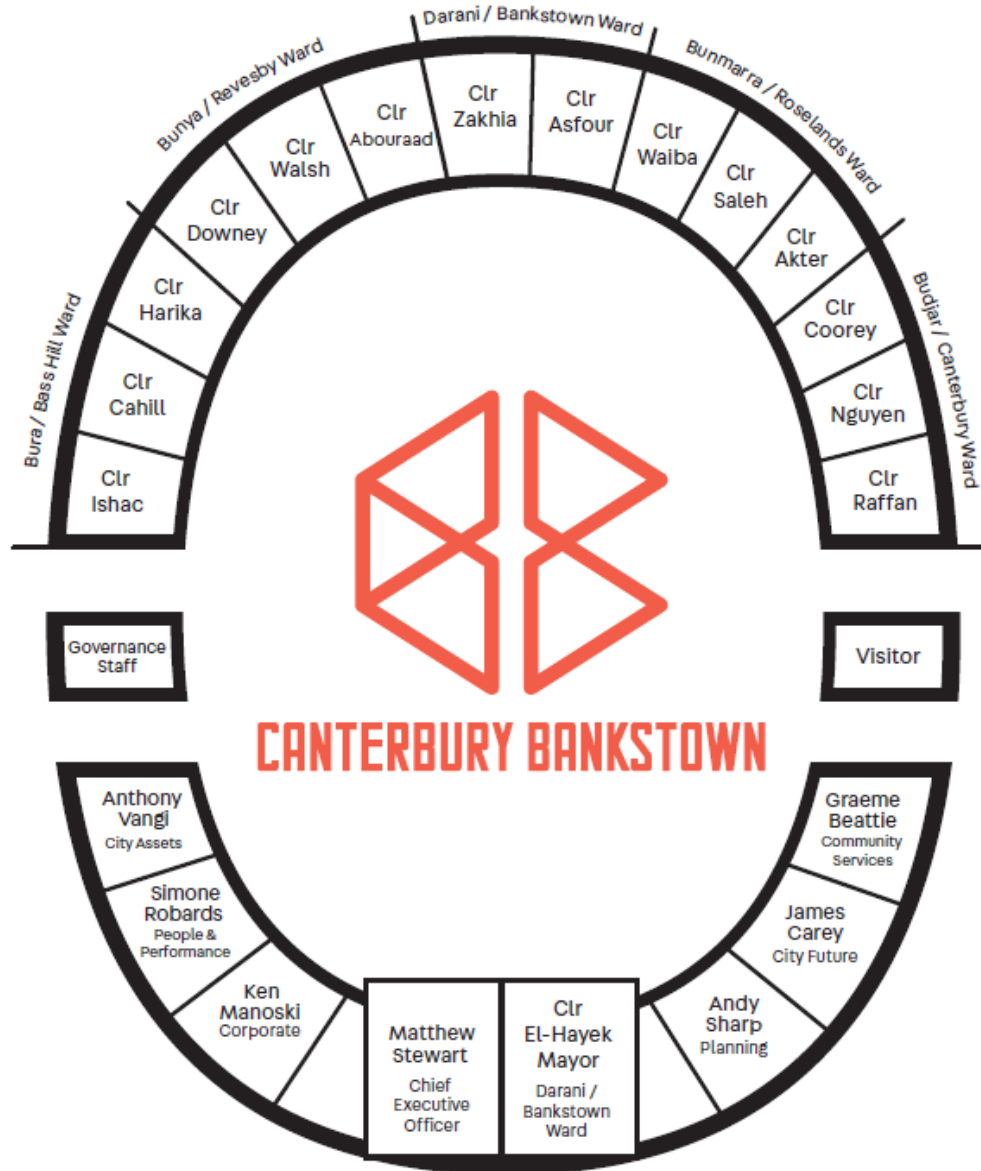




# AGENDA FOR THE ORDINARY MEETING

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

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 25 June 2024 .....	9
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**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 JUNE 2024**

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

**APOLOGIES** Councillors Akter, Downey, Nguyen, Zakhia

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

**ACKNOWLEDGEMENT OF COUNTRY**

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

**SECTION 1: CONFIRMATION OF MINUTES**

**(792) CLR. ABOURAAD:/CLR. RAFFAN**

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 May 2024 be adopted.

- CARRIED

**SECTION 2: LEAVE OF ABSENCE**

**MOTION**

**(793) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that Leave of Absence be granted to Clrs Akter, Downey, Nguyen and Zakhia due to personal reasons.

- CARRIED

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

Nil

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**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 JAMES KELLY OBIT**  
**(794) CLR. EL-HAYEK**

RESOLVED that the Mayoral Minute be noted.

- CARRIED

**ITEM 4.2 CHILDREN OF PALESTINE DINNER**  
**(795) CLR. EL-HAYEK**

RESOLVED that Council call on like-minded community members and organisations to support the Children of Palestine Dinner, with either the provision of food and venue, or attendance.

- CARRIED

**ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS**  
**(796) CLR. EL-HAYEK**

RESOLVED that:

1. Council support a fee waiver of \$596 and a donation of \$400 for Works in Kind towards the East Hills Charity Car Show.
2. Council support a fee waiver of \$750 to Bardwell Park Alcoholics Anonymous towards the hire of the Earlwood Senior Citizens Centre.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

**SECTION 5: PLANNING MATTERS**

**ITEM 5.1 RECOMMENDATION FROM THE COMMISSIONER OF FIRE + RESCUE NSW**  
**(797) REGARDING 274-276 CANTERBURY ROAD, CANTERBURY**  
**CLR. ABOURAAD:/CLR. WALSH**

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**CANTERBURY BANKSTOWN**  
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RESOLVED that the recommendations of the Commissioner of Fire + Rescue be noted.

- CARRIED

**SECTION 6: POLICY MATTERS**

**ITEM 6.1 CAR SHARE POLICY**  
**(798) CLR. RAFFAN:/CLR. ISHAC**

RESOLVED that-

1. Council endorse the draft Car Share Policy and associated fees and charges outlined in the body of the Report to be placed on public exhibition; and
2. A further Report be brought back to Council, following public exhibition.

- CARRIED

**SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1 INTEGRATED PLANNING AND REPORTING - ADOPTION OF CBCITY 2025**  
**(INCORPORATING THE UPDATED DELIVERY PROGRAM 2022-25 AND**  
**OPERATIONAL PLAN 2024/25), ASSET MANAGEMENT STRATEGY 2024-34 AND**  
**FINANCIAL MANAGEMENT STRATEGY 2024-34**

**(799) CLR. ABOURAAD:/CLR. ASFOUR**

RESOLVED that-

1. In accordance with s402-406 of the *Local Government Act 1993*, Council's revised Integrated Planning and Reporting documents, including Council's updated Delivery Program 2022-25, and Operational Plan 2024/25 incorporating the Budget and Schedule of Fees and Charges (collectively known as CBCity 2025); Asset Management Strategy 2024-34; and Financial Management Strategy 2024-34, be adopted.
2. Those members of the community that provided formal submissions be thanked and advised of Council's responses in this report.

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

**3.1 Rating**

Subject to the provisions of the *Local Government Act 1993*, an ordinary rate be made and levied for the rating year 1 July 2024 to 30 June 2025 upon the land value of all rateable land within the former Bankstown City Council categorised as Residential or Business as detailed in the following table and subject to a minimum rate:

Category / Sub-Category	Ad-Valorem Rate	Minimum Rate
Residential – Ordinary	0.00135361	\$1,014.75
Business – Commercial Large	0.00497452	\$1,014.75
Business – Commercial General	0.00395931	\$1,014.75
Business – Industrial Large	0.00497452	\$1,014.75
Business – Industrial General	0.00395931	\$1,014.75
Business – Ordinary	0.00294410	\$1,014.75

The residential and business ad valorem rates in the table above have been adjusted to account for year 4 (2024/25) of the eight-year gradual harmonisation process in order to have one harmonised rating structure for the City by 1 July 2028.

**3.1.1 Bankstown Airport**

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

**3.2 Domestic Waste Management Service Charges**

Subject to provision of Sections 496, 501, 502 and 504 of the *Local Government Act 1993*, annual Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2024 to 30 June 2025, as follows:

**CANTERBURY BANKSTOWN**

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Type of Charge	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic – Waste Management	\$620.00
Each additional service in respect of single dwelling premises.	Domestic Waste Extra Service	\$343.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$378.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$1040.00
Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,708.00
Each additional service in respect of multi residential units - 240L.	Extra Recycling Service	\$170.00
Each additional service in respect of recycling.	Extra Recycling Service	\$96.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$157.00
Rateable Vacant Land	Domestic Waste Vacant Land	\$163.00
Each additional service in respect of multi residential unit - single bins	Domestic Waste Extra Service Strata single bin	\$196.00
Single residential large household service	Domestic Waste Extra Service	\$850.00

### **3.3 Stormwater Management Charges**

Council make and levy an annual stormwater management service charge for the year 1 July 2024 to 30 June 2025 as follows:

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

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**3.3.1 Mixed Developments**

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

**3.3.2 Bankstown Airport**

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

**3.3.3 Exemptions**

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

**3.4 Interest Rate on Overdue Rates & Charges**

Subject to the provisions of Section 566(3) of the *Local Government Act 1993* the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) will be 10.50% per annum.

**3.5 Voluntary Pensioner Rebate**

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

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

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**4.1 Rating**

Subject to the provisions of the *Local Government Act 1993*, an ordinary rate be made and levied for the rating year 1 July 2024 to 30 June 2025 upon the land value of all rateable land within the former Canterbury City Council categorised as Residential or Business as detailed in the following table and subject to a minimum rate:

Category / Sub-Category	Ad-Valorem Rate	Minimum Rate
Residential – Ordinary	0.00138288	\$1,014.75
Business – Commercial Large	0.00508208	\$1,014.75
Business – Commercial General	0.00404492	\$1,014.75
Business – Industrial Large	0.00508208	\$1,014.75
Business – Industrial General	0.00404492	\$1,014.75
Business – Ordinary	0.00300776	\$1,014.75

The residential and business ad valorem rates in the table above have been adjusted to account for year 4 (2024/25) of the eight-year gradual harmonisation process in order to have one harmonised rating structure for the City by 1 July 2028.

**4.2 Domestic Waste Management Service Charges**

Subject to the provisions of Sections 496, 501, 502 and 504 of the *Local Government Act 1993*, annual Domestic and Non-Domestic Waste Management Charges be made and levied on a pro-rata quarterly basis for the year 1 July 2024 to 30 June 2025, as follows:

Type of Premises	Short Name	Annual Charge
An Annual Domestic Waste Management Service charge per service for each parcel of Rateable Residential land for which a service is available.	Domestic Waste Service	\$620.00
Properties categorised as Business (with or without residential accommodation)	Waste Management – Business	\$620.00

**CANTERBURY BANKSTOWN**

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Each additional service.	Domestic Waste Extra Service	\$343.00
Each additional service in respect of multi residential units - 240L.	Domestic Waste Extra Strata Service	\$378.00
Each additional service in respect of multi residential units - 660L.	Domestic Waste Extra Strata Service	\$1,040.00
Each additional service in respect of multi residential units - 1100L.	Domestic Waste Extra Strata Service	\$1,708.00
Each additional service in respect of multi residential units - 240L.	Extra Recycling Service	\$170.00
Each additional service in respect of recycling.	Extra Recycling Service	\$96.00
Each additional service in respect of Greenwaste.	Extra Green Waste Service	\$157.00
Rateable Vacant Land	Domestic Waste - Vacant	\$163.00
Single residential large household service	Domestic Waste Extra Service	\$850.00

#### **4.3 Stormwater Management Charges**

Council make and levy an annual stormwater management service charge for the year 1 July 2024 to 30 June 2025 as follows:

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

##### **4.3.1 Mixed Developments**

- Adopt the dominant Rating category as applied to the parcel of land as determined by the Valuer General and apply to each relevant property; and



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- In the event that a mixed development is 50% residential and 50% business, Council will apply a residential stormwater management charge.

**4.3.2 Exemptions**

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

**4.4 Interest Rate on Overdue Rates & Charges**

Subject to the provisions of Section 566(3) of the *Local Government Act 1993* the rate of interest charged on overdue rate instalments be set at the maximum rate specified by the Minister for Local Government from time to time. The rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) will be 10.50% per annum.

**4.5 Voluntary Pensioner Rebate**

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

- CARRIED

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

**ITEM 7.2**                      **2024 LOCAL GOVERNMENT ELECTIONS - IMPORTANT DATES AND EVENTS**  
**(800)**                        **CLR. ABOURAAD:/CLR. HARIKA**

RESOLVED that-

1. The information be noted.
2. Council's 2024 Ordinary Meeting Schedule be varied to tentatively include a further Ordinary Meeting to be held on either Tuesday, 1 October 2024 or Tuesday, 15 October 2024, for the purposes of electing the Mayor.

**CANTERBURY BANKSTOWN**  
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---

3. Council authorise the outgoing Mayor to continue to fulfil Council's civic and ceremonial functions for the period between Election Day and the holding of the Mayoral Election, as outlined in the report.

- CARRIED

**ITEM 7.3**                      **LOCAL GOVERNMENT REMUNERATION TRIBUNAL - DETERMINATION OF MAYOR AND COUNCILLOR FEES 2024/25**

**(801)**                      **CLR. RAFFAN:/CLR. CAHILL**

RESOLVED that-

1. Effective from 1 July 2024, Council continues to apply the maximum fee structures for the Mayor and Councillors, as determined by the Local Government Remuneration Tribunal, being:
  - Mayoral Additional Fee                      \$110,970
  - Councillor Annual Fee                      \$35,890
2. The current Additional Fee for the Deputy Mayor, being 15% of the Mayors Additional Fee, be confirmed.

- CARRIED

**ITEM 7.4**                      **CASH AND INVESTMENT REPORT AS AT 31 MAY 2024**

**(802)**                      **CLR. ABOURAAD:/CLR. CAHILL**

RESOLVED that-

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

- CARRIED

**CANTERBURY BANKSTOWN**  
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**ITEM 7.5**                      **2024-2028 CBCITY POSITIVE AGEING PLAN**  
**(803)**                         **CLR. ISHAC:/CLR. ABOURAAD**

RESOLVED that Council adopts the 2024-2028 CBCity Positive Ageing Plan.

- CARRIED

**ITEM 7.6**                      **NAMING OF NEW COUNCIL FACILITIES - IAN STROMBORG OAM AND KEVIN HILL OAM**  
**(804)**                         **CLR. WALSH:/CLR. ASFOUR**

RESOLVED that Council name:

1.     The new playspace in Paul Keating Park the “Ian Stromborg Playspace”.
2.     The new Community Hub in Roberts Park the “Kevin Hill Roberts Park Community Hub”.

- CARRIED

**SECTION 8:                 SERVICE AND OPERATIONAL MATTERS**

**ITEM 8.1**                      **GREENACRE COMMUNITY PLACE URBAN DESIGN STUDY**  
**(805)**                         **CLR. ASFOUR:/CLR. HARIKA**

RESOLVED that-

1.     Council adopt the draft GCP Precinct Framework (Attachment B).
2.     Council undertake an Expression of Interest (EOI) process, in accordance with the principles outlined in the report, to seek interest by community groups and organisations to deliver the Indoor Recreation Facility component of the GCP Precinct Framework.
3.     A further report to Council be prepared advising on the outcomes of the EOI process.

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4. Council commences the process to align the land use zoning as outlined in the report.

- CARRIED

**SECTION 9: COMMITTEE REPORTS**

**(806) CLR. HARIKA:/CLR. ISHAC**

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 TRAFFIC COMMITTEE MEETING HELD ON 11 JUNE 2024**

**(807) CLR. HARIKA:/CLR. ISHAC**

RESOLVED that the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 11 June 2024, be adopted.

- CARRIED

**ITEM 9.2 MINUTES OF THE FLOODPLAIN MANAGEMENT COMMITTEE HELD ON 12 JUNE 2024 AND 19 JUNE 2024**

**(808) CLR. HARIKA:/CLR. ISHAC**

RESOLVED that the recommendations of the Floodplain Management Committee held on 12 June 2024 and 19 June 2024 be endorsed.

- CARRIED

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

**(809) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motions and Questions with Notice with the exception of 10.8, 10.9, 10.10 and 10.11

- CARRIED

**ITEM 10.1 STATUS OF PREVIOUS NOTICES OF MOTION - JUNE 2024**

**(810) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that the information be noted.

- CARRIED

**ITEM 10.2 HAMPDEN ROAD RESERVE PLAYGROUND**

**(811) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that Council investigate the acceleration of the upgrade to Hampden Road Reserve, Lakemba, as part of Council's forward works programs and that in the interim the adopted ward funds for furniture upgrade – Lakemba playground be allocated towards upgrade of furniture in Hampden Road Reserve.

- CARRIED

**ITEM 10.3 NO TO GEORGES RIVER LAND GRAB**

**(812) CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that-

1. Council note the Mayoral Minute from Georges River to initiate a land grab for part of Canterbury Bankstown.

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2. Council write to Georges River providing them with a copy of this motion and clearly advise that Canterbury Bankstown Council does not agree to any boundary change.
3. Council write to the Minister for Local Government and the chair of the Boundaries Commission to advise them of Canterbury Bankstown Council's opposition to the Georges River Plan.

- CARRIED

**ITEM 10.4**                      **'MEANWHILE USE' FOR AFFORDABLE RETAIL AND COMMERCIAL SPACES**  
**(813)**                              **CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that Council investigates opportunities to allow for 'meanwhile use' for affordable retail and commercial spaces in our centres and write to the Minister for Planning and Public Spaces to investigate enabling State-wide policy

- CARRIED

**ITEM 10.5**                      **HEAVY VEHICLE FINES**  
**(814)**                              **CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that-

1. Council writes to the NSW Minister for Finance Courtney Houssos urging her to urgently review the lenient fines when it comes to heavy vehicles parking in residential streets.
2. Council to write once again to the Minister for Roads John Graham, seeking a response to Council's resolution of 27 February 2024, calling on him to crackdown on heavy and long vehicles parking in residential areas by introducing tough new rules to deregister repeat offenders' vehicles for three months.

- CARRIED

**CANTERBURY BANKSTOWN**  
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**ITEM 10.6**  
**(815)**

**YARN BOMBING**

**CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that Council meets with Panania residents, Anna Prasad and Jodi Philip, to explore the merits of their proposal to introduce “yarn bombing” in their local area

- CARRIED

**ITEM 10.7**  
**(816)**

**GETTING OUR FAIR SHARE**

**CLR. RAFFAN:/CLR. ABOURAAD**

RESOLVED that Council call on the NSW Government to reallocate the \$36 Million clawed back from Hornsby Council to Canterbury Bankstown Council to fully fund Ramadan Nights for five years.

- CARRIED

**ITEM 10.8**

**HOLDING OF A POLL AT THE SEPTEMBER 2024 LOCAL GOVERNMENT ELECTIONS  
REGARDING COMMUNITY SUPPORT FOR A COUNCIL DE-AMALGAMATION**

**MOTION**

**CLR. COOREY:/CLR. ABOURAAD**

That-

1. Council hold a poll concurrently with the 14 September 2024 Local Government elections asking the question: “Do you support the de-amalgamation of Canterbury Bankstown Council to reinstate Canterbury and Bankstown Councils?”
2. Council complete a desktop business case internally for a de-amalgamation of the two former council areas, addressing:
  - a. The financial advantages and disadvantages of a demerger. This should include: consideration of the division and sharing of assets and liabilities; service standards and shared services; rate levels and charges.
  - b. The community of interest and geographic cohesion of the existing LGA compared to the former council areas.
  - c. The historical and traditional values of the former LGAs and the impact on them of the amalgamation into CBC.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 JUNE 2024**

---

- d. The impact of a demerger on democratic representation for residents in each of the former council areas.
- e. The impact of a demerger on the employment of current staff and possibility of redeployment to the demerged former council areas.
- 3. Council prepare a report, including the desktop business case and de-amalgamation costings, to be presented to a Council Meeting no later than June 25. The report should include:
  - a. The data and analysis as outlined in point 2. (a)-(e), without any recommendations.
  - b. Detail the process and basis for any information which will be provided to residents about the poll.
- 4. By August 1, Council develop a page on its website, social media and other means, all providing access to the desktop report, to advertise that a demerger poll will take place.

**AMENDMENT**

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

That-

- 1. Council defer this item to allow Councillor Coorey the opportunity to provide her fellow councillors with evidence of her claim that there are tens of thousands of former Canterbury residents who have signed a 7,000 signature petition calling for a demerger.
- 2. Council call on Councillor Coorey to produce the petition so that names can be checked against the current election roll.

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

**(817)**

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

RESOLVED that-

- 1. Council defer this item to allow Councillor Coorey the opportunity to provide her fellow councillors with evidence of her claim that there are tens of thousands of former Canterbury residents who have signed a 7,000 signature petition calling for a demerger.
- 2. Council call on Councillor Coorey to produce the petition so that names can be checked against the current election roll.

- CARRIED



**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 JUNE 2024**

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AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A FIRST WARNING AT 6.59 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

AT THIS STAGE OF THE MEETING, IN ACCORDANCE WITH CLAUSE 15.4 OF THE CODE OF MEETING PRACTICE, HIS WORSHIP THE MAYOR ISSUED A SECOND WARNING AT 7.01 PM TO COUNCILLOR COOREY FOR AN ACT OF DISORDER.

**ITEM 10.9**  
**MOTION**

**COUNCIL MEETING WEBCAST**  
**CLR. COOREY:/CLR. ABOURAAD**

That Council amends the Code of Meeting Practice to allow for direct live webcast of Council Ordinary Monthly Meetings.

- LOST

**ITEM 10.10**  
**MOTION**

**EARLWOOD HPA TREE REMOVAL**  
**CLR. COOREY**

That-

- a) Council releases and explains the project scope of the works to the community and local ward councillors, all alternative options that have or have not been investigated, new tree species, maturity of trees and replanting timeline.
- b) Council releases all the reports it has relied upon for the project including infrastructure works etcetera.
- c) That Council hold a public information session at a time that interested persons can attend (i.e., weekends or week nights) in a local hall in Earlwood re the project.

- THERE BEING NO SECONDER THE MOTION LAPSED

IN ACCORDANCE WITH SECTION 10.7 OF THE CODE OF MEETING PRACTICE, PRIOR TO RULING ON WHETHER THE MOTION IS LAWFUL, THE MAYOR GAVE COUNCILLOR COOREY THE OPPORTUNITY TO CLARIFY OR AMEND THE MOTION.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 JUNE 2024**

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**ITEM 10.11**                      **RESCISSION OF DA 1512/2023**  
**(818)**                              **CLR. COOREY:/CLR. ABOURAAD**

RESOLVED that the matter be deferred to a closed session of the Council Meeting on 23 July 2024 to consider the legal advice provided to Councillors.

- CARRIED

**SECTION 11:**                      **CONFIDENTIAL SESSION**  
Nil

**THE MEETING CLOSED AT 7.26 PM**

Minutes confirmed 23 JULY 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    Roads Funding	33
4.2    Local Community Based Donations	35





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## Mayoral Minutes - 23 July 2024

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### ITEM 4.1 Roads Funding

Councillors,

Potholes! The bane of most motorists and councils across the country.

If you browse through the dictionary, potholes are described as a depression in a road surface caused by wear. . . an erosion of rock, especially caused by the action of water.

It is true that heavy trucks contribute to the wear and tear, but it is the action of water, or to put it quite simply, rain and more rain that is the culprit . . . and the reality is, it rains!

Our Council, like every other council around the country, and indeed the world, grapples with dealing with potholes. And their issues are not too dissimilar to ours . . . limited budgets and the never-ending cycle to repair them. . . no sooner do you fill one in, another develops.

The torrential rain that has deluged Sydney over the past few years has posed enormous challenges for both the Council and the NSW Government. If you recall, we received a \$10.2 million grant from Transport for NSW for heavy patching of our roads, and the amount we received was based on the 1,000 kilometres of roadway across our LGA.

I can report tonight that we have spent every cent of that funding, and much more, evenly spread across each of the wards. . . and you will be interested to learn that we patched something like 77,000 square metres . . . that's right 77,000 square metres.

Whilst we have been carrying out heavy patching work, our work filling in potholes has been around the clock, not aided by the record-breaking rains on the East Coast . . . nearly 50 per cent of days this year have been wet.

Over the past 12 months, our Roads Operations Unit has received 6,708 customer requests, of those 3,350 related to potholes. . . I have been informed that as of a few days ago there were just 37 still outstanding. . . an unbelievable statistic and a great achievement by our road crews.

There is no doubt our Council leads the way in monitoring and recording damage to our road network through AI technology on our street sweepers, maintenance inspectors and community reporting. We also set a very strict timeframe of repairing any damage.

Councillors, the rain is causing a drain on our finances, to the tune of millions and millions of dollars, and we need to look to the NSW Government to provide financial support once again. Tonight, I propose writing to the NSW Premier Chris Minns to consider another round of grant funding, and to develop a NSW roads funding strategy to assist all councils in dealing with these weather-related events.

Councillors, I put the Mayoral Minute.



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## Mayoral Minutes - 23 July 2024

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### ITEM 4.2

### Local Community Based Donations

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

#### Refugee Week Family Fun Day Celebration

Metro Assist (formerly Metro Migrant Resource Centre) provides a range of community services including migrant settlement, family support and early intervention, financial support, tenancy services and community development.

The organisation was initially established as the Canterbury Bankstown Migrant Resource Centre in 1986 to assist new migrants and refugees settling in the Canterbury and Bankstown local government areas. With an expansion in the organisation's footprint to include the Inner West, the name was changed in 2008 to Metro Migrant Resource Centre. A broadening of services beyond migrant settlement saw a further name change to Metro Assist in 2010.

As part of the Refugee Week, Metro Assist held a Family Fun Day on Friday 28 June 2024 at Bankstown North Soccer Club. The event included a friendly soccer tournament for children and parents, kids activities, information stalls, free food and live music. The event celebrates diversity and community connection for families who are recent arrivals to Australia.

The cost of the event was \$451 for park hire and \$38 for waste bins. Metro Assist is requesting a fee waiver.

It is recommended that Council support a fee waiver of \$489 for this event.

#### Al-Awda International Film Festival

The 8<sup>th</sup> Al-Awda International Film Festival will be held on 1 August 2024 at the Bryan Brown Theatre.

The film festival will showcase and document multiple stories of Palestinians in Gaza and their ongoing struggles. The event will also include a musical session, a light dinner and a consortium of Palestinian artwork.

A request has been made to waive the hire fees of Bryan Brown Theatre for the event which are \$1,931.25.

It is recommended that Council support a fee waiver of \$750 for this event.

#### Employment and Education Expo

The Arab Council Australia (ACA), in collaboration with community groups and educational providers (including TAFE), is organising an employment and education expo for the new

arrivals from Gaza to provide a one stop shop for the provision of employment, support and education opportunities.

The Expo – which is expected to attract over 100 people - is designed to provide avenues to accessing required support, as well as provide information and advice on available pathways to education and employment.

The Expo will be held in the Bryan Brown Centre, Bankstown on Friday 13 September 2024. In supporting the initiative, it is proposed that Council waive the ACA's hire costs of \$536 associated with the Expo.

It is recommended that Council support a fee waiver of \$536 for this event.

### **RECOMMENDATION**

1. Council support a fee waiver of \$451 towards hire of Bankstown North Soccer Club Facilities and \$38 towards waste bins by Metro Assist, as outlined in the report.
2. Council support a fee waiver of \$750 for the hire of the Bryan Brown Theatre for the Al-Awda International Film Festival, as outlined in the report.
3. Council support the fee waiver of \$536 for the hire of the Bryan Brown Theatre by the Arab Council Australia, as outlined in the report.

Councillors, I put the Mayoral Minute.

## **5 PLANNING MATTERS**

The following items are submitted for consideration -

5.1	Planning Proposal for 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl (RZ-1/2023)	39
5.2	Draft Planning Agreement – 44 Kitchener Parade, Bankstown	69
5.3	Heritage Grant Fund	73
5.4	Draft Housekeeping Amendments to Canterbury-Bankstown DCP 2023 and Community Participation Plan	77



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## Planning Matters - 23 July 2024

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**ITEM 5.1**                      **Planning Proposal for 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl (RZ-1/2023)**

**AUTHOR**                      **Planning**

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**APPLICANT**                      **Chris Tsioulos**

**OWNER/S**                      **The Croatian Club Ltd, Westwood Capital Pty Ltd, Ziad Seraidar, Mirvett Seraidar, Constantine Savell, Berttell Pty Ltd, Est Late Qama Sattar**

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### PURPOSE AND BACKGROUND

This report seeks Council's approval to proceed with the recommendations of the Canterbury-Bankstown Council Local Planning Panel (LPP) regarding a planning proposal for the properties at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl. The aim is to progress the planning proposal for Gateway consideration by the Department of Planning, Housing and Infrastructure (DPHI). This planning proposal facilitates the redevelopment of the site to allow for mixed use development consisting of high-density residential, multi-dwellings (terraces), a registered club, publicly accessible open space, and new landscaping.

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### ISSUE

Council is in receipt of an application to prepare a planning proposal for the site at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl. The planning proposal seeks to make the following amendments to the *Canterbury Bankstown Local Environmental Plan 2023* (CBLEP 2023):

- Rezone the R2 Low Density Residential portion to R4 High Density Residential;
- Increase the maximum building height from 8.5 metres to a maximum of 38 metres;
- Increase the FSR from 1:1 to 2.1:1 on 923-925 Punchbowl Road and 21 Canterbury Road, from 0.5:1 to 1.3:1 on 913-921B Punchbowl Road; and
- Include an additional permitted use on the B1 Neighbourhood Centre portion of the site to include 'tourist and visitor accommodation', 'function centres' and 'registered club'.

The planning proposal proposes only the following change for the site at 23 Canterbury Road, Punchbowl:

- Increase the maximum building height from 11 metres to a maximum of 26 metres.

It is noted that the planning proposal originally submitted by the proponent did not include 23 Canterbury Road, however after Council's assessment of the application, it was concluded

that inclusion of the site would result in an improved urban design outcome without materially impacting the future redevelopment of the land at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl (the former 'Club Punchbowl' site).

The planning proposal is supported by a Letter of Offer which outlines the proponent's in-principle commitment to dedicate five percent of the total amount of residential units as affordable housing in conjunction with monetary contributions paid through Section 7.11/7.12 Development Contributions. The application will also contribute to pedestrian crossing upgrades to the Canterbury Road and Punchbowl Road intersection, as well as upgrades to traffic lights and the construction of a pedestrian refuge island on Punchbowl Road. Council in-principle supports the Letter of Offer, however, will seek to further negotiate with the proponent to increase the public benefit value of the commitments as part of a revised Letter of Offer and draft Planning Agreement, prior to exhibition of the planning proposal.

The planning proposal will facilitate the redevelopment of the former 'Club Punchbowl' site, also previously known as 'the Croatian Club', which will have significant positive social and economic related benefits as it provides the capacity for additional diverse housing options in Punchbowl, the provision of publicly accessible open space to the wider community as well as jobs creation through the redevelopment process which will require staff for ongoing management and operation.

A detailed assessment of the application has found there is strategic and site-specific merit to proceed this planning proposal for Gateway determination from DPHI. Council will prepare a draft site-specific Development Control Plan (DCP) that will set out the detailed development objective and controls for the overall site, which would be publicly exhibited alongside the planning proposal.

The LPP considered Council's assessment report at a public meeting on 8 May 2024 and advised they support the recommendation to proceed to a Gateway determination, subject to Council's endorsement. The LPP's advice has informed the recommendations presented to the Council in this report.

## **RECOMMENDATION** That -

1. Council resolves to amend the *Canterbury-Bankstown Local Environmental Plan 2023* and proceed to the Department of Planning, Housing and Infrastructure for a Gateway determination, subject to the following matters being addressed prior to exhibition (after Gateway determination):
  - a. Council prepare and exhibit a draft site specific DCP amendment as outlined in this report. In addition to typical DCP controls, the DCP is to include the following site-specific objectives and controls for:
    - i. Flooding to appropriately manage flooding impacts;
    - ii. Setbacks to the boundary and interface with adjoining land;
    - iii. Replacement tree planting and tree canopy coverage;
    - iv. Public and private/communal open space (and ensure they are differentiated);
    - v. Road and intersection upgrades on Punchbowl Road and Canterbury Road in consultation with Transport for NSW (TfNSW) as required; and



- vi. An Aboriginal Cultural Heritage Assessment will also be required in accordance with the Government Architect NSW 'Connecting with Country Framework' to inform the preparation of the site specific DCP controls.
- b. A draft Planning Agreement be prepared and exhibited subject to the following:
  - i. Council undertakes further negotiations with the developer 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.
- 2. Council exhibits the planning proposal subject to favourable Gateway determination, in conjunction with the draft site specific DCP and draft Planning Agreement, and the matter be reported to Council following the public exhibition period.
- 3. 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* (the Act).

## ATTACHMENTS

Click here for Attachments [A-H](#) [I](#) [J-O](#) [P-U](#)

- A. LPP Meeting Minutes and Report (8 May 2024)
- B. LPP Community Submissions (Redacted)
- C. Applicant's Planning Proposal (November 2023)
- D. Draft Preliminary Letter of Offer (April 2023)
- E. Architectural Package (October 2023)
- F. Landscape Report and Plan (November 2023)
- G. Flooding Assessment Additional Response (November 2023)
- H. Flood Investigation Report (June 2022)
- I. Detailed Site Investigation Report (April 2022)
- J. Remediation Action Plan (July 2022)
- K. Geotechnical Assessment Report (December 2019)
- L. Acid Sulphate Soils Assessment Report (April 2022)
- M. Acid Sulphate Soils Management Plan (December 2019)
- N. Retail Study
- O. Traffic Assessment and Swept Paths (November 2023)
- P. Traffic Impact Assessment (April 2023)
- Q. Urban Design Report (November 2023)
- R. Waste Management Plan (November 2023)
- S. Arborist Assessment Report (September 2023)
- T. Peer Review of Flood Assessment for Club Punchbowl Planning Proposal (March 2024)
- U. Applicant's Response to LPP Submissions

## **POLICY IMPACT**

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Council's adopted Local Strategic Planning Statement (LSPS) – 'Connective City 2036' guides the future growth and development of the City of Canterbury-Bankstown to 2036. The subject site is identified as a village centre to provide urban services. The proposal responds to the key directions by reinforcing the role of the site as a village centre through facilitating the delivery of 334 new dwellings and 686 jobs linked with the construction and operation of the future non-residential uses.

The site is located at the western end of the Canterbury Road Corridor and was included as part of the 'Canterbury Road Review' (2017). The planning proposal is consistent with the Review as it will set aside land to form part of a new green 'linear parkway' at its western edge and proposes planning controls to facilitate new mixed-use development that provides housing and employment floor space, along with new publicly accessible open space.

The proposal aligns with the planning priorities within the South District Plan to deliver on jobs and housing growth via high quality, well designed and sustainable development. The South District Plan identifies that Canterbury-Bankstown Local Government Area (LGA) will accommodate 70 percent of population growth in the South District, thus planning must provide services and social infrastructure to meet this forecasted growth. The site is a location serviced by public transport (bus services) and the proposal provides additional public open space.

The planning proposal meets the relevant objectives and principles of Council's Housing Strategy and Affordable Housing Strategy by enabling diverse and affordable housing types, and relieving rental stress experienced in the Punchbowl area. The planning proposal is also consistent with the Employment Lands Strategy that recommends retaining the B1 zoning on the site to continue to provide a range of small-scale retail and other services that serve the convenience needs of people that live and work in the surrounding area.

It is important to note that the Additional Permitted Uses proposed for the B1 Neighbourhood Centre zoned portion of the site will be consistent with the permissible land uses adopted by Council as part of the State-led Employment Zones Reform, of which has received favourable Gateway Determination under a separate planning proposal. Further information regarding this is provided in Section 4.1.7 of this report.

## **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 provisions and upgrades are delivered to accommodate the intensification of the site for the public interest. This will be delivered through a Planning Agreement as outlined in this report in addition to standard conditions to accompany future 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 7.11/7.12 Development Contributions in accordance with Council's *Local Infrastructure Contributions Plan* (2022).

## COMMUNITY IMPACT

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The planning proposal will have the following community impact outcomes:

- Enable the delivery of a new mixed-use development on the site that aligns with the strategic vision set out in Council's LSPS;
- Deliver numerous positive social and economic related benefits to the surrounding community and broader city in relation to jobs and housing growth and access to new publicly accessible open space;
- Enable additional housing in a range of tenures and types which includes dedication of affordable housing on the site, as well as help alleviate rental stress in Punchbowl, and the wider LGA;
- Facilitate additional jobs resulting from the construction and future operation and management of the new registered club, and from the additional retail floor space consistent with Council's Employment Lands Strategy;
- Facilitate additional jobs resulting from the construction of new apartments and terraces as well as ongoing maintenance and upkeep once occupied;
- Significantly alter the appearance of the subject site and deliver new development that achieves design excellence in accordance with CBLEP 2023 and the site specific DCP requirements; and
- Help contribute to improvements to the local infrastructure through a Planning Agreement and in addition, monetary contributions through the developer's payment of Section 7.11/7.12 Development Contributions.

## DETAILED INFORMATION

### 1. SITE AND LOCALITY DESCRIPTION

With the exception of 23 Canterbury Road, Punchbowl, the subject site (site) is known as the former 'Club Punchbowl' club and comprises the following properties as shown in Table 1.

Table 1. List of properties included in the subject site.

Property Address	Property Description	Current Zone	Site Area
913 Punchbowl Road, Punchbowl	Lot B DP 378634	R2 Low Density Residential	961m <sup>2</sup>
915 Punchbowl Road, Punchbowl	Lot 2 DP 21524	R2 Low Density Residential	663.94m <sup>2</sup>
917 Punchbowl Road, Punchbowl	Lot 3 DP 21524	R2 Low Density Residential	651.29m <sup>2</sup>
919 Punchbowl Road, Punchbowl	Lot 4 DP 21524	R2 Low Density Residential	651.29m <sup>2</sup>
921 Punchbowl Road, Punchbowl	Lot 6 DP 5245	R2 Low Density Residential	3,870m <sup>2</sup>
921A Punchbowl Road, Punchbowl	Lot A DP 378634	R2 Low Density Residential	3,863m <sup>2</sup>
921B Punchbowl Road, Punchbowl	Lot D DP 382627	R2 Low Density Residential	1,948m <sup>2</sup>
923 Punchbowl Road, Punchbowl	Lot 15 DP 132440	B1 Neighbourhood Centre	3,876m <sup>2</sup>
925 Punchbowl Road, Punchbowl	Lot 1 DP 236825	B1 Neighbourhood Centre	588.1m <sup>2</sup>
21 Canterbury Road, Punchbowl	Lot 14 DP 132440	B1 Neighbourhood Centre	3,389m <sup>2</sup>
23 Canterbury Road, Punchbowl	Lot 12 DP 1027748	B1 Neighbourhood Centre	4,903m <sup>2</sup>
<b>Total Development Site Area</b>			<b>25,364.62m<sup>2</sup></b>

The site is a corner allotment with a 191 metre eastern frontage to Punchbowl Road and a 145 metre southern frontage to Canterbury Road. The properties at 921-925 Punchbowl Road and 21 Canterbury Road contain a registered club known as 'Club Punchbowl', formerly the 'Croatian Club'. The properties at 913-919 Punchbowl Road contain dwelling houses. The property at 23 Canterbury Road features a landscaping supplies business with a small single storey site office.

The site is subject to electricity and drainage easements, road widening reservations by TfNSW and noise exposure from Canterbury Road and Punchbowl Road. In relation to local context, the site is located 1.2 kilometres to the southwest of the Punchbowl railway station and 18 kilometres from the Bankstown strategic centre. Low-rise residential neighbourhoods surround the site with some commercial premises to the south and west, and Punchbowl Park to the east. An aerial view of the site is provided in Figure 1 below.



Figure 1. Aerial view of subject site.

## 2. HISTORY OF PREVIOUS PLANNING PROPOSAL

A previous planning proposal was submitted by the land owner in 2017 which was supported by the Council's former Independent Hearing Assessment Panel (IHAP) and by Council in November 2017. Council submitted the planning proposal to DPHI and a Gateway determination was received in May 2018. The planning proposal did not proceed beyond this stage and in 2020, due to the proponent's financial hardships resulting from the COVID-19 pandemic, the planning proposal was withdrawn.

The current planning proposal was lodged with Council in September 2022. Refer to the LPP report at Attachment A for a full breakdown of the history of the previous planning proposal.

## 3. PROPOSAL

Council received an application to amend the CBLEP 2023 to facilitate medium and high-density residential accommodation as well as to permit commercial development including a registered club, hotel or motel accommodation and function centres. The changes sought are summarised in Table 2 and a copy of the current and proposed draft LEP maps is provided in Figures 3-10 below.



Table 2. Summary of proposed LEP amendments.

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes.
Land Zoning	<ul style="list-style-type: none"> <li>Rezone the properties at 913 – 921B Punchbowl Road from R2 Low Density Residential to R4 High Density Residential.</li> <li>No change to the B1 zoning at 23 Canterbury Road.</li> </ul>
Floor Space Ratio	<ul style="list-style-type: none"> <li>Amend the maximum FSR for the properties at 923-925 Punchbowl Road and 21 Canterbury Road to 2.1:1 and for the properties at 913-921B Punchbowl Road to 1.3:1.</li> <li>No change to the 1:1 FSR at 23 Canterbury Road.</li> </ul>
Height of Buildings	<ul style="list-style-type: none"> <li>Increase the maximum permitted building height to vary across 913-921B, 923-925 Punchbowl Road and 21 Canterbury Road from 8.5 metres to 38 metres.</li> <li>23 Canterbury Road – increase the maximum permitted building height from 11 metres to 26 metres.</li> </ul>
Part 6 Local Additional Provisions	<ul style="list-style-type: none"> <li>Site specific provision to require site consolidation before construction commences to ensure the increased FSR is distributed over the consolidated site instead of potentially allowing dense developments in the existing small allotments that front Punchbowl Road.</li> </ul>
Additional Permitted Use	<ul style="list-style-type: none"> <li>Include ‘tourist and visitor accommodation’, ‘function centres’ and ‘registered clubs’ as Additional Permitted Uses for the properties at 923-925 Punchbowl Road.</li> </ul>

The development will also include areas for public and communal open space including a playground built to with a ‘Play Level 2’ approach as defined in *Council’s Playgrounds and Play Spaces Strategic Plan (2018)* as ‘Quality and interesting playgrounds and play spaces with diverse activity opportunities and good support structures and settings’. This requirement will be included in the site-specific Development Control Plan (DCP) and draft Planning Agreement.

The proponent has submitted a Letter of Offer, at Council’s request, that comprises the following items:

- Dedication of affordable housing – five percent of the total amount of residential units to be dedicated to Council as affordable housing (note, it is Council’s preference that this is provided as a monetary contribution);
- Dedication of activity room – a 60 square metre space to be dedicated to Council as a community/activity room on the ground level of development on portion of site zoned B1 Neighbourhood Centre (note, Council will seek for this to be contribution towards existing or planner community facilities in or around Punchbowl rather than a new standalone facility on this site); and
- Dedication of land for road widening as required by Transport for NSW.

A draft Planning Agreement will be progressed subject to an agreement on the above public benefit offer items and Council’s intent to negotiate a greater public benefit offer including a peer review by an independent consultant.



Figure 2. Site Plan showing the indicative concept development scheme (current scheme).

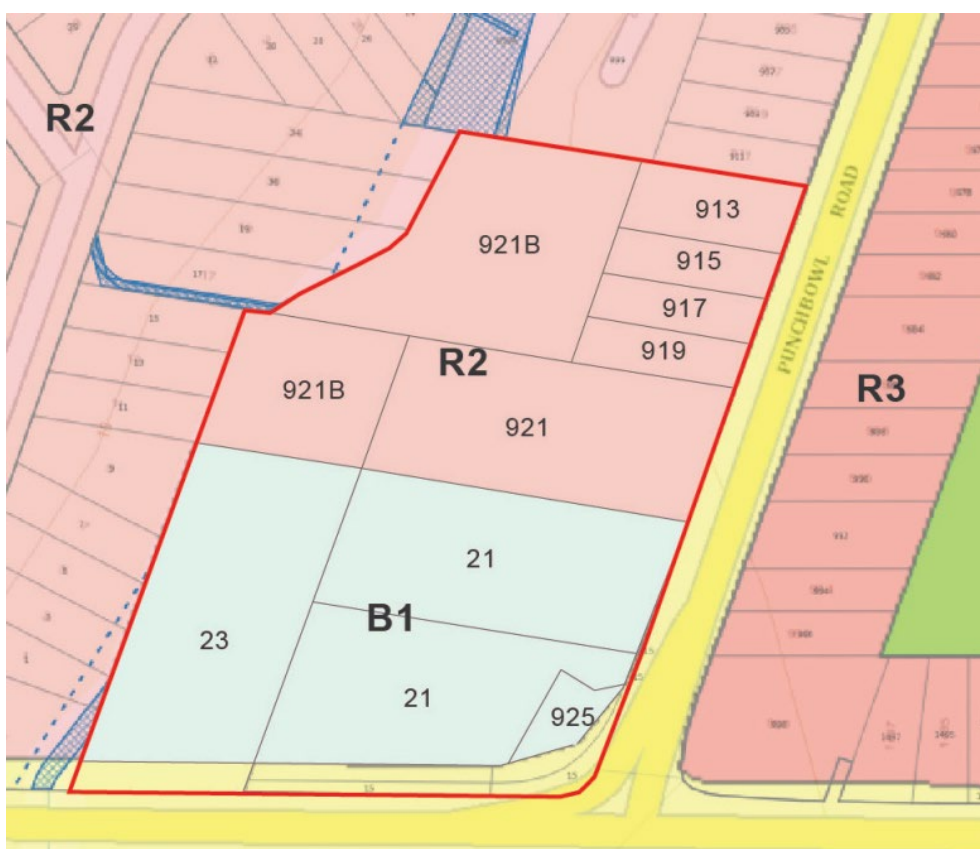


Figure 3. Existing Land Use Zoning.

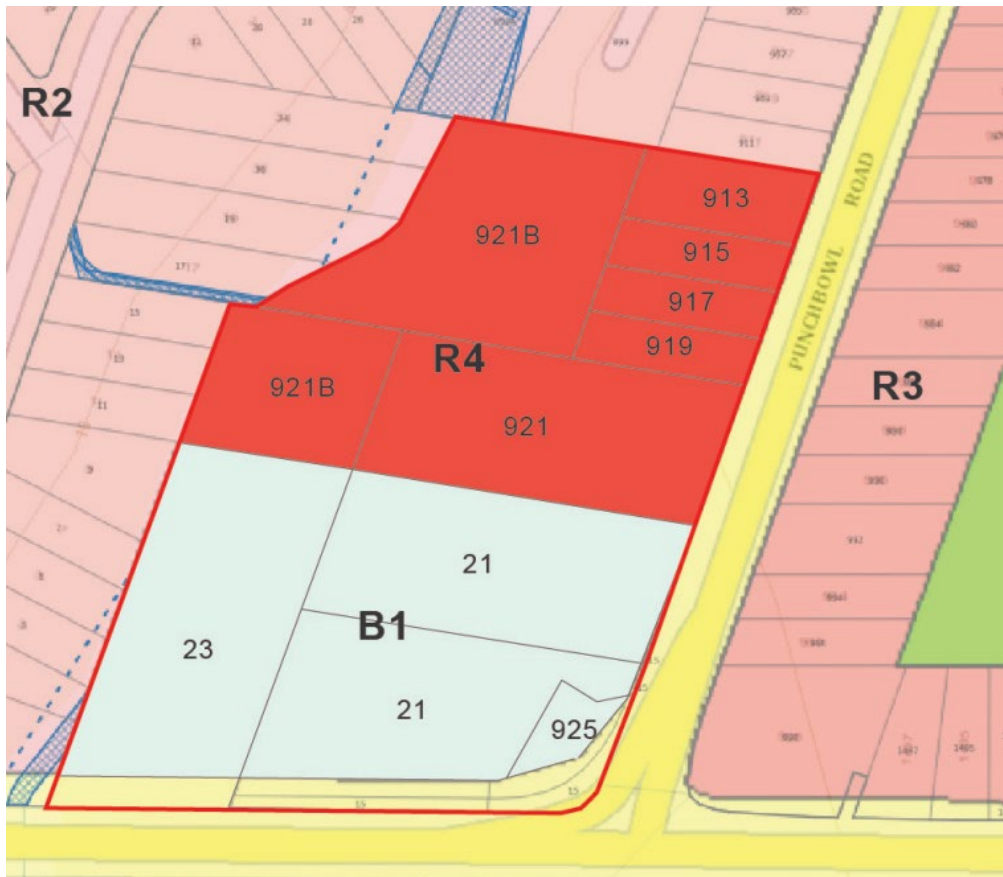


Figure 4. Proposed Land Use Zoning map.

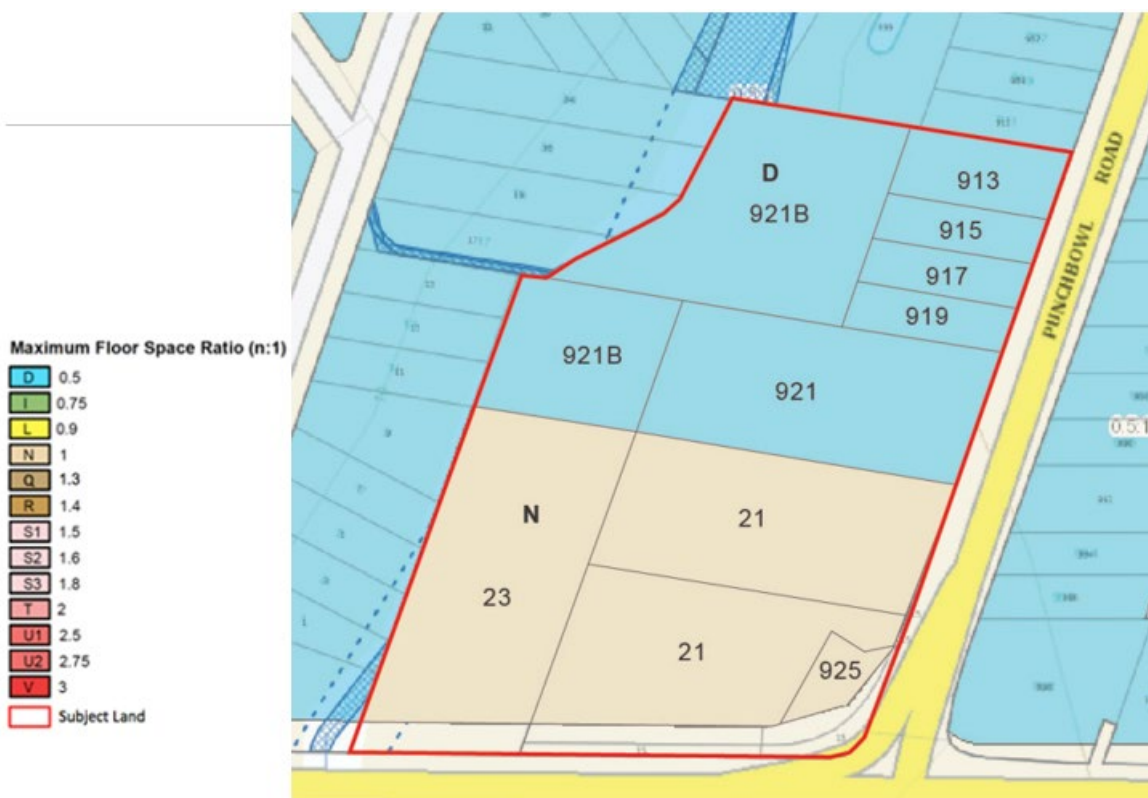


Figure 5. Existing Floor Space Ratio map.



Maximum Floor Space Ratio (n:1)

D	0.5
I	0.75
L	0.9
N	1
Q	1.3
R	1.4
S1	1.5
S2	1.6
S3	1.8
T	2
U1	2.5
U2	2.75
V	3
	Subject Land

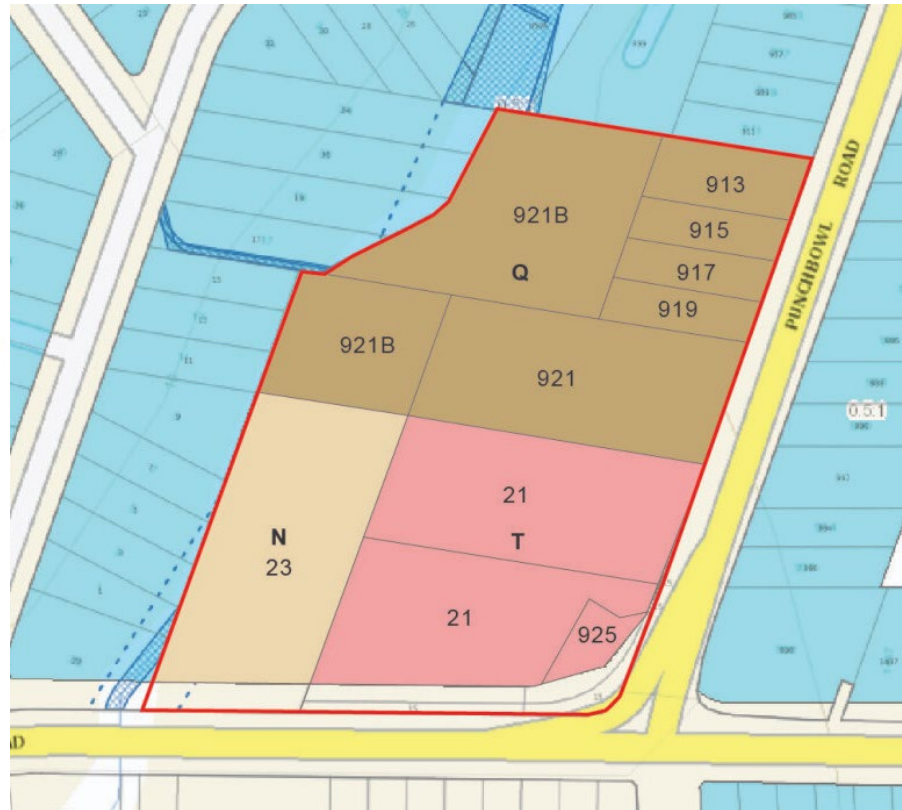


Figure 6. Proposed Floor Space Ratio map.

Maximum Building Height (m)

J	9.0
K	10.0
L	11.0
N1	13.0
N2	14.0
O	16.0
P	17.0
Q1	19.0
Q2	20.0
S	23.0
T1	25.0
T2	26.0
T3	29.0
U1	30.0
U2	32.0
V1	35.0
V2	38.0
W	41.0
X	47.0
Y	53.0

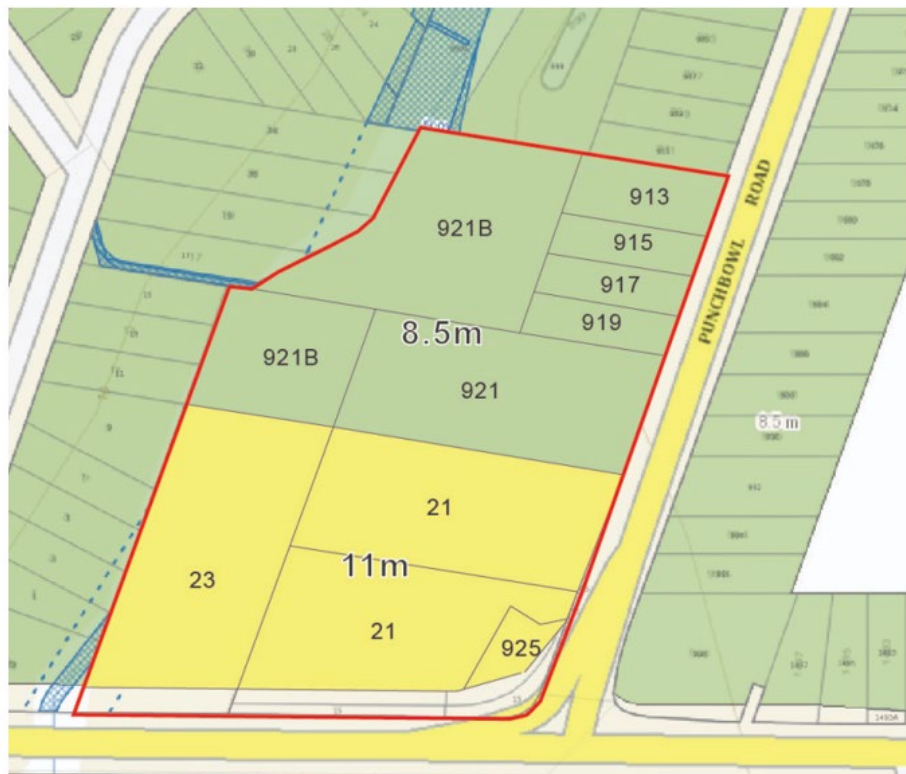


Figure 7 Existing Height of Building map.

**Maximum Building Height (m)**

J	9.0
K	10.0
L	11.0
N1	13.0
N2	14.0
O	16.0
P	17.0
Q1	19.0
Q2	20.0
S	23.0
T1	25.0
T2	26.0
T3	29.0
U1	30.0
U2	32.0
V1	35.0
V2	38.0
W	41.0
X	47.0
Y	53.0



Figure 8. Proposed Height of Building map.

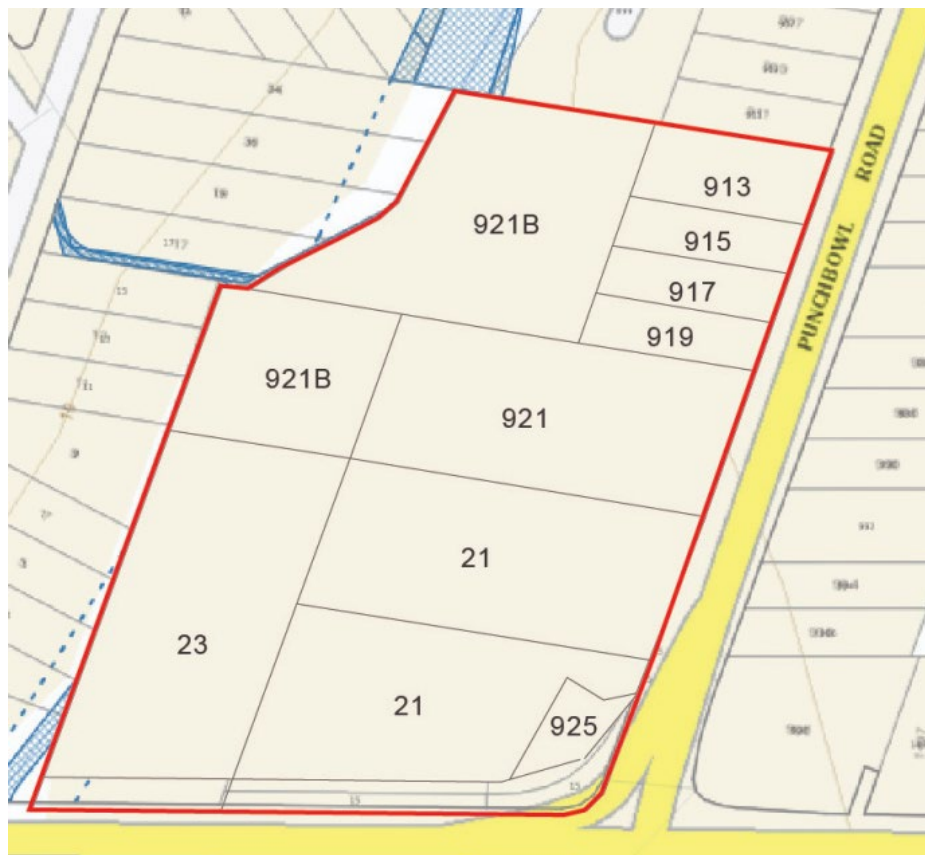


Figure 9. Existing Additional Permitted Uses map.

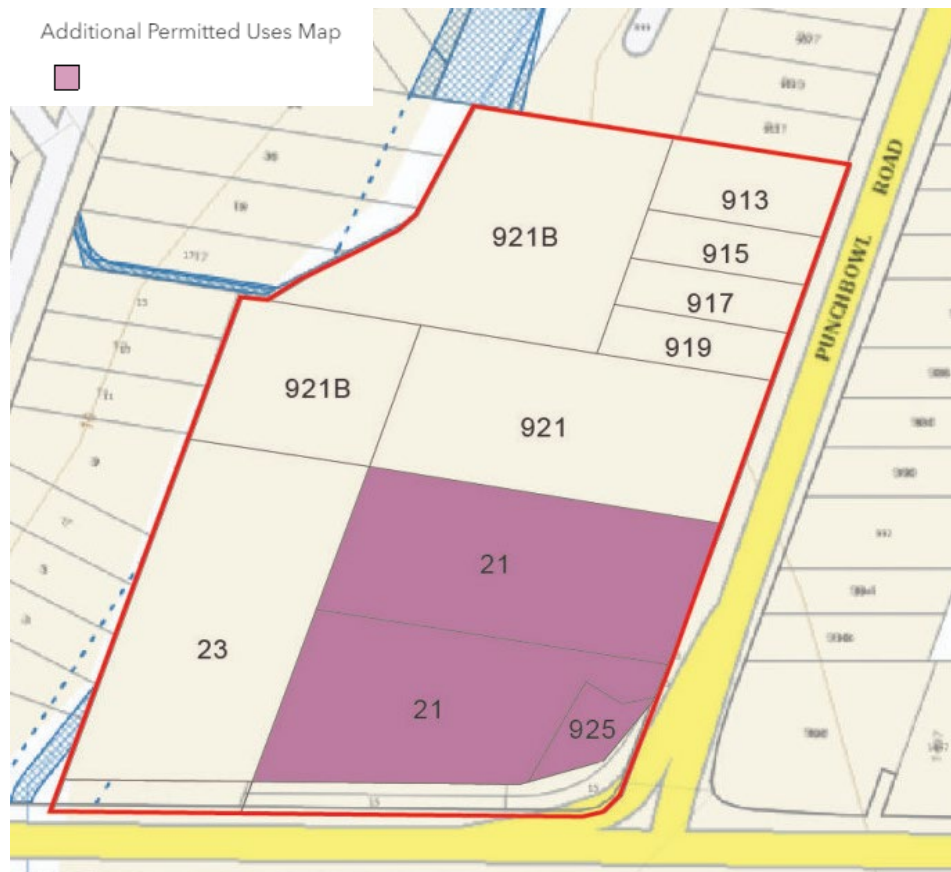


Figure 10. Proposed Additional Permitted Uses map.

### **3.1 Site specific Development Control Plan**

A site-specific draft Development Control Plan (DCP) has not been submitted by the proponent. It is intended that the draft DCP amendment will be prepared by Council, with input from the proponent, and be made available for public comment during a public exhibition period as required for site specific controls.

### **3.2 Canterbury-Bankstown Local Planning Panel**

In accordance with the Minister for Planning's *Local Planning Panels Direction* for planning proposals, the LPP considered the planning proposal at a public meeting on 8 May 2024, where advice was provided to Council. Council's LPP report and meeting minutes can be found in Attachment A.

The Panel supports the progression of the planning proposal to Gateway Determination, subject to the consideration of the comments and recommendations below:

#### **Site specific DCP**

- *The Panel agrees that a site specific DCP is required to provide further detailed controls to guide the development. The DCP needs to include the adjacent site (23 Canterbury Road) and ensure that controls address appropriate setbacks to the boundary and interface with adjoining lands.*

**Council's Response:** 23 Canterbury Road will be incorporated in the site specific DCP which will address appropriate setbacks, amongst other building controls in relation to building setbacks, building articulation, streetscape, landscaping and tree canopy and desired future character context requirements.

#### Planning Agreement

- *The Panel agrees that an independent assessment of the value of the offer is required;*
- *The Panel questioned whether five percent affordable housing (or equivalent monetary contribution) is sufficient given the proposed uplift. Council needs to be satisfied that there is a proportional public benefit in the VPA;*
- *The Panel does not agree that open spaces required to meet the needs of the development itself is a public benefit, nor the satisfaction of required 7.11 contribution or infrastructure required to meet the needs of the development; and*
- *The public benefit needs to be clearly articulated.*

**Council's Response:** The five percent dedication to affordable housing is consistent with Section 2.6 of Council's *Planning Agreement Policy* and Guiding Principle 1 of Council's *Affordable Housing Strategy*. It is important to note that the five percent is a minimum threshold and not necessarily the final percentage, thus Council may potentially renegotiate an increase. Regarding LPP's commentary on open space, this is addressed in detail in Section 4.2.2 of this report, although it is Council's opinion that there will be sufficient open space provided to the public to access in addition to communal and private open space for future residents on the site.

#### Flooding

- *Further analysis of potential flood impacts is required to determine the suitability of the site for more intense development. There should be an understanding of the extent of landform change and potential offsite impacts in a broad sense;*
- *Indicative building envelopes may need to be setback further from flood hazard areas; and*
- *DCP Controls should specify the habitable floor level to meet PMF.*

**Council's Response:** Points raised by LPP have been noted and will be further explored and refined as part of the site specific DCP process. This will include specifying the maximum landform changes as part of future redevelopment, with details to be prepared by the proponent and reviewed and verified by Council.

#### Built Form

- *Built form and therefore height controls should as a principal step down along Canterbury Road from the corner to the west and to the north along Punchbowl Road;*
- *Variations in height is supported but should be meaningful. Controls should reflect at least a six (6) metre height differentiation so that a differentiation is read in the streetscape;*
- *The height map should be simplified; and*
- *The interface height at 11 metres is appropriate.*

**Council's Response:** Based on the advice from the Panel, Council has revisited the height proposed for 23 Canterbury Road and has reduced it to 26 metres (seven storeys), from the originally proposed 35 metres (11 storeys), resulting in a step-down transition in height as indicated in Figure 11 below. Council agrees that this adjustment in height provides a better



transition between the site and the lower scale residential development to the west (two storeys) and the existing shop top housing to the south (six storeys).

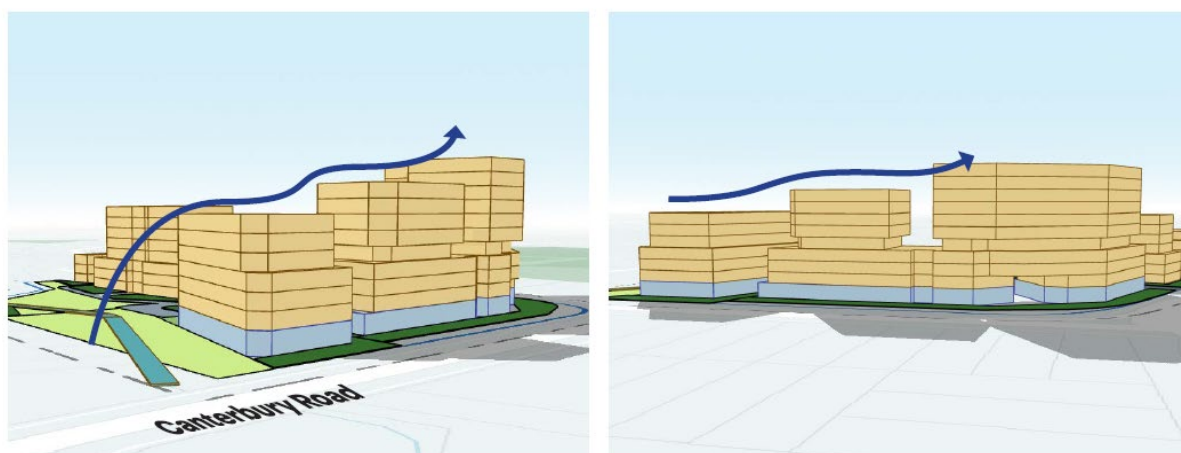


Figure 11. South-west view of site indicating reduced height scenario according to LPP feedback.

### Landscaping

- *A greater emphasis on retaining existing vegetation adjoining the stormwater canal and along boundaries of the site is required;*
- *A 40 percent canopy cover on site is required. The Panel notes that the electricity easement poses a constraint to the height of vegetation and the ability to provide canopy cover (shading) in this area; and*
- *A clear differentiation between public and required private and communal open space is needed.*

**Council's Response:** Council supports retaining existing vegetation. Public, private and communal open space will also be differentiated in the site specific DCP. Pertaining to canopy cover, Council's analysis maintains that 40 percent canopy cover is not achievable, whereas 20 percent is feasible when considering building placement, vehicle access and servicing and basement location. Therefore, Council proposes to proceed with a canopy coverage of 20 percent for the site. However, despite no canopy tree can be planted within the deep soil corridor under the existing high voltage overhead powerlines, this area of the site will be required to be landscaped which will convert an existing mostly hard surface with deep soil landscaping which will be a significant environmental benefit and assist with providing local habitat and assist with reducing heat island effect.

### Roads and Access

- *All internal roads should be public roads including footpaths, shared paths, and nature strips.*

**Council's Response:** As a general rule, Council does not seek to take ownership of public spaces (including roads and shared paths) where they are located above basements and other privately-owned structures. As part of negotiations for the Planning Agreement, Council will require the private landowners to maintain ownership and maintenance of these spaces in perpetuity through a right of carriageway easement.

## **3.3 Community Submissions**

Community interest has been expressed in relation to this proposal with four (4) unique written submissions and one (1) phone submission received prior to the LPP meeting. The

written submissions (with personal details redacted) can be found in Attachment B. The key issues raised in the submissions have been addressed in Table 3 below.

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 would normally occur after a decision by Council to proceed with the application, and a Gateway Determination is issued by DPHI. A detailed response to all submissions received would be included in a post-exhibition report to Council.

*Table 3: Summary of issues raised in community submissions in response to LPP Meeting.*

<b>Issue</b>	<b>Council Response</b>
Excessive Height (in comparison to surrounding residential area)	The proposed heights will emphasise the 'gateway' status of the site at a busy road intersection. The proposed building heights have been evaluated to ensure the proposed development has appropriate relationship with adjoining residential areas by applying a step-down transition from the corner building and along both frontages, towards the surrounding established low-density residential dwellings. It is intended that the site specific DCP will also include minimum building setbacks and articulation for the buildings to ensure an appropriate built form outcome.
Traffic Congestion	All vehicle access will be via left-in-left-out movements from Punchbowl Road as a requirement by TfNSW, which will help alleviate increased road activity generated from the proposed development. As part of a Planning Agreement, the proponent is to contribute to the Canterbury Road and Punchbowl Road intersection upgrade, traffic light upgrades and a pedestrian refuge island on Punchbowl Road to improve pedestrian safety and traffic flow.
Parking Availability and On-Street Parking	The concept development scheme envisages two levels of basement parking for the residential apartments, and one level of basement parking for the townhouses on the northern side of the site. The total amount of car parking across the site will be approximately 500 spaces for residential and commercial uses, therefore the proposed development does not intend to rely on on-street parking for future club patrons and residents. An operational plan of management would be required at the DA stage and could be required to demonstrate how car parking on the site will be managed to minimise impacts on the surrounding neighbourhood.
Privacy Concerns	To the west of 23 Canterbury Road, there is a canal and an electricity easement that pose as buffer of approximately 20 metres from neighbouring residential dwellings to the west. As for the northern side, the proposed terraces will be setback approximately 6 metres, with windows facing neighbouring sites most likely being bedrooms. There will also be opportunity for landscaping to provide further screening along these interfaces. Minimising privacy impacts will be included in the site specific DCP.
Sun Access and Overshadowing	The proponent has undertaken a Solar Access Impact Analysis (found in Attachment E) which indicates that due to the site's

Issue	Council Response
	location on the corner of two major roads, the overshadowing impacts to the adjoining residential dwellings to the south and east will be limited with the majority of overshadowing occurring within the front setbacks and road carriageways. Analysis and testing also demonstrated it would not have any additional overshadowing impacts on adjoining southern and eastern properties.
Strain on Local Infrastructure	The proponent has provided a Letter of Offer to enter into a Planning Agreement to deliver public benefits and infrastructure for the site including dedication of five percent of affordable housing, dedication of a community/activity room, dedication of land for road widening as required by TfNSW, as well as Section 7.11/7.12 Development Contributions for additional local public infrastructure or facility. Further details can be found in Section 3.4 below.
Disturbance associated with Registered Club	The future use of the registered club on the site will be subject to development assessment which should require an operational plan of management for the registered club use to address and prevent any disorderly behaviour and noise to the surrounding properties. Given there will also be residential dwellings located on the site itself, the DA would need to give careful consideration to such on and off-site impacts. Once the DA reaches the public exhibition stage, surrounding property owners/residents will be able to make a submission which will be considered prior to determination of the DA.
Inclusion of Surrounding Sites	This planning proposal only applies to subject sites at 913-925 Punchbowl Road and 21-23 Canterbury Road, Punchbowl. It is not proposed to include any other sites as part of this planning proposal.

The proponent has reviewed the community submissions and has provided a response to each of the concerns raised, which is broadly consistent with Council's responses in Table 3 above. The proponent's responses can be found in Attachment U.

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

The proponent has provided a Letter of Offer that details the first offer of public benefits and infrastructure that would be delivered as part of the LEP amendment for the site. The proponent offered the following public benefits and infrastructure:

*Table 4. Items offered in the proponents Letter of Offer.*

Item No.	Description
1.	Dedication of affordable housing – five percent of the total amount of residential units over the site and project shall be dedicated to Council, or provided as a monetary contribution, as affordable housing.
2.	Dedication of activity room – a 60 square metre space to be dedicated to Council as a community/activity room.

3.	Dedication of land for road widening as required by TfNSW.
4.	Section 7.11 and 7.12 Development Contributions.

Council does not agree with Item 2 as it would be a better outcome to receive monetary contributions for such facility elsewhere in the LGA. Council will 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.

For comparison, it should be noted that no Letter of Offer was provided in the previous planning proposal in 2017 which has since been withdrawn.

#### 4. POLICY AND ASSESSMENT SUMMARY

Based on the *Environmental Planning and Assessment Act 1979* (EPaA Act 1979) and the DPHI's guidelines, the following key policies are relevant to Council's assessment of the application:

- Greater Sydney Region Plan;
- South District Plan;
- State Environmental Planning Policies;
- Section 9.1 Ministerial Directions;
- Council's *Local Strategic Planning Statement 'Connective City 2036'* and supporting strategies; and
- DPHI's Local Environmental Planning (LEP) Making Guideline (August 2023).

In relation to the proposed amendments to the CBLEP 2023, Council's assessment indicates the application demonstrates strategic and site-specific merit as it will:

- Provide a total of 334 dwellings, including 322 apartments (residential flat buildings and shop-top housing) and 12 multi-dwelling housing aligning with the Council's LSPS intent to deliver a diverse range of residential accommodation in identified centres, contributing to the 50,000 new dwellings expected for delivery in the LGA by 2036. The site is identified in the LSPS to provide for shop top housing in a village centre, which the proposal seeks to deliver;
- Deliver a new registered club on the site which will contribute to the target of 15,649 retail jobs by 2036 as identified in the LSPS (p50) and Employment Lands Strategy (p99);
- Contribute to traffic and transport improvements through the Canterbury Road and Punchbowl Road intersection upgrades to be carried out as part of a Planning Agreement. These upgrades also include increased pedestrian safety through traffic light upgrades and the construction of a pedestrian refuge island on Punchbowl Road;
- Significant increased deep soil planting on the site facilitating a range of new landscaping and tree planting to support native ecological communities; and
- Introduce new publicly accessible open spaces and a new playground for the community to partake in a range of passive and active recreational activities.

The strategic and site-specific merit of the proposal is able to be met, subject to implementing the recommendations of this report. The planning proposal prepared by the proponent and reviewed by Council staff in Attachment C provides a detailed assessment against all relevant strategic and site-specific criteria.



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

### ***4.1.1 Greater Sydney Region Plan – A Metropolis of Three Cities and South District Plan***

The Greater Sydney Region Plan was released by the former Greater Sydney Commission in March 2018, with the intent to provide a 40-year vision for Greater Sydney and to inform district and local plans and the assessment of planning proposals. The South District Plan also released in March 2018 contains priorities and actions to guide the development and planning of the South District – while improving its social, economic, and environmental assets.

The proposal achieves consistency with the relevant strategic priorities of both State-level documents.

### ***4.1.2 Local Strategic Planning Statement – ‘Connective City 2036’***

The site is identified in the Council’s LSPS as a ‘village centre’, which encourages mixed housing typologies and uses to support a small centre. The proposal will provide for a mix of housing types while also ensuring the delivery of small-scale commercial uses, through the inclusion of retail floor space. The redevelopment of the site with a new club facility will also contribute to vibrancy and activity.

The planning proposal is consistent with Council’s LSPS and will make an important contribution towards achieving Council’s housing target of 50,000 dwellings by 2036. In determining the appropriateness of housing locations and delivery, the LSPS provides key principles to guide this decision. The proposal is consistent with the following relevant principles:

- Promote a mixture of uses in centres that support the functioning of everyday life including employment, recreation, civic, commercial, health and educational requirements;
- Coordinate housing delivery and infrastructure planning;
- Set planning rules that deliver quality design and feasibly deliver investment in new development;
- Provide housing choice to suit each life stage through a range of housing typologies, sizes, and tenures;
- Provide affordable housing typologies especially for very low-, low- and moderate-income households; and
- Lead with place-based and design-led planning to inform change.

### ***4.1.3 Canterbury-Bankstown Council Housing Strategy and Affordable Housing Strategy***

The Council’s Housing Strategy identifies the subject site as a Village Centre and recommends housing types such as low-rise medium density, dual occupancies, secondary dwellings, and detached dwellings. The proposed development includes a diverse mix of housing typologies including terraces as well as apartments, which will have varied sizes to cater for families, thus addressing the need for family-friendly apartments in the Canterbury-Bankstown LGA. While the planning proposal also includes higher density typologies, the Housing Strategy also identifies the suburb of Punchbowl as having potential for infill development and notes these village centres have the capacity to house 9,100 new dwellings by 2036. Subject to

appropriate design, the site provides a unique opportunity to deliver around 334 dwellings towards this target.

As part of a Letter of Offer, the proponent has identified five percent of the overall development will be dedicated as affordable housing (either as housing or monetary contributions), which is consistent with Council's Planning Agreement Policy and Affordable Housing Strategy. Council stresses that the five percent is a minimum threshold and not necessarily the final percentage, thus Council may potentially renegotiate an increase.

#### 4.1.4 Canterbury-Bankstown Canterbury Road Review

In May 2018, Council adopted 'in principle' the Canterbury Road Review (the Review), which established a new approach and vision for development along the Canterbury Road corridor. The review recommended mixed-use development in identified nodes, as residential units have the capacity to be designed in a way that increases amenity for residents, such as orientating residential development north providing a 'noise barrier' building typology and having better access to services, public transport, and future open space. As shown in Figure 12 below, the site is located within an identified 'centres' node, where the centre would accommodate a mix of development ranging from three to 11 storeys.

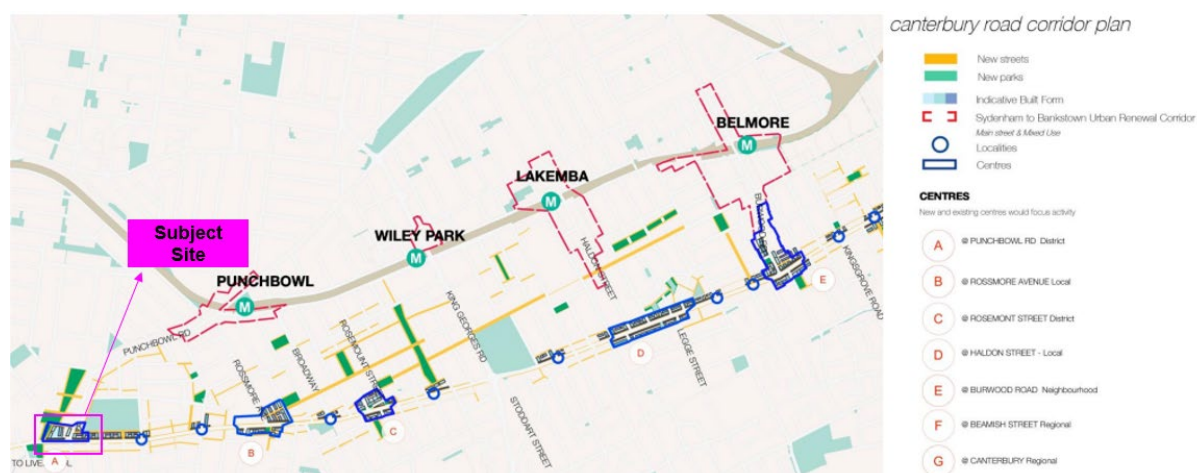


Figure 12. Canterbury Road Corridor Plan.

The proposal includes a six metre setback from Canterbury Road, as measured from the future road widening identified by TfNSW, which will allow for adequate planting and tree canopy coverage and provides a physical separation from the busy roadway. Overall, the proposal aligns with the objectives of the Review as it has adequately considered the impacts of Canterbury Road and any future residential development can be designed to ensure high amenity.

#### 4.1.7 NSW State Government Employment Zones Reform

In May 2021, DPHI proposed to replace the existing business and industrial (IN) zones with five employment zones and four supporting zones via amendments to the *Standard Instrument (Local Environmental Plans) Order 2006*. The reform was finalised in December 2021 of which Council is required to implement the new industrial and employment zones by April 2025.

At its meeting on 4 March 2024, the LPP considered a draft planning proposal to amend the CBLEP 2023 to amend existing business and industrial zones in accordance with the State Government led changes. Council has initiated a separate planning proposal which received favourable Gateway Determination on 8 May 2024 and will be on public exhibition for 30 days later this year. It is intended that the intent of the B1 Neighbourhood Centre zoned portion of the site will remain the same size and shape, and is proposed to transition to an E1 Local Centre zone upon implementation of the new zones into the CBLEP 2023. The new E1 zone permits all the proposed Additional Permitted Uses under the planning proposal for this site.

## 4.2 Urban Design Considerations

### 4.2.1 Built Form Testing and Alternative Scenarios

The planning proposal has been revised since its lodgement with Council in response to Council's assessment. Collaborating with the proponent, Council developed three iterations of the initial development scenario to address the abovementioned issues. Further details regarding these scenarios are presented below and in the LPP report at Attachment A.



Figure 13: Scenario 3: Council's previous preferred scenario, viewed from the north west, showing maximum building heights (grey shading on the top of the buildings is a 2m mechanical plant height allowance).

It is also noted the inclusion of 23 Canterbury Road was investigated as part of the preferred scenario (Scenario 3) that was considered by the LPP which has since been revised in response to the LPP's comments regarding building height transition for 23 Canterbury Road.



Figure 14. Scenario 3: Council's previous preferred scenario with statistical comparison.

Council's analysis found that Scenario 3 provided the following key benefits compared to the other scenarios tested:

- Generous deep soil and canopy tree coverage;
- High permeability with the provisions of through-site links connecting pedestrians and residents to open space;
- Minimised bulk and scale through varying building height across the built form;
- Compliance with ADG building separation and setbacks; and
- Simplified waste management due to consistent built forms (i.e., basements below service the residential flat buildings and the townhouses via kerb side collection).

However, after receiving the recommendations from LPP regarding built form, Scenario 3 was amended into Scenario 4 (indicated in Figure 15 below) with respect to changes to the maximum height for 23 Canterbury Road to facilitate a step-down transition in height transition from the corner building and along both frontages, towards the surrounding established low-density residential dwellings.





Figure 15: Scenario 4: Council's preferred scenario subsequent to LPP Recommendation and the scheme that is presented in this Council report to proceed to a Gateway determination

As mentioned in Section 2 of this report, the site was subject to a previous planning proposal in 2017. As part of that assessment, Council engaged with an urban design expert, Architectus, to perform an Urban Design Peer Review of the proposed scheme. Their recommendations are outlined below in Figure 16.



Figure 16. Architectus Scheme for the 2017 planning proposal.

The recommendations of the Architectus peer review were provided to the proponent and was satisfactorily addressed in the planning proposal lodged in 2022. However, through the analysis undertaken by Council the final proposed Scenario 4 concept development scheme is the preferred urban design outcome for the site as it maximises accessible public open space, provides a strong urban edge to the intersection corner and incorporates a better variation in building heights across the site to provide visual interest without significant increased FSR.

#### **4.2.2 Open Space Provision**

The open space provision is adequate for the following reasons:

- The proponent intends to provide 5,091 square metres of publicly accessible sheltered grassed areas, a playground and a green 'linear parkway' along its western edge. The landscaping and tree canopy proposed around these public spaces and along site boundaries will generate additional visual and environmental benefits for the public and the future residents on the site;
- Punchbowl Park is in close distance from the subject site and poses as a convenient additional option for site's future residents. It is within a 250 metre – 500 metre (five minute walk) from the proposed site entry to the park's entry via Canterbury Road or Viola Street. Punchbowl Park also features several amenities for public use including three sports fields, an oval, two tennis courts, and a recently constructed playground. It is expected that this existing large Council owner park would be an attractive recreational facility for the future residents;
- The draft *Greener Places Design Guide* prepared by the Government Architect NSW (GANSW) sets out capacity measures for existing sporting fields and outdoor sporting spaces and states they would be at capacity if the ratio of residential population to area exceeded 1,000 people per hectare (10,000 square metres). Punchbowl Park is over six hectares (60,000 square metres), which provides capacity for up to 6,000 people which is significantly beyond what the future redevelopment of the subject site would generate; and
- It is important to note that at the construction stage (during the DA process), the proponent will be required to pay a considerably large sum of Development Contributions under Section 7.11 and Section 7.12 of the EPaA Act, which will go towards improving and upgrading other parks in the area in accordance with Council's *Local Infrastructure Contributions Plan 2022*.

#### **4.2.4 Solar Access Impacts**

The proponent has provided solar access impact analysis (found in Attachment E) with several shadow diagrams depicting sun access at peak periods during mid-summer, mid-winter and during equinoxes for each season. Due to the site's location on the corner of two major road intersections, the overshadowing impacts to the adjoining residential dwellings to the south and east will be limited, with most overshadowing occurring within the front setbacks and road carriageways. 23 Canterbury Road will also achieve over three hours of continuous solar access during the winter equinox.

In relation to internal solar access, the site has the capacity to provide for a minimum of two hours of direct sunlight to 70 percent of all residential units in mid-winter pursuant to the Apartment Design Guide (ADG). Currently, there are a few instances where it is unclear as to whether some apartments, particularly those that are south facing, can achieve the required two hours solar access to 70 percent of apartments under the ADG. This matter will be resolved prior to exhibition of the planning proposal and addressed through DCP controls as required.

It is proposed that the site specific DCP is to be exhibited concurrently with the planning proposal, and where practical, will include detailed building controls such as minimum setbacks and building separation distances for all building levels to ensure satisfactory solar access is achieved within the site and to adjoining properties to the south and east of the site. This approach will maintain the integrity of the vision for the site, while providing certainty for the community that an increase in building height will not have a detrimental impact on the amenity of the surrounding locality or the future occupants of the site.

#### **4.2.5 Building Height Control and Transition to adjoining area**

The site is located within a 'node' on the corner of Canterbury and Punchbowl Road as included in the Canterbury Road Review. The Review envisages 'nodes' to be the focus of development and additional built form to reinforce connective streets critical to linking Canterbury Road to the surrounding area in the north.

The nodal approach adopted in the Canterbury Road Review seeks to cluster taller buildings, signifying the entrance to a centre. The corner of Canterbury and Punchbowl Road is the entrance of the suburb of Punchbowl and its town centre is accessible one kilometre north along Punchbowl Road. The proposal is consistent with the nodal approach established in the Review as it will maintain the intention for a transition in building heights stepping down from the corner to the north (from 11 storeys to three storeys), and from the corner to the west towards 23 Canterbury Road (from 11 storeys to seven storeys).

In order to accommodate a two storey through-site link from Canterbury Road, additional height allowances were considered appropriate to emphasise the gateway status of the site. Analysis and testing of this additional height demonstrated it would not have any additional overshadowing impacts on adjoining southern and eastern properties.

#### **4.2.6 Floor Space Ratio**

The proposal seeks to achieve the following FSR:

- B1 Neighbourhood Centre zoned portion:
  - Total proposed GFA: 15,710 square metres
  - Total FSR: 2.1:1
- R4 High Density Residential zoned portion:
  - Total proposed GFA: 16,410 square metres
  - Total FSR: 1.3:1

These maximum FSRs in conjunction with the maximum building heights will guide the transition of height and scale from the proposed development to the existing lower scale and lower density development to the north and east on Punchbowl Road. In addition, the site specific DCP controls will ensure the overall bulk and scale of the development is appropriate in the context of its surrounds, maintaining high amenity for adjoining sites. It is noted that the future development on the site will be required to address the requirements of *Clause 6.15 Design Excellence* of the CBLEP 2023.

#### **4.2.7 Site specific provision for site consolidation**

It is recommended to include site specific provisions relating to site consolidation to achieve the proposed increased FSR to ensure that the resulting gross floor area is distributed over the consolidated site instead of potentially allowing dense developments in the existing small allotments, where the smallest lot is currently 588 square metres.

The proposed FSR of 1.3:1 on a small allotment would lead to undesirable outcomes, such as compromised building setbacks to adjoining low density residential properties, and vehicle manoeuvring problems in the basement carpark. On this basis, Council seeks to retain this provision with the current planning proposal to solidify good design and planning outcomes.

#### **4.3 Additional Permitted Uses**

The planning proposal seeks to include 'tourist and visitor accommodation', 'function centres' and 'registered clubs' as Additional Permitted Uses (APU) on the B1 portion of the site. In relation to 'function centres' and 'registered clubs', these uses were permissible under the repealed *Bankstown Local Environmental Plan 2015* however, this has not been carried over into the CBLEP 2023. Considering the history of the site, which has been operating as a function centre as well as a registered club since its founding in the 1980s, with the stated intention for the club to be part of the future redevelopment of the site - the inclusion of these uses as an APU is deemed appropriate.

In relation to including 'tourist and visitor accommodation' as an APU, while the use would not typically be permitted in the B1 Zone, Council considers the use is appropriate given the prominent site location on the corner of two main roads, the large site area, capacity for parking and the anticipated jobs expected to be generated as a result.

It is noted that under the future E1 Local Centre zoning for the site as part of the Council's approach to the NSW State Government employment zones reform, 'function centres', 'registered clubs' and 'tourist and visitor accommodation' are proposed to be permitted with development consent.

#### **4.4 Site Contamination**

The proponent provided a Detailed Site Investigation (DSI) and a Remedial Action Plan (RAP). Both reports found there were no significant causes of contamination and recommended precautionary and unexpected finds conditions, in which the RAP concluded that, *"The site will be suitable for the proposed redevelopment into a new facility for use...subject to the implementation of the remediation and validation works in accordance with this RAP"*. Completion of any required remediation works can be undertaken at the DA stage.

#### **4.5 Flooding**

The development site is affected by the one percent Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. Figures 17 and 18 below outline the post-development AEP and PMF flood hazard impacts.



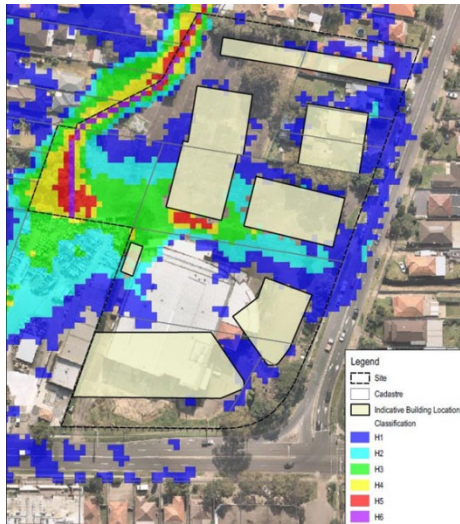


Figure 17. Flood Hazard Categories H1-H6 – Post-development 1% AEP event.

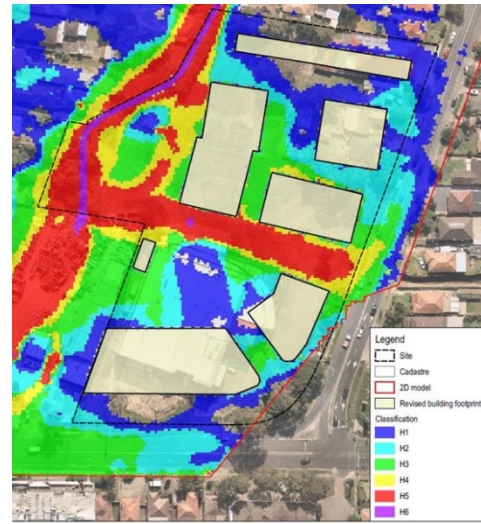


Figure 18. Flood Hazard Categories H1-H6 - Post-development PMF event.

The proponent has provided numerous flood studies and information over the course of the assessment which concludes the subject site is suitable for the planning proposal in relation to flooding. To confirm the sites suitability against these policies, Council engaged with an independent flood expert (Stantec) to perform a Peer Review of these documents. A full copy of this Peer Review can be found in Attachment T. Advice provided by LPP have also been noted and will be further explored and refined as part of the site specific DCP process.

The Peer Review performed by Stantec examined the relevant documents against the planning proposal requirements of the NSW Flood Prone Land Policy, specifically the Ministerial Direction 4.1 Flooding. The intent of this assessment is to confirm if the development at this high-level is compatible with the flood risk of the site.

Overall, the Peer Review found the flood assessment to be consistent with flooding requirements of the Ministerial Direction 4.1, noting that many details of the proposed development will not be known until the proposal reaches the Development Application stage. The current assessment is considered fit-for-purpose for a planning proposal submission. Specific flooding controls relating to the PMF flood impacts on the site can be included as part of the site specific DCP and would relate to the requirement for the basement entrances to be designed to be above the PMF flood level.

#### 4.6 Tree Removal

While the site is currently mostly paved to accommodate the existing car park, there are six significant trees on the site, and all will require removal to facilitate the proposal. The proponent has provided an Arborist Report prepared by The Arborist Network (found in Attachment S), which provides an assessment of these trees and their value.

It was considered initially the retention of tree six was to be enforced however, its location is within the land reservation zone will likely require removal to make way for the widening of Canterbury Road. The site specific DCP will include provisions for suitable replacement tree planting and minimum tree canopy coverage requirements, including the recommendations of the Arborist Report.

It is likely a set of standard development consent conditions will be produced to enforce further recommendations that are not appropriate to address at this stage. These could include:

- Replacement ratio of 3:1 for faster growing trees and 10:1 for medium growth trees;
- If a tree dies, it must be replaced within 90 days with the largest available tree; and
- Tree protection zones must be maintained in perpetuity.

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

The proponents scheme includes two levels of basement parking for the residential flat buildings and shop top housing and one level of basement parking for the townhouses. The total amount of car parking across the site will be 509 spaces (residential and commercial). Servicing areas and waste collection will occur in these basements except for the townhouses which will include waste collection by a kerb side collection. All vehicle access will be via left-in-left-out movements from Punchbowl Road. This is a requirement by TfNSW as Canterbury Road and Punchbowl Road are State owned roads.

Parking for the existing club will be in the first basement level and drop off bays proposed on the main entry road. Standard roll kerbs will be used to aid in heavy rigid vehicle movements and aid in providing small numbers of street parking while not impeding on overall vehicle movements.

##### ***4.7.1 Analysis of Traffic Impacts and Recommended Changes***

The proponent's traffic impact statement and proposed traffic management measures to minimise the traffic and congestion likely to result from the future redevelopment of the site for a mixed-use development has been reviewed by TfNSW and have been supported in principle, subject to upgrades to traffic lights and installation of pedestrian refuge islands on Punchbowl Road. This matter is further discussed in Attachment P.

## **5. OTHER CONSIDERATIONS**

Council has assessed this planning proposal against the justification matters outlined in DPHI's *LEP Making Guideline* (2023). The purpose of this 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.

Key matters for consideration are the management of likely impacts resulting from the proposal. These are primarily:

- Flooding impacts and flow paths subsequent to redevelopment;
- Road and intersection upgrades, and road widening as required by TfNSW;
- Confirmation of Development Contributions as part of future Planning Agreement; and
- Detailed design and built form matters to be resolved through the site specific DCP.

This report concludes that the proposal presents both strategic and site-specific merit and proceed to a Gateway determination, should Council decide to progress this planning proposal.

6. NEXT STEPS





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## Planning Matters - 23 July 2024

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### ITEM 5.2                      Draft Planning Agreement – 44 Kitchener Parade, Bankstown

**AUTHOR**                      Planning

### PURPOSE AND BACKGROUND

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This report summarises the exhibition of a draft planning agreement for 44 Kitchener Parade, Bankstown, and recommends that Council enter into the planning agreement.

### ISSUE

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In August 2021, the Local Planning Panel considered a development application (DA 605/2019) to construct a seven-storey mixed use development at 44 Kitchener Parade, Bankstown. The issue is the proposed development was unable to provide three off-street parking spaces for the commercial floor space. If it is not possible to accommodate these three spaces on the site, the property owner has the option to address this shortfall through a monetary contribution via a planning agreement.

The Local Planning Panel approved the development application on a deferred commencement basis, subject to the property owner and Council reaching an agreement on the monetary contribution required to be paid in-lieu of providing the three additional off-street parking spaces.

In May 2024, Council resolved to exhibit a draft planning agreement to satisfy the deferred commencement condition. The next step is to determine if Council should enter into the planning agreement.

### RECOMMENDATION    That -

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1. Council enter into the planning agreement for 44 Kitchener Parade, Bankstown, as provided in Attachment A.
2. The Chief Executive Officer be given delegated authority to sign the planning agreement on Council's behalf, and to make minor wording changes to amend its draft status provided these changes do not affect the intent of the planning agreement.

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

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- A. Planning Agreement
- B. Council Report – Ordinary Meeting of 28 May 2024

## **POLICY IMPACT**

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The draft planning agreement, which proposes to make a monetary contribution in-lieu of providing three off-street parking spaces, is consistent with Council's Planning Agreements Policy and Canterbury-Bankstown Development Control Plan 2023 (Chapter 3.2–Parking), as it was current at the time of the development consent (DA 605/2019).

## **FINANCIAL IMPACT**

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The draft planning agreement will make a monetary contribution of \$125,911.83 in lieu of providing three off-street parking spaces. The monetary contribution is set aside for the construction of public parking spaces as detailed in Council's Bankstown CBD Car Parking Strategy.

## **COMMUNITY IMPACT**

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This financial contribution will be used to invest in additional public parking spaces within the Bankstown CBD, benefiting those who live, work and visit the area.

## DETAILED INFORMATION

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### Background

In August 2021, the Local Planning Panel considered a development application (DA 605/2019) to construct a seven-storey mixed use development comprising a two-level basement car park, two levels of commercial floor space and 14 residential apartments at 44 Kitchener Parade, Bankstown.

However, due to the site constraints, the site is unable to accommodate three additional off-street parking spaces. As it is not possible to accommodate these three spaces on the site, the applicant has the option to address this shortfall through a monetary contribution via a planning agreement under Council's Planning Agreement Policy and Canterbury-Bankstown Development Control Plan 2023 (Chapter 3.2–Parking), as it was in force at the time of the development assessment (DA 605/2019).

The Local Planning Panel therefore approved the development application on a deferred commencement basis, subject to the applicant and Council reaching an agreement on the monetary contribution required to be paid in-lieu of providing three off-street parking spaces. A subsequent Section 4.55 Modification application was approved in January 2024 to allow the applicant more time to fulfil the deferred commencement condition.

At its Ordinary Meeting of 28 May 2024, Council resolved to exhibit the draft planning agreement, and to report the matter to Council following the exhibition period. The Council report is provided in Attachment B.

### Exhibition

Council exhibited the draft planning agreement and explanatory note from 3 June to 3 July 2024. The exhibition process included:

- Notification on Council's website and local newspaper;
- Notification letters to adjoining property owners; and
- Displays at Council's Customer Service Centres (Bankstown and Campsie).

In total, 175 people viewed the exhibition material on Council's website. Council received two submissions in response to the exhibition as summarised below:

Submission	Issue	Comment
1  [Resident]	This submission comments that there is a deficiency in on-street parking in Kitchener Parade, and would expect Council to enforce sufficient on-site parking in compliance with the Development Control Plan requirements.	<p><u>Action:</u> No change to the draft planning agreement is required.</p> <p><u>Reason:</u> The draft planning agreement, which proposes to make a monetary contribution in-lieu of providing three off-street parking spaces, is consistent with Council's Planning Agreements Policy and Canterbury-Bankstown Development Control Plan 2023 (Chapter 3.2–Parking).</p>

		The monetary contribution is set aside for the construction of public parking spaces as detailed in Council's Bankstown CBD Car Parking Strategy.
2  [Resident]	<p>This submission comments that the proposed development seems to be in compliance, except for a reduction of three parking spaces.</p> <p>Considering that the proposed development is located within 250 metres of the Bankstown railway station and bus interchange, there is ample access to public transport for residents and commercial tenants as an alternative to private car usage.</p> <p>In this particular case, the arrangement by way of a monetary contribution as recommended by Council appears to be a sensible compromise in this particular 'one off' situation.</p>	<p><u>Action:</u> No change to the draft planning agreement is required.</p> <p><u>Reason:</u> This submission is noted.</p>

### Next Steps

In considering the submissions, it is recommended that Council enter into the planning agreement with the property owner, and that the Chief Executive Officer be given delegated authority to sign the planning agreement on behalf of Council and make any administrative amendments that do not affect the intent of the planning agreement.



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## Planning Matters - 23 July 2024

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### ITEM 5.3                      Heritage Grant Fund

**AUTHOR**                      Planning

### **PURPOSE AND BACKGROUND**

The purpose of this report is for Council to endorse applications made under Council's Heritage Grant Fund for the 2024-25 Financial Year.

### **ISSUE**

Council's Heritage Incentives Policy provides for an annual grant fund, which offers grants up to \$5,000 per property for the conservation and maintenance of heritage items.

Council received 18 applications during this funding round, two of which were later withdrawn. It is recommended that grant funding be provided to 12 applications, which meet the assessment criteria as outlined in this report.

### **RECOMMENDATION** That -

1. Council endorse the recommendations as provided in Attachment A and grants be allocated in accordance with Council's Heritage Incentives Policy.
2. Council notify its decision to owners who submitted applications.

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

- A. Recommended Heritage Grants
- B. Heritage Incentives Policy

## **POLICY IMPACT**

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Council has an adopted Heritage Incentives Policy (the Policy), as provided in Attachment B. The Policy provides for a Heritage Grant Fund, which is a grant program for projects which involve the conservation and/or repair of heritage items within the Canterbury-Bankstown Local Government Area.

The Policy (page six) also requires Council to form a Council Heritage Reference Group or alternative group to assess the applications and provide recommendations to Council. For previous rounds of grant funding, there were insufficient community nominations to form the Heritage Working Group. Council had previously contacted the NSW Office of Environment and Heritage to assist in considering the applications. However, the NSW Office of Environment and Heritage declined to participate due to the perceived conflict of interest with State listed heritage items. Council officers explored other options and it was decided to form an alternative group (as per the Policy) to consider the applications, consisting of Council's Heritage Advisor and Council officers.

For the current round of grant funding, it was decided to continue with the alternative group to consider the applications in a timely manner, consisting of Council's Heritage Advisor and Council officers. The group's recommendations are outlined in Attachment A.

## **FINANCIAL IMPACT**

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The Heritage Grant Fund provides grants of up to \$5,000 per property. Only one application per heritage item can be submitted per financial year.

For external maintenance works there is no requirement to provide matching funding. For other works, grant funding is on a dollar-for-dollar basis but not exceeding 50 percent of the total cost of the approved works and up to a maximum of \$5,000.

Should Council decide to endorse the recommendations of this report, the total cost to Council would be \$48,102.70, consistent with the budget allocated for this initiative.

## **COMMUNITY IMPACT**

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The recommendations will have a positive community impact through the restoration of heritage items, which may not otherwise occur if funding assistance was not provided.

## DETAILED INFORMATION

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### Heritage Grant Fund

In February 2024, Council notified all heritage item owners of the Heritage Grant Fund for the 2024-25 Financial Year. Council received 18 applications seeking funding, two of which were later withdrawn.

### Consideration of applications

According to the Heritage Incentives Policy, Council must consider the following matters in assessing applications for funding:

- Applicants have demonstrated they have the necessary finance to undertake the approved works;
- Applicants have taken responsibility for routine maintenance of their properties;
- Applicants have read and understood the terms and conditions stipulated in the Policy;
- Applicants have lodged a valid application form with the necessary background information for Council to process the application;
- The property is an identified heritage item under Schedule 5 of the Canterbury-Bankstown Local Environmental Plan 2023; and
- Council is satisfied that the proposal will positively contribute to the heritage significance of the building or place.

In considering the applications, Council is recommended to provide grant funding to 12 applications, which meet the above assessment criteria as outlined in Attachment A.

### Next steps

Once endorsed by Council, the next steps are:

- Council officers will advise owners who submitted applications of the outcomes;
- For the unsuccessful applications, Council officers and Council's Heritage Advisor will provide feedback to the owners; and
- For the successful applications, once owners have submitted a signed funding agreement, Council will provide funding at the satisfactory completion of works in accordance with the Heritage Incentives Policy.



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## Planning Matters - 23 July 2024

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### **ITEM 5.4                      Draft Housekeeping Amendments to Canterbury-Bankstown DCP 2023 and Community Participation Plan**

**AUTHOR                      Planning**

### **PURPOSE AND BACKGROUND**

This report summarises the exhibition of draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan, and recommends that Council adopt the draft amendments.

### **ISSUE**

In May 2024, Council resolved to exhibit draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan following a periodic review of these planning documents. The draft amendments seek to address Council resolutions, respond to State planning reforms, reinstate former provisions that were inadvertently omitted during the consolidation of the former DCPs, and provide additional guidance on the interpretation of some existing development controls.

The exhibition of the draft amendments took place from 3 June to 3 July 2024 in accordance with legislative requirements. Council received five submissions in response to the exhibition. Key issues raised included requests to clarify the interpretation of certain draft amendments relating to tree management, heritage and liveable housing.

In considering the submissions, it is recommended that Council adopt the draft amendments. The draft amendments will apply to development applications lodged on or after the draft amendments come into effect.

### **RECOMMENDATION    That -**

1. Council adopt the amendments to the Canterbury-Bankstown Development Control Plan 2023, as provided in Attachment A.
2. Council adopt the amendments to the Community Participation Plan, as provided in Attachment B.
3. The draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan will apply to development applications lodged on or after the date that the draft amendments come into effect.

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

- A. Amendments to Canterbury-Bankstown Development Control Plan 2023

- B. Amendments to Community Participation Plan
- C. Council Report – Ordinary Meeting of 28 May 2024
- D. Summary of Submissions

## **POLICY IMPACT**

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This matter is consistent with Council's *Connective City 2036* and Operational Plan, which requires Council to review and amend Council's planning framework as required to ensure currency, suitability, and compliance. Should Council decide to adopt the draft amendments, the draft amendments would apply to development applications lodged on or after the draft amendments come into effect.

## **FINANCIAL IMPACT**

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This matter has no financial implications for Council.

## **COMMUNITY IMPACT**

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This matter supports our community to understand planning, design and regulatory matters that create a better place.

## DETAILED INFORMATION

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### Background

At its Ordinary Meeting of 28 May 2024, Council resolved to exhibit draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan. The draft amendments seek to:

- Address changes in State Government or construction standards policy;
- Respond to decisions of Council;
- Address matters that resulted from the consolidation of the former Bankstown and Canterbury DCPs; and
- Ensure our plans remain current and encourage best-practice design and development outcomes.

The Council report is provided in Attachment C.

### Exhibition

Council exhibited the draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan from 3 June to 3 July 2024. The exhibition process included:

- Notification on Council's website and local newspaper;
- Displays at Council's Customer Service Centres (Bankstown and Campsie); and
- Promotion via social media.

In total, over 250 people viewed the exhibition material on Council's website. Council received five submissions in response to the exhibition. A summary of the submissions is provided in Attachment D.

### Key Issues

Key Issue	Comment
<u>Tree Management</u> A submission seeks to amend Chapter 2.3, clause 2.1 by requiring residents to obtain Council approval prior to allowing or causing any poison or pollutant to intrude within the tree protection zone.	<p><u>Action:</u> Amend clause 2.1 to require residents to obtain Council approval prior to allowing or causing any poison or pollutant to intrude within the tree protection zone.</p> <p><u>Reason:</u> Clause 2.1 requires residents to obtain Council approval prior to pruning, damaging, or removing trees. The draft amendments proposed to add 'vandalise' to the list of activities that would require Council approval.</p> <p>To address the submission, it is proposed to replace the word 'vandalise' with 'commit tree vandalism'. The reason is the term 'tree vandalism' is defined under Chapter 2.3 and includes the act of allowing or causing any poison or pollutant to intrude within the tree protection zone.</p> <p>The revised wording would read:</p>



Key Issue	Comment
	<p>A person must not cut down, fell, uproot, kill, poison, <del>vandalise</del>, ringbark, burn, <u>commit tree vandalism</u>, or otherwise destroy, lop or otherwise remove a substantial part of any prescribed tree defined in clause 2.3 or carry out excavation and earthworks within the tree protection zone except with a permit from Council and subject to any conditions specified in the permit.</p> <p>The revised wording is considered to be of a minor nature and does not warrant re-exhibition.</p>
<p><u>Tree management</u> A submission comments whether the DCP could require new developments along main roads to plant trees, especially along Canterbury Road. It would help improve canopy coverage and amenity.</p>	<p><u>Action:</u> Council's master planning program to review this issue.</p> <p><u>Reason:</u> The DCP (Chapter 8.2) contains existing provisions to plant trees along Canterbury Road.</p> <p>In relation to policy review, Council's master planning program is implementing the Canterbury Road Review and would investigate further opportunities for new development to improve canopy coverage and amenity.</p>
<p><u>Tree management</u> A submission comments whether Council could fund the planting of new native trees throughout the LGA, and possibly including a program where residents can identify locations for new trees.</p>	<p><u>Action:</u> No change to the draft amendments is required.</p> <p><u>Reason:</u> Council's Operational Plan 2024/25 (page 72) includes programs to plant local native species.</p> <p>In addition, Council exhibited the Draft Urban Forest Strategic Plan in July 2024 to manage and increase urban tree cover. The exhibition requested residents to identify where Council's biggest opportunities for tree planting are.</p>
<p><u>Heritage facades</u> A submission comments whether the DCP should place a higher emphasis on retaining heritage facades or faithfully reconstruct the facades.</p>	<p><u>Action:</u> No change to the draft amendments is required.</p> <p><u>Reason:</u> The DCP supports the need to protect and conserve places of heritage significance, namely:</p> <ul style="list-style-type: none"> <li>• Chapter 4.2 contains existing development controls to retain heritage listed facades.</li> <li>• Chapter 4.3 contains existing development controls, which require development in heritage conservation areas to retain, recover or conserve significant architectural elevations, including original shopfronts, and significant finishes and details.</li> </ul>
<p><u>Heritage as exempt development</u> A submission comments whether there will be an exempt pathway for the relocation, alteration or widening of heritage fences and gates.</p>	<p><u>Action:</u> No change to the draft amendments is required.</p> <p><u>Reason:</u> While there is no exempt pathway in the NSW Government's Exempt and Complying Development Codes, the Canterbury-Bankstown LEP 2023 (clause 5.10) provides an exempt pathway for works that are of a</p>

Key Issue	Comment
	<p>minor nature or are for the maintenance of heritage items, to Council's satisfaction. Otherwise, development consent is required.</p> <p>State legislation does not permit DCPs to contain specific rules for exempt development.</p>
<p><u>Liveable housing</u> This submission comments whether the National Construction Code will replace the Liveable Housing Design Guideline sections in the DCP.</p>	<p><u>Action:</u> Align Chapter 5.1 (clause 11.1) and Chapter 5.2 (Section 9, C1) with the National Construction Code for low-rise residential development (class 1a buildings).</p> <p><u>Reason:</u> The National Construction Code (NCC) is Australia's primary set of technical design and construction provisions for buildings. It sets the minimum required level for the safety, health, amenity, accessibility, and sustainability of residential development.</p> <p>In June 2020, Council resolved to amend the Development Control Plan by applying the Livable Housing Design Guidelines to residential development. This was based on the understanding that the NCC would be standardising the livable housing design requirements across Australia. Livable housing design is about changing the way we design homes to make them easier to use and more adaptable to the changing needs of occupants. In practice, this means reducing steps where possible, more space in the bathroom, wider doorways, and providing for future adaptations such as adding grabrails. These design requirements are based on the Livable Housing Design Guidelines, first published by Livable Housing Australia.</p> <p>Council also resolved to review the livable housing design requirements should the NCC change its settings for livable housing and implements a National Code.</p> <p>The NCC came into force in May 2023, however, it deferred applying a National Code in NSW while the NSW Government monitors the effects of the design requirements on building costs and housing affordability. This has resulted in an inconsistency between the NCC and the Development Control Plan, particularly in relation to low-rise residential development (class 1a buildings), such as secondary dwellings, houses, duplexes and townhouses.</p> <p>To address this inconsistency, yet still maintain a minimum standard of universal design, it is proposed to align the Development Control Plan with the NCC (NSW Part H8) by deferring the application of the livable housing design requirements to class 1a buildings (dwelling houses, dual occupancies, secondary dwellings</p>

Key Issue	Comment
	<p>and multi-dwelling housing) whilst also adding controls for class 1a buildings to maintain standards such as having easy and accessible entry, requiring toilets at the ground floor, minimum dimensions for manoeuvring within a dwelling and requirements for future adaptability. The requirements would be replaced once the NCC is updated to apply to class 1a buildings in NSW.</p> <p>In relation to other residential development, the Development Control Plan would continue to apply as Council remains committed to being a policy leader in this space. This approach is in keeping with the NSW Government's policy position, such as the Apartment Design Guide, which continues to apply the Livable Housing Guidelines to apartments and shop top housing.</p> <p>The revised wording is considered to be of a minor nature and does not warrant re-exhibition.</p>

Attachment A outlines the revised wording following the exhibition of the draft amendments to the Canterbury-Bankstown Development Control Plan 2023 and Community Participation Plan. The revised wording is considered to be of a minor nature and does not warrant re-exhibition.

### Next Steps

Should Council decide to adopt the draft amendments, the draft amendments would apply to development applications lodged on or after the draft amendments come into effect.



## **6        POLICY MATTERS**

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



## **7 GOVERNANCE AND ADMINISTRATION MATTERS**

The following items are submitted for consideration -

7.1	Property Matter - The Ice Skating Club of New South Wales Co-operative Limited Located at 17A Phillips Avenue, Canterbury	89
7.2	Property Matter - EBP Sports (Previously Earlwood Bardwell Park RSL Club Limited) - 134 Woolcott Street, Earlwood	95
7.3	Property Matter - 82 Brighton Avenue, Croydon Park (Former Croydon Park Bowling Club)	99
7.4	2024/25 Community Grants and Event Sponsorship Program	103
7.5	2024/25 Events Partnerships Program Grant Funding	109
7.6	LGNSW 2024 Annual Conference - Council Motions	117
7.7	Cash and Investment Report as at 30 June 2024	127





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## Governance and Administration Matters - 23 July 2024

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**ITEM 7.1**                      **Property Matter - The Ice Skating Club of New South Wales Co-operative Limited Located at 17A Phillips Avenue, Canterbury**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

The purpose of this report is to advise Council of the outcome of the exhibition period for the proposed new lease with The Ice Skating Club of New South Wales Co-operative Limited (ISC) located at 17A Phillips Avenue, Canterbury.

On 30 April 2024, Council resolved:

- To agree in principle to enter into a three-year Agreement for Lease (AFL) – which provides the ISC adequate time to complete the necessary repair/refurbishment works;
- A further 18-year lease to ISC for 17A Phillips Avenue, Canterbury to operate the Canterbury Ice Skating Rink; and
- To publicly exhibit the proposed lease in accordance with the requirements of the Local Government Act 1993.

### **ISSUE**

To note the recent exhibition of the proposed lease arrangement with ISC and to consider the submissions received arising from public exhibition.

Fifty-six submissions were received with no objections being raised regarding the proposed new lease.

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### **RECOMMENDATION** That -

1. Council agrees to grant a new three-year Agreement for Lease and a further eighteen-year Lease to The Ice Skating Club of New South Wales Co-operative Limited for 17A Phillips Avenue, Canterbury.
2. The Chief Executive Officer to be delegated authority to sign all documentation, as required.

## **ATTACHMENTS**

[Click here for Attachments](#)

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- A. Council Report 30 April 2024 - Ice Skating Club Lease

## **POLICY IMPACT**

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The proposed AFL and Lease to ISC 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 total fees for the lease with ISC have been determined by a registered valuer at \$21,000 per annum plus GST.

## **COMMUNITY IMPACT**

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The Canterbury Ice Skating Rink has had a significant community impact on the residents, stakeholders, and businesses in the area. The facility serves as a valuable source of entertainment and physical activity. It provides unique recreational and sporting opportunities for people of all ages, promoting active lifestyles and fostering a sense of community.

This relationship between the rink and local businesses contributes to economic sustainability and development in and for the Canterbury-Bankstown area.

## DETAILED INFORMATION

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### Public Exhibition

Public exhibition for the proposed AFL and Lease took place from 28 May 2024 to 27 June 2024 in accordance with the requirements of the *Local Government Act 1993*.

The public exhibition consisted of the following:

- A notice of the proposed leases was placed on the front gate of the property;
- A notice was placed on the Council web site on the “Have Your Say” page;
- Letters to adjoining neighbours were distributed; and
- A copy of the AFL and Lease agreement was placed in the Campsie and Bankstown Customer Service areas.

The “Have Your Say” page had 1,431 views with 56 submissions received. A summary of the submissions is set out in the table below:

Comment	Council Response
Thirty-six submissions included the impact of fostering an inclusive environment for all members, including hosting birthday parties, offering individual training, and running a skating school, all of which promote social interaction and physical exercise. The strong community support highlights the ISC's role as a crucial institution that enhances social cohesion, health, and inclusiveness.	Noted
Ten submissions express support for the ISC due to its role in developing potential professional athletes and even Olympians in various ice sports such as ice hockey, figure skating, and speed skating. One submission highlighted that the ISC is home to Nathan Walker, the only Australian ever drafted into the National Gridiron League. Overall, the comments focus on creating opportunities for future champions.	Noted
Six submissions passionately support the ongoing presence of the ISC, highlighting the longstanding family connections nurtured over the years. They emphasise generations of families enjoying skating here, describing the facility as ‘iconic’ and ‘integral to paving the way for future generations’.	Noted
Two specific comments strongly advocate for extending the club's tenure beyond 21 years. They highlight the ice rink's critical role in our community and emphasise the need for a lease agreement that ensures its support for decades to come.	Noted

One commenter points out that while a 21-year lease is beneficial, there should be consideration for extending it by an additional 21 years to effectively nurture and develop sports in the area.	
One comment strongly advocates for the club to prioritise disability inclusiveness and highlights its positive impact. The commenter expresses a keen desire for this commitment to endure into the future.	Noted
<p>One submission commented that the past operator has by and large done a reasonable job of managing the Canterbury Ice rink. They have suggested running an Expression of Interest to see what private operators are in the market.</p> <p>They have also suggested a number of measures be introduced into the new agreement if Council wants to pursue the current operator i.e., Council have a representative on the management committee/board; Council be advised of issues; and minutes and matters that require voting two weeks prior to the next meeting. They have suggested the length of tenure be reduced to five years with option for an additional five years at the expiry. Either party can withdraw from the agreement at any time without default.</p> <p>that Council should actively treat this as an opportunity and seek Expressions of Interest from the private sector with regard to management rights of Canterbury Ice Rink.</p>	<p>Noted.</p> <p>This submission does not object to the proposed lease, but suggests that perhaps an Expression of Interest be conducted on the open market to assess private sector interest to operate the ice rink and also that Council take an active role in the operation of the Ice Skating Club.</p> <p>The Ice Skating Club is a registered not-for-profit entity and as such, Council can directly grant a lease to the entity and not carry out a tender process for the lease – Section 46A / Section 55(3)(e) of the Act.</p> <p>Council's previous report outlines that based on the Club's long tenure of the site and the broader benefits it has provided the community, it is recommended that Council grant the Club a lease as detailed in the report.</p> <p>The Submission also suggests that Council take an active role in running the Club's operations. Council is the lessor for the site, and it would not be appropriate for Council to seek to have a role in running the operations of the Club.</p>

**Plan of Management**

The proposed use of the land aligns with the core objectives identified in the adopted Generic Plan of Management and Council's long-term strategy for the site.

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## Governance and Administration Matters - 23 July 2024

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**ITEM 7.2**                      **Property Matter - EBP Sports (Previously Earlwood Bardwell Park RSL Club Limited) - 134 Woolcott Street, Earlwood**

**AUTHOR**                      **Corporate**

### **PURPOSE AND BACKGROUND**

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The purpose of this report is to advise Council of the outcome of the application to the Minister for Local Government to grant consent to the proposed new lease with EBP Sports (previously Earlwood Bardwell Park RSL Club) for the property located at 134 Woolcott Street, Earlwood.

On 28 November 2023, Council resolved to make an application to the Minister for Local Government under the provisions of section 47(5) of the Local government Act 1993 for consent to grant the proposed lease over the community land at 134 Woolcott Street, Earlwood to EBP Sports for a term of five-years with a five-year option with EBP Sports (refer attached report).

### **ISSUE**

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One objection was received and was considered by the Minister for Local Government who has determined to provide consent to the proposed lease (refer attached letter).

### **RECOMMENDATION** That -

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1. Council note the Minister's determination and agree to granting a new five-year lease with a five-year option to EBP Sports.
2. The Chief Executive Officer be delegated authority to sign all documentation, as required.

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

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- A. Minister for Local Government Consent to New Lease
- B. Council Report for EBP Sports Dated 28 November 2023

## **POLICY IMPACT**

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The proposed lease to EBP Sports 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 total fees for the lease with EBP Sports Club is to be set at \$70,750 per annum plus GST and CPI in accordance with the registered valuers valuation report and has been accounted for in Council's budget.

When assessing the fair market rental for the Club, the registered valuer had regard to comparable rents for similar types of uses as well as zoning and restrictions on the land related to its classification under the Local Government Act as community land.

## **COMMUNITY IMPACT**

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The EBP Sports Club serves as a vital community hub, offering residents a focal point for a diverse range of social, sporting, leisure and recreational activities. Approval to proceed with the leasing proposal will be a step toward a continuation of the professionally managed and effective functioning of the Club's various services and amenities it has provided for the community since the 1950s.



## DETAILED INFORMATION

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### BACKGROUND

The proposed lease to EBP Sports was previously considered by Council at its Ordinary Meeting on 28 November 2023.

Briefly:

- The proposed lease was exhibited between 25 September 2023 to 23 October 2023; and
- Council received three submissions, one of which was identified as an objection.

In considering the matter, Council resolved that:

1. *Council make an application to the Minister for Local Government (Minister) under the provisions of s47(5) of the Local Government Act 1993 for consent to grant the proposed lease over the community land at 134 Woolcott Street Earwood to EBP Sports for a term of five-years with an additional five year option for the purpose of operating a club premises, bowling green and two separate car parking areas.*
2. *Once the Minister advises Council on its application to grant consent to the lease, the matter be reported back to Council.*

### MINISTER'S RESPONSE

Having now considered the matter, the Minister:

- Acknowledged the lease was to be granted to the not-for-profit entity EBP Sports for a term of five years with an additional five-year option;
- Noted that under s47(6) of the *Local Government Act 1993*, Council requires his consent to enter into a lease where a submission was received that objected to the lease proposal; and
- Determined to grant his consent under s47(8) of the *Local Government Act 1993*, to Council to grant the lease.

On that basis, it is proposed that Council proceed to enter a lease with EBP Sport, pursuant to the terms and conditions – as outlined in Council's previous report.



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## Governance and Administration Matters - 23 July 2024

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**ITEM 7.3**                      **Property Matter - 82 Brighton Avenue, Croydon Park  
(Former Croydon Park Bowling Club)**

**AUTHOR**                      **City Future**

### **PURPOSE AND BACKGROUND**

The purpose of this report is to advise Council of the outcome of the application to the Minister for Local Government to grant consent to the proposed new lease agreement with The Australian Korean Association of Sydney and NSW Inc (formerly known as the Korean Society of Sydney) for 82 Brighton Avenue, Croydon Park (the former Croydon Park Bowling Club).

On 27 February 2024, Council resolved to make an application to the Minister for Local Government under the provisions 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 Korean Society.

### **ISSUE**

Following advice from the Minister, a further report was to be presented to Council. This report presents advice from the Minister and outlines the next steps.

### **RECOMMENDATION** That -

1. Council note the Minister's determination and agree to granting a new five year lease, with a five year option, to the Australian Korean Association of Sydney and NSW as outlined in this report.
2. The Chief Executive Officer be delegated authority to sign all documentation, as required.

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

- A. Correspondence from the Minister for Local Government
- B. 27 February 2024 Council Report

## **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 obtained by Council 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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### Background

The proposed lease to the Korean Society for 82 Brighton Avenue, Croydon Park (former Croydon Park Bowling Club) was previously considered by Council at the Ordinary Meetings on 23 May 2023 and 27 February 2024.

The proposed lease was publicly exhibited from Wednesday 14 June 2023 to Wednesday 5 July 2023. During this time there were 20 official submissions. One submission recorded an objection.

In considering the matter at the Ordinary Meeting on 27 February 2024, Council resolved that:

1. *Council make an application to the Minister for Local Government under the provisions of section 47 (5) of the Local Government Act 1993 for consent to grant the proposed lease over 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.*

### Minister's Response

Having now considered the matter, the Minister:

- Acknowledged that the lease was to be granted to the not-for-profit entity, the Australian Korean Association of Sydney and NSW Inc for a term of five years, with an additional five year option;
- Noted that under s47(6) of the *Local Government Act 1993*, Council requires his consent to enter into a lease where a submission was received that objected to the lease proposal; and
- Determined to grant his consent under s47(8) of the *Local Government Act 1993*, to Council to grant the lease.

### Recommendation

Following advice from the Minister of Local Government, it is 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 Council's previous report.

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 needs 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 regard to outstanding building repairs and maintenance.



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## Governance and Administration Matters - 23 July 2024

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### ITEM 7.4                      2024/25 Community Grants and Event Sponsorship Program

**AUTHOR**                      **Community Services**

#### **PURPOSE AND BACKGROUND**

The purpose of this report is to recommend the allocation of \$481,160 funding from Council's Community Grants and Events Sponsorship Program to 102 community programs in accordance with the adopted policy framework.

#### **ISSUE**

The 2024/25 Community Grants and Events Sponsorship Program opened on Friday 8 March and closed on Tuesday 9 April 2024. The program was widely advertised in the local press, through community networks, social media and on Council's website.

An online information session was held on Thursday 14 March 2024 and at the close off time on Tuesday 9 April, 163 applications were received seeking a total of \$1,512,859.

This report presents the recommended funding amounts for each application after the assessment process has now been completed for Council's consideration and adoption. The report also lists in Attachment B Organisations that have been placed in the Annual Fee Waiver/Subsidy Category through previous Council resolutions.

#### **RECOMMENDATION** That -

1. Council approve the allocation of the 2024/25 Community Grants and Event Sponsorship Program as outlined in Attachment A.
2. Council allocate \$10,000 to Annual Islamic Eid Show Incorporated in the Community Grants and Events Sponsorship through the Annual Fee Waiver/Subsidy Category for a three-year period commencing this year.
3. Council allocate \$5,255 to The Lebanese Muslim Association in the Community Grants and Events Sponsorship through the Annual Fee Waiver/Subsidy Category for overflow parking at Parry Park, Punchbowl during the month of Ramadan and one day for Eid for a three-year period commencing this year.
4. The release of funding for the Automated Electronic Defibrillator (AED) applications be deferred until an overall AED Plan for CBCity is developed in the next 12 months and these funds be quarantined for this purpose.

## ATTACHMENTS

[Click here for Attachments](#)

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- A. 2024/25 Community Grants and Event Sponsorship Program Summary and Recommendations
- B. Annual Fee Waiver/Subsidy Category list of Organisations



## **POLICY IMPACT**

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

In terms of Code of Conduct, applications were assessed by Council Officers and Council's Grants Assessment Committee. The Committee, which was observed by a Council Probity Officer, consisted of the Mayor, Councillors Harika and Walsh, and Council staff with declarations made and managed at appropriate times.

## **FINANCIAL IMPACT**

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Funds for the Community Grants and Events Sponsorship programs are available in Council's adopted Operational Budget for 2024/25.

## **COMMUNITY IMPACT**

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

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

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

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

## DETAILED INFORMATION

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

Under the program applicant organisations could seek funding within five categories:

- Community;
- Arts/Cultural;
- Youth;
- Sport and Recreation; and
- Event Sponsorship

Each category has a specific set of guidelines that includes the outcome priorities that are being targeted by this funding round.

Council also allocates Subsidies and Fee Waivers through the Community Grants and Event Sponsorship Program. These are made up of historical commitments from the former Bankstown and Canterbury Councils and other relevant arrangements.

For this year, Council is again trialling an 'Outcomes Framework' for the Community category. Here, applicant organisations have chosen from a list of 22 Priority Outcomes on which they will collect data for their programs on, in order to assess the effectiveness of the funding. These Priority Outcomes have been grouped under skills based, capacity building and community connections.

The general priorities for the Community Grants and Event Sponsorship Program were set utilising information from Council's annual Social Planning Workshops and issues that were raised in the creation of Council's Creative City Strategic Plan 2019-29.

This year applications opened on 8 March and closed on 9 April 2024. Notifications were advertised in the Torch Newspaper, posted on Council's website and social media, and emailed to local community networks and a listing of agencies who have requested information.

An information session was held on 14 March and attended online by 28 participants. Here an overview of the program, instruction on registering into the online platform and the application process was provided and any questions answered.

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

A total of 164 applications were received seeking \$1,512,859, which represents a ratio of \$2.61 being requested for every \$1 available through this year's Program.

Applications were assessed through a range of staff workshops focusing on an organisation's capacity to deliver on the outcome/s identified in their proposal. The Grants Assessment Committee then met in order to finalise the recommendations outlined in the report Attachment A.

For the 2024/25 Funding Round the priority for the Sport and Recreation Category was installing 24-hour access Automated External Defibrillators (AEDs). In all, a total of 23 applications were received seeking 50 percent of the cost, \$3,000, with the balance 50 percent to be funded through the ClubGRANTS program by Bankstown Sports Club.

This was quite a significant response to this category and, as it is such an important program, it has been recommended that release of funding for these applications be deferred until an overall prioritised AED Plan for CBCity is developed in the next 12 months. This will enable the strategic targeting and a prioritised roll out of these important devices across our City.

Following the Council's determination of the report, notifications will be sent to both successful and unsuccessful applicants. Those who are successful will be required to sign a Funding Agreement that outlines their requirements for delivering the programs, acknowledging Council's contribution and reporting. A Community Grants and Event Sponsorship Presentation Ceremony has been scheduled for Wednesday 14 August 2024 at the Bryan Brown Theatre commencing at 10am.



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## **Governance and Administration Matters - 23 July 2024**

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### **ITEM 7.5                      2024/25 Events Partnerships Program Grant Funding**

**AUTHOR                      City Future**

#### **PURPOSE AND BACKGROUND**

The purpose of this report is to recommend the allocation of monetary and in-kind funding from Council's Events Partnerships Program to two major events in 2024 – The Lebanese Film Festival (LFF), and Padstow Carols by Candlelight.

#### **ISSUE**

The 2024/25 Events Partnerships Program (the Program), opened for Expressions of Interest on Monday 22 April and closed on midnight Friday 10 May 2024.

The Program, which offers funding and additional support to events which have the potential to grow into major annual events in the City of Canterbury Bankstown, was advertised over three weeks in the local press, through community networks, social media and on Council's website.

Six Expressions of Interest were received.

This report presents the recommended funding amounts for Council's consideration and adoption, together with the proposed partnership level benefits that Council will receive in return.

#### **RECOMMENDATION**

That Council approves the cash and in-kind support for the LFF and for the Padstow Carols by Candlelight from the Events Partnerships Program as set out in this report.

#### **ATTACHMENTS**

Nil

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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Funding to a total of \$40,000 has been allocated in the 2024/25 Budget for the Events Partnerships Program.

In-kind funding from the existing City Business and Engagement Unit budget is nominal as banners are being recycled.

## **COMMUNITY IMPACT**

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Both the LFF and Padstow Carols by Candlelight make an important contribution to profiling the City of Canterbury Bankstown.

In Bankstown alone, the LFF has had an estimated flow-on impact to the local economy of more than \$200,000, and nationwide, the impact is estimated to be more than \$450,000. Approximately 17,000 attended in 2023.

Padstow Carols by Candlelight is a local icon which is promoted across the LGA to over 100,000 households and continues to grow in patronage. This event attracted approximately 5,000 residents in 2023.

Both events bring excitement, music, art, culture and activation to Canterbury-Bankstown. Both showcase our City and promote a sense of belonging and cultural and community connection.

## DETAILED INFORMATION

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### The Events Partnerships Program

The key objective of the Events Partnership Program is to offer funding and support to events which have the potential to grow into major annual events in the City of Canterbury Bankstown. In 2024/25, the Program has a budget of \$40,000.

The Program provides match-funding of between \$10,000 and \$25,000 to events that activate and promote the City and help to create memorable, engaging and innovative experiences for both the local community and visitors.

Funding from the Program is available to those events that already attract more than 3,000 attendees or (for new events) can attract a minimum of 3,000 attendees in year one and which then have the potential to grow and scale up into major initiatives.

In addition to funding, the Events Partnerships Program provides a mechanism for Council to 'partner' with the organisation delivering the event to provide expert advice, supplier and contractor contacts, and in-kind marketing, venue and promotional support.

The Events Partnerships Program differs from Council's Community Grants Program in that it offers funding above \$10,000 together with additional support and has a broader public objective to identify and support events that can scale-up and grow to become major initiatives that promote and market the City and contribute to the creation of a vibrant and inclusive community.

The 2024/25 Events Partnerships Program opened for Expressions of Interest on Monday 22 April and closed on Friday 10 May 2024.

A total of six organisations responded to the Expression of Interest:

- Lebanese Film Festival;
- Rotary Club of Padstow (Padstow Carols by Candlelight);
- Australian Korean Association of Sydney and NSW Inc.;
- The Eid Show;
- Lighthouse Community Services; and
- Children's Festival Organisation Inc.

An evaluation was conducted against the Events Partnership Criteria as follows:

Organisation	Amount Applied for	Evaluation	Recommendation
Lebanese Film Festival Australia	\$25,000	Detailed submission provided. Professional and premier festival due to the exposure given to CBCity and ongoing growth potential - \$23,000 cash plus in-kind support for marketing, advertising and promotion. CBCity to cover the cost for street pole banners. Venue costs for the Bryan Brown Theatre and any other venue to be paid for by LFF.	Supported \$23,000
Rotary Club of Padstow Inc.	\$17,000	Long-standing community supported Christmas event which has been going for over 50 years and attracts people from outside the City. This event is one of two Carols events run in each side of the LGA. Without this event, Council would feasibly need to run their own and this would cost significantly more. Recommend funding \$17,000 plus in-kind support for marketing and promotion.	Supported \$17,000
Australian Korean Association of Sydney and NSW Inc.	\$25,000	Proposing an inaugural Moon Festival funded solely by income earned at the event. Unlikely to attract over 3,000 in year one. Recommend organisation apply for the Community Grants which could offer start-up funding to determine likely attendance.	Not supported
The Eid Show	Not specified	Organisation was not specific in identifying the amount of funds they required from this program. Significant financial resources are already being invested by Council into Ramadan from general revenue. Recommend Council support this event through promotion on the new Where Interesting Happens website. Further, recommend organisation apply for funding through the Community Grants scheme.	Not supported
Lighthouse Community Services Inc.	\$25,000	Proposed a Family Fun Day that appeals to the community. Unsure how this event will attract people from outside of the City. Specific funding amount not given. More detail required to accurately cost this event. Recommend organisation apply for funding under the Community Grants in future.	Not supported



Organisation	Amount Applied for	Evaluation	Recommendation
Children's Festival Organisation Inc.	\$20,000	Event not unique and unlikely to grow in future or attract from outside the LGA. Have been funded through Community Grants in previous years. Recommend organisation continue to apply under the Community Grants scheme.	Not supported

### **What is the Lebanese Film Festival?**

The LFF Association Incorporated is a NSW registered non-profit and proud Bankstown-based organisation that runs the Lebanese Film Festival Australia (LFF) event annually. The LFF was established in 2012.

LFF has been built from the ground up and has grown into a national film event, attracting thousands of diverse film patrons from across Australia in a dedicated celebration of Lebanese cinema.

Under the Patronage of Bryan Brown AM, the Lebanese Film Festival Association is run by a Committee of eight members, who have a strong passion for the arts, culture, film and community and grassroots initiatives.

The festival is a celebration of Lebanese arts and culture through film, showcasing Lebanese cinema across Australia. It connects and supports Lebanese participation in film and creative arts and challenges perceptions of Lebanon, its people, culture and traditions.

It also showcases films driving diversity, inclusion and challenging perceptions – promoting womens rights, diversity, environmental sustainability and social justice challenges in a way that speaks to multicultural audiences.

### **Event objectives**

The event sets out the following objectives which include creating an experience that has become a benchmark for film festivals across Australia:

- Showcase Lebanese cinema across Australia;
- Challenge perceptions of Lebanon, its people, culture and traditions;
- Bring an iconic film event to Western Sydney, focusing on Bankstown;
- Connecting and supporting Lebanese participation in film and creative arts;
- Supporting accessibility and inclusivity to the arts; and
- Inspiring change behaviours to be more environmentally and socially responsible.

### **Proposed LFF Events Partnerships Program Funding**

The City of Canterbury Bankstown is proposing to support the Lebanese Film Festival with \$23,000 in cash (inclusive of fees and charges for venue hire) and in-kind support as set out below:

- Promote LFF across the community:
  - Council News Torch Advertisement;
  - Mention in Mayor's Message in the Torch Publication; and
  - Placement in Council news and messaging.

- LFF street flags/banners:
  - Paul Keating Park banners;
  - Street banners; and
  - Bryan Brown Theatre banner.
- Support in media outreach for promotion of LFF including media release;
- Cross partnership collaboration/community activation; and
- Support with deepening LFF's network.

It is important to note that Council has supported the LFF in previous years with the similar level of in-kind support. Many of the above items are already within Council's operational budget or Council already has the material (for example *Council will reuse the banners from last year*). Bringing the LFF under the Events Partnership Program formalises this arrangement.

In return, LFF will provide the City of Canterbury Bankstown a professional and premier festival due to the exposure given to CBCity and ongoing growth potential.

### **What are the Padstow Carols by Candlelight?**

Carols by Candlelight is an annual Christmas celebration run by the Rotary Club of Padstow in Playford Park in Bankstown. Council, and local businesses have been supporting this event for many years and it complements Council's own Carols in the Park event in Wiley Park, Canterbury, allowing Christmas celebrations to happen across the LGA.

What began as a small event, has grown into one of the highlight social events of the year, bringing residents from the local community, and visitors in the thousands to enjoy, watch and engage with entertainers. In 2023, approximately 5,000 people brought their picnic hampers to enjoy the evening relaxing with family and friends. This event continues to attract larger crowds each year and concludes each year with a fireworks display.

### **Event objectives**

- Carols by Candlelight is a totally inclusive event, encompassing people of all ages, ethnicity, social and cultural backgrounds;
- The event promotes community connection, peace, harmony and joy, and grows in popularity every year; and
- Carols by Candlelight showcases local talent.

### **Proposed Padstow Carols Events Partnerships Program Funding**

The City of Canterbury Bankstown is proposing to support the Padstow Carols with \$17,000 in cash (inclusive of fees and charges for park hire and waste) and in-kind support as set out below:

- Social Media promotion;
- Advertising;
- Electronic direct mail promotion; and
- Leaflet printing costs.

## Conclusion

Following this evaluation process, it is proposed that cash and in-kind support be offered as follows:

<b>Event</b>	<b>Cash</b>
Lebanese Film Festival	\$23,000 plus in-kind support for marketing, advertising and promotion.
Padstow Carols by Candlelight	\$17,000 plus in-kind support for marketing and promotion.



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## Governance and Administration Matters - 23 July 2024

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### ITEM 7.6

### LGNSW 2024 Annual Conference - Council Motions

### AUTHOR

Corporate

### PURPOSE AND BACKGROUND

The Local Government NSW (LGNSW) Annual Conference will be held this year from 17 to 19 November 2024 at Tamworth Regional Entertainment and Conference centre.

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

Following the Conference, LGNSW will review resolutions and identify priority advocacy areas to guide LGNSW actions in 2025.

As a member of LGNSW, Council is entitled to nominate up to 12 Councillor voting delegates for the motions.

LGNSW require councils to make their submissions by 15 August 2024.

### ISSUE

To inform Council of the 2024 LGNSW Annual Conference, key dates relevant to voting delegates, and for Council to consider the submission of motions.

### RECOMMENDATION That -

1. The information be noted.
2. Council endorse the draft motions as detailed in the report.

### ATTACHMENTS

Nil

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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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 the recommendations.

## DETAILED INFORMATION

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The Local Government NSW (LGNSW) Annual Conference will be held at Tamworth Regional Entertainment and Conference Centre from Sunday 17 to Tuesday 19 November 2024.

### Motions

LGNSW are inviting submissions of motions for consideration at the 2024 Conference.

Motions are to be based on the following categories:

- Economic Policy;
- Infrastructure Policy;
- Planning Policy;
- Environment Policy;
- Social and Community Policy;
- Governance Policy;
- Accountability Policy; and
- Associated Business, LGNSW Rules and Governance.

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

- Are consistent with the objects of LGNSW;
- Relate to or concern local government as a sector in NSW and/or across Australia;
- Seek to establish or change policy positions of LGNSW and/or improve governance of the Association (noting that the LGNSW Board is responsible for decisions around resourcing any campaigns or operational activities, and any necessary resource allocations will be subject to the LGNSW budgetary process);
- Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- Are clearly worded and unambiguous in nature; and
- Do not express preference for one or several members over one or several other members.

Council's proposed motions are as follows:

## Proposed Motions and Background

**Topic:** Southwest Metro Extension to Liverpool  
**Motion Category:** Infrastructure

### Proposed Motion:

*That Local Government NSW calls on the NSW Government to identify a suitable corridor, appropriate station sites and staging for an extension of the Southwest Metro from Bankstown to Liverpool that includes connections through to the new Western Sydney Airport and Western Sydney precinct.*

### Motion Background:

In its [Future Transport Strategy](#), Transport for NSW states that living in a '30-minute city' will mean Sydney residents can access jobs and services in their nearest metropolitan or strategic centre within 30 minutes by public transport, walking and/or cycling, seven days a week. This vision in turn would provide the community with better access to jobs, education and essential services.

Extending the Southwest Metro to Liverpool will create new and much needed integrated public transport connections between the strategically important cities of Bankstown, Liverpool and Parramatta and will help realise the '30-minute city' vision in Greater South West and Western Sydney. Under current plans however, the new Southwest Metro will terminate at Bankstown rather than follow the current heavy rail corridor through to suburbs and stations beyond Bankstown to Liverpool.

This represents a significant missed opportunity to deliver new and improved public transport that would service some of Sydney's most densely populated and growing suburbs and dramatically improve access to jobs, reduce the reliance on private vehicles and improve social, environmental and liveability outcomes across Greater Western and South West Sydney.

With the new Western Sydney Airport in Badgerys Creek currently on-track to begin operations in 2026, extending the rail line from Bankstown to Liverpool would also be highly beneficial in connecting all Sydneysiders to the Western Sydney Aerotropolis and Western Parklands precincts.

Relevant Canterbury-Bankstown Council Notice of Motion (NoM)			
Topic	Ordinary Meeting Date	Type	Councillor
Liverpool Metro Extension	28 May 2024	NoM	Councillor Walsh
Summary of NoM from Ordinary Council Meeting Minutes			
Transport for NSW should also investigate the most appropriate route to provide a direct connection between Bankstown and Parramatta. Parramatta has recently released its long-term vision for its City which clearly sees a future Parramatta to Bankstown connection as being critical to its success, while we certainly want to be connected to the jobs, health and education there. A true 30-minute city as envisaged by the NSW Government is critical to the prosperity of residents.			



**Topic:** Illegal Dumping  
**Motion Category:** Environment

### Proposed Motion

*That LGNSW seek additional funding and support from the Federal and NSW State Government to investigate strategies that allow Councils to maintain and increase their efforts on reducing illegal dumping.*

### Motion Background

Illegal dumping is a long-standing and prevalent issue with the Environmental Protection Agency (EPA) estimating the cost to amenity in NSW as [\\$300 million](#). Research undertaken by the EPA in 2019 indicated that those interviewed [cited “cost, convenience, lack of planning and community attitudes”](#) as major factors in the choice to illegally dump items. Until such time as adequate infrastructure can be made available for consumers to dispose of their waste responsibly, it is important for local government to continue to pursue avenues to combat the scourge of illegal dumping. There are numerous strategies to address illegal dumping that range from educational, preventative to regulatory. All are required to be employed and in an ongoing fashion, while Australia endeavours to move towards a circular economy. Innovation is also required to redevelop and reimagine tactics in the coming years and decades as we seek a more ethical and eco-friendly response to waste.

However, the resources required to undertake this kind of extensive and wide-ranging activity is substantial. The EPA calculated the cost to some local government areas at up to around [\\$8.5 million in 2017-2018](#). It is timely that the EPA is reviewing the NSW Waste Levy, which should include funding redistribution to Councils and improved regulatory options for addressing illegal dumping, especially as NSW waste volumes are [forecast to increase](#) dramatically. While grants have been made available to Councils to support their work in response to illegal dumping, the resources provided are short term, limited and insufficient despite demonstrated direct improvements in the amount of illegal dumping seen within certain [local government areas](#).

Relevant Canterbury-Bankstown Council Notice of Motion (NoM)			
Topic	Ordinary Meeting Date	Type	Councillor
Illegal Dumping	25 July 2023	NoM	Councillor Downey
Summary of NoM from Ordinary Council Meeting Minutes			
Council has in place a number of initiatives to tackle illegal dumping and the intention of my notice of motion is to ensure staff have the adequate resourcing to continue fighting those who flout the laws with no regard to the community and the environment. It's vital that Councils continue to focus efforts and resources on managing this problem and that any gap left by the cessation of the Regional Illegal Dumping (RID) program is filled.			

**Topic:** Waste  
**Motion Category:** Environment

### Proposed Motion

*That LGNSW urge the Federal and NSW State Government to significantly expand the range of products covered by extended producer responsibility schemes and to make those schemes compulsory.*

### Motion Background

The [National Waste Policy](#) prepared by the Federal Government and the Australian Local Government Association (ALGA) in 2018 noted that Australia recovers only 58 percent of all waste generated. Producers must understand their roles and responsibilities to control the amount of waste they create with their products and should be obligated to lessen the impact of those products on the environment, consumer and economy. Consumers are often limited by the financial expense of mindful, ethical and eco-friendly products and at the mercy of available waste disposal options.

Product Stewardship and Extended Producer Responsibility schemes have been introduced into legislation in NSW, through measures such as the [Plastic Reduction and Circular Economy Act 2021 \(the Act\)](#), which does have requirements for brand owners to comply with product stewardship for certain prohibited products. However, the number of products included in the Act are limited and do not go far enough to have a substantial effect. While the Federal Government's Department of Climate Change, Energy, the Environment and Water (DCCEEW) publishes an annual [Minister's Product Stewardship Priority List](#), to suggest whether regulation may be appropriate for certain products, this does not adequately address the urgency of the situation. DCCEEW admit that the ["industry has made insufficient progress to better manage the environmental impacts"](#), which has resulted in the Federal Government having to advance regulation for certain products. Further, the majority of Product Stewardship and Extended Producer Responsibility schemes are voluntary, so there is little incentive for producers and brand owners to improve.

It is vital that all avenues to address the problem of waste and the complete life cycle of a product is considered when developing strategies. While the importance of the consumer and their responsible disposal of waste cannot be undervalued, it is crucial that more incentive be placed upon the producer to reduce the amount of waste or find better solutions to lessen the impact of that waste on the environment. It is only by sharing the accountability, that significant improvements can be realised. State and federal governments need to expedite these considerations, especially given the forecast growth in waste volumes and the overall constraints in waste management capacity.

Relevant Canterbury-Bankstown Council Mayoral Minute			
Topic	Ordinary Meeting Date	Type	Councillor
Illegal Dumping	25 July 2023	Mayoral Minute	Mayor El-Hayek
Summary of Mayoral Minute from Ordinary Council Meeting Minutes			
Sydney's waste is growing and will only continue to do so in the future. More and more waste, landfill sites reaching capacity, an increase in the Waste Levy and valuable resources which can be recycled going into landfill. Furthermore, I propose to write to the			

<b>Relevant Canterbury-Bankstown Council Mayoral Minute</b>
<p>NSW Government urging them to invest the revenue they collect from the waste levy, into building the waste infrastructure needed to meet the current waste pressures, let alone, the pressures of population growth, and to educate and support communities to reduce waste. I will also write to the Federal Government urging them to play their part and to expedite bans on materials that cannot be recycled or recovered in Australia and to significantly expand the range of products covered by extended producer responsibility schemes and to make those schemes compulsory. Finally, I also propose that Councillors receive a briefing, or a series of briefings, on the complex waste issues that all councils in Metropolitan Sydney are facing.</p>

**Topic:** Nuisance Cats  
**Motion Category:** Environment

### Proposed Motion

*That LGNSW lobby the NSW Government to develop a framework and policy relating to the control of feral cats and provide additional tools for Local Government to manage pet cat movements.*

### Motion Background

While the [Companion Animals Act 1998](#) contains provisions for the control of cats within NSW, current methods do not go far enough for Local Government to manage feral and domestic cats. Companion animals can be beloved as a member of the family. However, cats cause considerable damage to Australian wildlife. According to the Invasive Species Council, roaming cats have resulted in the [extinction of 27 native species and another 123 are under threat of the same](#). Introducing changes to legislation which makes trap, neuter and release (TNR) programs legal in Australia could have a positive impact on the stray and feral cat community. While opinion is divided on its potential for success within rural areas, it has had positive results internationally. Advocates consider that it would be an important move, specifically in urban and metropolitan areas. [Results](#) have shown such TNR programs trigger a population reduction without unnecessary euthanasia and can be a more [ethical](#) alternative. Not only does it improve cat welfare but also the [mental health](#) of those involved with having to kill animals.

The existing management of nuisance cats is complex, onerous and requires significant resources. Many owners feel confusion about the process of reporting nuisance cats and are burdened by the difficulties of the legal system when seeking a nuisance order through councils. Mandatory night-time curfews with funding to provide community awareness and enforcement programs would create better awareness of the topic and [“reduce the number of owned animals and their offspring entering the feral cat population”](#), thereby resulting in fewer nuisance cats in urban areas. Those remaining could be managed by TNR and [population reduction programs](#).

Relevant Canterbury-Bankstown Council Notice of Motion (NoM)			
Topic	Ordinary Meeting Date	Type	Councillor
Illegal Dumping	26 March 2024	NoM	Councillor Downey
Summary of NoM from Ordinary Council Meeting Minutes			
The current process for those with a nuisance cat complaint is cumbersome and bureaucratic and can be costly. Council is concerned that both State and Federal Governments are taking insufficient action on this issue, thereby burdening councils when they have limited resources and restrictive guidelines.			

**Topic:** First Nations Voice to NSW Parliament  
**Motion Category:** Social and Community

### Proposed Motion

*That LGNSW lobbies the NSW Government to commit to the state-based implementation of the Uluru Statement from the Heart - Voice, Treaty and Truth - by implementing the First Nations Voice to NSW Parliament.*

### Motion Background

Following the failed 2023 referendum to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution, the NSW Government must consider, in consultation with First Nations people and representative bodies of NSW, the merits of implementing a First Nations Voice to NSW Parliament (NSW Voice).

While NSW's [Constitution Act 1902](#) was amended in 2010 to recognise the "State's first people and nations" and work towards a Treaty framework and Reconciliation in NSW continues, much more needs to be done locally to improve opportunities and outcomes for, and the physical, mental, cultural and spiritual wellbeing of First Nations people.

A NSW Voice would enshrine the fundamental principles of self-determination, representation and understanding from the *Uluru Statement from the Heart* at the highest levels of decision-making in NSW Parliament, State and Local Government on laws, policies and matters that affect First Nations peoples, families and communities.

A NSW Voice would also serve as a body through which First Nations peoples can inform and share decision making with the State and Local Governments across NSW to progress priority reforms in the [National Agreement on Closing the Gap](#), as signed in 2020 by Federal, State and Territory Governments and the Australian Local Government Association on behalf of the Local Government sector.

Relevant Canterbury-Bankstown Council Mayoral Minute			
Topic	Ordinary Meeting Date	Type	Councillor
Voice Referendum	24 October 2023	Mayoral Minute	Mayor El-Hayek
Summary of Mayoral Minute from Ordinary Council Meeting Minutes			
While the outcome of the Voice Referendum resulted in a "No" majority, Council wants to make it clear that we need to take this opportunity to continue to try to recognise our First Nations People in the Australian Constitution.			
<b>Note</b> that over the past 12 months the Mayor put several Mayoral Minutes in support of the Voice Referendum and advocating for First Nations residents and communities.			

**Topic:** Compliance of Utilities  
**Motion Category:** Health and Safety

**Proposed Motion**

*That Local Government NSW examine options that would enable local governments to issue make safe notices to owners of privately owned land and assets where risks to the community have been identified.*

**Motion Background**

Local governments have a duty of care to ensure that the community is safe from risk and harm and a responsibility to act when risks to the community are identified.

Local government, however, has no authority to order the remediation of identified risks on land owned by utility providers and operators. Such risks include, but are not limited to, broken pits on footpaths and loose or broken plastic coverings. When councils receive reports of such safety risks the report is referred to the relevant authority to make safe or fix. Enabling councils to issue make safe notices directly to owners of privately owned land is a prudent approach to expediting the management of public safety for the community.

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## Governance and Administration Matters - 23 July 2024

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### ITEM 7.7                      Cash and Investment Report as at 30 June 2024

**AUTHOR**                      Corporate

#### **PURPOSE AND BACKGROUND**

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

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

#### **ISSUE**

This report includes Council's cash and investments as at 30 June 2024.

#### **RECOMMENDATION**    That -

1.     The Cash and Investment Report as at 30 June 2024 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 Review Jun 2024

## **POLICY IMPACT**

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

## **FINANCIAL IMPACT**

---

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

## **COMMUNITY IMPACT**

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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 30 June 2024

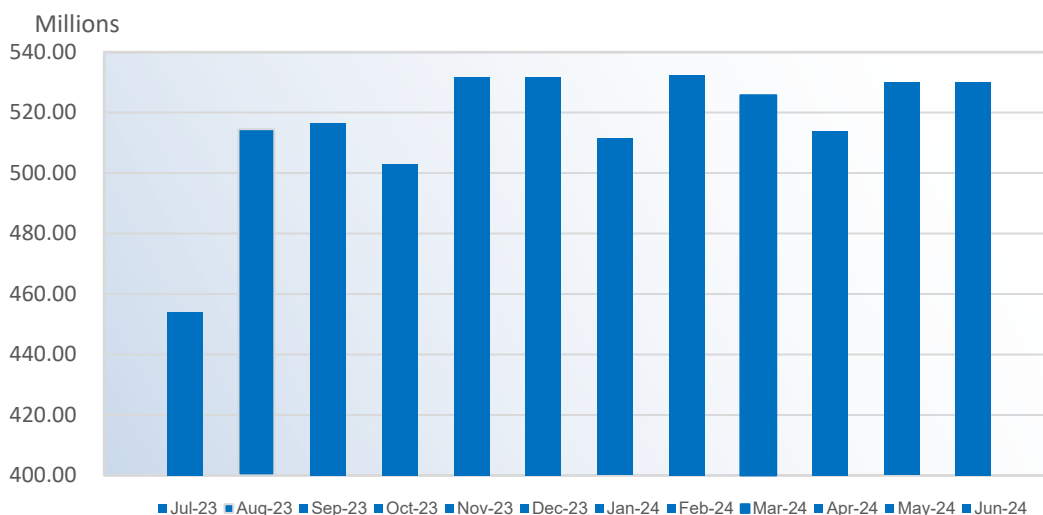
In total, Council's cash and investment holdings as at 30 June 2024 is as follows:

Cash and Investments	\$
Cash at bank	143,554
Deposits at call	34,198,941
Term deposits	386,017,588
Floating Rate Notes	71,600,747
Bonds	38,178,035
<b>Total cash and investments</b>	<b>530,138,866</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



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>	6.4	100
<b>Working capital funds (0-3 months)</b>	16.5	100
<b>Short term (3-12 months)</b>	27.2	100
<b>Short – medium (1-2 years)</b>	30.0	70
<b>Medium (2-5 years)</b>	19.9	50
<b>Long term (5-10 years)</b>	-	5
<b>Total cash and investments</b>	100%	

<b>Portfolio allocation</b>	
	<b>Actual % of portfolio</b>
<b>Cash at bank</b>	.03
<b>Deposits at call</b>	6.45
<b>Term deposits</b>	72.81
<b>Floating Rate Notes</b>	13.51
<b>Bonds</b>	7.20
<b>Total cash and investments</b>	100%

A summary of Council's investment interest income earned for the period to 30 June 2024 is as follows:

<b>Interest income</b>	<b>Jun 2024 \$</b>	<b>Year-to-date Jun 2024 \$</b>
<b>Budget</b>	1,924,583	23,095,000
<b>Actual interest</b>	2,076,257	23,405,117
<b>Variance</b>	151,673	310,117
<b>Variance (%)</b>	7.88%	1.34%

## **8 SERVICE AND OPERATIONAL MATTERS**

The following items are submitted for consideration -

8.1	Adoption of the Flood Risk Management Study and Plan for Prospect Creek Sub-Catchments	133
8.2	Late Night Trading in Canterbury-Bankstown	143
8.3	Addressing Illegal Dumping in CBCity	147
8.4	East London Study Tour	153



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## Service and Operational Matters - 23 July 2024

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### ITEM 8.1

### Adoption of the Flood Risk Management Study and Plan for Prospect Creek Sub-Catchments

### AUTHOR

City Future

## PURPOSE AND BACKGROUND

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Council has recently completed community engagement on the draft Flood Risk Management Study and Plan (FRMSP) for Prospect Creek Sub-Catchments (the Plan). The Plan covers the area of Georges Hall, Lansdowne, Bass Hill, Villawood and Chester Hill. This area is impacted by both stormwater and riverine flooding.

This report provides detail on the outcomes of the community engagement undertaken with a recommendation for adoption. A copy of the final Plan is attached to this report (Attachment A).

## ISSUE

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The NSW Government's *Flood Prone Land Policy 2021* requires all NSW councils to manage flood risks within their local government area (LGA). Councils use Floodplain Risk Management Studies and Plans to outline flood mitigation measures to reduce the risk of flooding. The Plan builds upon previous flood studies and identifies how Council can manage flood risk with better planning, improvements to emergency management and upgrades to flood mitigation infrastructure, in line with Council's requirements under the *Flood Prone Land Policy 2021*.

The Plan provides a detailed assessment of 18 mitigation options to reduce the impact of flooding within the sub-catchments of Prospect Creek within the Canterbury-Bankstown LGA. The Plan will be used by Council to inform planning, funding and prioritisation of the delivery of infrastructure going forward.

## RECOMMENDATION

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That Council adopt the Flood Risk Management Study and Plan for the Prospect Creek Sub-Catchments.

## ATTACHMENTS

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[Click here for Attachments](#)

- A. Flood Risk Management Study and Plan for Prospect Creek Sub-Catchments
- B. Submissions Table

## **POLICY IMPACT**

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The work undertaken to develop the Plan is consistent with the objectives and technical guides associated with the *NSW Flood Prone Land Policy 2021* and the *Flood Risk Management Manual 2023*.

As required by the above Policy and Manual, the development of the Plan has been overseen by the Canterbury-Bankstown Floodplain Management Committee. At the 19 June 2024 Floodplain Management Committee, the Committee endorsed the Plan to be presented to Council for adoption.

The Plan supports Council's aspiration to be a City that is Clean and Green, a cool, clean and sustainable city with healthy waterways and natural areas. It also supports the directions of the Resilient CBCity Strategic Plan, to build the capacity of the community to respond to acute shocks such as major storms and floods.

## **FINANCIAL IMPACT**

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While there is no immediate financial impact as a result of this Report, the Plan makes recommendations for the implementation of risk mitigation measures to the approximate value of \$27.5 million.

Delivery of actions identified in the Plan will be subject to Council's prioritisation, budget allocation and future capital works processes.

The adoption of the Plan will allow Council to apply for NSW Government funding to implement key actions.

## **COMMUNITY IMPACT**

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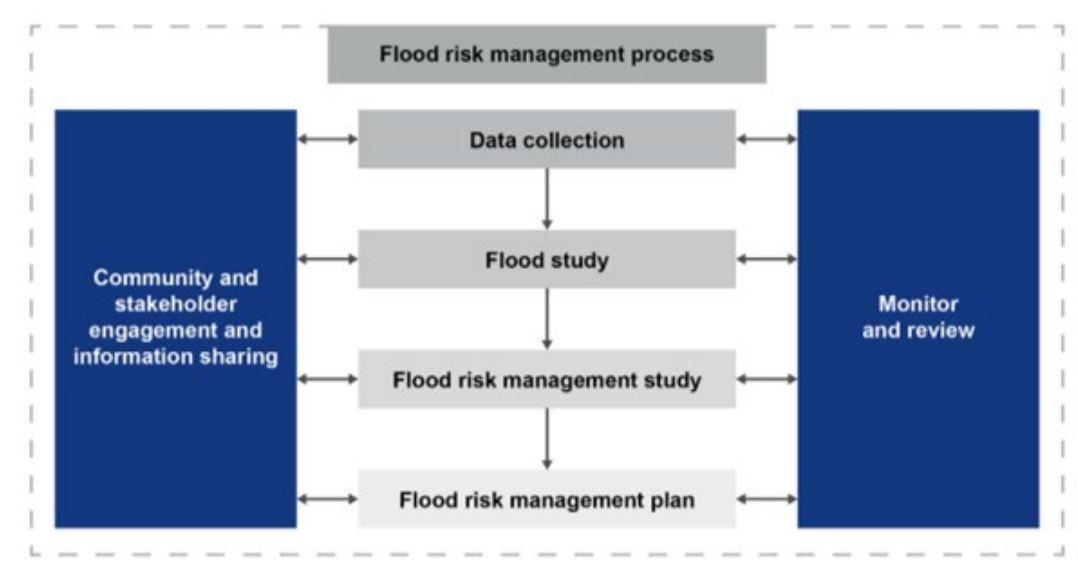
Flooding cannot be completely prevented. Flooding is a natural part of how rivers and waterways work and will always be a possibility when we experience large amounts of rain in a catchment. However, infrastructure and development can be designed to reduce the impacts and risks of flooding by slowing the water down, stopping it reaching certain areas, or by making space for the water to move. This can reduce the impact of flood events for both people and property.

There are a total of 2,667 flood affected properties within the Probable Maximum Flood (PMF) extent across the four sub-catchments included in the Prospect Creek study area, or 35.5 percent of the total 7,502 properties in the study area. The majority (over 60 percent) of flood affected properties are located within the Villawood sub-catchment. Implementation of the recommendations outlined in the Plan will mitigate risk to both people and property.

## DETAILED INFORMATION

### Process Background

The NSW Government's *Flood Prone Land Policy 2021* requires that all local councils manage flood risks within their local government area. Council is required to develop Flood Risk Management Studies and Plans in accordance with the process outlined by the NSW Government's *Flood Risk Management Manual 2023* as illustrated in the following flowchart.



The overall objective of the Plan is to address the existing, future and continuing flood problems. The development of the Plan was overseen by the Canterbury-Bankstown Floodplain Management Committee with representatives from the Department of Climate Change, Energy, Environment and Water, the State Emergency Service, Sydney Water, neighbouring councils, and business and community representatives.

It is important to note that not all flooding problems have been or will be alleviated by the proposed works. A complete solution to the flooding problem is not cost effective from a floodplain management perspective.

### Prospect Creek Sub-Catchments

Prospect Creek originates downstream of the Prospect Reservoir and flows into the Georges River, which discharges into Botany Bay. It stretches from Wetherill Park at the upstream end, to Georges Hall in the downstream end. The length of Prospect Creek from top of the catchment to the Georges River is approximately 16 kilometres. The Prospect Creek catchment covers parts of the City of Canterbury Bankstown, Fairfield City, Cumberland City, Blacktown City and Liverpool City councils.

The Plan covers the Canterbury-Bankstown Council portion of the Prospect Creek catchment, totalling 1,178.2 hectares. This forms the eastern portion of the Prospect Creek catchment and drains to Prospect Creek either directly, or through a major tributary of Prospect Creek, Burns Creek, and is located in the north-west portion of the Canterbury-Bankstown LGA (see Figure 1).

A copy of the Plan is attached to this report (Attachment A).

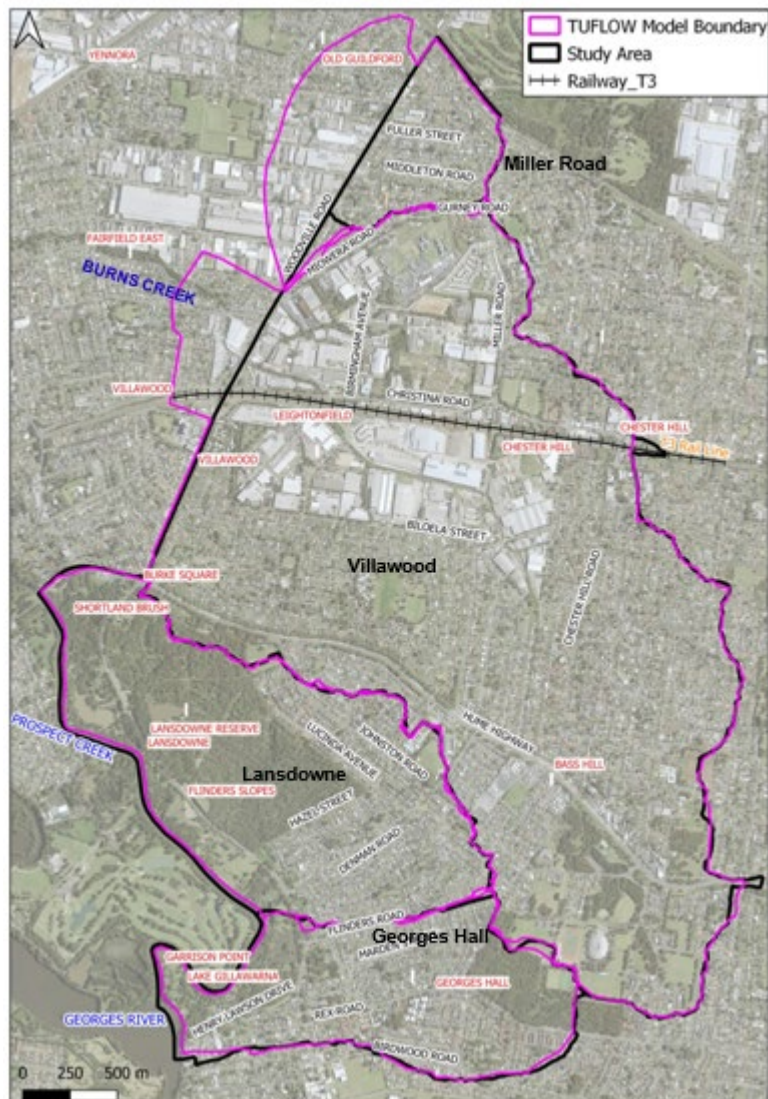


Figure 1. Prospect Creek FRMSP study area

### Extent of Flooding

The Prospect Creek FRMSP study area is impacted by both mainstream flooding (also known as riverine or fluvial flooding) and local overland flooding (also known as flash or pluvial flooding). The extent of flooding in the Prospect Creek FRMSP study area is demonstrated below (Figure 2), which outlines the one percent Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) flood extents. It also includes the PMF extents for Georges River flooding for Georges Hall and Lansdowne sub-catchments. This figure provides an indication of the flood affected portions of the study area.



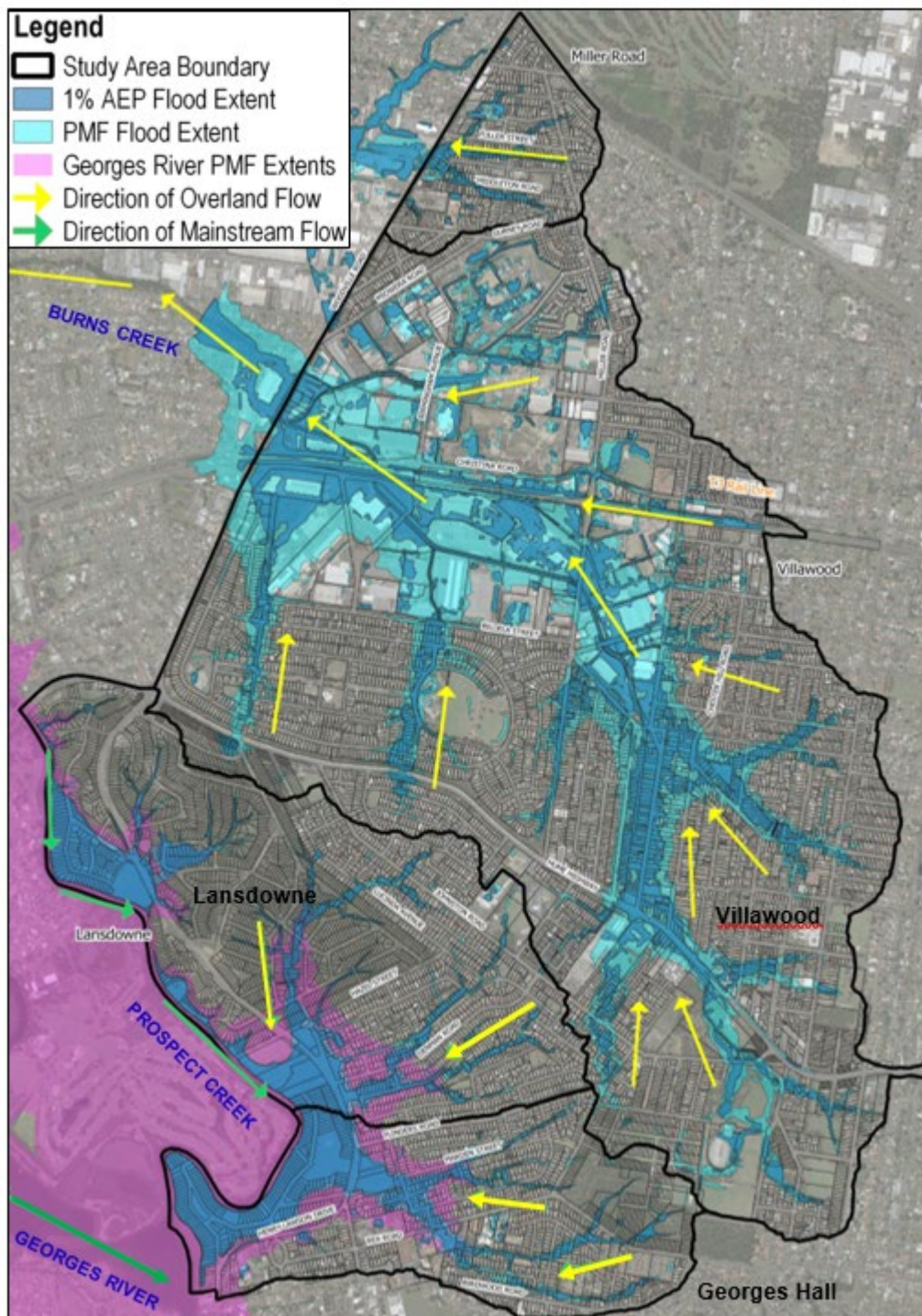


Figure 2. Prospect Creek FRMSP flood extent

### Recommended Management Options

The Prospect Creek FRMSP (Attachment A) considers three main types of Flood Risk Management options:

- Flood modification measures: Options aimed at preventing / avoiding or reducing the likelihood of flood risks. These options reduce the risk through modification of the flood behaviour in the catchment;
- Property modification measures: Property modification measures are focused on preventing / avoiding and reducing consequences of flood risks. Rather than necessarily modify the flood behaviour, these options aim to modify properties (both existing and future) so that there is a reduction in flood risk; and

- Emergency response modification measures: Emergency response modification measures aim to reduce the consequences of flood risks. These measures generally aim to modify the behaviour of people during a flood event.

The following table summarises the priority actions and approximate costs for implementation:

Option ID	Option Type	Sub-Catchment	MCA Score	Option Rank	Implementation Priority	Capital Costs (excl. GST)
FG5 – Harden Reserve Basin Retrofit	Flood Modification (FM)	Georges Hall	1.11	1	High	\$1,038,315
EM5 – Flood Markers and Signage	Emergency Response (EM)	All sub-catchments	0.99	2	High	\$150,000
FV3 – Tucker Reserve Detention Basin	Flood Modification (FM)	Villawood	0.96	3	High	\$2,704,386
FL3 – Jacaranda Drive Drainage Upgrade	Flood Modification (FM)	Lansdowne	0.94	4	High	\$1,569,205
EM3 – Community Flood Awareness	Emergency Response (EM)	All sub-catchments	0.90	5	High	\$45,000
EM2 – Review of Local Flood Planning and Info Transfer to NSW SES	Emergency response (EM)	All sub-catchments	0.87	6	High	\$15,000
EM1 – Flood Prediction and Warning	Emergency response (EM)	All sub-catchments	0.49	7	Medium	\$225,000
EM6 – Flood Data and Debrief	Emergency response (EM)	All sub-catchments	0.49	8	Medium	\$30,000
FG7 – Amaroo Ave Drainage Upgrade	Flood Modification (FM)	Georges Hall	0.48	9	Medium	\$2,559,653
FM1 - Miller Road Drainage Upgrade	Flood Modification (FM)	Miller Road	0.43	10	Medium	\$1,285,546
FG4 – Rex Road Drainage Upgrade	Flood Modification (FM)	Georges Hall	0.32	11	Medium	\$209,781
FV1 – Alcoomie Reserve Detention Basin	Flood Modification (FM)	Villawood	0.22	12	Medium	\$3,252,747
FL2 – Wilton Reserve Detention Basin	Flood Modification (FM)	Lansdowne	0.21	13	Medium	\$2,035,061
FV5 – Orchard Road Drainage Upgrade	Flood Modification (FM)	Villawood	0.18	14	Medium	\$7,533,953
PM1 – Voluntary House Raising	Property Modification (PM)	All sub-catchments	-0.02	15	Low	\$45,000
PM3 – Voluntary Purchase	Property Modification (PM)	All sub-catchments	-0.31	16	Low	\$45,000
FV8 – Christina Road Channel Upgrade	Flood Modification (FM)	Villawood	-0.39	17	Low	\$3,481,201

Option ID	Option Type	Sub-Catchment	MCA Score	Option Rank	Implementation Priority	Capital Costs (excl. GST)
FV6 – Sir Thomas Mitchell Drive Channel Upgrade	Flood Modification (FM)	Villawood	-0.41	18	Low	\$1,303,526
					<b>Total</b>	<b>\$27,528,374</b>

### Public exhibition and community engagement process

Two rounds of community engagement were completed for the Prospect Creek FRMSP:

- An initial round of community engagement was held from 27 July 2022 through to 26 August 2022. During this time a dedicated Have Your Say (HYS) page was established, information was provided on Council's social media page and in Council's newsletter, letters were mailed to all owners and occupiers of flood affected properties in the study area, an online survey was undertaken and two in-person information sessions were hosted at Bass Hill Plaza and at the Georges Hall town centre

Across the initial engagement period there were approximately 37 recorded responses through one of three response methods:

- The online survey had 27 respondents;
- HYS photo and video uploads by five different participants, the HYS page had a total of 476 views; and
- Email responses submitted by five respondents.

There were also 30 community attendees across the two in-person information sessions.

The online survey results indicated:

- Forty-one percent of respondents had experienced flooding in their home or business, 63 percent experienced flooding of their yard, and only 15 percent had experienced no flooding at all;
  - Sixty-seven percent had observed flooding in 2022 alone, mostly in March or July;
  - Sixty-three percent are concerned about flooding and future climates; and
  - Seventy-four percent believed Council should address the impacts of an uncertain future climate on flooding.
- A second round of community engagement was then conducted on the draft Final Report for the Flood Risk Management Study and Plan for Prospect Creek Sub-Catchments. This engagement period was conducted from 8 May 2024 through to 5 June 2024. During this time the HYS page was updated with links to the draft Prospect Creek FRMSP. Notification letters were mailed to all owners and occupiers of flood affected properties in the study area (including the one percent AEP flood extent and the PMF extent), approximately 4,800 letters. Two in-person information sessions were also hosted by Council at Bass Hill Plaza and at the Georges Hall town centre.

Across the engagement period the following responses were recorded:

- Phone calls to Council by seven different respondents in relation to the public exhibition of the study;
- HYS comment uploads by 11 different participants, the HYS page was viewed 355 times;

- Email responses submitted to Council by five respondents;
- One in-person meeting at Council; and
- There were 33 community attendees across the two in-person information sessions.

It should be noted a number of households made several engagements, completing a HYS submission, writing directly to Council and speaking directly with Council staff.

### **Summary of public submissions**

The most common concerns received during the engagement period were not directly related to the recommendations of the Prospect Creek FRMSP, including:

- Concerns relating to the potential impacts of flood affectation on insurance costs and property values, and the method of flood affectation identification; and
- Concerns were raised relating to the potential stormwater / flooding impacts of recent development in the area, specifically duplex developments with a significant increase in hardstand for properties.

Specifically relating to flood risk management options, the following comments were received during public exhibition:

- Multiple residents raised concerns regarding regular stormwater ponding on Denman Road near the intersection with Henry Lawson Drive;
- A concern was raised about the properties eligible for Voluntary House Raising (VHR) and Voluntary Purchase (VP); and
- A concern was raised in relation to the proposed Harden Reserve basin retrofit option, specifically to the merit of the option with limited stormwater flows observed in the area.

The community concerns and Council's response to the draft Prospect Creek FRMSP are outlined in Attachment B.

### **Amendments to the Prospect Creek FRMSP**

Several changes have been made to the Prospect Creek FRMSP following public exhibition. The Plan has been updated to:

- Incorporate administrative changes including typographic error corrections, reference corrections, grammar and clarifications; and
- Include a section detailing the outcomes of the community engagement.

Council acknowledges the concern from residents regarding flood affectations on their properties. These notations are a result of the previous Flood Study process and outside the scope of this project, with the focus of the Plan on the proposed flood risk management options.

### **Endorsement by the Floodplain Management Committee**

The Canterbury-Bankstown Floodplain Management Committee is an advisory Committee, established by Council and consistent with the approach outlined in the *NSW Flood Risk Management Manual 2023*. Throughout the development of the Plan, the Committee were regularly updated and invited to provide input into the assessment of the options and review the final document.

At the 19 June 2024 Floodplain Management Committee, the Committee endorsed the Plan to be presented to Council for adoption.

### **Conclusion**

The overall objective of the Plan is to address the existing, future and continuing flood problems. The FRMSP identifies how Council can manage flood risk with better planning, improvements to emergency management and upgrades to flood mitigation infrastructure.

Everyone has a role to play in managing the risks of flooding – individuals, businesses, emergency support agencies as well as Federal, State and Local Government. Individual residents and businesses have a responsibility to know their flood risk, to plan for flooding and to act in a way that protects themselves and their property. The Plan provides Council with a prioritised list of infrastructure which can mitigate the risk of flooding in the suburbs of Georges Hall, Lansdowne, Bass Hill, Villawood and Chester Hill and reduce the impact on our residents.



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## Service and Operational Matters - 23 July 2024

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### ITEM 8.2

### Late Night Trading in Canterbury-Bankstown

### AUTHOR

City Future

## PURPOSE AND BACKGROUND

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On 29 August 2023 Council resolved that:

1. Council undertake consultation on our community's thoughts on the need, benefits, impacts and possible locations where late-night trading could occur;
2. The consultation includes retailers in our centres inclusive of food shops and restaurants; and
3. The engagement informs future opportunities to where our City would benefit from extended night trade for businesses that supports Canterbury-Bankstown as a destination while balancing amenity for residents in busy centres.

This report provides a summary of the community feedback received, as well as recommendations.

## ISSUE

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Approximately 20 percent of all employment in the City is linked to the night time economy with more than 7,000 local businesses trading and contributing. There is a further opportunity to promote our night time economy throughout the year and across the City. By allowing businesses to trade into the evening, late night and early morning, Council may enable businesses to grow. Business growth also needs to be considered in the context of potential impact on surrounding residents.

## RECOMMENDATION

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That Council note the findings from the community consultation and incorporate this information when implementing future actions identified in the Night Time Economy Action Plan 2021-26 (e.g., locations identified as areas to develop, factors identified as making a good late-night trading, barriers to late night trading).

## ATTACHMENTS

[Click here for Attachments](#)

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- A. Engagement Report - Late Night Trading in Canterbury-Bankstown

## **POLICY IMPACT**

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The recommendations are consistent with the Night Time Economy Action Plan 2021-26 adopted by Council in 2021.

It also supports Council's aspiration in the Community Strategic Plan to be Prosperous and Innovative, in particular the priority in the 2022-2025 Delivery Program to "target initiatives to enhance the local night time economy, with a focus on encouraging outdoor dining and live music to activate the City".

## **FINANCIAL IMPACT**

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The recommendations do not commit Council to expending additional funds. The 'Where Interesting Happens' website and Council's Night Time Economy Action Plan 2021-26 are part of Council's existing operational budget.

## **COMMUNITY IMPACT**

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The recommendations are not expected to have a negative impact on the community. Supporting and promoting late night trading will consider the broader community impacts such as noise and disturbance as part of and specific initiatives.



## DETAILED INFORMATION

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Following the 29 August 2023 Council Resolution to, ‘undertake consultation on our community’s thoughts on the need, benefits, impacts and possible locations where late-night trading could occur’, a late-night trading project was exhibited from Friday 21 June to Friday 5 July 2024.

The consultation sought community feedback on:

1. Areas that people currently visit at night and why;
2. Suburbs that could be developed as late-night trading areas;
3. What makes a good late night trading area (e.g., variety of activities);
4. Whether or not branded late night precincts would help businesses; and
5. Whether they had heard of the Purple Flag accreditation program and if yes, whether it was helpful for businesses.

Businesses were also approached for their feedback on whether, if allowed, they would like to open longer hours. For those who responded yes, they were asked about barriers that may stop them from opening longer hours. For those who responded no, they were asked about how Council could make operating later more attractive to them.

### Community engagement methodology and promotion

Engagement methodology and promotion included:

- A Have Your Say (HYS) page (<https://haveyoursay.cbcity.nsw.gov.au/late-night-trading-canterbury-bankstown>), which featured a social map tool to identify locations of interest and seek feedback on the idea of late night trading areas;
- Three community pop-ups in Revesby, Campsie and Roselands;
- Business surveys in Lakemba, Greenacre, Punchbowl, Earlwood, Bankstown and Padstow;
- Flyers distributed to Council’s nine library and knowledge centres, and at the community pop-ups;
- Social media posts on Council’s Instagram, Facebook and Twitter (X) accounts; and
- Digital screens in Council’s libraries.

### Summary of engagement findings

There were 380 unique visitors the HYS page, 58 social map contributions, 29 conversations and 394 business surveys completed.

At large, across digital and traditional / face-to-face methods, there was a reasonable level of engagement with the late-night trading in Canterbury-Bankstown exhibition.

The results of the community engagement are provided in Attachment A and summarised as follows:

- **LOCATION:** locations for current and possible future late-night trading were identified across the LGA by community members. The major centres identified were: Bankstown; Campsie; Canterbury; Punchbowl; Hurlstone Park and Sefton. Bankstown and Campsie

are two of the top six suburbs in the City that contribute to Canterbury-Bankstown's late night economy, as per data from the period 1 April 2023 to 31 March 2024.

- **WHAT MAKES A GOOD AREA FOR LATE NIGHT TRADING:** Community members identified the following factors as being required for a successful late night precinct: a variety of activities; safety; accessibility and lighting. In addition, the majority of respondents viewed branded late-night precincts as being helpful to businesses. Some of these considerations are referenced in Council's Night Time Economy Action Plan 2021-26.
- **BARRIERS TO LATE NIGHT TRADING:** From a business perspective, many businesses are hesitant to open late, citing factors such as there being insufficient foot traffic required to justify staying open late.

### **Proposed use of the consultation information**

Research shows that factors needed to develop and sustain a thriving night time economy include a diversity of offerings, safe and welcoming spaces, accessibility and appropriate regulation and policy (Sydney 24-hour Economy Strategy, September 2020). Feedback from this consultation validates this research.

It is also recognised that there are key stages in night time economy development, ranging from 'emerging' through to 'established' (Local Government Night-Time Economy Toolkit, Part A, December 2023). The night time economy in Canterbury-Bankstown is in its infancy and could be categorised as 'emerging'. As a result, in 2021 Council adopted the Night Time Economy Action Plan 2021-26. The organisation is in early stages of implementing actions identified in this plan and has undertaken initial work such as:

- Commissioning research on spending patterns and visitation in the City and key Night Time precincts;
- Engaging with the Night Time Commissioner to promote the City;
- Piloting the Purple Flag Initiative in Lakemba;
- Continuing to promote our events that operate in the evening such as Ramadan Nights;
- Promoting the Bryan Brown Theatre and Bankstown Arts Centre, which have events in the evening; and
- Creating a new destination website – Where Interesting Happens – to promote businesses.

The information collected as part of this engagement will be used to inform the implementation of future actions from the Night Time Economy Action Plan 2021-26. In particular:

1. To increase awareness of the major night time economy suburbs (and their associated businesses) through the recently launched 'Where Interesting Happens' website;
2. Implementing actions to address the factors identified as making a good late-night trading and barriers to late night trading; and
3. Reviewing the future Masterplans being prepared for the City to consider planning mechanism to encourage future late night trading precincts.

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## Service and Operational Matters - 23 July 2024

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### ITEM 8.3                      Addressing Illegal Dumping in CBCity

**AUTHOR**                      City Future

#### **PURPOSE AND BACKGROUND**

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On 25 July 2023 Council resolved the following:

1. Council acknowledge the proactive strategies Council has employed in tackling illegal dumping in our City, and to maintain its focus on cracking down on those offending, and on education campaigns; and
2. Council staff report back on any shortcomings, issues or resources needed, to ensure we maintain our fight against illegal dumpers.

This report provides a response to this resolution, in particular the role of various Units in Council to respond to illegal dumping across the City, the challenges and opportunities.

#### **ISSUE**

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Illegal dumping has been a long-standing problem in Sydney, including Canterbury-Bankstown. People dump waste for various reasons, such as convenience, avoiding fees, or simply not knowing it is wrong. Research shows that many people dump waste on the kerbside without realizing it is illegal. Even though commercial and industrial dumping happens less often, it still poses serious risks to the environment and public health.

Despite many requests from local councils and regional organisations, successive State Governments have not given enough support to tackle this issue. This lack of action is part of a bigger problem with the management of waste in NSW, especially in Sydney.

However, despite this, Council is dedicated to fighting illegal dumping and invests significant resources in multiple units focused on this issue.

#### **RECOMMENDATION** That -

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1. Council continue to implement the proactive anti-dumping strategies already in place and continue to further implement improvements as outlined in this report.
2. Council lobby and advocate for the State Government to support anti-dumping efforts, both through improved funding structures, changes to the Waste Levy, local and state-wide research and support of regional approaches.

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

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- A.     Addressing Illegal Dumping in CBCity FINAL - July 2024

## **POLICY IMPACT**

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The report does not have any direct policy impact. The actions and recommendations deliver on Council's Community Strategic Plan (Clean and Green) and the Operational Programs Priority: *"Taking a strategic approach to future waste challenges"*.

## **FINANCIAL IMPACT**

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The report does not have any financial impact. The actions and recommendations will be delivered under Council's existing operational budgets or considered as part of future Operational Plans.

While Council has allocated funding under the current Operational Plan to address illegal dumping, several programs are funded through grants. If Council is to adequately address the challenge in the future, a State-wide approach is required where greater funding is provided by the State Government. This requires a broader review and change of the NSW Government Waste Levy increasing the proportion of levy funds returned to local government.

## **COMMUNITY IMPACT**

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In 2018, as part of community consultation for the Community Strategic Plan, the community told us they wanted less dumped rubbish and litter. The activities and actions outlined within this report detail how we are meeting the community's request for less dumping and cleaner streets.

All the actions currently undertaken to reduce illegal dumping result in an improved and safer public amenity for the community. Benefits for the local environment are that there is less pollution, and it is cleaner and healthier. These benefits and improvements lead to an increase in community pride and ownership in the local area, which in turn leads to less dumping and litter.

## DETAILED INFORMATION

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### Illegal Dumping

Illegal dumping is the unauthorised disposal of waste larger than litter without proper approvals. This can range from dumping small bags of rubbish or unwanted household items to larger-scale dumping of materials like construction and demolition waste. The waste can sometimes include hazardous materials like asbestos.

Dumping is a historically persistent problem across Sydney and Canterbury-Bankstown is no different. Dumping remains highly prevalent, especially in certain areas. In 2023, 14,635 illegal dumps were reported to, or recorded by, Council and responded to. Because it is highly visible in residential areas, residential dumping is a priority for many community members. As a result, there is a strong desire for effective action.

Depending on the type and quantity of waste, illegal dumpers are motivated by convenience, an unwillingness to pay, or an uncaring attitude. Research also shows that people dump on the kerbside as they do not realise it is wrong. More than 80 percent of the illegal dumping comprises household items suitable for the Bulky Waste Clean-Up Service. Commercial and industrial dumping represents a lower total volume but can present greater risks to the environmental and public health.

### Management of Illegal Dumping in NSW

Illegal dumping is a symptom of a much larger failure by successive State Governments in addressing the wider waste challenges facing NSW, in particular metropolitan Sydney. Despite repeated requests from individual councils and regional local government organisations over many years, Governments have not provided the necessary support to councils to adequately address this challenge. Since selling WSN Environmental Services in 2010 and adopting a Policy and market-driven approach, the management of waste and illegal dumping has largely been left to Local Government to manage.

Funding for illegal dumping programs has been sporadic and largely grant driven despite significant revenue being collected by the State Government through the Waste Levy. In NSW, about one-third of the revenue amount collected through the waste levy has been allocated to the Environment Portfolio, including waste and resource recovery programs and initiatives. Two thirds go back into consolidated revenue.

According to the New South Wales Environment Protection Authority (EPA), the waste levy aims to incentivise resource recovery by increasing the cost of landfilling so that recycling becomes a more cost competitive option. Unfortunately, this also creates a disincentive for individuals to correctly take their material to an authorised waste disposal facility, choosing to illegally dump instead. For instance, offering reduced tipping fees for asbestos disposal by households and councils could help manage illegal dumping and address construction and demolition stockpiles more effectively.

## **Regional Illegal Dumping Squad**

One solution previously implemented was the formation of the Regional Illegal Dumping (RID) group. RID was a regional approach to dumping prevention, funded by an EPA grant. The RID was formed in 2014 as a multi-council taskforce and investigation and compliance team to combat illegal dumping.

The benefits of participating in the program were mixed:

- RID helped to investigate a number of dumps but did not represent a significant increase in resources available for anti-dumping activities;
- As host council, Canterbury-Bankstown bore the upfront costs of the program, with reimbursement in the form of a fixed EPA grant and co-contributions from member councils;
- RID membership imposed significant operating burden on The City of Canterbury Bankstown; and
- In addition, compliance with RID processes limited Council's responsiveness to local problems.

The State Government took no interest in managing or coordinating the RID. As a result of these limitations, in June 2023 Council no longer managed RID and as no other member Council, not the EPA, was willing to take on the role, it was disbanded.

Since that time Council has made numerous approaches to the State Government requesting funding reform, both directly and in partnership with other councils. Such reform is urgently needed. Current funding is delivered via contestable, time limited grants. This model places councils in competition for resources, stymying co-operation on an issue larger than any single LGA. Grant criteria are often prescriptive, excluding programs designed for specific local circumstances.

## **Addressing Illegal Dumping by CBCity**

Despite the above challenges, significant resources from multiple units are devoted to combating illegal dumping in CBCity. By coordinating efforts across these units and implementing combined strategies, notable progress has been achieved in reducing instances of illegal dumping. This collaborative approach has led to more efficient use of resources, improved monitoring and enforcement, and heightened public awareness.

The key Units engaged in dumping reduction are Sustainable Future, Regulatory Services and Waste Operations. Activities follow the framework laid out in Council's Clean City Strategic Plan (CCSP). Data informs proactive and reactive strategies designed to:

- Pre-emptively reduce dumping through education and norm building;
- Generate savings and improve neighbourhood amenity by shifting dumping into the Bulky Waste Clean-Up Service (BWCS); and
- Bolster behaviour change strategies with enforcement deterrents.

The report, Addressing Illegal Dumping CBCity (Attachment A), sets out in more detail the roles of each of the Units and the specific areas of activity undertaken to tackle illegal dumping.

## **Achievements**

As a result of targeted campaigns in priority areas, a reduction of dumping of 54 percent has been achieved, with improvements of up to 88 percent in some areas. Lower dumping levels are paralleled by increased uptake of the Bulky Waste Clean-up Service, as Officers work to redirect residential dumping into legitimate streams.

Investigations, combined with strategic uses of surveillance technology, have also led to a high success rate in pursuing enforcement action against offenders. Clean City Dumping Prevention Officers issued 62 notices in 2023, generating \$61,000 in revenue from 60 fines. Despite inconsistencies in local court applications of penalties, the Unit issued 306 penalties in 2023/24 for a total revenue of \$495,000.

## **Future Management of Illegal Dumping**

As noted previously, Council is currently providing significant resources to tackle the issue of Illegal Dumping. However, like the rest of Sydney, this is a community-wide issue driven by broader failures in the management of waste by numerous State Governments over many years.

As set out in the Report (Attachment A), There are several actions Council can undertake to continue to improve the way it manages Illegal dumping. However, if we are to adequately address the challenge in the future, a State-wide approach is required that is fully resourced.

This requires a broader review and change of the NSW Government Waste Levy including:

1. The majority of levy funds collected to be directed towards addressing waste issues, including illegal dumping;
2. Increasing the proportion of levy funds returned to Local Governments; and
3. Introducing a variable levy on material to encourage the correct disposal of hazardous material such as asbestos.

In addition, the Government should take a more proactive role in gathering data and undertaking research on a local and state-wide basis to help Council manage illegal dumping.

## **Conclusion**

Illegal dumping is a significant problem in the City, leading to environmental degradation, health hazards, and increased clean up costs. It undermines community aesthetics and can attract further illegal activities. With adequate funding and accountability provided by the State Government, Council can effectively begin to combat illegal dumping and create a cleaner, safer environment for all.





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## Service and Operational Matters - 23 July 2024

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### ITEM 8.4                      East London Study Tour

**AUTHOR**                      Planning

### **PURPOSE AND BACKGROUND**

This report provides an overview of the recent East London Study Tour (ELST) attended by three Councillors and the Director of Planning from 2 June to 7 June 2024. This report has been co-authored by all Council attendees.

### **ISSUE**

The Western Sydney Leadership Dialogue's second East London Study Tour took place in June 2024, highlighting successful urban renewal and development in the East London region. This area shares similar geospatial and socio-economic characteristics with Western Sydney.

Delegates explored numerous transformative projects in East London, witnessing firsthand how urban renewal effectively addresses challenges such as population growth, housing affordability, employment dynamics, major event hosting, regional branding, social disparities, and economic growth.

This initiative aligns with the Council's commitment to informed decision-making and regional advancement. It enhances our understanding of successful urban development strategies and their potential applicability to Canterbury-Bankstown and Western Sydney. This is particularly crucial amidst the significant planning reforms currently underway across metropolitan Sydney.

### **RECOMMENDATION** That -

1. The information be noted.
2. Council write to the Premier to highlight the methods of urban renewal and incentives used in London to deliver affordable housing, suggesting these as potential policy levers for implementation in NSW.
3. This report satisfies the provisions of Council's Councillor Expenses and Facilities Policy.

### **ATTACHMENTS**

Nil

## **POLICY IMPACT**

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The tour provided the Council with crucial perspectives on the impact of large-scale transformations in similar socio-economic areas of London. Specifically, it shed light on key issues currently facing our Council, including housing affordability, transport, health, and education. By examining how these aspects have been successfully addressed in other communities, the Council gained valuable lessons and insights that will be directly applied to our own urban development strategies.

## **FINANCIAL IMPACT**

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This matter has no financial impact for Council.

## **COMMUNITY IMPACT**

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The tour offered valuable insights into the anticipated transformation of our Central Business District (CBD) and the broader local government area over the next decade, particularly in relation to the current Low to Mid-rise Housing and Transit Oriented Development SEPP. The Council recognises the importance of engaging with and learning from the experiences of other regions to ensure a well-informed and effective approach to city-making, encompassing both spatial development and service delivery considerations.

## DETAILED INFORMATION

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The East London Study Tour provided valuable insights into strategies employed by local and state-equivalent authorities to address pressing issues such as affordable housing, transport-oriented development, and urban renewal as catalysts for improved access to jobs and education. This paper highlights key findings from the tour, drawing parallels with similar challenges faced in growth areas like Western Sydney and Canterbury-Bankstown.

### 1. Comparative Growth Areas:

East London and Western Sydney have emerged as key growth areas facing similar urban challenges, including affordable housing shortages, low levels of public transport investment, and the need for sustainable development in health and education sectors.

### 2. Mayoral Funding for Affordable Housing:

The Mayor of London plays a pivotal role in funding the construction of affordable housing through grants and facilitating the development of housing projects that cater to diverse income groups.

With a direct line of credit from Treasury, the Mayor of London administers various affordable housing schemes which include:

- **Affordable Rent:** Provides housing at rents lower than market rates, tailored for low to moderate-income individuals and families;
- **London Living Rent:** Offers affordable rental housing for middle-income Londoners, with rents set at around a third of average local household incomes;
- **Shared Ownership:** Allows first-time buyers and those unable to afford a home outright to part-buy and part-rent a property;
- **Intermediate Rent:** Offers homes at rents below market levels, aimed at individuals who cannot afford private rental but are ineligible for social housing;
- **First Dibs:** Gives priority to Londoners for new homes built in the City, ensuring they can purchase or rent before properties are advertised to those outside London;
- **Build to Rent:** Encourages the construction of purpose-built rental housing, managed by professional landlords or companies, with long-term tenancies and amenities;
- **London Affordable Homes Programme (LAHP):** A Government-funded initiative administered by the Mayor of London to increase affordable housing supply by providing funding for construction or refurbishment;
- **Empty Homes Programme:** Aims to bring vacant properties back into use as affordable housing through grants and support for renovation;
- **Community Land Trusts (CLTs):** Community-led organisations developing and managing affordable housing in partnership with authorities, supported by funding and assistance from the Mayor; and
- **Small Sites, Small Builders Programme:** Facilitates housing development on small plots by supporting small and medium-sized builders, diversifying the market and increasing affordable housing stock.

These initiatives collectively aim to address the housing crisis in London by increasing the availability of affordable homes, supporting various income groups, and utilising different approaches to housing development and management.

### 3. Transport for London's Dual Role:

Transport for London (TfL) serves as both a transport enabler and a place-making developer, contributing to place-making efforts through infrastructure development and urban regeneration projects.

TfL is responsible for the transport system in Greater London, including the London Underground, buses, trams, river services, and various other modes of public transportation. TfL's primary role is to ensure the smooth operation and development of London's transport network, facilitating the movement of people and goods across the city.

TfL's housing delivery arm, known as *Places for London*, is a subsidiary of TfL tasked with leveraging TfL's extensive landholdings and property assets to deliver new housing developments, commercial spaces, and other regeneration projects. Places for London focuses on unlocking the potential of underutilised land and property assets owned by TfL to contribute to the Mayor of London's housing targets and support sustainable urban development.

Key aspects of Places for London's activities include:

- **Development Projects:** Places for London identifies suitable sites for development and works with developers, housing associations, and local authorities to deliver new housing projects. These projects often incorporate affordable housing alongside market-rate properties, contributing to the overall housing supply in London;
- **Mixed-Use Developments:** Many of Places for London's development projects involve creating mixed-use developments that integrate residential, commercial, and retail spaces, as well as amenities and public spaces. This approach aims to create vibrant and sustainable communities around transport hubs and other strategic locations;
- **Regeneration Initiatives:** Places for London plays a role in regeneration initiatives aimed at revitalising urban areas and improving connectivity through transport infrastructure upgrades and new development projects. These initiatives often involve collaboration with local stakeholders and community groups to ensure that developments meet the needs of residents and businesses;
- **Affordable Housing:** Places for London is committed to delivering a proportion of affordable housing within its development projects, in line with the Mayor of London's housing policies. This includes affordable rent, shared ownership, and other forms of affordable housing aimed at addressing London's housing affordability challenges; and
- **Car Free Development:** Places for London seeks to deliver car-free developments in line with the London Plan and an increasing decline in car ownership.

Overall, Places for London plays a significant role in leveraging TfL's assets to support the delivery of new housing and regeneration projects in London, contributing to the City's growth and sustainability objectives.

### 4. Borough-led Affordable Housing delivery:

Local councils (Boroughs) in London often take charge of building, owning, and operating affordable and social housing portfolios, ensuring accessibility and affordability for residents.

Borough-led affordable housing delivery refers to the efforts and initiatives undertaken by the individual boroughs within London to address housing needs and deliver new housing developments within their respective areas. Each London borough has its own housing

department or housing authority responsible for housing policy, planning, and delivery within its jurisdiction.

Key aspects of Borough-led housing delivery include:

- **Housing Strategy and Policy:** Boroughs develop housing strategies and policies to guide housing delivery and address local housing needs. These strategies outline priorities, targets, and actions to improve housing affordability, supply, and quality within the borough;
- **Planning and Development Control:** Boroughs are responsible for managing the planning process and granting planning permission for new housing developments. They assess development proposals against local planning policies, including housing requirements, design standards, and sustainability criteria;
- **Affordable Housing Provision:** Boroughs work to ensure the provision of affordable housing within new developments through planning obligations, such as Section 106 agreements or the Community Infrastructure Levy (CIL). They may set targets for the provision of affordable housing, including social rented, affordable rent, shared ownership, and other forms of affordable housing;
- **Council Housing Management:** Many boroughs own and manage their own stock of council housing, providing affordable rental accommodation to residents. Boroughs are responsible for managing council housing allocations, repairs, maintenance, and tenancy management services;
- **Housing Regeneration and Renewal:** Boroughs undertake housing regeneration and renewal projects to improve existing housing stock, regenerate deprived areas, and deliver new housing developments. These projects often involve partnership working with developers, housing associations, and other stakeholders;
- **Homelessness Prevention and Support:** Boroughs have responsibilities to prevent homelessness and provide support to homeless individuals and families. This includes housing advice, assistance with finding accommodation, and support services for vulnerable households; and
- **Partnerships and Collaboration:** Boroughs work in partnership with other local authorities, housing associations, developers, and community organisations to deliver housing objectives, share best practices, and leverage resources effectively.

Overall, borough housing plays a crucial role in meeting the diverse housing needs of residents across the capital. Collaboration between boroughs, alongside effective planning and investment, is essential to ensure the successful delivery of new housing and the creation of sustainable and inclusive communities.

## **5. Car Free Developments:**

Most new London developments exhibit minimal car parking provision compared to Sydney, emphasising alternative transportation modes and reducing reliance on private vehicles. Often known as car-free development it is aimed at reducing or eliminating the reliance on private cars in certain areas to promote sustainable living, reduce congestion, and improve air quality.

- **Concept and Objectives:** Car-free development focuses on creating urban environments where residents can live comfortably without needing to own a car. This includes designing neighbourhoods with excellent public transportation, cycling infrastructure, and pedestrian-friendly spaces. The main objectives are to:
  - Reduce traffic congestion;
  - Lower carbon emissions;

- Improve air quality;
  - Enhance public health and safety; and
  - Promote more sustainable and efficient land use.
- **Policy and Regulation:** Several policies and regulations support car-free development in London, including:
    - **London Plan:** The London Plan encourages developments in areas with high public transport accessibility to be car-free or to significantly limit parking spaces;
    - **Mayor's Transport Strategy:** This strategy aims to make 80 percent of all trips in London to be made by walking, cycling, or public transport by 2041; and
    - **Low Traffic Neighbourhoods (LTNs):** These are areas where measures are taken to reduce through traffic, encouraging walking and cycling.
  - **Examples of Car-Free Developments seen by the ELST**
    - **Elephant Park:** The development in Elephant and Castle undertaken by Lendlease promotes sustainable living with reduced car parking and enhanced green spaces. As this site was part of the ELST, we saw firsthand the compact nature of the development and the quality of green spaces unhindered by noise and congestion. This development delivered over 2,500 homes with a parking provision of only 200 car bays. That is a parking ratio of 0.08 per apartment.
    - **King's Cross Development:** A major redevelopment area with limited car parking and excellent public transport links.

## 6. Provision of Affordable Housing:

Developers are incentivised to deliver between 35 percent to 50 percent affordable housing within developments, leveraging Mayoral grants and other incentives to enhance affordability and inclusivity.

- **Definition of Affordable Housing:** Affordable housing in London encompasses several types of housing aimed at people whose needs are not met by the open market. This includes:
  - **Social Rent:** Typically owned by local authorities or housing associations, with rents set based on local incomes;
  - **Affordable Rent:** Rents can be up to 80 percent of the local market rent; and
  - **Intermediate Housing:** Includes shared ownership and other forms of housing that can be purchased or rented at below-market rates.
- **Policies and Guidelines:** The provision of affordable housing is governed by various policies and guidelines including:
  - **London Plan:** This is the statutory spatial development strategy for London, which includes specific targets for affordable housing; and
  - **Mayor's Housing Strategy:** Aims to increase the supply of affordable housing and ensure that it meets the needs of London's diverse population.
- **Minimum Percentage Requirements:** Developers are required to deliver a certain percentage of affordable housing in new developments. The specific requirements can vary, but key guidelines include:
  - **Threshold Approach:** The Mayor of London's threshold approach requires that:
    - For private land, 35 percent of the new homes should be affordable; and
    - For public land, the requirement increases to 50 percent.

- **Viability Assessments:** If developers cannot meet these targets, they must submit a viability assessment to demonstrate why. The assessment is scrutinised to ensure transparency and fairness; and
- **Tenure Split:** Of the affordable housing provided, a certain proportion must be for low-cost rent (social or affordable rent) and the rest can be intermediate housing (e.g., shared ownership).
- **Government and Mayoral Initiatives:** Several initiatives aim to boost the provision of affordable housing:
  - **Affordable Homes Programme:** Provides grants to support the building of affordable homes;
  - **Housing Zones:** Designated areas where coordinated planning and investment are aimed at accelerating housing delivery, including affordable housing; and
  - **Community-Led Housing:** Encourages community groups to develop affordable housing tailored to local needs.
- **Impact and Future Prospects:** The provision of affordable housing remains a significant policy priority in London. Success depends on:
  - **Collaboration:** Between local authorities, developers, housing associations, and the community;
  - **Innovative Solutions:** Exploring new models such as modular housing and land trusts; and
  - **Policy Enforcement:** Ensuring developers comply with affordable housing requirements and that viability assessments are rigorously evaluated.

## 7. Holistic Place-based Design Solutions:

Comprehensive design solutions incorporate new streets, parks, playgrounds, retail spaces, and residential developments, creating vibrant and sustainable urban environments.

Key elements seen on the tour include:

- **Integrated design thinking:** Including transportation, housing, green spaces, commercial areas, and community services;
- **Focus on local needs:** Tailoring solutions to the specific cultural, economic, and social context of the area;
- **Promote sustainability:** Emphasising environmental sustainability through green infrastructure, energy efficiency, and sustainable transport options;
- **Encourage inclusivity:** Ensuring that developments cater to diverse populations, including different age groups, income levels, and abilities;
- **Mixed-Use Development:** Combining residential, commercial, and recreational spaces to create vibrant, multi-functional neighbourhoods;
- **Green and Blue Infrastructure:** Integrating parks, green roofs, water features, and sustainable drainage systems to enhance environmental quality and resilience;
- **Active Transport:** Prioritising walking, cycling, and public transport to reduce reliance on cars and improve health outcomes; and
- **Community Engagement:** Involving residents and stakeholders in the planning process to ensure developments meet their needs and foster a sense of ownership.

Holistic place-based design in London is supported by several policies and frameworks:

- **The London Plan:** Sets out strategic priorities for growth and development, emphasising sustainable and inclusive design;

- **Healthy Streets Approach:** Aims to improve health and well-being through better street design, encouraging walking, cycling, and social interaction; and
- **Good Growth by Design:** An initiative by the Mayor of London to promote high-quality, sustainable, and inclusive design across the City.

## **8. The Third Sector - Community Participation and Place Keeping:**

One of the highlights of the tour was the visit to Poplar HARCA (Housing and Regeneration Community Association), which is a prominent housing association and regeneration agency based in Poplar, East London. It was established in 1998 with the goal of transforming the local area through a combination of housing management, community engagement, and comprehensive regeneration projects. Their work involves:

- **Housing Management:** Poplar HARCA manages over 9,000 homes in Poplar and surrounding areas, providing affordable and high-quality housing options for residents. The organisation focuses on maintaining and improving its housing stock to ensure safe and comfortable living conditions;
- **Regeneration Projects:** Poplar HARCA is known for its ambitious regeneration initiatives aimed at revitalising the community. These projects often include the redevelopment of existing housing estates, the construction of new homes, and the improvement of local infrastructure and amenities; and
- **Community Development:** A key aspect of Poplar HARCA's work is its commitment to community development. The organisation works closely with residents to ensure their needs and aspirations are met. This includes supporting local businesses, providing educational and employment opportunities, and enhancing community facilities.

Some of the key projects and initiatives seen on the tour include:

- **Aberfeldy Village:** One of Poplar HARCA's flagship regeneration projects, Aberfeldy Village, involves the redevelopment of the Aberfeldy estate. The project aims to deliver new homes, commercial spaces, and community facilities, creating a vibrant and sustainable neighbourhood;
- **Spotlight:** Spotlight is a creative youth service run by Poplar HARCA, offering a wide range of activities and programs for young people. It provides a safe and supportive environment where young people can develop their skills, express their creativity, and engage with their community;
- **The Brownfield Estate:** This estate has undergone significant regeneration under Poplar HARCA's management, with improvements to housing, green spaces, and community amenities. The project aims to enhance the quality of life for residents and create a more cohesive community; and
- **Employment and Training Programs:** Poplar HARCA runs various programs to support residents in finding employment and gaining new skills. These initiatives include job fairs, training workshops, and partnerships with local businesses and educational institutions.

Poplar HARCA places a strong emphasis on resident involvement. The organisation employs a variety of methods to engage with the community, including regular consultations, resident forums, and community events. This approach ensures that residents have a say in the decisions that affect their lives and helps build a sense of ownership and pride in the local area.

Poplar HARCA's work has had a significant social impact on the Poplar area. By providing high-quality housing, improving local infrastructure, and fostering a strong sense of community, the organisation has contributed to the area's economic development and social cohesion.



The regeneration projects have also attracted new investment to the area, further enhancing its vitality and sustainability

### **9. Meanwhile Uses:**

The concept of 'Meanwhile Use' refers to the temporary use of vacant spaces or buildings for short-term purposes. This approach was employed in several development sites including Elephant Park (Lendlease) to make use of newly created and as yet, unleased properties, activating them in a way that benefits the community. 'Meanwhile Use' can apply to a variety of spaces, including commercial properties, public spaces, and residential buildings.

Lendlease worked with new businesses to offer affordable retail rents to attract them into 'Meanwhile Use' shopfronts during the development phase to offer retail services to the growing community, and to also create opportunities for those new start-ups to graduate into more permanent retail spaces as their business matured and developed.

Examples of 'Meanwhile Use' include:

- **Pop-Up Shops:** Retail spaces are temporarily filled with pop-up shops, which can range from seasonal stores to test markets for new products;
- **Community Gardens:** Vacant lots are converted into community gardens where residents can grow food and flowers;
- **Art Installations:** Empty buildings or lots are used for temporary art installations, exhibitions, or performances;
- **Co-Working Spaces:** Unused office spaces are repurposed as temporary co-working spaces for freelancers and start-ups; and
- **Events and Festivals:** Vacant areas are used to host events, markets, and festivals, drawing people to the area and creating a sense of community.

### **10. Planning Flexibility via Outline Planning Permission:**

Planning flexibility for large-scale renewal projects is designed to accommodate various planning and design parameters, allowing for adaptability throughout the development process. These consents specify the volume of space and a range of permitted uses without necessitating detailed designs for each phase at the outset. This approach aids developers in managing extensive, complex projects by permitting adjustments as the project progresses.

The primary goal of outline planning permission is to allow a developer to secure approval from the local planning authority for the overall concept of a development. It establishes that a development is acceptable in principle on a given site, while deferring the detailed aspects of the project for future consideration and approval.

It works as detailed below:

#### **Outline Planning Permission**

- **Overview:** Outline planning permission establishes the general principles of how a site can be developed. It is particularly useful for large or phased developments where full details of the project are not yet known;
- **Parameters Set:** Key parameters such as the maximum volume of development (e.g., building heights, floor space ratio), the mix of land uses (e.g., residential, commercial, industrial), and access points are set out. This provides a framework within which detailed proposals can be developed later; and
- **Reserved Matters:** Specific details, known as 'reserved matters' (e.g., appearance, landscaping, layout, scale), are approved through subsequent applications as the project

progresses. This staged approach allows for flexibility in response to changing circumstances or market conditions.

### **Design Codes and Masterplans**

- **Design Codes:** These provide detailed design guidelines that must be adhered to within the parameters set by the outline permission. They help ensure consistency in design quality while allowing flexibility in how the details are implemented; and
- **Masterplans:** A comprehensive masterplan can be submitted alongside an outline planning application. It provides a detailed vision and framework for the entire development site, illustrating how different phases will fit together and evolve over time.

### **Examples of Parameters-Based Consent**

#### **King's Cross Regeneration**

- **Framework:** The King's Cross redevelopment utilised parameters-based consent, allowing for flexibility in the mix of uses and building designs as the project unfolded over multiple phases; and
- **Implementation:** Detailed designs for individual buildings and spaces were submitted and approved through reserved matters applications, ensuring each phase met the overall vision and guidelines set out in the outline permission.

#### **Battersea Power Station**

- **Approach:** The Battersea Power Station project also used a parameters-based consent, providing a flexible framework that allowed for changes in specific uses and designs as market conditions and project requirements evolved; and
- **Outcome:** This approach facilitated the successful redevelopment of the site in multiple phases, adapting to new opportunities and challenges over time.

### **Benefits of Parameters-Based Consent**

- **Flexibility:** It allows developers to adapt the project to changing market conditions, technological advancements, and evolving community needs without needing to go through a completely new planning application process;
- **Phased Development:** Large projects can be broken down into manageable phases, with each phase subject to detailed design and approval within the overall framework; and
- **Risk Management:** Reduces the risk for developers by securing planning permission for the overall development concept while leaving room to adjust specific elements as needed.

### **11. Section 106 Agreements:**

Like our Planning Agreements and Contributions schemes, Section 106 agreements, also known as planning obligations, are legal agreements between local authorities and developers, used to mitigate the impacts of new developments. They are named after Section 106 of the Town and Country Planning Act 1990. These agreements are a critical tool in securing necessary infrastructure and community benefits associated with new development projects.

## Purpose and Scope

- **Mitigation of Development Impacts:** Section 106 agreements are designed to make a development proposal acceptable in planning terms that would otherwise not be acceptable. They are used to mitigate the negative impacts of a development;
- **Provision of Infrastructure:** They can be used to secure financial contributions or direct provision of infrastructure, such as roads, schools, parks, and public transport improvements; and
- **Affordable Housing:** A significant use of Section 106 agreements is to secure the provision of affordable housing. Developers may be required to provide a certain percentage of affordable homes within a development or contribute to affordable housing elsewhere.

## Legally Binding

- **Enforcement:** Section 106 agreements are legally binding on the land, meaning they apply to the landowner and subsequent owners. If the obligations are not met, the local authority can take enforcement action; and
- **Conditions and Obligations:** The agreements set out specific conditions and obligations that the developer must meet, which can include financial contributions, the timing of infrastructure delivery, and the provision of specific facilities.

## Negotiation and Flexibility

- **Customisable:** Section 106 agreements are negotiated on a case-by-case basis, allowing for flexibility to address the specific impacts and needs of individual developments; and
- **Viability Considerations:** During negotiations, the viability of the development is considered. Developers may submit viability assessments to demonstrate if certain obligations would render the project unfeasible.

## Transparency and Public Involvement

- **Consultation:** The process often involves consultation with stakeholders, including local communities, to ensure that the obligations reflect local needs and priorities; and
- **Public Records:** Once agreed upon, Section 106 agreements are public documents and can be inspected by the public.

## Common Uses of Section 106 Agreements

- **Affordable Housing**
  - **On-Site Provision:** Developers might be required to include a percentage of affordable housing units within the development; and
  - **Off-Site Contributions:** Alternatively, developers might provide financial contributions to fund affordable housing projects elsewhere in the local area.
- **Infrastructure and Public Services**
  - **Transport:** Contributions to road improvements, public transport enhancements, and pedestrian and cycling infrastructure;
  - **Education:** Funding for new school places or improvements to existing educational facilities; and
  - **Health Services:** Contributions to expanding local healthcare facilities to accommodate increased demand.
- **Community and Recreational Facilities**
  - **Parks and Open Spaces:** Provision or enhancement of public parks, playgrounds, and green spaces;

- **Community Centres:** Funding for the construction or improvement of community centres and recreational facilities.

Section 106 agreements enable local authorities to secure necessary infrastructure, affordable housing, and community benefits associated with new developments. These agreements ensure that the impacts of new developments are adequately mitigated, contributing to sustainable and balanced urban growth.

## **12. Coordination Between Agencies:**

The Infrastructure Coordination Development initiative, spearheaded by the Mayor of London, aims to enhance the planning, delivery, and integration of infrastructure projects across the City. The initiative seeks to address the complexities of managing London's extensive and diverse infrastructure needs by improving collaboration, efficiency, and strategic planning.

Key objectives of the initiative include:

- **Improving Coordination:** Enhance the coordination between different infrastructure providers, local authorities, and stakeholders to ensure efficient and timely delivery of infrastructure projects;
- **Reducing Disruptions:** Minimise disruptions to residents and businesses by better scheduling and integrating infrastructure works;
- **Maximising Resources:** Ensure optimal use of resources and funding by coordinating efforts and avoiding duplication of work; and
- **Futureproofing:** Plan and deliver infrastructure that meets current needs and anticipates future demands, incorporating sustainability and resilience.

Key sectors involved include:

- **Transport:** Coordination between TfL and other transport providers to integrate public transit, roadworks, and cycling infrastructure projects;
- **Utilities:** Collaboration with water, energy, and telecommunications companies to synchronise upgrades and maintenance of utility networks;
- **Housing and Development:** Ensuring that new housing developments are supported by adequate infrastructure, including transport, utilities, and public services; and
- **Public Realm Improvements:** Enhancing public spaces, parks, and green infrastructure to improve the urban environment and residents' quality of life.

Overall, the Infrastructure Coordination Development initiative represents a comprehensive approach to managing London's complex infrastructure landscape, ensuring that the City can continue to grow.

## **Conclusion:**

The East London Study Tour has provided an invaluable perspective on the approaches utilised by local and state-equivalent authorities to tackle pressing urban issues such as affordable housing, transport-oriented development, and urban renewal. These insights are particularly relevant to growth areas like Western Sydney and Canterbury-Bankstown, which face similar challenges.

## **Key Findings:**

### **1. Comparative Growth Areas:**

Both East London and Western Sydney share urban challenges such as affordable housing shortages, inadequate public transport investment, and the need for sustainable development in health and education sectors.

### **2. Mayoral Funding for Affordable Housing:**

The Mayor of London plays a crucial role in funding affordable housing through various schemes such as Affordable Rent, London Living Rent, and Shared Ownership, significantly contributing to housing affordability across different income groups.

### **3. Transport for London's Dual Role:**

Transport for London (TfL) acts as both a transport enabler and a place-making developer. Its subsidiary, Places for London, leverages TfL's land assets to support housing and regeneration projects, integrating transport infrastructure with urban development.

### **4. Borough-led Affordable Housing Delivery:**

Local councils in London, through borough-led initiatives, manage affordable and social housing portfolios, ensuring accessibility and affordability for residents. Their comprehensive approach involves housing strategy, planning, development control, and community engagement.

### **5. Car-Free Developments:**

Emphasising sustainable living, new developments in London prioritise alternative transportation modes and minimise car parking provisions, aiming to reduce congestion and promote healthier urban environments.

### **6. Provision of Affordable Housing:**

Developers are incentivised to include a significant percentage of affordable housing within new developments, supported by Mayoral grants and other incentives, ensuring inclusivity and enhanced affordability.

### **7. Holistic Place-Based Design Solutions:**

Integrating transportation, housing, green spaces, and commercial areas, these comprehensive design solutions promote vibrant and sustainable urban environments tailored to local needs and prioritising environmental sustainability.

### **8. The Third Sector - Community Participation and Place Keeping:**

Organisations like Poplar HARCA exemplify community-driven regeneration projects, emphasising resident involvement, community development, and social cohesion through innovative housing and regeneration initiatives.

### **9. Meanwhile Uses:**

Temporary uses of vacant spaces, such as pop-up shops and community gardens, activate areas during development phases, fostering community engagement and economic activity.

### **10. Planning Flexibility via Outline Planning Permission:**

This flexible approach accommodates large-scale renewal projects by allowing adaptability throughout the development process, enabling developers to manage extensive projects efficiently and respond to changing circumstances.

### **11. Section 106 Agreements:**

These agreements are vital in securing infrastructure and community benefits associated with new developments, ensuring that projects contribute positively to the local area by providing affordable housing, public services, and other necessary infrastructure.

## **12. Infrastructure Coordination Development:**

The Infrastructure Coordination Development initiative spearheaded by the Mayor of London highlights the importance of enhanced collaboration and strategic planning in managing urban infrastructure. This initiative aims to improve coordination among different sectors, reduce disruptions, and future-proof infrastructure investments to support sustainable growth.

The East London Study Tour highlighted effective strategies that can be adapted and implemented in Western Sydney and Canterbury-Bankstown. The comparative analysis underscores the importance of integrated planning, innovative funding mechanisms, and community engagement in addressing urban challenges. By leveraging these insights, CBCity can foster sustainable and inclusive growth, ensuring that development meets the diverse needs of our community while promoting environmental sustainability and social equity. The lessons learned from East London's approaches provide a robust framework for tackling similar challenges in our rapidly growing urban areas.

Councillors should also note that this report satisfies the provisions (clause 6.18) of Council's Councillor Expenses and Facilities Policy.

## **9 COMMITTEE REPORTS**

The following items are submitted for consideration -

- |     |   |     |
|-----|---|-----|
| 9.1 | Minutes of the Audit Risk and Improvement Committee Meeting held on 2 July 2024 | 169 |
| 9.2 | Minutes of the Traffic Committee Meeting Held on 9 July 2024                    | 171 |





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## Committee Reports - 23 July 2024

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### **ITEM 9.1                      Minutes of the Audit Risk and Improvement Committee Meeting held on 2 July 2024**

**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 2 July 2024.

#### **ISSUE**

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

#### **RECOMMENDATION    - That**

1. The recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 2 July 2024, be adopted.

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

- A. Minutes of the Audit Risk and Improvement Committee meeting held 2 July 2024

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## **Committee Reports - 23 July 2024**

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### **POLICY IMPACT**

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

### **FINANCIAL IMPACT**

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

### **COMMUNITY IMPACT**

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

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## Committee Reports - 23 July 2024

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**ITEM 9.2**                      **Minutes of the Traffic Committee Meeting Held on 9 July 2024**

**AUTHOR**                      **City Assets**

### **PURPOSE AND BACKGROUND**

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Attached are the minutes of the Canterbury Bankstown Council Local Traffic Committee meeting held on 9 July 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**

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Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

### **RECOMMENDATION**

---

That the recommendations contained in the minutes of the Canterbury-Bankstown Council Traffic Committee meeting held on 9 July 2024, be adopted.

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

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A.     Traffic Committee Meeting Minutes - 9 July 2024

## **POLICY IMPACT**

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The matter has no policy implications to Council.

## **FINANCIAL IMPACT**

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

## **COMMUNITY IMPACT**

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

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

The following items are submitted for consideration -

10.1	Status of Previous Notices of Motion - July 2024	175
10.2	Development Applications Table - Councillor Linda Downey	177
10.3	Drainage at Neptune Park Revesby - Councillor David Walsh	179
10.4	Virginus Reserve Dog Park - Councillor David Walsh	181
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10.9	Renewing Crest Sporting Facilities - Councillor Christopher Cahill	191
10.10	BDS (Boycott, Divestment and Sanctions) Investments Review - Councillor Christopher Cahill	193
10.11	Cooks River Alliance Funding - Councillor Clare Raffan	195
10.12	Sports Coverage Bill - Councillor Charbel Abouraad	197

10.13	Bankstown to Parramatta Service - Councillor Charbel Abouraad	199
10.14	NSW Government Housing Reforms - Councillor Charlie Ishac	201
10.15	Fairmount Street Reserve - Councillor Karl Saleh OAM	203
10.16	McCallums Hill Public School - Councillor Karl Saleh OAM	205
10.17	Earlwood HPA Tree Removal - Councillor Barbara Coorey	207

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## Notice of Motions & Questions With Notice - 23 July 2024

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**ITEM 10.1**                      **Status of Previous Notices of Motion - July 2024**

**AUTHOR**                      **Corporate**

### **ISSUE**

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

### **RECOMMENDATION**

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That the information be noted.

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

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- A.     Status of Previous Notices of Motion - July 2024
- B.     Outgoing Correspondence
- C.     Incoming Correspondence





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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.2                      Development Applications Table

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 NSW Planning Minister Paul Scully to urgently review, or scrap, his so-called ‘league table of shame’, outing Councils over response times to approve Development Applications.”

### BACKGROUND

---

It is quite clear the NSW Planning Department has a hotline to the editors of the major metropolitan newspapers. Time and time again you pick up the morning papers and you read about proposed changes to planning laws which affect our community.

No consultation with Council and, most importantly, no consultation with the community.

The recent announcement of a “league table” to identify the best and worst councils based on determination times for Development Applications (DAs) lodged, is another example of releasing the details in the media before notifying Council.

Starting from 1 July 2024, council performance will be monitored on a monthly basis and available through an interactive dashboard.

My main concerns relate to the comparison of councils across NSW, as not all councils are the same in size, population, number of DAs lodged, the complexity of projects, or have the resources to deal with these matters.

What will exacerbate the situation is the mandating by the Government to build tens of thousands of new homes with no extra funding.

Let us not publicly shame councils, instead work with and support them.

### FINANCIAL IMPACT

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No financial impact as written.

### CHIEF EXECUTIVE OFFICER'S COMMENT

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There is no financial impact of this motion as written.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### **ITEM 10.3                  Drainage at Neptune Park Revesby**

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

“That Council investigate the feasibility of installing drainage at Neptune Park, Revesby, as part of a future works program.”

### **BACKGROUND**

---

We have come through a recent period with a lot of wet weather. Rain is always frustrating for local sporting groups as it forces the cancellation of events. This goes especially so for fields where drainage is lacking. Sport will sometimes be cancelled on a clear day due to a wet, water-logged field from rain in the days before. I know Revesby Rhinos are unhappy with the state of Neptune Park, often seeing their games cancelled whilst other sport at nearby venues proceeds. The installation of drainage would allow greater utilisation of the venue.

We take a lot of pride in the quality of sporting fields in this local government area. Let's continue to strive to make them the best they can be.

### **FINANCIAL IMPACT**

---

There are no financial implications of the motion as written.

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

---

There are no financial implications of the motion as written.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.4      Virginius Reserve Dog Park

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

“That Council investigate the cost, feasibility and community implications to installing lights at Virginius Reserve Dog Park, Padstow and that this be provided to Councillors as part of their consideration of future Capital Works Program.”

### BACKGROUND

---

The incorporation of a dog park in Virginius Reserve, Padstow has been a great success and is popular amongst local dog owners. However, it can be uninviting when it gets dark. I have received a petition from 33 residents advocating the following:

*"During the winter months, being able to take your dog to the Virginius Reserve Dog Park, Padstow after work becomes challenging because of the lack of lighting. This is a petition to get The City of Canterbury Bankstown Council to install lights in the Dog Park to allow for use in the evenings once the sun goes down."*

I appreciate there are several issues that would need to be investigated if lighting is to be considered, including impact on surrounding residents. Therefore, I am requesting Council investigate the merits of the petition for Council to consider.

### FINANCIAL IMPACT

---

This would only be an initial investigation therefore I consider this could be undertaken using existing Council resources through our normal processes.

### CHIEF EXECUTIVE OFFICER'S COMMENT

---

There are no financial implications with this motion as written. Council has an adopted Off-Leash Dog Park Action Plan adopted in March 2021 which guides the provision and ongoing management of dog off-leash areas and supporting infrastructure in the City. The proposal for lighting will be considered against this Plan, along with information on cost and community impact.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### **ITEM 10.5                      Grant Funding Assistance**

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

“That Council:

1. Continues to identify State and Federal Government grant funding opportunities for our sporting organisations, cultural and arts groups, charitable associations, and others which will assist them in sourcing much needed new funding; and
2. Maintains its commitment to supporting the grant applications where practicable and in line with Council’s priorities.”

### **BACKGROUND**

---

There are countless organisations and bodies across our City that rely on grant funding from all levels of government, to not only exist, but to deliver for our community.

Whether it is employing local people, or delivering programs and services, these organisations are not flush with cash and often survive because of the goodwill of others.

It is also the case that there are some that are not as adequately resourced as others and miss out on grant funding simply because they were not aware the funding was available.

Supporting these groups will make our City a richer place to live.

### **FINANCIAL IMPACT**

---

There are no financial impacts of the motion as written.

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

---

There are no financial impacts of the motion as written.





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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.6                      Bennett Street Improvements

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

“That Council prioritises a meeting with residents of Bennett Street, Bass Hill to discuss and investigate their concerns in relation to:

1. Poor street lighting which some residents believe should be improved; and
2. Installation of speed humps, or calming devices, as a deterrent to ‘high-speed’ joyriders.”

### BACKGROUND

---

I met with a number of concerned residents in Bennett Street, Bass Hill on 8 July 2024, and they outlined some of their issues which include:

- Bennett Street is a straight and dead-end street, unfortunately making it attractive to high-speed joy riders;
- The actual experience of residents, whose cars have been damaged and whose enjoyment of their residential area has been compromised;
- Increasing number of cars using the street which has led to numerous accidents, damage to vehicles and one youth being left unconscious; and
- Poor lighting along a particular section of Bennett Street.

The residents of Bennett Street reached out to Council last year in relation to some of these issues and believe these matters need to be examined again.

### FINANCIAL IMPACT

---

There are no financial impacts of the motion as written.

### CHIEF EXECUTIVE OFFICER'S COMMENT

---

There is no financial impact of this motion as written.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.7                      Marion Street Safety

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

“That Council investigates all options to improve pedestrian safety along Marion Street, between Edgar Street and Bankstown Airport, following another near-fatal accident.”

### BACKGROUND

---

Exactly one week ago today, the community held its breath and was praying for a small girl that had been struck by car along this dangerous stretch of road.

The Facebook comments were mainly of concern for the girl’s welfare, but there were some calling on measures to be taken to improve safety.

I would like to share just one comment from the child’s mother, Heather, who responded with, “Hi everyone, that was my daughter who was hit. My family would like to thank from the bottom of our hearts, all the good Samaritans who stopped and assisted my daughter. I cannot thank you enough for your care, kindness and help you offered her...”

The stretch of road is challenging for both motorists and pedestrians, with a number of accidents, including fatalities, and residents have expressed their concerns.

Some of the options may include a pedestrian crossing, or a recommendation for TfNSW to install traffic lights.

### FINANCIAL IMPACT

---

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, feasible options will be considered for inclusion in future works programs or grant funding opportunities.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### **ITEM 10.8                      Grant Funding Request**

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

“That Council writes to NSW Premier Chris Minns acknowledging his Government’s even-handed approach in distributing grants and to ensure our Council receives its fair share of funding, unlike what occurred under the previous Coalition Government.”

### **BACKGROUND**

---

The blatant robbing by the previous NSW Liberal/National Government should never be forgotten. The Stronger Communities Fund Grant scheme which was established to assist amalgamated Councils with infrastructure projects was nothing more than pork barrelling, a slush fund to prop up Liberal held seats.

The biggest scandal under that scheme was the \$90 million handed to Hornsby Council, a Council which did not amalgamate, did not apply, and has its Mayor, the President of the NSW Liberal Party. And was recently told to hand \$36 million back as it had been unspent.

The intention of this motion is to ensure our Council is never again overlooked by the State Government for grant funding, no matter how large or small.

### **FINANCIAL IMPACT**

---

There are no financial impacts of the motion as written.

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

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There is no financial impact of this motion as written.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.9                      Renewing Crest Sporting Facilities

We, Councillors Christopher Cahill and Rachelle Harika hereby give notice that at the next Ordinary Meeting of Council I will move the following motion:-

“That Council meets with user groups at our Crest Athletic Facilities to develop priority list of works (inclusive of scope and cost) required to bring the facility up to a modern and renewed standard; and that this be provided to Councillors as part of their consideration of the 2025/26 financial year budget and Capital Works Program.”

### BACKGROUND

---

The Crest is a landmark facility in the Bass Hill Ward. It boasts sporting facilities for Athletics, Soccer, Rugby League, the Velodrome and more.

Unfortunately, for many years very little money has been spent on the maintenance of any of these marvellous facilities.

This is changing with a project currently underway to fix the drainage and resurface the soccer fields, to re-roof the clubhouse, complete the fencing and renovate the change facilities to bring them up to current standards.

It is imperative that we also invest in proper maintenance of the other facilities to prevent them going the way of the Wran Leisure Centre.

After the completion of the current work on the Soccer facilities, the athletics facilities are in most need of maintenance and should be the next priority. To assist Councillors carefully considering these priorities as part of adopting its next budget a list of priority works with scope and costings would be welcome.

### 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. Council has an adopted Sports Facilities Strategic Plan and asset condition information which guides our planning for sports facilities.

This can be discussed with the Athletics facility users and a list provided to Councillors as part of the next budget cycle for its consideration.



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## Notice of Motions & Questions With Notice - 23 July 2024

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### **ITEM 10.10            BDS (Boycott, Divestment and Sanctions) Investments Review**

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

“That the CEO undertakes a review of Council’s investments and links to companies, if any, that are complicit in human rights violations on the Palestinian people, including the illegal settlements in occupied Palestinian Territories and the supply of weapons.

This review should include both suppliers used by Council and the City’s investment and contractual obligations.”

### **BACKGROUND**

---

This motion is in line with what other likeminded councils are doing and in line with the ideology of Boycott, Divestment and Sanctions (BDS), a non-violent protest movement which was founded nearly 20 years ago.

BDS Australia is very much a part of the global campaign to end support for Israel’s oppression of Palestinians and put pressure on the Israeli Government to comply with international law.

Since October 7, there has been no significant ceasefire, or a cessation of hostilities against innocent people in Gaza. Dialogue between nations has been prolonged and has not stopped the death toll from rising. And that death toll stands at more than 40,000 innocent people, with a large proportion of those killed innocent children and women.

In fact, the language and sentiment from the Israeli Government is not one of calling a ceasefire but one of determination to continue with their senseless campaign, a campaign at odds with the United Nations, world leaders and humanitarians from around the world.

Only last week, United Nations Secretary-General Antonio Guterres condemned Israel’s actions, saying the disturbing developments in the West Bank are “driving a stake through the heart” of a two-state solution and dooming any prospect of its success.

BDS is non-violent movement, not an organisation, and its campaign against Israel uses economic and cultural boycotts, financial divestments, Government pressure to impose sanctions and calls to abide by International Law.

This motion is to highlight the humanitarian crisis that is happening in Gaza and for our Council to make a very clear statement to those who violate the human rights of others.

Our Council has also been unequivocal in its support of a permanent ceasefire and the release of all hostages.

## **FINANCIAL IMPACT**

---

There are no financial impacts of the motion as written.

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

---

The review will incorporate an assessment of Council's Procurement and Investment policy, including any legislative and contractual implications if they exist.

No financial implications at this stage.

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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.11      Cooks River Alliance Funding

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

“That Council acknowledge the NSW Government’s commitment to the Cooks River, with the confirmation of funding of \$1 million over four years, and

That Council commends all those involved in making this funding a reality including the Cooks River Alliance, the State and Local Federal Members located along the River, the Minister for Environment, Penny Sharp, and local community organisations.”

### BACKGROUND

---

Let me tell a story about the power of local democracy and the achievements if the community, Councils and elected representatives work together.

It all started in 2022 when I moved a motion calling on the then Liberal Government to instigate an Upper House Inquiry into the Cooks River. While the previous Government never did proceed to do anything, the call to action continued. Councils, the Cooks River Alliance and various community groups such as the Cooks River Valley Association have continued to lobby Government for action. In addition, Federal and State members have strongly represented their community pushing for action within their Government.

I am pleased to share the news that, as a result of this hard work, the Cooks River Alliance has formally signed the Deed for funding of \$1 million over four years from the NSW Government. This funding will be used to create a comprehensive "Master Plan" for the whole catchment building on the Coastal Management Plan under development.

I want to thank the State and Federal Members who cover the Cooks River, along with the Minister for Environment, Penny Sharp, for their support coming together to get this funding. Also to other councils within the catchment, the Community Organisations and the Cooks River Alliance for their continued voice.

My push for the health of the river will not stop here. At the May Council Meeting I also successfully moved a motion seeking the Government to consider funding a pilot project for sheet metal removal on a section of the Cooks River. While it is unfortunate that this was not forthcoming in the latest budget announcement, I am confident with enough community support this will be provided in the future.

## **FINANCIAL IMPACT**

---

There is no financial impact of this motion as written.

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

---

There is no financial impact of this motion as written.

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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.12 Sports Coverage Bill

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

“That Council:

1. Writes to the Federal Minister for Communications, The Hon. Michelle Rowland MP, to urgently review and amend the Prominence and Anti-Siphoning Bill, which currently favours streaming giants, to include laws to stop paid streamers from buying up the digital rights to major sporting events and putting them behind a paid firewall, and;
2. The Minister ensures that these iconic sporting events, like the AFL and NRL grand finals, cricket, soccer and other events are not out of reach of those who cannot afford to pay for multiple streaming subscriptions.”

### BACKGROUND

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The Federal Government’s Prominence and Anti-siphoning Bill has some serious flaws when it comes to surety around viewing major sporting events. The legislation gives no guarantees and may ultimately lead to Australians who do not pay to stream their sport potentially being locked out from watching major events.

According to television industry experts, major events like the AFL and NRL Grand Finals may end up behind a pay to view firewall for those without a television aerial.

There is no doubt streaming live events is growing in popularity at a time when the legislation does not protect or guarantee they will be free on digital services.

A case in point was the recent Matildas World Cup semi-final against England, which was watched via streaming by more than one million people and could have been blocked under the proposed Federal Legislation being introduced which does not guarantee free to air events must be free to stream.

### 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 - 23 July 2024

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### ITEM 10.13      Bankstown to Parramatta Service

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

“That Council write to the NSW Minister for Transport seeking to reinstate the direct rail service from Bankstown to Parramatta.”

### BACKGROUND

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Our City is about to face a period of disruption as the T3 Bankstown line closes to convert the existing heavy rail to a dedicated Metro line.

Transport for New South Wales have already identified the need for a direct rail connection between Kogarah and Parramatta via Bankstown in their Future Transport Strategy. This route will support the NSW Government’s vision for Greater Sydney to be a 30-minute city, where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

Part of this infrastructure is already in the ground, with a direct rail connection already available between Bankstown and Parramatta utilising the Bridge Street rail overpass in Lidcombe. The NSW Government is investing billions in new transport infrastructure, but there is an opportunity right in front of us to improve services without spending a cent on new tracks or tunnels.

A direct service between Bankstown and Parramatta would connect our residents with employment and educational opportunities. Instead, they are asked to interchange at Lidcombe or take a slow and inefficient bus service. This service would have the added benefit of drawing people back to public transport, activating the stations of Birrong and Yagoona.

We are calling on the NSW Government to:

- Utilise the existing infrastructure to provide a direct rail service between Bankstown and Parramatta; and
- Improve services and activate the stations west of Bankstown, such as Birrong and Yagoona.

### 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 - 23 July 2024

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### **ITEM 10.14          NSW Government Housing Reforms**

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

“That Council writes to the Minister for Planning and Public Spaces seeking genuine engagement with Councillors on housing reforms and clarity on the implementation of the low to mid rise controls.”

### **BACKGROUND**

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Despite Canterbury-Bankstown Council having a path of orderly, strategic planning of our local area for over five years now – the NSW Government have both overlooked and failed to act on Council’s well-placed and balanced approach to address the housing crisis.

The NSW Government owe Council the respect and courtesy to engage with Councillors on the reforms and provide us some clarity as to how they intend Council effectively implement their reforms.

### **FINANCIAL IMPACT**

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The motion does not present any financial impact for Council

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

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The motion as written does not present any financial implications for Council



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## Notice of Motions & Questions With Notice - 23 July 2024

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### ITEM 10.15      Fairmount Street Reserve

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

“That Council staff to be thanked for their work investigating and preparing the Capital Works Program that has seen Fairmount Street Reserve voted into the current Capital Works Program (2024/25).”

### BACKGROUND

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I had several residents who raised with me the need to upgrade Fairmount Street Reserve.

I have visited the Reserve a number of times, and I witnessed the equipment is very old and needing to be replaced for our local children.

Since then, I have been advocating for an upgrade to Fairmount Street Reserve and I am happy to see this happening I would like to thank the Council staff for this.

The scope of proposed works will include:

- Removal of existing equipment;
- New concrete edging and mulch; and
- Installation of four new items of Level 3 play equipment to provide a range of play experiences such as swings and slide.

I look forward to the opening of this much needed upgrade.

### 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 - 23 July 2024

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### ITEM 10.16      McCallums Hill Public School

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

“That Council investigate appropriate funding opportunities to accelerate the of pedestrian fencing and lighting around McCallums Hill Public School and install pedestrian fencing along the school frontage and improved street lighting for the pedestrian crossing in McCallum Street and Remly Street,”

### BACKGROUND

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I have had several residents, including parents and families raise with me the need to upgrade the parking and safety for the kids around the school.

I have been advocating for pedestrian fencing and lighting upgrades on both McCallum Street and Remly Street around the school.

Also, I have been advocating the pickup zone for parents, when I received a request from the School Parents and Citizens Committee to improve Road and Parking Safety around the school including the pedestrian fencing and very limited space and shortage of the school's drop off and pick up zone. Council since then completed works in October 2022 and upgraded the school drop off and pick up zone including:

- Converted the existing 35 metre Bus Zone to a 10-Minute Parking zone 8:00am-9:30am, 2:30pm 4:00pm on School Days;
- The 15 metre Accessible Parking zone to be reduced to one (1) 7.5 metre parking space; and
- The existing 17 metre No Parking Zone be converted to a Bus Zone (2:30pm-4:00pm, School Days) and P10 minutes (8:00am-9:30am, School Days)

While I understand previous grant applications were unsuccessful, I thank staff for their efforts to date. My motion asks that Council continue its efforts to identify and secure grant applications to enable this project to be delivered.

### 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 - 23 July 2024

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### ITEM 10.17      Earlwood HPA Tree Removal

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

“That Council immediately cease all plans to remove the trees in Clarke Street, Earlwood and surrounding streets until the following:

- a) Council releases and explains the project scope of the works to the community and local ward councillors, all alternative options that have or have not been investigated, new tree species, maturity of trees and replanting timeline.
- b) Council releases all the reports it has relied upon for the project including infrastructure works etcetera.
- c) That council hold a public information session at a time that interested persons can attend (i.e., weekends or week nights) in a local hall in Earlwood re the project.”

### BACKGROUND

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The community has been rallying against the removal of the trees in Clark Street, Earlwood and surrounding streets. Whilst the traffic calming measures and works are beneficial for pedestrian safety, it is imperative that Council explore all options prior to making the decision to remove over 15 trees in a very busy, congested part of Earlwood which relies on the tree canopy for shade and coolness during the hot, dry summer months.

Council needs to have the community on side prior to any final decision making for these trees which are so valued and cherished in Earlwood.

We need to be transparent and engaging with the local community in the decision of how the environmental impact will be minimized by a mature planting of an appropriate species immediately (if that is the only option available after all options have been explored and made public).

Until the above happens Council is not to move to chop these trees down (particularly the ones marked with a pink X)

### FINANCIAL IMPACT

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No financial impact provided by Councillor Coorey at the time of submitting this motion.

## CHIEF EXECUTIVE OFFICER'S COMMENT

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### Background

Councillors will recall:

- Previously receiving and considering this notice of motion as part Council's June 2024 Ordinary Meeting; and
- Given there being no seconder – the motion lapsed.

Given the above, Councillor Coorey has requested that notice be given of her intention to again move the matter at this meeting.

Councillors will recall being provided with a detailed assessment of the particular issues/reasons and required works regarding the matter - when the motion was considered last.

In brief, the previous notice highlighted the following:

- Council had received several complaints by business owners about significant damage to infrastructure and complaints from our community that the trees had grown to an unsuitable size and were not the appropriate type of tree for this location;
- Prior to commencing the project:
  - On 6 October 2023, Ward Councillors were specifically provided information regarding the project, its purpose, scope and proposed community consultation process – including the specific impact on trees being removed; and
  - Given the nature of the matter, an appropriate community consultation process - which outlined the proposed works and project outcomes – was conducted;
- That there would be ramifications for Council, if the project was terminated.

A contract for the High Pedestrian Activity Area project – including the required tree removal - was awarded in May 2024 and commenced on 19 June 2024.

As Councillors would be aware, once awarded, amending and/or delaying contracts give rise to delay damages and/or penalties and variation costs applicable under the contract.

Given the absence of a decision by the Council at its Ordinary Meeting in June 2024 to cease and/or alter the projects scope, the project continued, and the trees were removed. The remaining enhancement/improvements as part of the project works – including planting new mature *Cupaniopsis anacardioides* (Tuckeroo) trees - are expected to be delivered in the coming weeks/months.



## Proposed Motion

Given that the trees have been removed, the motion – in its current form – cannot be implemented.

Indeed, Clause 15.11 of Council's Code of Meeting Practice states that:

*15.11 - A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a committee of the Council:*

*(c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or the committee, or addresses or attempts to address the Council or the committee on such a motion, amendment or matter...*

On that basis, if an attempt was made to move the proposed motion – in its current form - then it should be ruled *out-of-order*, given that it is outside the jurisdiction and/or powers of the Council insofar as a resolution would be unable to change past events.



## **11        CONFIDENTIAL SESSION**

11.1 Rescission of DA 1512/2023

11.2 Chief Executive Officer Performance Review

# **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 and 11.2 in confidential session for the reasons indicated:

#### **Item 11.1 Rescission of DA 1512/2023**

*This report is considered to be confidential in accordance with Section 10A(2)(e) of the Local Government Act, 1993, as it relates to information that would, if disclosed, prejudice the maintenance of law.*

#### **Item 11.2 Chief Executive Officer Performance Review**

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