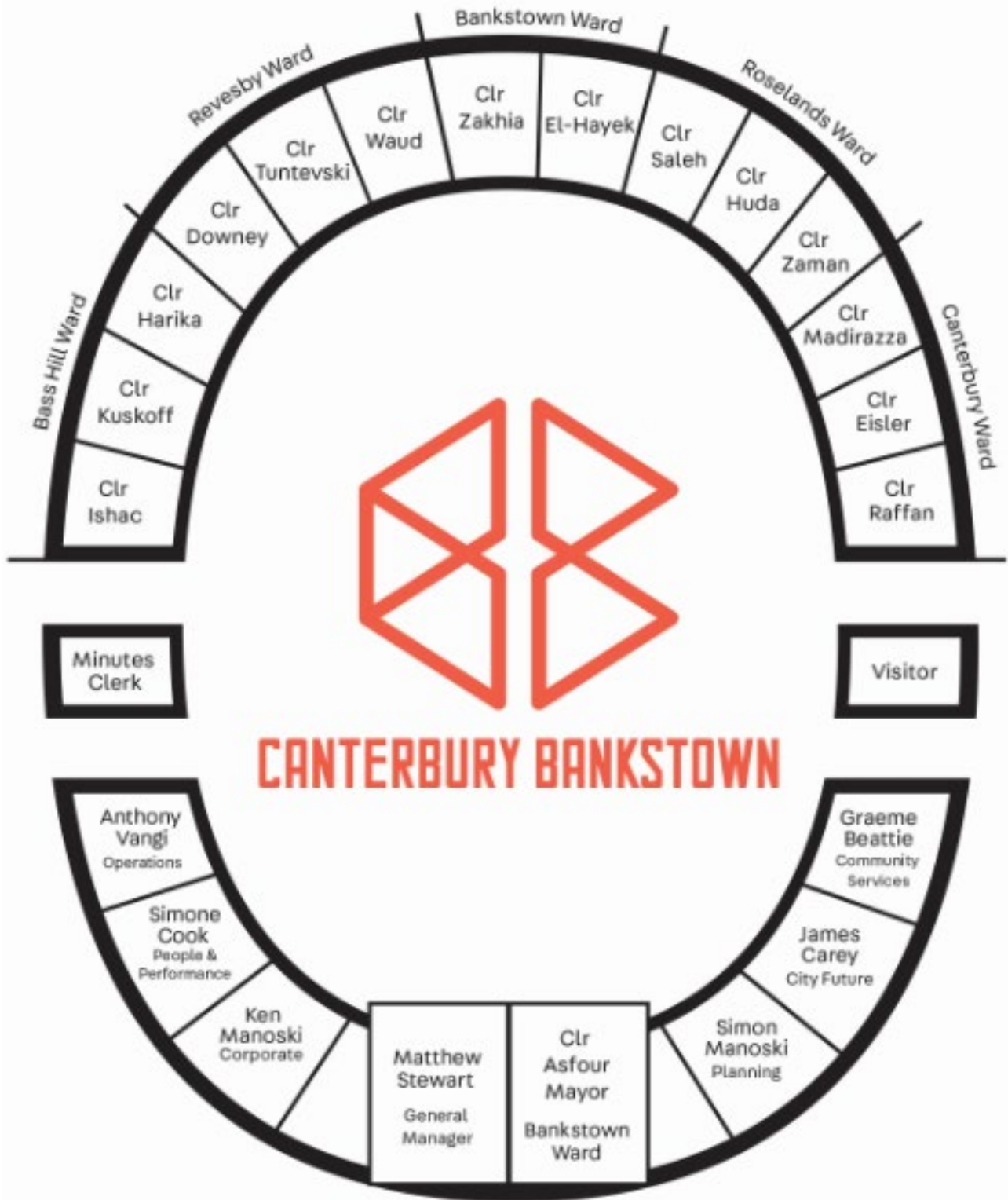




AGENDA FOR THE ORDINARY MEETING

28 May 2019

Gallery



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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 30 April 2019.....7

CANTERBURY BANKSTOWN
MINUTES OF THE
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ON 30 APRIL 2019

PRESENT: His Worship the Mayor, Councillor Asfour,
Councillors Kuskoff, El-Hayek, Ishac, Raffan, Zakhia, Waud, Downey, Eisler,
Huda, Zaman, Saleh, Madirazza, Harika, Tuntevski

APOLOGIES: There were no apologies.

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.03 PM.

COUNCILLORS KUSKOFF AND WAUD WERE NOT PRESENT IN THE CHAMBER AT
THE COMMENCEMENT OF THE MEETING.

REF: CONFIRMATION OF MINUTES

(538) CLR. TUNTEVSKI:/CLR. MADIRAZZA

RESOLVED that the minutes of the Ordinary Council Meeting held on 26 March 2019
be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

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

In respect of Item 4.3 – Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his association with members of the Lebanese Muslim Association and indicated he would vacate the Chamber taking no part in debate.

In respect of Item 4.3 – Local Community Based Donations, Clr Zakhia declared a significant, Non Pecuniary Conflict of Interest as he is a Director of the Recreation Sports and Aquatic Club and indicated he would vacate the Chamber taking no part in debate.

In respect of Item 5.1 - Implementation of Hurlstone Park Heritage Assessment Study, Clr Eisler declared a non significant, Non Pecuniary Conflict of Interest as she is a resident of Hurlstone Park and as she was not affected by the Heritage Study she indicated it will not affect her consideration of the matter and she will remain in the Chamber.

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SECTION 4: MAYORAL MINUTES

ITEM 4.1 SRI LANKAN TERRORIST ATTACKS

CLR KUSKOFF ARRIVED AT THE MEETING AT 6.06 PM.

(539) CLR. ASFOUR

RESOLVED that in response to the Sri Lankan terrorist attacks as a sign of respect Council's flags in Paul Keating Park and Campsie will be lowered to half mast.

- CARRIED

COUNCIL OBSERVED A MINUTES SILENCE IN MEMORY OF THE VICTIMS OF THE SRI LANKAN TERRORIST ATTACKS.

ITEM 4.2 THE NEW BANKSTOWN HOSPITAL

CLR WAUD ARRIVED AT THE MEETING AT 6.15 PM.

(540) CLR. ASFOUR

RESOLVED that Council write to the NSW Government requesting they establish a suitable steering group to oversee the decision making process for where the new Bankstown Hospital will be located and Council be a member of the steering group.

- CARRIED

ITEM 4.3 LOCAL COMMUNITY BASED DONATIONS

IN RESPECT OF ITEM 4.3 – LOCAL COMMUNITY BASED DONATIONS, CLR EL-HAYEK DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST DUE TO HIS ASSOCIATION WITH MEMBERS OF THE LEBANESE MUSLIM ASSOCIATION AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

IN RESPECT OF ITEM 4.3 – LOCAL COMMUNITY BASED DONATIONS, CLR ZAKHIA DECLARED A SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST AS HE IS A DIRECTOR OF THE RECREATION SPORTS AND AQUATIC CLUB AND INDICATED HE WOULD VACATE THE CHAMBER TAKING NO PART IN DEBATE.

CLRS EL-HAYEK AND ZAKHIA VACATED THE CHAMBER AT 6.20 PM.

(541) CLR. ASFOUR

RESOLVED that

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1. Council support the request from RSAC and purchase a table at their Charity Sports Lunch held on 31 May 2019 for an amount of \$640.
2. Council support the request from Mirath in Mind and donate \$1,000 towards their musical event and annual gala day.
3. Council support the request from the Lebanese Muslim Association – Parry Park and waive the fees for the use of the car park for Ramadan in the amount of \$4818.
4. Council support the request from the Australian Red Cross and waive the room hire fee at the BLaKC for \$96.
5. These funds are made available from Council’s Community Grants and Events Sponsorship budget.

- CARRIED

CLRS EL-HAYEK AND ZAKHIA RETURNED TO THE MEETING AT 6.22 PM.

SUSPENSION OF STANDING ORDERS

(542)

CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that:

- i) Permission be granted to those people who have made the necessary application to address Council for five minutes.
- ii) Standing Orders be suspended and Items 5.1, 5.2, 7.3 and 8.4 be dealt with now.
- iii) Standing Orders then be resumed.

- CARRIED

SECTION 5: PLANNING MATTERS

ITEM 5.1 IMPLEMENTATION OF HURLSTONE PARK HERITAGE ASSESSMENT STUDY

IN RESPECT OF ITEM 5.1 - IMPLEMENTATION OF HURLSTONE PARK HERITAGE ASSESSMENT STUDY, CLR EISLER DECLARED A NON SIGNIFICANT, NON PECUNIARY CONFLICT OF INTEREST AS SHE IS A RESIDENT OF HURLSTONE PARK AND AS SHE WAS NOT AFFECTED BY THE HERITAGE STUDY SHE INDICATED IT WILL NOT AFFECT HER CONSIDERATION OF THE MATTER AND SHE WILL REMAIN IN THE CHAMBER.

MR BRETT SMOUT (RESIDENT) ADDRESSED COUNCIL.

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MR MARCUS DERVIN (RESIDENT) ADDRESSED COUNCIL.

MR LIAM JAMES (RESIDENT) ADDRESSED COUNCIL.

MS CALLANTHA BRIGHAM (RESIDENT) ADDRESSED COUNCIL.

MS MARIE HEALY (HURLSTONE PARK ASSOCIATION) ADDRESSED COUNCIL.

(543)

CLR. EISLER:/CLR. RAFFAN

RESOLVED that

1. An amended Planning Proposal to implement heritage controls in Hurlstone Park be submitted to the Minister for Planning for an altered Gateway Determination incorporating the changes outlined in this report.
2. Upon receiving an altered Gateway Determination, the Planning Proposal be placed on public exhibition.
3. Draft amendments to Chapter B8 Heritage of Canterbury Development Control Plan 2012 also be prepared and exhibited alongside the Planning Proposal.
4. The General Manager be given delegated authority to make minor amendments to the draft Heritage Item and Heritage Conservation Area State Inventory Sheet forms, and to the mapping and wording of the Development Control Plan amendments provided there is no change to the intention of these documents.
5. A further report be submitted to Council following the conclusion of the exhibition period.
6. An amendment be endorsed to the Heritage Incentives Policy to allow the Development Application fee waiver to cover draft heritage items.

- CARRIED

For:-

Clrs Asfour, Downey, Eisler, El-Hayek, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Saleh, Tuntevski, Waud, Zakhia and Zaman

Against:-

Nil

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ITEM 5.2 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 1–17 SEGERS AVENUE, PADSTOW

MS TRISH HUTCHINSON (PADSTOW PARK PUBLIC SCHOOL P&C ASSOCIATION) ADDRESSED COUNCIL.

MR ANTHONY BETROS (ABC PLANNING) ADDRESSED COUNCIL ON BEHALF OF THE APPLICANT.

(544) CLR. ISHAC:/CLR. ZAKHIA

RESOLVED that

1. Council prepare and submit a planning proposal to the Department of Planning to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
 - (a) Rezone 1, 1A, 3, 5, 7, 9, 11, 13, 15 and 17 Segers Avenue, Padstow from Zone R2 Low Density Residential to Zone B2 Local Centre.
 - (b) Permit a maximum 2.5:1 floor space ratio subject to:
 - (i) Requiring a minimum 40 metre lot width at the front building line to facilitate higher quality built form and urban design outcomes; and
 - (ii) Applying a minimum 0.5:1 floor space ratio for the purposes of commercial development on the ground floor.
Otherwise a maximum 2:1 FSR would apply.
 - (c) Permit a maximum 23 metre building height (six storeys). Any part of the building within two metres of the height limit is solely for the purposes of equipment servicing the building (such as plant, lift motor rooms, fire stairs and the like).
 - (d) Require active street frontages along Segers Avenue and Padstow Pathway.
2. The Gateway process should require further investigations on infrastructure needs to manage the likely effects of the proposal.
3. Council seek authority from the Department of Planning to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.
4. Subject to the issue of a Gateway Determination, Council exhibit the planning proposal.
5. Council prepare and concurrently exhibit DCP Amendments to support the planning proposal, and the matter be reported to Council following the exhibition.

- CARRIED

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For:- Clrs Asfour, El-Hayek, Huda, Ishac, Madirazza, Waud, Zakhia and Zaman

Against:- Clrs Downey, Eisler, Harika, Kuskoff, Raffan, Saleh and Tuntevski

ITEM 7.3 SYDNEY METRO INTERFACE AGREEMENT NEGOTIATIONS AND REPRESENTATIVES FOR TRAFFIC & TRANSPORT MANAGEMENT GROUP AND DESIGN REVIEW PANEL

CLR EISLER TEMPORARILY VACATED THE CHAMBER AT 7.34 PM.

CLR HUDA TEMPORARILY VACATED THE CHAMBER AT 7.35 PM.

CLR EISLER RETURNED TO THE MEETING AT 7.36 PM.

CLR HUDA RETURNED TO THE MEETING AT 7.38 PM.

CLR WAUD TEMPORARILY VACATED THE CHAMBER AT 7.39 PM.

CLR WAUD RETURNED TO THE MEETING AT 7.40 PM.

MS BARBARA COOREY (RESIDENT) ADDRESSED COUNCIL.

(545) CLR. KUSKOFF:/CLR. ZAKHIA

RESOLVED that an extension of two minutes be given to Ms Coorey to address Council.

- CARRIED.

(546) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that the General Manager negotiate appropriate terms of an interface agreement with Sydney Metro and bring the detailed agreement back to Council for consideration.

- CARRIED

ITEM 8.4 EWEN PARK IMPROVEMENT PLAN – UPDATE

CLRS ISHAC, TUNTEVSKI AND MADIRAZZA TEMPORARILY VACATED THE CHAMBER AT 7.48 PM.

CLR ISHAC RETURNED TO THE MEETING AT 7.50 PM.

CLR EL-HAYEK TEMPORARILY VACATED THE CHAMBER AT 7.50 PM.

CLRS. TUNTEVSKI AND MADIRAZZA RETURNED TO THE MEETING AT 7.51 PM.

CLR EL-HAYEK RETURNED TO THE MEETING AT 7.55 PM.

CLR HARIKA TEMPORARILY VACATED THE CHAMBER AT 7.55 PM.

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CLR ISHAC RETIRED FROM THE MEETING AT 7.55 PM.

CLR HARIKA RETURNED TO THE MEETING AT 7.58 PM.

CLR KUSKOFF TEMPORARILY VACATED THE CHAMBER AT 7.58 PM.

CLR KUSKOFF RETURNED TO THE MEETING AT 8.05 PM.

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 8.23 PM.

CLR RAFFAN RETURNED TO THE MEETING AT 8.25 PM.

CLR KUSKOFF TEMPORARILY VACATED THE CHAMBER AT 8.30 PM.

CLR KUSKOFF RETURNED TO THE MEETING AT 8.33 PM.

MS LIZ MULLEN (COOKS RIVER VALLEY ASSOCIATION) ADDRESSED COUNCIL.

MS NADIA WHEATLEY (COOKS RIVER VALLEY ASSOCIATION) ADDRESSED COUNCIL.

(547)

CLR. DOWNEY:/CLR. WAUD

RESOLVED that an extension of two minutes be given to Ms Wheatley to address Council.

- CARRIED.

MS KATE MACLEAN (RESIDENT) ADDRESSED COUNCIL.

MR PATRICK CERAN-JERUSALEMY (RESIDENT) ADDRESSED COUNCIL.

MS DEIDRI FERGUSON (RESIDENT) ADDRESSED COUNCIL.

MS MARIE HEALEY (HURLSTONE PARK ASSOCIATION) ADDRESSED COUNCIL.

(548)

CLR. EISLER:/CLR. RAFFAN

RESOLVED that

1. Council proceed to detailed design for components of the plan including:
 - Lang Road bridge – including kayak launch area and foreshore treatment; and
 - Younger Parade to Lang Road pathway.
2. Council proceed with detailed design for Option A, which includes the installation of an outdoor education meeting space in Ewen Park and a community meeting space at the Hurlstone Park Memorial Reserve for reasons detailed in this report.
3. Remaining works of the Improvement Plan are placed in forward works program for future consideration.

- CARRIED

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SECTION 6: POLICY MATTERS

ITEM 6.1 ALL POLITICS IS LOCAL - ALGA PROPOSAL
(552) CLR. DOWNEY:/CLR. TUNTEVSKI

RESOLVED that

1. In principle, Council endorse the initiatives outlined in the Australian Local Government Association's (ALGA's) Report titled 'All Politics is Local' (Attachment A).
2. Council write to candidates contesting the Federal Election, seeking their commitment and support of the initiatives proposed by ALGA.

- CARRIED

ITEM 6.2 COMMUNITY ENGAGEMENT POLICY AND FRAMEWORK
(553) CLR. TUNTEVSKI:/CLR. ZAKHIA

RESOLVED that

1. The information in this report be noted; and
2. The Community Engagement Policy and Framework be formally adopted.

- CARRIED

ITEM 6.3 DUNC GRAY VELODROME - INTERIM OPERATING AGREEMENT
(554) CLR. ZAKHIA:/CLR. DOWNEY

RESOLVED that

1. In principle, Council agree to enter into an interim agreement with the NSW Government and other existing tenants/users to continue to operate and/or utilise the Dunc Gray Velodrome, as outlined in the report.
2. The General Manager be authorised to negotiate and enter into an appropriate interim agreement with the NSW Government and other existing

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tenants/users to continue to operate and/or utilise the Dunc Gray Velodrome, as outlined in the report.

3. Relevant funding be made available in Council's 2019/20 Budget to administer the above arrangements.
4. Council continue to work with the NSW Government on determining the future use options and/or outcomes for the Dunc Gray Velodrome.
5. Council be provided with further reports as required.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1 2019-20 DRAFT OPERATIONAL PLAN, BUDGET AND SCHEDULE OF FEES AND CHARGES

(555) CLR. WAUD:/CLR. ZAKHIA

RESOLVED that

1. In accordance with Section 405 of the *Local Government Act 1993*, the draft Operational Plan 2019-20, including the draft 2019-20 Budget and draft 2019-20 Schedule of Fees and Charges be placed on public exhibition.
2. The proposed Rating and Annual Charges for 2019-20 as outlined in Annexures F and G (forming part of Attachment A to this report) be adopted. The proposal is based on the following.
 - (a) For areas covered by the former City of Bankstown
 - (i) Council's ordinary and special (CBD Infrastructure Improvement) rates for 2019-20 making provision for an ad valorem structure and an increase to Council's general income equivalent to the percentage of 2.7%, as specified by the Independent Pricing and Regulatory Tribunal (IPART).
 - (ii) A Minimum Ordinary Residential Rate of \$620.70 in respect of each separate parcel of rateable land in the City categorised as Residential land.
 - (iii) A Minimum Ordinary Business Rate of \$759.00 for each parcel of rateable land in the City categorised as Business.

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(iv) Annual charges from Domestic Waste collection be set at \$550.00 for all Residential properties.

(v) The maximum mandatory pensioner rebate of \$250.00 per annum. In addition Council continue to provide a further voluntary rebate, which equates to \$40.00 per annum in accordance with Council's 'Rates and Charges Debt Recovery and Hardship Assistance Policy'.

(vi) Annual Charges for Stormwater Management Services as follows:

- **Residential Properties**

- Annual Residential Charge of \$25.00 per property.
- Annual Residential Strata Charge of \$12.50 per property.

- **Business Properties**

- Annual 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.

- **Mixed Development**

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

- **Exemptions**

In addition to the exemptions stipulated in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following exemptions will also apply in managing the service:

- Council-owned land;
 - Bowling and Golf Clubs - where the dominant use is open space;
-

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- Properties zoned:
 - Open space 6(a);
 - Private Recreation 6(b); and
 - Rural
- (vii) A maximum rate of interest on overdue rates and charges as specified by the Minister for Local Government.
- (b) For areas covered by the former City of Canterbury
- (i) Council's ordinary rates for 2019-20 making provision for an ad valorem structure and an increase to Council's general income equivalent to the percentage of 2.7%, as specified by the Independent Pricing & Regulatory Tribunal (IPART).
 - (ii) A Minimum Ordinary Residential Rate of \$695.80 in respect of each separate parcel of rateable land in the City categorised as Residential land.
 - (iii) A Minimum Ordinary Business Rate of \$695.80 for each parcel of rateable land in the City categorised as Business.
 - (iv) Annual charges from Domestic Waste collection be set at \$485.00 for all Residential and Business properties.
 - (v) The maximum mandatory pensioner rebate of \$250.00 per annum. In addition Council to provide a further voluntary rebate, which equates to \$40.00 per annum in accordance with Council's 'Rates and Charges Debt Recovery and Hardship Assistance Policy'.
 - (vi) Annual Charges for Stormwater Management Services as follows:
 - **Residential Properties**
 - Annual Residential Charge of \$25.00 per property.
 - Annual Residential Strata Charge of \$12.50 per property.
 - **Business Properties**
 - Annual 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.

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- **Mixed Development**

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

- **Exemptions**

In addition to the exemptions stipulated in the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following exemptions will also apply in managing the service:

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

(vii) A maximum rate of interest on overdue rates and charges as specified by the Minister for Local Government.

3. A further report be submitted to Council at the conclusion of the exhibition period.

- CARRIED

ITEM 7.2

QUARTERLY PERFORMANCE REPORT - JANUARY TO MARCH 2019

(556)

CLR. TUNTEVSKI:/CLR. ZAMAN

RESOLVED that

1. Council notes the quarterly performance report ending 31 March 2019.
2. Council adopt the March 2019 Quarterly Budget Review as outlined in this report.

- CARRIED

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ITEM 7.3 **SYDNEY METRO INTERFACE AGREEMENT NEGOTIATIONS AND REPRESENTATIVES FOR TRAFFIC & TRANSPORT MANAGEMENT GROUP AND DESIGN REVIEW PANEL**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 546 ON PAGE 6 OF THESE MINUTES.

ITEM 7.4 **DONATING TO LOCAL CHARITIES**
(557) **CLR. EISLER:/CLR. TUNTEVSKI**

RESOLVED that

1. Council supports in principle, the promotion of registered charities, as outlined in the report.
2. Council receive a briefing on the proposed changes to relevant council policies prior to the matter being reported back to Council.

- CARRIED

ITEM 7.5 **CASH AND INVESTMENT REPORT AS AT 31 MARCH 2019**
(558) **CLR. MADIRAZZA:/CLR. ZAMAN**

RESOLVED that

1. The Cash and Investment Report as at 31 March 2019 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

SECTION 8: SERVICE AND OPERATIONAL MATTERS

ITEM 8.1 **DRAFT BANKSTOWN COMPLETE STREETS TRANSPORT AND PLACE PLAN**
(559) **CLR. EL-HAYEK:/CLR. ZAKHIA**

RESOLVED that

1. Council exhibit the attached draft *Bankstown Complete Streets Transport and Place Plan* in accordance with the community consultation plan.

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2. A further report to Council be made following public exhibition.

- CARRIED

ITEM 8.2 **WILEY PARK DRAFT MASTERPLAN**
(560) **CLR. HUDA:/CLR. SALEH**

RESOLVED that

1. Council exhibit the attached draft Wiley Park Masterplan.
2. A further report to Council be made following public exhibition.

- CARRIED

ITEM 8.3 **RAMADAN FEE INCREASE 2019**
(561) **CLR. EL-HAYEK:/CLR. ZAKHIA**

RESOLVED that Council adopt the following fee structure for the 2018/19 stall applications:

- \$1,500 for stalls located north of the Lakemba rail line
- \$2,250 for stalls located south of the Lakemba rail line

- CARRIED

ITEM 8.4 **EWEN PARK IMPROVEMENT PLAN – UPDATE**

THIS MATTER WAS DISCUSSED PREVIOUSLY. SEE RESOLUTION NO. 548 ON PAGE 7 OF THESE MINUTES.

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SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE INTEGRATED TRANSPORT ADVISORY COMMITTEE MEETING HELD ON 6 MARCH 2019

(562) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the minutes of the Integrated Transport Advisory Committee meeting held on 6 March 2019, be endorsed.

- CARRIED

ITEM 9.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 13 MARCH 2019

(563) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the recommendations contained in the minutes of the Audit, Risk and Improvement Committee meeting held on 13 March 2019, be adopted.

- CARRIED

ITEM 9.3 MINUTES OF THE ENVIRONMENTAL SUSTAINABILITY ADVISORY COMMITTEE MEETING HELD ON 20 MARCH 2019

(564) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the minutes of the Environmental Sustainability Advisory Committee meeting held on 20 March 2019, be endorsed.

- CARRIED

ITEM 9.4 MINUTES OF THE PROSPERITY & INNOVATION ADVISORY COMMITTEE MEETING HELD ON 8 APRIL 2019

(565) CLR. WAUD:/CLR. EL-HAYEK

RESOLVED that the minutes of the Prosperity & Innovation Advisory Committee meeting held on 8 April 2019, be endorsed.

- CARRIED

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ITEM 9.5 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 9 APRIL 2019**
(566) **CLR. HARIKA:/CLR. EISLER**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 9 April 2019, be adopted with the following exception being reported to Roads and Maritime Services and be submitted back to the Traffic Committee for consideration.

Item 3 Colechin Street, Yagoona – Installation of a Children’s Crossing outside the school.

- CARRIED

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

ITEM 10.1 **NOTICE OF MOTIONS AND QUESTIONS WITH NOTICE**
(567) **CLR. TUNTEVSKI:/CLR. EL-HAYEK**

RESOLVED that the information be noted subject to the following amendment to the Questions with Notice Table:

26-Mar-19	Clr Tuntevski	PROPOSED BANKSTOWN / LIDCOMBE HOSPITAL AND UNIVERSITY Clr Steve Tuntevski requested Council make enquiries to the NSW State Government requesting details of the location and construction of the new hospital at the Western Sydney University site in Milperra.
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- CARRIED

ITEM 10.2 **HATE SPEECH**
(568) **CLR. SALEH:/CLR. HUDA**

RESOLVED that Council -

1. Condemn the discriminating, divisive and hate-inciting comments made by Senator Fraser Anning in the aftermath of the Christchurch terrorist attack.

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2. Calls on the NSW and Federal governments to:
 - a. address the issue of hate-speech, and
 - b. investigate whether there is a need to develop resources for schools to respond to such incidences of public hate speech.

- CARRIED

ITEM 10.3 TARGETING ILLEGAL DUMPING PREVENTION PROGRAM IN CAMPSIE

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

RESOLVED that –

1. A targeted program be established for addressing illegal dumping hotspots in Campsie that encompasses surveillance, enforcement and education.
2. Councillors receive a briefing on Council's current approaches to reducing illegal dumping.

- CARRIED

ITEM 10.4 MOSQUITOES

(570) CLR. TUNTEVSKI:/CLR. EL-HAYEK

RESOLVED that –

1. Council write to the State Government requesting the development of a Georges River Mosquito Management Plan.
2. Council write to the Mayor Sutherland Shire Council, Mayor of Liverpool Council and the Mayor of Georges River Council to seek their support and propose a similar request to the Government.

- CARRIED

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ITEM 10.5 **SUPPORTING NEW CITIZENS TO BE WATER SAFE**
(571) **CLR. HARIKA:/CLR. EL-HAYEK**

RESOLVED that Council investigate options to support its newest citizens to develop water safety awareness.

- CARRIED

ITEM 10.6 **CLIMATE CHANGE**

That Council:

1. Prepare a plan with strong targets and clear actions on how we as a Council can mitigate the impacts of Climate Change for our community.
2. As part of its 2019-2020 Operational Plan, consider a program to work with our community to increase awareness and understanding of how our changing climate may impact their day-to-day lives and how to adapt.

CLR ZAKHIA WITHDREW HIS NOTICE OF MOTION.

ITEM 10.7 **FIRE SERVICES AND ELECTRICITY SUBSTATIONS**
(572) **CLR. ZAKHIA:/CLR. MADIRAZZA**

RESOLVED that staff consider the location and nature of fire services and electricity substations during the assessment of development applications and require developers to produce details, and make space available, where appropriate for these services to be integrated within the building design.

Further, Council staff engage with Ausgrid to ensure that electrical substations are not located in unsightly and prominent locations in front of developments.

- CARRIED

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ITEM 10.8 **SUPPORT FOR CALD FAMILIES**
(573) **CLR. ZAMAN:/CLR. ZAKHIA**

RESOLVED that Council request NSW Health provide additional or increased family support services and domestic violence prevention programs for culturally and linguistically diverse communities.

- CARRIED

SECTION 11: QUESTIONS FOR NEXT MEETING

REF: COUNCIL AMALGAMATION

Clr Kuskoff requested a report on the achievements, matters outstanding, challenges and benefits to residents since the merger of the former Canterbury and Bankstown Councils.

REF: IBIS CONTROL PROGRAMS

Clr Kuskoff requested information on what measures Council is undertaking to control the Ibis population in Town Centres and residential areas.

REF: TRAFFIC MATTER - YAGOONA PUBLIC SCHOOL

Clr Harika requested an update on the request for a pedestrian crossing in Melanie Street, Yagoona outside the Yagoona Public School.

REF: TRAFFIC MATTER - PANANIA RSL

Clr Tuntevski requested Council investigate improved traffic signage and linemarking at the entry/exit of Panania RSL Club situated at the corner of Marco Avenue and Child Street, Panania.

REF: STREET LIBRARIES

Clr Tuntevski requested information regarding the setup of street libraries.

REF: EAST HILLS WHARF

Clr Tuntevski requested an update on fire damage to the East Hills Wharf and enquired if Police had been able to identify the culprits.

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SECTION 12: CONFIDENTIAL SESSION

(574) CLR. HARIKA:/CLR. TUNTEVSKI

RESOLVED that, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Item12.1 in confidential session for the reasons indicated:

Item 12.1 T13-19 Canterbury Bankstown Council Pole Inspections, Treatment, Data Collection and Reporting

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

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 9.16 PM AND REVERTED BACK TO OPEN COUNCIL AT 9.19 PM.

ITEM 12.1 T13-19 CANTERBURY BANKSTOWN COUNCIL POLE INSPECTIONS, TREATMENT, DATA COLLECTION AND REPORTING

(575) CLR. ZAKHIA:/CLR. MADIRAZZA

RESOLVED that

1. In accordance with clause 178(1) (b) of the Local Government (General) Regulation 2005, Council declines to accept the submission received for the proposed contract.
2. Further, in accordance with clause 178 (3) (b) of the Local Government (General) Regulation 2005, Council invites, pursuant to clause 167 fresh tenders for these works.
3. Council notifies the unsuccessful tenderer in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 9.20 PM.

Minutes confirmed 28 MAY 2019

.....
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	Emergency Services Levy Increase	35
4.2	Proposed Relocation of SBS to Canterbury-Bankstown	37
4.3	Local Community Based Donations	39

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ITEM 4.1 Emergency Services Levy Increase

Each year, the NSW Government collects payments from councils and insurers to fund emergency services agencies in NSW, with councils required to pay 11.7 per cent of the budget required by NSW Emergency Services. These charges are embedded in council rates and insurance premiums.

From 1 July 2019 the NSW Government plans to collect an additional \$160 million (in 2019/20) from NSW councils, communities and those paying insurance premiums to provide better workers' compensation coverage for volunteer and career firefighters who are diagnosed with one of 12 specific work-related cancers.

Council supports career and volunteer firefighters in NSW – as it does all emergency services workers and volunteers. Indeed, many NSW council staff and councillors are volunteers. We also support the Bill passed in November 2018 to address what was a workers' compensation shortfall.

However, the sector was at no point advised that it would be required to cover the cost via significant increases to the emergency services levy, or what this cost would be.

Councils were sent bills with a letter from Revenue NSW in May 2019, saying NSW council contributions will increase by \$19 million in 2019/20. The letter also foreshadowed increases in the following year, but not the amount.

Council received an invoice from Revenue NSW for \$4,510,467 for its emergency services levy contribution. This is \$439,997 more than last year's levy, a 10.8% increase. This will mean council will need to find additional funds and/or cut planned initiatives or services. Proportional to council revenue, the extra \$439,997 Council is being asked to pay is a large amount and the impact of this unplanned cost will certainly be felt by the community.

I am proposing Council joins Local Government NSW in calling upon the NSW Government to fund the first 12 months of this extra cost and work with local governments to ensure the implementation of the funding mechanism is fairer, more transparent, equitable and accountable into the future. I intend on writing to the relevant Ministers and our local members of parliament to raise this issue with them and seek their support.

ITEM 4.2 Proposed Relocation of SBS to Canterbury-Bankstown

I would like to take this opportunity to congratulate Prime Minister Scott Morrison on the return of his government, following the recent federal election. I look forward to our Council working with his Government, to make the City of Canterbury Bankstown an even better place to live in, work in and visit.

During the election campaign, the ALP announced it would look at the relocation of the Special Broadcasting Service (SBS) to Western Sydney by conducting a feasibility study. I am hoping the Prime Minister and whoever his new Communications Minister will be, also see the importance and benefits of looking closely at this proposal.

I believe Canterbury-Bankstown is the ideal place, if SBS was to be relocated, because it's one of the most multi-cultural cities in Australia, thriving on diversity, harmony and respect of each other's different cultures. Further, it is located in the geographic heart of multi-cultural Sydney, which is more directly aligned with SBS's Charter. Our residents are global citizens with global family, business and personal links to the whole world. Their stories are truly representative of SBS and its purpose.

Canterbury-Bankstown is also a good fit following a commitment for a new \$1.3 billion Bankstown Hospital and with Western Sydney University proposing to construct a new 7,000-student campus in Bankstown. This clearly shows we are working with significant partners, to help support the growing needs of not only our City, but South-West and Western Sydney.

Based on SBS's 2018 annual report, the sale of the current SBS site at Artarmon would likely generate up to \$90 million, which would significantly offset the cost of building a new home for the broadcaster in Canterbury-Bankstown. Preliminary investigations reveal the project would create around 400 construction jobs and generate \$85 million for the local economy, and a further \$100 million a year ongoing.

I intend writing to the Federal Minister for Communications, once sworn in, urging them to work with us to examine the feasibility of Canterbury Bankstown becoming the new home for SBS.

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ITEM 4.3 Local Community Based Donations

The following community based organisations have approached Council for financial assistance.

Melkite Catholic Welfare Association

The Melkite Catholic Welfare Association will, on 29 May, be holding a fundraising event for the Cancer Council's Australia's Biggest Morning Tea, in aid of cancer research.

In support, I propose Council donate \$500 on behalf of the Association's morning tea.

Australian Red Cross St George District Branch Rural Recovery Luncheon

The St George District Branch of the Australian Red Cross will be holding a Rural Recovery Luncheon in Bankstown on Wednesday, 29 May. All proceeds will go to the Red Cross' Disaster Relief Assistance & Recovery Fun.

This fund helps communities prepare, respond to and recover from disasters and I understand the ongoing drought is their focus. I propose Council donate \$500 in support of this cause.

Treadmill Challenge for Suicide Prevention

The proprietors of Greenacre's Strathfield South Anytime Fitness are holding a fundraiser on 31 May, consisting of a 24 hour treadmill challenge, to raise awareness of and funds for the prevention of suicide, through the donation of raised monies to R U OK, the registered charity for suicide prevention.

In support of this wonderful initiative, I propose Council donates \$1,000 to R U OK, on behalf of Strathfield South Anytime Fitness' Treadmill Challenge.

Run2Cure – Adrian's Army

In the great spirit of our community, two mothers – Lisa Lown and Sharon Elazzi – have set about raising funds for Neuroblastoma Australia's Run2Cure in the name of a brave, young Panania boy: Adrian Nocevski.

Adrian, first diagnosed in 2012 with neuroblastoma – a rare and aggressive childhood cancer – has since relapsed a number of times, but in spite of this has demonstrated what true courage and bravery are.

Lisa and Sharon will be participating in Neuroblastoma Australia's Run2Cure and so will Adrian, leading his team on the 1km superhero walk. In aid of this, I propose Council supports Adrian, donating \$500 to Neuroblastoma Australia on his behalf.

Bill Crews Cup

Each year, members of the NSW police community compete in the annual Bill Crews Cup, in memory of Detective Constable William 'Bill' Crews. Funds raised from the day, which have surpassed \$50,000 since the first Cup, go toward Police Legacy and the Detective Constable William Crews VA Memorial Scholarship. The Bankstown Command have requested the field hire fee of \$270 be waived which I fully support.

RECOMMENDATION

I propose that Council provide the financial assistance as outlined above and that these funds be made available from the Community Grants and Event Sponsorship Program Budget.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|----|
| 5.1 | Deed of Variation to the Voluntary Planning Agreement for the Former Riverlands Golf Course Site in Milperra | 43 |
| 5.2 | Exhibition of Planning Proposal to Prohibit Multi Dwelling Housing from Zone R2 in the former Bankstown LGA | 49 |
| 5.3 | Exhibition of Draft Housekeeping Amendments to Bankstown DCP 2015 and Canterbury DCP 2012 | 59 |

ITEM 5.1 **Deed of Variation to the Voluntary Planning Agreement for the Former Riverlands Golf Course Site in Milperra**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report summarises the exhibition of a Draft Deed of Variation to the Voluntary Planning Agreement for the former Riverlands Golf Course site at 56 Prescott Parade, Milperra.

ISSUE

At the Ordinary Meeting of 11 December 2018, Council considered a request by the property owners to amend the Voluntary Planning Agreement applicable to the site. The request seeks an extension of time to complete certain local infrastructure works associated with the residential development of the site.

Council resolved to exhibit the Draft Deed of Variation for public comment. Council received 13 submissions in response to the exhibition. Most submissions raised the potential delays in completing the local infrastructure works as a key concern. In reviewing the submissions, it is recommended that Council enter into the Deed of Variation.

The Voluntary Planning Agreement is a legal agreement between Council and the property owners that outlines the owners' commitment to complete the agreed local infrastructure works at an agreed time. The Voluntary Planning Agreement and the Draft Deed of Variation have no bearing on the approved rezoning application or any development application on the site.

The proposed timing in the Draft Deed of Variation to complete the agreed local infrastructure works is considered to be reasonable as it still seeks the delivery of the works before the construction starts on the residential zoned land, when the demand for local infrastructure will increase.

RECOMMENDATION That -

1. Council enter into the Deed of Variation as shown in Attachment A.
2. The General Manager be given delegation to make minor changes to the document that may be required for the purposes of execution, so long as these do not alter the intent or substance of the deed of agreement.

ATTACHMENTS

[Click here for attachments](#)

- A. Deed of Variation and Explanatory Note
- B. Council Report - 11 December 2018
- C. Submissions Report

POLICY IMPACT

This matter has no policy implications for Council.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

This matter has no community impact as all the works including public amenity and environmental improvements agreed to as part of the original Voluntary Planning Agreement will continue to apply.

DETAILED INFORMATION

BACKGROUND

At the Ordinary Meeting of 11 December 2018, Council considered a request by the property owners to amend the Voluntary Planning Agreement (VPA) applicable to the site. The request seeks an extension as to when the property owners are required to dedicate the public foreshore land and to complete bank stabilisation works at two locations along the Georges River. The VPA currently requires these agreed works to be completed within 12 months of the commencement of the VPA.

The Draft Deed of Variation proposes to require the above local infrastructure works to be completed prior to the issuance of the following certificates (whichever comes first):

- A Construction Certificate for any part of the Zone R2 Low Density Residential land of the Riverlands site.
- A Subdivision Certificate for any part of the Zone R2 Low Density Residential land of the Riverlands site.

The proposed timing in the Draft Deed of Variation to complete the agreed local infrastructure works is considered reasonable as it still seeks the delivery of the works before the construction starts on the residential zoned land of the site, when the demand for the local infrastructure will increase.

In considering the request, Council resolved that:

1. *Council prepare and exhibit a Deed of Variation to the Voluntary Planning Agreement for the former Riverlands Golf Course site in Milperra.*
2. *Following the exhibition period, Council adopt the Deed of Variation to the Voluntary Planning Agreement provided there are no submissions.*
3. *The General Manager be granted delegated authority to make wording changes to the Deed of Variation to the Voluntary Planning Agreement, necessary to satisfy legal necessities so long as these do not alter the intent or substance of the deed.*
4. *The Mayor and General Manager be authorised to sign the Deed of Variation to the Voluntary Planning Agreement.*

The Council report is provided for information at Attachment B.

EXHIBITION

Council exhibited the Draft Deed of Variation from 26 March to 26 April 2019. The exhibition process included:

- Displays at Council's Customer Service Centre (Bankstown Branch) and corporate website.
- Notification in the local newspapers.

- Notification letters to neighbouring property owners.

Council received 13 submissions in response to the exhibition. A summary of the submissions is provided at Attachment C.

KEY ISSUES

In summary, the submissions raised the following key issues:

Issue 1: Delays in the completion of the local infrastructure works

Most submissions (5 out of 13 submissions) do not support the Draft Deed of Variation as it delays the completion of the proposed local infrastructure works. There is the risk that the property owners may not complete the proposed local infrastructure works.

Comment: The Deed of Variation does not increase the risk that the agreed works under the VPA may not be completed.

In amending the VPA, it is proposed to align the timing of these works to key development stages of the residential land, rather than specific calendar dates. The property owners have stated that the development consent in the residential zoned land is necessary to obtain the required finance to complete the agreed works in the VPA. The request is considered to be reasonable as the proposed amendment does not impact on the scope of the agreed works in the VPA.

Issue 2: Traffic

One submission raises concern the development of the site would have adverse traffic impacts on the surrounding road network.

Comment: The Department of Planning and Environment approved the rezoning of the site to allow low density residential development in 2016. The accompanying VPA includes traffic mitigation works that was assessed as part of the rezoning application, in consultation with Transport for NSW and Roads and Maritime Services.

Issue 3: Bank stabilisation works

One submission raises concerns a delay in providing the bank stabilisation works would result in ongoing erosion of the 20 metre wide foreshore land to be dedicated to Council.

Comment: The property owners have stated that the development consent for the residential zoned land is required to obtain the necessary finance to complete the agreed works in the VPA.

The request is considered reasonable because the Deed of Variation does not reduce the quantum of the agreed public foreshore land to be dedicated to Council. The property owners have agreed to dedicate a 20 metre wide foreshore corridor along the Georges River following the bank stabilisation works in the VPA.

NEXT STEPS

Should Council decide to enter into the Deed of Variation, the next steps are for Council to execute the deed with the property owners and to register the deed to the land title of the affected lots.

ITEM 5.2 **Exhibition of Planning Proposal to Prohibit Multi Dwelling Housing from Zone R2 in the former Bankstown LGA**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report summarises the exhibition of the planning proposal to prohibit multi dwelling housing from the R2 Low Density Residential zone in the former Bankstown Local Government Area. It is recommended that Council progress the planning proposal to finalisation.

ISSUE

In April 2018, the Department of Planning and Environment released the Low Rise Medium Density Housing Code (the Code). The Code contains complying development controls to allow larger dual occupancies, manor houses and terraces to be constructed under a fast-tracked complying development approval process, which bypasses Council's assessment and notification processes, placing it in the hands of private certifiers.

At the Ordinary Meeting of 24 April 2018, via Mayoral Minute, Council raised serious concerns about the impact the Code would have on the local character and amenity of our City. The Mayoral Minute moved to prepare and submit a planning proposal seeking to prohibit multi dwelling housing (including manor houses, terraces and villas) from the R2 Low Density Residential zone in the former Bankstown Local Government Area, and to restrict dual occupancy development to current planning rules.

The Department of Planning and Environment issued a Gateway Determination enabling Council to exhibit the planning proposal subject to the removal of all references to dual occupancies. Based on the Department's instructions, the planning proposal is limited to the prohibition of multi dwelling housing from the R2 Low Density Residential zone in the former Bankstown area.

Council received 311 submissions in response to the exhibition with the majority (89%) supporting the planning proposal. Following a review, it is recommended that Council adopt the planning proposal with an amendment to the proposed savings transition clause as outlined in this report.

Should Council adopt the planning proposal, the next step is to forward the planning proposal to the Department of Planning and Environment for finalisation prior to the commencement of the Code on 1 July 2019.

RECOMMENDATION That -

1. Council adopt the amended planning proposal as shown in Attachment A.
2. Council forward the planning proposal to the Department of Planning and Environment to finalise the LEP amendments.
3. Council request the Department of Planning and Environment to expedite this matter to ensure the LEP amendments come into effect prior to the commencement of the Low Rise Medium Density Housing Code on 1 July 2019.

ATTACHMENTS [Click here for attachments](#)

- A. Planning Proposal
- B. Council Report–Ordinary Meeting of 24 April 2018
- C. Submissions Report

POLICY IMPACT

Bankstown Local Environmental Plan 2015 currently permits medium density housing (dual occupancies, townhouses and villas) across all residential zones.

The development application process reflects relevant planning and development controls which have been prepared in consultation with the community, industry, state agencies and other key stakeholders and provide a structured framework for planned growth across the City of Canterbury Bankstown. The development application process also balances the likely impacts of development, the suitability of the site for the development, community input and broader public interest.

The concerns with the Code are it does not test compatibility with the local character and amenity of the suburban neighbourhoods and would permit ad-hoc, unplanned growth to occur irrespective of the impacts.

Council has consistently objected to the proposal to expand complying development to include medium density housing. Council's key concerns with the Code, which it has expressed in previous submissions to the NSW Government, include:

- It would override Council's LEP / DCP controls with a 'one size fits all' blanket approach.
- It would result in increased building bulk, reduced private open space and reduced landscaped areas – a form incompatible with the local character and landscaped setting of the suburban neighbourhoods.
- The number of required off-street parking spaces would be halved compared to Council's current controls, which would mean more parking on residential streets.
- The DA neighbour notification process would be replaced with a complying development notification process. This simply requires private certifiers to only inform neighbours of the proposal 14 days prior to issuing an approval – removing the opportunity for neighbours to make submissions and to comment on proposed building designs next door to them.
- Design verification statements would replace proper merit assessments and remove adequate safeguards to development will deliver better quality building designs.
- Council's approach to sensitively distributing medium density housing would be severely undermined and ad-hoc unplanned development would take place of orderly and planned growth.
- This approach contradicts the NSW Government's South District Plan which states, 'Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities' (Planning Priority S5).

At the Ordinary Meeting of 24 April 2018, via Mayoral Minute, Council reiterated its concerns with the Code. In response, the Mayor held an urgent meeting with the Minister for Planning and obtained a deferment of the commencement of the Code until 1 July 2019.

Council also moved to prepare and submit a planning proposal seeking to prohibit multi dwelling housing (including manor houses, terraces and villas) from the R2 Low Density Residential zone in the former Bankstown Local Government Area, and to restrict dual occupancy development to current planning rules. The Mayoral Minute is provided at Attachment B. The planning proposal did not need to apply to the former Canterbury Local Government Area as the Canterbury LEP currently prohibits multi dwelling housing from the R2 Low Density Residential zone in the former Canterbury area.

In relation to the status of the planning proposal, the following timeline summarises the series of events that have occurred since the Ordinary Meeting of 24 April 2018:

1. The Department of Planning and Environment issued a Gateway Determination allowing Council to proceed with the planning proposal subject to the removal of all references to dual occupancies from the planning proposal.
2. At the Ordinary Meeting of 26 February 2019, Council noted the need to amend the planning proposal to be consistent with the Gateway Determination, which required the removal of all references to dual occupancies.
3. In February 2019, the Department of Planning and Environment confirmed that Council could exhibit the planning proposal. The Gateway Determination requires the planning proposal to be finalised prior to the commencement of the Code on 1 July 2019.

In relation to the status of the Code, the following timeline summarises the series of events that have occurred since the Ordinary Meeting of 24 April 2018:

1. At the Ordinary Meeting of 22 May 2018, Council was informed of the Minister's decision to defer the commencement of the Code until 1 July 2019. Council also noted the implications of Canterbury LEP 2012 and the unbalanced distribution of the R3 Medium Density Residential zone. This is a critical issue that Council will address as part of its new Local Housing Strategy.
2. At the Ordinary Meeting of 26 June 2018, Council resolved to make urgent representations to the Minister for Planning about the impacts the Code would have in relation to dual occupancies. Of particular concern is the ability for dual occupancies to be built up to 70% larger than the current density controls once the Code comes into effect.
3. In October 2018, Council wrote to the Department of Planning and Environment requesting a further deferral from the Code until Council completes its new Local Environmental Plan. If Council demonstrates it is providing capacity for a range of housing types in its new Local Environmental Plan, the Code should not apply to the City of Canterbury Bankstown.
4. At the Ordinary Meeting of 26 February 2019, Council reiterated its request to seek a further deferral from the Code until Council completes its new Local Environmental Plan.
5. In March 2019, the Department of Planning and Environment responded that it would pass on Council's request for a further deferral from the Code to the incoming NSW Government following the 2019 State election.

6. In May 2019, Council wrote to the new Minister for Planning and Public Spaces to reiterate its request for a further deferral from the Code until Council completes its new Local Environmental Plan. Council is currently awaiting a response prior to the commencement of the Code on 1 July 2019.

FINANCIAL IMPACT

Under NSW legislation, Council is responsible for assessing and determining development applications where consent is required.

Development applications derive a statutory based income associated with the assessment and determination functions. It has been estimated that if the Code was implemented to its full potential, foregone income to Council would be in the order of \$90 million which is based on a total of 30,000 dual occupancy developments at an average development application fee of \$3,000. This does not factor in any associated income from development contributions for spending on infrastructure and community facilities for example.

The intent of the planning proposal is to continue to permit dual occupancy development with consent pursuant to current planning and development controls. This approach would not result in any adverse financial impact to Council whilst protecting the amenity of low density residential areas.

COMMUNITY IMPACT

The planning proposal responds to community concerns in relation to multi dwelling housing in the suburban neighbourhoods.

In relation to dual occupancies, Council currently permits this housing type in the suburban neighbourhoods on the basis that it meets prescribed building bulk / amenity considerations and displays merit. These planning and development controls have been set in place in consultation with the community, industry, state agencies and other key stakeholders, and have provided a valuable form of housing across the City of Canterbury Bankstown for decades.

With a view to continuous improvement and demonstrating contemporary design practices, Council continues to undertake periodic reviews of the LEP / DCP planning controls to address development related impacts. The Code does not take into account the above local environmental matters and will undermine Council's policies and future work to ensure dual occupancies are compatible with the local character and amenity of the suburban neighbourhoods.

DETAILED INFORMATION

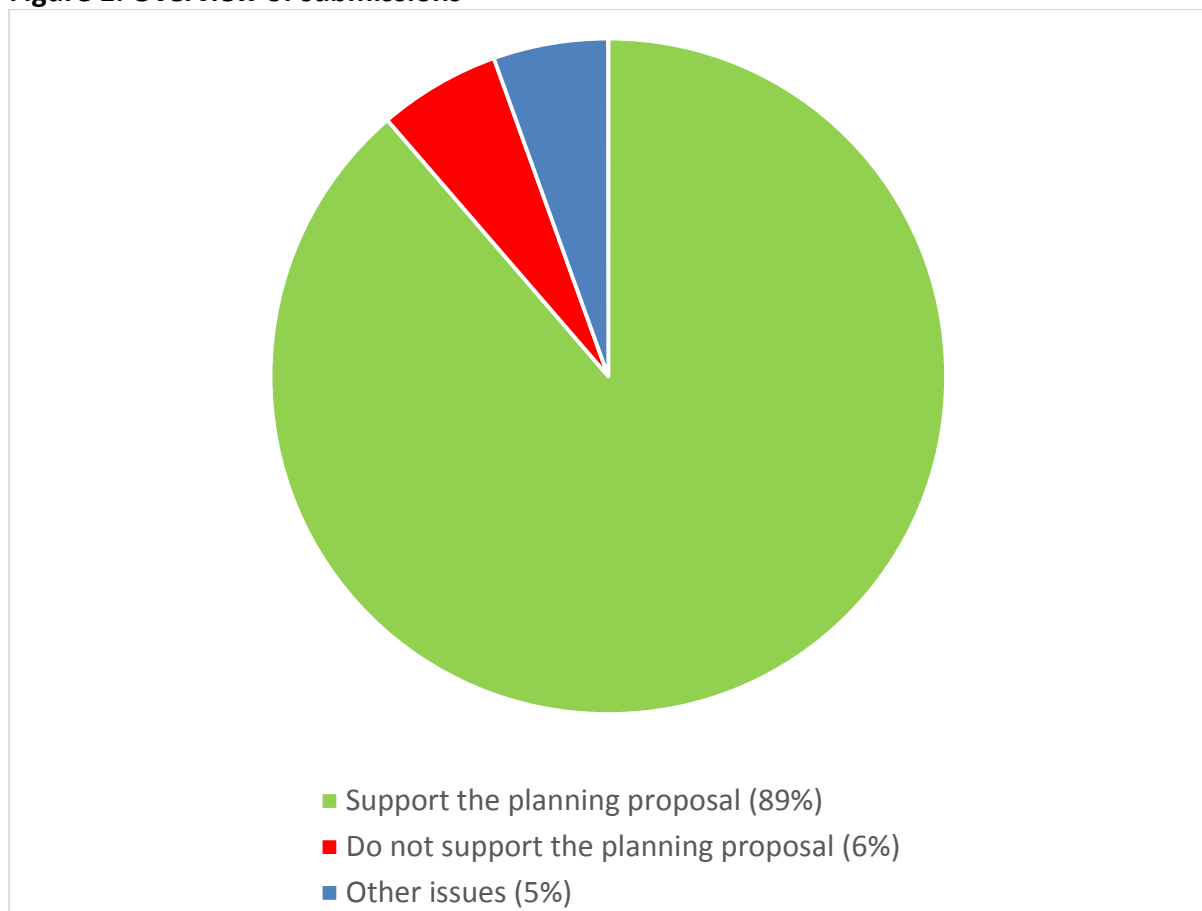
EXHIBITION

Council exhibited the planning proposal from 12 March to 18 April 2019. The exhibition process included:

- Displays at Council's Customer Service Centre (Bankstown Branch), corporate website, and local libraries (Chester Hill, Greenacre, Padstow and Panania).
- Public notification in the local newspapers.
- Over 48,900 notification brochures to property owners within the R2 Low Density Residential zone in the former Bankstown Local Government Area.

Council received 311 submissions with the majority (89%) supporting the planning proposal as shown in Figure 1. A summary of the submissions and Council's response is provided at Attachment C.

Figure 1: Overview of submissions



KEY ISSUES

The key issues raised by submissions include:

Issue 1: Do not support the Medium Density Housing Code and multi dwelling housing in the suburban neighbourhoods

The majority of submissions (89%) do not support the Code as it allows larger dual occupancies, manor houses and terraces to be constructed under a fast-tracked complying development approval process, which bypasses council assessment and normal notification processes, placing it in the hands of private certifiers.

These submissions also do not support multi dwelling housing (including manor houses and terraces) in the suburban neighbourhoods as this housing type is incompatible with the local character and amenity of the suburban neighbourhoods.

Comment: Council raised similar concerns at the Ordinary Meetings of 24 April and 26 June 2018 and 26 February 2019. The planning proposal is in response to these concerns.

Issue 2: Do not support dual occupancies and secondary dwellings in the suburban neighbourhoods

In addition to Issue 1, one quarter of submissions do not support dual occupancies and secondary dwellings in the suburban neighbourhoods. The key concerns are:

- The built form is incompatible with the single house / landscaped character and amenity of the suburban neighbourhoods.
- The cumulative impact of dual occupancies and secondary dwellings is resulting in overdevelopment, traffic congestion and increased on-street parking in local streets. Of particular concern is the cumulative impact in narrow streets and culs-de-sac.

Comment: In relation to secondary dwellings, Council is proposing to introduce a minimum 450m² lot size requirement in the R2 Low Density Residential zone in the former Bankstown Local Government Area. This proposed DCP Amendment is consistent with the minimum lot size required for secondary dwellings under the SEPP (Affordable Rental Housing) 2009 and ensures development is compatible with the local character and amenity of the suburban neighbourhoods. It is proposed to report this DCP Amendment to the Ordinary Meeting of 28 May 2019 for adoption.

In relation to dual occupancies, Council is currently preparing a Local Strategic Planning Statement and Local Housing Strategy. These strategic documents will review appropriate locations for dual occupancies based on community consultation. The new LEP / DCP will also review the building design and parking controls for dual occupancies.

The concern is the Code does not take into account the above local environmental matters and will undermine Council's policies and future work to ensure dual occupancies are compatible with the local character and amenity of the suburban neighbourhoods.

Council has written to the Department of Planning and Environment requesting a further deferral from the Code until Council completes its new Local Environmental Plan. Where Council demonstrates that it will provide adequate capacity for a range of housing types in its new Local Environmental Plan, the Code should not apply to the City of Canterbury Bankstown. Council is currently awaiting a response prior to the commencement of the Code on 1 July 2019.

Should there be no further extension, the Department of Planning and Environment will need to expedite this matter to ensure the LEP amendments come into effect prior to the commencement of the Medium Density Housing Code on 1 July 2019.

Issue 3: Support the Medium Density Housing Code and multi dwelling housing in the suburban neighbourhoods

Around 6% of submissions support the Code and multi dwelling housing in the suburban neighbourhoods as it provides housing choice, particularly for seniors and young families looking to downsize. These submissions are requesting Council not to proceed with the planning proposal.

Comment: The planning proposal is limited to the R2 Low Density Residential zone. Multi dwelling housing will continue to be permissible in the R3 Medium Density Residential zone and R4 High Density Residential zone under Council's LEP / DCP as a way to provide housing choice in proximity to shops and public transport.

Issue 4: Savings provision

One submission is requesting a savings transition clause to grandfather the current R2 zoning rules for existing property owners.

Comment: The Gateway Determination requires the planning proposal to include a savings transition clause to ensure the planning proposal does not affect any development applications or appeal processes. However following a review, it is proposed to clarify the intent of the savings transition clause, which is to ensure the planning proposal does not affect any development applications or appeal processes that have not been finally determined prior to the LEP amendments coming into effect. The planning proposal has been amended to reflect this change.

As of 21 May 2019, there are four development applications in the system under assessment and yet to be determined. These development applications will be saved i.e. current controls will continue to apply to the four current development applications.

Grandfathering the proposed change would continue to permit villas and townhouses in the R2 Low Density Residential zone in the former Bankstown Local Government Area. This would have the effect of enabling the Medium Density Housing Code to apply during this time, which would contradict the intent of this planning proposal.

The rules looking to be imposed by the NSW Government would enable larger forms of development in neighbourhood areas, less scrutiny with private certifiers approving development and with less transparency. During the exhibition of the planning proposal, Council received 311 submissions with the majority (89%) indicating support.

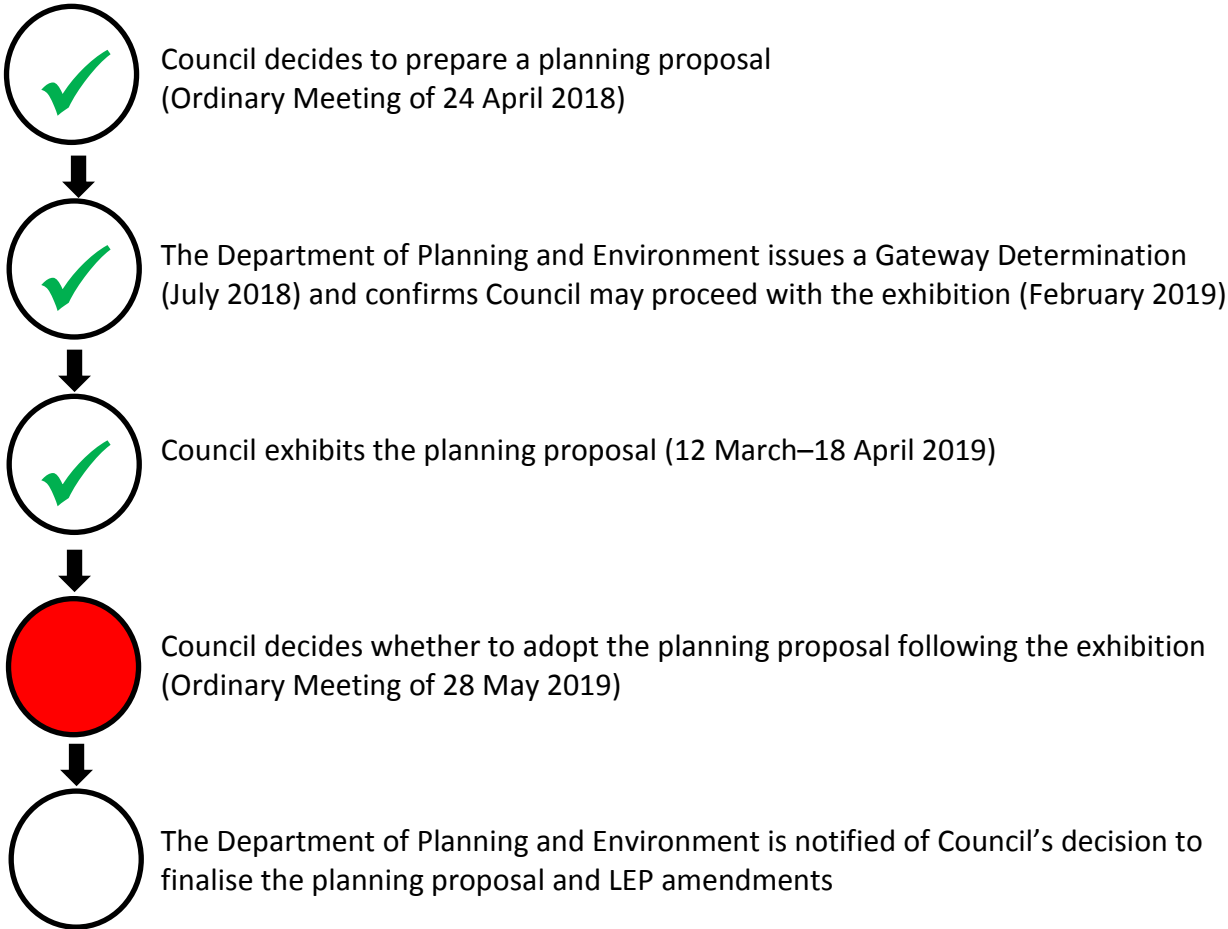
For these reasons, it is not proposed to grandfather the current R2 zoning rules for existing property owners.

NEXT STEPS

Following a review, it is recommended that Council adopt the planning proposal as shown in Attachment A.

Should Council decide to adopt the planning proposal, the next steps would be to forward the planning proposal to the Department of Planning and Environment to finalise the LEP amendments as shown in Figure 2, and to inform submitters of Council’s decision.

Figure 2: Gateway process



In relation to the status of the Code, Council has written to the new Minister for Planning and Public Spaces to reiterate its request for a further deferral from the Code until Council completes its new Local Environmental Plan. Council is currently awaiting a response prior to the commencement of the Code on 1 July 2019.

In relation to the implications of the Code in the former Canterbury Local Government Area, Council will be reviewing the widespread application of the R3 Medium Density Residential zone (where multi dwelling housing is permitted) as part of its new Local Housing Strategy.

ITEM 5.3 **Exhibition of Draft Housekeeping Amendments to Bankstown DCP 2015 and Canterbury DCP 2012**

AUTHOR **Planning**

PURPOSE AND BACKGROUND

This report summarises the exhibition of draft housekeeping amendments to the Bankstown Development Control Plan 2015 and the Canterbury Development Control Plan 2012.

ISSUE

At the Ordinary Meeting of 11 December 2018, Council resolved to exhibit a number of housekeeping amendments to the Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012. Council received four submissions in response to the exhibition.

In relation to the Bankstown DCP, a submission raises the proposed parking rate for boarding houses as a key issue. Following consideration of this matter, it is recommended that Council adopt the draft DCP amendments as exhibited.

In relation to the Canterbury DCP, the submissions raise issues with potential inconsistencies with SEPP 65 / Apartment Design Guide and the application of secondary dwellings as key issues. Following consideration and assessment of the likely impacts, it is proposed to amend the DCP to address these issues. These amendments are considered to be of a minor nature and do not warrant re-exhibition.

RECOMMENDATION That -

1. Council adopt Bankstown Development Control Plan 2015 (Amendment No. 8) as shown in Attachment A without any changes.
2. Council adopt Canterbury Development Control Plan 2015 (Amendment No. 5) as shown in Attachment B with amendments as outlined in this report.
3. Bankstown Development Control Plan 2015 (Amendment No. 8) and Canterbury Development Control Plan 2015 (Amendment No. 5) are to come into effect on the date specified in the public notice and are to apply to development applications lodged on or after this date.

ATTACHMENTS [Click here for attachments](#)

- A. Bankstown Development Control Plan 2015 (Amendment No. 8)
- B. Canterbury Development Control Plan 2012 (Amendment No. 5)
- C. Council Report-Ordinary Meeting of 11 December 2018
- D. Submissions Report

POLICY IMPACT

Whilst this matter has no policy implications for Council, the intended outcome of the draft DCP amendments is to continue to deliver high quality development whilst facilitating a simpler and faster development assessment process.

FINANCIAL IMPACT

This matter has no financial implications for Council.

COMMUNITY IMPACT

Council is currently preparing a new comprehensive, citywide Local Environmental Plan and Development Control Plan as part of the Accelerated Local Environmental Plan Program, however this project is expected to be completed in 2020. In the interim, there is a need to undertake the proposed housekeeping amendments to ensure Council's development controls remain contemporary and relevant to successfully manage development across the City of Canterbury Bankstown.

DETAILED INFORMATION

BACKGROUND

At the Ordinary Meeting of 11 December 2018, Council resolved to exhibit a number of housekeeping amendments to the Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012. The intended outcome of the draft DCP amendments is to continue to deliver high quality development whilst facilitating a simpler more transparent and certain development assessment process. The December Ordinary Council report is provided at Attachment C.

EXHIBITION

Council exhibited the draft DCP amendments from 12 February to 29 April 2019. The exhibition process included:

- Displays at Council's Customer Service Centre (Bankstown and Campsie Branches) and corporate website.
- Public notification in local newspapers.

Council received four submissions in response to the exhibition. A summary of the submissions is provided at Attachment D.

KEY ISSUES

Submissions

The submissions raised the following key issues in relation to the proposed amendments to the Bankstown Development Control Plan 2015 and Canterbury Development Control Plan 2012:

Issue 1: Bankstown DCP 2015 – Parking rate for boarding houses

One submission does not support the proposed parking rate for boarding houses as it is inconsistent with the parking rate for boarding houses under the Affordable Rental Housing SEPP. According to the submission, the SEPP does not stipulate a minimum parking rate, rather a standard that cannot be used to refuse consent. This means the DCP could consider a lower parking rate compared to the SEPP. The draft parking rate should take into account location, demographics, public interest, student housing and economic impact.

This submission also requests a savings provision to be placed on existing development applications.

Comment: Development applications for boarding houses must comply with the Affordable Rental Housing SEPP and Council's LEP and DCP.

In June 2018, the Department of Planning and Environment amended the Affordable Rental Housing SEPP by increasing the parking rate for boarding houses from 0.2–0.4 spaces per boarding room to 0.5 per boarding room, except where provided by a social housing provider.

The draft DCP amendment takes into account the Department's review and community concerns by also increasing the parking rate for boarding houses from 1 space per 3 bedrooms to 0.5 spaces per boarding room. The reason for the change is to reduce on-street parking impacts created by boarding house developments and aligns with the SEPP.

Action: Following a review of the issues raised, it is not proposed to change the draft DCP amendment. In relation to a savings provision, the intent is to apply the DCP amendments to development applications lodged on or after the DCP amendments come into effect.

Issue 2: Canterbury DCP 2012 – Setbacks for shop top housing

One submission does not support the proposed side setback control for shop top housing. The proposed control reads as follows:

C5.2.2.3 Setbacks

C1 A minimum side boundary setback of 4.5m is required in the B1, B2 and B5 zone. SEPP 65 separation requirements will apply for buildings with height of 4 storeys and above.

The submission does not support the proposed amendment to the above control as it is inconsistent with C3, Section D1.3.4 of the DCP, which reads: *Except where a proposed development adjoins a residential zone boundary, setbacks are not required in the B1 or B2 zones when the desired character is for a continuous street frontage.*

Comment: The inconsistency is noted as the setbacks are not intended to apply to the B1 and B2 zones. Amendments will be made to address this issue. The draft control should read as follows:

C1 A minimum side boundary setback of 4.5m is required in the B5 zone. SEPP 65 separation requirements will apply for buildings with height of 4 storeys and above.

Action: It is proposed to amend C5.2.2.3 to remove references to the B1 and B2 zone so that it is consistent with D1.3.4 of the DCP.

Issue 3: Canterbury DCP 2012 – Secondary dwellings

One submission does not support the proposed control requiring secondary dwellings to be assessed against Schedule 1 of the Affordable Rental Housing SEPP. The proposed control within the exhibited draft DCP reads as follows: *All development applications for secondary dwellings will be assessed against schedule 1 of the ARH SEPP 2009.*

The submission considers the development standards contained within Schedule 1 are restrictive when applied to development applications. Development applications should be assessed on merit under the controls of the Development Control Plan.

Comment: The amendment sought to reinforce a Council policy position adopted in October 2009 on the application of secondary dwellings against Schedule 1 of ARH SEPP. Secondary dwellings that are proposed outside of these controls will be assessed on merit/considered as dual occupancy.

Action: No amendments are recommended to the proposed controls in response to this submission.

Issue 4: Bankstown DCP 2015 and Canterbury DCP 2012 – Building services

Two submissions are in relation to the proposed location and design of substations and building services. The proposed controls broadly read:

- The location and design of substations must be shown on the plans. Substations should be located underground. Where not possible, substations are to be integrated into the building design and concealed from public view. Substations must not be located forward of the front building line.
- The location and design of utilities and building services (such as plant rooms, hydrants, equipment and the like) must be shown on the plans. Utilities and building services are to be integrated into the building design and concealed from public view.

The proposed controls relating to the location and design of substations are included in both the Canterbury DCP and Bankstown DCP. The submissions raise the following concerns:

- *Control strictly requires the location of substations to be underground.*
- *Location of substations underground does not comply with Ausgrid's requirement.*
- *Recommend the deletion of this control.*
- *Clarification on whether integrating substations and building services such as fire hydrants will increase hazard for visually impaired persons in navigating in or around those built environment.*

Comment: While the preferred location of substations is to be underground, the proposed controls do not mandate this. There is flexibility in the controls to allow substations to be located above ground provided they are integrated within the building design and not visible from public view.

The proposed controls are not inconsistent with electricity providers' requirements for substations being accessible and visible. In relation to whether the proposed controls will have any impact on the visually impaired in navigating around the building, the controls will require substations and utility services (such as fire hydrants) to be designed or integrated with the building as oppose to standalone structures located within the site. The proposed controls are not likely to affect those with a visual impairment.

Action: An amendment to the Canterbury DCP is recommended to clarify utilities and building services to include plant rooms, hydrants, equipment and the like. The draft control should read as follows:

- C1 Integrate systems, services and utility areas (such as plant rooms, hydrants, equipment and the like) with the design of the whole development – coordinate materials with those of the building and integrate with landscaping.*

Review by Council officers

Following the exhibition, Council officers reviewed the proposed amendments and raise the following key issues:

Issue 1: Canterbury DCP 2012 – Solar access for residential development

The exhibited DCP shows the solar access controls for residential development to require 3 hours of sunlight between 9.00am and 3.00pm on 21 June. Following a review by Council officers, this control should read: *A minimum of 3 hours direct sunlight between 8.00am and 4.00pm on 21 June.*

Comment: The proposed control in the Canterbury DCP is intended to align with the solar access control for residential development in the Bankstown DCP, which requires solar access be provided between 8.00am to 4.00pm. Amendments will be made to address this issue.

Action: It is proposed to amend the solar access control (hours of sunlight) to ensure the Canterbury DCP aligns with the solar access control in the Bankstown DCP.

Issue 2: Canterbury DCP 2012 – Solar access to adjoining neighbours

A review by Council officers indicates Chapter C5.2, which applies to shop top housing, excluded a provision requiring solar access for neighbouring dwellings.

Comment: The solar access to neighbouring dwellings controls were identified as part of the housekeeping amendments and it was also intended to align with the controls applying to chapter C4.2 Residential Flat Buildings that are subject to SEPP 65. Amendments will be made to address this issue.

Action: It is proposed to amend the solar access provision in chapter C5.2 to align with the solar access to adjoining neighbours controls in chapter 4.2.

Issue 3: Canterbury DCP 2012 – Communal open space

The exhibited DCP shows the communal open space to require 15% of open space on site. Following a review by Council officers, this control should read: *'...open space areas equivalent to at least 25% of the open space on a site...'*

Comment: The controls are intended to align with the communal open space requirement of the ADG which requires 25%. Amendments will be made to address this issue.

Action: It is proposed to amend the communal open space requirement in chapter 5.2 so that they align with communal open space requirement in the ADG.

Issue 4: Canterbury DCP 2012 – Upper storey elements for residential flat buildings

A review by Council officers indicates Chapter C4.2, which applies to residential flat buildings, excluded a control relating to the number of storeys and upper story elements. The control should read as follows:

- (a) *All buildings shall provide a building form comprising a podium base element and an upper element which provides an additional setback in accordance with the table below:*

Total Number of Storeys	Podium Base Element	Upper Storey Elements
<i>4 storey</i>	<i>3 storey</i>	<i>1 storey</i>
<i>5 storey</i>	<i>3 storey</i>	<i>2 storey</i>
<i>6 storey</i>	<i>4 storey</i>	<i>2 storey</i>

Comment: This control is included in Chapter 4.3 relating to RFB for non-SEPP 65 applications and is intended to apply to all RFBs (SEPP 65 and non-SEPP 65 applications). Amendments will be made to address this issue.

Action: It is proposed to amend chapter C4.2 to include the above control so that that it aligns with the controls in C4.3.

NEXT STEPS

Should Council decide to adopt the draft DCP amendments, the next step is to place a public notice in the local newspaper to state that the DCP amendments will apply to development applications lodged on or after the DCP amendments come into effect.

6 POLICY MATTERS

The following items are submitted for consideration -

6.1	Waste In Public Places - Local Approvals Policy and Guidelines	69
6.2	Commercial Use of Council Footways Guidelines and Policy Review	73
6.3	Code of Meeting Practice	79

ITEM 6.1 **Waste In Public Places - Local Approvals Policy and Guidelines**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

To consider the Waste in Public Places local approvals policy and Guidelines as required under the Local Government Act 1993.

ISSUE

The purpose of the Waste in Public Places local approvals policy and Guidelines is to specify the circumstances where Council approval is not required before carrying out activities relating to the management of waste in accordance with section 68 of the Local Government Act 1993.

Waste in Public Places local approvals policy and Guidelines establishes an aligned framework for the LGA for the use and placement of residential and commercial waste bins, skip bins, clothing recycling (charity) bins and container recycling equipment, such as container deposit scheme, on land under the care and control of Council.

RECOMMENDATION That -

1. Council endorse the proposed Waste in Public Places local approvals policy and Guidelines.
2. The proposed Waste in Public Places local approvals policy and Guidelines be placed on public exhibition in accordance with the requirements of the Local Government Act 1993 and that a further report be submitted to Council at the conclusion of that period.

ATTACHMENTS [Click here for attachments](#)

- A. Waste in Public Places Policy
- B. Waste in Public Places Guidelines

POLICY IMPACT

The adoption of the Waste in Public Places local approvals policy and Guidelines establishes a framework for the use and placement of residential and commercial waste bins, skip bins, clothing recycling (charity) bins and container recycling equipment for the container deposit scheme, on land under the care and control of Council.

FINANCIAL IMPACT

The adoption of the Waste in Public Places local approvals policy and Guidelines will have a minor financial impact with the removal of the annual fee for the placement of Charity bins on council land. This impact will not impact the Operational Budget in 2019-2020.

COMMUNITY IMPACT

The Waste in Public Places local approvals policy and Guidelines outlines responsibilities for the use of Council's waste services by residents, responsibilities for managing and presenting commercial waste for collection by businesses, conditions for the safe and lawful use of public places for managing waste, the basis for Council to make orders in relation to waste placed in public places and the implications of non-compliance with the policy.

With the recommendation that charity clothing bins and container recycling equipment not be permitted for placement on Council land, this has a minimal impact on the community and the local business operator with the removal of only 14 bins across the LGA. All other clothing charity bins and container recycling equipment on private land, such as shopping centres, churches and businesses are not impacted by this policy.

DETAILED INFORMATION

The Waste in Public Places local approvals policy and Guidelines aims to provide a single position on any waste entering public places and the provisions for approval and management of that waste.

Under Section 68 of the Local Government Act 1993, a number of related waste activities in relation to Public Lands are subject to Council approval. This policy will remove the formal need for prior approval for the following activities if carried out in accordance with the Policy and Guidelines:

- Transporting commercial waste over or under a public place for fee or reward;
- Placing waste or placing a bin in a public place, if that activity includes residential waste; and
- Placing waste or placing a bin in a public place, if that activity includes commercial waste.

The placement of skip bins in a public place will continue to require Council approval.

The policy has been prepared under Section 158 of the Local Government Act 1993, consisting of three parts:

- Part 1 – Specifying the circumstances in which a person is not required to obtain a particular approval from the City;
- Part 2 – Specifying criteria which the City must consider when determining whether or not to grant approval to a particular activity; and
- Part 3 – Specifying other matters relating to approvals not dealt with by the Act or Regulations.

The policy is enforceable with the criteria for exemption from approval detailed in Section 3.1 and the Guidelines. Implications for non-compliance are outlined in Section 3.4.

The policy also aims to align the Council's position on the placement of clothing recycling (charity) bins as well as formalise the Council's position on the placement of container recycling equipment such as reverse vending machines for the container deposit scheme on Council land.

The *Clothing Collection Bins on Council Land Policy* adopted by former Bankstown Council, does not permit charity bins on Council land. This has been in place for over 15 years. Whilst the former Canterbury Council does not have a policy, there is a 2017 Council resolution to permit one supplier to place clothing bins on Council land for a fee. This agreement currently allows 14 bins on Council land, and expires in June 2019.

The donation of clothing forms part of the Australian culture, with most suburbs in Canterbury Bankstown having one or more clothing bins on private land, such as shopping centres, car parks or churches and with access to the major charity retail outlets that accept clothing donations. Clothing bins are managed and operated by both charities and private entities that provide donations to charities.

Similarly, Container Recycling Equipment such as Reverse Vending Machines (RVMs) provide the community with the option to redeem ten cents for eligible containers to be recycled. Currently there are 10 RVMs across the LGA. This was an initiative of the State Government.

Charity Bins and Container Recycling Equipment on public land reduces the quality of place. The bins and containers are large and bulky and contribute to urban clutter. These bins and containers also attract illegal dumping and litter, with the associated safety risks falling with council. Even when a bin operator has strict controls to remove litter and dumping daily, the liability sits with Council from the time material is dumped to removal.

As part of the 10 plan for the City, the community told us they want a Clean and Green City, with a key focus on the prevention of litter and illegal dumping in our streets, parks and town centres. As Council works towards this vision for a cleaner city, removing Charity Bins and Container Recycling Equipment from public land will help to remove one element that is known to attract illegal dumping, and responds to the community's desire for a cleaner city.

Council will continue to support Charity Bins and Container Recycling Equipment on private land, as we acknowledge that charity clothing bins and container recycling equipment provides a service to the community.

Council will also explore other ways to promote clothing recycling and reuse, because as part of the 10 plan for the City, the community told us they want to Council to use and promote advance waste and recycling services. Council already provides a number of drop off events for the recycling and safe disposal of items such as chemicals and e-waste. There is an opportunity to explore this program to include other items to be collected, such clothing.

As the clothing collection and recycling industry is evolving with recent moves to on-demand collection services, there is another opportunity to promote this on-demand collection service. Feedback from community members that have used this service found that the online booking service is easy to use and the on-property collection was convenient and timely.

The draft policy proposes that recycling containers and container recycling equipment is not permissible on Council land. This alleviates Council from managing additional recycling services that are carried out by private, commercial and non-profit organisations.

The draft policy consolidates and is intended to replace the following current policies:

1. Clothing Collection Bins on Council Land – former Bankstown Council
2. Waste Storage Containers Placement in Public Places (59-092) – former Canterbury Council

ITEM 6.2 **Commercial Use of Council Footways Guidelines and Policy Review**

AUTHOR **City Future**

PURPOSE AND BACKGROUND

Council adopted the Commercial Use of Council Footways Guidelines and Policy in September 2018. The guidelines and policy are combined for the Canterbury Bankstown local government area. The guidelines and policy were to undergo an internal review after six months in operation, and this report is the result of that review. Three changes are recommended and outlined in this report.

ISSUE

Council's comprehensive Commercial Use of Council Footways Policy and Guidelines has been in operation for six months. In this time Council received a number of enquiries about the guidelines and an internal review occurred per recommendations of the September 2018 Council report. It is proposed to revise the guidelines for planter boxes and drop-down shade structures (blinds). Planter boxes are proposed as permissible subject to conditions. Drop-down shade structures (blinds) are subject to a Development Application process because they are a structural element requiring engineer certification. In addition, the structural integrity of existing awning structures in the public space are not currently being routinely assessed. It is proposed that structural certification be provided by the applicant as part of new applications.

It is also evident that many requests are made to Council to modify Council infrastructure in order to facilitate outdoor dining for new or change of business operators, and this report outlines the options available to businesses, under programmes such as the Liveable Centres Programme and Economic Development 'Night-Time Economy' facilitation, or funded by the business.

RECOMMENDATION That -

1. Council adopt the revised Commercial Use of Council Footways Guidelines and Policy.
2. Council note that since the policy was adopted in September 2018, the Department of Planning and Infrastructure have recommended that a structural adequacy (engineers) certificate be submitted with the licence applications ensuring structural integrity of awnings over the footway.
3. Council note the options available for modification of Council infrastructure by new or relocating businesses, being either to Applicant's cost or under Council's Liveable Centres Programme.

ATTACHMENTS

[Click here for attachments](#)

- A. Commercial Use of Footways Policy Draft 2019
- B. Commercial Use of Footways Guidelines Draft 2019
- C. Planning circular safety of awnings-over public lands

POLICY IMPACT

The recommendations supersede the current policy and recommend Council adopt the new Commercial Use of Footways Policy and Guidelines.

FINANCIAL IMPACT

There is no financial impact.

COMMUNITY IMPACT

The amendments help provide a safe and attractive city in keeping with the local character and promote the amenity of the streetscape with an integrated design approach.

By requiring a structural adequacy (engineers) certificate the safety of the public using the footway is increased and the risk of awning failure is reduced. It is noted that there will be an additional cost to the Applicant in preparing the certification.

DETAILED INFORMATION

PROPOSED CHANGES TO THE GUIDELINES AND POLICY

Change 1: Planter Boxes

Council has included planter boxes as permissible, recognising that when managed properly planter boxes can add significantly to the amenity of the streetscape. Planter boxes are permitted subject to them being:

- Provided and maintained by the Business
- maintained in a clean and healthy condition
- positioned so as not to obstruct pedestrians or cause hazard

The guidelines have been revised to include conditions specifying materials and styling, placement and positioning. Planters must not impede the flow of pedestrians, inhibit Council's cleaning operations, or prevent public enjoyment of the public domain for exclusive private use.

Maintenance of planter boxes will be regularly assessed by council's Compliance Officers and written notification given of any maintenance issues. Any planters not maintained to Council's satisfaction will need to be rectified or removed from the footway within 14 days of notice given by Council at the licence holders expense or risk their licence being revoked.

Change 2: Drop-Down Shade Structures (Blinds)

Council has included drop-down shade structures as permissible, however as these are structural elements over the footway they are subject to strict conditions as follows:

- Application is through a Development Application separate to the Commercial Use of Footways license process. Engineering certification is required to ensure the structural soundness of the existing box awning and the additional loading from the proposed blind.
- Drop-down blinds must have a vertical clearance of 2m from finished ground level to the underside of the blind.
- Drop-down blinds may only be located on the outside edge of the street box awning, parallel to the kerb line. They are not permitted perpendicular to the building or to enclose the outdoor dining area.
- Drop-down blinds must be manufactured of fire retardant material.
- Drop-down blinds must be easily removed or closed in extreme weather conditions.
- Tethering or fixing to the ground is not permissible.

Change 3: Existing Awning Structures

Council has included the requirement for the applicant to provide structural adequacy certification from a certified structural engineer with all new licence applications confirming that any existing awning structure attached to the associated building is structurally sound and compliant with the relevant Building Code. Certification will be required every 7 years.

OTHER ISSUES

Council Infrastructure

Council often receives applications to modify or remove Council infrastructure to facilitate commercial use of the footway, in particular outdoor dining. As outdoor dining is a use that Council wishes to encourage in circumstances where it is viable, has potential to add life and vibrancy to a streetscape, and is safe, Council will look to accommodating and facilitating where able, but with consideration that the public domain must remain accessible to all.

All applications involving the modification of Council infrastructure, including footings for permanent umbrellas, relocation or removal of public seats and bins, new infrastructure including bicycle parking, new pavement etc., are assessed by Council's City Design who review the suitability and site conditions. This is done in conjunction with Council's Roads and Traffic Unit who assess against safety criteria for pedestrians and seated customers. Where the traffic speed is above 60km/h, or at a roundabout, or at an intersection with accident history, outdoor dining is generally not permitted. Where deemed very low risk, outdoor dining may be approved subject to the installation of amelioration measures such as impact-resistant bollards, if site conditions allow. Outdoor dining will not be permitted until these measures are in place. Council will not immediately facilitate these works, instead they may be included in Councils forward-works program.

Council does not have capacity to undergo streetscape works or modification of infrastructure to facilitate businesses on an ad-hoc basis or upon request, however under the Liveable Centres Programme the site will be reviewed and if suitable, be placed within the rolling forward-works program for Liveable Centre streetscape improvement works.

All requests for modification of Council infrastructure will be considered on merit, and if the proposed works are of a minor nature and are considered as being positive for the overall streetscape and vitality of a centre, then Council may approve the works be undertaken with costs borne by the Applicant. Under this option the Applicant obtains approval under Council's Works Permit process and the works are undertaken to Council specifications. This is outlined in the first page of the existing adopted and proposed revised policy and guidelines.

Night-Time Economy / Liveable Centres Programme / Bankstown Complete Streets

Under a number of Council adopted strategic plans there are proposals that support the creation of precincts specifically designed to encourage and enhance outdoor dining and commercial use of footways within our major centres. Where identified, Council will prioritise streetscape works designed with initiatives such as traffic calming, shared zones, enhanced seating and lighting, shade trees and gardens, shade structures and umbrellas to facilitate street life, including provision to encourage night-time economy.

Policy Matters - 28 May 2019

ITEM 6.3 **Code of Meeting Practice**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

As Councillors would be aware, on 14 December 2018, the Office of Local Government (OLG) prescribed a revised Model Code of Meeting Practice for Local Council's in NSW. At the 26 March 2019 Ordinary Meeting Council resolved to publicly exhibit the Draft Code in accordance with the Local Government Act, 1993.

ISSUE

The Local Government Act 1993 (Section 361), specifically requires Council's Code of Meeting Practice to be publicly exhibited for comment, prior to its adoption for a period of 28 days and allow a period of 42 days for receipt of submissions. Council has met these requirements. The Draft Code was exhibited on the "Have your Say" page on Council's website as well as in the Council column in The Express and The Torch newspapers. There were no submissions received.

RECOMMENDATION

That Council adopt the Code of Meeting Practice as outlined in the report.

ATTACHMENTS [Click here for attachments](#)

- A. Previous Report to Council
- B. Code of Meeting Practice

POLICY IMPACT

The adoption of the Code of Meeting Practice ensures compliance with directions from the OLG and meets Council's legislative requirements.

FINANCIAL IMPACT

The report has no financial impacts.

COMMUNITY IMPACT

The Code of Meeting Practice underpins Council's accountability and transparency to the community.

DETAILED INFORMATION

Model Code of Meeting Practice

The Code of Meeting Practice has been reviewed in accordance with the requirements of the Local Government Act 1993 and has been amended to reflect the most recent changes prescribed by the OLG. As previously reported, the major key changes include:

- Identifying the source of funding for expenditure that is subject of a notice of motion (Part 3)
- Declare any conflict of interest during briefing sessions (Part 3)
- A revised Order of Business (Part 8)
- Deletion of Questions for Next Meeting from the Order of Business for Ordinary Council Meetings (Section 8)

Council is required by the provisions of the Local Government Act 1993 (s360) and Local Government (General) Regulation 2005 (s232) to adopt a Code of Meeting Practice that incorporates the mandatory provisions of the Office of Local Government's Model Code of Meeting Practice. The attached Code of Meeting Practice meets these requirements. It is proposed to implement the Code's new provisions at the Council meeting on 25 June 2019.

Webcasting of Council meetings

All meetings of Council will be recorded and an audio visual recording of the meeting uploaded to Council's website the next day following the Council meeting. In accordance with guidelines received from the Office of Local Government, webcasting of meetings will commence at the first Council meeting after 14 December 2019.

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

7.1	Local Government Remuneration Tribunal - Determination of Mayor and Councillor Fees 2019/2020	85
7.2	Road Re-naming - Section of Warren Avenue, Bankstown	89
7.3	Feedback on the Public Exhibition Process for the Proposed Licence Agreement for the Bankstown City Football Club	95
7.4	Disclosure of Interest Returns	99
7.5	Cash and Investment Report as at 30 April 2019	101

Governance and Administration Matters - 28 May 2019

ITEM 7.1 **Local Government Remuneration Tribunal - Determination of Mayor and Councillor Fees 2019/2020**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

Pursuant to Section 241 of the Local Government Act 1993, the NSW Local Government Remuneration Tribunal determines on an annual basis the amount of fees to be paid to mayors and councillors in each category of councils.

ISSUE

To advise Council of the determination by the NSW Local Government Remuneration Tribunal for Mayor and Councillor fees for the financial year 2019/20.

RECOMMENDATION That -

1. Effective from 1 July 2019 Council continues to apply the maximum fees structure for the Mayor and Councillors, as determined by the Local Government Remuneration Tribunal, being:
 - Mayoral Additional Fee \$88,600 p.a.
 - Councillor Fee \$30,410 p.a.
2. The current Additional Fee for the Deputy Mayor, being 20% of the Mayors Additional Fee, be adjusted to reflect Council's determination.

ATTACHMENTS [Click here for attachment](#)

- A. LGRT - Annual Report and Determination 15 April 2019

POLICY IMPACT

The annual review and determination of mayor and councillor fees by the Tribunal are regulatory requirements as set by the Local Government Act. Under Section 248 and 249 of the Local Government Act 1993, Councils may fix the annual fees in accordance with the appropriate determination of the Tribunal, or otherwise the minimum fee will apply.

FINANCIAL IMPACT

Necessary funds for the increase in fees will be met from Council's 2019/20 budget.

COMMUNITY IMPACT

There is no community impact.

DETAILED INFORMATION

On 15 April 2019 in accordance with the Local Government Act the NSW Local Government Remuneration Tribunal determined the council categories and Mayor and Councillor fees for the financial year 2019/20.

In recognition of their time and effort in fulfilling the broad and complex level of statutory and strategic responsibilities, the Tribunal determined that the fees payable to Mayors and Councillors in NSW for the year 2019/20 should be increased by 2.5% which is consistent with the Consumer Price Index and Wage Price Index.

The determination was gazetted in the NSW Government Gazette on 26 April 2019, and will be effective on and from 1 July 2019.

A copy of the Tribunal's determination is attached (**Attachment A**).

As part of the 2018 Canterbury Bankstown Deputy Mayoral election process, Council agreed that 20% of the Mayor's additional fees be allocated to the Deputy Mayor. The current fees will be adjusted to reflect Council's determination.

Governance and Administration Matters - 28 May 2019

ITEM 7.2 Road Re-naming - Section of Warren Avenue, Bankstown

AUTHOR Corporate

PURPOSE AND BACKGROUND

In accordance with Council's Naming Policy, it is proposed to rename the eastern section of Warren Avenue, Bankstown.

This proposal to change the name is largely attributable to:

- The construction of the Fairford Road overpass dividing Warren Avenue, effectively creating two Warren Avenues.
- The eastern section of Warren Avenue has been changed from a through road into a cul-de-sac.
- Confusion for businesses located on Warren Avenue, particularly those on the eastern section. Customers and deliveries frequently go to the wrong section, thereby increasing traffic congestion and the potential for emergency services being delayed, for the same reason.
- Council has received requests from concerned businesses.
- The current situation does not comply with the Geographical Names Board of NSW's (GNB) road naming convention.

ISSUE

For the reasons noted above, it is proposed that the eastern portion of Warren Avenue, extending from the Fairford Road overpass to Canterbury Road be renamed in accordance with Council's Naming Policy and the Geographical Names Board's (GNB) Guidelines.

Renaming the eastern section will create the least disruption at this point in time as there are six properties and presently, only four businesses located on this street that are affected.

The western section of Warren Avenue comprises of ten properties and eight businesses.

Following consultation with the Aboriginal and Torres Strait Islander (ATSI) Reference Group, a recommendation has been put forward to re-name the portion of road to be known as Bugi Close.

Throughout the exhibition process, the community will also have an opportunity to provide input and suggestions for alternate names for consideration as stated in Council's Naming Policy.

Council should note that its decision on the matter at this stage is in principle only and the matter will need to follow a regulated naming process, prior to a final decision being made, including referring the matter to the GNB for its consideration.

Details regarding the process are outlined further in the report.

RECOMMENDATION That -

1. In accordance with Council's Naming Policy and the Geographical Names Board, Council in principle, agree to rename the section of Warren Avenue Bankstown, extending from the Fairford Road overpass to the Canterbury Road intersection, to Bugi Close.
2. Council carryout the required regulatory requirements/process, including public exhibition, to address this matter.
3. At the conclusion of the exhibition period, if there are objections a further report be submitted to Council detailing the objections and a recommendation to be provided.

ATTACHMENTS [Click here for attachment](#)

- A. Rename Section of Warren Avenue

POLICY IMPACT

The proposal to rename a section of Warren Avenue, Bankstown is consistent with Council's adopted Naming Policy and the guidelines provided by the Geographical Names Board.

FINANCIAL IMPACT

The report has no financial implications.

COMMUNITY IMPACT

Renaming of this section of Warren Avenue, Bankstown will relieve confusion for finding businesses located upon it, improve navigational access for emergency and delivery services and reduce congestion.

DETAILED INFORMATION

The eastern section of Warren Avenue begins at the intersection of Canterbury Road and Warren Avenue and runs North Westerly for approximately 100 metres.

The western section of Warren Avenue starts at the intersection of Exceller Avenue and Warren Avenue and runs in an easterly direction for approximately 190 metres.

There is confusion for businesses located on Warren Avenue, particularly those on the eastern portion, where customers and deliveries frequently go to the wrong section, thereby increasing traffic congestion. More importantly, the potential for emergency services being delayed, for the same reason.

Renaming the eastern street section of Warren Avenue at this point in time would cause the least amount of disruption to service delivery due to the smaller number of businesses operating out of this section of Warren Avenue.

Council has sought advice from The Aboriginal and Torres Strait Islander (ATSI) Reference Group to suggest any suitable Indigenous naming options, in line with Council's Indigenous Naming guidelines.

The Indigenous Naming Working group has recommended the name, Bugi Close which means "bark" in English and has been selected as it is neutral and does not relate to any tree type or plant. The word Bark is a subset of the endangered ecological species: Cooks River Castlereagh Ironbark Forest which exists in the catchment.

As this section of road is within 100 metres of Salt Pan Creek, the name Bugi meaning Bark creates a link to this endangered forest and also serves as a tool for educating communities.

Based on research of the local area, there was no alternative naming options suitable for this location.

Councillors should note that their decision on the matter at this stage is in principle only and the matter will need to follow a regulated Naming process, prior to a final decision being made.

The community will also have opportunity to provide input and suggestions for alternate names for consideration as stated in Council's Naming Policy.

Prior to the matter being considered by the Geographical Names Board (GNB), Council will undertake community consultation to ensure community support for the proposal as outlined in Council's Community Engagement Policy.

Property owners and businesses directly impacted by the name change proposal will be consulted in person.

The Property owners immediately adjacent to this section of Warren Avenue will also be advised of the proposed name change to ensure that they have an opportunity to make comment on the matter.

If no objections are raised, Council will proceed with the proposal by seeking the GNB approval for the proposed name. Should the GNB support the proposed name change, the GNB will then proceed to formalise the matter, there is no requirement for the further community consultation if the GNB concurs with this naming proposal.

For these reasons and subject to consideration it is recommended that at this stage of the process, Council proceed with renaming the eastern section of Warren Avenue to Bugi Close.

ITEM 7.3 Feedback on the Public Exhibition Process for the Proposed Licence Agreement for the Bankstown City Football Club

AUTHOR Community Services

PURPOSE AND BACKGROUND

The Bankstown City Football Club requested to enter into a new Licence agreement for use of the clubroom located within Jensen Park amenities building. At the Ordinary Meeting on 16 October 2018, Council endorsed this request subject to the outcome of the public exhibition process.

ISSUE

The report presents feedback received from the public exhibition process.

Council received 16 submissions for the proposed licence agreement with the BCFC. Overall, the majority of comments received were supportive of the proposal with 15 indicating strong support. The comments referenced the BCFC's long term tenancy at the facility and their financial contribution towards improving the amenities, with specific reference to the clubroom.

One submission was neutral and raised concerns about future access by other user groups to the canteen facilities for field 1 at Jensen Park. The proposed Licence agreement is for the clubroom and does not cover the use of shared spaces within the facility, such as the toilets, change rooms and the canteen. These are available to each hirer of the facility. Therefore the Licence agreement will not impact use of the canteen by the community and other user groups.

Given there were no objections received through the public exhibition process, this report recommends that Council proceed with the Licence agreement with the BCFC.

RECOMMENDATION That -

1. Council enter into a five year Licence agreement, with a five year option, with the Bankstown City Football Club for the Clubroom at Jensen Park.
2. The Mayor and General Manager be authorised to sign and (where necessary) affix the common seal of Council to any documentation to give effect to the above actions, as required.
3. A clause be included into the Licence agreement that the current annual rental fee of \$1200 P/A will be applied until the updated Community Facilities Policy is adopted. Any changes to the rental amount will be applied to the agreement as per the provisions of the updated Community Facilities Policy.

ATTACHMENTS

[Click here for attachment](#)

- A. Community Engagement Report

POLICY IMPACT

The sporting clubhouse will be used for activities relating to the operation of the sporting club for the provision of sporting activities. The site is classified as Community Land and categorised as a “**sportsground**”, therefore granting a lease, licence or other estate for the current proposal would be consistent with the core objectives outlined in the *Local Government Act 1993*.

The proposed licence was required to be placed on public exhibition in accordance with Section 47A (2) (a) of the Local Government Act 1993.

FINANCIAL IMPACT

The proposed licence agreement will have an annual rental amount of \$1200 as per the current Community Facilities Policy (CFP). As this policy is currently under review the intent is to have a clause in the Licence agreement that stipulates that if the rental amount and/or maintenance responsibilities for this facility changes with the updated CFP adopted by Council, then these will change to be in line with the provisions of the updated policy.

COMMUNITY IMPACT

The Bankstown City Football Club have been a long term tenant of this facility and the Licence agreement will provide security and tenure for the future use of the sporting clubhouse clubroom.

DETAILED INFORMATION

The proposed licence agreement for the Clubroom at Jensen Park was placed on public exhibition from 16 April to 13 May, 2019. As part of the public exhibition process, the community could provide their comments via the following avenues:

- Online – cb.city/haveyoursay
- By email – haveyoursay@cbc.city.nsw.gov.au or
- By post - General Manager, City of Canterbury Bankstown, PO Box 8, Bankstown NSW

The full Community Engagement Report is attached and all feedback and comments received are included in this document.

Governance and Administration Matters - 28 May 2019

ITEM 7.4 Disclosure of Interest Returns

AUTHOR Corporate

PURPOSE AND BACKGROUND

In accordance with Section 449(1) of the Local Government Act 1993 a designated person must complete and lodge with the General Manager, within three months after becoming a designated person, a Disclosure of Interest Return. Further, in accordance with Section 449(5) of the Local Government Act 1993 a councillor or designated person may lodge more than one return in any one year. Further, the General Manager is required to table each return at the next Ordinary Meeting of Council.

ISSUE

The following Disclosure of Interest Returns are tabled as required by Section 450A (2) (a) & (c) of the Local Government Act 1993:

- Coordinator Governance – Information and Committees
- Environmental Health Officer x 2
- Building Compliance Officer
- Human Resource Manager
- Ranger x 2
- Senior Planning Advisor
- Investigations Officer
- Manager, Roads Operations
- Team Leader, Accounts Payable
- Team Leader, Building Certification
- Parking Compliance Officer
- Team Leader, Regulatory Services
- Town Planner
- Tree Management Officer

RECOMMENDATION

That the tabling of the Disclosure of Interest Returns be noted.

ATTACHMENTS

Nil

POLICY IMPACT

This matter addresses Council requirements under the Local Government Act. In accordance with the Government Information (Public Access) Act 2009 Regulations Pecuniary Interest returns of the Councillors and designated persons are open access information.

FINANCIAL IMPACT

There is nil financial impact.

COMMUNITY IMPACT

There is nil community impact.

Governance and Administration Matters - 28 May 2019

ITEM 7.5 **Cash and Investment Report as at 30 April 2019**

AUTHOR **Corporate**

PURPOSE AND BACKGROUND

In accordance with clause 212 of the Local Government (General) Regulation 2005, the Responsible Accounting Officer must provide the council with a written report each month, which sets out the details of all money that council has invested under section 625 of the Local Government Act 1993.

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

ISSUE

This report details Council's cash and investments as at 30 April 2019.

RECOMMENDATION That -

1. The Cash and Investment Report as at 30 April 2019 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. CPG Research & Advisory Monthly Investment Report April 2019

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

DETAILED INFORMATION

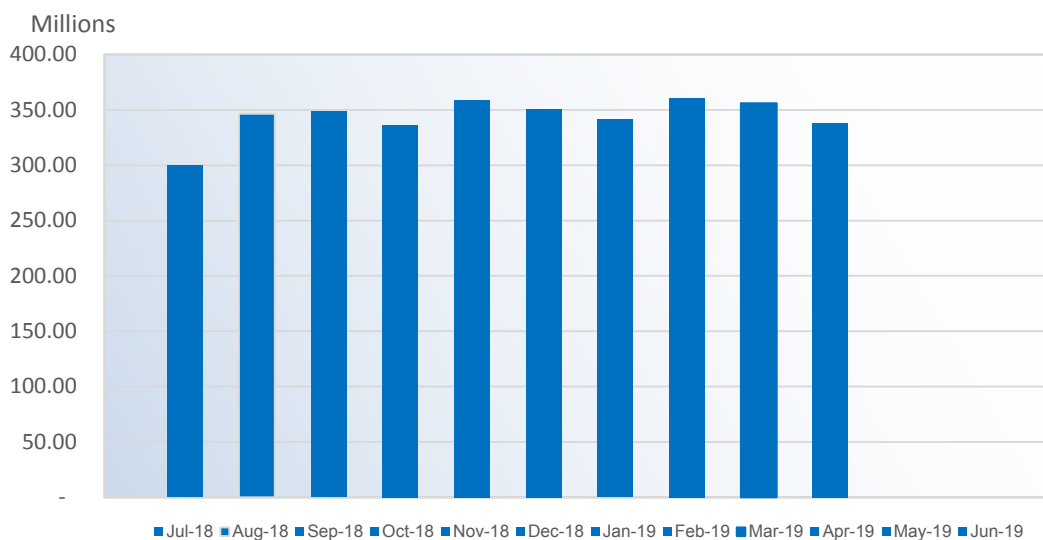
Cash and Investment Summary – as at 30 April 2019

In total, Council’s Cash and Investments holdings as at 30 April 2019 is as follows:

Cash and Investments	\$
Cash at Bank	3,077,588
Deposits at Call	17,591,143
Term Deposits	258,230,000
Floating Rate Notes	59,351,341
Total Cash and Investments	338,250,072

Council’s level of cash and investments varies from month to month, particularly given the timing of Council’s rates and collection cycle, its operations and carrying out its capital works program. The following graph outlines Council’s closing cash and investment balances from July 2018 to April 2019.

Cash and Investment Rolling Monthly Balance 2018-2019



A summary of Council’s investment interest income earned for the period to 30 April 2019 is as follows:

Interest Income	April 2019 \$	Year-to-date April 2019 \$
Budget	774,583	7,745,833
Actual Interest	830,890	8,329,839
Variance	56,307	584,006
Variance (%)	7.27%	7.54%

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

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

Maturity Profile		
	Actual % of Portfolio	Policy Limits %
Cash	6	100
Working Capital Funds (0-3 months)	4	100
Short Term (3-12 months)	37	100
Short – Medium (1-2 years)	15	70
Medium (2-5 years)	38	50
Long Term (5-10 years)	0	5
Total Cash and Investments	100%	

Portfolio Allocation	
	Actual % of Portfolio
Cash at Bank	1
Deposits at Call	5
Term Deposits	76
Floating Rate Notes	18
Total Cash and Investments	100%

8 SERVICE AND OPERATIONAL MATTERS

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

9 COMMITTEE REPORTS

The following item is submitted for consideration -

9.1 Minutes of the Traffic Committee Meeting held on 14 May 2019	109
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Committee Reports - 28 May 2019

ITEM 9.1 **Minutes of the Traffic Committee Meeting held on 14 May 2019**

AUTHOR **Operations**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 14 May 2019.

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

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

ISSUE

Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 14 May 2019, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. Minutes of the Traffic Committee Meeting held on 14 May 2019

POLICY IMPACT

This matter has no policy implications to Council.

FINANCIAL IMPACT

Potential costs arising out of recommendations of the Traffic Committees are detailed in future Works Programs for Roadworks/Traffic Facilities.

COMMUNITY IMPACT

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

10 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

The following items are submitted for consideration -

10.1 Notice of Motions and Questions With Notice	113
10.2 Preventing End of Lease Dumping	115
10.3 Illegal Parking of Heavy Vehicles	117
10.4 Verge Gardens	119
10.5 Encouraging Backyard Vegetable Gardens	121

Notice of Motions & Questions With Notice - 28 May 2019

ITEM 10.1 **Notice of Motions and Questions With Notice**

AUTHOR **Office of the General Manager**

ISSUE

The attached schedules provide information to questions raised at Council's April Ordinary meeting and also a status report on Notice of Motions resolved at previous meetings.

RECOMMENDATION

That the information be noted.

ATTACHMENTS [Click here for attachments](#)

- A. Notice of Motion Table
- B. Questions with Notice
- C. Correspondence relating to Notices of Motion
- D. Correspondence received in response to Notice of Motions and Questions With Notice

Notice of Motions & Questions With Notice - 28 May 2019

ITEM 10.2 Preventing End of Lease Dumping

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

“That Council:

1. Write to the Real Estate Institute of Australia (REIA) requesting advice as to what information Real Estate Agents provide to buyers and renters in regards to their legal obligations around disposal of household items at end of lease.
2. Works with REIA to raise the level of awareness among real estate agents, tenants and landlords of the obligations and penalties associated with illegal dumping at end of lease.
3. Incorporates the information received in response into its review of clean up services.”

BACKGROUND

Everyone has a part to play in keeping our city clean; placing unwanted items on the kerb makes our city look un-loved and uncared for.

Following my previous Motion to Council on the issue of Illegal Dumping, I have listened to the feedback from the community; they want Council to do more and provide more services. Of course we cannot just keep happily cleaning up other people’s mess with resident’s rates and my concern is that there are many who are unaware of their obligations in contributing to a clean city.

Ensuring all members of our community are aware of Council waste services and their responsibilities with the management of their own waste is challenging, given the highly transient nature of some areas in particular. It is for that reason I would like Council to work with Real Estate Institute of Australia (REIA) to help increase awareness of the waste services available and responsibilities on tenants and landlords.

I understand that Council is also currently reviewing its Clean Up Service, in preparation for the conclusion of contracts in 2021. The information obtained from working with REIA should be included in this review, along with community feedback.

Notice of Motions & Questions With Notice - 28 May 2019

ITEM 10.3 Illegal Parking of Heavy Vehicles

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

“That Council writes to the NSW Government and National Transport Commission, requesting an urgent review of fines related to illegal parking of heavy vehicles.”

BACKGROUND

At the February 2019 Ordinary Meeting, I requested that Council write to the NSW Government to ask that they review the value of the fines imposed on heavy vehicle drivers who regularly flout the rules about parking in residential or built-up streets.

I understand that Council has since received a response, however it does nothing to address the concerns that I have, or those that our community are making clear to us they hold.

The presence of a heavy vehicle parked illegally creates serious safety issues due to restricted sight lines and poor visibility for vehicles and pedestrians attempting to safely manoeuvre through our streets.

Safety aside, heavy vehicles in our residential streets are also a nuisance. A truck regularly idling in the early hours of the morning is maddening.

This is easily fixed.

Currently there are no demerit points attached to the penalty and the fine is only \$112. This is no incentive to do the right thing. When a proper depot will cost more, many chose to pay a fine. Adjusting the fine to reflect this, will sharpen a driver’s focus via their hip pocket and a demerit point will go a long way to motivate heavy vehicle drivers to do the right thing.

Notice of Motions & Questions With Notice - 28 May 2019

ITEM 10.4 **Verge Gardens**

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

“That, as part of the 2019-2020 Operational Plan, Council develop a verge garden policy for residential nature strips.”

BACKGROUND

Research has shown that transforming the iconic grass strip into a garden has many societal benefits. From lowering street temperatures, improving property values and our resident’s lifestyles, to strengthening a community’s sustainability and resilience, verge gardens are the new way forward.

There are also environmental benefits to be enjoyed. Verge gardens will generally lower water demand and reduce the incidence and volume of grass clippings, which are high in nitrogen and contribute to poor water quality outcomes, entering our waterways. Such gardens also have the ability to introduce natural habitats for birds, insects and other animals and contribute to the ‘greening’ of our neighbourhoods, expanding green corridor connections.

But we cannot forget that these places are also public spaces with a purpose and so any move to promote verge gardens and reap the potential benefits need to be done with appropriate controls in place.

I am aware that the former Canterbury Council had a policy controlling these verge gardens and I am now asking that Council include the development of a city-wide policy in its 2019-20 Operational Plan to ensure that these gardens are developed in such a way as to deliver a safe and beneficial environment for our community.

Notice of Motions & Questions With Notice - 28 May 2019

ITEM 10.5 Encouraging Backyard Vegetable Gardens

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

“As part of the 2019-20 Operational Plan, that Council encourage the community to grow their own food as part of the Sustainable City Program, by promoting and supporting residents to set up backyard vegetable gardens.”

BACKGROUND

Our community told us that they want a Clean and Green City. Backyard gardening, when growing vegetables can provides many benefits, including:

- Improving health, both physical and mental
- Saving money on groceries
- Learning new skills from gardening to cooking
- Creating less waste, home grown food doesn't need packaging
- Improving social interactions, with sharing tips and food

Growing food in backyards has so many benefits, and with support and guidance from Council, we can work towards the CBCity 2028 priority of promoting healthy eating and reducing obesity.

11 QUESTIONS FOR NEXT MEETING

12 CONFIDENTIAL SESSION

12.1 Waste Collection Service - Review of Operational Model

12.2 Smith Park Basketball and Netball Court Upgrade

General Manager's Statement

Confidentiality

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

CONFIDENTIAL SESSION

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

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

RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 12.1, 12.2 in confidential session for the reasons indicated:

Item 12.1 Waste Collection Service - Review of Operational Model

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

Item 12.2 Smith Park Basketball and Netball Court Upgrade

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