury-Bankstown Bulldogs Centre of Excellence Proposal                        | 165        |
| 8.5       | Cultural Precincts in Canterbury Bankstown Council                                 | 177        |
| 8.6       | Removal of Restriction on Title Numbered 1(b) at 164 Greenacre Road, Greenacre     | 183        |
| <b>9</b>  | <b>COMMITTEE REPORTS .....</b>   | <b>187</b> |
| 9.1       | Minutes of the Audit Risk and Improvement Committee Meeting Held 5 December 2023   | 189        |
| 9.2       | Minutes of the Universal Access Advisory Committee Meeting Held on 6 December 2023 | 191        |
| 9.3       | Minutes of the First Peoples Advisory Committee Meeting Held on 23 January 2024    | 193        |
| 9.4       | Minutes of the Community Safety Advisory Committee Meeting Held on 8 February 2024 | 197        |
| 9.5       | Minutes of the Traffic Committee Meeting held on 13 February 2024                  | 199        |
| <b>10</b> | <b>NOTICE OF MOTIONS &amp; QUESTIONS WITH NOTICE .....</b>                         | <b>201</b> |
| 10.1      | Status of Previous Notices of Motion - February 2024                               | 203        |
| 10.2      | Increased Penalties for Tree Vandals - Councillor Clare Raffan                     | 205        |
| 10.3      | Heavy Vehicle Parking - Councillor Clare Raffan                                    | 207        |
| 10.4      | Puppy Farm Ban - Councillor Clare Raffan   | 209        |
| 10.5      | Nature Strip and Community Gardens - Councillor Clare Raffan                       | 211        |
| 10.6      | School Traffic Safety on Lucas Road, Panania - Councillor Linda Downey             | 213        |
| 10.7      | Vacant Public Housing - Councillor Linda Downey                                    | 215        |
| 10.8      | Olive Trees - Councillor Linda Downey  | 217        |
| 10.9      | Eid and Easter - Councillor Christopher Cahill                                     | 219        |
| 10.10     | Funding for Footpaths and Bus Shelters - Councillor Christopher Cahill             | 221        |
| 10.11     | Police Campaign on Noisy Motor Vehicles - Councillor Sazed Akter                   | 223        |
| 10.12     | Probity Officer Policy - Councillor Barbara Coorey                                 | 225        |
| 10.13     | Unoccupied Units - Councillor Barbara Coorey                                       | 229        |
| <b>11</b> | <b>CONFIDENTIAL SESSION.....</b>   | <b>231</b> |
| 11.1      | Property Matter - 571-577 Punchbowl Road, Lakemba                                  |            |
| 11.2      | Griffith Park Precinct Plan Design Competition (Tender)                            |            |
| 11.3      | Loan Borrowing - Canterbury Leisure and Aquatics Centre                            |            |



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

The following minutes are submitted for confirmation -

|     |  |   |
|-----|--|---|
| 1.1 | Minutes of the Ordinary Meeting of Council of 7 December 2023..... | 9 |
|-----|--|---|





**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

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

**APOLOGIES** Councillor Raffan

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.01 PM.**

**ACKNOWLEDGEMENT OF COUNTRY**

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

**(646) CLR. EL-HAYEK:/CLR. DOWNEY**

RESOLVED that in accordance with Section 15.22 of Council's Code of Meeting Practice, Channel 9 be permitted to record Item 4.2 – Cancer Appeal.

- CARRIED

**SECTION 1: CONFIRMATION OF MINUTES**

**(647) CLR. ZAKHIA:/CLR. DOWNEY**

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 November 2023 be adopted.

- CARRIED

**SECTION 2: LEAVE OF ABSENCE**

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

RESOLVED that Leave of Absence be granted to Cllr Clare Raffan due to personal reasons.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

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

Nil

**SECTION 4:               MAYORAL MINUTES**

**ITEM 4.2                CANCER APPEAL**  
**(649)                    CLR. EL-HAYEK**

RESOLVED that Council

1.     Call on all local businesses, clubs, community groups and sporting organisations to open their hearts and get behind the Tarei family.
2.     Share the Tarei Family story on our social media platforms and promote the GoFundMe page which will help the family in their time of desperate need.

- CARRIED

**HIS WORSHIP THE MAYOR ADJOURNED THE MEETING AT 6.09 PM AND RESUMED THE MEETING AT 6.12 PM.**

**ITEM 4.1                CHRISTMAS MESSAGE 2023**  
**(650)                    CLR. EL-HAYEK**

RESOLVED that a peaceful and loving Christmas is wished to our community, all Councillors, their families and to the Executive and staff at Council.

- CARRIED

**SECTION 5:               PLANNING MATTERS**

Nil

**SECTION 6:               POLICY MATTERS**

Nil

**SECTION 7:               GOVERNANCE AND ADMINISTRATION MATTERS**

Nil

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

**SECTION 8: SERVICE AND OPERATIONAL MATTERS**

**ITEM 8.1 RAMADAN NIGHTS LAKEMBA**  
**(651) CLR. SALEH OAM:/CLR. WAIBA**

RESOLVED that Council

1. Endorse Event Footprint OPTION 2 (move of event footprint north necessitating a hard closure at the corner of Gilles Street and Haldon Street, away from the highest density of residents), with the exception of 154-168 Haldon Street, to operate from Fri-Sun for a one week trial.

*[note: operating hours for 154-168 Haldon Street be restricted to Fri-Sat (until 12PM) and Sun (until 10PM) during the one-week trial]*

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

- CARRIED

**ITEM 8.2 OVERVIEW OF DEVELOPMENT ASSESSMENT AND THE NSW PLANNING SYSTEM**

CLR. SALEH OAM TEMPORARILY VACATED THE CHAMBER AT 6.27 PM AND RETURNED AT 6.31 PM.

CLR. SALEH OAM TEMPORARILY VACATED THE CHAMBER AT 6.36 PM AND RETURNED AT 6.38 PM.

CLR. COOREY TEMPORARILY VACATED THE CHAMBER AT 6.36 PM AND RETURNED AT 6.37 PM.

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

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

RESOLVED that Council

1. Write to the NSW Premier seeking an urgent meeting to discuss the NSW Planning system and the conflicting directions and comments being made by the Government and its Ministers.
2. Write to the NSW Department of Planning to request an urgent briefing to Council on the details of all the proposed changes.

- CARRIED

**SECTION 9: COMMITTEE REPORTS**

**(653) CLR. HARIKA:/CLR. WALSH**

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

- CARRIED

**ITEM 9.1 MINUTES OF THE COMMUNITY & INCLUSION ADVISORY COMMITTEE MEETING HELD ON 15 NOVEMBER 2023**

**(654) CLR. HARIKA:/CLR. WALSH**

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

- CARRIED

**ITEM 9.2 MINUTES OF THE ARTS & CULTURE ADVISORY COMMITTEE MEETING HELD ON 22 NOVEMBER 2023**

**(655) CLR. HARIKA:/CLR. WALSH**

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

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

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**ITEM 9.3**                      **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 28 NOVEMBER 2023**  
**(656)**                        **CLR. HARIKA:/CLR. WALSH**

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

- CARRIED

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

**ITEM 10.1**                      **STATUS OF PREVIOUS NOTICES OF MOTION - DECEMBER 2023**  
**(657)**                        **CLR. ASFOUR:/CLR. ZAKHIA**

RESOLVED that the information be noted.

- CARRIED

**ITEM 10.2**                      **EXTENSION OF THE WESTERN SYDNEY AIRPORT NOISE ABATEMENT PROGRAM**  
**(658)**                        **CLR. ISHAC:/CLR. DOWNEY**

RESOLVED that

1. Council prepare and make a submission to the Commonwealth Government on the proposed Western Sydney International (Nancy-Bird Walton) Airport EIS. The submission is to include a request for noise insulation for those properties worse off as a result of increased exposure to noise due to changes to flight paths from Sydney (Kingsford Smith) Airport.
2. Council displays in all the libraries the Western Sydney International (Nancy-Bird Walton) Airport EIS information that was on display during their consultation event at the Sports Club on Saturday.
3. Council write to Federal Members of Watson, Hon Tony Burke MP, and Barton, Hon Linda Burney MP, to call on their support in distributing the EIS information to their constituents.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

**ITEM 10.3**

**WESTERN SYDNEY UNIVERSITY MILPERRA**

CLR. WAIBA TEMPORARILY VACATED THE CHAMBER AT 6.52 PM AND RETURNED AT 6.55 PM.

CLR. SALEH OAM VACATED THE CHAMBER AT 6.58 PM AND RETIRED FROM THE MEETING.

CLR. COOREY TEMPORARILY VACATED THE CHAMBER AT 6.59 PM AND RETURNED AT 7.00 PM.

**MOTION**

**CLR. ABOURAAD:/CLR. ZAKHIA**

That –

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

**AMENDMENT**

**CLR. DOWNEY:/CLR. WALSH**

That -

1. Council writes to the Western Sydney University as owner, and Mirvac Residential Developments, as the developer, to revisit their plans for the Milperra site with a view of creating an ongoing public education use for the site.
2. Council invites representatives of Western Sydney University to brief Councillors on the history surrounding the strategic and legal decisions, which were made leading up to the proposed rezoning of the Milperra site.

**THE AMENDMENT WAS CARRIED AND BECAME THE MOTION.**

**(659)**

**CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council writes to the Western Sydney University as owner, and Mirvac Residential Developments, as the developer, to revisit their plans for the Milperra site with a view of creating an ongoing public education use for the site.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

2. Council invites representatives of Western Sydney University to brief Councillors on the history surrounding the strategic and legal decisions, which were made leading up to the proposed rezoning of the Milperra site.  
- CARRIED

CLRS. ABOURAAD AND ISHAC STOOD FOR A DIVISION.

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

**Against:-** Clrs Abouraad, Akter, Coorey, Ishac, Nguyen, Zakhia

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.15 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.14 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 7.21 PM TO COUNCILLOR ABOURAAD FOR AN ACT OF DISORDER.

**ITEM 10.4                      METRO'S TEMPORARY BUSSING PLANS**

CLR. NGUYEN TEMPORARILY VACATED THE CHAMBER AT 7.34 PM AND RETURNED AT 7.35 PM.

**(660)                      CLR. ABOURAAD:/CLR. COOREY**

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

- CARRIED

**SECTION 11:                      CONFIDENTIAL SESSION**

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

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

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

*This report is considered to be confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act, 1993, as it*

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

*relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.*

Item 11.2 Recycling Tender

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

Item 11.3 Canterbury Leisure and Aquatic Centre (CLAC) Redevelopment

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

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

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

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.43 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 7.59 PM.**

**ITEM 11.1**

**Q78-24 REQUEST FOR QUOTATIONS LEAD CONSULTANT (DESIGN) CAMPSIE  
CULTURAL HUB**

CLR. CAHILL TEMPORARILY VACATED THE CHAMBER AT 7.43 PM AND RETURNED AT 7.45 PM.

CLR. HARIKA TEMPORARILY VACATED THE CHAMBER AT 7.43 PM AND RETURNED AT 7.46 PM.

CLR. AKTER TEMPORARILY VACATED THE CHAMBER AT 7.43 PM AND RETURNED AT 7.47 PM.



**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

CLR. WAIBA TEMPORARILY VACATED THE CHAMBER AT 7.43 PM AND RETURNED AT 7.47 PM.

**(662)**

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

RESOLVED that

1. Council accepts the tender received from Studio Hollenstein for an amount of \$3,368,544 (excluding GST) for the Campsie Cultural Hub, subject to finalising Council's Evaluation Plan, as outlined in the report.
2. The Chief Executive Officer be authorised to finalise and enter into a contract with Studio Hollenstein, in accordance with Council's resolution, as required
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

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

**ITEM 11.2**

**RECYCLING TENDER**

**(663)**

**CLR. WALSH:/CLR. ZAKHIA**

RESOLVED that

1. Council accepts the tender received from Visy for a period of 10-years for the provision of Recycling Processing.
2. The Chief Executive Officer be authorised to finalise and enter into a contract with Visy, in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderer in writing and thank them for tendering.

- CARRIED

**ITEM 11.3**

**CANTERBURY LEISURE AND AQUATIC CENTRE (CLAC) REDEVELOPMENT**

**(664)**

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

RESOLVED that

1. Council endorses Lipman's revised lump sum offer to redevelop the Canterbury Leisure and Aquatic Centre, as detailed in the report.
2. The Chief Executive Officer be authorised to finalise and enter into a contract with Lipman, in accordance with Council's resolution, as required.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 7 DECEMBER 2023**

---

3. Council approve the revised/required funding for the project as outlined in the report and that Council's 2023/24 Operational Plan and Budget be updated to reflect the matter.

- CARRIED

**ITEM 11.4**  
**(665)**

**T11-24 - THE MALL, APPIAN WAY AND NORTH TERRACE STORMWATER UPGRADE**  
**CLR. ZAKHIA:/CLR. WALSH**

RESOLVED that

1. Council accepts the tender received from CA&I Pty Ltd for an amount of \$14,111,843.00 (excluding GST) for T11-24 The Mall, Appian Way and North Terrace Stormwater Upgrade.
2. The Chief Executive Officer be authorised to finalise and enter into a contract with CA&I Pty Ltd, in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thanks them for tendering.

- CARRIED

**THE MEETING CLOSED AT 8.00 PM.**

Minutes confirmed 27 FEBRUARY 2024

.....  
Mayor

## **2 LEAVE OF ABSENCE**



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



## **4            MAYORAL MINUTES**

The following items are submitted for consideration -

|  |    |
|--|----|
| 4.1    The Year Ahead                      | 25 |
| 4.2    Proposed Government Housing Changes | 27 |
| 4.3    Advocacy Strategy                   | 29 |
| 4.4    Sikh Games 2025                     | 31 |





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## Mayoral Minutes - 27 February 2024

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### ITEM 4.1                      The Year Ahead

Councillors

Welcome Back and Happy New Year.

I hope you all had a chance to enjoy some time off with your loved ones . . . and ready for what I believe is going to be a defining year for our City.

2024 will see our City emerge from the shadows and rise to new heights, creating jobs and investment not seen before. . . and I will add long overdue, as our City was left behind and overlooked for other centres. . . I refer to Government investment and infrastructure focused on building the Parramatta CBD. . . but that mindset needs to dramatically change. . . and CBDs like ours need to be prioritised.. . .

The Bankstown CBD is on the cusp of becoming Sydney's next major centre. . . our masterplan which outlines our vision is now going to be accelerated by the Planning Department . . . a new hospital site announced with a new TAFE. . the Metro is on track for an opening around this time next year . . .Vicinity and other major players set to invest billions of dollars on landmark retail, office and housing projects. .

The transformation of the Bankstown CBD into a health and education precinct and a centre which will provide more than 12,000 new homes along with professional spaces to attract corporate businesses and Government Departments and agencies is very exciting. . . . And of course, we will continue to advocate for SBS and all it brings.

Councillors, the NSW Government has a critical role to play in the building of our City and the creation of jobs fit for the future. . . and we must do all we can to encourage and collaborate with them to ensure we achieve the best outcomes for our residents.

Are you aware that of the more than 120 NSW Government Agencies and Departments, just one is based in our City. . . the Fire and Rescue services which has a base at Greenacre.. . . the overwhelming majority based at Parramatta.

If you have a chance read through the list on the NSW Government's website. . . Multicultural NSW, Fair Trading, Police, Education, Water, Aboriginal Housing, Ageing and Disability, Anti-Discrimination, EPA, Small Business Commissioner, Planning and Environment, . . . and countless others all at Parramatta . . . . a City which has 150,000 fewer residents. . . . Bankstown's CBD is the true heart of Sydney and will be even more accessible to the City with the new Metro. . . let's not forget the M5 running through our centre, the fact we are a stone's throw to Parramatta, Liverpool and nearby Fairfield, the inner west and the south and south western suburbs. . . . and that we have our own Bankstown Airport.

Tonight, I propose to write to both the Premier and Treasurer, to invite them to a roundtable of business leaders to discuss the future growth and investment in our City and urge them to lead the way by committing to relocate Government Departments and agencies into our City in the immediate future.

Councillors, I put the Mayoral Minute.

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## Mayoral Minutes - 27 February 2024

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### ITEM 4.2

### Proposed Government Housing Changes

Councillors

Since our last Council meeting, a little over 2 months ago, there have been a number of significant announcements by the NSW Department of Planning that will impact the lives of most of our residents.

For our city, the generational changes are defining, and will reshape the look and feel of our business centres, our streets, and our neighbourhoods.

As most of you are aware, the proposed changes aim to vary density in an effort to tackle the housing crisis, . . . provide a greater choice of housing types to meet a range of budgets, and provide more affordable homes . . . . and to meet the Federal Government's target of building 1 million new homes across the nation over the next 5 years.

The intention of both the State and Federal Governments is worthy but that worthiness must not come at the expense of creating unliveable and uninspiring dense cities.

Density can work but only if the density is done right and in collaboration with local Councils and the community.

Our Council hasn't shirked its task of delivering new homes, or meeting the targets set by previous Governments, . . . in fact, we have done most of the heavy lifting.

Heavy lifting when it comes to meeting housing targets. . . and heavy lifting when it comes to master planning our centres for the future. In fact, we are on target to deliver 50,000 new homes by 2036.

While we can say we have done the heavy lifting, there are some Councils who watch from the sidelines doing very little, as we shoulder the burden and break our backs. You've heard them . . . they're the NIMBYs . . . not in my backyard.

Councillors, our analysis of the proposed planning changes, and the yet unannounced housing targets, could see double the number of homes being built in our lifetime, and it's imperative we have a say in shaping our city.

Most of you will know I have spoken out publicly about the likely impacts on our community . . . .but what hasn't been reported in the media, is that I have taken those concerns direct to the Government.

Just last week, I met separately with the Premier, and the Minister for Planning. . . both meetings were cordial and constructive. . I outlined our frustration at the continual and inappropriate interference by the former government. . . political interference in departmental processes which subsequently derailed our well-placed Master Plans for Bankstown, and Campsie, and our LEP which included centres on the East Hills line.

. . . I highlighted the need for more schools, medical facilities, open spaces, improved transport and traffic measures if the proposed changes go ahead. . . there was also a frank discussion about Government agencies like TfNSW that hinder and stifle our efforts to fast track projects that support our well-placed growth.

I pressed the point that by working collaboratively and strategically with our Council, together we can safeguard the character and charm of our suburbs and preserve our green spaces . . . while at the same time providing a diverse range of housing for families, students, essential workers and our older residents.

The message from the Premier is loud and clear. . . his vision of providing more housing will not be derailed by Councils who simply say “no” , equally, his words of support for Councils who proactively work with the Government for better outcomes was much louder.

Councillors, I am on the record as supporting density in appropriate places, if it is properly planned. Council’s submission on the proposed planning reforms before you tonight, details our vision of how we can lead and deliver appropriate housing, working closely with the Government and Department of Planning, Housing and Industry.

Separately, I will write to the NSW Premier to reinforce my views, and to seek an assurance that what happened under the previous Liberal Government, which saw the City divided during Covid, doesn’t happen again. I will urge him to ensure the housing targets are distributed fairly across all Councils, and not leave all the heavy lifting on Councils like ours who are already doing the right thing.

Councillors, I put the Mayoral Minute.

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## Mayoral Minutes - 27 February 2024

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### ITEM 4.3                      Advocacy Strategy

Councillors

As I have just highlighted in my previous Mayoral Minute, our City is on the verge of massive transformation and change . . . .and that transformation should not be just confined to building more homes.

If we are to succeed, and deliver a City that is thriving and dynamic, we must stand up and advocate loudly on behalf of our community.

“A city is not gauged by its length and width, but by the broadness of its vision and the height of its dreams.”. . . I borrowed this line from an article I read recently to reinforce why we must be the voice for change.

Lobbying for change through policies, programs and specific priorities which will benefit our city and make it a more accessible, liveable, culturally vibrant, socially cohesive and an attractive place to invest in for the future.

There are a number of issues and projects we have identified that are crying out for a concerted and targeted push for consideration and funding . . . like reviewing financial arrangements to ensure a Sustainable Local Government, the Max Parker Leisure and Aquatic Facility at Revesby, The Dunc Gray Velodrome, lobbying for The River Rail Link, a transport corridor linking Kogarah and Parramatta via Bankstown, upgrades to Stacey Street and Henry Lawson Drive, and the Cooks River. . . . and there are many others.

Councillors, shortly you will consider a report on an Advocacy Strategy Plan which in a nutshell will empower Council to deploy and target those who have a role to play or can influence the issues and needs of our city.

Whether it is a Member of Parliament, Government agency, community and business leaders, or the media . . . the Plan sets out what needs to be done to garner their support.

This document is the key to unlocking our city’s future success and will be considered by all of you shortly.

Councillors, I put the Mayoral Minute.



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## Mayoral Minutes - 27 February 2024

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### ITEM 4.4                      Sikh Games 2025

Councillors

Sat Sri Akaal, an endearing greeting commonly used by our Sikh community to show goodwill, love, or respect. . . .and a greeting we will hear over and over in the lead up to the Australian Sikh Games.

The Australian Sikh Games are the premier sporting and cultural event for the Sikh community and are held every year in capital cities and regional centres around the country.

You will be surprised to learn that they attract something like 4500 athletes competing in 14 different sports . . . . . with over 150 thousand spectators . . . both locally and overseas including New Zealand, Malaysia, Singapore, Hong Kong, Canada and the UK.

This year's extravaganza will be held over three days in Adelaide in late March.

Councillors, you will be excited to hear that the organisers of the Games have approached our Council to hold the 37<sup>th</sup> Annual Event in our City, in 2025.

This is a significant coup for our city . . . and will bring with it, international recognition and huge economic benefits. . . our local businesses and accommodation facilities can expect a spending bonanza during this period. In fact, the most recent games which were held on the Gold Coast delivered an estimated \$83million to the state's economy.

As well as the privilege of hosting this unique carnival, there is the importance of showcasing our culture, our vibrancy and the diversity that exists here.

Councillors, we have a thriving Sikh community living in our city, and we must do all we can to ensure we secure the Australian Sikh Games in 2025.

I propose Council works closely with the organisers and to assist them as they look to secure parks and international facilities like the Dunc Gray Velodrome and The Crest Sporting Complex. I anticipate Council will recover its costs for the hire, cleaning, and associated matters.

As a gesture of goodwill, and our appreciation for bringing the games to our City, I further propose hosting a Civic Reception, expected to cost around \$7,000, for the organisers and selected guests, to mark this exciting event.

Let the Games begin!

Councillors, I put the Mayoral Minute.





## **5 PLANNING MATTERS**

The following items are submitted for consideration -

|     |   |    |
|-----|---|----|
| 5.1 | Report on Council's Performance in the Assessment of Development Applications for the Second Quarter of the 2023/24 Financial Year, Clause 4.6 Variations Approved for the Second Quarter of the 2023/24 Financial Year, Planning Related Legal Appeals, and the Status of Current Planning Proposals | 35 |
| 5.2 | Planning Proposal for 81-95 Boronia Road, Greenacre (RZ-1/2021)   | 39 |
| 5.3 | Planning Proposal for 11 Harp Street, Campsie (RZ-3/2019)   | 51 |
| 5.4 | Council's submission to the NSW Government's Housing Policy Changes   | 79 |
| 5.5 | Update on Bankstown City Centre Planning Proposal   | 93 |



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## Planning Matters - 27 February 2024

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**ITEM 5.1**                      **Report on Council's Performance in the Assessment of Development Applications for the Second Quarter of the 2023/24 Financial Year, Clause 4.6 Variations Approved for the Second Quarter of the 2023/24 Financial Year, Planning Related Legal Appeals, and the Status of Current Planning Proposals**

**AUTHOR**                      **Planning**

### **PURPOSE AND BACKGROUND**

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

1. Performance for processing of development applications for the second quarter of the 2023/24 financial year;
2. Development applications approved with a Clause 4.6 Variation for the second quarter of the 2023/24 financial year;
3. Planning related legal appeals currently before the Land and Environment Court; and
4. Active Planning Proposals.

### **RECOMMENDATION**

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That the report be noted.

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

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- A. Clause 4.6 Register for Q2 of 2023/24 financial year
- B. Planning related Court listing as of 6 February, 2024
- C. List of active planning proposals

## **POLICY IMPACT**

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This matter has no policy implications.

## **FINANCIAL IMPACT**

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This matter has no financial implications.

## **COMMUNITY IMPACT**

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The efficient processing of development applications plays a pivotal role in enhancing the housing supply, fostering job opportunities, expanding community amenities, and elevating the aesthetic appeal of our City. Our Council's impressive track record as one of the swiftest authorities in metropolitan Sydney when it comes to processing development applications is a substantial advantage for both the community and the industry.

Nonetheless, it is equally essential to ensure that our community is shielded from ill-advised development ventures. This report provides insights into instances where the Council has firmly opposed subpar development proposals. In such cases, the Council has demonstrated a commendable success rate in defending against appeals filed by applicants. Furthermore, the Council has been effective in orchestrating modifications to proposals, aligning them with relevant planning regulations, and promoting orderly development.

Similarly, the advancement of Planning Proposals serves as a catalyst for the New South Wales economy, generating employment opportunities, increasing housing availability, delivering vital infrastructure, and bestowing public benefits upon the community. It also plays a pivotal role in fostering urban renewal in areas where it is deemed appropriate, and it can be substantiated that a modification to planning regulations will yield enhanced outcomes for the locality. This determination takes into account a comprehensive range of factors, encompassing economic, social, and environmental considerations.

## **DETAILED INFORMATION**

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### **1. DEVELOPMENT APPLICATIONS**

#### **Processing of development applications for the second quarter of the 2023/24 financial year**

For the second quarter of the 2023/24 financial year, Council determined 188 development applications and 61 Section 4.55 applications (applications to modify a development consent), with a total capital investment value of \$218,926,172. The median gross determination times for all development applications for the quarter was 61 days.

#### **Reporting of development applications which involved a Clause 4.6 submission**

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

During the second quarter of the 2023/24 financial year, a total of one variation to an environmental planning instrument were approved. The report provided at Attachment A is the required report and includes all results for the second quarter of the current financial year.

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

Attachment B to this report provides details of the appeals currently before the New South Wales Land and Environment Court, as of 6 February 2024. The attached list identifies a total of 19 active appeals. The report also provides information on appeals that have been finalised between 1 July 2022 and 6 February 2024. In that period there were 27 matters settled by way of a Section 34 agreement after amendments were made to the proposal to address Council's contentions. Six appeals were discontinued by the applicant, three were dismissed and six appeals upheld but only after the applicant submitted amended plans as part of the Court process to address Council's contentions.

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

## 2. PLANNING PROPOSALS

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

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

Council currently has seven planning proposals in progress which are outlined in the attachment to this report (and divided into stages represented in Figure 1 below). The largest of Council's applicant-initiated Planning Proposals remains the Bankstown Central site, with an approximate capital investment value of \$1.3 billion. There are several other major urban renewal proposals at various stages of the process, including Chester Square mixed use proposal, a private hospital proposal at 11 Harp Street, Campsie and Council's Master Plan Planning Proposals for Bankstown City Centre and Campsie Town Centre.



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

Council does not currently have any planning proposals with the Department for finalisation, two are with the Department awaiting a Gateway Determination to proceed to exhibition and three have been lodged and under assessment to progress to a Local Planning Panel Meeting or Council Meeting.

Refer to Attachment C for the full list of active planning proposals.

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## Planning Matters - 27 February 2024

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### **ITEM 5.2                      Planning Proposal for 81-95 Boronia Road, Greenacre (RZ-1/2021)**

**AUTHOR                      Planning**

### **PURPOSE AND BACKGROUND**

Council is in receipt of an application to prepare a planning proposal for this site at 81-95 Boronia Road, Greenacre that seeks the following:

- Rezone the R2 – Low Density Residential to R3 – Medium Density Residential;
- Increase the allowable building height to a maximum of 10.5m;
- Increase the floor space ratio (FSR) from 0.5:1 to 0.75:1; and
- Decrease the minimum lot size from 450m<sup>2</sup> to 100m<sup>2</sup>.

The concept development scheme submitted by the applicant shows 70 townhouses across the 1.1ha site, consisting of 3-4 bedrooms with a maximum building height of 3 storeys. The concept plan includes a shared entry/exit vehicle access point on the western side of the site to a basement with approximately 150 vehicles.

This report seeks Council's resolution to not progress the planning proposal for the site.

The planning proposal was considered by the Canterbury Bankstown Local Planning Panel (the Panel) in 2022 and 2023 and Council's report from the Panel meeting and the Panel's Minutes from these meetings can be found in Attachment A and B.

At the 1 August 2022 meeting, the Panel deferred its decision to allow the applicant to provide further information and investigations in relation to the following:

- Resolution of flooding issues;
- Traffic modelling;
- The extent of existing and proposed future affordable housing on the site; and
- Waste removal arrangement for the proposed development.

Following the meeting, Council contacted the applicant via phone and letter in January 2023 and August 2023 requesting an update on their intent to lodge a revised scheme that addressed the Panel's requirements and the issues raised in Council's report. Council had not received any further updates from the applicant regarding this planning proposal. A copy of Council's letter sent to the applicant in August 2023 can be found in Attachment C.

As the applicant has not provided the information and further clarifications requested by the Panel and Council, the proposal continues to lack strategic and site-specific merit and is therefore recommended that it not proceed to Gateway determination.

## ISSUE

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Council's detailed assessment indicates the applicant's proposal in its current form does not adequately demonstrate strategic and site-specific merit to proceed to a Gateway determination. The likely development outcome as a result of this planning proposal will result in unacceptable bulk and scale that is out of character with the surrounding locality and has a poor amenity for future residents on the site due to inadequate open space and access direct sunlight. Council engaged with an Urban Design consultant to prepare an improved concept scheme for the site which addressed these issues, recommending a maximum FSR of 0.7:1 for the site. The applicant was provided with the alternate schemes and declined to proceed with the recommended amendments.

Since the Panel previously considered this matter in August 2022, the Council's new consolidated Local Environmental Plan has come into effect and results in new R3 Medium Density Residential and R4 High Density Residential zoned land being delivered within the Greenacre Town Centre. This new R3 and R4 zoned land in Greenacre centre will support the delivery of new housing closer to bus services, retail, and infrastructure services than the subject site. The strategic merit to proceed with this planning proposal has diminished as a consequence of the changes in zoning in Greenacre centre.

Should Council decide to proceed with the planning proposal, it would set an undesirable precedent that would be contrary to Council's adopted strategies that set the planning policy direction for future development in the Local Government Area (LGA).

## RECOMMENDATION That -

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1. Council endorses the advice of the Canterbury Bankstown Local Planning Panel that the planning proposal does not proceed to a Gateway determination.
2. Council writes to the applicant advising it does not support the planning proposal and that it will not proceed to a Gateway determination.
3. Council informs all persons who made a submission to the proposal when it was considered by the Local Planning Panel.

## ATTACHMENTS [Click here for attachments](#)

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- A. Canterbury Bankstown Local Planning Panel Report and Minutes - 4 December 2023
- B. Canterbury Bankstown Local Planning Panel Report and Minutes - 1 August 2022
- C. Letter to applicant requesting update - 2 August 2023
- D. Social Impact Assessment Peer Review - 29 September 2021
- E. Urban Design Peer Review - September 2021
- F. Traffic Impact Assessment Peer Review - February 2022



## **POLICY IMPACT**

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The planning proposal in its current form is considered inconsistent with Council's adopted land use and planning policies including the Canterbury Bankstown Local Strategic Planning Statement (LSPS), *Connective City 2036*, Canterbury Bankstown Local Environmental Plan 2023 (CBLEP) and the Canterbury Bankstown Housing Strategy.

Should Council decide to proceed with the planning proposal, it would set an undesirable precedent that would be contrary to Council's adopted strategies that set the planning policy direction for future development in the LGA.

## **FINANCIAL IMPACT**

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The applicant's Letter of Offer dated 27 April 2022 proposes a monetary contribution of \$300,000 or to undertake works in kind to this value or embellishment of open space and recreation facilities within walking distance of the site.

Council notes that the work schedule of the Canterbury Bankstown Local Infrastructure Contributions Plan 2022 identifies new and upgraded infrastructure for Greenacre Local Centre including a new community facility, a new splash park and water play facility (delivered), public domain improvements, road network and traffic improvements that this funding could be contributed toward. If Council resolves to submit the planning proposal for a Gateway determination, Council Officers would enter discussions with the applicant to revisit the Letter of Offer items to ensure the public benefits to be delivered address current and future community needs.

As proposed, this resolution will not have any financial implications for Council.

## **COMMUNITY IMPACT**

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Although the planning proposal would contribute towards housing supply, Council's assessment has found that the proposed location is not appropriate for medium density residential dwelling at the scale and density proposed by the applicant. Council's assessment findings indicate that the proposal would result in poor interface and residential amenity for future residents on the site and the adjoining residents as a result of the proposed scale and density, insufficient open space and waste collection provisions.

Despite the planning proposal intending to create housing choice and diversity via providing 25% of the Gross Floor Area of the future development as an affordable housing, Council's assessment considers that it is unable to establish a net community benefit in terms of a potential loss of the existing housing on the site. While the applicant's offer includes 5% affordable housing dedicated to Council in perpetuity, the remaining 20% affordable housing could be sold off to the private market after 15 years under the provisions of Chapter 2 'Affordable housing' in the *State Environmental Planning Policy (Housing) 2021*.

## DETAILED INFORMATION

### 1. SITE DESCRIPTION

The subject site (site) at 81-95 Boronia Road, Greenacre comprises the following properties as shown in Figure 1.

*Table 1. Summary of the subject site*

| Property Address | Property Description                                | Current Zone                    | Site Area                         |
|------------------|---|---------------------------------|-----------------------------------|
| 81 Boronia Road  | Lot Y DP 418826                                     | Zone R2 Low Density Residential | 11,472m <sup>2</sup><br>(1.147ha) |
| 83 Boronia Road  | Lot x, DP 418826; Lot B DP 320337; Lot 1 DP 1074206 |                                 |                                   |
| 87 Boronia Road  | Lot 1, DP 105002                                    |                                 |                                   |
| 95 Boronia Road  | Lot 2, DP 315822                                    |                                 |                                   |

The existing development on the site includes single storey former retirement village consisting of thirty-nine (39) townhouses, now occupied as ordinary residential housing, and five detached residential dwellings. Existing vehicular access to the site is via six separate driveways on Boronia Road. The site has a frontage of approximately 113m to Boronia Road and a depth of 100m.

The site has a 4.5m fall from the street to the rear of the site. The stormwater generally drains to the rear of the site, with stormwater lines to the rear boundary. The rear portion of the site is located within a flood planning area. An aerial view is provided below in Figure 1.



*Figure 1. Aerial view of subject site.*

The site is located approximately 600m to the west of Waterloo Road which is the main street of the Greenacre Local Centre. The existing character of the area is predominantly single storey detached residential dwellings with some two storey duplexes and townhouses. A site context map is provided below in Figure 2.

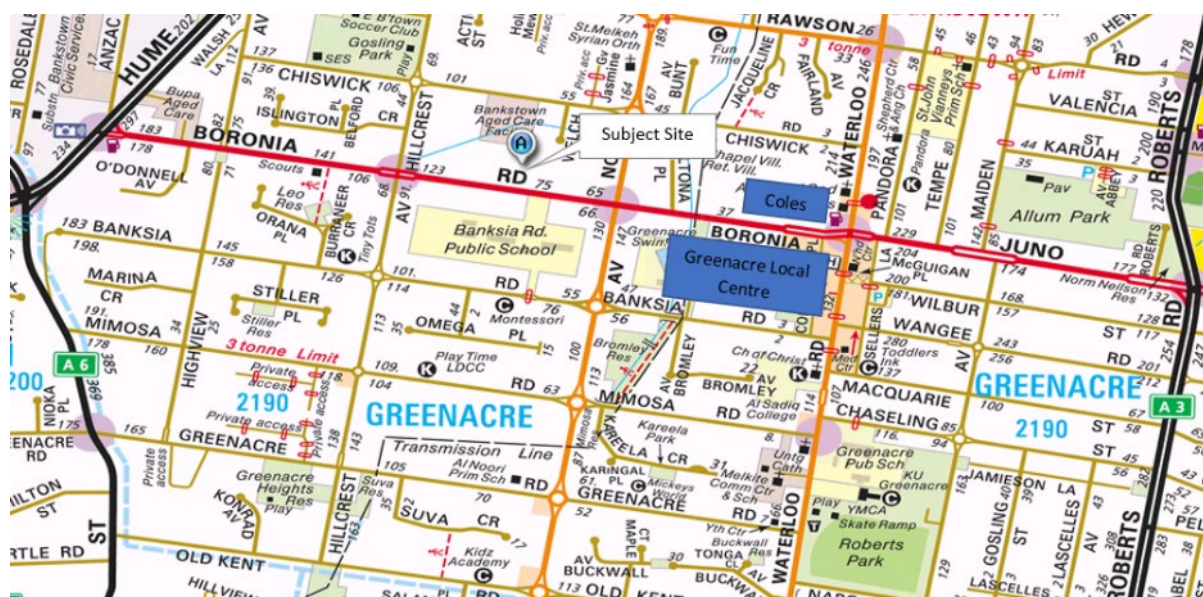


Figure 2. Site context map.

## 2. DESCRIPTION OF PROPOSAL

Council received an application to amend the *Canterbury Bankstown Local Environmental Plan 2023*<sup>1</sup> to facilitate medium density residential accommodation. The extent of the amendments is outlined below in Table 2.

Table 2. Summary of proposed LEP amendments.

| Proposed LEP Amendment | Current controls           | Proposed controls             |
|------------------------|----------------------------|-------------------------------|
| Land Zoning            | R2 Low Density Residential | R3 Medium Density Residential |
| Floor Space Ratio      | 0.5:1                      | 0.75:1                        |
| Height of Buildings    | 9m                         | 10.5m                         |
| Minimum Lot Size       | 450m <sup>2</sup>          | 100m <sup>2</sup>             |

The application comprises 70 townhouses and 150 parking spaces located in a basement accessible via a single entry/exit off Boronia Road and an at-grade driveway with single entry and exit points to Boronia Road. 20 visitor car parking spaces and waste collection services are proposed on the ground floor, however a loading bay for waste collection is also shown in the basement. Communal open space of approximately 485m<sup>2</sup> is proposed in the centre of the site.

The proposed concept plan and building massing is provided below in Figures 3 and 4.

<sup>1</sup> The previous planning proposal lodged in 2021 and the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP 2023) had yet been gazetted. CBLEP 2023 was gazetted in June 2023. The documentation provided by the applicant and Council's previous assessment may refer to the Draft CBLEP and the *Bankstown Local Environmental Plan 2015*.





**Figure 3.** Applicant's proposed Concept Plan.



**Figure 4.** Applicant's building massing diagram.

The application is accompanied by a Letter of Offer to enter into a Planning Agreement including the following:

*“...By way of an offer to enter into a Voluntary Planning Agreement, 5% of the gross floor area will be dedicated to Council for the purpose of providing affordable housing. An additional minimum 20% of the gross floor area will be made available as affordable rental housing for 15 years from the date of issue of the occupation certificate:*

- (i) the dwellings proposed to be used for the purposes of affordable rental housing will be used for the purposes of affordable housing, and*
- (ii) all accommodation that is used for affordable rental housing will be managed by a registered community housing provider.*

*The proponent will also either undertake works in kind or contribute \$300,000 towards the embellishment of open space and recreation facilities within walking distance of the site.”*

Council recommends not to proceed with the planning proposal to a Gateway determination, therefore Council has not progressed with the preparation of a draft Planning Agreement.

## **2.1 Site Specific Development Control Plan**

A site-specific draft Development Control Plan (DCP) has not been submitted by the applicant as part of the planning proposal application. As Council does not recommend the planning proposal to proceed to a Gateway determination, the preparation of a draft site-specific DCP has not progressed.

## **2.2 Canterbury Bankstown Local Planning Panel**

In accordance with the Minister for Planning’s *Local Planning Panels Direction* for planning proposals, the Panel considered Council’s assessment report and planning proposal on 1 August 2022, where the Panel advised the planning proposal should be deferred, and then on 4 December 2023 to provide advice to Council whether the matter should proceed to Gateway. The Panel does not support the progression of the planning proposal to Gateway determination, as provided in Attachment A and reproduced below:

*“The Panel considered the Council officers detailed assessment of this planning proposal in August 2022 and resolved to defer the Panel’s recommendation to Council noting that while the site would be suitable for medium density housing, further investigations were needed (such as flooding, traffic, waste removal and affordable housing options) to determine a final draft form of development.*

*Despite further contact with the applicant by Council staff, no additional information/studies/designs have been submitted.*

*The applicant representatives indicate that further work has been carried out in relation to affordable housing, traffic and flooding however, no further information had been provided and more importantly it seemed to the Panel that the applicant was referring to changes which should be incorporated into a new planning proposal with the updated studies.*

*In these circumstances the Panel agrees with the recommendation in the Council staff report to the Panel.”*

### **3. ASSESSMENT**

As discussed in Section 4 below and detailed in Council’s previous assessment of the Applicant’s planning proposal provided in Attachment A, Council’s assessment of the proposed amendments to the Canterbury Bankstown Local Environmental Plan 2023 (CB LEP 2023) indicates the application does not demonstrate strategic merit as it will result in a development that does not provide a satisfactory level of residential amenity, an inconsistent building character and will have unacceptable impacts in relation to flooding and traffic. The proposed development will also result in an ‘out of centre’ development going against the strategic vision for the suburb of Greenacre.

#### **3.1 Consistency with Strategic Planning Framework**

Council’s assessment identifies that although the application would contribute towards housing supply and affordable housing for the city, it does not meet the strategic policy requirements for housing to be in the ‘right location’ and be of a ‘good design’ set out in the Greater Sydney Region Plan – A Metropolis of Three Cities. Council’s previous assessment of the planning proposal provides a detailed site-specific merit assessment that confirms the relevant objectives/priorities of the following policies are not satisfactorily met by the application.

- Greater Sydney Region Plan – A Metropolis of Three Cities;
- South District Plan;
- Local Strategic Planning Statement – ‘Connective City 2036’; and
- Canterbury Bankstown Council Housing Strategy.

Refer to the Council Officer’s assessment report provided at Attachment A for a detailed assessment of these strategic policies.

It is worth noting that in December 2023, the Department of Planning, Housing, and Infrastructure (DPHI) announced its ‘Diverse and well-located homes’ planning reform package that would allow terraces, townhouses and two storey apartment blocks near transport hubs and town centres in R2 Low Density Residential zones across the Greater Sydney region, Hunter, Central Coast and Illawarra Shoalhaven. These changes are on exhibition until 23 February 2024 and if they become effective, will have significant implications for centres across the Canterbury Bankstown Local Government Area, including Greenacre. The site is located within 800m of land zoned B2 Local Centre and will therefore benefit from these reforms. If finalised, the state-led planning reforms will allow for the following:

- Allow dual occupancies in all R2 Low Density Residential zones. The minimum lot size and lot width is also reduced to 450m<sup>2</sup> and 12m.
- Allow terraces, townhouses and 2 storey apartment blocks (manor houses) near town centres in R2 Low Density Residential zone, and
- Allow mid-rise apartment blocks near town centres in R3 Medium Density Residential zones.

These proposed changes do not alter the deficiencies of the planning proposal as identified by Council or impact the recommendation contained in this Council report. Based on the State Government's proposed housing reform package, the site could be redeveloped to provide around 68 dwellings comprising 17 manor houses with up to four dwellings each, however such a scheme would require Council approval for an internal roadway to facilitate subdivision of the lots for vehicle access, services connections and to enable the site to be redeveloped.

#### *4.1.4 Affordable Housing Strategy*

On 23 June 2020, Council adopted the Canterbury Bankstown Affordable Housing Strategy. The objectives of the Affordable Housing Strategy are to increase the provision of affordable rental housing and to reduce the level of housing stress experienced by residents across the City of Canterbury Bankstown.

The Affordable Housing Strategy and Council's Planning Agreement Policy requires a 5% affordable housing contribution for planning proposals resulting in uplift of more than 1,000m<sup>2</sup> of residential floorspace, unless otherwise agreed with Council.

The application includes an offer of 25% of the total Gross Floor Area (GFA) of the development as affordable housing. Of this 25%, 5% which equates to around four dwellings, would be dedicated to Council in perpetuity and 20% which equates to around 14 dwellings would be affordable housing for a minimum of 15 years. The site currently contains 45 existing dwellings that are considered affordable given their previous use as a former aged care facility and their bedrooms composition which are primarily 1-bedroom units. Council's peer review of the applicant's Social Impact Assessment, which can be found in Attachment D, confirms that the planning proposal at this stage does not consider the loss of approximately 28 dwellings which is the difference between what is proposed to be delivered under this proposal and what is existing on site. It is also noted that only 4 dwellings would be dedicated as affordable housing in perpetuity. Therefore, the proposal is likely to result in an overall net loss in permanent affordable housing for Greenacre.

### **3.2 Urban Design Considerations**

As part of the detailed site-specific merit assessment of the planning proposal, Council commissioned an independent urban design specialist to undertake a peer review of the applicant's concept design report. The full assessment and results of this review can be found in Attachment E. In summary, the review found:

- The design resulted in unreasonable density and height;
- Confirmed that the proposed density is out of character with surrounding development, resulting in a significantly higher density than adjoining multi-dwelling housing;
- Recommended a maximum building height of 9.5m with only a certain number of dwellings in the centre of the site to be allowed up to 10.5m to account for the landform. It did not support a building height of 10.5m across the entire site; and
- A minimum lot size of 100m<sup>2</sup> would disrupt the established rhythm of the low-density character of Boronia Road and result in a compressed built form. The lower lot size would also encourage higher density beyond that appropriate for the locality.

This peer review has assisted Council with the assessment of the planning proposal to conclude that the planning proposal in its current form is not supported to progress given the opportunities for the applicant to make changes to address the issues raised in the urban design peer review. Council also presented alternate options to the applicant for their consideration that would address the issues raised above, which the applicant declined to proceed with.

### **3.3 Traffic and Transport**

The applicant provided a Traffic Impact Assessment (TIA) for Council's consideration. In August 2021, Council commissioned an independent traffic specialist to undertake a peer review of the applicant's TIA. The recommendations of the peer review are summarised as follows:

- Justification needs to be provided for the assumptions in the TIA makes for the proposed traffic generation, traffic distribution, SIDRA modelling;
- Early consultation with the Transport of NSW (TfNSW) is required in relation to the proposed narrowing of lanes along the Boronia Road frontage of the site, other proposed changes and the impact this may have on the functioning of Boronia Road (as a State Road) and Boronia Road Public School. As the authority for State Roads, TfNSW would be required to agree to any works on Boronia Road;
- Use of 'Affordable Housing' parking rates for the entirety of the development is unsuitable as the proposal does not constitute 100% affordable housing only on the site;
- In order to remove the need for large trucks within the constrained basement car park, above-ground loading and waste collection areas to be considered;
- Parking spaces for cars, bicycles, visitors, Person with Disabilities (PWD) to be consistent with the requirements of the Bankstown DCP 2015 and need to remove any inconsistencies in the report. Bicycle parking to be relocated from basement to a safe, convenient and public- facing space in line with passive relocated surveillance CPTED principles; and
- Swept path analysis to provide details of the largest vehicles that can access the site and the basement.

The matters raised in the peer review required resolution by the applicant should the planning proposal proceed to a Gateway determination.

In June 2022, Council referred the planning proposal to TfNSW to seek its preliminary advice, consistent with the requirements of the Department's LEP Making Guideline. On 8 July 2022, TfNSW advised that the findings and recommendations in Council's peer review of the Traffic Impact Assessment are supported. Full details of the TfNSW's assessment is held in Attachment F.

### **3.4 Flooding**

Council's review of the applicant's flooding assessment confirm that the proposal does not provide an acceptable assessment of flood impacts and flood risks consistent with the requirements of the Flood Risk Management Guide LU01 (DPE, 2022) (FIRA). The proposal does not consider potential risks associated with flooding, proportionate to the intensification being proposed on the site, except for a recommendation that the dwellings are to be elevated above the flood level. Further consideration of the flooding implications from



enclosed spaces which may cause blockage and subsequent obstruction to flooding would be required.

The proposal does not provide information on whether there is a change in flood level/depth, flood velocities and flood hazard for multiple scenarios including but not limited to 1% AEP (100-year ARI) and Probable Maximum Flood (PMF) flooding. Additionally, the proposal has not included a management plan for evacuation in the event of a flood.

## **5. NEXT STEPS**

Council has assessed this planning proposal against the relevant strategic and site-specific merit considerations and the justification matters outlined in the Department's LEP Making Guideline. Council's assessment of the proposal confirms that the planning proposal does not adequately demonstrate a clear strategic and site-specific merit to proceed to a Gateway determination and has a number of significant design, site layout and flooding issues that are either unreasoned or unsatisfactory. Following a resolution, Council will write to DPHI confirming its assessment and to withdraw the planning proposal.



### **ITEM 5.3                      Planning Proposal for 11 Harp Street, Campsie (RZ-3/2019)**

**AUTHOR                      Planning**

#### **PURPOSE AND BACKGROUND**

This report seeks Council's approval to proceed with the recommendations from the Canterbury Bankstown Council Local Planning Panel (LPP) regarding the property at 11 Harp Street, Campsie. The goal is to progress a planning proposal for Gateway consideration by the Department of Planning, Housing, and Infrastructure (DPHI). The proposal aims to transform an industrial site into a private hospital area with additional health services and public facilities, including new open spaces.

#### **ISSUE**

Council has received an application to prepare a planning proposal for the site 11 Harp Street, Campsie to transform the site into a private hospital. The site is currently zoned IN2 Light Industrial and comprises a car storage facility.

Health service facilities (i.e. Hospital) are prohibited under the IN2 zone at present. In order to facilitate the intended development outcome, the planning proposal does not seek to rezone the land, but rather seeks to introduce an additional permitted use for the site through amending Schedule 1 of the CBLEP – that being of ‘hospital’.

Further, the application seeks to introduce a maximum height of building control (noting there is currently no maximum building height) of up to 38.5m to facilitate the redevelopment of the site for the purposes of a 3 to 10 storey private hospital with approximately 200 beds, as well as numerous ancillary uses such as an integrated ambulatory health hub, day procedure centre, rehabilitation and respite care, ‘Medi Hotel’ for patients and their families, a hospital-based childcare centre and specialist health consulting suites. The proposal will rely on the use of two properties at 5 and 11A Elizabeth Street, Campsie to the east of the site to improve access to and from the site and manage the reliance on the vehicle entrance off Harp Street. These two properties are included as part of the planning proposal.

The planning proposal seeks to increase the Floor Space Ratio (FSR) to 2.1:1 and building height to a maximum of 38.5m. There are no proposed land use changes however, the additional permitted use of ‘Health services facility’ and ‘Hotel and motel accommodation’ is proposed to be added to Schedule 1. The height and floor space ratio controls will apply to any permissible development on the site (that is, industrial or hospital development).

The redevelopment of the site for a new private hospital and health precinct will have significant positive social, economic and health related benefits. Its construction will enable 338 jobs, with approximately 425 Full Time Equivalent (FTE) staff to be employed once operational. The private hospital will provide health services to support the nearby Canterbury Public Hospital, including provision of health services not offered at the existing

public hospital. At present there are no operational private hospitals in the Canterbury Bankstown Local Government Area (LGA) and there is strong demand for such health facilities to operate within the LGA.

The planning proposal is consistent with Council's Local Strategic Planning Statement (LSPS) and will make an important contribution towards realising the vision for the corridor between Campsie and Kingsgrove as an 'Eastern Lifestyle and Medical Precinct'.

The planning proposal is supported by a Letter of Offer which outlines the Applicant's in principle commitment to provide a monetary contribution towards the design and construction of new cycleways in Campsie and pedestrian improvements in the vicinity of the site to improve access for users of the site in the future. The letter of Offer will form the foundations of a forthcoming Planning Agreement, to be exhibited and reported back to Council prior to finalisation.

A detailed assessment of the application indicates that there is strategic and site-specific merit to proceed to the next step in the plan making process and seek Gateway approval from DPHI. Council will prepare a site-specific Development Control Plan amendment (DCP) that will set out the detailed planning and development controls for the site and would be exhibited concurrently with the planning proposal.

The LPP considered Council's assessment report at a public meeting on 6 November 2023 and advised they supported the recommendation to proceed to a Gateway determination, subject to Council's endorsement. The LPP's advice has informed the recommendations presented to Council in this report.

## **RECOMMENDATION**

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That Council resolves to proceed with the planning proposal to amend the Canterbury Bankstown Local Environmental Plan 2023 and seek a Gateway determination in accordance with the following:

1. Prior to the planning proposal being publicly exhibited (after the Gateway determination) the following documentation be prepared to the satisfaction of the council:
  - a) a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,
  - b) update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions; the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,
  - c) the site contamination documentation be reviewed by a site auditor to:
    - (i) confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and

- (ii) assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,
  - d) in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking, and
  - e) Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.
2. The documents referred to in item 1 above are to be part of the document package available to the public in the post gateway public exhibition process.
  3. Council prepare and exhibit a site specific DCP Amendment as outlined in this report.
  4. Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.
  5. A draft Planning Agreement be prepared subject and exhibited to the following:
    - a) Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.
    - b) Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.
  6. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP amendment and draft Planning Agreement and the matter be reported to Council following the exhibition.
  7. Prior to the planning proposal being publicly exhibited, Council be provided with evidence of a binding long-term agreement to purchase the properties at numbers 5 and 11A Elizabeth Street for access (subject to commercial in confidence).

## ATTACHMENTS

[Click here for Attachments A to G](#)  
[Click here for Attachments H to W](#)

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- A. CBLPP Meeting Report and Attachments (6 November 2023)
  - B. Minutes of CBLPP Meeting (6 November 2023)
  - C. Applicant's Planning Proposal (February 2024)
  - D. Applicant's Draft Letter of Offer (September 2023)

- E. Applicant's response to Greater Cities Commission Alignment with Draft Guiding Principles Industrial Land Review (September 2023)
- F. Applicant's Urban Design Report (August 2020)
- G. Applicant's Updated Urban Design Report (November 2023)
- H. Applicant's Acoustic Review (July 2019)
- I. Council's revised Urban Design Scenarios (July 2023)
- J. Applicant's Health Context Review (August 2019)
- K. Applicant's Community Context Review (June 2019)
- L. Correspondence from Sydney Local Health District (July 2023)
- M. Comparative Report - Health Assessment Addendum (February 2024)
- N. Applicant's Economic Impact Assessment (July 2020)
- O. Applicant's updated Economic Impact Assessment (January 2024)
- P. Applicant's Interim Site Audit Advice: Statement on Site Contamination and Remediation (August 2023)
- Q. Applicant's updated Flood Advice Memo (September 2023)
- R. Transport for NSW Referral Comments and Council's Traffic Engineer Comments (2019)
- S. Peer Review of Traffic Impact Assessment (December 2020)
- T. Applicant's Traffic Impact Assessment (August 2019)
- U. Applicant's Transport Assessment Addendum (January 2024)
- V. Letter of support from 5 Elizabeth Street, Campsie (November 2023)
- W. Letter of support from 11a Elizabeth Street, Campsie (November 2023)

## **POLICY IMPACT**

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Council's adopted Local Strategic Planning Statement – 'Connective City 2036' (LSPS) guides the future growth and development of the City of Canterbury Bankstown to 2036. The proposal responds to the key directions by reinforcing the role of Campsie as a Strategic Centre and supporting the development of the Eastern Lifestyle and Medical Precinct through social infrastructure in close proximity to Campsie and along the Corridor between Campsie and Kingsgrove. The proposal will also facilitate achievement of Evolution Three – Places for Commerce and Jobs by promoting employment growth near the Campsie Master Plan area and providing health services to support the City's growing population.

The proposal, if developed, is anticipated to contribute 338 jobs during the construction and 425 jobs during the operation of the Health Precinct which will indirectly support flow-on job opportunities to achieve the target of 2,700 additional jobs in the Campsie Town Centre.

The proposal also aligns with the following planning priorities within the South District Plan which identifies that Canterbury Bankstown LGA will accommodate 70% of population growth in the South District, and that planning must provide services and social infrastructure to meet this growth and changing needs. The proposal which comprises a health services facility and associated ancillary hotel and motel accommodation will facilitate employment growth in Campsie which is identified in the District Plan as is the principal underlying economic goal for metropolitan and strategic centres.

## **FINANCIAL IMPACT**

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There is no financial impact to Council for this proposal as it is supported by a Letter of Offer that ensures appropriate infrastructure upgrades are provided to accommodate the intensification of the site for the public interest. The infrastructure upgrades proposed will be delivered through a Planning Agreement as outlined in this report in addition to ordinary conditions of any development approval.

In addition to the infrastructure delivered by the proponent in a future Planning Agreement, any future development on the site would be required to pay Section 7.12 Development Contributions in accordance with Council's Local Infrastructure Contributions Plan 2022.

## **COMMUNITY IMPACT**

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This application will enable the delivery of a new private hospital and associated health related uses that aligns with the strategic vision set out in Council's LSPS. The proposal will deliver a number of positive social, economic and health related benefits to the surrounding community and broader city.

There are currently no operational private hospitals within Canterbury Bankstown LGA. There is an unmet demand for private hospital beds in the LGA which this proposal will assist with filling. Refer to the Applicant's Community Context review in Attachment K for a more detailed summary.

If a development is realised, the subject planning proposal will facilitate at least 425 direct FTE jobs during operation, including skilled medical related professional roles and essential support jobs and act as a catalyst for future investment in health and allied services in Campsie. Its construction will enable an additional 338 jobs.

The building will have a significant change to the existing built form of the current development on the site and will change the character of the surrounding area. While the change will be significant when compared to the currently minimal development on the site, the planning proposal and associated Development Control Plan (DCP) will ensure that the redevelopment is sensitive to the adjoining residential interfaces, and less intrusive when compared to the currently permissible industrial development and activity that can occur on the site that would interface with immediately adjacent residential development.

The planning proposal includes a Letter of Offer from the proponent that will include provision of pedestrian upgrades and a monetary contribution towards delivery of a future pedestrian and stormwater upgrades and provision of roundabouts. Council will continue to negotiate the terms of the Letter of Offer to ensure the public benefits are proportionate to the significant development potential for the site.



## DETAILED INFORMATION

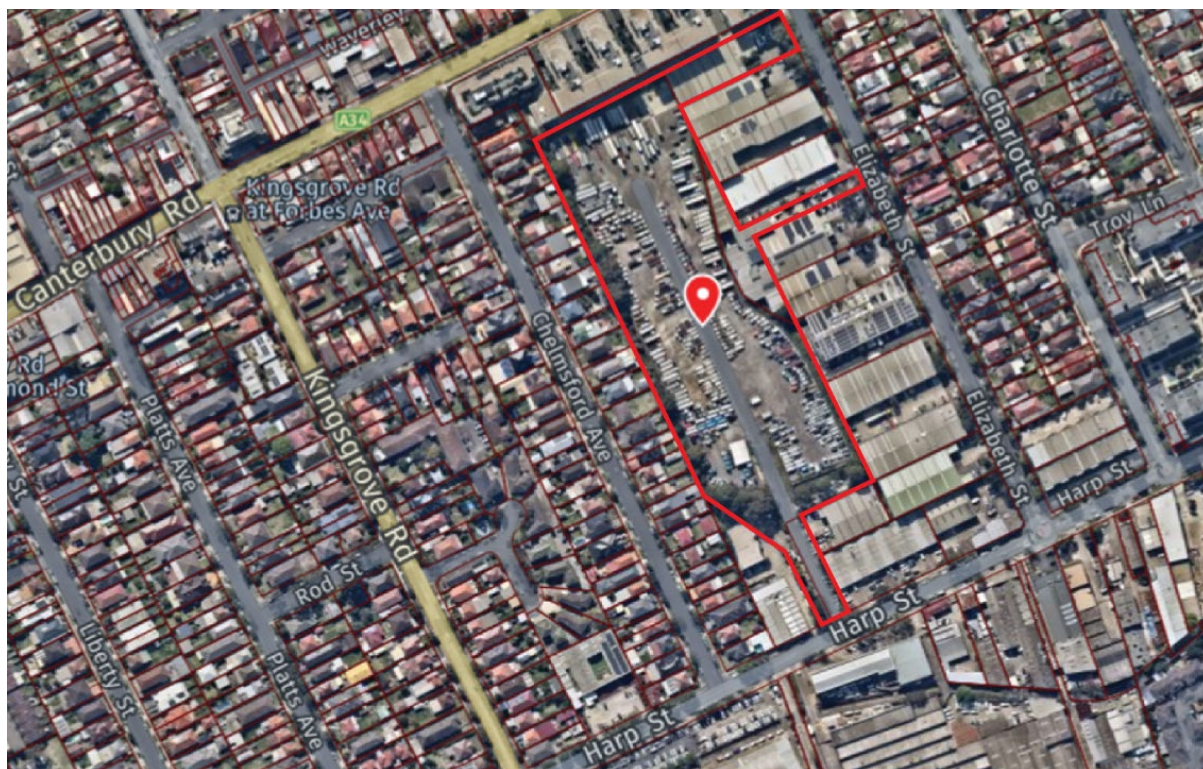
### 1. SITE DESCRIPTION

The subject site (site) comprises the following properties as shown in **Figure 1** and **Table 1**.

**Table 1. Subject site details.**

| Property Address                 | Property Description | Current Zone       | Site Area            |
|----------------------------------|----------------------|--------------------|----------------------|
| 11 Harp Street,<br>Campsie       | Lot 3 DP270114       | IN2 Light Industry | 29,996m <sup>2</sup> |
| 5 Elizabeth Street,<br>Campsie   | Lot 1051 DP789344    | IN2 Light Industry | 2,238m <sup>2</sup>  |
| 11A Elizabeth Street,<br>Campsie | Lot 14 DP262535      | IN2 Light Industry | 2,739m <sup>2</sup>  |
| Total                            |                      |                    | 34,973m <sup>2</sup> |

The site has a frontage of 22.5 metres to Harp Street, and a depth of 377 metres. The properties on Elizabeth Street have frontages of 26.6 metres (no.5) and 10 metres (no.11A). The site currently comprises a car storage facility on a filled platform approximately 8 metres above street level.



**Figure 1: Site Map – 11 Harp Street, 5 and 11A Elizabeth Street, Campsie**

Photos of the site and surrounding area are provided below.



**Photo 1:** View of the entrance to the site looking south towards Harp Street



**Photo 2:** The south eastern part of the subject site



**Photo 3:** The north eastern corner of the site with residential flat buildings on the adjoining site to the north that front to Canterbury Road

## 2. Description of Proposal

The application seeks to enable redevelopment of the site to facilitate a private hospital development comprising the following elements:

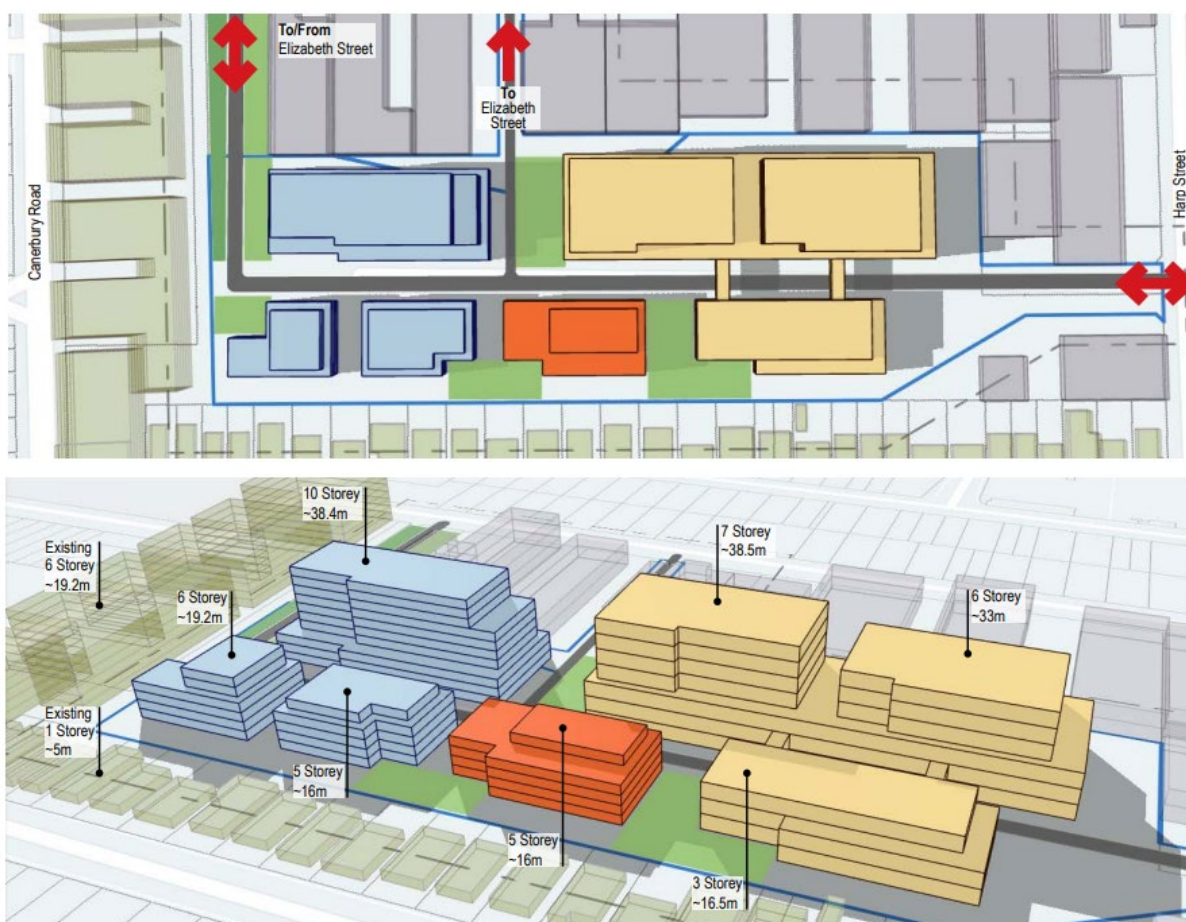
- A mix of 3-10 storey building envelopes providing a total Gross Floor Area of approximately 64,734m<sup>2</sup> across six (6) buildings that will accommodate the following uses:
  - Private Hospital comprising approximately 200 beds;
  - Hotel accommodation referred as a 'Medi Hotel' comprising approximately 100 rooms;
  - Integrated Ambulatory Health Hub (i.e. Renal Dialysis, Chemotherapy etc)
  - Rehabilitation and Respite Care
  - Hospital Based Childcare Centre comprising approximately 150 spaces
  - Medical Centre and Specialist Suites
  - Day Procedure Centre
  - Clinical Teaching and Learning Centre, and
  - Clinical Support Services (i.e. Diagnostic Imaging, Pathology, Pharmacy).
- A maximum building height ranging from 16.5m to 38.5 metres to Harp Street.
- Consolidated basement providing parking for approximately 700 vehicles.



- A centrally located public park, providing open space for patients, visitors, and employees.



**Figure 1:** Applicant's render of the initial concept development for the site, aerial view from Chelmsford Avenue, Belmore



**Figure 3:** The revised development scheme as developed through Council’s Urban Design Review and Assessment and adopted by the proponent (Dated September 2023)

**Table 2.** Description of proposed LEP amendments – proposed provisions and intended outcomes.

| Proposed LEP Amendment     | Explanation of proposed provisions and intended outcomes   |
|----------------------------|--|
| Additional Permitted Use   | Amend Schedule 1 to include <i>Health Services Facilities and Hotel or Motel Accommodation</i> as a permissible land use.  |
| Floor Space Ratio          | Update the Floor Space Ratio Map for an FSR of 2.1:1 to reflect the proposed maximum Gross Floor Area of 64,734 m <sup>2</sup> on the site.  |
| Height of Buildings        | Update the Building Height Map to introduce a maximum building height, accommodating buildings ranging from three (3) to ten (10) storeys, with heights ranging from 16.5 metres to 38.5 metres;   |
| Additional Local Provision | Update Part 6 Additional Local Provisions to apply to the site including: <ul style="list-style-type: none"> <li>• Use of hotel or motel accommodation referred as a ‘Medi Hotel’ on the subject site, provided that the consent authority, prior to granting development consent, is satisfied that it is ancillary to a Health Services Facility and operates in a way that primarily serves the health services facilities on the site.</li> <li>• Use of childcare centre, referred as ‘Hospital Based Childcare Centre’ on the subject site, provided that the consent authority, prior to granting development consent, is satisfied that it is ancillary</li> </ul> |



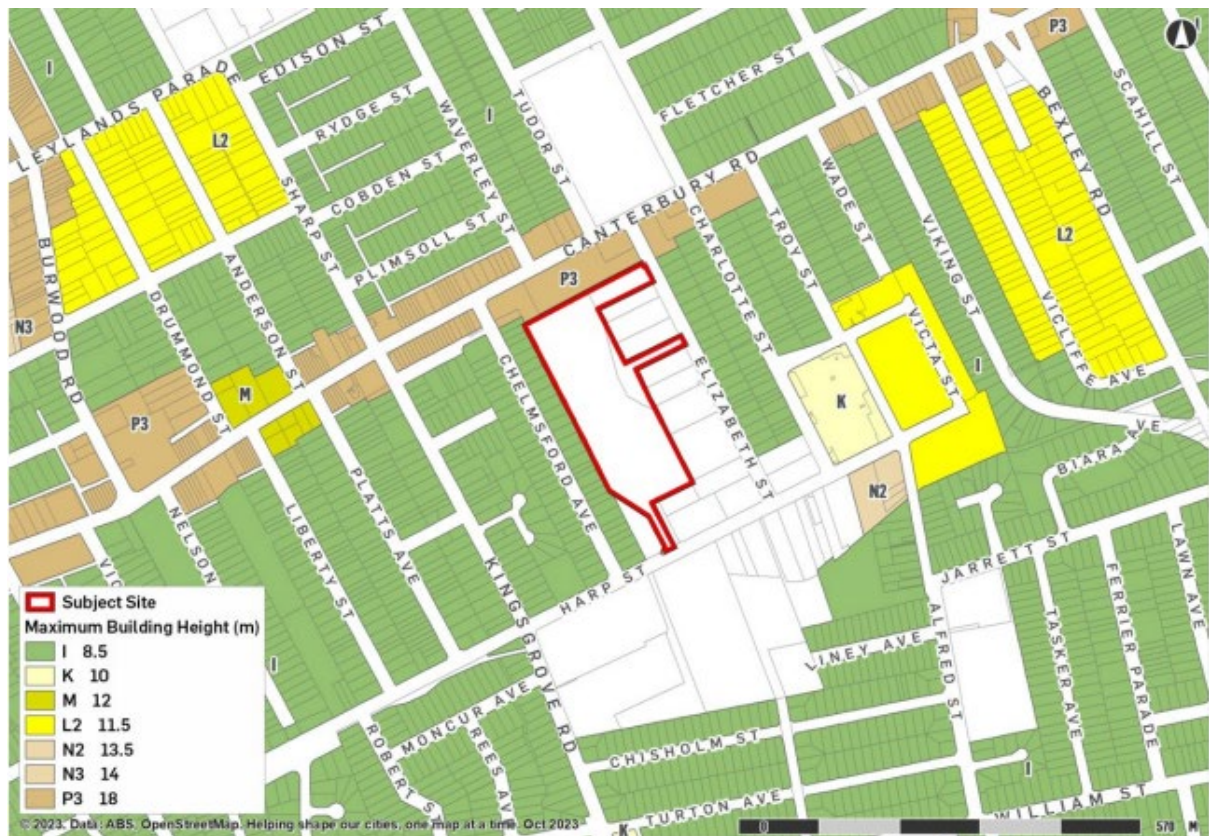
to a Health Services Facility and operates in a way that serves the health services facilities on the site.

- Add new objectives to apply to future hospital development including:
  - development for the purposes of a hospital is to enhance health services to the local community
  - to ensure the development is compatible with surrounding land uses and site constraints and maintains acceptable solar access to adjoining residential development.



**Figure 4: Existing Zoning Map – to remain unchanged**





**Figure 5: Existing (above) and Proposed (below) Height of Buildings Map**





**Figure 6: Existing (above) and Proposed (below) Floor Space Ratio Map**





**Figure 7: Proposed Additional Permitted Uses Map**

## 2.1 Additional Permitted Use

The planning proposal seeks to add two additional permitted uses on the site, being Health Services Facilities, and Hotel or Motel Accommodation. The additional permitted uses will ensure that the development will be permissible on the currently zoned IN2 Light Industrial land, which at present does not permit the abovementioned uses.

The site encompasses 11 Harp Street, being the primary site – however the applicant is in discussions to acquire nos. 5 and 11A Elizabeth Street to allow additional ingress and egress to the site from Canterbury Road, by vehicles, pedestrians and cyclists. While the applicant is yet to formally acquire the two sites on Elizabeth Street, they are to be considered in the assessment of the planning proposal as they make a significant contribution to the agreed development scenario.

The site layout of 11A Elizabeth Street indicates that it will contribute to the overall site area that is allocated for the proposed development, and as such the additional permitted uses will be extended to the property. 5 Elizabeth Street is likely to be used for the purposes of access to 11 Harp Street and possibly car parking, it is not proposed for buildings to be located on the property.

### 2.1.1 Nos. 5 and 11A Elizabeth Street

The planning proposal seeks to incorporate the sites at No. 5 and 11A Elizabeth Street to use as a 'Road' allowing additional access to the site. The inclusion of these sites is imperative to the proposal as it relieves additional traffic impacts from Harp Street and will disperse traffic to the surrounding road network to provide orderly access to the site. No. 11A Elizabeth



Street will include the Additional Permitted Uses (APU) of health services facility and hotel or motel accommodation as part of the site will form part of the hospital built form. No. 5 Elizabeth Street is understood to contain no buildings or structures and will only host an access road.

It is proposed to extend the abovementioned APUs to No.5 Elizabeth Street as it will primarily function as an access road to service the proposed future hospital development, thus facilitating the operation of that use. Therefore it is required to have the same land use as 11 Harp Street.

In order to ensure the future redevelopment of the site, including nos. 5 and 11A Elizabeth Street are in association with or ancillary to development of a new hospital at 11 Harp Street, it is proposed that a conditional APU will be imposed. The condition APU will detail that the provisions will not apply unless the proposed development on No. 11 Harp Street is undertaken. The intent is to ensure if the proposed development does not eventuate, it does not result in an ad hoc land use that would otherwise be unsuitable for nos. 5 and 11A Elizabeth Street.

Council will liaise with DPHI to confirm the final wording for this planning mechanism to prior to finalisation of the planning proposal.

### **2.1.2 Hospital Based Childcare Centre**

The planning proposal seeks to include a 'Hospital Based Childcare Centre' to the site which would be equivalent to a 'centre-based child care facility' as defined in the CB LEP 2023. Centre-based child care facilities are not currently permissible in the IN2 Light Industrial Zone, however neither Council nor the applicant intend for the use to be added as an Additional Permitted Use. While a 'Hospital Based' childcare centre is not a formal land use, it is the Applicant's intention that the child care facility will be provided for the staff of the Hospital. This approach will be resolved in discussion with DPHI to ensure a hospital based child care centre can be developed.

## **2.2 Additional Local Provision**

The planning proposal also seeks to add an additional local provision to the site to ensure that the use of a Medi Hotel on the site is permissible only if it is ancillary to a Health Services Facility and operates in a way that serves the health services facilities on the site, not for general hotel accommodation. It is Council's intention that this will be added to 'Part 6 – Additional Local Provisions' of the CB LEP 2023 and include the following key requirements to be addressed to the satisfaction of the consent authority in the future Development Application for the site:

- Evidence provided at DA stage by applicant that demonstrates hotel is used for genuine health related purposes and operational plans that will be put in place to manage the hotel accommodation use;
- The operator is to consider the broader accommodation needs of the Campsie to Kingsgrove 'Eastern Lifestyle and Medical Precinct'; and
- Require that the consent authority must be satisfied with the above prior to granting development consent.

Further, an additional local provision under Part 6 of the CB LEP 2023 may also be required to ensure the use of a 'Hospital Based Childcare Centre' will be appropriately serviced as an ancillary use to the Health Services Facility. Should it be required, Council's intention is that it will also be added to Part 6 of the CBLEP 2023 and include the following key elements:

- Evidence provided at DA stage by applicant that demonstrates childcare centre is used for the children of staff members employed and working within the health services facility; and
- Require that the consent authority must be satisfied with the above prior to granting development consent.

The legal drafting of the clauses will be finalised subject to submissions received during public exhibition, as well as discussions between Council, DPHI and the Parliamentary Counsel's Office.

### 2.3 Letter of Offer to enter into a Planning Agreement

The applicant has submitted a Letter of Offer, at Council's request, that comprises the following items agreed in principle between the developer, Neetan Investments Pty Ltd, and Council:

**Table 3.** *Proposed list of infrastructure to be delivered in conjunction with the planning proposal by the applicant as part of a future Planning Agreement.*

| Item No. | Description   | Estimated Value                            |
|----------|---|--|
| 1.       | A reasonable local monetary contribution to be provided toward the construction of, or improvements to local infrastructure and the public domain in the vicinity of the Land.  | \$4.3 Million                              |
| 2.       | Footpath upgrades along Harp Street and surrounding streets (i.e. Elizabeth Street), to provide improved connectivity to Clemton Park and Canterbury Hospital, as well as assisting with secondary vehicle access. Also, provision of various Pedestrian Crossing upgrades. | Final value subject to further discussions |
| 3.       | Construction of Roundabout on Elizabeth Street/Harp Street  | Final value subject to further discussions |
| 4.       | Provision of Cycleways in accordance with Key Route 7 of the Active Transport Action Plan – Croydon Park to Earlwood North/South link   | Final value subject to further discussions |
| 5.       | Public Park on site - retained in private ownership with an easement for public access  | Final value subject to further discussions |
| 6.       | Provision of floor space to allow Council, or affiliated organisations access to facilitate services/programs   | Final value subject to further discussions |
| 7.       | Funding of design and/or construction of potential footbridge over Canterbury Road (subject to consultation with Transport for NSW)   | Final value subject to further discussions |

| Item No. | Description                     | Estimated Value                            |
|----------|---------------------------------|--|
| 8.       | Upgrades to Stormwater Drainage | Final value subject to further discussions |

It is noted that supplementary to the above, in the proponent's Letter of Offer is an item relating to the acquisition of nos. 5 and 11A Elizabeth Street, Campsie to enable vehicular access to the proposed development. While Council acknowledges the proposed roads will enable the community to efficiently access the development, whilst also mitigating traffic impacts along Harp Street and nearby residential streets, this offer is considered to be critical to the operation of the development, rather than a broader community benefit.

Subject to the resolution of Council, a draft Planning Agreement will be progressed by Council subject to agreement being reached on the above public benefit offer items.

Negotiations with the proponent will continue, and an assessment undertaken by Council to prepare a draft Planning Agreement. Through this process, the above items may be amended and/or additional public infrastructure and benefit items may be added. The draft Planning Agreement will be reported to Council post-exhibition.

## 2.4 Site Specific Development Control Plan

A draft site-specific DCP amendment will be prepared by Council and exhibited. Following exhibition, it will be reported back to Council. The draft DCP amendments will include controls relating to:

- Distribution of height across the site to manage impacts of development
- Setbacks and landscaping requirements, particularly to manage the interface of the site with surrounding residences
- Open space requirements
- Access and servicing requirements
- Other standards to appropriately manage impacts on the surrounding sites and locality.

## 2.5 Canterbury Bankstown Local Planning Panel

In accordance with the Minister for Planning's *Local Planning Panels Direction* for planning proposals, the Local Planning Panel considered Council's assessment report and planning proposal on 6 November 2023 to provide advice to Council whether the matter should proceed to Gateway. The Panel's recommendations support the progression of the planning proposal to Gateway determination, as provided in Attachment B, are:

*Council resolve to proceed to a gateway determination the proposed planning proposal to amend the Canterbury Bankstown LEP 2023 in accordance with the following:*

- 1. Council request that the gateway determination must require that the planning proposal be public exhibited.*
- 2. Prior to the planning proposal being publicly exhibited (after the gateway determination) the following documentation be prepared to the satisfaction of the council:*

- a. *a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,*
  - b. *update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions; the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,*
  - c. *the site contamination documentation be reviewed by a site auditor to:*
  - d. *confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and*
  - e. *assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,*
  - f. *in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking,*
  - g. *evidence of a binding long term agreement to purchase the properties numbers 5 and 11A Elizabeth Street for access, and*
  - h. *Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.*
3. *The documents referred to in item 2 above are to be part of the document package available to the public in the post gateway public exhibition process*
  4. *Council seek authority from the Department of Planning, Housing and Infrastructure to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.*
  5. *A draft Planning Agreement be prepared subject to the following:*
    - c) *Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.*
    - d) *Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.*
  6. *The exhibition and public notice of the draft planning agreement referred to in item 5 above take place at the same time as (and in association with) the post gateway public exhibition of the planning proposal.*

The Panel agreed with the proposed recommendation to the Council from the Council staff including the provision of the three access points (two along Elizabeth Street and one in Harp Street). In this regard, it was advised that the applicant will need to enter into long term binding purchase option agreements with the owners of numbers 5 and 11A Elizabeth Street before the planning proposal is exhibited.

The Panel noted that the site has been identified by the Council LSPS as part of the Campsie medical precinct and the Panel accepts the statements in the report on the proposal's consistency with the strategic planning framework for the site and surrounding area including acceptance of the conversion of the relatively small area of industrial zoned land.

### 3. COMMUNITY SUBMISSIONS

Community interest has been expressed in relation to this proposal with sixteen (16) written submissions being received by Council prior to the Local Planning Panel meeting taking place, as well as four speakers present at the meeting. The key issues raised are addressed in Table 4.

It is important to note that formal community engagement and consultation with Government agencies does not occur at this stage in the plan making process. Engagement with the community will occur after a decision by Council to proceed with the application, and a Gateway Determination being issued by DPHI. A detailed response to all submissions received would be included in a post-exhibition report to Council.

The proposal is in its initial steps in the planning process and holds no formal status with additional studies, analyses, and testing to be undertaken before a proposal is available for formal notification (post Gateway). Notwithstanding, and in the interest of full transparency, the following comments have been provided in response to issues that have been raised with the proposal to date.

**Table 4.** Summary of issues raised in public submissions in response to Local Planning Panel Meeting.

| Issue   | Council response   |
|---|--|
| Noise impacts due to construction and operation of Private Hospital | <p>A preliminary acoustic report has been submitted by the applicant and reviewed by Council. The preliminary report provides details on potential noise generated by the future operation of a hospital on the site and how these impacts could be managed.</p> <p>The operational impacts relating to noise and other emissions are a detailed design issue resolved at the DA stage. An acoustic and vibration report will be submitted with a future DA which will be exhibited and will detail the required mitigation and management measures.</p> |
| Structural Impacts  | It is unlikely that future development of the subject site will structurally affect residential properties within Clemton Park due to the subject site being a 700 metre walk from Liney Avenue. Standard conditions of consent require appropriate  |

| Issue   | Council response   |
|---|--|
|   | measures to be undertaken to protect structural integrity of the land and surrounding sites.   |
| Solar access impact on surrounding properties | <p>The planning proposal seeks to introduce a maximum height of 38.5m as well as an increased FSR of 2.1:1. The existing residential properties to the west of the site (Chelmsford Avenue) are single and double storey detached dwellings. In accordance with the approach taken for the planning proposal, the height and consequential solar access impacts are considered appropriate based on the uplift that will occur on land surrounding the site. Properties along Chelmsford Avenue will be impacted by overshadowing between 9am and 11am on June 21 (Winter Solstice) with no impacts to solar access thereafter as a result of the development stepping down to three to six storeys and setback from the rear of the residential boundaries of Chelmsford Avenue and the north-south orientation of the site.</p> <p>Detailed design will be considered at the DA stage including an assessment under Council's DCP controls for solar access.</p> |
| Decrease in property value                    | Property values are not a consideration in the assessment of planning proposals under the <i>Environmental Planning and Assessment Act 1979</i> .  |
| Excessive height and density                  | <p>The proposed FSR of 2.1:1 applies to the Private Hospital and other ancillary uses, in recognition of the significant positive impact that medical and health services will have on the site, Campsie and the Canterbury Bankstown Local Government Area. Furthermore, the distribution of height and FSR across the site has been arranged to appropriately manage the impacts to surrounding sites, ensuring impacts such as overshadowing, privacy and visual bulk is focused away from adjoining residential development.</p> <p>The proposed new LEP clause under Part 6 will include objectives for future hospital development on the site to ensure is compatible with surrounding land uses and site constraints and maintains acceptable solar access to adjoining residential development. The proposed development will also be subject to the Design Excellence Clause within the CBLEP.</p>   |
| Preservation of Local Character               | While in close proximity to Clemton Park, the subject site is located within an industrial precinct in Campsie and is zoned IN2 Light Industrial (see Figure 4). Industrial land in the vicinity of Kingsgrove Road, Canterbury Road and Harp Street has been specifically identified for transformation of the extended hospital precinct, inclusive of allied health services – as   |

| Issue  | Council response  |
|--|---|
|  | <p>highlighted in the Canterbury Bankstown Local Strategic Planning Statement.</p> <p>Further, the subject site and industrial zoned land in its periphery, currently does not have a maximum height limit, allowing potential for the site to be developed at even taller heights. A proposed height limit ensures that the proposed development will be bound by the control.</p>   |
| Lack of supporting public infrastructure   | <p>The provision of adequate public transport is within the State Government's jurisdiction however, Council continues to advocate for improvements to transport infrastructure and will work collaboratively with TfNSW to ensure the locality is adequately serviced.</p> <p>The applicant has provided a Letter of Offer which details public domain improvements to be delivered as part of this proposal. These include comprehensive upgrades to the surrounding pedestrian network such as upgrades along Harp Street and improved connectivity to Clemton Part and Canterbury Hospital. Given the proposal is in its early stages, there will be more opportunities to refine this offer. The site is also in the vicinity of a new local hospital and the Campsie Master Plan area which will include extensive infrastructure upgrades.</p> |
| Inadequate contribution to community facilities                                  | <p>The applicant has submitted a Letter of Offer and is the starting point of negotiations regarding the provisions of community facilities. Once a full draft Planning Agreement has been prepared, it will be exhibited, and the community will have the opportunity to review and provide feedback.</p>  |
| Lack of Community Consultation   | <p>Council wrote to all properties within a 500-metre radius of the subject site to advise that the planning proposal was to be considered at the 6 November 2023 Local Planning Panel Meeting. Should the planning proposal be endorsed by Council and subsequently be issued a Gateway determination by DPHI, a more detailed and formal public exhibition will be held for a period of 28 days, where the community will be able to voice their opinions on the planning proposal.</p>   |
| Environmental Impacts: Sustainability, Hazardous Materials, Excavation, Flooding | <p>The applicant has provided Interim Site Audit Advice in relation to the contaminants present on the site and the suitability for the proposed use. The advice notes that specific details of the development are yet to be established, which prevents detailed designs of protection measures, specifically in relation to the management of hazardous gases. The details required to design such measures are too specific for the planning proposal stage, which focuses on the development at a high level. The advice is satisfied design elements can be incorporated into the building design at the development application stage to manage hazardous materials appropriately and effectively.</p>   |

| Issue   | Council response   |
|---|--|
|   | <p>The advice recommends a Remediation Action Plan, and a development-specific Gas Management Plan is made a requirement for any future development application on the site. This will be mandated through site-specific development controls. Overall, the Interim Site Audit Advice found the site is suitable for the proposed land use subject to appropriate controls and design requirements. The full advice can be found in Attachment F.</p> <p>In relation to flooding, the applicant provided a Flood Impact Assessment and supplementary memo which demonstrates sufficient protection from flooding can be achieved through effective design and grading of the site. Flood mitigation and protection measures have also demonstrated these design requirements and grading will not have a detrimental impact on adjoining properties and the surrounding locality. It is noted that the inclusion of nos. 5 and 11A Elizabeth Street provide access to and from the site should the Harp Street entrance be impacted by flood waters. The Flood Impact memo can be found in Attachment Q.</p> |
| Car parking impacts and traffic congestion  | The development concept make provision for around 700 car spaces on the site. In principle support from TfNSW has been obtained on the traffic management measures, with further analysis to be undertaken as the planning proposal progresses and as part of future DAs.  |
| View loss from private properties   | Currently under the CB LEP 2023, 11 Harp Street Campsie has a 1:1 FSR with no maximum height limit. Given the current LEP and DCP controls for development on industrial land, and the topography of the subject site, a feasible and permissible potential industrial development would likely result in view loss. Further, State Significant Development Applications being lodged within the LGA, proposing industrial development – of which would typically involve demolition of existing structures, remediation of the site, and the construction of an industrial facility, with maximum building heights likely to be within a broad range due to there being no maximum building height control.   |
| Residents' financial recompense via developer acquisition of property – to allow additional access to the site. | It has been determined that the most appropriate traffic management approach is to focus access into and out of the site via streets in the industrial area. Opening access to Chelmsford Avenue would generate significant additional traffic and street parking demand along a low-density residential street – which Council considers inappropriate.   |



## 4. ASSESSMENT OF KEY ISSUES

### Overview

In relation to the proposed amendments to the draft CBLEP, Council's assessment findings detailed below indicate the application has strategic merit as it will:

- Provide a new 200 bed private hospital use on the site that directly aligns with the Council's LSPS intent for an Eastern Lifestyle and Medical Precinct and fills an important gap in health infrastructure where no operating private hospital currently exists in the Canterbury Bankstown LGA. Sydney Local Health District has advised that it supports in principle the development of the site to facilitate a health precinct.
- Contribute 425 operational jobs towards the growth target in the LSPS and South District Plan, specifically knowledge intensive jobs linked to health and medical services, as well as 338 jobs during the construction phase of the development
- Deliver a building envelope that will facilitate a private hospital use and that is compatible with the adjoining residential and industrial zonings, and
- Contribute towards improved pedestrian activity and establishing new cycling connections within the surrounding area.

### Health and Community Context

#### *Community Context Review*

The Community Context Review prepared by the applicant (Attachment K) found that the suburb of Campsie, like other parts of Sydney, was experiencing economic challenges and that the proposed development may provide opportunities for local residents to access high wage employment and boost skill sets and that it can be expected that the proposal can deliver positive benefits for the Canterbury Bankstown LGA and local community.

In response, Sydney Local Health District advised in July 2023 (Attachment L) that there is support in principle for the development of the site to facilitate a health precinct, noting that the establishment of synergistic health services near Canterbury Hospital aligns with the Campsie Town Centre Master Plan.

#### *Health Context Review*

A Health Context Review submitted with the planning proposal noted that establishing an integrated health precinct in Campsie would be of a significant benefit to the community. The report states that the future proposed hospital development on the site and the continued operation of the Canterbury Hospital demonstrates that a balance can be achieved in relation to provision of critical care services, specialised services, and outpatient care. It concludes that the two facilities can provide a well-rounded and interconnected healthcare ecosystem for the local community. (Please refer to Attachment M)

## **4.1 Consistency with Strategic Planning Framework**

### **4.1.1 Local Strategic Planning Statement**

The planning proposal is consistent with Council's LSPS and will make an important contribution towards realising the vision for Campsie to Kingsgrove as an 'Eastern Lifestyle and Medical Precinct'.

One of the central components of this vision is optimising and leveraging the existing medical and support services, retail, and other commercial services along Canterbury Road to create an extended and cohesive medical precinct. Industrial land in the vicinity of Kingsgrove Road, Canterbury Road and Harp Street has been specifically earmarked as a potential location for the transformation of the extended hospital precinct, inclusive of allied health services.

The proposal will facilitate development of a modern health facility that meets the community's health needs and supports specialist knowledge intensive and highly skilled jobs. The redevelopment of the site facilitated by the planning proposal would generate approximately 338 jobs during the construction phase, and 425 FTE jobs in health care services once operational, which contributes over 10% of the total jobs target of 7,500 by 2036.

### **4.1.2 GCC – Industrial Retain and Manage Policy Review**

The Greater Cities Commission's draft Guiding Principles for industrial lands, published in June 2022, were developed following consultation and technical analysis as a part of the Industrial Lands 'Retain and Manage' Policy Review.

The applicant's submission prepared by Urbis dated September 2023 (Attachment E) provides a response to both the draft Guiding Principles of June 2022 and Information Note of March 2023. This is also addressed in the CBLPP Report (Attachment B). In summary, as the site has been specifically earmarked in Council's LSPS for a medical precinct, the proposal is considered to be appropriately located within industrial land.

### **4.1.3 Employment Lands Strategy**

The Canterbury-Bankstown Employment Lands Strategy provides the basis for a planning framework that proactively guides future growth and support the delivery of employment to the LGA. The Employment Lands Strategy was adopted was considered by Council in June 2020, post-exhibition. It is recognised within the Strategy that the direction of Council is to advance the Eastern Lifestyle and Medical Precinct as outlined in the Council's LSPS, as well as the need to support a health and medical precinct around Canterbury Hospital.

The strategic direction for the Clemton Park Centre Precinct, of which the subject site is located, is to retain and manage the precinct. The planning proposal has been assessed in context of the Employment Lands Strategy and can progress as a standalone planning proposal given it will facilitate all proposed uses within the site with no adverse off-site impacts for the surrounding precinct and has demonstrated that there is strategic and site-specific merit to proceed.



**Figure 8:** The LSPS 'Connective City 2036' plan showing the location of the site in context of the Eastern Lifestyle and Medical Precinct (line shown in red)

## 4.2 Building Envelope Impacts

### Floor Space Ratio

The concept development scheme for the planning proposal has a total GFA of approximately 64,734m<sup>2</sup> which equates to an FSR of 2.1:1. The application seeks to therefore include this maximum FSR control to limit the floor area permitted on the site for Health Services Facilities uses recognising the specialised nature of hospital uses requiring large, unencumbered floor plates and building envelopes compared to other uses normally permitted in the IN2 Light Industrial zone.

A maximum FSR of 2.1:1 together with the building height of between 16.5 and 38.5m will be supported by site specific DCP controls to guide the transition of height and scale from the proposed development to the existing lower scale and lower density residential development along Chelmsford Avenue, through appropriate setbacks, and providing visual buffers such as landscaping and vegetation. Any future development application must demonstrate how future development on the site does not result in an unreasonable adverse environmental impact on adjoining land.

### Solar Access Impacts

The site is oriented in a north-south alignment. The north- south placement of buildings will maximise solar access to the site.

The overshadowing impacts to the residential dwellings along the south-western border of the site and along Chelmsford Avenue will be minimised, as there would only be minimal overshadowing impacts to the rear yards of some of the residential dwellings located on the eastern side of Chelmsford Avenue during the morning at 9am on the Winter Solstice (21 June) and no overshadowing after 11am onwards.

It is proposed that the site specific DCP to be prepared and exhibited by Council will include detailed building controls such as minimum setbacks for all building levels to ensure acceptable solar access is achieved within the site and to adjoining residential properties to the west of the site.

#### **4.3 Site Contamination**

The subject site was historically used as a clay and shale quarry for the manufacturing of bricks between 1914 and the early 1980s. By 1982, landfilling operations at the site commenced with indications that the site was used as a non-putrescible waste disposal site from 1985 to 1986 and for putrescible waste landfilling until 1994. It is estimated that the former putrescible landfill underlying the site extends to as much as 31 metres below ground surface.

Given the previous uses, it is indicated that the site is contaminated. The proponent has submitted extensive information to Council regarding the previous use of the site including site investigation reports. Council has reviewed the documentation provided by the applicant and considers that the contamination advice within the expert reports is generally satisfactory, subject to an NSW Environment Protection Authority accredited site auditor be appointed to audit all the reports compiled as part of the contaminated land assessment undertaken to date.

#### **4.4 Flooding**

The site is partially impacted by flooding. The flooding of this part of Campsie is concentrated along Cup and Saucer Creek and the streets within 300m to the north and south of the creek which includes Harp Street, Alfred Street and Kingsgrove Road. The land to the south of Harp Street is more significantly impacted than the land to the north side of Harp Street due to the topography of the area.

The vehicle access driveway to the site from Harp Street and the central area of the site is affected by 1 in 100 year flood mapping. The proposed vehicle and pedestrian access points to the site from 5 and 11A Elizabeth Street are not impacted by 1 in 100 year flooding incidents and therefore will remain safe routes a 1 in 100 year flood event.

As the site is not within a substantial overland flow path, level changes to the site as a result of earthworks and redevelopment are unlikely to affect neighbouring or downstream properties and can be managed through local infrastructure and on site detention provisions. Such details would be confirmed as part of the preparation of the site specific DCP.

As part of the preparation of the site specific DCP, Council recommends a number of requirements to be addressed by the applicant prior to exhibition. These include a Flood Impact and Risk Assessment (FIRA) and a Site Stormwater Strategy. More detailed information in relation to flooding can be found in Attachments A and Q.

#### **4.5 Traffic Generation, Vehicle Access and Parking**

The applicant's initial development scheme included a total of five levels of basement car parking with a total of approximately 600 car parking spaces. All vehicle access to the site would be via 11 Harp Street, and Nos. 5 and 11A Elizabeth Street, Campsie.

TfNSW's comments confirm that the above matters would be required for TfNSW's consideration as part of any post Gateway lodgment of the planning proposal in addition to the written comments received in March 2022 (Attachment R). It is noted that further to the above, Council's Traffic Engineers provided feedback on the initial development scheme, outlining the proposal was generally acceptable subject to the below matters be addressed in an updated Traffic Impact Assessment:

- Pedestrian and Bicycle Access;
- Traffic Volumes & Intersection analysis - Discrepancies in the traffic volumes;
- Access Arrangement;
- Internal on-street parking;
- Off-Street Car Parking or Trip Generation;
- Deliveries; and
- Traffic Impact Assessment.

Based on the feedback of TfNSW and the comments from Council's Traffic Engineers it is Council's recommendation that the applicant will submit a revised Traffic Impact Assessment prior to exhibition of the planning proposal that addresses the matters raised by TfNSW and Council. The applicant's preliminary response to these matters is contained at Attachment U.

#### **4.6 Public Benefit Offer**

Council has received a draft Letter of Offer from the applicant that details the public benefits and infrastructure that would be delivered as part of the LEP amendment for the site. The items within the draft Letter of Offer (refer to Table 3) have been informed by Council's assessment of the demands placed on the surrounding infrastructure by the site once fully developed as an operating private hospital with 200 beds, 100 Medi Hotel rooms, and up to 425 operational staff.

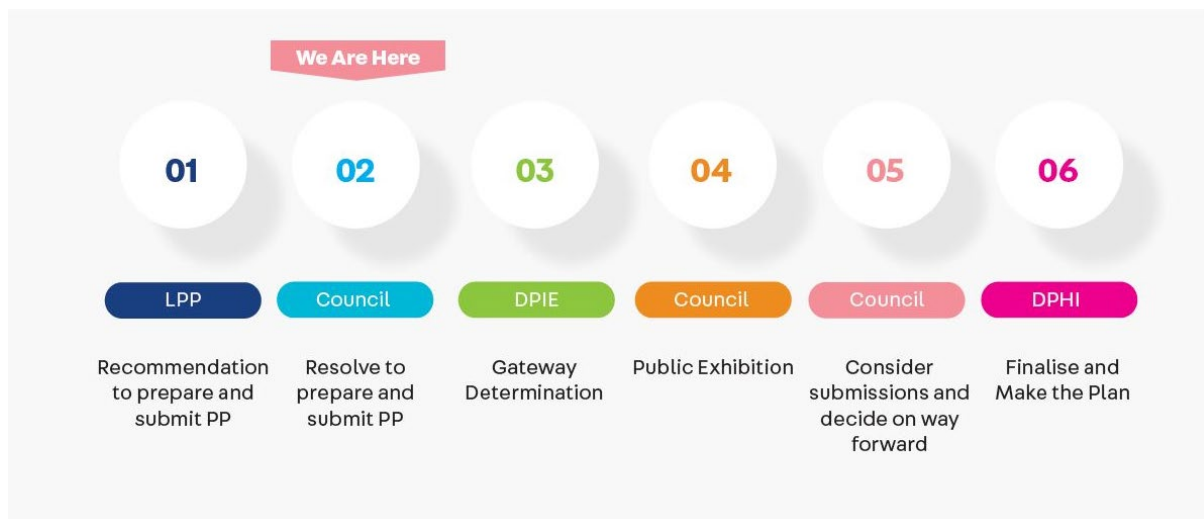
Council has reviewed the offer and it is considered some items have been undervalued and some items are infrastructure that is required to be delivered in order for the site to be redevelopment and may not provide a broader public benefit. Should Council resolve to proceed with this planning proposal to a Gateway determination, further negotiations will occur between Council and the applicant to ensure items to be delivered provides a reasonable public benefit.

Council may engage an independent consultant to review and evaluate the proponent's offer and provide advice that will assist with costing the total value of the proponent's offer and assist with and/or facilitate Council's negotiations with the proponent to prepare a draft Planning Agreement for exhibition.

### **5. OTHER CONSIDERATIONS**

Council has assessed this planning proposal against the justification matters outlined in the Department's LEP Making Guideline. The purpose of the planning proposal is to demonstrate whether there is justification for a proposal to proceed to Gateway based on consistency with the relevant state environmental planning policies and Ministerial Directions. Council's assessment finds that the proposal presents both strategic and site-specific merit and identifies the need for further information to be provided prior to and post Gateway, should Council decide to progress this planning proposal.

## 6. NEXT STEPS



### ITEM 5.4 Council's submission to the NSW Government's Housing Policy Changes

AUTHOR Planning

#### PURPOSE AND BACKGROUND

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This report outlines Council's submission to the Department of Planning, Housing and Infrastructure's Draft Low to Mid-Rise Housing State Environmental Planning Policy (SEPP) and Draft Transport Oriented Development SEPP, and requests Council's endorsement of the submission.

In December 2023, the Department of Planning, Housing and Infrastructure (DPHI) announced two new Draft SEPPs:

- Draft Low to Mid-Rise Housing SEPP, which proposes to permit four to six storey apartment buildings and two storey townhouses, terraces and manor houses within 800m 'walking distance' of 'railway station and town centre precincts'. It also proposes to reduce the lot size, frontage and parking rates for dual occupancies. The Draft SEPP is expected to come into force in mid-2024; and
- Draft Transport Oriented Development SEPP, which proposes to permit six storey apartment buildings within 400m of the Canterbury and Wiley Park railway stations, expected to come into force in April 2024. It also proposes to prepare a new master plan for the Bankstown Accelerated Precinct, which is expected to come into force in November 2024. This SEPP will prevail over the low and mid-rise housing controls where areas overlap.

For context, these changes were announced following the 14 December 2023 gazettal of amendments to statewide affordable housing planning controls, whereby residential development will be capable of achieving an additional 30% floor space ratio for providing up to 15% affordable housing for 15 years. Shop top housing and apartment buildings can also achieve an additional 30% height bonus.

Collectively, these policies aim to contribute to NSW's delivery of 377,000 new homes in NSW by 2029 under the National Housing Accord.

#### ISSUE

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Canterbury-Bankstown Council has been a consistent advocate for orderly growth and development to accommodate the growing housing and jobs needs of our City. Since 2019, Council has implemented a robust planning framework, including the 'Connective City 2036' Local Strategic Planning Statement, Housing Strategy, and master planning program, aiming to deliver 50,000 additional homes by 2036. This framework emphasises genuine and place-based transit-oriented development, with a focus on placing 80% of new homes within walking distance of centres and transport hubs.

The proposed State controls for housing seek to fast-track the delivery of transit oriented development. The Draft SEPPs will impact all B2 Local Centre and B4 Mixed Use zoned land and all residential zoned land in our City. In their current form, the Draft SEPPs have the potential to undermine Council's long standing trajectory of orderly, well-considered and place-based planning.

Acknowledging the aim of the Draft SEPPs to expedite housing approvals and increase housing supply, Council expresses concerns about its 'one size fits all' approach. Instead, Council seeks to work collaboratively with the NSW Government on an efficient, ongoing master planning program to deliver genuine centre-based and transit oriented development, based on the principles of 'density done well'.

Council has prepared a submission to the Draft SEPPs based on our assessment of the proposed changes, the widespread implications on our City, and understanding of the need to urgently deliver housing and to maintain consistency with the principles of doing density well.

The submission makes a series of recommendations, as well as requests for clarification on numerous matters. Fundamentally, Council recommends the following key moves to better align with the aspirations of our community:

- The NSW Government designate Campsie and Canterbury as a single new Accelerated Precinct under the TOD Program to implement Council's Campsie Master Plan – rather than applying the Draft SEPPs.
- The NSW Government collaborate with Council to conclude the master plans for Belfield, Belmore, Lakemba, Punchbowl and Wiley Park, ensuring an expedited implementation process – rather than applying the Draft SEPPs.
- The NSW Government uphold Council's current dual occupancy controls.
- The NSW Government work collaboratively with Council to rezone certain suburban neighbourhoods of the former Canterbury LGA from R3 to R2 (being those R2 areas that former Canterbury made R3 for the purpose of introducing villas and townhouses), and to permit townhouse and villa development in the R2 zone (excluding permitting manor houses).
- The NSW Government establish a streamlined and templated method to fast track the master planning and rezoning process.
- The NSW Government to create a Renewal Agency that can drive catalytic development on government lands, and facilitate lot amalgamations and large-scale development in growth areas.

A 'one size fits all' approach, and the way and time in which the Draft SEPPs have been released, have also limited the ability for our community to properly understand the implications and genuinely have their say.

Council notes the extensive engagement needed in the Bankstown and Campsie Master Plans to maximise awareness, interest and engagement – including providing multi-lingual material, physical pop-ups, mail-outs to all affected property owners and residents and surrounds, meetings with key stakeholders, online forums and having staff available through engagement periods. The Draft SEPPs were released over the Christmas and new year period, with little engagement beyond councils, and with limited time to comment.



Council also notes the often unfounded red tape, re-execution of peer reviews and technical studies and ongoing delays that the DPHI has imposed on Council when preparing its own plans for density – with delays of six years in delivering centre-based housing growth in centres across the western half of the City, and noting that Bankstown and Campsie have not been progressed to Gateway by the DPHI, despite being submitted by Council in February and July 2022 respectively. The Draft SEPPs have been proposed with no technical analysis, urban design input, transport modelling, flood modelling or otherwise, despite the delays and expectations imposed on Council for smaller scale change.

While Council advocates on many issues, the submission is forwarded to Council for endorsement given the importance of the proposed changes and the potential impacts on our City. Should Council endorse the submission, it will be forwarded to the DPHI for consideration.

## **RECOMMENDATION**

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That Council endorse the submission to the Draft Low to Mid-Rise Housing State Environmental Planning Policy and Draft Transport Oriented Development State Environmental Planning Policy, as provided in Attachment A.

## **ATTACHMENTS**

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[Click here for attachments](#)

- A. Council Submission
- B. DPHI Explanation of Intended Effect - Low to Mid-Rise Housing SEPP
- C. DPHI Transport Oriented Development Program

## POLICY IMPACT

In 2019, Council adopted *Connective City 2036*, its Local Strategic Planning Statement and supporting strategies for housing, affordable housing and employment lands, consistent with the NSW Government's 'plan led' system shown in Figure 1.

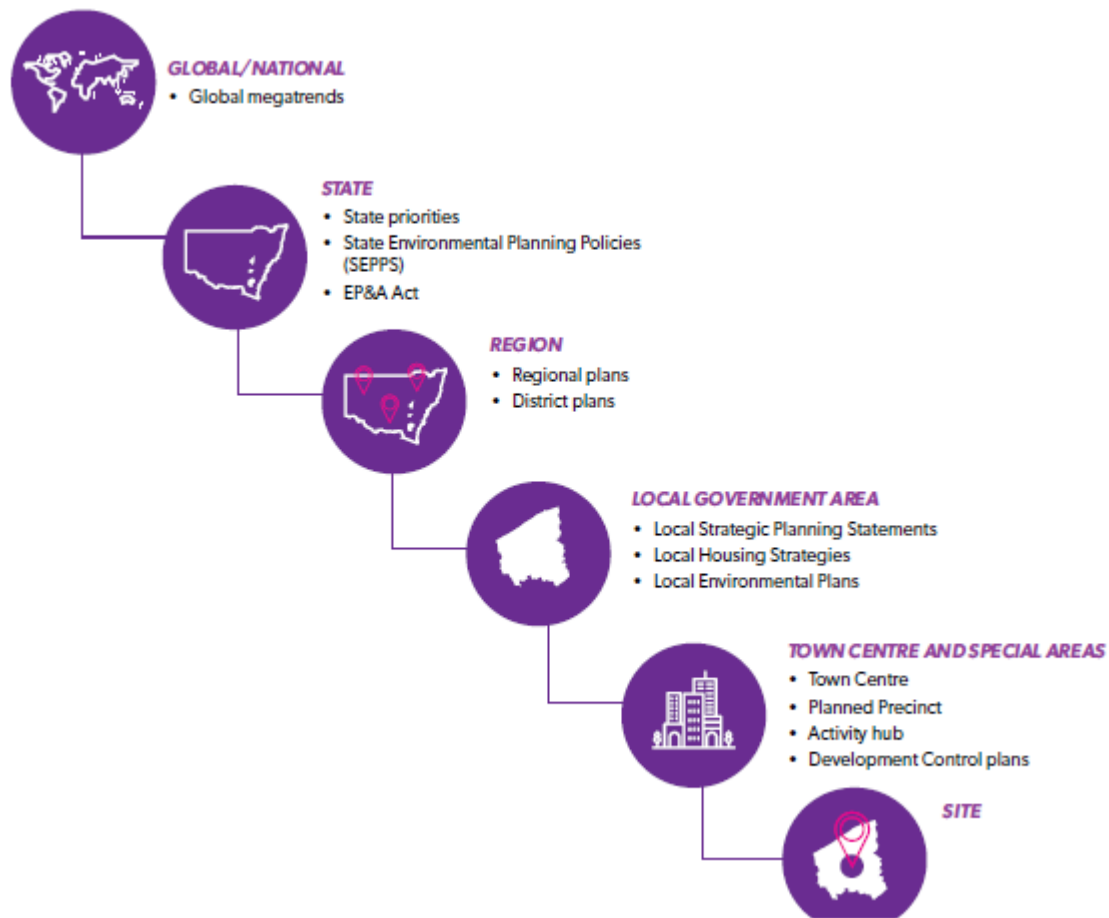


Figure 1: NSW 'plan-led' system with a clear line-of-sight to implement State priorities at the local level (DPHI, Local Housing Strategy Guideline)

Council has since commenced implementation of its strategic plans, which were certified by the NSW Government as aligning with State directions set by the Greater Sydney Region Plan and supporting District Plan. Council's implementation has included:

- Adoption of the Bankstown City Centre Master Plan (2021) to accommodate 12,500 additional dwellings and a total 25,000 jobs and 25,000 students by 2036. This Master Plan, submitted as a planning proposal, has been pending Gateway determination by the DPHI since February 2022;
- Adoption of the Campsie Town Centre Master Plan (2022) to accommodate 6,300 additional dwellings and a total 7,500 jobs by 2036. This Master Plan, submitted as a planning proposal, has been pending Gateway determination by the DPHI since July 2022;
- Adoption of the Citywide Infrastructure Contributions Plan (2022) to provide funding for almost \$1 billion in community infrastructure such as parks, aquatic centres, libraries and street upgrades, to accommodate the planned 50,000 new dwellings by 2036; and
- Commencement of Tranche 2 Master Plans in 2022 for Canterbury, Belmore, Lakemba and Belfield, to provide housing and local jobs growth across four centres.

The DPHI and other state agencies have been proactively engaged in these programs, particularly master planning, with Council being a collaborative and proactive leader in planning for growth in our City within the policy framework set by both the NSW Government and Council.

In December 2023, the DPHI announced two new SEPPs being the Draft Low to Mid-Rise Housing SEPP and the Draft Transport Oriented Development SEPP. The Draft SEPPs are to work in tandem with the Infill Affordable Housing Bonus, which came into force in December 2023. The Draft SEPPs have been announced outside of the existing policy framework and effectively result in a doubling of Council's housing targets, in the absence of any new housing targets, region plan and district plan.

A full assessment of the proposed changes against Council's existing housing strategy principles are provided in this report and the submission.

## **FINANCIAL IMPACT**

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Council has undertaken an analysis of the potential impacts of the Draft SEPPs on our City. The cumulative impacts of this, combined with the Infill Affordable Housing Bonus have the potential to increase Council's long-term housing delivery from our current target of 50,000 dwellings to approximately 105,000 dwellings, which may provide accommodation for up to 300,000 people. This is significantly more than what Council has been planning for in terms of infrastructure delivery, service delivery and organisational planning.

The Draft SEPPs make no commentary on the variety of infrastructure that is needed to support the significant increase in population growth, such as regional transport connections, road and intersection upgrades, open spaces, mid-block connections, laneways, public domain improvements, bridges, cycleways, footpaths, schools, health facilities and transport services.

There are no details in relation to the hierarchy of works for supporting infrastructure (local, district or regional), priority of works, indicative timeframes, or estimated costs of works to confirm whether there is adequate funding and resources to deliver a project of this scale.

There is a need to identify land acquisition sites and appropriate legal/funding mechanisms to resolve how to deliver open spaces and mid-block connections. If the uplift takes place prior to acquisitions, there will be a significant flow on effect in terms of acquisition costs.

Planning for centres requires a holistic vision that considers local, regional and State infrastructure. The Draft SEPPs provide no direction on how to address a possible (but likely) funding shortfall for all levels of infrastructure and appears to rely solely on the provision of Metro services and capacity – which is only one means of infrastructure improvement. As reinforced in Council's Bankstown and Campsie Master Plans, centre based planning requires consideration of open space, community services, the road and transport network and place-making outcomes.

To mitigate the potential financial impacts of this growth, the submission requests the NSW Government to:

- Increase Council's capacity to collect Section 7.12 contributions at a rate of up to 5% (currently 1% for industrial/commercial and \$20,000 cap for each residential dwelling). A 5% rate is in line with other high growth councils such as the City of Parramatta;

- Ensure Council receives a commensurate proportion of the \$520 million of infrastructure allocated to accelerated precincts, being at least \$135 million – given the capacity of the Bankstown City Centre to provide 12,500 of the 47,800 planned dwellings in these precincts; and
- The NSW Government commit to funding key State and regional infrastructure to cater for the proposed growth, including an analysis of needs for local schools and subsequent funding for growth; assess the need to increase funding for critical health infrastructure including Bankstown and Canterbury Hospitals, fast-track delivery of critical north-south mass transit in Sydney including the Kogarah to Parramatta via Bankstown Mass Transit connection and Bankstown to Liverpool Metro extension; maintaining direct services between Bankstown and Liverpool via the existing T3 Bankstown Line; improving bus services across our city to a minimum standard of frequency; fast-track funding for the Stacey Street and Hume Highway grade separation and Henry Lawson Drive widening between the M5 and Hume Highway as well as ensuring community services and utilities can continue to provide a sufficient level of service.

## **COMMUNITY IMPACT**

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Council currently allows low to mid-rise housing on the basis that it can address building size and amenity issues through appropriate LEP and DCP planning controls and the development application process. Council adopted the LEP and DCP planning controls in consultation with the community, industry, state agencies and other key stakeholders.

This approach is important to ensure that low to mid-rise housing deliver improved quality building designs that respond appropriately to the local character of the area, landscaped setting and surrounding built form. This is reinforced by Council's Community Plan 'CBCity2036', where the community highlighted they would like to see better designed and well-managed development.

The Draft SEPPs effectively 'rezone' all residential land within Greater Sydney, the Hunter, Central Coast and Illawarra. The concern with the Draft SEPPs is it does not consider the above matters, and will undermine Council's policies and future work to ensure low to mid-rise housing is compatible with the local character and amenity of the suburban neighbourhoods.

Given the scale of change, impacting some areas more so than others, it is also critical that the NSW Government undertake genuine engagement with the community, including hard to reach, multicultural and diverse communities, to ensure broader understanding of the proposed shift in housing growth and density being proposed. The release of plans over Christmas, with no public-facing engagement beyond industry forums and councils, is insufficient and goes against the principles set out in the DPHI's Community Participation Plan.

## DETAILED INFORMATION

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### DRAFT SEPPs

In December 2023, the NSW Government announced three key housing reforms:

- **Draft Transport Oriented Development SEPP** – A rezoning of 31 ‘TOD’ Precincts including Canterbury and Wiley Park, to allow for six storey apartment development within 400 metres of railway stations. Also announced under this program were eight ‘accelerated’ precincts, whereby the Government will fast-track master planning and rezoning for centres, including Bankstown City Centre.
- **Draft Low to Mid-Rise Housing SEPP** – changes to permissibility and controls in all residential areas across Greater Sydney, the Hunter, Central Coast and Illawarra to encourage more low to mid-rise housing.
- **Infill Affordable Housing Bonus Scheme** – Changes to the State’s housing controls were implemented on 14 December 2023 to provide height and floor space ratio bonuses of up to 30% for development that provides up to 15% affordable housing for 15 years.

This report provides a submission to the Draft TOD SEPP and Draft Low to Mid-Rise Housing SEPP. While the above three policies are separate, they are considered in tandem in this report due to their overlap and the cumulative impact of all three policies on our City.

### Summary of the Draft Low to Mid-Rise Housing SEPP

In December 2023, the DPHI commenced the exhibition of an Explanation of Intended Effect, outlining the new Draft SEPP, as provided in Attachment B. In summary, the proposed changes include:

#### 1. Dual occupancies in the R2 Low Density Residential zone

| Controls       | Existing controls in former Bankstown LGA                          | Existing controls in former Canterbury LGA                         | Draft SEPP           |
|----------------|--|--|----------------------|
| Min. lot size  | 500m <sup>2</sup>  | 600m <sup>2</sup>  | 450m <sup>2</sup>    |
| Min. lot width | 15m  | 15m  | 12m                  |
| Max. FSR       | 0.5:1  | 0.5:1  | 0.65:1               |
| Max. height    | 9m   | 8.5m   | 9.5m                 |
| Min. parking   | 1 space per 2 or less bedrooms, or 2 spaces per 3 or more bedrooms | 1 space per 2 or less bedrooms, or 2 spaces per 3 or more bedrooms | 1 space per dwelling |
| Subdivision    | Permitted  | Permitted  | Permitted            |

2. On land within 400m of railway stations and town centre precincts

|   |  |
|---|--|
| R2 Low Density Residential zone   | Terraces and townhouses up to 9.5 metres high with FSR of 0.7:1, plus manor houses (two storey apartment buildings) up to 9.5m high and floor space ratio 0.8:1 (see low rise typologies at Figure 2). |
| R3 Medium Density Residential zone and R4 High Density Residential zone | Six storey apartment buildings with FSR of 3:1 (see mid-rise typologies at Figure 3) – no minimum lot size or frontage.  |
| Business zones  | Six storey shop top housing development with FSR of 3:1 (see mid-rise typologies at Figure 3) – no minimum lot size or frontage.   |

3. On land that is more than 400m and within 800m of railway stations and town centre precincts

|   |  |
|---|--|
| R2 Low Density Residential zone   | Terraces and townhouses up to 9.5 metres high with FSR of 0.7:1, plus manor houses (two storey apartment buildings) up to 9.5m high and floor space ratio 0.8:1 (see low rise typologies at Figure 2). |
| R3 Medium Density Residential zone and R4 High Density Residential zone | Three to four storey apartment buildings with FSR of 2:1 (see mid-rise typologies at Figure 3) – no minimum lot size or frontage.  |
| Business zones  | Three to four storey shop top housing development with FSR of 2:1 (see mid-rise typologies at Figure 3) – no minimum lot size or frontage.   |



Figure 2: Low rise typology housing



Figure 3: Mid-rise typology housing

#### 4. Non-refusal standards

While development applications will be submitted to Council for assessment and determination, there will be non-refusal standards for different housing types, meaning Council cannot refuse a development on these grounds. Non-refusal standards include:

##### ***Dual occupancies:***

- maximum building height: 9.5 metres
- maximum floor space ratio: 0.65:1
- minimum site area: 450m<sup>2</sup>
- minimum lot width: 12 metres
- minimum car parking spaces: 1 per dwelling

##### ***multi dwelling housing (terraces):***

- maximum building height: 9.5 metres
- maximum floor space ratio: 0.7:1
- minimum site area: 500m<sup>2</sup>
- minimum lot width: 18 metres
- minimum car parking spaces: 0.5 per dwelling

##### ***multi dwelling housing:***

- maximum building height: 9.5 metres
- maximum floor space ratio: 0.7:1
- minimum site area: 600m<sup>2</sup>
- minimum lot width: 12 metres
- minimum car parking spaces: 1 per dwelling

##### ***manor houses:***

- maximum building height: 9.5 metres
- maximum floor space ratio: 0.8:1
- minimum site area: 500m<sup>2</sup>
- minimum lot width: 12 metres
- minimum car parking spaces: 1 per dwelling

##### ***Residential flat buildings within 400m of stations:***

- maximum building height: 21 metres
- maximum floor space ratio: 3:1

##### ***Residential flat buildings between 400 to 800m of stations:***

- maximum building height: 16 metres
- maximum floor space ratio: 2:1

These non-refusal standards mean that if an applicant proposes a development that, in Council's view, is too tall or too dense and creating unreasonable impacts on the surrounding area, it will be unable to refuse this development on grounds of height or floor space, or other non-refusal standards. This takes away the important merit-based assessment role of Council planners for these housing types.

## 5. Other changes

Other changes include:

- The newly gazetted Infill Affordable Housing Bonus will continue to apply, and development may apply for a further bonus should Council decide to introduce an Affordable Housing Contributions Scheme; and
- The Draft SEPP includes limited design control changes and refers to the changes to the Apartment Design Guide and Low Rise Housing Diversity Design Guide for providing design guidance for these housing typologies.

### **Summary of the Draft Transport Oriented Development SEPP**

In December 2023, the DPHI announced the new Draft SEPP, as provided in Attachment C. There are two types of precincts under the Draft SEPP:

#### 1. Eight Accelerated Precincts, including Bankstown

The DPHI will lead the preparation of a new master plan and rezoning process for the Bankstown City Centre. Subsequently, the NSW Government will offer a new fast-tracked State Significant Development Application pathway for residential development with a value of over \$60 million until November 2027. These applications may be lodged with the DPHI before the formal rezoning occurs, if the master plan is already substantially commenced. It is proposed that affordable housing be included in these precincts of up to 15%, subject to feasibility testing.

The NSW Government has committed \$520 million to invest in community infrastructure in these precincts. It is not clear how this money will be distributed across the eight precincts.

#### 2. 31 TOD Precincts, including Wiley Park, Canterbury and Turrella (minor overlap into Earlwood)

The Draft SEPP proposes to override Council's controls to allow:

- Six storey (21m) apartment buildings in all residential zones (R2, R3, and R4) within 400m of stations, and
- Six storey (21m) apartment buildings and shop top housing in business zones within 400m of stations.
- A maximum 3:1 FSR would apply, with maximum parking rates and no minimum lot size.
- The NSW Government is developing a pattern book to guide the design of buildings proposed under this SEPP. The pattern book is not expected until mid-2024. An 'accelerated approval' pathway will be provided for developments that comply with pattern book designs.
- 2% affordable housing contributions will apply to development in these precincts. In addition, development may apply for bonus height and floor space under the newly gazetted Infill Affordable Housing Bonus, and apply for a further bonus should Council decide to introduce an Affordable Housing Contributions Scheme.
- The Draft SEPP will remain in place in each precinct until master plans are completed that align with NSW policy objectives.
- Planning control changes will apply in heritage conservation areas. This may impact the Melford Street Heritage Conservation Area adjacent to the Canterbury TOD Precinct, depending on where the 400m radius is measured from.



## **COUNCIL'S SUBMISSION – RECOMMENDED KEY MOVES**

Acknowledging the aim of the Draft SEPPs to expedite housing approvals and increase housing supply, Council expresses concerns about its 'one size fits all' approach. Instead, Council seeks to work collaboratively with the NSW Government on an efficient, ongoing master planning program to deliver genuine centre-based and transit oriented development, based on the principles of 'density done well'.

Council's submission, as provided in Attachment A, makes a series of recommendations, as well as requests for clarification on numerous matters. Fundamentally, Council recommends the following key moves to better align with the aspirations of our community:

### **1. Accelerated Precincts- Bankstown, Campsie and Canterbury**

The NSW Government designate Campsie and Canterbury as an accelerated precinct rather than applying the Draft SEPPs.

Council has adopted a Master Plan aiming for 6,300 new dwellings and a total of 7,500 jobs, strategically placing density in suitable areas while preserving existing controls in two-thirds of the study area. Preliminary assessments reveal that the Council's Master Plan would yield greater housing capacity within a smaller footprint compared to the proposed low to mid-rise housing controls. This work is ready for immediate implementation.

Further, significant work has been undertaken on developing a master plan for Canterbury. This work can be utilised to lay the foundations of an accelerated precinct in Canterbury.

### **2. Work with Council on planning for Belmore, Lakemba, Wiley Park and Punchbowl**

The NSW Government should collaborate with the Council to conclude plans for Belfield, Belmore, Lakemba, Punchbowl and Wiley Park, ensuring an expedited implementation process rather than applying the Draft SEPPs. It is proposed that Council undertake a staged program as set out below:

- July to October 2024 – Finalise Belfield Master Plan
- By December 2024 – Finalise Belmore-Lakemba Master Plans
- By October 2025 – Finalise Punchbowl-Wiley Park Master Plans

Each Master Plan should match or exceed the dwelling yield that would otherwise be achieved by the Draft SEPPs, and should align with coordinated infrastructure planning for local community and State level infrastructure.

### **3. Support Council in managing low and medium density housing in suburban neighbourhoods**

#### **Dual occupancies**

Council plays a crucial role in dual occupancy development. Council allows for dual occupancy development on lots with a minimum width of 15 metres and a minimum area of 500–600sqm. These controls ensure on-street and on-site parking can be balanced, and ensure the maintenance of appropriate landscape, open space and design controls.

The Draft SEPPs propose to reduce the minimum lot size and area, and will require only one car parking space per dwelling. The proposed changes will have detrimental impacts on our suburban streets – resulting in a cumulative loss of on-street parking, along with a reduced area for landscaping, reduced street address for dwellings and more hard surface area.

Council requests that the NSW Government upholds Council’s current controls for dual occupancies, and aligns controls across the City so that the minimum lot size for a dual occupancy is 500sqm, with a maximum height of 9 metres. Council’s current floor space ratio controls, minimum frontage width and car parking controls are recommended to be maintained. The Draft SEPPs should only apply to Local Government Areas where dual occupancy developments and Torrens title subdivision are not permitted.

### R3 zoned land in the former Canterbury LGA

While much of the former Canterbury Local Government Area is zoned R3 to accommodate villas and townhouses, the unintended consequence of the Draft SEPPs may lead to the construction of 3–6 storey apartments in predominantly suburban areas. It is suggested that the NSW Government and Council work together to rezone these areas to R2.

### Allowing for more diverse housing in suburban neighbourhoods

The R2 zone currently prohibits multi dwelling housing. The intent of this was largely to ensure manor houses/two storey apartments are not developed in out-of-centre, poorly serviced localities.

Council is open to working with the NSW Government on allowing some forms of multi dwelling housing, namely townhouses and villas, in the R2 zone, provided this does not include the allowance of manor houses. This move would increase housing diversity and the availability of a low rise, low impact form of housing in the suburban neighbourhoods. This move can also work concurrently with the rezoning of R3 areas in the former Canterbury Local Government Area to R2, while still maintaining its original intent of allowing low rise, multi dwelling housing.

Council recommends the following planning controls to support this change:

| Control                 | Recommended control in the LEP  |
|-------------------------|---|
| Zone permissibility     | Allow ‘multi dwelling housing’ (excluding manor houses) in the land use table or prohibit manor houses through a local provision.                                 |
| Minimum lot area        | 1,200sqm  |
| Minimum lot width       | 20 metres   |
| Maximum FSR             | 0.5:1   |
| Maximum building height | <ul style="list-style-type: none"><li>The maximum building height for a dwelling facing a road is 9 metres and the maximum wall height is 7 metres, and</li></ul> |

| Control | Recommended control in the LEP  |
|---------|---|
|         | <ul style="list-style-type: none"> <li>The maximum building height for all other dwellings at the rear of the lot is 6 metres and the maximum wall height is 3 metres.</li> </ul> |

#### **4. Create a fast-tracked master planning and rezoning process**

Implementing adopted master plans and place-based plans takes excessive time under the NSW planning system. Currently, Council prepares evidence-based placed based plans and engages the community prior to adopting a master plan. This master plan must then be processed through the planning proposal and gateway process, which then results in further peer reviews, studies and community engagement on already widely consulted plans.

Council has gone a step further in its processes by ensuring government agencies are engaged and provide input through the master planning process – after which some agencies then provide conflicting or different advice in the planning proposal process.

Plans for centres on the western side of the local government area took six years to progress through DPHI after Council adopted the plans. Further, Council's Bankstown and Campsie Master Plans have been pending gateway determinations for two years and 18 months respectively.

Council is willing to work with the DPHI on fast-tracking this process. To do so, the DPHI should establish a streamlined method for implementing the adopted Master Plans (through a SEPP or fast-tracked LEP amendment), rather than providing a Gateway, sending the proposal back to Council for exhibition and re-adoption, before going back to the DPHI for finalisation.

#### **5. Create a Renewal Agency to speed up master planned development**

Create a Renewal Agency to fast-track the coordination and delivery of master planned development by driving and facilitating development, unlocking development on government owned lands and bringing multiple landowners and state agencies together. The Renewal Agency can serve as a catalyst for positive urban transformation, implementing 'density done well' principles and contributing to the creation of vibrant, sustainable, and inclusive communities throughout Sydney.

#### **OTHER ISSUES**

The submission also makes a series of recommendations to maintain consistency with the principles of doing density well. 'Density done well' emphasises the idea that increasing population density in a city or urban area can have positive outcomes when done thoughtfully and with consideration for various factors. The recommendations are in relation to green spaces and parks, affordable housing, design, heritage, infrastructure investment, community engagement, environmental sustainability, resilience and adaptability, and active transport.

A key principle of 'density done well' is to ensure the Draft SEPPs achieve true transit oriented development to encourage the use of public transport and reduce reliance on private cars. Council is in agreement that housing growth should be focused on transit oriented development. Council's Housing Strategy and LSPS, both Government endorsed strategies,

articulate our City's future growth trajectory towards locating 80% of new housing within centres and around stations – consistent with the intent of the Draft SEPPs.

To address this principle, the Draft SEPPs should only apply to local centres in the B2 zone where there are appropriate genuine transport options (i.e. around train stations, light rail stations, metro stations and ferry stops).

A local centre in the B2 zone that is not within these areas must meet minimum thresholds for inclusion, including:

- at least 6,000sqm of business zoned land to ensure it can accommodate a broad range of uses,
- a government guarantee of regular bus services to train, metro, light rail or ferry where services are more frequent than half hourly between 5am and midnight, seven days a week,
- apartment buildings should be within a 200m walk of open space, and multi dwelling housing within 400m,
- have minimum lot size and lot width controls as these centres are more likely to require car dependence than rail or ferry centres.

The Draft SEPPs should not apply to:

- smaller centres in the B1 Neighbourhood Centre zone,
- smaller centres in the E1 Local Centre zone that were previously in the B1 Neighbourhood Centre zone,
- residential areas that are physically disconnected from transport by rivers, major roads and national parks,
- the Canterbury Road corridor, particularly where deemed inappropriate in the Canterbury Road Review,
- recently planned and upzoned centres (such as East Hills, Panania, Revesby and Padstow) given these were only gazetted in June 2023.

## **NEXT STEPS**

Should Council endorse the submission to the Draft SEPPs, the submission will be forwarded to the DPHI for consideration.

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## Planning Matters - 27 February 2024

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### ITEM 5.5

### Update on Bankstown City Centre Planning Proposal

#### AUTHOR

Planning

### PURPOSE AND BACKGROUND

The purpose of this report is to update Council on the latest correspondence received from the Department of Planning, Housing and Infrastructure (DPHI) regarding the Bankstown City Centre Master Plan and to seek a new resolution regarding the preparation and exhibition of the Development Control Plan to be prepared by Council to support the new planning controls for the Bankstown City Centre.

### ISSUE

On 7 December 2023, DPHI publicly announced the Transit Oriented Development (TOD) program including the formation of eight 'Accelerated Precincts' within Sydney, of which Bankstown is one. Under this program DPHI will take control of planning in these precincts (though in consultation with council planners) with the aim to deliver capacity for 47,800 new homes over 15 years. Following this announcement, in February 2024, DPHI wrote to Council to request the withdrawal of the Council's planning proposal to implement the Bankstown Master Plan. In this letter, provided at Attachment A, the DPHI noted that implementation of the Master Plan will occur through the accelerated TOD process.

While Council will not be able to progress the planning proposal as originally intended, Council is still responsible for preparing a draft Development Control Plan (DCP) to support the new planning controls under the state-led TOD program. Council will prepare and exhibit a draft DCP to provide the detailed design controls that support implementation of the master plan.

Council will be a key stakeholder as part of the TOD program and will play an important role to continue to liaise and collaborate with DPHI. It will be Council's intent to ensure the aims and objectives of the Master Plan are incorporated into the draft TOD which is proposed to be exhibited in mid-2024 and implemented by the end of 2024.

### RECOMMENDATION That -

1. Council note the letter received from DPHI dated 2 February 2024, noting that the Bankstown City Centre Planning Proposal will be formally withdrawn.
2. Council prepares and exhibits a draft DCP for Bankstown City Centre to implement the Bankstown City Centre Master Plan.
3. Following exhibition of the draft DCP, report a response to submissions and revised draft DCP to Council for adoption.

## ATTACHMENTS

[Click here for attachment](#)

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- A. DPHI letter to CBC requesting to withdraw PP-2022-1153 2 Feb 2024

## **POLICY IMPACT**

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This report does not propose any changes to Council policies.

The Bankstown Master Plan is an adopted policy of Council. Whilst the planning proposal pathway will no longer be used for its implementation, DPHI have noted that the Plan will be implemented through the accelerated TOD Program.

Part of this Planning Proposal included implementation of Council's Affordable Housing Scheme, in line with Council's adopted Affordable Housing Strategy. Council has noted this to DPHI as a requirement of delivering affordable housing within the Bankstown precinct.

## **FINANCIAL IMPACT**

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The preparation of the draft Development Control Plan and associated work will be funded by Council through its current operational budget.

## **COMMUNITY IMPACT**

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The proposed planning changes to Bankstown City Centre as part of the TOD program, if made in accordance with Council's adopted Master Plan, will accommodate growth and change envisaged for Bankstown over the next 15 years. There will be an opportunity for the community to review the draft planning control changes under the TOD program and the draft DCP that will be prepared by Council. Council will consider all submissions received in response to the draft DCP exhibition and report the outcome to Council, following exhibition.

Implementation of the master plan will have significant community impact, encouraging further renewal of Canterbury Bankstown's largest and primary City Centre, attracting investment in job-generating development and creating a liveable centre, supported by new and enhanced open spaces and community infrastructure.

## **DETAILED INFORMATION**

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### **Request to withdraw Council's Planning Proposal to implement the Bankstown City Centre Master Plan**

On 2 February 2024 Council received a letter from the Department of Planning, Housing and Infrastructure (DPHI) advising that because DPHI would implement the Bankstown City Centre Master Plan via the accelerated Transit Oriented Development (TOD) process, the Council's planning proposal is 'considered unnecessary'. For this reason, DPHI has requested that Council consider withdrawing the planning proposal. It is apparent that the Council's planning proposal to implement the Master Plan is not able to progress in its current form and therefore withdrawal can occur.

Council has met with DPHI Officers to discuss the TOD process. DPHI Officers confirmed their intention to work with Council collaboratively and to implement the Master Plan wherever practicable. As such, it is recommended that Council request the withdrawal of this Planning Proposal.

### **Preparation and Exhibition of a Draft Development Control Plan**

Despite the commencement of the TOD program, Council remains responsible for preparing the draft Development Control Plan for the Bankstown City Centre to provide the detailed planning and building design requirements that will be necessary given the significant planning changes under the Master Plan and now TOD State Environmental Planning Policy (SEPP).

Council resolved at the 28 September 2021 to adopt the Master Plan and to prepare a submit a planning proposal to the Department. The planning proposal was submitted on 31 March 2022. The resolution of Council also included the action to "prepare and exhibit a Development Control Plan to support the Master Plan, to be exhibited concurrently'. Given the Planning Proposal is no longer being pursued, Council will concurrently prepare and exhibit a DCP to implement the Master Plan and forthcoming TOD SEPP changes.

### **Affordable Housing**

The Bankstown City Centre planning proposal includes a requirement for new development in the Bankstown City Centre to provide affordable housing at a rate of 3% in B4 Mixed Use Zone or 4% in the R4 High Density Residential Zone (phased in over three years) based on total Gross Floor Area (GFA) of the new development.

DPHI has publicly announced its intention to mandate a maximum 15% affordable housing contribution for all new development in all accelerated precincts, including Bankstown, with the final rate subject to feasibility testing. It has not been clarified by DPHI whether this is based on the total GFA, residential floor space or uplift only. Council will continue to advocate for the affordable housing delivered under the TOD SEPP to be no less than what was proposed in Council's Master Plan.



## **Key Issues for Council to Raise for the Accelerated Precinct work**

In light of the change in process of the Bankstown City Centre planning proposal, Council will write to DPHI to request the TOD SEPP does not depart from the planning controls in the planning proposal and that the following matters are included in the TOD SEPP as a matter of importance:

- Retain the well-considered intensification strategy in Council's Master Plan that underpins manageable and sustainable growth of Bankstown City Centre;
- If required, classification of Council land to operational from community classified land to enable renewal and redevelopment as outlined in the Master Plan;
- Inclusion of 53 De Witt Street, Bankstown to be partly rezoned from RE1 Public Recreation Zone to IN2 Light Industrial;
- Inclusion of potential draft heritage items as identified in the Master Plan, and consideration of the heritage value of St Paul's Anglican Church in line with Council's 27 June 2023 resolution;
- Maintain planning mechanisms to deliver on-site community infrastructure outlined in the Master Plan such as community facilities, through-site links and new open spaces;
- Retain the proposed B3 Commercial Core (future E2 Commercial Centre) zoning and require a minimum 50% Employment Generating Floorspace on certain sites in the Bankstown City Centre to ensure employment floorspace is not sacrificed for new housing growth; and
- Maintain public benefit and community outcomes envisaged by current and previous planning proposals and planning agreements.

This will ensure the outcomes of the Council adopted Master Plan can be realised and to avoid the need for separate, time consuming planning proposals to be lodged by Council in the future. It will also be important for Council to reiterate that the key outcomes of the Master Plan is to plan for and accommodate jobs growth in Bankstown City Centre through new floorspace capability of supporting employment generating uses.

Council is able to raise these and any other relevant matters as part of a submission made to DPHI during the public exhibition period for the draft TOD SEPP expected to commence in May 2024, and on an ongoing basis through project working groups.



## **6            POLICY MATTERS**

The following items are submitted for consideration -

- |     |   |     |
|-----|---|-----|
| 6.1 | DRAFT CBCity Advocacy Strategic Plan and Associated Advocacy Priorities | 101 |
| 6.2 | Street Parklet Program Policy, Guidelines and Fees and Charges          | 105 |



### ITEM 6.1                      DRAFT CBCity Advocacy Strategic Plan and Associated Advocacy Priorities

**AUTHOR**                      City Future

#### **PURPOSE AND BACKGROUND**

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This report considers a Draft Advocacy Strategic Plan which sets out how Council will advocate for the things that matter the most to our community and identifies the key strategic priorities to be considered for 2024 and beyond.

#### **ISSUE**

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Canterbury-Bankstown faces a range of challenges in the coming decade, stemming from the ever-evolving needs and expectations of the community amidst a period of financial pressure. However, addressing these challenges cannot be done by Council alone. It requires businesses, the community and all three tiers of government to work together on common goals.

The Council acts as the community's voice, especially in advocating for needed changes at both the state and federal level. An Advocacy Strategy provides a systematic approach on how we will engage with policymakers, advocating for reforms that match Council's goals.

Crucially, the Advocacy Strategic Plan assists in articulating clear priorities, and identifying suitable partnerships and stakeholders to jointly advocate on behalf of the community.

#### **RECOMMENDATION**

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That the Draft CBCity Advocacy Strategic Plan and associated advocacy priorities for 2024 and beyond be placed on exhibition.

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

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- A.     2024 CBCity Advocacy Strategic Plan
- B.     2024 CBCity Advocacy Priorities

## **POLICY IMPACT**

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The Advocacy Strategic Plan supports the delivery of the Community Strategic Plan Priorities.

The Advocacy Strategic Plan sets out the process of undertaking advocacy, including the role of the Mayor under section 226 of the Local Government Act including:

- (c) to be the principal member and spokesperson of the governing body, including representing the views of the council as to its local priorities,
- (i) to promote partnerships between the council and key stakeholders,
- (m) to represent the council on regional organisations and at inter-governmental forums at regional, State and Commonwealth level.

## **FINANCIAL IMPACT**

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Where required, the advocacy initiatives and associated partnerships will be considered as part of the development of the annual budget and Operational Plan.

## **COMMUNITY IMPACT**

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Through effective targeted campaigns, advocacy has the ability to more effectively engage other levels of government to address the issues, concerns and priorities of our community.

## DETAILED INFORMATION

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### Background

Over the last 5 years, Canterbury-Bankstown has undergone a major transformation with substantial investments in community facilities, open spaces, and infrastructure. This investment has come from private investment, Council and other government funding. In addition there has been major inroads to new policy setting and legislation to address the changing community needs and expectations.

However, as the city faces challenges in the coming decade, such as financial sustainability, climate change impacts, housing needs, waste management, and future transport, greater collaboration and support from State and Federal Government is required.

As a result, there is an opportunity to be more strategic in how we engage with the Government and provide greater clarity on Council's priorities in order to more effectively target our advocacy efforts.

### Advocacy Strategic Plan

A draft Advocacy Strategic Plan (Attachment 1) has been prepared based on the following vision:

*"CBCity is a united voice driving change - Our vision is to collaborate with others to champion causes that uplift communities, inspire action, and transform our city."*

The Draft Strategy sets out why there is a need for an advocacy strategy and includes a series of principles in which all advocacy will be undertaken. It also sets out three Strategic Actions and what is involved to implement these:

- *ACTION 1: Develop a clear set of Advocacy Priorities and the specific 'asks' being expected out of the advocacy.*
- *ACTION 2: For each Advocacy Priority, identify the appropriate mechanisms and tools to promote the issue.*
- *ACTION 3: Build strong partnerships with those that share our advocacy agenda*

The Implementation of the Advocacy Strategic Plan will be undertaken as part of the development of the Delivery Program and annual Operational Plan.

### CBCity Advocacy Priorities – 2024 and Beyond

As set out in the Advocacy Strategic Plan, Action 1 sets out the need to develop a clear set of priorities and asks consistent with the principles of having clarity of purpose and transparent in our advocacy efforts. Based on the methodology set out in the Draft Strategic Plan, a set of specific priorities have been developed (attachment 2).

In summary these are:

|           | <i><b>What is the project/issue?</b></i>                                       | <i><b>What do we need?</b></i>   |
|-----------|--|--|
| <b>1</b>  | <b>Sustainable Local Government</b>  | We need a fundamental rethink on the way Local Government obtains its revenue  |
| <b>2</b>  | <b>Future Living CBCity</b>  | We need sustainable, well designed housing in the right location that is supported by the necessary infrastructure and services to support our future community.   |
| <b>3</b>  | <b>Sydenham to Bankstown Metro</b>   | We need to ensure that there is minimum disruption to our community and that the investment of the Metro delivers a lasting improvement to the city                |
| <b>4</b>  | <b>River Rail</b>  | We need a transport network that services all of our City, in particular travelling north south across Sydney  |
| <b>5</b>  | <b>CBCity – the place to be</b>  | We need Government to prioritise centres outside of Sydney and Parramatta for future office accommodation and investment   |
| <b>6</b>  | <b>Bus interchange for the CBD</b>   | We need a fully integrated transport hub that delivers improved place outcomes for the CBD   |
| <b>7</b>  | <b>Bankstown Health and Education Precinct - Hospital and TAFE</b>             | We need the new Bankstown and TAFE Precinct to deliver more than a new building  |
| <b>8</b>  | <b>Velodrome</b>   | We need a long-term commitment from the Government to take over the full operation and management of this State Sporting Infrastructure                            |
| <b>9</b>  | <b>Road upgrades for Stacey Street, Henry Lawson Drive and Canterbury Road</b> | We need investment in key bottlenecks of the road system to unlock the freight productivity benefits of the transport system.                                      |
| <b>10</b> | <b>Max Parker Leisure and Aquatic Centre, Revesby</b>                          | We need assistance to fund a major regional Leisure and Aquatic Facility.  |
| <b>11</b> | <b>Cooks River Sheet Metal</b>   | We need the NSW Government to take accountability and ownership of the Cooks River both coordinating and delivering solutions and improved outcomes to its health. |
| <b>12</b> | <b>Waste</b>   | We need a sustainable and long-term solution to managing our waste.  |
| <b>13</b> | <b>Ramadan Nights</b>  | We need Ramadan Nights to be recognised as a State Significant Event and to continue to deliver this in a safe and financially sustainable manner.                 |

The above priorities have been identified as requiring special attention and focus however it is important to note that this list does not encompass every advocacy activity undertaken by Council. There will be various advocacy to government as part of the regular an ongoing delivery of services and projects as well as specific initiatives that arise throughout the year.

### **Next Steps**

It is proposed that the Draft Advocacy Strategic Plan and associated priorities, be placed on exhibition and a further report be brought back to Council.



### **ITEM 6.2                      Street Parklet Program Policy, Guidelines and Fees and Charges**

**AUTHOR                      City Future**

### **PURPOSE AND BACKGROUND**

The purpose of this report is to provide a summary of the feedback received on the Draft Street Parklets Program Policy (Policy), Guidelines (Guidelines), Fees and Charges and present the policy, guidelines, fees and charges for adoption and implementation.

### **ISSUE**

Council has prepared a Draft Street Parklets Program Policy, Guidelines and Fees and Charges which provide a framework to set out Canterbury-Bankstown Council's (Council) management principles for the commercial use of street parklets under the care and control of Council and establishes the licensing criteria for businesses that apply to use street parklets for additional outdoor dining.

On 28 November 2023 Council resolved to place the Draft Policy, Guidelines and Fees and Charges on public exhibition and that a further report be brought to Council at the conclusion of the exhibition period to consider any submissions received.

The Draft Policy, Guidelines and Fees and Charges was placed on public exhibition from Thursday 7 December 2023 to Wednesday 31 January 2024. A total of six submissions were received.

### **RECOMMENDATION    That -**

1. Council adopts the Policy, Guidelines and Fees and Charges;
2. An Expression of Interest for parklets commence as set out in the Policy and Guideline.

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

- A. Street Parklet Program Policy
- B. Street Parklet Program Guidelines
- C. Street Parklet Program Exhibition Submission Table

## **POLICY IMPACT**

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Council currently has a Commercial Use of Footways Policy and procedure to support business street trading. This Policy and Guidelines extend outdoor dining to on-street car spaces which provides businesses with additional seating capacity for their business and encourages business growth.

This Policy is aligned to the Prosperous and Innovative destination of the *CBCity 2036 Community Strategic Plan* that supports a smart and evolving City of Canterbury Bankstown with exciting opportunities for investment and creativity.

The Policy is also consistent with the actions identified in both the Economic Development Strategy Plan 2036 and the Night-time Economy Action Plan 2021-26.

## **FINANCIAL IMPACT**

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Costs associated with administering the application process and engagement will be covered through the proposed fees and charges. It is proposed to amend the Fees and Charges to be consistent with the Commercial Use of Footways fees.

## **COMMUNITY IMPACT**

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Council supports and encourages outdoor dining as a means of creating vibrant streetscapes and creating opportunities for businesses to grow and prosper. It strengthens local shopping precincts and supports businesses to improve amenity for residents and visitors. Council is committed to activating business centres in our LGA and supports the individual expression of each business to help develop a sense of place. Street dining encourages people to stay longer in an area and raises awareness neighbouring enterprises and their offerings.

The introduction of street parklets will have a minor impact on the availability of parking spaces however any proposed parklet will go through community consultation to determine if there is support for such change.

## DETAILED INFORMATION

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The expansion and encouragement of outdoor dining has already been endorsed by Council through the Economic Development Strategy Plan 2036, and the Night-time Economy Action Plan 2021-26. Council's priority is to support the growth of outdoor dining by encouraging high quality footway dining areas that enhance amenity, bring activity to our City and contribute to economic activity whilst ensuring pedestrian safety is maintained.

The Policy and Guidelines have been designed as a customer facing document that sets out the proposed assessment criteria and guidance for the implementation of street parklets. It is designed to provide a consistent, transparent, simple and equitable process for the application for Street Parklet Permits.

The Policy and guidelines provide:

- 1) Eligibility requirements and an outline of the assessment criteria:
  - Be a food/drink business such as a café, restaurant or bar
  - Hold an existing consent to operate as a food or drink premise and/or hold a liquor license
  - Proposed installation of parklet must be directly adjoining their business
  - Have written support by neighbouring businesses
- 2) The process for seeking approval
  - This will be annual Expression of Interest
- 3) An outline of the application process and provide:
  - Site plan
  - Cross section drawing
  - Supporting documentation outlining the proposed parklet structure and location
  - Traffic Guidance Scheme/Traffic Control Plan
  - Relevant insurances
  - Plan of management
- 4) Parklet fees and charges
  - Proposed fees to be consistent with Commercial Use of Footways
- 5) Information on the responsibilities for the cost, installation and maintenance of a parklet.

To cover the cost of administering the application process and engagement, the following fees and charges were exhibited (consistent with the Commercial Use of Footways fees).

| <b>Street Parklet Program fees exhibited</b>                             |          |
|--|----------|
| Application/assessment fee   | \$242.00 |
| Bankstown CBD/outdoor dining – fee per square metre per annum            | \$172.00 |
| Bankstown CBD – display of goods – fee per square metre per annum        | \$175.00 |
| Suburban Town Centre – outdoor dining – fee per square metre per annum   | \$134.00 |
| Suburban Town Centre – display of goods – fee per square metre per annum | \$140.00 |
| A-frame sign (limit one per premises) – max one square metre in area     | \$145.50 |

## **Exhibition**

The feedback exhibition period was from Thursday 7 December 2023 to Wednesday 31 January 2024.

The Policy, Guidelines and Fees and Charges were displayed on Council's Have Your Say website for the above dates. During the exhibition period there was 344 views of webpage.

The Have Your Say EDM reached:

Email recipients: 1,808

Email Opens: 893

Total click throughs: 117

The public exhibition was also posted on Council's social media pages including Facebook, Instagram and Twitter encouraging feedback on the Draft Policy, Guidelines and Fees and Charges. An overview of the social media campaign:

A total of six posts were promoted over the exhibition period and there was:

Engagement: 284

Impressions: 7,886

Reach: 7,184

## **Summary of submissions**

In total there were 6 submissions received, 5 Have Your Say form submissions and 1 Direct email submission.

In summary, there is overall support for the introduction of parklets across our City and the draft Policy and Guidelines. We received feedback that outdoor dining supports small business and makes outdoor spaces more attractive, encouraging more people to enjoy dining during the day and night and spend more time in centres.

Feedback was received from a local business to clarify wording and specifications for installations, which has been considered and minor amendments made to the Policy and Guidelines.

One submission opposed the parklets due to parking impacts and others commenting fees were too high.

The reduction in parking through the introduction of on street dining is considered a low-level impact to the surrounding parking condition as research shows that the removal of 1 car space which is replaced with dining or seating and planting can enhance pedestrian activity and experience. The research also noted positive economic returns for businesses of an average of \$1,642 per week per business in additional revenue (*Source Urbis Evaluation of Expanded Outdoor Dining in The City of Melbourne, 2021.*)

The benefits to on street dining include:

- Increase economic activity

- Increase in income through additional pedestrian traffic to the location and patronage for businesses
- Encourages people to stay longer in the area and raises awareness of neighbouring enterprises and their offerings

In relation to the fees, the proposed fee structure is considered to be low compared to other Council areas, in particular, around Sydney. Each Council is also charging an application fee ranging from \$150 to \$400.

A comparative summary of other Council Fees and Charges per square metre per year is outlined in the table below:

| <b>Councils</b>           | <b>Per square metre per year</b> | <b>Annual fee</b>             | <b>Charge per week</b>   | <b>6 month waived (charged for 26 weeks)</b> |
|---------------------------|----------------------------------|-------------------------------|--------------------------|--|
| <b>CBCity</b>             | <b>\$134 - \$172</b>             | <b>\$1,929.60 - \$2476.80</b> | <b>\$37.11 - \$47.63</b> | <b>\$964.80 - \$1,28.40</b>                  |
| Inner West                | No charge                        | No charge                     | No charge                |  |
| Randwick                  | \$305 - \$790                    | \$4,392.00 - \$11,376.00      | \$84.46 - \$218.77       |  |
| Woollahra                 | \$663 - \$1020                   | \$9,547.20 - \$14,688.00      | \$183.60 - \$282.46      |  |
| Randwick                  | \$228 - \$741                    | \$3,283.20 - \$10,670.40      | \$63.14 - \$205.20       |  |
| Lake Macquarie (Regional) | \$88 - \$157                     | \$1,267.20 - \$2,260.80       | \$24.37 - \$43.48        |  |
| Port Macquarie (Regional) | \$65 - \$150                     | \$936.00 - \$2,160.00         | \$18.00 - \$41.54        |  |

\*An average car parking space is 2.4 metres wide x 6 metres in length.

Inner West Council currently does not apply any Fees and Charges to their Street Parklet Program. They also manage the installation of the street parklets across their LGA and cover the cost of the barriers.

It is also recommended that all costs associated with the application for a license, street parklet design, construction, maintenance and cleaning, including the removal of a street parklet are solely the responsibility of the applicant business.

The above requirement for the applicant to pay for all infrastructure is consistent with most Councils who facilitate such a program (unless covered by grants). It is also expected that a business would generate additional revenue and / or gain a competitive advantage through operating a parklet and in so doing should be accountable for these business development costs.

The proposed Fees and Charges are relatively low compared to the cost of retail space in the Canterbury Bankstown LGA. Research from Real Estate Agents have noted that the cost of six square metres of commercial retail space is approximately \$50 per week.

### **Changes to the Street Parklets Program Policy, Guidelines and Fees and Charges**

As a result of the consultation and further internal review, the following amendments were undertaken to the Draft Street Parklets Program Policy, Guidelines

- A parklet site plan example diagram has been added to the Guidelines *2.7 Supporting Documentation*;
- Amend the Guidelines *2.6 Street Parklet Compliance* to 'review' street parklet permits if Liquor License has been breached;
- Amend Guidelines *3.8 Furniture* to provide clarification when umbrellas should be removed when high winds are forecasted; and

In relation to the Fees and Charge it is proposed that there is no change to what was exhibited  
The proposed fees will be:

| <b>Street Parklet Program Fees Revised</b>   |                   |
|--|-------------------|
| Application/assessment fee   | \$242.00 plus GST |
| Bankstown CBD/outdoor dining – fee per square metre per annum  | \$172.00 plus GST |
| Suburban Town Centre – outdoor dining – fee per square metre per annum   | \$134.00 plus GST |
| To continue to support businesses Council proposes to apply a six-month waiver fee for first year Street Parklet Program applications. |                   |

NOTE: The Commercial Use of Footways fees exclude GST as it uses Council land. However due to the nature of road reserve, GST must be applied to Street Parklet Program fees.

### **Conclusion**

Feedback received during public exhibition demonstrates community support for the Draft Street Parklets Program Policy, Guidelines and Fees and Charges. Some community members have expressed concern with Fees and Charges, however when comparing to other Sydney local Council's demonstrates our fees and charges are fairly low.

To assist with the costs on street parklet installation, Council recommends waiving a six-month fee for the first-year applications of the Street Parklet Program.

It is recommended that the Draft Street Parklets Program Policy, Guidelines and Fees and Charges is adopted, and Council staff undergo an Expression of Interest for implementation.

## **7 GOVERNANCE AND ADMINISTRATION MATTERS**

The following items are submitted for consideration -

|     |  |     |
|-----|--|-----|
| 7.1 | Cash and Investment Report as at 31 January 2024, 31 December 2023<br>and 30 November 2023                             | 113 |
| 7.2 | Code of Meeting Practice - Amendment to 2024 Schedule of Meetings  | 121 |
| 7.3 | 2024 Australian Local Government Association National General Assembly   | 125 |
| 7.4 | Quarterly Progress Report of the 2023/24 Operational Plan, 2022-25<br>Delivery Program, and Budget to 31 December 2023 | 137 |





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## Governance and Administration Matters - 27 February 2024

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### ITEM 7.1                      Cash and Investment Report as at 31 January 2024, 31 December 2023 and 30 November 2023

**AUTHOR**                      Corporate

#### **PURPOSE AND BACKGROUND**

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

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

#### **ISSUE**

Given the timing of Council's Ordinary Meetings, recess and preparation of monthly reports, this report includes Council's cash and investments as at 31 January 2024, 31 December 2023 and 30 November 2023.

#### **RECOMMENDATION** That -

1. The Cash and Investment Report as at 31 January 2024, 31 December 2023 and 30 November 2023 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

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

- A. Arlo Advisory Monthly Investment Report January 2024
- B. Arlo Advisory Monthly Investment Report December 2023
- C. Arlo Advisory Monthly Investment Report November 2023

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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

## DETAILED INFORMATION

### Cash and investment summary – as at 31 January 2024

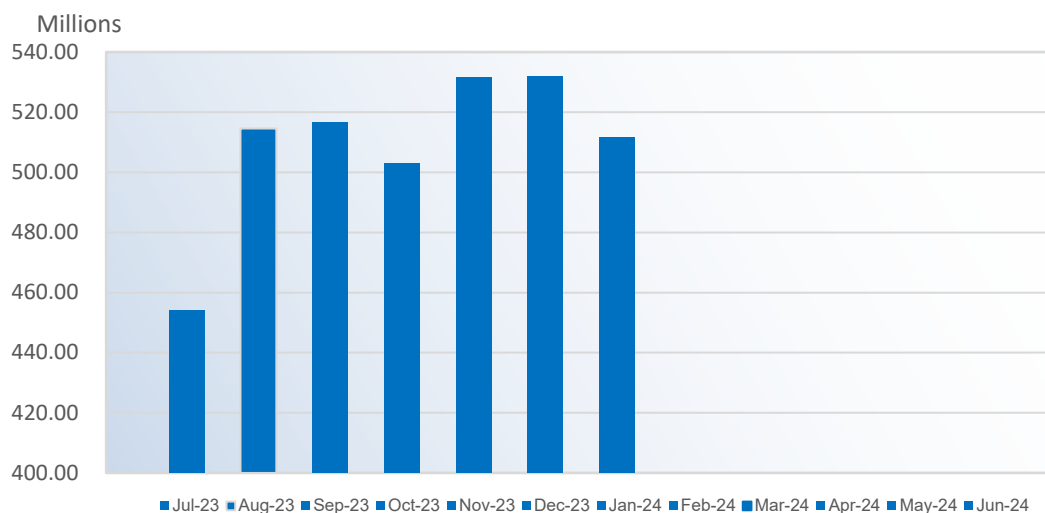
In total, Council's cash and investment holdings as at 31 January 2024 is as follows:

| Cash and investments              | \$                 |
|-----------------------------------|--------------------|
| Cash at bank                      | 1,484,206          |
| Deposits at call                  | 36,306,199         |
| Term deposits                     | 381,017,588        |
| Floating Rate Notes               | 57,674,847         |
| Bonds                             | 35,000,000         |
| <b>Total cash and investments</b> | <b>511,482,840</b> |

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The portfolio balances are made up of cash balances at month end held for external restrictions (e.g. unspent developer contributions, domestic waste reserves and unexpended grants), internal restrictions (e.g. infrastructure reserves, employee leave provisions, cash deposits and other reserves) and unrestricted cash (Council's working capital).

The following graph outlines Council's closing cash and investment balances from July 2023 to June 2024.

Cash and investments rolling monthly balance 2023-2024



Summary of Council's investment interest income earned for the period to 31 January 2024 is as follows:

| Interest income        | January 2024<br>\$ | Year-to-date<br>Jan 2024<br>\$ |
|------------------------|--------------------|--------------------------------|
| <b>Budget</b>          | 1,756,250          | 12,293,750                     |
| <b>Actual interest</b> | 1,955,559          | 13,050,787                     |
| <b>Variance</b>        | 199,309            | 757,037                        |
| <b>Variance (%)</b>    | 11.35%             | 6.16%                          |

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

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

| Maturity profile                          |                          |                    |
|---|--------------------------|--------------------|
|   | Actual % of<br>portfolio | Policy<br>limits % |
| <b>Cash</b>                               | 7.4                      |                    |
| <b>Working capital funds (0-3 months)</b> | 4.4                      | 100                |
| <b>Short term (3-12 months)</b>           | 45.9                     | 100                |
| <b>Short – medium (1-2 years)</b>         | 27.6                     | 70                 |
| <b>Medium (2-5 years)</b>                 | 14.7                     | 50                 |
| <b>Long term (5-10 years)</b>             | 0                        | 5                  |
| <b>Total cash and investments</b>         | 100%                     |                    |

| Portfolio allocation              |                          |
|-----------------------------------|--------------------------|
|                                   | Actual % of<br>portfolio |
| <b>Cash at bank</b>               | 0.3                      |
| <b>Deposits at call</b>           | 7.1                      |
| <b>Term deposits</b>              | 74.5                     |
| <b>Floating Rate Notes</b>        | 11.3                     |
| <b>Bonds</b>                      | 6.8                      |
| <b>Total cash and investments</b> | 100%                     |

## DETAILED INFORMATION

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### Cash and investment summary – as at 31 December 2023

In total, Council's cash and investment holdings as at 31 December 2023 is as follows:

|                                   |                    |
|-----------------------------------|--------------------|
| <b>Cash and investments</b>       | <b>\$</b>          |
| <b>Cash at bank</b>               | 298,107            |
| <b>Deposits at call</b>           | 68,245,447         |
| <b>Term deposits</b>              | 366,017,588        |
| <b>Floating Rate Notes</b>        | 57,643,524         |
| <b>Bonds</b>                      | 35,000,000         |
| <b>SIRA Workcover</b>             | 4,686,000          |
| <b>Total cash and investments</b> | <b>531,890,667</b> |

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The portfolio balances are made up of cash balances at month end held for external restrictions (e.g. unspent developer contributions, domestic waste reserves and unexpended grants), internal restrictions (e.g. infrastructure reserves, employee leave provisions, cash deposits and other reserves) and unrestricted cash (Council's working capital).

Summary of Council's investment interest income earned for the period to 31 December 2023 is as follows:

| <b>Interest income</b> | <b>December 2023<br/>\$</b> | <b>Year-to-date<br/>Dec 2023<br/>\$</b> |
|------------------------|-----------------------------|---|
| <b>Budget</b>          | 1,756,250                   | 10,537,500                              |
| <b>Actual interest</b> | 2,095,353                   | 11,095,228                              |
| <b>Variance</b>        | 339,103                     | 557,728                                 |
| <b>Variance (%)</b>    | 19.31%                      | 5.29%                                   |

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

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

| Maturity profile                   |                       |                 |
|------------------------------------|-----------------------|-----------------|
|                                    | Actual % of portfolio | Policy limits % |
| Cash                               | 13.8                  |                 |
| Working capital funds (0-3 months) | 3.1                   | 100             |
| Short term (3-12 months)           | 40.2                  | 100             |
| Short – medium (1-2 years)         | 27.9                  | 70              |
| Medium (2-5 years)                 | 15.0                  | 50              |
| Long term (5-10 years)             | 0                     | 5               |
| Total cash and investments         | 100%                  |                 |

| Portfolio allocation         |                       |
|------------------------------|-----------------------|
|                              | Actual % of portfolio |
| Cash at bank                 | 0.06                  |
| Deposits at call             | 12.8                  |
| Workers Compensation Deposit | .9                    |
| Term deposits                | 68.8                  |
| Floating Rate Notes          | 10.84                 |
| Bonds                        | 6.6                   |
| Total cash and investments   | 100%                  |

## DETAILED INFORMATION

### Cash and investment summary – as at 30 November 2023

In total, Council's cash and investment holdings as at 30 November 2023 is as follows:

| Cash and investments              | \$                 |
|-----------------------------------|--------------------|
| Cash at bank                      | 18,770,248         |
| Deposits at call                  | 41,591,499         |
| SIRA Workcover                    | 4,686,000          |
| Term deposits                     | 373,017,588        |
| Floating Rate Notes               | 57,619,023         |
| Bonds                             | 36,000,000         |
| <b>Total cash and investments</b> | <b>531,684,358</b> |

Council's level of cash and investments varies from month to month, particularly given the timing of Council's rates and collection cycle, its operations and carrying out its capital works program. The portfolio balances are made up of cash balances at month end held for external restrictions (e.g. unspent developer contributions, domestic waste reserves and unexpended grants), internal restrictions (e.g. infrastructure reserves, employee leave provisions, cash deposits and other reserves) and unrestricted cash (Council's working capital).

Summary of Council's investment interest income earned for the period to 30 November 2023 is as follows:

| Interest income | November 2023<br>\$ | Year-to-date<br>Nov 2023<br>\$ |
|-----------------|---------------------|--------------------------------|
| Budget          | 1,756,250           | 8,781,250                      |
| Actual interest | 2,026,436           | 8,999,875                      |
| Variance        | 270,186             | 218,625                        |
| Variance (%)    | 15.38%              | 2.49%                          |

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

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

| <b>Maturity profile</b>                   |                              |                        |
|---|------------------------------|------------------------|
|   | <b>Actual % of portfolio</b> | <b>Policy limits %</b> |
| <b>Cash</b>                               | 12.2                         |                        |
| <b>Working capital funds (0-3 months)</b> | 4.1                          | 100                    |
| <b>Short term (3-12 months)</b>           | 44.4                         | 100                    |
| <b>Short – medium (1-2 years)</b>         | 25.3                         | 70                     |
| <b>Medium (2-5 years)</b>                 | 14.0                         | 50                     |
| <b>Long term (5-10 years)</b>             | 0                            | 5                      |
| <b>Total cash and investments</b>         | 100%                         |                        |

| <b>Portfolio allocation</b>       |                              |
|-----------------------------------|------------------------------|
|                                   | <b>Actual % of portfolio</b> |
| <b>Cash at bank</b>               | 3.5                          |
| <b>Deposits at call</b>           | 7.8                          |
| <b>Workers Compensation</b>       | .9                           |
| <b>Term deposits</b>              | 70.2                         |
| <b>Floating Rate Notes</b>        | 10.8                         |
| <b>Bonds</b>                      | 6.8                          |
| <b>Total cash and investments</b> | 100%                         |



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## Governance and Administration Matters - 27 February 2024

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**ITEM 7.2**                      **Code of Meeting Practice - Amendment to 2024 Schedule of Meetings**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

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To amend the adopted 2024 Schedule of Council Meetings.

### **ISSUE**

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Given the commitments of a number of Councillors during the April school holidays, and following engagement with Councillors, it is proposed that the April 2024 Ordinary Meeting be rescheduled to Tuesday 30 April 2024, 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.

Relevant temporary administrative changes to reflect the changes have separately been outlined in the report.

### **RECOMMENDATION** That -

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1. The 2024 Schedule of Council Meetings be amended – whereby the April 2024 Ordinary Meeting of Council be rescheduled from Tuesday 23 April 2024 to Tuesday 30 April 2024.
2. Council agrees to the temporary administrative changes, as outlined in the report.

### **ATTACHMENTS**

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Nil

## **POLICY IMPACT**

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The report presents no policy impacts.

## **FINANCIAL IMPACT**

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The report has no financial impacts.

## **COMMUNITY IMPACT**

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

## DETAILED INFORMATION

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### Issue

Given the commitments of a number of Councillors during the April school holidays, it is proposed that the April 2024 Ordinary Meeting be rescheduled from Tuesday 23 April 2024 to Tuesday 30 April 2024, 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.

### Proposed Administrative Changes

In considering the matter, temporary administrative changes will need to be applied to ensure that Council observes relevant provisions of the Local Government Act 1993 and Code of Meeting Practice requirements, in terms of preparing and distributing the Agenda and Business Paper.

The closing date for submissions of Notice of Motions/Questions with Notice by Councillors is usually the Thursday prior to the Council meeting. Given the Thursday prior to the proposed 30 April 2024 meeting date is ANZAC Day, the closing time for motions/questions will need to be moved back to the Wednesday.

The proposed changes are as follows:

| Description   | Date                                 |
|---|--------------------------------------|
| <b>Councillors to submit proposed Notice of Motions or Questions with Notice</b>            | By 11:00am on Wednesday 24 April     |
| <b>Distribution of Notice of Ordinary Meeting, Agenda and Business Paper to Councillors</b> | Friday 26 April                      |
| <b>Public access to Agenda and Business Paper</b>   | Friday 26 April                      |
| <b>Request from Public to speak at Public Forum</b>   | Prior to 12 noon on Tuesday 30 April |

The above temporary changes are not considered substantial, nor do they significantly depart from Council's current provisions of the Code – and as such may be adopted for the purposes of conducting the April 2024 Ordinary Meeting.

The above administrative requirements/timeframes will revert to Council's standard Code of Meeting Practice provisions for all future meetings.



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## Governance and Administration Matters - 27 February 2024

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### ITEM 7.3                      2024 Australian Local Government Association National General Assembly

**AUTHOR**                      Corporate

#### **PURPOSE AND BACKGROUND**

The Australian Local Government Association (ALGA) is hosting the National General Assembly of Local Government (NGA) in Canberra from 2 - 4 July 2024. The event will be followed by a meeting of the Australian Council of Local Government on 5 July 2024.

ALGA's annual NGA is Australia's most influential local government conference and provides a platform to address national issues and advocate to the Federal Government on critical topics facing the Local Government sector.

Council can nominate one voting delegate for the Conference.

Following the Conference, ALGA will review resolutions and identify priority advocacy areas to guide ALGA actions over the next 12 months.

#### **ISSUE**

To inform Council of the 2024 ALGA NGA and consider the submission of motions.

#### **RECOMMENDATION** That -

1. Council endorse the draft motions, as detailed in the report, for submission to ALGA.
2. The Mayor or his delegate be Council's voting delegate at the 2024 NGA.

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

- A. 2024 ALGA NGA Discussion Paper

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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Registration and costs associated with attendance at the ALGA NGA are in accordance with the Councillor Expenses and Facilities Policy and will be met from within Council's adopted budget.

## **COMMUNITY IMPACT**

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Motions presented for consideration and endorsement by Council have been formed with the benefit of the City's community as a leading priority. However, there is generally no immediate impact on the community from the adoption of these recommendations.

## DETAILED INFORMATION

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### Conference Motion Requirements

The 2024 NGA theme “Building Community Trust” aims to explore the critical importance of trust in governments, between governments, its institutions and citizens, acknowledging trust as a fundamental building block of Australia’s democracy.

In preparing and submitting motions, ALGA is asking Councils to consider:

- How all levels of government in Australia can build trust in each other and earn greater trust from the community.
- Practical opportunities for the Australian Government to leverage the trust that local communities have in their local council.
- Focus on practical programs that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities.
- New program ideas that would help the local government sector to deliver the Australian Government’s objectives.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome i.e. call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

ALGA require Motions to be submitted online by Tuesday 30 April 2024.

### Proposed Motions

The following motions are proposed for Council’s endorsement and submission to the conference.

## **PROPOSED MOTION 1: PLANNING APPROVAL MONITORING**

*This National General Assembly calls on the Australian Government to maintain a national register of planning approvals and final dwelling completions by local government area to inform policy decisions on affordable housing and other intersecting policy matters such as migration and education at local, state and national government levels.*

### **MOTION SUBJECT**

Proposed national register of planning approvals and dwelling completions by local government area to inform broader policy decisions across the three tiers of government in relation to increasing the supply of affordable housing.

### **NATIONAL OBJECTIVE**

To enhance evidence based and informed multilateral and intergovernmental discussions with the aim of creating better outcomes across broad policy areas to increase new affordable housing supply nationally.

Current narratives concerning the lack of affordable housing often concentrate on the number of planning approvals and not the number of completed dwellings. Planning approvals can only be converted into increased affordable housing supply when approvals are backed by the skilled workers required to build new dwellings, the finances to pay for the new construction and the resources to convert approvals into final dwelling completions.

While planning approvals are a State and Local Government responsibility, the ability to build a certain number of dwellings is predicated upon these resources that are nationally in short supply. The Australian Government can influence better outcomes in this area by:

1. Providing priority preference to migrant workers skilled in building, construction and the trades.
2. Increasing vocational training funding for TAFE and similar for pipeline and existing industry workers.

### **SUMMARY OF KEY ARGUMENTS**

The lack of affordable housing for low to middle income households is a systemic and worsening problem across Australian cities, towns and regions and presents an ongoing and complex problem across the tiers of governments.

Representatives of the development community continue to mistakenly attribute a so-called drop in housing approvals by local governments as the most significant factor adversely impacting housing affordability.

To favourably impact affordable housing supply, planning approvals must be converted to completed dwellings. The proposed national register of planning approvals and dwelling completions will allow Governments at all levels, developers and the community to properly assess where the barriers to affordable housing lie. It will give all stakeholders the information to know what actions are necessary, such as training and education of a satisfactorily skilled workforce or if the importation of skilled workers is required to bring



planning approvals to completion, thereby increasing housing affordability and affordable housing supply.

To cite Canterbury Bankstown Council's experience based on figures from NSW Planning's Sydney Housing Supply Forecast, in the period July 2016 to July 2021 Council approved 12,194 dwellings, or 97% of the target set by the NSW State Government. Over the same period only 8,822 dwellings, or 70% of the target set by the NSW Government, were actually constructed. The balance remained unconstructed approvals.

In NSW "land banking" by the building and construction industry is further adversely impacting housing affordability. Although unconstructed approvals must be completed within 5 years of the approval, s4.53 of the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) allows for an approval to be activated once it has been "physically commenced" meaning that some action must have taken place to further the development application. Once an approval has been activated, the EPA Act provides that the approval will last indefinitely. The approval may then be "land banked" whereby the owner keeps it within the inventory of the company which acquired the approval and adds to the entity's value. Whether it is converted into dwellings or not is largely a question of whether the developer entity perceives it will make sufficient profit from the proposal. If the extent of the land banking problem becomes known by collating planning approval data across Australia, its true nature can be uncovered and discussed, and solutions proposed.

## PROPOSED MOTION 2: FINANCIAL SUSTAINABILITY

*This National General Assembly calls on the Australian Government to:*

- Respond to repeated and ongoing requests from the local government sector to restore Financial Assistant Grants to the 1996 level of 1% of Commonwealth Tax Revenue.*
- Remove restrictive conditions surrounding federal tied grants so that councils are provided conditional full upfront funding for federally costed works, projects and programs.*
- Enshrine these financial protections for local government in a new Intergovernmental agreement between the Federal Government and ALGA, on behalf of local governments, to provide councils with increased financial certainty.*

### MOTION SUBJECT

Reforming Federal Government funding arrangements for the local government sector.

### NATIONAL OBJECTIVE

To improve federal government funding arrangements for the local government sector and provide Councils with the financial stability and security needed to meet increasing financial demands and plan for the future.

That Financial Assistant Grants for local government are increased from 0.5% of Commonwealth Tax Revenue (CTR) to a minimum of 1% to ensure the sector's ongoing financial sustainability.

That funds associated with federal government tied grants are fully paid upfront to councils, while remaining subject to conditions of a grant agreement, to reduce the significant financial burden of tied grants and thus making them accessible to a greater number of councils and further maximising their benefit to local communities.

That the above proposed financial arrangements are committed to in good faith by the parties in a new Intergovernmental agreement that should also stipulate how local government will be compensated for any future federal government role and cost shifting on to local government.

### SUMMARY OF KEY ARGUMENTS

Local governments are relatively poorly funded compared to state, territory and federal levels of government, lack constitutional recognition and are vulnerable to cost shifting.

Traditional revenue sources for local government such as rates, fines and fees are not enough to properly maintain existing infrastructure and provide improved services in line with community expectations. As such, local government requires ongoing funding support from state, territory and federal governments to provide and maintain the infrastructure and services communities need such as libraries, green spaces, swimming pools, childcare centres, playgrounds, sports facilities, community and childcare centres, home and community care services, emergency management, waste services and roads. Untied funding support for local government is also crucial to support workforce planning and development in the context of skilled labour shortages for the sector.

Despite local government's increasing responsibilities and financial challenges, successive federal governments have failed to restore the level of Financial Assistance Grants back to the 1996 level of 1% of CTR or remove the prescriptive and punitive arrangements for tied grants whereby cash strapped councils are forward funding federally costed works, projects and programs. Successive federal governments have also failed to substantially respond to and act upon ongoing advocacy across the sector by councils and representative bodies in relation to these issues.

In addition, 18 years have lapsed since the *2006 Inter-Governmental Agreement Establishing Principles Guiding Inter-Governmental Relations on Local Government Matters* was signed by ALGA and federal, state and territory ministers with responsibility for local government in an attempt to set standards for cost shifting and financial arrangements for local government.

The local government sector is calling on the Federal Government to trust councils to 'do the right thing' by their funding partners, and more importantly, their communities by urgently implementing the proposed reforms to help remedy the ongoing financial constraints and pressures universally experienced by local government in Australia.

The local government sector is also calling on the Federal Government to deliver on its [Party National Platform 2023](#) that promises to provide local government with a secure economic base by:

- increasing funding for essential local government services, operations and personnel, including fair funding increases to Financial Assistance Grants
- increasing funding for local government maintained roads
- participating in a range of programs to provide funding to local government.

## PROPOSED MOTION 3: INTERGOVERNMENTAL RELATIONS

*This National General Assembly calls on the Australian Government to:*

- *Provide Australian Local Government Association (ALGA) full time membership in the National Cabinet to ensure the Local Government sector is represented at every National Cabinet meeting.*
- *Establish a Ministerial Council for Local Government that will report to the National Cabinet annually on the key priorities and challenges for local government.*

## MOTION SUBJECT

Full membership of Local Government in the National Cabinet and establishment of Ministerial Council for Local Government.

## NATIONAL OBJECTIVE

To deliver on the principle of Australian federalism that the three levels of government will work together cooperatively to address complex policy issues while representing their respective constituents to ensure fair and equitable outcomes for all Australians.

That the 537 councils across Australia are therefore represented by ALGA at every National Cabinet meeting, and that the National Cabinet is supported and informed by a Ministerial Council for Local Government, to:

- Recognise the role of local government in the Australian Federation by providing all three levels of government equal representation in Australia's peak intergovernmental decision-making body.
- Ensure all National Cabinet multilateral discussions and decisions are informed by and consider the unique position of and the complex issues facing local government.
- Visibly promote cooperative federalism across the three levels of government thereby engendering community trust in governments to work together to deliver considered and sustainable outcomes across key and intersecting priority policy areas such housing and homelessness, skills and workforce, health, education, energy and climate change, planning, infrastructure and transport.

## SUMMARY OF KEY ARGUMENTS

Rising cost of living pressures in post-pandemic Australia compounded by economic inequalities caused by generational and socioeconomic divides has seen overall trust in government "to do the right thing" steadily decline in recent years ([Mapping Social Cohesion 2023](#)). At the same time, communities are increasingly turning to their councils for information, services, support and representation because local government is the closest and most accessible level of government at the very centre of what is happening across Australia at a grassroots level. As such, local government is best placed to respond directly on important issues across broad policy areas that impact the quality of life of every Australian and resident.

Despite local government's close proximity to the community and the crucial role it plays in the Australian Federation, full membership of the National Cabinet is only provided to federal, state and territory leaders.

In recognition of the importance of the local government sector, in 2023 the federal government moved to invite ALGA to one National Cabinet meeting per year and reconvene the Australian Council of Local Government. While these are welcome improvements, the lack of local government representation at three out of four National Cabinet meetings annually means that 75% of the National Cabinet's multilateral discussions and decisions made on matters of national, state and local importance will not have local government and community input.

Furthermore, local government's rightful place at all National Cabinet meetings must be supported by a Ministerial Council for Local Government. This will provide the formal channel necessary for the federal Minister for Regional Development, Local Government and Territories to work collaboratively across federal and state ministerial portfolios and with ALGA to resolve key priorities for local government and report and provide solutions to the National Cabinet on the key priorities and challenges facing local government.

All Australians expect their governments to work together for their benefit at all levels and across all issues. Including Local Government in every National Cabinet would demonstrate a strong unity of purpose between the three levels of government and a commitment to ensuring the policies and programs of all levels of Government are aligned and working together to achieve the best outcomes for individuals and communities.

## PROPOSED MOTION 4: JOBS AND SKILLS

*This National General Assembly calls on the Australian Government to address skills shortages and build capacity in local government by:*

- Expanding and funding opportunities for training through local government apprenticeships, traineeships and cadetships.*
- Providing subsidised or free TAFE and university courses in the disciplines where there are known skills shortages to better connect job seekers and workers with local and regional employment opportunities in local government.*

## MOTION SUBJECT

Initiatives to address local government skills shortages and build capacity.

## NATIONAL OBJECTIVE

The local government sector requires a diverse and sustained workforce of mixed occupations and skill sets to fulfill expanding responsibilities and meet the growing and diverse needs of the community.

Significant labour and skills shortages, along with financial constraints, impacts of natural disasters and other factors, are constraining the capacity of local governments to deliver services, projects and infrastructure to the community. Labour and skills shortages are also impacting the capacity for local governments to promote local and regional economic development and employment growth, and to effectively deploy the local workforce to create a more sustainable community.

The Australian Government must urgently play its part in the amelioration of labour and skills shortages in local government by delivering on the outcomes of the [2022 Jobs and Skills Summit](#) and:

- increasing funding for apprentices, traineeships and cadetships in local government
- extending on the National Skills Agreement and Australian Skills Guarantee to provide increased funding for fee-free TAFE and university placements to better align local labour and skill supply with jobs and skills demand in local government.

## SUMMARY OF KEY ARGUMENTS

ALGA's 2022 [Local Government Workforce Skills and Capability Survey](#) indicated that more than 90 percent of Australia's 537 councils were experiencing skills shortages, with about two-thirds of these councils experiencing related impacts on project delivery. The Survey also shows critical skills shortages across the occupations including, but not limited to, engineers, town planners, building surveyors, environmental health officers, accountants, accounts and pay roll clerks, IT and ICT technicians, supervisors and team leaders, labourers and mechanical tradespersons.

The predominant factors influencing skills shortages are a tight labour market for skilled workers, funding uncertainty and an inability for councils to compete with private sector remuneration and locational disadvantages, with these problems exacerbated for many councils that are also experiencing constrained financial resources and dealing with the impacts of natural disasters ([ALGA submission – Australian Skills Guarantee Discussion Paper](#)). Competition for skills with the private sector and other levels of government has severely impacted on the local government sector creating challenges to attract and retain required staff.

These factors limit the capacity of local governments to develop, deliver and maintain services, projects and infrastructure to the community, to promote local and regional economic development and employment growth, and the capacity to build from the 'ground up' and effectively deploy the local workforce, people and resources to create a more sustainable community. These direct impacts of skills shortages are being felt across communities all over Australia.

Councils also play a key role in ensuring local businesses have access to skilled staff, and assisting the community with access to skills, education, and pathways to employment. Many local businesses are also experiencing skills shortages and are still trying to recruit or hire skilled workers following the COVID health restrictions.

The local government sector is also calling on the Federal Government to deliver on its [Party National Platform 2023](#) that promises to respond to critical labour market shortages in the economy through the delivery of accessible and quality education in addressing skills shortages, rebuilding the sectors hardest hit by the pandemic and collaborating with all levels of government, industry, unions and education and training providers to develop and provide high quality and relevant industry qualifications.





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## Governance and Administration Matters - 27 February 2024

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### **ITEM 7.4                      Quarterly Progress Report of the 2023/24 Operational Plan, 2022-25 Delivery Program, and Budget to 31 December 2023**

**AUTHOR                      City Future**

### **PURPOSE AND BACKGROUND**

This report provides a summary of progress on the delivery of Council's 2023/24 Operational Plan and 2022-25 Delivery Program from 1 October to 31 December 2023.

Separately, the report considers Council's financial results and proposed budget adjustments for the December 2023 quarterly budget review period and relevant financial reporting information regarding Council's Councillor Expenses and Facilities Policy (Clause 14.2) for the period 1 July 2023 till 31 December 2023.

The information will also be made available on Council's website, following this meeting.

### **ISSUE**

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

The report demonstrates the organisation's performance in delivering the actions outlined in CBCity 2025 (Council's 2022-25 Delivery Program and 2023/24 Operational Plan). This key document for our City translates our priorities and services into measurable actions for the financial year and Council term.

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

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

Separately, the report outlines the relevant financial information regarding Council's Councillor Expenses and Facilities Policy (Clause 14.2) for the period 1 July 2023 till 31 December 2023.

### **RECOMMENDATION    That -**

1. The quarterly progress report of the 2023/24 Operational Plan to 31 December 2023 be noted.

2. The quarterly review of the 2023/24 Budget to 31 December 2023, including proposed budget variations [Attachment C (Annexure C & H)] - as outlined in this report - be adopted.
  3. Council endorse the adjustment to Council's full-time equivalent employee resources, as outlined in the report.
  4. Council notes the attached report on the provision of expenses and facilities to the Mayor and Councillors, for the period 1 July 2023 till 31 December 2023.
  5. In accordance with Council's Councillor Expenses and Facilities Policy, the attached report be made available on Council's website.
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## **ATTACHMENTS**

[Click here for attachments](#)

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- A. CBCity 2025 - Q2 2023-24 Review - Summary Report
- B. CBCity 2025 - Q2 2023-24 Review - Detailed Report
- C. December Revision Reports
- D. Councillor Expenditure Reporting - 1 July 2023 to 31 December 2023

## **POLICY IMPACT**

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The Community Strategic Plan (CBCity 2036) and the combined Delivery Program and Operational Plan (collectively known as CBCity 2025) are prepared in accordance with the Local Government Integrated Planning and Reporting (IP&R) Framework. Reports are provided to Council each quarter outlining Council's financial position and progress of the Operational Plan.

The reports are prepared to meet all related legislative requirements as set out in the *Local Government Act 1993*, associated Regulations, and Local Government Code of Accounting Practice and Financial Reporting and Council's Councillor Expenses and Facilities Policy.

## **FINANCIAL IMPACT**

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The report presents Council's operating result at 31 December 2023 and financial information regarding Councillor Expenses and Facilities for the period 1 July 2023 till 31 December 2023.

## **COMMUNITY IMPACT**

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The report ensures accountability for the commitments made to the community in Council's IP&R documents and annual budgets. It provides the community with an understanding of Council's performance in delivering its yearly Operational Plan and budget at 31 December 2023.

Separately, the noting of Councillor Expenses and Facilities for the period provides our community the assurance that relevant policies and practices are in place to ensure that Council is accountable to the community and further meets its obligations under the Local Government Act 1993 and its Corporate Governance Framework.

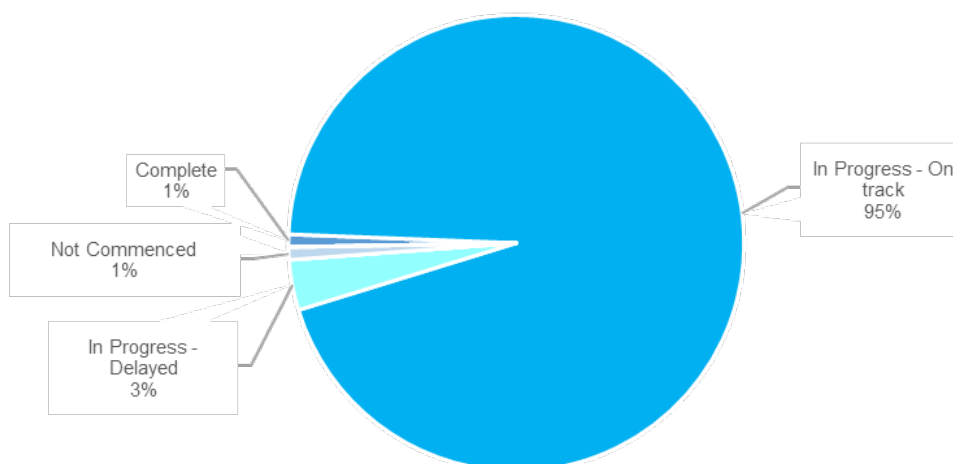
## DETAILED INFORMATION

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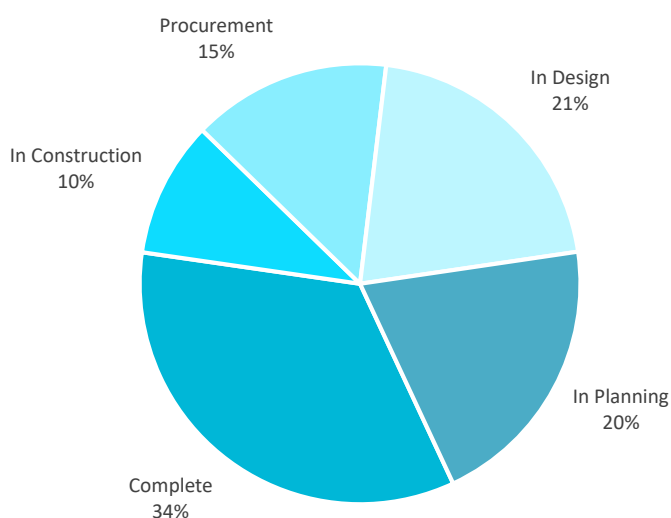
### PART A - Quarterly progress on the delivery of the 2022-25 Delivery Program and 2023/24 Operational Plan to 31 December 2023

The short to medium term priorities outlined in the 2022-25 Delivery Program continue to align with the long term priorities of CBCity 2036 and the actions in 2023/24 Operational Plan.

At the close of quarter two, 95% of the Operational Plan's actions and programs for 2023/24 were in progress and on track, 1% were complete, 3% were in progress but delayed and 1% had not commenced.



At the close of quarter two, 10% of Council's capital works program was under construction and 34% was complete. Of the 89 completed projects, 44 were roads, bridges, and traffic management projects, 11 were building projects, 23 were open space projects, 7 were drainage and water devices and 4 were town centre projects.



Attachment A provides an overview of key highlights and achievements for this quarter structured around the seven destinations of Council's IP&R documents. Detailed actions for the entire 2023/24 Operational Plan, as well as tracking against key measures for CBCity 2025, are outlined in Attachment B. In combination, they highlight the progress of many important projects and initiatives and confirm our continued commitment to delivering CBCity 2036, the City's Community Strategic Plan, to the community.

Other highlights for the 1 October 2023 to 31 December 2023 quarter are summarised below.

#### **Safe and Strong**

- The Annual Youth and Children's Awards were held at the Bryan Brown Theatre on 25 October with 42 children and young people in the group of finalists, including the six eventual category winners.
- Interfaith Prayers for Peace were held on 16 November in partnership with the Canterbury Bankstown Interfaith Network.

#### **Clean and Green**

- Council's Chemical Clean Out event recovered 25.5 tonnes of hazardous waste from residents and the E-waste Drop Off saw over 12 tonnes of electronic waste collected.
- The draft Net Zero Action Plan has been developed and is preparing for consultation.

#### **Prosperous and Innovative**

- The CSIRO STEM Community Partnership program held its end of year event at the Western Sydney University Bankstown Campus with over 100 students presenting their projects.
- The inaugural Christmas Markets were held in Bankstown and Canterbury town centres to excellent reception. The Bankstown Christmas markets were held in conjunction to the Lighting of the Christmas Tree event, which was very well attended.

#### **Moving and Integrated**

- Extensive road and footpath rehabilitation activities resulted in 22,215m<sup>2</sup> of road surface and almost 4km of footpath being repaired or upgraded.
- Council held seven car seat fitting events with 298 child seats fitted or checked.

#### **Healthy and Active**

- Council added almost 6,500 new physical resources to the library catalogue as well as 1,143 digital items.
- Council's CBFit program continues to record excellent attendance and as such has been successful in gaining permission to run women's only classes at the Max Parker and Birrong Leisure and Aquatic centres.
- The CBSwim program recorded 4,204 child enrolments during the quarter.

#### **Liveable and Distinctive**

- The NSW State Government announced the site of the new Bankstown-Lidcombe Hospital as the exiting Bankstown TAFE site. Consultation on the development is expected to commence in 2024.
- Council conducted over 1,100 investigations into dumped rubbish and was successful in issuing \$98,985 in infringement notices.

## PART B – December 2023 Quarterly Budget Review

Following a review of the second quarter's financial performance, Council's broader financial position continues to convey a sound and stable position and generally compares well to its budget estimates.

At the midway point of the financial year, this quarterly review focuses on adjustments that:

- Adjust for known grants and contributions; and
- Any other general transactions not identified at the time of preparing the original budget and/or forecasts have changed throughout the quarter.

Having made the relevant adjustments, Council's Income Statement for the December 2023 Quarter is as follows.

### Budgeted Income Statement – for the year ending 30 June 2024

| Description  | 2023/24<br>Original<br>Budget<br>\$M | Carryover<br>Budget<br>\$M | September<br>Quarter<br>Variations<br>\$M | December<br>Quarter<br>Variations<br>\$M | 2023/24<br>December<br>Budget<br>\$M |
|--|--------------------------------------|----------------------------|---|--|--------------------------------------|
| Total Income from Continuing Operations  | 389.6                                | -                          | 53.0                                      | 8.9                                      | 451.5                                |
| Total Expenses from Continuing Operations  | 396.3                                | 21.1                       | 16.5                                      | 2.1                                      | 436.1                                |
| <b>Operating Result from Continuing Operations</b>   | <b>(6.7)</b>                         | <b>(21.1)</b>              | <b>36.5</b>                               | <b>6.7</b>                               | <b>15.4</b>                          |
| <b>Net Operating Result for the period before grants and contributions provided for capital purposes</b> | <b>(31.9)</b>                        | <b>(21.1)</b>              | <b>(13.4)</b>                             | <b>(0.4)</b>                             | <b>(66.7)</b>                        |

As noted, Council's revised Operating Result is expected to be a surplus of \$15.4M. Once adjusted for capital grants and contributions - Council's net operating result is negative \$66.7M.

A summary of the variations is as follows:

### Budgeted Variations and Adjustments for Carryovers – December 2023 Quarter

| Description                        | Budget<br>C/over<br>Variations<br>\$M | Funding                                   |
|------------------------------------|---------------------------------------|---|
| <b>Income Variations</b>           |                                       |   |
| Grants & Contributions - Operating | 0.2                                   | Grant Funded                              |
| Grants & Contributions – Capital   | 7.1                                   | Grant Funded – Capital Works              |
| Interest & Investment Income       | 1.0                                   | Part Restricted for External Restrictions |
| Regulatory Income                  | 0.2                                   | General Funds                             |
| Other – Various                    | 0.4                                   | General Funds                             |
| <b>Income Variations</b>           | <b>8.9</b>                            |   |

### Operating Expenditure Variations

|   |            |                         |
|---|------------|-------------------------|
| Responsive Maintenance costs                    | 1.5        | General Funds           |
| Additional Street Tree Maintenance & City Clean | 0.4        | Internal Reserves Funds |
| Other - Various                                 | 0.2        | General Funds           |
| <b>Operating Expenditure Variations</b>         | <b>2.1</b> |                         |
| <b>Net Variations – December Quarter</b>        | <b>6.7</b> |                         |

As Councillors would be aware, whilst Council's negative Net Operating Result – before grants and contributions – provides an important insight into its capacity to meet its ongoing operating costs, one must also consider/take-note that it also:

- Reflects/includes all income and operating expenses funded from the various sources available to Council – General Funds, External/Internal Restrictions, Grants;
- Reflects Grants & Contributions for specific capital projects – for which the expenditure is not reflected in the Income Statement - though separately made available for Council's Capital Works Budget.

A comprehensive summary of Council's Income Statement is attached – Attachment C (Annexure B) - and a listing of all operating budget variations to Council's Income Statement for the quarter are noted in Attachment C (Annexure C).

A further detailed assessment of Council's revenues and expenditure will be conducted as part of the December quarterly budget review.

### **Cash Flow / Working Fund**

Whilst all councils are required to present a Budgeted Income Statement – consistent with relevant Accounting Standards and Codes – for financial reporting purposes, an assessment of a councils cashflow tends to be particularly important, given that it provides relevant information on Council's capacity to fund/meet:

- its annual operational commitments and capital works program, including the amount of cash used from dedicated reserve funds to balance our budget;
- liabilities, such as payment of employee entitlements, loans and creditors, as and when they fall due; and
- restrict/preserve funds which have been collected for specific purposes, such as stormwater levy and development contributions.

Having regard to the above, Council's Budgeted Cashflow Statement / Working Fund for 2023/24 is as follows:

### Budgeted Cash Flow / Working Fund – for the year ending 30 June 2024

| Description  | Original Budget<br>\$M | September Quarter<br>\$M | December Quarter<br>\$M |
|--|------------------------|--------------------------|-------------------------|
| <b>Cash Flows from Operating Activities</b>                |                        |                          |                         |
| Add: Receipts  | 389.6                  | 442.6                    | 451.6                   |
| Less: Payments   | (301.7)                | (326.4)                  | (327.2)                 |
| <b>Net Cash Flows from Operating Activities</b>            | <b>87.9</b>            | <b>116.2</b>             | <b>124.4</b>            |
| <b>Cash Flows from Investing/Financing Activities</b>      |                        |                          |                         |
| Add: Proceeds from the Sale of Assets                      | 2.5                    | 2.5                      | 2.5                     |
| Add: Loan Borrowings                                       | 44.3                   | 44.3                     | 44.3                    |
| Less: Acquisition of Assets                                | (114.9)                | (246.9)                  | (258.9)                 |
| Less: Loan Repayments                                      | (1.3)                  | (1.3)                    | (1.3)                   |
| <b>Net Cash Flows from Investing/Financing Activities</b>  | <b>(69.4)</b>          | <b>(201.4)</b>           | <b>(213.3)</b>          |
| <b>Net Cash Flow</b>                                       | <b>18.5</b>            | <b>(85.0)</b>            | <b>(88.9)</b>           |
| <b>Cash Reserve Movements</b>                              |                        |                          |                         |
| Add: Cash Reserves Utilised for Specific Projects/Programs | 111.2                  | 302.9                    | 315.3                   |
| Less: Cash Restricted for Specific Projects/Programs       | (129.7)                | (217.9)                  | (226.4)                 |
| <b>Net Cash Reserve Movements</b>                          | <b>(18.5)</b>          | <b>85.0</b>              | <b>88.9</b>             |
| <b>Net Cash Flows / Working Fund for the Period</b>        | <b>-</b>               | <b>-</b>                 | <b>-</b>                |

The following provides a summary of Council's Cash & Investments for the period.

### Cash & Investments – for the year ending 30 June 2024

| Description                                     | Original Budget<br>\$M | 2022/23 Actual<br>\$M | September Quarter<br>\$M | December Quarter<br>\$M |
|---|------------------------|-----------------------|--------------------------|-------------------------|
| <b>Closing Balance - Cash &amp; Investments</b> | <b>376.2</b>           | <b>468.5</b>          | <b>383.5</b>             | <b>379.6</b>            |
| Less: External Restrictions                     | (214.7)                | (277.6)               | (215.7)                  | (214.7)                 |
| Less: Internal Restrictions                     | (148.7)                | (185.1)               | (161.9)                  | (159.0)                 |
| <b>Closing Balance - Unrestricted Cash</b>      | <b>12.8</b>            | <b>5.8</b>            | <b>5.9</b>               | <b>5.9</b>              |



Councillors will note that Council has a sound level of liquidity (cash & investments) to deal with ongoing operational requirements and contingencies, including preserving specific cash and investments for future asset replacement programs, protecting its liabilities and satisfying Council's statutory obligations.

In terms of Council's establishment, it is proposed that Council's full time equivalent (FTE) structure increase by 2.0 FTE.

As part of Council's ongoing assessment of services, a need has been identified to provide further assurance-based services across the organisation and to fill this gap internally within the Internal Audit Unit. A realignment has been undertaken within the Internal Audit Unit to establish two (2) permanent full-time positions for the unit – Manager Audit and Corporate Assurance and Senior Investigation Officer. This requires a permanent increase in the full-time equivalent to the Internal Audit Unit of 2.00 FTE. The positions are self-funded, and the costs associated with engaging external services will reduce as a result of the functions being brought in-house. This will see the existing establishment of 1484.7 increased to 1486.7.

A comprehensive summary of Council's Cash flow for the period is attached – Attachment C (Annexure E).

### **Capital Expenditure (CAPEX)**

Council's CAPEX is now expected to be \$258.9M, a net increase of \$12.0M to that previously adopted in the September revision.

The variations largely relate to projects that have received additional grant funding during the September quarter. Other revisions relate to timing adjustments of budgeted expenditure of projects that will not be completed or commenced within the 2023/24 financial year and have been rescheduled to commence throughout the 2024/25 financial year.

A summary of Capex budget variations of \$12.0M are outlined in Attachment C (Annexure G/H).

Council will continue to review the capital works budget throughout the year and focus on ensuring that project delivery dates, completion dates are continually assessed. Dedicated budgets can then be reviewed accordingly and accurately reflect forecast expenditure for the financial year.

### **Ratios and Restrictions**

Having incorporated all proposed variations as part of this review, Council's ratios for its major financial indicators are expected to be as follows:

|                                     | Industry Benchmark | December Quarter |
|-------------------------------------|--------------------|------------------|
| <b>Operating Performance</b>        | >0%                | (18.07%)         |
| <b>Debt Service Ratio</b>           | <10.0%             | 0.66%            |
| <b>Unrestricted Current</b>         | >1.50              | 2.56             |
| <b>Own Source Operating Revenue</b> | >60%               | 79%              |
| <b>Cash Expense Cover</b>           | >3 mths            | 13.47 mths       |
| <b>Capital Expenditure Ratio</b>    | >1                 | 2.71             |

In finalising Council's December 2023 Review, a number of adjustments to specific external/internal restrictions have also been made to comply with certain statutory/policy and/or contractual requirements.

In total, Council's planned balance of internal and external restrictions as at 30 June 2024 is expected to be \$159.0M and \$214.7M respectively.

Further detailed analysis regarding the September review, including the Quarterly Budget Review Statements, is provided in Attachment C.

### **PART C – Councillor Expenses and Facilities Policy – Financial Reporting for the period 1 July 2023 – 31 December 2023**

Generally, in accordance with Section 252, *Payment of expenses and provision of facilities*, councils:

- must adopt a Policy concerning the payment of expenses and the provision of facilities to, the Mayor, the Deputy Mayor (if there is one) and the other councillors in relation to discharging the functions of civic office; and
- the Policy must comply with the relevant guidelines issued by the Office of Local Government – Section 23A.

Having regard to OLG's Circular 17-17, *Councillor Expenses and Facilities Policy – Better Practice Template* – Council has developed its Policy to comply with OLG's guidelines, including the relevant/stipulated reporting requirements.

On that basis, Clause 14.2 of Council's Policy provides that:

*Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.*

In accordance with Council's Policy, the tabled report (Attachment D) satisfies Clause 14.2 of Council's Policy and is being provided for information purposes. The information will also be made available on Council's website, following this meeting.

### **Conclusion**

The Quarterly Report details Council's progress towards addressing the priorities and meeting the outcomes of the Delivery Program and the Community Strategic Plan for the City. They ensure Council is meeting obligations under the Integrated Planning and Report Framework, financial reporting requirements and they contribute to the ongoing enhancement of good governance across Council.

Separately, the report satisfies the provisions of Council's Councillor Expenses and Facilities Policy – clause 14.2

The data contained within these reports will also be made available on Council's website.

## **8 SERVICE AND OPERATIONAL MATTERS**

The following items are submitted for consideration -

|     |   |     |
|-----|---|-----|
| 8.1 | Property Matter - 1A Leyland Parade, 1B and 1C Edison Lane, Belmore                   | 149 |
| 8.2 | Property Matter - 82 Brighton Avenue, Croydon Park (Former Croydon Park Bowling Club) | 155 |
| 8.3 | 75 The Mall Bankstown - Proposed Easement for Gas Line                                | 161 |
| 8.4 | Canterbury-Bankstown Bulldogs Centre of Excellence Proposal                           | 165 |
| 8.5 | Cultural Precincts in Canterbury Bankstown Council                                    | 177 |
| 8.6 | Removal of Restriction on Title Numbered 1(b) at 164 Greenacre Road, Greenacre        | 183 |



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## Service and Operational Matters - 27 February 2024

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**ITEM 8.1**                      **Property Matter - 1A Leyland Parade, 1B and 1C Edison Lane, Belmore**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

The Board of the Belmore Bowling and Recreation Club Ltd (the Club) has asked Council to consider entering into a new three year lease for the Bowling Club premises located at 1A Leylands Parade, Belmore, and 1B and 1C Edison Lane, Belmore.

### **ISSUE**

Council to consider publicly exhibiting the proposed lease with the Club and be provided with a further report on the matter for its consideration.

### **RECOMMENDATION** That -

1. Council agrees in-principle to granting a new three-year lease to Belmore Bowling and Recreation Club Ltd located at 1A Leyland Parade, Belmore, 1B and 1C Edison Lane, Belmore, as outlined in the report.
2. Council publicly exhibit the proposed lease in accordance with the requirements of the Local Government Act 1993.
3. At the conclusion of the public exhibition period, a further report be provided to Council for its consideration.

### **ATTACHMENTS**

Nil

## **POLICY IMPACT**

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The proposed lease to the Club meets the requirements of the use and management of community land provisions contained in the Local Government Act 1993.

## **FINANCIAL IMPACT**

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The recommended action retains the level of rental for the site currently being paid by the Club.

## **COMMUNITY IMPACT**

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The current facility is nearing the end of its asset life. At the same time the demand and use of the facility has steadily declined over time. Currently there is only one of the original three greens being used. The proposed lease extension will allow the club to temporarily continue to operate for the next three years. During this time the club have indicated that they will explore opportunities with other organisations.

## DETAILED INFORMATION

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### Background

The Belmore Bowling and Recreation Club (the Club) is located at 1A Leylands Parade (Lot 1 DP1040210), 1B Edison Lane (Lot 20 DP1161968) and 1C Edison Lane (Lot 21 DP1161968), Belmore.

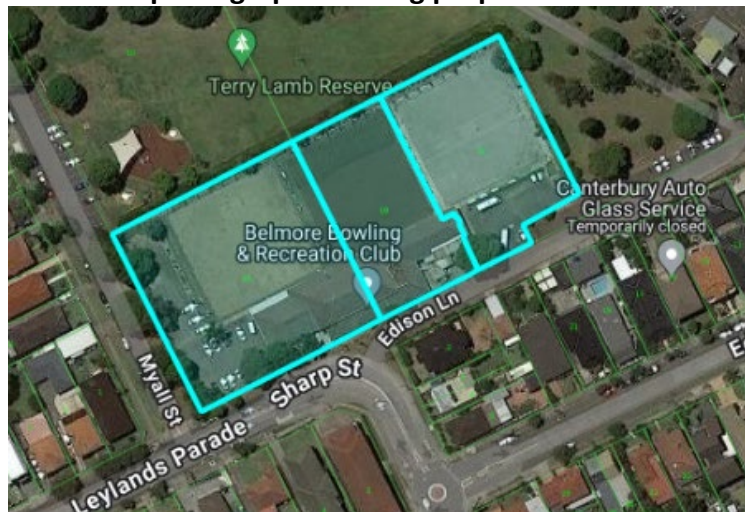
The Club's facilities encompass the bowling club building, a small storeroom building, a services building, and two bowling greens located on the northern side of the site. (refer below aerial photographs).

The Club has approached Council seeking a new three year lease as the current lease has expired and there are no further lease options available. The Club has been leasing the site for over 70 years, providing lawn bowls facilities for its members and the public, a meeting place for the local community, function centre and a venue for undertaking public recreational activities.

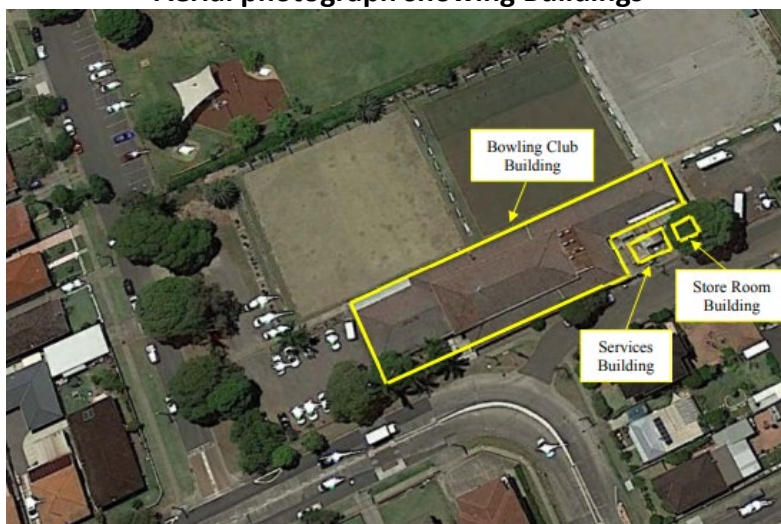
Over this time however, the utilisation has steadily declined with only one of the three bowling greens being utilised. Council has also undertaken a detailed asset report which indicates that the building has significant building issues and is reaching the end of its asset life.

As a result of the above two factors, Council undertook the development of a Masterplan for the broader precinct which includes the Bowling Club. The Plan, adopted by Council on March 2019, identified the future of the area to be converted to open space as part of Terry Lamb Reserve.

**Aerial photograph showing proposed leased area**



### Aerial photograph showing Buildings



### Proposed Lease Terms and Conditions

The proposed lease terms have been agreed to in principle (subject to Council approval) with the Club are as follows:

- Term of three years;
- Permitted use as a bowling club, associated purposes and sub- lease to the following:
  - Sub-lease of office space to NDIS tenant
  - Sub-lease of eastern side of the carpark area for bus parking to Bestco Australia
- An asset management plan has been prepared for the facility, with the lessee to carry out the required repairs and maintenance identified in the plan - throughout the lease period, estimated to cost approximately \$240,000; and
- Rent of \$11,031 (ex GST) p.a.

The proposed three year lease will be the last agreement for this facility based on the asset condition, future plans for the Belmore Sports and Recreation Precinct and the capacity for the Club to fund ongoing increasing maintenance works. The club are proposing to continue to fund the essential maintenance works to allow the building to temporarily operate however, as noted in the background, this will not address the major building asset works identified in the asset report.

The proposed sublease of the site for use by a not-for-profit NDIS provider is consistent with the definition of community facility under the Canterbury Bankstown LEP 2023. This is a permissible use, with development consent, in the RE1 Public Recreation zone. Crown Lands previously approved the use of the eastern side carparking area for bus parking to Bestco Australia, and it is proposed that this sub-lease arrangement will continue under the existing Crown Land approval.

Given:

- the short term nature of the lease;
- the Club is a well-established local facility that has served the Belmore community for decades; and
- Council is not required to conduct a tender process



It is recommended Council enter into a new lease with the Club based on the agreed terms and conditions.

### **Plan of Management**

The proposed use of the land aligns with the core objectives identified in the adopted Generic Plan of Management for the site.

### **Suggested Approach**

Having agreed to the primary terms and conditions, it is now proposed that in accordance with the relevant provisions of Sections 46 and 47 of the Local Government Act 1993, that Council:

- Publicly exhibit the intended leasing arrangements;
- Provide the community an opportunity to convey any relevant feedback regarding the intended arrangements; and
- That following the exhibition process, a further report be provided to Council for its consideration.



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## Service and Operational Matters - 27 February 2024

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### ITEM 8.2                      Property Matter - 82 Brighton Avenue, Croydon Park (Former Croydon Park Bowling Club)

**AUTHOR**                      Community Services

### **PURPOSE AND BACKGROUND**

The Australian Korean Association of Sydney & NSW Inc (formerly known as the Korean Society of Sydney), is a not-for-profit organisation that has a current lease with Council for 82 Brighton Avenue, Croydon Park (the former Croydon Park Bowling Club). The lease agreement commenced on 2 May 2003 and expired 1 May 2023. This lease agreement is now on a month by month hold over clause for a maximum period of 12 months (1 May 2024). The Australian Korean Association of Sydney & NSW Inc (the Korean Society) approached Council to request a new lease agreement which was publicly exhibited from 14 June - 5 July 2023 in accordance with the requirements of the *Local Government Act 1993*.

### **ISSUE**

At the 23 May 2023 Ordinary Council meeting, Council resolved to place an agreement on public exhibition which would provide the Korean Society a new five year lease, with a further five year option, with similar terms and conditions as their current agreement.

At the conclusion of the public exhibition period a further report was to be presented to Council. This report presents feedback from the public exhibition process and provides an update on the current status of the Korean Society.

### **RECOMMENDATION** That -

1. Council make an application to the Minister for Local Government under the provisions of section 47 (5) of the Local Government Act 1993 for consent to grant the proposed lease over 82 Brighton Avenue, Croydon Park for a term of five years with a five year option with the Australia Korean Association of Sydney & NSW.
2. Once the Minister advises Council on its application to grant consent to the lease, the matter be reported back to Council.

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

- A. Submission table for lease of 82 Brighton Ave Croydon Park

## **POLICY IMPACT**

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The proposed new lease agreement is consistent with Council's Generic Plan of Management and in line with the provisions of the *Local Government Act 1993*.

## **FINANCIAL IMPACT**

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The proposed annual rent for the agreement payable to Council is \$15,000 which is in line with their current rent and will be subject to yearly CPI increases.

The current lease agreement, which commenced in 2003, has the Korean Society as being solely responsible for all maintenance of the building, including any capital improvements. As part of the new lease agreement, the Korean Society will continue to have responsibility for all existing and future maintenance. This maintenance will now be governed by the Asset Report and the Korean Society will be responsible for funding all required works identified in this report.

## **COMMUNITY IMPACT**

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The Korean Society have a long and proud history of providing a varying range of community services and events. The facility is well utilised and supports the provision of these activities and acts as a hub for the Korean community.

## DETAILED INFORMATION

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The Korean Society have a current lease with Council for 82 Brighton Avenue, Croydon Park (the former Croydon Park Bowling Club). The lease agreement commenced on 2 May 2003 and expired 1 May 2023. The agreement is now on a month by month hold over clause for a maximum period of 12 months (1 May 2024). There is a separate licence agreement with the Korean Society for the associated car park linked to the tenancy of the facility.

Under the current lease agreement, the Korean Society are solely responsible for all maintenance, compliance and structural issues in the building. It is apparent from building inspections of the facility that only minimal maintenance has been undertaken since the Korean Society have had management of the facility. Therefore, in 2021 Council engaged a consultant to prepare an Asset Report to understand the condition of the building, compliance status and restoration costs. The Asset Report indicated that an estimated \$2 million would be required over the next five years to bring the facility up to required standards.

Council has been working with the Korean Society regarding concerns with the existing maintenance practices and have consistently reiterated their building maintenance requirements and responsibilities for the building. These concerns have placed a real focus in relation to compliance matters, including asbestos management and fire safety compliance. While there has been limited investment in the past, more recently the Korean Society have understood their obligations, as demonstrated by multiple applications for funding for building works.

The Korean Society request for a lease is consistent with Council's Generic Plan of Management (PoM) as the land is categorised as *General Community Use* and therefore Council may grant a lease, licence or other estate over this community land to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

At the 23 May 2023 Ordinary Council meeting, Council agreed in-principle to offer the Korean Society the opportunity to enter into a new five year lease, with a further five year option, with similar terms and conditions as their current agreement. The recommendation to enter into a new five year lease, allows Council to assess the further five year option, only if the Korean Society demonstrate they are meeting all requirements in regards to outstanding building repairs and maintenance.

### **Public exhibition**

In accordance with the provisions of the Local Government Act 1993, Council advertised its intention to grant the Lease. The exhibition period ran from Wednesday 14 June 2023 to Wednesday 5 July 2023. Council utilised the Have Your Say portal to request feedback on the proposal, with information and the relevant Council Report also translated into Korean.

Throughout the exhibition period there were 20 official submissions received regarding the proposal with one non-project related feedback related to the alignment of the Cooks River cycleway. Of the 20 official submissions, 15 submissions were clear in support of the proposal and three raised concerns regarding the financial capabilities of the Korean Society and transparency. Two of the submissions were not specific in relation to support/ lack of support of the proposed lease, with one enquiry focused on the opportunity to operate a hospitality venue from the facility, and the other on accessing toilet and storage facilities in the building.

Under Section 47 of the *Local Government Act 1993*, Council must apply for the Ministers consent to grant a lease if any objections were received to the proposal. As a submission is recording an objection, this must be referred on to the Minister for review.

It should be noted that half of the submissions received came from individuals residing outside of the Canterbury-Bankstown local government area. Attachment A provides further detail on the submissions received.

Following the conclusion of the exhibition period, Council were notified that the existing Korean Society Executive had disbanded, and that the Korean Society would be unable to enter into a new lease agreement until the new Executive were elected. The issue regarding financial liability for the work required on the building and the terms of the lease was a key issue discussed by the community during the election period for a new Executive.

#### **Current Condition of Facility**

Council have been approached by the new executive for the Korean Society who have indicated they would like to proceed with entering into the new five year lease. The new executive have been briefed on the Asset Condition and understand their liabilities under the lease agreement. They have also submitted a plan to Council on their approach to source the funding required to undertake the work.

The Asset Report prepared for Council in 2021 indicated that an estimated \$2 million would be required over the next five years in works to bring the facility up to the required standards.

This work includes;

- Exit signage repairs and extended coverage;
- Emergency lighting repairs and extended coverage;
- Electronic monitoring access control and surveillance system;
- Fire Management Plan preparation;
- Fire Emergency Evacuation Plan and Diagrams;
- Extinguisher and Fire Blanket Repairs and Installation;
- External ground surface tactile indicators;
- Roof Structure repairs and roof cover replacement;
- Gutter and downpipe upgrades;
- Windows repairs;
- Internal Walls and Ceilings construction;
- Exterior perimeter wall finishes replacement; and
- Internal floor finishes and cover replacements.

The Korean Society have commenced undertaking some of the required work, and as previously noted, Council has also been working with the Korean Society on opportunities to fund the additional work required, including providing letters of support for grant applications. Council has committed \$200,000 in the 2023-24 capital works program to contribute to work required to address issues with the roof structure.

Prior to entering into any new lease agreement, the Korean Society will be required to submit their five year Asset Management Plan, itemising annual repairs and maintenance needed for the premises throughout the lease period, to ensure its ongoing compliance with relevant building standards. This document will be included with the lease agreement.

### **Recommendation**

Council have been approached by the new executive for the Korean Society who have indicated they would like to proceed with entering into the new five year lease. The new executive have been briefed on the Asset Condition and understand their liabilities under the lease agreement. They have also submitted a plan to Council on their approach to source the funding required to undertake the work.

The majority of feedback from the public exhibition of the proposed lease in 2023 supported Council granting a five year lease to the Korean Society. Council acknowledges there were submissions concerned about the financial capacity of the Korean Society to undertake the work. As a result, Council is proposing to put in place mechanisms that will allow Council to monitor progress on the building and the requirements outlined in the lease.

It is therefore recommended that Council enter into a new five year lease, with a further five year option, with the Korean Society on similar terms and conditions as in their current agreement with Council, as outlined in the report. As noted above, as a submission has been received as an objection, under Section 47 of the *Local Government Act 1993*, Council must apply for the Minister's consent.

In addition, prior to entering into any new lease agreement, the Korean Society will be required to submit their five year Asset Management Plan, itemising annual repairs and maintenance needed for the Premises throughout the lease period, to ensure its ongoing compliance with relevant building standards.

The recommendation to enter into a new five year lease, with a further five year option, allows Council to assess extending the tenancy, only if the Korean Society have demonstrated they are meeting all requirements in regards to outstanding building repairs and maintenance.

The proposed annual rent for the agreement payable to Council is \$15,000 which is in line with their current rent, and will be subject to yearly CPI increases.





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## Service and Operational Matters - 27 February 2024

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### **ITEM 8.3                      75 The Mall Bankstown - Proposed Easement for Gas Line**

**AUTHOR                      City Assets**

#### **PURPOSE AND BACKGROUND**

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The Appian Way and North Terrace Culvert Duplication project requires the creation of a new gas easement in the operational land at 75 The Mall, Bankstown, as outlined in this report.

The works proposed include construction of a new 110mm Polyethylene gas main, which will connect the end users at 69 The Mall, Bankstown. This will allow diversion of the existing gas main in the road reserve to facilitate the construction of the stormwater drainage project.

#### **ISSUE**

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Council is required to consent to the creation of a new gas easement in the operational land at 75 The Mall, Bankstown, prior to Jemena being able to facilitate the necessary works to relocate the gas main as not to impact the construction of the culvert duplication works currently being undertaken.

#### **RECOMMENDATION    That -**

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1. Council consents to the creation of a new gas easement in the operational land at 75 The Mall, Bankstown.
2. The Mayor and the Chief Executive Officer be authorised to sign all relevant documentation, under the common seal of council, as required.

#### **ATTACHMENTS**

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Nil

## **POLICY IMPACT**

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This report has no policy implications.

## **FINANCIAL IMPACT**

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This project is included in Council's 23/24 Operational Plan and there is sufficient budget for the proposed gas realignment works and creation of the easement.

The easement will be created with no compensation payable, as it is Council that requires the gas main relocation in order to carry out works.

## **COMMUNITY IMPACT**

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The attainment of an easement for an underground gas main through the Operational Land at 75 The Mall, Bankstown will likely be inconsequential and generally only impact operations and the public infrequently and minimally, if and when future maintenance/testing activities occur by Jemena.

## DETAILED INFORMATION

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To facilitate construction of the wider Appian Way and North Terrace Culvert Duplication Project, a need exists to permanently divert the existing gas main that runs along The Mall and Appian Way. This asset is wholly owned by Jemena and as such all decisions on a realignment must be agreed with Jemena in advance.

Council have been through an extensive optioneering process with Jemena, exploring no fewer than five alignments over a period of months. Best efforts have been made throughout the process to ensure that the construction of the new gas main is kept within the confines of the existing road reserve. The majority of the works will remain within the road reserve, however, as to avoid clashes between the installation of the culverts and existing services, the gas main at the Mall will be required to be relocated within Council operational land.

In total Council will be diverting approximately 250 linear metres of gas main to facilitate the stormwater drainage upgrade. The linear extent of the easement at 75 The Mall, Bankstown is not anticipated to exceed more than 25 metres, although is subject to survey and detailed design. This represents just 10% of the overall realignment and it is believed this is the best outcome achievable for Council.

**Figure 1: Aerial Showing Proposed Easement Location at 75 The Mall, Bankstown**



The proposed 110mm gas main will be constructed in Council's operational land and a minimum cover depth of 600mm (below ground) must be maintained for the gas network, in line with Jemena construction standards. The easement will therefore have no impact on the aesthetic of the operational land and will not be visible. The easement is anticipated to be 1 metre in width.

Following Council's approval for the creation of the new gas easement, final design of the alignment will be undertaken and sent to Jemena's network team for approval. Once approved the easement will be registered with the NSW Land Registry Services. All gas relocation and easement registration costs will be paid by Council and allowed for in the stormwater project budget.

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## Service and Operational Matters - 27 February 2024

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### **ITEM 8.4**                      **Canterbury-Bankstown Bulldogs Centre of Excellence Proposal**

**AUTHOR**                      **City Future**

### **PURPOSE AND BACKGROUND**

This report considers a proposal from the Canterbury-Bankstown Bulldogs to develop a Centre of Excellence at Belmore Oval Sports Complex (3B Edison Lane, Belmore NSW 2192), adjacent to Peter Moore Field. The report provides an overview of the proposal and outlines key considerations for Council, including the request for a new lease.

### **ISSUE**

Council has been formally approached by the Canterbury-Bankstown Bulldogs (The Bulldogs) to develop a Centre of Excellence (CoE) at Belmore Oval Sports Complex. The CoE will offer a unique facility that brings together a mix of community and high-performance elements intended to foster excellence in Rugby League at all levels of the participation pathway.

The proposed concept design is sited across both Lots 12 (1C Leylands Parade) and 13 (1D Leylands Parade). The CoE has a number of property, planning and community impacts that need to be appropriately and carefully considered. These are outlined in the body of this report.

To provide certainty to the project the Bulldogs have requested Council enter into a new long term lease (noting the current lease expires in 2035).

### **RECOMMENDATION** That -

1. Council support the proposal from the Canterbury-Bankstown Bulldogs to develop a Centre of Excellence at Belmore Oval Sports Complex (3B Edison Lane, Belmore);
2. Council, in principle, agree to a new long-term lease arrangement with the Bulldogs, having regard to the conditions outlined in the report.
3. Subject to (1), the CEO be authorised to prepare/develop the relevant pathway to facilitate the proposed new agreement as outlined in the report.
4. A further report be provided to Council on the matter, as required.

### **ATTACHMENTS**

Nil

## **POLICY IMPACT**

---

While not formally submitted as an unsolicited proposal, the CoE has been assessed using the six key principles outlined in Council's adopted '*Unsolicited Proposals Policy & Guidelines*' (Mutual Benefit, Uniqueness, Value for Money, Net Economic Benefit, Planning Approval, and Risk Allocation).

The review of the CoE proposal has considered its alignment against adopted Council strategic documents for Belmore, such as the Generic Plan of Management, the Belmore Sport and Recreation Precinct Masterplan and the Sports Facilities Strategic Plan.

Further detail of the policy alignment can be found in the body of this report.

## **FINANCIAL IMPACT**

---

As the proposal currently stands, there is no financial impact for Council. The development of the CoE, including the total design and construction costs, are to be fully funded and managed by the Bulldogs.

As detailed in the body of this report, the CoE would require new leases to be established. As part of this process, Council will need to consider any financial implications associated with the existing leases and how they would be incorporated in the new leases. This includes understanding the condition of the existing assets and infrastructure on the site, the maintenance and upkeep of the precinct and the proposed operating and business model of the new facility.

As the proposal progresses, at certain points, Council may need to seek independent advice/conduct due diligence, to inform further reports to Council to enable decision making. If this is the case, funding will be considered in future quarterly reviews.

## **COMMUNITY IMPACT**

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Council's Community Strategic Plan, CBCity 2036, supports a vision for Canterbury-Bankstown to be 'Healthy and Active'. The CoE proposal will provide a unique facility that brings together a mix of community and high-performance elements intended to foster excellence in Rugby League at all levels of the participation pathway. There are no community impacts as a result of this report as written. Council will however continue to advocate for improved community access and good outcomes for community stakeholders in the design process.

The CoE proposal will be subject to the State Significant Development approval pathway as it has an estimated capital investment value of \$50 million. The consent authority will be either the Minister for Planning or the Independent Planning Commission. At which time the community will have the opportunity to provide feedback on any issues related to use, traffic, noise or other concerns.

## DETAILED INFORMATION

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### Background

Belmore Oval Sports Complex, the home of the Bulldogs, is located in Belmore and is adjacent Terry Lamb Reserve. The Bulldogs have a long-standing, rich history with Canterbury-Bankstown Council, with long held leases for the use of the Belmore Oval Sports Complex and adjacent amenities. The Bulldogs are synonymous with Canterbury-Bankstown.

The Bulldogs have recently initiated conversations with Council sharing their aspirations and plans to develop an integrated high-performance training, administration and community centre, (a Centre of Excellence).

In late 2023, the Bulldogs wrote to Council, with the funding agreement from the NSW Government confirming \$40M of funding for the construction of the CoE. With the grant funding confirmed, the Bulldogs have in-principle agreed to contribute the remaining \$10M, pending the Bulldogs securing a new lease with Council which would ensure their long term tenure of the site.

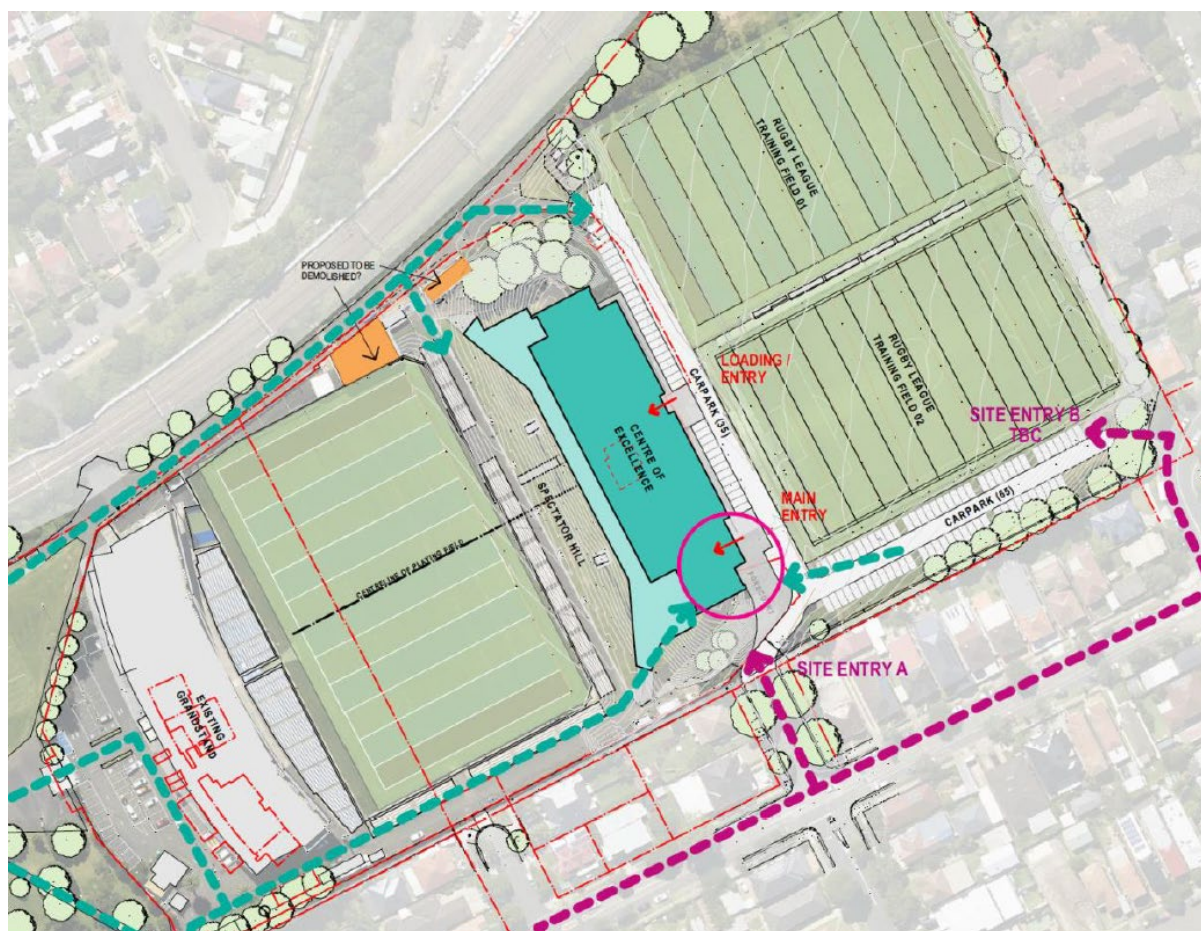
### The Proposal

The Bulldogs have engaged sports facility advisors Waypoint and facility architects HB Arch to help with the development of their proposal. The CoE proposal (see Figure 1 below) includes areas for training and administration, specifically:

- Change rooms and associated amenities;
- Gymnasium and training facilities;
- Player treatment and rehabilitation facilities;
- Aquatic recovery and rehabilitation pools;
- Lecture theatre and meeting rooms;
- Consolidation of current administration staff offices; and
- Public terrace space incorporating outdoor retail, café and other ancillary uses which will service the broader use of the site as a sports ground.



**Figure 1: Proposed location of the CoE**



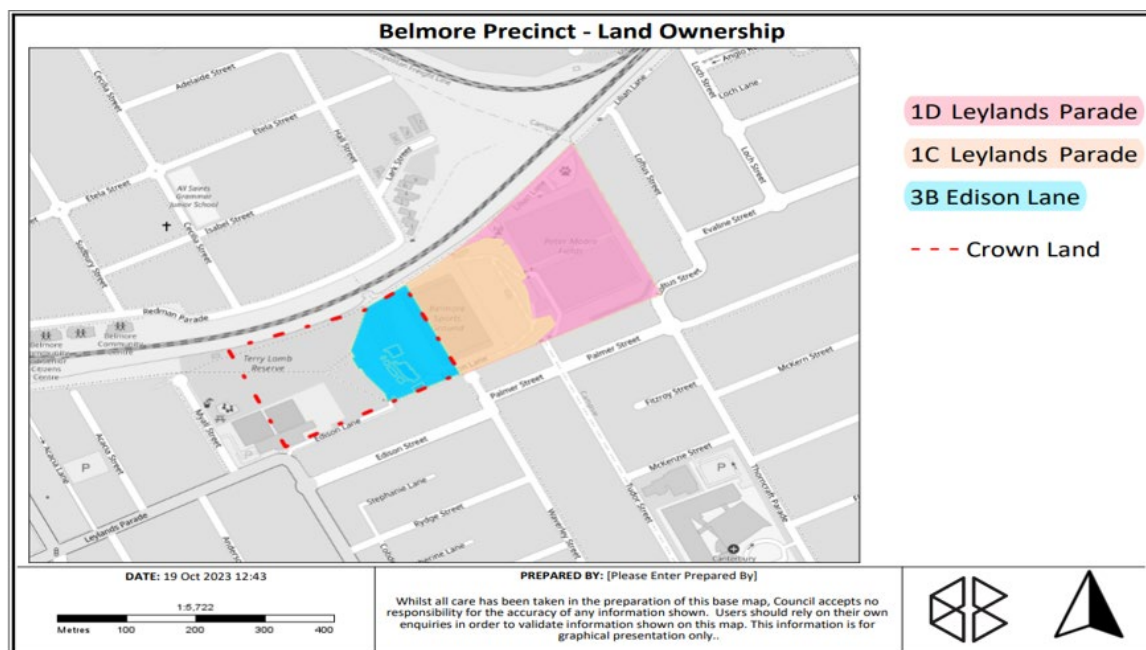
After receiving the proposal, Council officers undertook a preliminary review, and requested additional information on key matters. These are detailed below:

1. Lease/ Licence requirements;
2. Alignment with the Plan of Management (PoM);
3. Alignment with Belmore Sport and Recreation Precinct Masterplan; and
4. Project outcomes.

### **1. Lease/ Licence requirements**

There are a number of existing lease and licence agreements within the Belmore Oval Sports Complex. These include agreements with the Bulldogs, Sydney Olympic and sub-agreements from the Bulldogs to Sydney Olympic. A site map and a summary of agreements can be found below.





| Area           | Between              | Type  | Comm. / Exp   | Condition  |
|----------------|----------------------|-------|---|--|
| 3B Edison Lane | CBC and the Bulldogs | Lease | Commenced<br>01/11/2014<br><br>Expiry<br>31/10/2035 | <p>3B Edison Lane (part)</p> <ul style="list-style-type: none"> <li>• Crown Land.</li> <li>• \$65,000 pa (plus CPI) for 3B Edison Lane and 1C Leylands Parade.</li> </ul> <p><b>Bulldogs obligations</b></p> <ul style="list-style-type: none"> <li>• Playing fields and Hill as per Maintenance Works Program.</li> <li>• All improvements within the premises, including all cleaning, repair, replacement or maintenance work necessary to keep the premises in a fit proper and clean condition.</li> <li>• Lights and floodlighting.</li> </ul> <p><b>Council's obligations</b></p> <ul style="list-style-type: none"> <li>• All structural repairs.</li> <li>• Maintenance, repair and replacement of air-conditioning.</li> <li>• Capital expenditure associated with the swimming pool and spa.</li> </ul> |

|                    |                             |          |   |   |
|--------------------|-----------------------------|----------|---|---|
| 3B Edison Lane     | Bulldogs and Sydney Olympic | Sublease | Commenced<br>01/11/2014<br><br>Expiry<br>30/10/2035 | 3B Edison Lane (part) <ul style="list-style-type: none"> <li>• Crown Land.</li> <li>• Subletting permitted to SOFC only.</li> <li>• \$10,000 plus annual CPI increases.</li> </ul>  |
| 1C Leylands Parade | CBC and the Bulldogs        | Lease    | Commenced<br>01/11/2014<br><br>Expiry<br>31/10/2035 | 1C Leylands Parade (part) <ul style="list-style-type: none"> <li>• Council land.</li> <li>• \$65,000 pa for 3B Edison Lane &amp; 1C Leylands Parade</li> </ul> <p><b>Bulldogs obligations</b></p> <ul style="list-style-type: none"> <li>• Playing fields and Hill as per Maintenance Works Program.</li> <li>• All improvements within the premises, including all cleaning, repair, replacement or maintenance work necessary to keep the premises in a fit proper and clean condition.</li> <li>• Lights and floodlighting.</li> </ul> <p><b>Council's obligations</b></p> <ul style="list-style-type: none"> <li>• All structural repairs.</li> <li>• Maintenance, repair and replacement of air-conditioning.</li> </ul> |
| 1D Leylands Parade | CBC and the Bulldogs        | Licence  | Commenced<br>01/11/2014<br><br>Expiry<br>31/10/2035 | 1D Leylands Parade (north section) <ul style="list-style-type: none"> <li>• Northern field, access to dressing sheds, toilets, canteen and storage container.</li> <li>• \$3,500 pa, paid annually (plus metered floodlighting – no fee for water rates, maintenance or electricity).</li> </ul>  |
| 1D Leylands Parade | CBC and Sydney Olympic      | Licence  | Commenced<br>01/11/2014<br><br>Expiry<br>31/10/2035 | 1D Leylands Parade (South part) <ul style="list-style-type: none"> <li>• Southern field, access to dressing sheds, toilets, canteen.</li> <li>• \$3,500 pa, paid annually (plus metered floodlighting).</li> </ul>  |

|  |  |  |  |   |
|--|--|--|--|---|
|  |  |  |  | <ul style="list-style-type: none"> <li>Co-operate with Bulldogs regarding use of sheds, toilets and canteen.</li> </ul> |
|--|--|--|--|---|

Key issues that would need to be considered if Council was to proceed with a new lease include:

- The proposal as it currently stands would require new agreements to be developed;
- The proposal would require further investigation into alignment and potential consolidation of lots;
- Existing sub-agreements and direct agreements with Sydney Olympic would need to be relinquished and new agreements negotiated. Sydney Olympic have confirmed they support the proposal if access to Peter Moore field and amenities in the CoE were available via a new agreement; and
- A negotiation on the specific financial terms of the lease depending on the associated cost allocation for the ongoing maintenance and operation of the assets (refer to table above for current arrangements).

## **2. Alignment with Plan of Management (PoM)**

Belmore Oval Sports Complex, which includes Peter Moore Field, is listed in the Canterbury-Bankstown Generic Plan of Management (see Figure 2 below) because it has multiple land categories assigned. Specifically, the site is predominately Sportsground, some area is Park and the remainder General Community Use. Each of these categories has a corresponding set of objectives and activities that are permissible within that designated area.

The internal review has found the proposed location of the CoE building includes areas of Park but is located on Sportsground. This type of development is consistent with the Sportsground category and the hierarchy of a Regional/ State facility. There are several precedents where similar facilities have been developed in accordance with the Plan of Management in Canterbury-Bankstown. In time, a minor administration amendment to the Generic Plan of Management could include a slight adjustment to reflect the proposal.

**Figure 2: Category Map Belmore Oval Sports Complex, Belmore**



### 3. Alignment with Belmore Sport and Recreation Precinct Masterplan

In March 2019 Council adopted the Belmore Sport and Recreation Precinct Masterplan. The development of the Masterplan included extensive community engagement which identified a range of design principles which should be implemented within the Precinct. The principles have been tested against the CoE proposal, with further information on alignment below.

| Belmore Sport and Recreation Precinct Masterplan - DESIGN PRINCIPLES |  |  |
|--|--|--|
| Principle  | Description  | CoE Proposal   |
| 1. Green threshold   | Avenues of trees and shaded pathways along park boundaries create a clear edge       | This has not been assessed as the CoE proposal is away from the edges.   |
| 2. Active and green connectors                                       | Active corridor along the north, green corridor along the south                      | This has been assessed, it should be noted the northern edge will be considered as part of the Metro East West Pedestrian Cycle Link. The CoE will support and enhance connectivity along the southern edge. |
| 3. A park that deals with flooding                                   | Courts and play spaces designed to collect stormwater to keep paths free of flooding | This will be assessed as part of the planning approval pathway. The proposal must comply.  |
| 4. Community hub as a new identity for the park                      | Community hub or new frontage to the sports  | *Further detail below  |

|  |   |   |
|--|---|---|
|  | ground to create a new public face to the park  |   |
| 5. Multi-purpose edges                     | Park edges include planting, flood control and active uses including the backdrop of the rail line. | This has not been assessed as the CoE is proposal away from the edges. The CoE looks to activate the core of the site but will activate some previously inactive areas. |
| 6. Path network                            | A path network that connects key spaces   | Pedestrian movement has been considered into the current design.  |
| 7. Balance private sport and public access | A flexible design that works in everyday and event mode   | Public and private recreation access has been considered in the current design.   |
| 8. Access and views                        | Car parking along edges and views into the park from all streets                                    | The proposal includes car parking and new access roads to support traffic movement at the site. Views have not been considered at this stage of the proposal.           |

\*The Masterplan identified the opportunity to deliver a new community hub, including elements such as a cafe, amenities, indoor hall and court, affordable function spaces, music rooms and ATSI community space. These facilities will largely be delivered in Campsie as part of the Cultural Hub project. There are accessible community spaces being proposed as part of this proposal.

#### 4. Project Outcomes

While not formally submitted as an unsolicited proposal, the CoE has been assessed using the six key principles outlined in Council's adopted '*Unsolicited Proposals Policy & Guidelines*' (Mutual Benefit, Uniqueness, Value for Money, Net Economic Benefit, Planning Approval, and Risk Allocation).

- **Mutual Benefit**

The development of the Centre of Excellence at Belmore Oval Sports Complex will provide public access to quality sport, recreation and community facilities within the Canterbury-Bankstown municipality.

Currently, the two Peter Moore fields to the east of Belmore Sports Ground have limited and non-conforming supporting facilities and infrastructure when considering gender equity and accessibility. This has limited both Rugby League and Soccer events and programming. If delivered the CoE will provide improved infrastructure for all of users, from community and grassroots to professional levels.

There is mutual benefit in the proposal, enabling the Bulldogs to consolidate the majority, if not all pathway programs at one location which will enable the club to create new junior rugby league teams. The club estimate that developing the COE will potentially increase those participating in these programs by 5,000 people across the local community. This in turn will enable broader community access to facilities that are currently being used and hired to support those pathway programs.

The Proposal, if successful, will benefit the community by having increased path networks, car parking and new access roads to support traffic movement at the site.

- **Uniqueness**

The CoE will offer a unique facility that brings together a mix of community and high-performance elements that will foster excellence in Rugby League at all levels of the participation pathway.

The co-location of the Bulldogs training, administration and community facilities at Belmore Oval Sports Complex provides significant “co-location benefits” and outlines a “best practice” model for an elite/community organisation partnership.

The proposal presents as a unique opportunity for investment into new infrastructure that Council would not provide as part of its Local Government obligations. The site acts as a bespoke regional / state sporting centre.

- **Value for Money**

The proposal, as presented is for all construction and operation costs to be funded by the Bulldogs. As outlined earlier in the report a new lease will need to be established. Council will need to consider any financial implications associated with the existing leases and how they would be incorporated in the new leases. This includes understanding the condition of the existing assets and infrastructure on the site, the maintenance and upkeep of the precinct and the proposed operating and business model of the new facility. It will be important that, Council’s broader operating environment are considered.

- **Net Economic Benefit**

The Bulldogs have not specifically addressed this as part of the proposal therefore Council is not yet able to provide any assessment. However initial benefits Council officers identified include potential for:

- Creation of jobs due to the construction
- Commercial business creation
- Creation of new jobs due to business creation
- Increased opportunity for boys/girls to participate in sport
- Increased opportunity for elite athletes

- **Planning Approval**

The CoE project will be subject to the State Significant Development approval pathway as it has an estimated capital investment value of \$65M. The consent authority will be either the Minister for Planning or the Independent Planning Commission. The Bulldogs have indicated issues with traffic, access, parking, noise, flooding etc will need to be addressed as part of the planning approval process.

- **Risk Allocation**

The proposal is for the Bulldogs to take on the complete financial liability for all costs associated with the construction, grant management, funding and operation of the new facility. However, the proposal does not address Council's existing asset liability and asset condition of the existing grandstand. This will need to be appropriately considered through the preparation of the new lease.

## **Conclusion**

Based on the above consideration of Lease/ Licence requirements; alignment with the Plan of Management (PoM); alignment with Belmore Sport and Recreation Precinct Masterplan; and project outcomes consistent with the Unsolicited Proposals criteria it is considered that there is sufficient justification for the CoE proposal.

It is important to note that due to a change in financial commitments, detailed site investigations, planning approvals etc there have been several updated versions submitted to Council. Recently, a revised proposal being discussed includes the relocation of community meeting space from the new facility (CoE) to the existing grandstand, however Council has not received a final confirmed proposal. At this stage none of these changes impact on the above recommendation.

Subject to Council agreeing to support the proposal from the Canterbury-Bankstown Bulldogs to develop a Centre of Excellence at Belmore Oval Sports Complex, it is appropriate that Council then agree to enter into a new long term lease with the Bulldogs on the site.

## **Next Steps**

Having regard to the information contained in this report, the next steps in the process would include;

- Negotiating the proposed use of the current grandstand, possible improvements and maintenance obligations;
- Ensuring provision of community access to the site and any additional community benefits;
- Undertaking an independent valuation assessment;
- Working with the Bulldogs to negotiate the specific terms and conditions of a new lease; and
- Undertaking a consultation process for renewal of leases on crown and community land, including a written letter to the Minister for approval of additional length of lease.

A further report will be prepared for Council as required.





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## Service and Operational Matters - 27 February 2024

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### ITEM 8.5 Cultural Precincts in Canterbury Bankstown Council

**AUTHOR** City Future

#### **PURPOSE AND BACKGROUND**

On 23 May 2023 Council resolved to, 'undertake community consultation on their [the community's] thoughts on identifying, developing and promoting specific Cultural Precincts throughout the City.'

In accordance with the Resolution, a proposal was placed on public exhibition from Thursday 23 November to Monday 18 December 2023. The exhibition included a Have Your Say page, pop-ups in each Ward, social media promotion and flyers distributed to Council assets including the library and knowledge centres and customer services centres.

This report provides a summary of the community feedback received as well as recommendations.

#### **ISSUE**

The City of Canterbury Bankstown is one of the world's truly successful multicultural cities, with unique precincts that celebrate diverse cultures. For example, the informal cultural precincts of Saigon Place in Bankstown, a tribute to the Vietnamese community; Haldon Street in Lakemba, a melting pot of people and businesses from countries including Pakistan, Indonesia, Lebanon, Bangladesh and Afghanistan, and the other shopping centre precincts with strong Greek and Italian connection.

In recent years, some nearby councils have formally 'recognised' cultural precincts such as Little India in the City of Parramatta and Little Greece in Inner West Council. The latter has particular relevance to Canterbury-Bankstown, given the significant Greek population and businesses in Earlwood.

The proposal and exhibition provided an opportunity to explore the potential value of formal cultural precincts in the City of Canterbury Bankstown.

#### **RECOMMENDATION** That -

1. Council continue the development and implementation of the *Where Interesting Happens* website promoting locations around cultural cuisines.
2. Council endorse the support for local businesses to collaborate and apply for funding through the NSW Government's Uptown Grant Program.

3. Council provide ongoing opportunities to seek the views and aspirations of residents and businesses around opportunities to highlight the strengths of our local economy, including the expansion of late-night trading.

## **ATTACHMENTS**

[Click here for attachment](#)

---

- A. Cultural Precincts in Canterbury-Bankstown Community Engagement Report

## **POLICY IMPACT**

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The recommendations do not supersede or conflict with current Council policies.

## **FINANCIAL IMPACT**

---

The recommendations do not commit Council to expending additional funds. The *Where Interesting Happens* project is part of Council's existing operational budget and Council endorsing local business applications for grant funding (e.g. the Uptown Grant Program) will not require specific Council funding.

## **COMMUNITY IMPACT**

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The recommendations are not expected to have a negative impact on the community, given the community have been consulted and Council is not recommending pursuing the formal recognition of cultural precincts, which is consistent with their feedback.

The recommendations do not have any direct impact on the environment or environmental footprint, nor do they negatively impact on Council's reputation.

## DETAILED INFORMATION

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Following the Council resolution to, 'undertake community consultation on their [the community's] thoughts on identifying, developing and promoting specific Cultural Precincts throughout the city' a cultural precincts project was exhibited from Thursday 23 November to Monday 18 December 2023.

The consultation explored the idea of cultural precincts more broadly, including what people might consider unique about the City, how cultural precincts might be defined if the concept went ahead and what might be the benefits and potential downsides of cultural precincts. It also sought ideas for areas that could be established as cultural precincts if the concept was supported by the community.

A detailed community engagement report can be found in attachment A.

### Community engagement methodology and promotion

Engagement methodology and promotion included:

- A Have Your Say (HYS) page (<https://haveyoursay.cbcity.nsw.gov.au/cultural-precincts-canterbury-bankstown>), which featured a survey seeking feedback on the idea of cultural precincts.
- Five pop-ups, one in each ward (Earlwood, Padstow, Chester Hill, Roselands and Bankstown).
- Flyers distributed:
  - To Council's eight library and knowledge centres, the Bankstown Arts Centre, the Bankstown and Campsie Customer Service Centres, the Morris Iemma Indoor Sports Centre, the Birrong, Max Parker and Roselands Leisure and Aquatics Centres and other Council assets.
  - To attendees at the Carols in the Park, Bankstown Christmas Village Markets, Campsie Christmas Village Markets and the community engagement pop-ups held for this project as well as those for the Kelso Community Recycling Centre, the Goondah Reserve Upgrade and the Condell Park Nook.
- Social media posts and advertisements on Council's Instagram and Facebook pages.
- Email promotion via Council e-newsletters as well as emails to networks (e.g. Leisure and Aquatic, Community Development and Planning, Council's Advisory Committees and Bankstown Arts Centre).
- Digital screens in Council's libraries.
- A feature in the *Latest News from CBCity* in The Torch.

## Engagement findings and recommendations

There were 510 unique visitors to the HYS page, 31 conversations held and 13 surveys completed.

At large, across digital and traditional/face-to-face methods (e.g. pop-ups), there was a low level of engagement with the concept of cultural precincts in Canterbury-Bankstown. This included locations that could potentially be developed as cultural precincts, with only 11 surveys identifying possible locations and only two of these receiving more than one vote of recognition (i.e. both Earlwood and Bankstown receiving three votes each). A further five people at the pop-ups were generally supportive, without identifying particular locations.

Although there was certainly some support for the idea there was also a reasonable amount of caution and concern, as well as mixed sentiment raised. For example, concerns around cultural precincts potentially inflaming racism and division and excluding some cultures.

What is evident, is the recognition of CBCity's diversity. The word 'diverse' and similar words (e.g. diversity, multiple, different) were mentioned 10 times in the surveys and the direct submission received. Therefore, rather than pursuing the recognition of specific cultural precincts, it is recommended to look at ways to continue to celebrate and promote CBCity's diversity at large.

Therefore, it is proposed that Council:

1. Continue the development and implementation of the *Where Interesting Happens* website, which will showcase the City's diversity, including the ability to search and locate unique places to eat and drink around specific cultural cuisines. This site will be launched publicly before June 2024 and, it is hoped, will be a very effective tool to promote everything that unique and to be celebrated in our City.
2. Support local business applications for the NSW Government's Uptown Grant Program ([Uptown Grant Program | NSW Government](#)). In line with the NSW Government's 24-Hour Economy Strategy for Greater Sydney, this program seeks to facilitate the development of defined precincts across Greater Sydney into vibrant, going-out destinations. This grant program is open to collaborations of businesses who are willing to join forces to collectively promote and market their shared destinations. This program is designed to enable and support businesses at grass-roots level to drive changes themselves, with the support of Government, as opposed to the other way round. Applications for this program close on 18 March 2024 with CBCity already assisting the Government in its promotion to interested business groups and organisations.
3. Provide ongoing opportunities to seek the views and aspirations of residents and businesses around opportunities to highlight the strengths of our diverse local economy, including the expansion of late-night trading. This issue was highlighted as important through another Council resolution in August 2023 with community views to being sought and a respective report to be brought back to Council by June 2024.



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## Service and Operational Matters - 27 February 2024

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**ITEM 8.6**                      **Removal of Restriction on Title Numbered 1(b) at 164 Greenacre Road, Greenacre**

**AUTHOR**                      **Planning**

### **PURPOSE AND BACKGROUND**

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The purpose of the report is to seek Council's approval to remove the restriction registered on title for the property which states, among other things, that development on the site shall not exceed one storey in height.

Release of the restriction is supported as it reflects the planning controls that apply today and is consistent with the conditions that have been imposed on the property by development consent DA-358/ 2023.

### **RECOMMENDATION** That -

---

1. Council consents to the extinguishment of the restriction numbered 1(b) in DP 845156 for 164 Greenacre Road, Greenacre on the terms outlined in the report.
2. The Mayor and Chief Executive Officer be authorised to sign all necessary documentation for LTD-41/2023 relating to the release of the existing restriction 1(b) under the common seal of Council.

### **ATTACHMENTS**

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Nil

## **POLICY IMPACT**

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This matter does not have any policy implications.

## **FINANCIAL IMPACT**

---

This matter does not have any financial implications.

## **COMMUNITY IMPACT**

---

This recommendation does not have any impact on our community other than to allow improvements to be made to the property in accordance with the development consent and our planning controls.



## DETAILED INFORMATION

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On 2 June 2023, Council approved development application No. DA-358/2023 which sought consent for works at 164 Greenacre Road, Greenacre described as “alterations and first floor additions to existing dwelling house, and removal of restrictions on title”.

The site is affected by a restriction on the use of land which was registered on 2 December 1994 which states, among other things, that development on the site shall not exceed one storey in height. Council is identified as the authority benefited.

When development application No. 358/2023 was lodged on 27 March 2023, the applicable planning controls were Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015. Both allow for development which has a maximum wall height of 7.0 metres, a maximum overall height of 9.0 metres and a maximum of two storeys on this site.

The development application was assessed as being compliant with the planning controls and was approved. Condition No. 1.2 of the development required the extinguishment of the restriction and reads as follows:

- 1.2 Prior to the issue of a Construction Certificate the following must occur:
  - a. The applicant or landowner will need to make a Land Title Dealing (LTD) Application with Council, seeking to remove the restriction on the title of Lot 2 DP 845156 that currently limits any development to single storey.
  - b. Once the LTD application is endorsed by Council, written evidence of the registration of the removal of the restriction with NSW Land Registry Services will need to be provided to the Certifier.

The proponent has now applied to remove this restriction by lodging an application with Council (LTD-41/2023). Typically, release of a restriction occurs through Section 88E of the Conveyancing Act 1919 and is endorsed by Council’s authorised officers under delegation. However, a restriction which benefits Council is not a matter that can be delegated to authorised officers. Hence, a resolution of Council is required for the release of the existing restriction.

The process for the release or registration of restrictions on title where Council’s endorsement is required is through Land Title Dealing applications (LTD’s). In accordance with the conditions of the development consent, the proponent is requesting that Council endorse the section 88E instrument for the release of the existing restriction which limits the height of development on the site to a maximum of one storey. This restriction is item 1(b) in Deposited Plan DP 845156. This is being managed under Land Title Dealing application number LTD-41/ 2023. As Council is the prescribed authority which benefits from the restriction, Council must resolve to release the existing restriction.

The release of the restriction reflects the planning controls that apply today and is consistent with the conditions that have been imposed on the development consent DA-358/ 2023. Council’s Development Unit supports the application.



## **9 COMMITTEE REPORTS**

The following items are submitted for consideration -

|     |   |     |
|-----|---|-----|
| 9.1 | Minutes of the Audit Risk and Improvement Committee Meeting Held<br>5 December 2023   | 189 |
| 9.2 | Minutes of the Universal Access Advisory Committee Meeting Held on<br>6 December 2023 | 191 |
| 9.3 | Minutes of the First Peoples Advisory Committee Meeting Held on<br>23 January 2024    | 193 |
| 9.4 | Minutes of the Community Safety Advisory Committee Meeting Held on<br>8 February 2024 | 197 |
| 9.5 | Minutes of the Traffic Committee Meeting held on 13 February 2024                     | 199 |



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## Committee Reports - 27 February 2024

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### **ITEM 9.1                      Minutes of the Audit Risk and Improvement Committee Meeting Held 5 December 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 5 December 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 5 December 2023, be adopted.

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

- A.     Minutes of the Audit Risk and Improvement Committee meeting held 5 December 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**

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

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## Committee Reports - 27 February 2024

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**ITEM 9.2**                      **Minutes of the Universal Access Advisory Committee Meeting Held on 6 December 2023**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

---

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

The minutes of the Universal Access Advisory Committee meeting are attached.

### **ISSUE**

---

Endorsement of the Universal Access Advisory Committee minutes.

### **RECOMMENDATION**

---

That the minutes of the Universal Access Advisory Committee meeting held on 6 December 2023 be endorsed.

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

---

- A.     Minutes of the Universal Access Advisory Committee meeting held on 6 December 2023

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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



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## Committee Reports - 27 February 2024

---

**ITEM 9.3**                      **Minutes of the First Peoples Advisory Committee Meeting  
Held on 23 January 2024**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

---

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

The minutes of the First Peoples Advisory Committee meeting are attached.

### **ISSUE**

---

Endorsement of the First Peoples Advisory Committee minutes.

The recommendations and requested actions of the First Peoples Advisory Committee are listed in the Detailed Information section of this report.

### **RECOMMENDATION**

---

That the minutes of the First Peoples Advisory Committee meeting held on 23 January 2024 be endorsed.

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

---

A.     Minutes of the First Peoples Advisory Committee meeting held on 23 January 2024

## **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.

## **DETAILED INFORMATION**

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The recommendations and requested actions from the First Peoples Advisory Committee are listed below.

### **ITEM D: ADDITIONAL PLAQUE AT THE JOHN PARKES MONUMENT IN EARLWOOD OVAL**

#### **RECOMMENDATION**

THAT Council support the Advisory Committee's request for the unveiling ceremony to be held on Wednesday 20 March 2024 in the afternoon.

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

---

There is no cost implications arising from the recommendation.



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## Committee Reports - 27 February 2024

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**ITEM 9.4**                      **Minutes of the Community Safety Advisory Committee Meeting Held on 8 February 2024**

**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 8 February 2024 be endorsed.

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

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- A.     Minutes of the Community Safety Advisory Committee meeting held on 8 February 2024

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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

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## Committee Reports - 27 February 2024

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**ITEM 9.5**                      **Minutes of the Traffic Committee Meeting held on 13 February 2024**

**AUTHOR**                      **City Assets**

### **PURPOSE AND BACKGROUND**

---

Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 13 February 2024.

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 13 February 2024, be adopted.

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

---

A.     Traffic Committee Meeting Minutes - 13 February 2024

## **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 - February 2024                   | 203 |
| 10.2  | Increased Penalties for Tree Vandals - Councillor Clare Raffan         | 205 |
| 10.3  | Heavy Vehicle Parking - Councillor Clare Raffan                        | 207 |
| 10.4  | Puppy Farm Ban - Councillor Clare Raffan                               | 209 |
| 10.5  | Nature Strip and Community Gardens - Councillor Clare Raffan           | 211 |
| 10.6  | School Traffic Safety on Lucas Road, Panania - Councillor Linda Downey | 213 |
| 10.7  | Vacant Public Housing - Councillor Linda Downey                        | 215 |
| 10.8  | Olive Trees - Councillor Linda Downey                                  | 217 |
| 10.9  | Eid and Easter - Councillor Christopher Cahill                         | 219 |
| 10.10 | Funding for Footpaths and Bus Shelters - Councillor Christopher Cahill | 221 |
| 10.11 | Police Campaign on Noisy Motor Vehicles - Councillor Sazeda Akter      | 223 |
| 10.12 | Probity Officer Policy - Councillor Barbara Coorey                     | 225 |
| 10.13 | Unoccupied Units - Councillor Barbara Coorey                           | 229 |



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## Notice of Motions & Questions With Notice - 27 February 2024

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**ITEM 10.1**                      **Status of Previous Notices of Motion - February 2024**

**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 attachments](#)

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- A.    Status of Previous Notices of Motion - February 2024
- B.    Outgoing Correspondence
- C.    Incoming Correspondence



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## Notice of Motions & Questions With Notice - 27 February 2024

---

### ITEM 10.2                      Increased Penalties for Tree Vandals

I, Councillor Clare Raffan 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, calling on him to introduce tougher penalties, including jail sentences, for tree vandals and those who commission these outrageous crimes.”

### BACKGROUND

---

The recent chopping down of at least 100 trees on public land at Longueville has been described by locals as the worst act of environmental vandalism in the area’s history.

The callous act, leaving the foreshore of Woodford Bay, a barren and desolate wasteland, and the identity of those responsible unknown.

And the wanton vandalism doesn’t stop there.

Just a few weeks ago, Council was forced to heavily prune six beautiful trees at East Hills Park, along the Georges River. The decision to cut back the dying Eucalyptus and Casuarina trees was for safety reasons and has left the area bare and the locals seething.

It turns out the trees survived a poisoning attack in 2019, only to have been subjected to another poisoning attack in February last year. They never recovered.

The vandalism of trees is becoming all too familiar, with Councils across the State crying out for tougher penalties. In NSW, councils can issue an on-the-spot maximum fine of \$3000 for individuals or \$6000 for businesses.

In the 2022-23 financial year, there were 85 reported breaches of Council’s Tree Management Order involving wilful damage to protected trees.

The blatant vandalism of trees is a calculated and deliberate act by greedy people who will generally have some financial gain. Increased fines and jail time will go some way in deterring these criminals.

### FINANCIAL IMPACT

---

There should be no financial impact of the motion as written.

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

---

There is no financial impact of the motion as written.

---

## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.3                      Heavy Vehicle Parking

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

“That Council calls on the NSW Government to crackdown on heavy and long vehicles parking in residential areas by introducing tough new rules to deregister repeat offenders’ vehicles for three months.”

### BACKGROUND

---

Heavy and long vehicles parked in suburban neighbourhoods are not only a safety hazard to local residents but also “hog” valuable parking spaces.

Let’s be very clear, the operators of these vehicles have no respect, or regard for the law, or the community, and are happy to pay fines rather than park their vehicles in designated areas, or holding yards.

Under NSW Road Laws, heavy vehicles (4.5 tonnes or more), and long vehicles (7.7 metres or longer) and are not allowed to park in built up areas for more than 1 hour, unless otherwise permitted.

Our Council is quite vigilant when it comes to policing these lawbreakers but is becoming increasingly frustrated by the number of repeat offenders.

In the past 12 months alone, our rangers issued something like 4,400 fines relating to heavy vehicle offences and that speaks volumes about the flagrant abuse of the rules.

It’s evident that fines are not a deterrent, and the State Government needs a “no nonsense” approach to rein in these urban cowboys.

I am urging the Minister to consider introducing a three strikes policy which would see heavy vehicles de-registered and taken off the road for three months after a third infringement is issued.

### FINANCIAL IMPACT

---

There is no financial impact of the motion as written.

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

---

There is no financial impact of the motion as written.



---

## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.4              **Puppy Farm Ban**

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

“That Council calls on the NSW Government to follow the lead of other states and support legislation to ban puppy and kitten farms which are currently flourishing across NSW.

Council further applauds NSW Local Government Minister Ron Hoenig for his advocacy of abandoned and surrendered pets by supporting and encouraging families to “adopt a pet” from Council pounds and animal shelters.”

### **BACKGROUND**

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Puppy and kitten farms, or “breeding factories” as some refer to them, are free to operate in NSW with no regulation, or regard for the welfare of the animals.

It is also recognised that NSW has the dubious reputation as being the puppy farm capital of Australia, with WA, Victoria, SA, the ACT and Queensland Governments all introducing legislation to end this cruel trade.

There are something like 200 puppy mills - large scale dog breeding farms - and countless more kitten farms operating across metropolitan and regional NSW. And while there is no official data, it is estimated that around 103,000 puppies are sold through local pet shops and various websites online every year.

The sad reality is that most animal lovers are unaware the puppy, or kitten they are purchasing may have been subjected to cruel and unethical conditions, locked in small cages, at a large-scale farm, and not raised by a small and caring breeder.

The “breeding factories” don’t take into consideration the animal’s welfare but rather the lucrative profits to be made. And what do you think happens to the dogs and cats when they have outlived their breeding duties?

Council pounds and animal shelters are full of abandoned or stray animals just waiting for adoption. Recently, it was reported that some dog and cat owners, who were taking holidays overseas, were dumping their pets at the RSPCA because it was too expensive to pay for kennel boarding fees.

Our companion animals need protection, and we must all fight to shut down puppy and kitten farms and to ensure breeders are regulated and registered.

## **FINANCIAL IMPACT**

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There is no financial impact of the motion as written.

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

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There is no financial impact of the motion as written.

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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.5                      Nature Strip and Community Gardens

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

“That Council reviews and updates its Nature Strip and Community Gardens Policies to incorporate clear guidelines, which will lay the foundation for residents and community groups, working in conjunction with Council, to create native plant “gardens” on public lands.

I further propose the city-loving gardeners be registered with Council, and where necessary appropriate signage be placed in, or near the planting, to ensure they are identified and protected.”

### BACKGROUND

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There is no doubt there are many residents and community groups that take pride in our City and want to plant local native plant species in areas not already covered by the policies.

Council encourages residents who want to create beautiful spaces but there must be some very clear guidelines established to ensure “conscientious gardeners” accept responsibility for their plantings.

By registering gardeners, Council will have oversight of where “native gardens” will be located and what is being planted. For example, it would not be feasible to plant gum trees along a fence line adjacent to a park, or plant species that are not suitable for the surrounding environment. Council will have oversight of these plantings and be able to assist and advise gardeners.

The intention is to ensure these plantings meet community expectations and they are suitable for their environment and that all aspects relating to safety are taken into consideration.

Appropriate signage, in or near the plantings, will ensure Council’s Parks and Gardens staff, along with community members, are aware of the designated area and this will assist with maintenance and potential damage to the plantings.

### FINANCIAL IMPACT

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The motion as written seeks that current policy reviews carefully consider these issues and therefore should not incur additional costs.

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

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The motion as written can be accommodated within the current program for review of the Nature Strip and Community Gardens Policies.

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## Notice of Motions & Questions With Notice - 27 February 2024

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### **ITEM 10.6                      School Traffic Safety on Lucas Road, Panania**

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

“That Council requests Council traffic engineers to present a report to traffic Committee seeking support and approval for options to provide traffic improvement measures to ensure a safer environment along Lucas Road, Panania, in particular, around the secondary and primary schools. These measures should also be focused on the schools’ commencement and finishing times.”

### **BACKGROUND**

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The safety of school children in our City, must and always should be a priority. It has been brought to my attention that we can do more to ensure the safety of children, parents, and the community around the primary and secondary schools along Lucas Road.

Some suggestions for the Local Traffic Committee to consider include:

- Provision of bus bays and kiss and drop off areas;
- Signs posting bus destinations;
- Better routing of buses;
- No Parking/No U-turn signage along Lucas Road;
- Increased inspections/enforcement by rangers; and
- Staggered departure and arrival times.

### **FINANCIAL IMPACT**

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The investigation can be undertaken as part of normal operations which can inform any urgent Back Spot funding request.

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

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There are no financial impacts of the motion as written. If a feasible option is identified grant funding opportunities can be pursued for works.



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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.7                      Vacant Public Housing

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 Housing, Rose Jackson, calling on her to release details of how many, if any, housing commission houses and land holdings are vacant in our city, and for how long they have been idle.

We further call on the Minister to allocate, and fast track appropriate funding, to build social and affordable housing to meet the desperate shortage in our city.”

### BACKGROUND

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It has been brought to my attention that there are housing commission houses, and vacant lots in our city that are not being utilised to their full potential.

We all hear about the housing crisis, and the need for more affordable and social housing, and we need to identify these locations, so we can do better for those in need.

In fact, earlier this month a report by the Australian Institute of Health and Welfare revealed that our city has around 2100 people who are receiving homelessness services, an increase of 20 per cent on previous years.

There is no doubt there are many housing commission houses that are looking tired and in need of replacement and in some cases consolidation.

It was interesting to hear the Minister talking about a collaboration with Councils to increase housing supply. But it is more than talk that is needed!

It's about appropriate funding and proper planning that will ensure more housing stock in our City.

### FINANCIAL IMPACT

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There are no financial impacts of the motion as written.

### CHIEF EXECUTIVE OFFICER'S COMMENT

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There are no financial impacts of the motion as written.





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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.8              Olive Trees

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

“That Council partners with the community to plant 30,000 olive trees across our city, with appropriate locations, time frame of plantings and type of species developed as part of our annual operational plan.

I further propose Council sets up a dedicated page on its website for residents to register their olive tree, or to donate trees for residents to plant.”

### BACKGROUND

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### FINANCIAL IMPACT

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A sustainable program of tree plantings over a period of time should be able to be managed from within our annual tree planting programs.

### CHIEF EXECUTIVE OFFICER'S COMMENT

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The motion as written would see this program developed within the current tree planting programs as part of recurrent operational plans.



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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.9                      Eid and Easter

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

“That Council celebrates this year’s Eid with the community by encouraging residents to decorate their homes, and to coordinate a competition to find the best decorated homes in each ward.

I further call on Council to mark the spiritual period of Eid and Easter by coordinating a toy drive, with donations going to a not-for-profit organisation of the mayor’s choosing.”

### BACKGROUND

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Over the coming weeks, our community, will be celebrating various religious holidays and spiritual events across our city. Eid, Easter, and Ramadan are important dates on the calendar and are embraced in different ways by our vibrant cultural community.

Council’s Christmas lights competition to find the best decorated houses was a huge success with the community getting behind the initiative.

Participating residents across the city submitted their photos and they were displayed for the community to cast their vote on the best displays.

Prizes were awarded to the winner and runner up across each of the wards. Winners received a \$500 gift card with a \$200 gift card to the runner up.

Our Christmas toy drive was also a resounding success.

With Eid, Easter and Ramadan coming up, its important Council shows its support by coordinating a lights competition for residents who decorate their houses, and to hold a toy drive.

The competition should be run like the Christmas Lights competition.

## **FINANCIAL IMPACT**

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Given the initiative requires nominal funds and is driven by social media the financial impact should be minimal.

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

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The proposed matter will require an allocation of \$3,500 to support the initiative. If supported, funding for the initiative will be sourced from Council's Grants and Sponsorship Funding Allocation.

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## Notice of Motions & Questions With Notice - 27 February 2024

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### **ITEM 10.10            Funding for Footpaths and Bus Shelters**

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

“That Council:

1. Given the significant population growth throughout the city as a result of the NSW Governments proposed Low to Medium Rise density changes, that the NSW Government provide a significant and ongoing source of funding to expand the missing sections of footpaths throughout our City, and also increase the number of bus shelters that new medium density living will require.
2. Calls on the NSW Government to review the guidelines, and allocation, of grant funding under the Get NSW Active Program, which currently disadvantages large Councils like ours.
3. Given the significant pressure being placed on population growth in our LGA as a result of the extremely high levels of immigration that the Federal Government provide a significant and ongoing source of funding to expand the missing sections of footpaths throughout our City, and also increase the number of bus shelters that accelerated increase populations being forced into our community need.”

### **BACKGROUND**

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Councils across NSW are grappling with the financial strain on their budgets to not only build new footpaths and walkways but to maintain and replace existing ones.

The maintenance of the footpaths in our city runs into the tens of millions of dollars, and it's fair to say most of our new walkways can only be funded with the assistance of State and Federal Government Grants.

Without support from higher levels of Government the only way for us to provide this new infrastructure is to take funding away from replacing our already aged assets like Roads, buildings, and open space. This is unsustainable and not fair on our residents that see a lot of new immigrants settling in our LGA (our February 2024 alone saw nearly 1,000 new Citizens) and where NSW Government planning changes could see over 100,000 new residents on the next decade or less.

Both the NSW Government and Federal Government need to support communities with accessing their communities on foot and in public transport if they want them to be healthy and connected. This starts with dedicated and ongoing funding streams for Local Governments to fill in the missing paths and add to our network of bus shelters throughout the LGA.

Further, it is important to point out that since the Minn's Government came into office, we have received grant funding under the Get NSW Active program, in stark contrast to the previous Liberal Government which didn't allocate us a brass razoo.

In fact, during the 2023-24 round of funding, Council lodged 23 applications and was successful in five, with grants totalling nearly \$3million.

The issue at hand here, is that the guidelines for applying for grants has changed, and where we previously lodged unlimited grant applications, we are now limited to just five. You will be bemused to hear that our attempt to lodge six applications in the next round of funding was knocked back. We are on level footing with each other LGA under this program despite us having up to 10 times the infrastructure and population challenges of other LGA's

A council like ours, with something like 1,000 km of footpaths, should not be treated the same as Councils that are much smaller and with far fewer footpaths.

The intention of my motion is to highlight the disparity when it comes to applying for funding and the burden that we are lumbered with where our rates are pegged, but other levels of Government continue to fill us up with people without supporting infrastructure. It's fashionable by Governments to promote walking and cycling across the city but this must be backed up with funding to meet those needs.

## **FINANCIAL IMPACT**

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There is no financial impact of the motion as written.

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

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There is no financial impact of the motion as written.

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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.11      Police Campaign on Noisy Motor Vehicles

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

“That Council calls on the Campsie Police Area Command to conduct a targeted campaign aimed at addressing the problem of noisy motor vehicles during the evenings at Wiley Park and Punchbowl.”

### BACKGROUND

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There is an escalating issue of noisy motor vehicles disturbing residents during the evening in Wiley Park and Punchbowl. The relentless noise pollution caused by these vehicles not only disrupts the peace of our neighbourhoods but also poses a risk to public safety.

I propose that the Council requests the assistance of the Campsie Police Area Command to conduct a targeted campaign aimed at addressing the problem of noisy motor vehicles operating within our community during the night. This campaign should involve increased police patrols, enforcement measures, and educational initiatives to deter and penalise offenders.

The objectives of this campaign could include:

- Identifying hotspots and times when noisy vehicles are most prevalent in the Wiley Park and Punchbowl areas.
- Implement proactive measures to prevent illegal modifications to vehicles that contribute to excessive noise levels.
- Enforce existing noise pollution regulations rigorously, issuing fines and penalties to individuals operating noisy vehicles that break the law.
- Raise awareness among residents and motorists about the adverse effects of excessive vehicle noise and the importance of maintaining noise levels within acceptable limits.

### FINANCIAL IMPACT

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There are no financial impacts of the motion as written.

### CHIEF EXECUTIVE OFFICER'S COMMENT

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There are no financial impacts of the motion as written.





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## Notice of Motions & Questions With Notice - 27 February 2024

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### ITEM 10.12      Probity Officer Policy

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

“That

1. Council develop a Probity Officer Policy to be implemented as a matter of urgency.
2. Council provide a report as to the nature of the appointment of the current Probity Officer(s), the date of such appointment and duration for such appointment. Such report is to include the resolution and or delegated authority for such appointment.”

### BACKGROUND

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By way of background I note the following direction for assistance in such a policy:

A Procurement Board Direction, 'PBD-2013-05 Engagement of probity advisers and probity auditors' (the Direction), sets out the requirements for NSW Government agencies' use and engagement of probity practitioners.

It confirms agencies should routinely take into account probity considerations in their procurement. The Direction also specifies that NSW Government agencies can use probity advisers and probity auditors (probity practitioners) when making decisions on procuring and disposing of assets, but that agencies:

- should use external probity practitioners as the exception rather than the rule
- should not use external probity practitioners as an 'insurance policy'
- must be accountable for decisions made
- cannot substitute the use of probity practitioners for good management practices
- not engage the same probity practitioner on an ongoing basis, and ensure the relationship remains robustly independent

### FINANCIAL IMPACT

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The preparation of the Policy and relevant Report does not create a material financial impact for Council.

## CHIEF EXECUTIVE OFFICER'S COMMENT

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### Probity Policy Considerations

Councillors would be aware that Council has a well-established *Good Governance Framework* which places emphasis on ensuring that as an organisation we focus on compliance, accountability and performance, but importantly ensuring our approach and practices maintain the high standards of integrity and transparency expected by our community.

Council's *Good Governance Framework* is underpinned by a series of Operational Policies/Procedures to guide the management of our organisation – including those required/mandated by the Office of Local Government and those set by Council.

Ensuring *Probity* is a core principle which runs through a number of relevant Council Policies/Procedures, particularly Council's Procurement Policy and its Unsolicited Proposal Policy – areas where transparency, delineation, conflicts of interest, risk and reputation are assessed and managed. The relevant Policies are publicly available and accessible on Council's website.

Council is well aware of the NSW Government's literature on engaging probity advisers and probity auditors – PBD-2013-05. Indeed, both this information and the 2005 ICAC Publication *Probity and Probity Advising*, were utilised to assist Council in preparing its own *Probity Guidelines* and supporting documentation to guide/oversee important planning and development matters – particularly where Council is an associated land owner - procurement matters, major construction projects and overseeing unsolicited proposals received by Council.

Council's Guidelines support Council's existing policy framework and provides a well-placed approach to initiating/engaging the use of probity services/adviser, as required.

On that basis, it is not recommended that Council should establish a separate, stand-alone Policy which would only create a further level of complexity and bureaucracy in managing the use of probity services/adviser.

### Appointing Probity Officers/Advisers

To ensure segregation, Council's existing process of verifying the need to use/engage and subsequently appoint a probity services/adviser for a particular matter, is overseen by both Internal Audit (IA) and General Counsel (GC).

In the first instance, IA carries out an audit assessment to verify the need for probity services/adviser. Where approved, the GC will evaluate the request and assist with determining the appropriate probity services/adviser to appoint for the relevant matter.

Importantly, the process of appointing a probity services/adviser will be carried out in accordance with Council's Procurement Policy and Procedures. Naturally, the appointment must comply with relevant legislation, represent value-for-money and ensure that the appropriate supplier is engaged to carry out the required work.

Given the specialised nature of the engagement, Council will – where appropriate - seek/rely on sourcing suitable probity service/advisers from Panels established by the NSW State Government, Local Government Procurement (LGP) and the Southern Sydney Regional Organisation of Councils (SSROC) to carry out the engagement. Where a suitable probity services/adviser cannot be sourced from an established Panel, then Council will carry out its own procurement process. Council does not have a separate rolling Panel for Probity Services/Advisers in place to manage this service.

A separate procurement assessment is carried out for each assignment/project. Once the assignment is completed, the relevant contract with the probity services/adviser comes to an end. The delegations to appoint Probity Services/Adviser are managed in accordance with Council's Procurement Policy and Council's instrument of sub-delegation from the Council through to the CEO and in turn relevant staff.



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## Notice of Motions & Questions With Notice - 27 February 2024

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### **ITEM 10.13            Unoccupied Units**

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

“That Council receive an urgently report outlining:

1. Responses from all relevant authorities in relation to the number of units/dwellings that are currently empty unoccupied for a period of more than 12 months without a valid legal reason ( ie probate, litigation, renovation or any other valid reason) in the Canterbury Bankstown Council Local Government Area, and;
2. Information on the value of unpaid council rates in relation to foreign owned units/dwellings in the Canterbury Bankstown Council Local Government area for the period 1 July 2018 to 30 June 2023.”

### **BACKGROUND**

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The state of NSW is experiencing a housing crisis due to a number of external factors that unfortunately have not been correctly addressed due to vested interests.

The ABS reported in 2021 statistics that over 1 million homes were empty on census night.

This anomaly needs to be explored by the Federal government and various agencies to see why this is occurring without a valid reason. The population growth via very high levels of immigration are not keeping pace with construction of houses and units .

Foreign ownership of housing remains a live issue which requires urgent attention by all levels of government. The elected body should be made aware of how many units/dwellings are unoccupied without a valid reason and whether the owners of such units/dwellings are foreign owners overseas who may not be paying council rates for whatever reason.

### **FINANCIAL IMPACT**

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The recommendation as written should not present a financial impact to Council.

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

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Inquiry can be made of the ABS, Federal and State Departments in an attempt to obtain information in relation to vacancies.

Further, our rates team can undertake a review of the rating database to identify the number of properties that currently have an overseas mailing address and whether they is any outstanding balance on those accounts.

The motion as drafted does not present a financial or resource impact.

## **11        CONFIDENTIAL SESSION**

11.1 Property Matter - 571-577 Punchbowl Road, Lakemba

11.2 Griffith Park Precinct Plan Design Competition (Tender)

11.3 Loan Borrowing - Canterbury Leisure and Aquatics Centre

# **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 and 11.3 in confidential session for the reasons indicated:

#### **Item 11.1 Property Matter - 571-577 Punchbowl Road, Lakemba**

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

#### **Item 11.2 Griffith Park Precinct Plan Design Competition (Tender)**

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

#### **Item 11.3 Loan Borrowing - Canterbury Leisure and Aquatics Centre**

*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.*