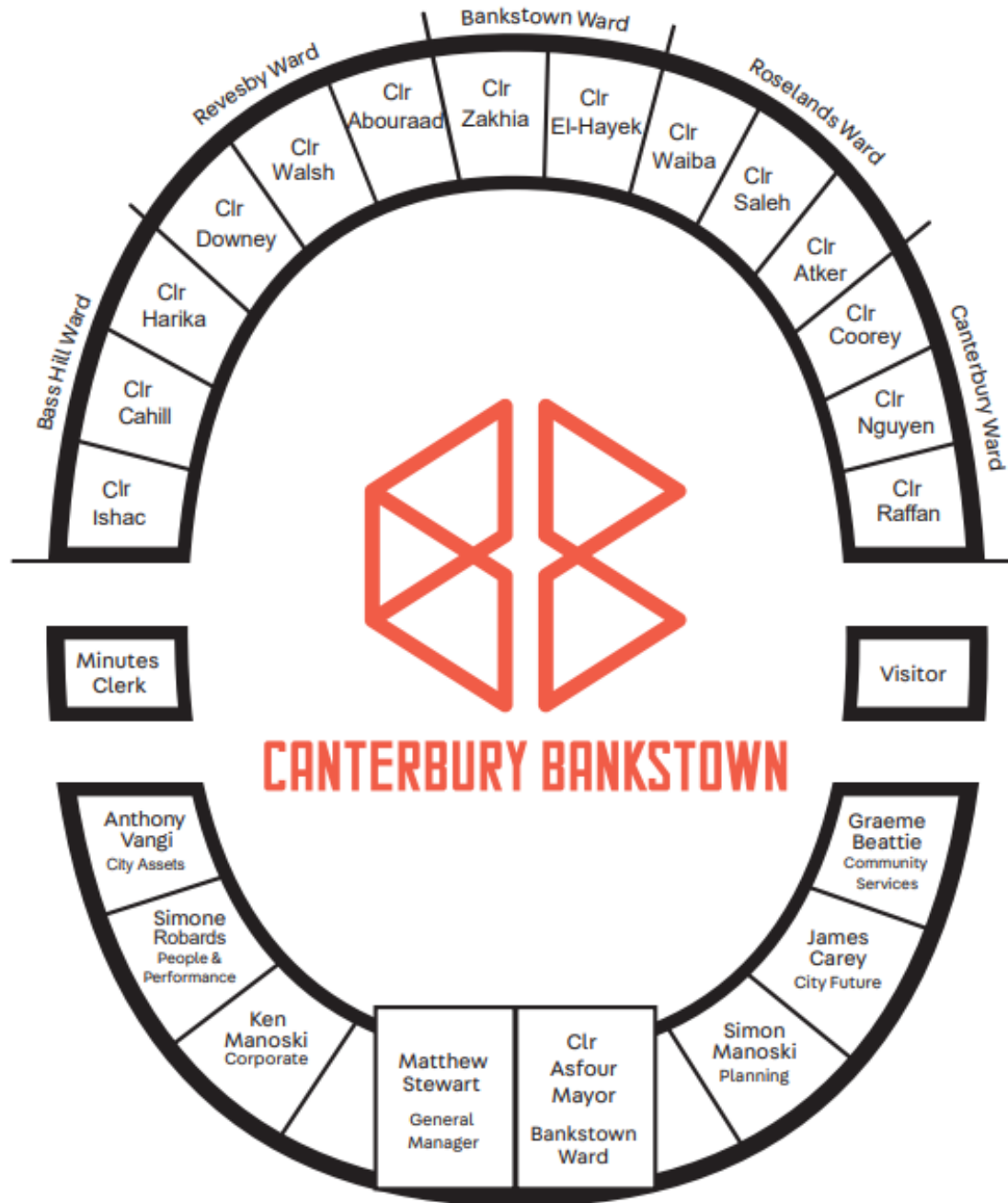




AGENDA FOR THE ORDINARY MEETING

15 March 2022

Gallery



Statement of Ethical Obligations

Oath or Affirmation of Office

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

Conflicts of Interest

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

ORDER OF BUSINESS

1	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
1.1	Minutes of the Ordinary Meeting of Council of 22 February 2022	9
2	LEAVE OF ABSENCE.....	23
3	DECLARATIONS OF PECUNIARY INTEREST OR NON-PECUNIARY CONFLICT OF INTEREST.....	25
4	MAYORAL MINUTES	27
4.1	Bluett Award	29
4.2	Greek Independence Day	31
4.3	Westinvest Funding	33
4.4	CDSFA Centenary	35
4.5	ALGA Support	37
4.6	SES Floods	41
4.7	Ukraine Support	43
4.8	100 years of Rotary	45
4.9	Local Community Based Donations	47
5	PLANNING MATTERS	49
5.1	Submission to the Discussion Paper 'A New Approach to Rezoning'	51
5.2	Submission to the Draft Design and Place State Environmental Planning Policy	63
5.3	Planning Proposal for 445-459 Canterbury Road, Campsie	75
6	POLICY MATTERS.....	101
7	GOVERNANCE AND ADMINISTRATION MATTERS	103
7.1	2022 Australian Local Government Association National General Assembly - Consideration of motions	105
7.2	Cash and Investment Report as at 28 February 2022	115
7.3	Proposed Road Closure Terrace Lane, Bankstown	119
8	SERVICE AND OPERATIONAL MATTERS	123
8.1	The operation of a trial engagement process for Lakemba Town Centre, its replication as a model and alternatives	125
9	COMMITTEE REPORTS	139
9.1	Minutes of the Traffic Committee Meeting held on 8 March 2022	141

10	NOTICE OF MOTIONS & QUESTIONS WITH NOTICE	143
10.1	Notice of Motions	145
10.2	Local SES Awards and Recognition - Councillor Bilal El-Hayek	147
10.3	Shane Warne Tribute - Councillor George Zakhia	149
10.4	Climate Change Flooding - Councillor George Zakhia	151
11	CONFIDENTIAL SESSION.....	153
11.1	T16-22 Greenacre Splash Park - Major Landscaping Package	

1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

The following minutes are submitted for confirmation -

1.1	Minutes of the Ordinary Meeting of Council of 22 February 2022	9
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CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

PRESENT: Councillors Coorey, Waiba, El-Hayek, Abouraad, Ishac, Cahill, Walsh, Nguyen, Saleh, Downey, Harika, Akter

PRESENT BY AUDIO

VISUAL LINK: Mayor, Councillor Asfour, Councillors Raffan and Zakhia

APOLOGIES: Nil

HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.06 P.M.

COUNCILLOR ATTENDING REMOTELY

(6) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that permission be granted to Councillors Asfour, Raffan and Zakhia to attend the meeting remotely by zoom.

- CARRIED

ACKNOWLEDGEMENT OF COUNTRY

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

REF: CONFIRMATION OF MINUTES

(7) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 November 2021 be adopted.

- CARRIED

(8) CLR. ZAKHIA:/CLR. RAFFAN

RESOLVED that the minutes of the Ordinary Council Meeting held on 24 December 2021 be adopted.

- CARRIED

SECTION 2: LEAVE OF ABSENCE

Nil

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

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

Nil

SECTION 4: MAYORAL MINUTES

ITEM 4.1 ALBERT BERT COLLINS

(9) CLR. ASFOUR

RESOLVED that Council explores ways of honouring Mr Collins and the legacy he has left for our City.

- CARRIED

COUNCIL OBSERVED A MINUTES SILENCE IN MEMORY OF ALBERT BERT COLLINS.

ITEM 4.2 AUDITORS REPORT

(10) CLR. ASFOUR

RESOLVED that Council write to the NSW Premier to set up the City of Canterbury Bankstown Infrastructure Fund and repay the approximately \$40m owing, over the term of this Council with the funds to be used on infrastructure and open space which will benefit our entire community.

- CARRIED

ITEM 4.3 CONTRIBUTIONS

(11) CLR. ASFOUR

RESOLVED that Council continue campaigning against this unfair new tax under the guise of the Regional Infrastructure Contribution.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 4.4 EVENTS FEBRUARY

(12) CLR. ASFOUR

RESOLVED that Council prepares a list of any further support, incentives, or initiatives which can be taken to the NSW Premier and any relevant Ministers to seek the support needed on the ground throughout our community to recover and thrive through events.

- CARRIED

ITEM 4.5 DEMERGER BUSINESS CASE UNDERWAY

(13) CLR. ASFOUR

RESOLVED that Council write to the NSW Minister for Local Government calling on her to release the guidelines and or relevant information, so that Council can consider this with both an open mind and our communities' best interest at the heart.

- CARRIED

ITEM 4.6 LOCAL COMMUNITY BASED DONATIONS

(14) CLR. ASFOUR

RESOLVED that

1. Council support Cooks River and Panania Parkrun in the amount of \$1200 to run their Parkrun events at Saint Mary Mackillop Reserve and Field of Dreams.
2. Council support Tales of Homeland who are hosting an event at the Bryan Brown Theatre on 26 March 2022, by way of a \$500 donation towards the cost of hiring the Bryan Brown Theatre.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

SECTION 5: PLANNING MATTERS

ITEM 5.1 **REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE SECOND QUARTER OF THE 2021/22 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE SECOND QUARTER OF THE 2021/22 FINANCIAL YEAR AND PLANNING RELATED LEGAL APPEALS**

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

RESOLVED that the report be noted.

- CARRIED

ITEM 5.2 **DEVELOPMENT CONTRIBUTIONS PLANNING - COUNCIL SUBMISSION ON EXHIBITED INFRASTRUCTURE CONTRIBUTIONS REFORMS**

(16) **CLR. DOWNEY:/CLR. RAFFAN**

RESOLVED that Council endorse the submission to the Department of Planning and Environment's *Infrastructure Contributions Reforms* exhibition, as provided in Attachments A and B to this report.

- CARRIED

ITEM 5.3 **SUBMISSION TO THE NSW PARLIAMENTARY INQUIRY INTO THE PLANNING AND DELIVERY OF SCHOOL INFRASTRUCTURE**

(17) **CLR. DOWNEY:/CLR. WALSH**

RESOLVED that

1. Council endorse the Council officer submission to the NSW Parliamentary Inquiry into the planning and delivery of school infrastructure, as provided in Attachment A.
2. Council writes to the appropriate Minister and Premier and requests that the Government rescind its decision to permit Western Sydney University to divest itself of the Bankstown Campus Milperra and to have the property retained and used for educational purposes.

- CARRIED

SECTION 6: POLICY MATTERS

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 6.1
(18) **CORPORATE GOVERNANCE POLICIES**
CLR. DOWNEY:/CLR. ISHAC

RESOLVED that

1. Council adopt the following policies/documents as outlined in the report:
 - a) Code of Conduct;
 - b) Complaints Management Policy;
 - c) Fraud and Corruption Prevention Policy;
 - d) Gifts and Benefits Policy;
 - e) Councillor and Staff Interaction Policy;
 - f) Public Interaction and Meeting Disclosures Policy;
 - g) Public Interest Disclosures Policy;
 - h) Statement of Business Ethics;
 - i) Social Media Policy;
 - j) Instrument of Delegation; and
 - k) Councillor Induction and Development Policy
2. Council endorse the Code of Meeting Practice and the Councillor Expenses and Facilities Policy for the purpose of public exhibition. A further report be submitted to Council, following the conclusion of the public exhibition period.
3. Separately, the Councillor Expenses and Facilities policy include provision to make superannuation contribution payments for Councillors from 1 July 2022, equivalent in amount to superannuation guarantee payments.

- CARRIED

SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS

ITEM 7.1
(19) **DISCLOSURE OF INTEREST RETURNS**
CLR. ZAKHIA:/CLR. ABOURAAD

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

- CARRIED

ITEM 7.2 COUNCIL ADVISORY COMMITTEES, WORKING GROUPS AND MEMBERSHIP OF OTHER COMMITTEES/GROUPS

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

(20)

CLR. ISHAC:/CLR. SALEH

RESOLVED that

1. Council approve the Advisory Committee/Working Group structure as detailed in the report.
2. Council adopt the draft Community Advisory Committee/Working Group Guidelines, Rules and Charters, as attached.
3. Expressions of Interest be sought from community representatives for membership of advisory committees/working groups, as outlined in the report.
4. The Audit Risk and Improvement Committee be reconstituted, with relevant remuneration for independent members, as outlined in the report.

- CARRIED

ITEM 7.3

**CASH AND INVESTMENT REPORT AS AT 31 JANUARY 2022, 31 DECEMBER 2021
AND 30 NOVEMBER 2021**

(21)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that

1. The Cash and Investment Report as at 31 January 2022, 31 December 2021 and 30 November 2021 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 7.4 REVIEW OF THE 2018-22 DELIVERY PROGRAM AND 2021/22 OPERATIONAL PLAN AND BUDGET TO 31 DECEMBER 2021

(22) CLR. DOWNEY:/CLR. HARIKA

RESOLVED that

1. The quarterly review of the 2021/22 Operational Plan and the six-monthly review of the Delivery Program to 31 December 2021 be noted.
2. The quarterly review of the 2021/22 Budget as outlined in this report be adopted.
3. Council allocate Ward Funds as outlined in the report.

- CARRIED

ITEM 7.5 ADDITIONAL LGNSW CONFERENCE MOTION

(23) CLR. SALEH:/CLR. DOWNEY

RESOLVED that Council formally endorse the motion as detailed in this report for consideration at the LGNSW Special Conference on 28 February – 2 March 2022.

- CARRIED

CLR RAFFAN TEMPORARILY VACATED THE CHAMBER AT 6.47PM AND RETURNED AT 6.49PM

SECTION 8: SERVICE AND OPERATIONAL MATTERS

Nil

SECTION 9: COMMITTEE REPORTS

ITEM 9.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD 8 DECEMBER 2021

(24) CLR. HARIKA:/CLR. ZAKHIA

RESOLVED that the recommendations contained within the minutes of the Audit Risk and Improvement Committee meeting held on 8 December 2021 be adopted.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 9.2 **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 8 FEBRUARY 2022**
(25) **CLR. HARIKA:/CLR. ZAKHIA**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 February 2022, be adopted.

- CARRIED

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

(26) **CLR. RAFFAN:/CLR. EL-HAYEK**

RESOLVED that in accordance with Council's Code of Meeting Practice, Council adopts all the recommendations of the Notice of Motions & Questions without Notice matters with the exception of Items 10.3, 10.5, 10.6 and 10.11.

- CARRIED

ITEM 10.1 **NOTICE OF MOTIONS**

(27) **CLR. RAFFAN:/CLR. EL-HAYEK**

RESOLVED that the information be noted.

- CARRIED

ITEM 10.2 **SPEED CAMERAS**

(28) **CLR. RAFFAN:/CLR. EL-HAYEK**

RESOLVED that In lieu of the NSW Government's flip-flopping around warnings signs for mobile speed cameras, Council writes to the Minister for Roads, calling on her to release the following data.

1. The number of fines issued to motorists by mobile speed cameras in the City of Canterbury-Bankstown for the years 2019, 2020 and 2021.
2. The number of mobile cameras deployed during 2019, 2020 and 2021, and a breakdown of the top five suburbs the fines were issued.

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

3. The total revenue collected for the years 2019/2020/2021 in Canterbury-Bankstown, and for all NSW.

- CARRIED

COUNCILLOR ZAKHIA RETIRED FROM THE MEETING AT 6.54PM

ITEM 10.3
(29)

BULLDOGS

CLR. EL-HAYEK:/CLR. ABOURAAD

RESOLVED that

1. Council writes to the Canterbury Bankstown Bulldogs CEO, Aaron Warburton, in support of league legend Steve Mortimer after he was admitted to a nursing home suffering dementia.
2. Council fly's the Bulldogs' street banners in Bankstown and Canterbury as a mark of respect for Mr Mortimer and to wish the team all the best for the upcoming Rugby League football season.

- CARRIED

ITEM 10.4
(30)

DEDICATED TREE

CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council reviews its Memorials Policy to include the opportunity for community members to create a living memorial to their loved ones through tree planting in public open space.

- CARRIED

ITEM 10.5
(31)

FOOTPATHS AND CYCLEWAYS FUNDING

CLR. DOWNEY:/CLR. EL-HAYEK

RESOLVED that Council writes to the new Minister for Active Transport Rob Stokes to ensure our Council is prioritised for funding under his plan to spend \$950 million on footpaths and cycleways.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 10.6

RARE DISEASE DAY

(32)

CLR. DOWNEY:/CLR. ABOURAAD

RESOLVED that Council shines a light on Rare Disease Day, to show support and raise awareness, on behalf of the many sufferers, carers and families, not only in our City but around the world.

- CARRIED

ITEM 10.7

ILUKA STREET AND ENDEAVOUR PLACE RIVERWOOD

(33)

CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council write to the NSW Department of Communities and Justice calling on them to:

- a. Take urgent action and order the immediate removal of unregistered motor vehicles, trailers and car parts being stored without authorisation on NSW Land and Housing Corporation property at Iluka St and Endeavour Pl, Riverwood.
- b. And to further notify the resident of their obligations under the tenancy of the property, with the view of eviction if there are further infringements.

- CARRIED

ITEM 10.8

CCTV FOR COMPLIANCE

(34)

CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council

1. Explore the costs associated with using AI technology, or other CCTV surveillance equipment, as a means to combat illegal dumping, parking violations, speeding vehicles and other related matters across our City.
2. Investigate the possibility of accessing/sharing CCTV footage with the NSW Police Service and the Transport for NSW to assist with these matters."

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 10.9

RAMADAN DECORATIONS

(35)

CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council investigate additional decorations on Haldon Street during the Holy month of Ramadan.

- CARRIED

ITEM 10.10

EMERGING COMMUNITIES RESOURCE CENTRE (ECRC)

(36)

CLR. RAFFAN:/CLR. EL-HAYEK

RESOLVED that Council receive a report on the current and future operation of the Emerging Communities Resource Centre.

- CARRIED

ITEM 10.11

TOWN CENTRE ENGAGEMENT

CLR. SALEH:/CLR. WAIBA

MOTION

That Council receive a report on the operation of a trial engagement process for Lakemba Town Centre aim to reach out to our community on issues that are of immediate concern to our local residents.

AMENDMENT

CLR. ISHAC/ABOURAAD

1. That Council receive a report on the operation of a trial engagement process for Lakemba Town Centre aim to reach out to our community on issues that are of immediate concern to our local residents.
2. The report also provides an alternative option that would provide for a fair, equitable and transparent opportunity for all Councillors to engage with their community.

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION

(37)

CLR. ISHAC/ABOURAAD

RESOLVED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

1. That Council receive a report on the operation of a trial engagement process for Lakemba Town Centre aim to reach out to our community on issues that are of immediate concern to our local residents.
2. The report also provides an alternative option that would provide for a fair, equitable and transparent opportunity for all Councillors to engage with their community.

- CARRIED

SECTION 11: CONFIDENTIAL SESSION

PRIOR TO CONSIDERING THE REPORTS IN CONFIDENTIAL SESSION MAYOR ASFOUR AND COUNCILLOR RAFFAN WHO WERE ATTENDING THE MEETING BY AUDIO VISUAL LINK DECLARED THERE WERE NO PERSONS WITHIN SIGHT OR HEARING OF THEM.

(38)

CLR. RAFFAN:/CLR. ISHAC

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

- Item 11.1 SSROC T2020-09 Sustainable Pavements - Road Construction Material and Related Services

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

- Item 11.2 T35-22 Padstow Park Synthetic Field - Design and Construction

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

- Item 11.3 T39-22 Kelso Park North Clubhouse and Amenities Building and Sportsfield 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

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

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

- CARRIED

COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 7.30 PM AND REVERTED BACK TO OPEN COUNCIL AT 7.44 PM

ITEM 11.1 SSROC T2020-09 SUSTAINABLE PAVEMENTS - ROAD CONSTRUCTION MATERIAL AND RELATED SERVICES

(39) CLR. RAFFAN:/CLR. ISHAC

RESOLVED that

1. Council accepts the SSROC preferred panel of contractors list, on a non-exclusive basis for Sustainable Pavements – Road Construction Material and Related Services for an initial contract period of three years with an option to extend further two years (1+1) subject to satisfactory performance of the suppliers and approval of the General Manager.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council’s resolution, as required.

- CARRIED

ITEM 11.2 T35-22 PADSTOW PARK SYNTHETIC FIELD - DESIGN AND CONSTRUCTION

(40) CLR. RAFFAN:/CLR. HARIKA

RESOLVED that

1. Council accepts the tender received from Polytan Asia Pacific for an amount of \$2,305,572.50 (excluding GST) for T35-22 Padstow Park Synthetic Field Design and Construct.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council’s resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

CANTERBURY BANKSTOWN
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN COUNCIL CHAMBERS
ON 22 FEBRUARY 2022

ITEM 11.3 T39-22 KELSO PARK NORTH CLUBHOUSE AND AMENITIES BUILDING AND SPORTSFIELD UPGRADE

(41) CLR. DOWNEY:/CLR. HARIKA

RESOLVED that

1. Council accepts the tender received from SDL Project Solutions Ltd for an amount of \$3,390,673.63 (excluding GST) for T39-22 Kelso Park North Clubhouse and Amenities Building and Sports Field upgrade.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.
3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

THE MEETING CLOSED AT 7.45 P.M

Minutes confirmed 15 MARCH 2022

.....

Mayor

2 LEAVE OF ABSENCE

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

4 MAYORAL MINUTES

The following items are submitted for consideration -

4.1	Bluett Award	29
4.2	Greek Independence Day	31
4.3	Westinvest Funding	33
4.4	CDSFA Centenary	35
4.5	ALGA Support	37
4.6	SES Floods	41
4.7	Ukraine Support	43
4.8	100 years of Rotary	45
4.9	Local Community Based Donations	47

Mayoral Minutes - 15 March 2022

ITEM 4.1

Bluett Award

Councillors,

A lot has been said and written about the A R Bluett memorial award and the fact our City took out this prestigious Local Government Award.

Don't get me wrong. . . the more that is written and said about this accolade . . . suits me just fine. And we should acknowledge it whenever and wherever possible.

But, sometimes in the midst of the euphoria and backslapping, you can lose sight of just how significant winning this award is. . . for not only our Council but for the entire community. . .

The progressive and innovative work Council and its staff were doing was at a time when our City was the pariah of all LGAs, blamed for the spread of Covid, locked down and publicly shamed daily.

An LGA hotspot of concern to be avoided, stigmatised and divided . . .

But despite these very public attacks, and restrictions, Council and its staff grew in stature, supporting and delivering COVID financial relief packages and grants to the community and our local businesses and ensuring their safety. . . .

And smack bang in the eye of this COVID storm our waste collection services were restructured, we consulted widely with the community before presenting our funding case to IPART to secure our City's financial future . . . We continued our partnership and work with major Government and non-Government organisations . . . work like the Western Sydney University Campus and the new Metro.

We delivered \$81m in Capital Works, we partnered with the CSIRO on STEM education and we closed the Loop on Waste using AI technology, part of our vision to becoming a smart City.

And of course, the massive work preparing the proposed Masterplans for the Bankstown and Campsie CBD's.

Councillors, you now know why this award should mean something, not only to all of us here at Council, but to every resident in our City. Tonight, I would also like to publicly thank Council's hard-working staff and all current and past Councillor's who are very much a part of the 'Council' team. I further propose an appropriate luncheon for the presentation of the Award by the AR Bluett trustees when they present our plaque in April. I anticipate the luncheon will have minimal cost to Council and will be funded from within Council's existing operational budget.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.2 Greek Independence Day

Councillors,

Most nationalities living in our city have days which are of significancewhether it be for cultural, or historical reasons. . . .and they take pride and joy in celebrating and marking these special occasions.

Our Greek community is no differentand in the coming weeks. . . March 25. . . .they literally do a song and dance, as they celebrate Greek Independence Daya day marking Greece's war and revolution of independence.

For the tens of thousands of Greeks living in our City, and around the world, it's a day for flag waving, parades in traditional costumes, going to church, as it is also the Feast of the Annunciationand if you are visiting Greece, going to the Acropolis Museum is a must.

The Greek community is very much a part of our city's rich diverse culture, and since their first arrivals way back in 1829, they now make up the seventh largest ethnic group in this country.

A community that thrives on hard work and a commitment to family. . . .and a community which boasts some of this country's leading entrepreneurs, businessmen and academics. . . .And let's not forget the arts and entertainment and politics, including a number of our very own Members of Parliament.

Councillors, as we have done in the past, I propose we continue the tradition by marking this special day on behalf of our Australian/Greek community.

Council's events team is coordinating a special celebration ceremony to be held in front of the Anzac Monument in Homer St at Earlwood which will be attended by the Greek Consul, dignitaries and the broader community. There'll be bouzouki playing, flag waving and a special rendition of the Anthem by two local schoolchildren.

As well as hosting the event, Council will also provide free coffee "tickets" up to value of \$500 which can be used at participating local coffee outlets. . . . I understand this can be funded from within our existing events budget.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.3 Westinvest Funding

Councillors,

My next Mayoral Minute is one of those “pinch me” moments when you are told Our City will be eligible for nearly \$35million in funding, and with the potential of getting millions more, under the \$5Billion WestInvest program.

That’s right, it’s no dream. . . .unlike the mirage of the Stronger Communities Grants scheme which we were rorted out of \$40 million.

This funding is real and has been made possible by the sale of WestConnexand a commitment to deliver transformational projects across 15 local Government areas in Sydney’s West and South West, areas like ours, which were heavily impacted by the COVID pandemic.

Councillors, there are still a number of questions to be answered but I can tell you the intention of the funding is to improve local communities through revitalised high streets, improved parks, community facilities, better local traffic flow and active transport links.

From my understanding, the \$5Billion is to be placed in what I see as three pots of money.

The first pot of \$400million will be available almost immediately to the 15 LGAs, of which we receive nearly \$35million.

The second pot of \$1.6 billion, which is part of a community project fund, will be allocated through a competitive round of grants open to non-government organisations, including community groups, not for profits, local Aboriginal Land Councils and local councils.

The third and biggest pot of \$3 billion will be available to NSW Government agencies to deliver transformational projects that are ready to go and will benefit local communities.

As you can see there is the potential of securing more than the initial funding and we must be agile and aggressive to make this happen.

That’s why Council has already started engaging with the community through the Have Your Say website, calling for suggestions and ideas about what projects the community needs.

We are also preparing a list of potential projects which could be funded through these grants. . . .projects like the cultural precinct at Campsie, and many others. And I will add investment that will be ploughed into projects across each and every Ward.

Councillors, I am sure you will agree with me, some very exciting times ahead for our City, especially if we secure more funding.. . .

Tonight, I propose Council compiles a report detailing the projects that may be suitable for funding under the WestInvest program. This report should include the community's input through the Have your Say website and it should be available for discussion at Council's next ordinary meeting in April.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.4

CDSFA Centenary

Councillors,

I'm going to turn back time tonight. . . . and take you back to Friday 30th December, 1921 and an article which appeared in the Arrow Newspaper . . . declaring that the Canterbury District Club had reached agreement with local clubs to join under the banner of one organisation.

AND. . . that organisation is what we know today, as the Canterbury and District Junior Soccer Football Association (CDSFA) . . . An organisation which I can proudly say celebrates its Centenary this year. 100 years and still going strong . . .

What a journey it has been the Association growing from a handful of clubs and players . . .to one of the largest and culturally diverse organisations in Australia with something like 19,000 participants.

Who would have thought all those years ago when there were only 37,639 people living in the Canterbury Local Government Area. . . the sixth most populated LGA. . . Oh, and of course, those numbers excluded First Nations people who at the time were counted as Flora and Fauna and are today our custodians and traditional owners of the land upon which CDSFA operate.

There is no doubt we as a community have growth and so too has the game. . . from the players' knee length shorts, the "anklet" heavy boots and even the leather stitched ball which nearly knocked you out when wet . . . and playing on surfaces, usually reserved for goats.

Yes, the game grew. . . the rules changed, the all-weather playing surfaces reduced injuries and women were allowed to compete. It wasn't until the mid 70's that women were given the green light to even form a competition

Councillors, I love reminiscing, but today's reality is the CDSFA is an important part of our City's fabric. It brings together communities across our City and breaks down barriers of race, religious beliefs, and social status.

The work that is done throughout the network must be applauded in reducing crime and anti-social behaviour and encouraging and promoting healthy lifestyles. Not to mention being the nursery to some of our country's past, present and future football champions.

Councillors, these organisations are not flush with money and rely heavily on the generosity of thousands of volunteers. So tonight, I propose we show our gratitude and support to the CDSFA, as they celebrate their Centenary Year milestone and the launch of their hall of fame, by taking out a corporate silver sponsorship package to the value of \$5000 at their Gala Dinner to be held on May 28.

The Funding to come from the Community Grants and Event Sponsorship Program Budget.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.5 ALGA Support

Councillors,

It is a brave politician that ignores their electorate. . . or indeed their local community.. . they do so at their own peril.

With that in mind, I was heartened to learn that the Australian Local Government Association's (ALGA) latest national campaign is titled. . . . "Don't Leave Local Communities Behind". . .

In other words. . . don't treat local communities with disdain and ignore their needs.

The aim of the campaign is to not only secure much needed funding, but to gain policy commitments that will support Councils around the country. . . . And to ensure every Australian has the opportunity to share in the expected economic boom after the pandemic.

This campaign isn't just some "pie in the sky" thought bubble. . . it has been put together based on priorities by local Councils across Australia. . . and has been assessed by independent economists.

The 17 priorities include things like economic recovery, transport, community infrastructure and building resilience . . . and if endorsed by the Federal Government, will add \$6.46 billion per year to Australia's GDP and create nearly 43,500 jobs.

Councillors, the full list of priorities (listed below) will be promoted in the lead up to the next Federal election, which is expected in May. And will target all political parties.

Financial Sustainability

1. An initial injection of Financial Assistance Grants to local government of \$1.3 billion to support communities and jobs and also resolve the current practice of bringing forward two quarterly Financial Assistance Grant payments each year.
2. A commitment to return Financial Assistance Grants to at least one percent of Commonwealth taxation revenue via a phased approach.

Transport and community infrastructure

3. \$500 million per annum for a four-year continuation of the Local Roads and Community Infrastructure Program.
4. A strategic local roads investment program of \$300 million per annum over four years to address road transport first and last mile issues and congestion on local roads.

5. An increase in Roads to Recovery to \$800 million per annum (an additional \$300 million per annum) and the Black Spot Program to \$200 million per annum over four years, while addressing the South Australian road funding anomaly by making the additional \$20 million per annum to SA in 2021-22 and 2022-23 permanent.
6. Continuing the Stronger Regional Digital Connectivity Package at \$55 million over four years.
7. \$200 million over four years to assist councils to develop and implement innovative housing partnerships.

Building resilience

8. A targeted disaster mitigation program of \$200 million per annum for four years which will reduce the costs of response and recovery and strengthen community resilience.
9. A commitment to ensuring betterment funding as a core element of disaster recovery funding arrangements.
10. A commitment to include community infrastructure that is publicly accessible and owned, and local government waste, water and wastewater assets under Disaster Recovery Funding Arrangements.
11. A Local Government Climate Response Partnership Fund of \$200 million over four years to enable planning and preparation to minimise the impacts of climate change in local communities and enable councils to achieve climate neutrality as soon as practicable.
12. \$100 million per annum over four years provided directly to local governments to support the capabilities of Indigenous councils and the implementation of the Closing the Gap local/regional voice.

Circular economy

13. Support to provide guidance and advice to councils on how to unlock the circular economy locally, particularly in rural, regional, and remote areas.
14. Support to investigate and, if feasible, implement a national bin harmonisation program that will improve kerbside recycling, reduce contamination, and maximise opportunities for reuse.
15. \$100 million per annum over four years to fund local government circular waste innovation projects.

Intergovernmental relations

16. Reinstating local government representation to the primary intergovernmental forum in Australia, the National Cabinet.

17. Ensuring local government's ongoing voting membership of other relevant Ministerial forums.

Councillors, I am sure you will all agree a framework which will ensure the viability and future of our Council. I will also add we will be discussing a little later Council's motions to be put to the National General Assembly later this year.

So tonight, I propose Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs;

And that Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, and all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:

- a. express support for ALGA's funding priorities;
- b. identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
- c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.6

SES Floods

Councillors,

There's a saying. . . when it rains it pours . . . well, from what we have just experienced, that is definitely an understatement!

Torrential rain has devastated the country, from the northern most tip of Queensland, right the way down the coastline . . . and into our own backyard. . . breaking 160-year-old records.

The flooding and mayhem, particularly in towns like Lismore and Ballina, have been heartbreaking . . . images of people waiting to be rescued from their rooftops, as floodwaters circled their homes. . . will have a lasting effect on locals for many years to come.

Some residents have lost everything. . . their whole lives uprooted, like the homes washed away by the rapid moving waters. . . there are those that say they will rebuild but others have vowed to move on . . . and leave town. . . as they cannot endure another flood. . .

Our flooding was not on the same scale as these communities but the flooding and damage caused has caused anguish and heartbreak across many suburbs, in particular those living along the Georges and Cooks Rivers.

Local SES teams issued evacuation orders to areas around Milperra, Lansvale, East Hills, Georges Hall, Deepwater, Henry Lawson Drive and Picnic Point. . . . And on the other side of the City along the Cooks River at Tempe and Earlwood.

There were parts of our City under water . . . with some locals in Condell Park saying they hadn't seen anything like it in 60 years. . . places like Bunnings at Milperra underwater. . . Stacey St, just around the corner from this building had cars floating, like corks in a pool. . . A terrifying ordeal for many residents. . .

Council staff also worked closely with the SES and assisted in sandbagging. . . something like 4000 sandbags. . . along with putting in place barriers and road closures.

And of course, with the rains came the potholes, blocked drains and pits, fallen trees and debris causing hazards. . . in fact, in one 48 hour period we repaired more than 100 potholes. . . we also unblocked 150 drain pits in one week. .

There were some other disruptions like closing all our parks and delaying some garbage pickups.

Councillors, the work done by the local SES, and our own Council staff, is deserving of our thanks. It goes without saying, and as we have seen many times before, when there is a cry for help from the community, they are the first to lend a helping hand.

Tonight, I call on Council staff to compile a report of the damage caused by the flooding, to our roads, facilities and infrastructure, and any recovery building initiatives, with the view of applying for a \$1million funding grant under the Federal Governments Disaster Recovery assistance program.

I will also write to the NSW Minister for Local Government, Ms Wendy Tuckerman, for any other additional funding.

I further propose to write to our SES heroes thanking them once again for their support and help during this crisis.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.7 Ukraine Support

Councillors,

The war in Ukraine may seem a million miles away but it has in some way or another impacted most of us.

A chilling act of aggression by Russia on its neighbour for no apparent reason than to satisfy the ego of a leader, whose actions are now being called into question, as those of an “erratic and unstable” man.

The assault and escalating violence on this Eastern European country with a population of around 43 million people, will not only lead to a humanitarian crisis, but an instability in the entire region for many years to come.

Since the warning sirens blared through the streets of the Capital Kyiv in the early hours of 24 February, thousands of men, women and children have been killed. . . .And more than a million people displaced, as they cross the border into neighbouring countries seeking refuge.

Hospitals, schools, apartment buildings and roads all bombed as the invading convoy of troops move from city to city, leaving behind terror and destruction.

And even worse. . . . the threats of Nuclear ramifications, if the World dares to intervene.

We have all seen the images a sea of people fleeingwave after wave of people clutching nothing but a few personal belongings. . . .most leaving behind their loved ones. . . . If I can share one image that really struck home with me, was a small boy, maybe 10 or 11 years old, and he was stopped at the border seemingly lost. . . .When he was asked where his family were. . he simply replied: his mother had put him on a train alone and scribbled her mobile number on his arm. . . . her fate, and the rest of his families fate are unknown. . . . That is the human face of this war. . .

Councillors, our City has many people who have settled here from Europe and have been deeply affected by the images they are seeing on nightly news bulletins. Some have contacted me in disbelief at what is happening and how things escalated and changed overnight. . . . They are all very concerned about loved ones still trapped in the war zone.

Most of those I spoke with bear no animosity towards the Russian people and wanted to offer their support and help.

Councillors, we must not be silent, and we too must add our voice to the growing chorus of condemnation worldwide of this unwarranted act of War by Russia. Tonight, I propose we write to the Prime Minister calling on him to “shirtfront” the Russian Ambassador, Dr Aleksey Pavlovsky, by showing him the door and expelling him immediately.

If I can now ask you to be upstanding for a minute's silence for those innocent lives lost.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.8 100 years of Rotary

Councillors,

As you just heard, the footballing community are celebrating their centenary year. . . . Well, not to be outdone the Rotary organisation is also in their Centenary year. . . . And, I wouldn't be surprised if a few of them weren't involved together all those years ago.

Rotary has something like 38,000 Rotarians spread across Australia, New Zealand and the South West Pacific and take pride in their mantra of making a real difference to the lives of people both locally and internationally. . . .

From supporting nation-building projects and international transformations, to overcoming local disadvantage.

During this Centenary year, local Rotary districts and clubs, were asked to commemorate this significant milestone with a special project. . . . and I am pleased to inform Council we have been working with Padstow Rotary on one such project.

The plan is to plant 100 trees at Amour Park at Revesby. The trees will be a mix of native and non-native species and the final details of the configuration and location are still being decided.

A great initiative which is in line with our vision to increase tree canopy in our City and reaching sustainability goals.

Councillors, I propose tonight Council works with Padstow Rotary in planting 100 trees at Amour Park and that the funds be made available through the Greening Our Cities Tree Grant program. I also propose that a small dedication ceremony be arranged at the project completion to mark this Centenary celebration.

Councillors I put the Mayoral Minute.

Mayoral Minutes - 15 March 2022

ITEM 4.9

Local Community Based Donations

The following community-based organisation has approached Council for financial assistance.

Gaza Children's Fund

Gaza Children's Fund is an NFP humanitarian organisation aiming to help disadvantaged Palestinian children, orphans, widows and families.

Gaza Children's Fund is seeking a fee waiver of \$285 for the purposes of holding their event Paul Keating Park on Saturday 5 March.

Rotary International

Rotary International will be hosting an event at Bryan Brown Theatre and Function Centre, named Pathways to Hope, which aims to support resolving conflict throughout Europe and the Middle East.

Rotary International is seeking a fee waiver for \$1219.50 for their event being held at the Theatre on the 31 March.

RECOMMENDATION

1. Council support fee waiver of \$285 for the Gaza Children's Fund event held at Paul Keating Park on Saturday 5 March.
2. Council support the fee waiver of \$1219.50 for the Rotary International's event being held at Bryan Brown Theatre and Function Centre on Thursday 31 March.
3. These funds be made available from the Community Grants and Event Sponsorship Program Budget.

Councillors I put the Mayoral Minute.

5 PLANNING MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|----|
| 5.1 | Submission to the Discussion Paper 'A New Approach to Rezoning's' | 51 |
| 5.2 | Submission to the Draft Design and Place State Environmental Planning Policy | 63 |
| 5.3 | Planning Proposal for 445-459 Canterbury Road, Campsie | 75 |

ITEM 5.1 Submission to the Discussion Paper 'A New Approach to Rezoning'

AUTHOR Planning

PURPOSE AND BACKGROUND

This report outlines Council's submission to the exhibition of the Department of Planning and Environment's Discussion Paper '*A New Approach to Rezoning*', and requests Council's endorsement of the submission.

ISSUE

The Department of Planning and Environment (the Department) and the Greater Sydney Commission introduced amendments to the *Environmental Planning and Assessment Act 1979* (the Act) in 2018 to deliver a 'plan-led' system – an approach that ensures strategic planning is the foundation for all decisions about potential land use changes.

Council has invested significant resources and engaged widely to prepare its new planning framework as required by the Act. The new planning framework provides a pathway to manage growth and change across Canterbury Bankstown. The Greater Sydney Commission has assured Council's Local Strategic Planning Statement '*Connective City 2036*', confirming it is consistent with State priorities and the Department has endorsed the Housing Strategy. Council is currently master planning the centres and surrounding residential zones in accordance with its new planning framework.

The Department's existing 'Gateway' rezoning process supports Council's new planning framework, by discouraging ad hoc, site-specific rezoning applications from proceeding prior to the completion of the master planning process. It requires rezoning applications to satisfy a strategic merit test if Council and the Department are to support the applications proceeding to 'Gateway' and the exhibition stage. The benefit of this filtering system is that it ensures Council's time and resources are not drawn away from plan-led activities like strategic planning and master planning. As a result, Council has a proven track record of determining rezoning applications within the decision-making periods set by the Department.

In December 2021, the Department commenced the exhibition of the Discussion Paper '*A New Approach to Rezoning*'. The Discussion Paper seeks to accelerate rezoning outcomes as a way to support the State's economic recovery from the COVID-19 pandemic. It proposes to replace the existing 'Gateway' rezoning process with a new approach that aligns more closely with the development application process to improve timeframes.

Council has prepared a detailed submission, which does not support the proposed new approach as it would:

- Bypass the 'plan-led' system and undermine Council's new planning framework. It would allow proponents to lodge ad hoc, site-specific rezoning applications that do not strategically align with the master planning process. Council cannot refuse on merit until after exhibition. Proponents would have merit appeal rights to the Land and Environment Court.
- Accelerate the approval times for rezoning applications at the expense of assessment quality. It would remove merit assessments and the issue of Gateway Determinations prior to exhibition. It would remove Council from reviewing submissions and consulting with state agencies after exhibition. It would set mandated timeframes with minimal opportunities for information requests.
- Disempower Council from the decision-making process and diminish opportunities for meaningful community engagement. It would remove the function of Councillors to decide whether rezoning applications demonstrate strategic merit to proceed to exhibition. The Department and Local Planning Panel would no longer provide oversight of the rezoning process.
- Impact on Council's finances and resources. It would replace Council's ability to set application fees under the *Local Government Act 1993* with a new mandated fee structure to apply to all councils. It would introduce planning guarantees to enable fee refunds if Council does not meet mandated timeframes.

While Council advocates on many issues, this submission is forwarded to Council for endorsement given the importance of the proposed changes and the potential impacts on Council and the community. Should Council endorse the submission, it will be forwarded to the Department for consideration. The Department has not indicated a timeframe for the implementation of the proposed new approach.

RECOMMENDATION

That Council endorse the submission to the Department of Planning and Environment's Discussion Paper '*A New Approach to Rezoning*', as provided in Attachment A.

ATTACHMENTS

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

- A. Council Submission
- B. Discussion Paper 'A New Approach to Rezoning'

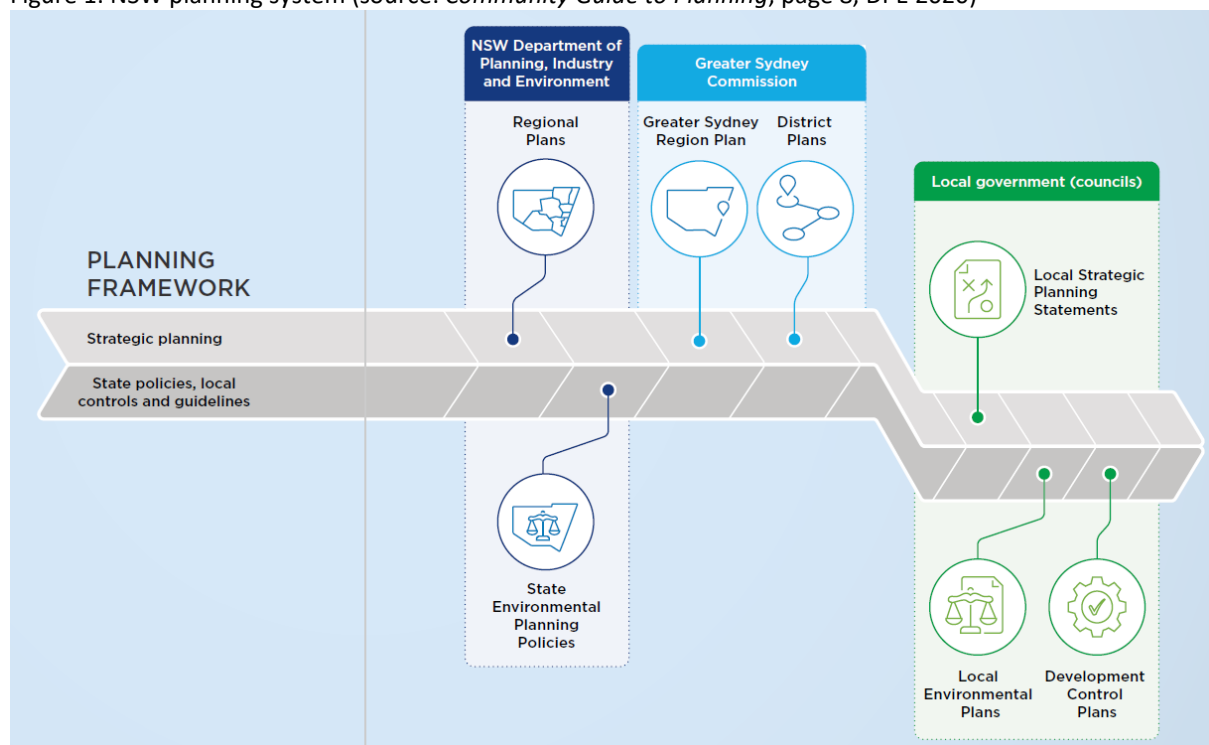
POLICY IMPACT

1. Overview of the NSW planning system

The *Environmental Planning and Assessment Act 1979* (the Act) is the State's primary planning legislation. The Act sets out the planning pathways and legal requirements to determine how we plan, develop, use and regulate land across the city.

The Act is supported by Council's Local Environmental Plan (the LEP), as illustrated in Figure 1. The LEP contains planning rules for development and land use in Canterbury Bankstown, such as land use zones, floors space ratios and building heights.

Figure 1: NSW planning system (source: *Community Guide to Planning*, page 8, DPE 2020)



2. Overview of the existing 'Gateway' rezoning process

Changes to the LEP, such as the rezoning of land, are important to maintain up-to-date planning rules. The changes must strategically align with State and local policies and deliver good planning outcomes and demonstrate public benefit.

The Act allows Council to administer the existing 'Gateway' rezoning process during the lodgement, exhibition and assessment stages. The Department's role is to make a final determination and to provide oversight of the decision-making process to ensure the objectives of strategic plans are met in a timely way. As part of the current process the Gateway function performed by the Department also acts as a checks and balance step in the process to ensure planning policies are consistently applied across the state. This stands to be lost.

In 2018, the Department and the Greater Sydney Commission introduced amendments to the Act to deliver a 'plan-led' system – an approach that ensures strategic planning is the foundation for all decisions about potential land use changes.

Council has invested significant resources and engaged widely to prepare its new planning framework as required by the Act. The new planning framework provides a pathway to manage growth and change across Canterbury Bankstown, and includes:

- Adopting *Connective City 2036* and supporting strategies such as the Housing Strategy, Affordable Housing Strategy and Employment Lands Strategy. The Greater Sydney Commission has assured *Connective City 2036*, confirming it is consistent with State priorities and the Department has endorsed the Housing Strategy.
- Adopting the Consolidated Local Environmental Plan, which merges the planning rules of the former Bankstown and Canterbury Councils, and implements existing land use strategies.
- Adopting the Consolidated Development Control Plan and Community Participation Plan.
- Submitting a planning proposal to merge the residential planning rules of the former Bankstown and Canterbury Councils.
- Adopting the Bankstown Master Plan to support growth in the Bankstown City Centre, which will be anchored by Bankstown’s Health and Education Precinct development.
- Master planning the Campsie Town Centre and local centres in accordance with the South District Plan, *Connective City 2036* and Housing Strategy.

The Department’s existing ‘Gateway’ rezoning process supports Council’s master planning process, by discouraging ad hoc, site-specific rezoning applications from proceeding prior to the completion of the master planning process.

In summary, the process (refer to Figure 2) requires rezoning applications to satisfy a strategic merit test if Council and the Department are to support rezoning applications proceeding to ‘Gateway’ and the exhibition stage. The benefit of this filtering system is it ensures Council’s time and resources are not drawn away from plan-led activities like strategic planning and master planning.

Figure 2: Existing ‘Gateway’ rezoning process



As a result, Council has a proven track record of determining rezoning applications within the decision-making periods set by the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*. The Order requires Council to decide whether to support a proponent led application within 90 days of lodgement, and to process applications within the timeframes specified in the Gateway Determination.

3. Overview of the Discussion Paper ‘A New Approach to Rezoning’

In December 2021, the Department commenced the exhibition of the Discussion Paper ‘A New Approach to Rezoning’, as provided in Attachment B.

The Discussion Paper seeks to accelerate rezoning outcomes as a way to support the State’s economic recovery from the COVID–19 pandemic. It proposes to replace the existing ‘Gateway’ rezoning process with a new approach that aligns more closely with the development application process to improve timeframes. The policy implications for Council include:

Council’s procedures under the existing ‘Gateway’ rezoning process	Proposed new approach to rezonings
<u>Pre-lodgement</u> <ul style="list-style-type: none"> Pre-lodgement meeting optional. 	<u>Pre-lodgement</u> <ul style="list-style-type: none"> Pre-lodgement meetings would become mandatory. Council must hold a scoping meeting with proponent and state agencies. Council to provide written feedback with study requirements.
<u>Lodgement</u> <ul style="list-style-type: none"> Council undertakes a merit assessment (i.e. strategic merit test). The rezoning application is reported to the Local Planning Panel and Council to decide if the application has strategic merit to proceed to ‘Gateway’ and the exhibition stage. The Department provides oversight by issuing a Gateway Determination to confirm if the application may proceed to exhibition. Council and the Department may refuse a rezoning application prior to ‘Gateway’ based on merit. Administrative appeal rights limited to refusals to proceed to ‘Gateway’ or deemed refusals if Council does not meet the 90 day timeframe. 	<u>Lodgement</u> <ul style="list-style-type: none"> Removes the ‘Gateway’ system and oversight by the Department and Local Planning Panel in the decision-making process. Removes the merit assessment (i.e. strategic merit test) prior to exhibition. Removes the function of Councillors at this stage of the process. Removes the ability for Council and the Department to refuse rezoning applications prior to exhibition. Maintains appeal rights based on deemed refusals.
<u>Exhibition</u> <ul style="list-style-type: none"> Council exhibits a planning proposal in accordance with its Community Participation Plan. Council prepares the planning proposal and exhibition material. Council exhibits DCP Amendments and Planning Agreements concurrently with the planning proposal. 	<u>Exhibition</u> <ul style="list-style-type: none"> Council would have one week to confirm if the study requirements have been met. The exhibition process would be automated via the Department’s Planning Portal and Service NSW app. The proponent would prepare the rezoning application and exhibition material. There is no discussion on the status of DCP Amendments and Planning Agreements as part of the exhibition process.
<u>Assessment and Finalisation</u> <ul style="list-style-type: none"> Council reviews submissions and consults with state agencies after exhibition. 	<u>Assessment and Finalisation</u> <ul style="list-style-type: none"> Proponent to review submissions and consult with state agencies after exhibition.

<ul style="list-style-type: none"> • Council may request additional information and re-exhibit if required. • The planning proposal is reported to Council for determination. • The planning proposal is forwarded to the Department for final determination. 	<ul style="list-style-type: none"> • Requests for additional information and re-exhibitions would be discouraged. • The rezoning application is reported to Council for determination. Only opportunity for Council to refuse on merit. • Removes any oversight by the Department in the decision-making process.
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The submission does not support the proposed new approach as it would bypass the ‘plan-led’ system, undermine Council’s new planning framework, and accelerate the approval times for rezoning applications at the expense of assessment quality. The submission outlines these issues in detail.

The submission recommends retaining Council’s procedures under the existing ‘Gateway’ rezoning process given that Council has a proven track record of determining rezoning applications within the decision-making periods set by the Department.

FINANCIAL IMPACT

The Discussion Paper seeks to mandate a consistent fee structure across councils, with the aim to adequately compensate councils for the cost and time of assessing and determining applications. The financial implications for Council include:

Council’s existing fee structure (Fees and Charges 2021/22)	Proposed new approach to rezonings
<u>Application fees</u> Council sets application fees under the <i>Local Government Act 1993</i> as follows: <ul style="list-style-type: none"> • <u>Lodgement</u>: The existing fee structure is proportionate to the scale and complexity of the rezoning application, and ranges from \$16,904.70 to \$150,000. The fee to lodge an amended rezoning application is a maximum 50% of the original fee, as determined by Council’s Director Planning. • <u>Assessment</u>: Proponent commissions studies and peer reviews, or Council enters into cost recovery agreement with the proponent to recoup costs. 	<u>Application fees</u> Removes Council’s ability to set fees under the <i>Local Government Act 1993</i> , which is easy to administer and provides flexibility to recoup actual costs incurred during the rezoning process. <p>Replaces the existing fee structure with a mandated fee structure under the <i>Environmental Planning and Assessment Act 1979</i> to apply to all councils as follows:</p> <ul style="list-style-type: none"> • <u>Pre-lodgement</u>: Scoping fee to be fixed fee based. Council cannot amend the fee. • <u>Lodgement and Assessment</u>: Three options for discussion: <ol style="list-style-type: none"> 1. Fixed assessment fees. No fees would be charged for any other associated costs such as consultant fees for peer reviews. 2. Variable assessment fees. Assessment fees to be based on the estimated costs Council would incur on a case-by-case basis. Would need a forward estimate of staff hours required to assess the rezoning application. 3. Fixed and variable assessment fees. The fixed fee would be charged upfront. The variable fee is charged once the rezoning application is

	finalised, based on actual staff hours that exceed the costs covered by the fixed fee. To reduce the risk of non-payment of the variable fee component, proponents of complex rezoning applications could be required to provide a bank guarantee at lodgement.
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The submission does not support this proposal due to the financial implications and administrative burden of the proposed options. A 'one size fits all' approach does not provide Council with the flexibility to set fees that recoup actual costs incurred in the assessment of rezoning applications. The submission recommends continuing with the existing ability to set fees under the *Local Government Act 1993*.

The Discussion Paper also seeks to introduce incentives for Council to make decisions. The financial implications for Council include:

Council's procedures under the existing 'Gateway' rezoning process	Proposed new approach to rezonings
<u>Fee refunds</u> Council's existing fee structure does not generally refund application fees. However, Council may (at its discretion) refund a certain proportion of the application fee under the following circumstances: <ul style="list-style-type: none"> • where Council resolves not to prepare a planning proposal; • where the proponent withdraws the application prior to Council deciding whether to prepare a planning proposal. 	<u>Fee refunds</u> Introduces planning guarantees, which would require fee refunds if Council does not meet the mandated assessment timeframes. This could mean, for example, a ten per cent refund for every week that Council does not meet the timeframe. Even where a fee refund is given, the assessment and determination of a rezoning application continues.
<u>Appeals pathways</u> No merit appeal rights to the Land and Environment Court.	<u>Appeals pathways</u> Introduces merit appeal rights to the Land and Environment Court. This will impact on Council's legal costs.

The submission does not support these proposals due to the financial and resource implications. Incentives already exist for Council to make decisions, namely:

- A rezoning review appeals process based on deemed refusals already exists through the Independent Planning Commission and Planning Panels.
- The *Environmental Planning and Assessment (Statement of Expectations) Order 2021* requires Council to decide whether to support a proponent led application within 90 days of lodgement, and to process applications within the timeframes specified in the Gateway Determination. If Council does not meet these expectations, the Minister for Planning may appoint a planning administrator or regional panel to exercise Council's functions.

The submission recommends continuing with the existing rezoning review appeals process.

COMMUNITY IMPACT

An objective of the Act is *'to provide increased opportunity for community participation in environmental planning and assessment'*.

The existing 'Gateway' rezoning process achieves this objective by involving Councillors early in the decision-making process. A function of Councillors is to represent the views of the community while making decisions on whether rezoning applications demonstrate strategic merit to proceed to exhibition. A key benefit is it identifies potential community issues early in the rezoning process, before significant time and costs have been expended.

The submission does not support the proposed removal of this function to improve timeframes, as it disempowers Council from the decision-making process. The submission recommends retaining the involvement of Councillors early in the decision-making process.

DETAILED INFORMATION

Summary of Council's Submission

The submission, as provided in Attachment A, raises the following issues:

1. Council does not support the proposed new approach to rezonings as it bypasses the 'plan-led' system and undermines Council's new planning framework

The Discussion Paper proposes to empower Council to make decisions about its local area without unnecessary departmental intervention (page 19), and to remove merit assessments (also known as the strategic merit test) prior to the exhibition of rezoning applications (page 26). The intended outcome is to improve timeframes.

Whilst the submission supports the proposal to empower Council to determine rezoning applications, it does not support the removal of merit assessments prior to exhibition as it would:

- Allow the lodgement of ad hoc, site-specific rezoning applications that are inconsistent with Council's planning framework and the Act's objective to promote the orderly development of the City.
- Require Council to invest significant time and resources to exhibit and assess these rezoning applications, which may ultimately be refused after a lengthy process. It would draw Council's time and resources away from activities like strategic planning and master planning.
- Delay the assessment of rezoning applications as the removal of the strategic merit test is likely to see significant issues being identified at the final assessment stage.
- Poses a risk of confusing the community. It needs to be made clear to the community that proceeding straight to exhibition does not mean Council has decided to support a rezoning application.
- Remove the ability for Councillors to identify potential community issues early in the rezoning process, before significant time and costs have been expended.
- Removes the ability for associated elements to the rezoning proposal such as DCP, planning agreement or contributions plan to be exhibited alongside the proposal.

If the Department is seeking to improve the rezoning process, the starting point is for the Department to focus on State-led strategic planning, and for Council to be the rezoning authority to translate strategic planning into statutory controls. The submission recommends:

- Allowing Council to receive and determine rezoning applications.
- Limiting the Department's oversight of the rezoning process to procedural matters, such as cross checks to ensure the legal process is followed in a timely way. The Department should not intervene in the merit assessment of rezoning applications, which is a matter of local significance and is the leading cause for delays for Council's planning proposals.
- Maintaining merit assessments (i.e. strategic merit test) prior to exhibition.
- Maintaining the existing function of Councillors to determine if rezoning applications demonstrate strategic merit to proceed to 'Gateway'.
- Maintaining the legal mechanism (i.e. Gateway Determination) to refuse a rezoning application from proceeding to exhibition.

2. Council does not support merit appeal rights to the Land and Environment Court for rezoning applications

The Discussion Paper proposes to introduce merit appeal rights to the Land and Environment Court to encourage Council to assess and determine applications promptly and to add scrutiny to the decision-making process. However, it is not proposed to extend these rights to public authorities such as Council and state-owned corporations (page 36).

The submission does not support this proposal for the following reasons:

- The Court would undermine Council's strategic planning. There is no requirement for the Court to ensure its 'merit-based' rezoning determinations are consistent with State/local policies and community consultation outcomes. This approach would undermine Council's ability to implement its strategies and master planning process in an orderly manner, resulting in greater uncertainty.
- The existing 'Gateway' rezoning process already provides oversight of rezoning decisions and incentives for Council to make decisions, namely:
 - The Department and Greater Sydney Commission provide oversight of Council's strategic planning framework.
 - A rezoning review appeals process already exists through the Independent Planning Commission and Planning Panels.
 - The *Environmental Planning and Assessment (Statement of Expectations) Order 2021* requires Council to decide whether to support a proponent led application within 90 days of lodgement, and to process applications within the timeframes specified in the Gateway Determination. If Council does not meet these expectations, the Minister for Planning may appoint a planning administrator or regional panel to exercise Council's functions.

The submission recommends retaining the existing rezoning review process involving the Independent Planning Commission and Planning Panels as it currently provides an incentive for Council to make decisions. The Discussion Paper does not identify any concerns with this existing process.

3. Council does not support the proposed planning guarantees

The Discussion Paper proposes to introduce a planning guarantee to require fee refunds if Council does not meet the mandated assessment timeframes (page 33).

The submission does not support planning guarantees as it assumes there are no existing incentives for Council to make decisions. A rezoning review appeals process based on deemed refusals already exists through the Independent Planning Commission and Planning Panels. The *Environmental Planning and Assessment (Statement of Expectations) Order 2021* requires Council to meet mandated timeframes. The Discussion Paper does not identify any concerns with these existing processes to justify the introduction of planning guarantees.

4. Council does not support the proposed mandated fee structures

The Discussion Paper proposes to mandate application fees to provide a consistent fee structure across councils, with the aim to adequately compensate councils for the cost and time of assessing and determining applications (page 31).

The submission does not support mandated fee structures as it would remove Council's ability to set fee structures that are already designed to recoup actual costs incurred in the assessment of rezoning applications in Canterbury Bankstown. A 'one size fits all' approach to fees would be inappropriate if the intent is to better resource Council. The submission recommends continuing with the existing flexibility to set fees under the *Local Government Act 1993*.

5. Council does not support the proposed mandated timeframes

The Discussion Paper proposes to mandate timeframes to accelerate rezoning outcomes. Council would have 26 to 50 weeks to assess and determine rezoning applications, depending on the complexity of the proposal (page 17).

The submission does not support the proposed timeframes unless the following changes are made:

- Include 'stop the clock' provisions to recognise that proponents often will take time to respond to Council. Rezoning applications cannot progress during this time.
- Include timeframes for state agencies to provide comments. If state agencies do not provide comments within the specified timeframe, the rezoning authority should proceed on the basis that the state agencies do not object to the proposal.
- Include timeframes for Commonwealth authorities to provide comments. The Department should ensure Commonwealth authorities sign up to the timeframes to provide comments, particularly in relation to airport issues, or clarify what implications delays in Commonwealth agency responses will have on timeframes.
- Include timeframes to allow Council to negotiate planning agreements and prepare DCP Amendments, which are exhibited concurrently with rezoning applications.
- Do not limit the number of information requests that Council can make.
- Include timeframes for the Parliamentary Counsel's Office to draft LEP Amendments.

6. Implement other improvements to the rezoning process

Proposed new approach to rezonings	Recommendations
<u>Council proponent rezoning applications</u> The Department would continue to assess and determine council proponent rezoning applications (page 20).	The Department must improve its role and processes in assessing and determining council proponent rezoning applications by: <ul style="list-style-type: none">• Updating the State Environmental Planning Policies and Ministerial Directions to ensure all information requirements are identified at the Gateway stage.• Ensuring the right information is submitted at the right time.• Not requesting information that would normally be required at the development application stage.

	<ul style="list-style-type: none"> • Providing regular updates on the status of planning proposals and target dates for when Gateway Determinations may be issued. • Making referrals to state agencies and strictly applying timeframes.
<u>Extension of time agreements</u> Only one EoT will be permitted for a rezoning authority and proponent to agree on a longer timeframe (page 33).	There should be no limit to the number of EoT requests a rezoning authority can make, to consider unforeseen circumstances and issues arising.
<u>Rezoning Application Template</u> The Discussion Paper does not identify the existing planning proposal template as an issue.	<p>The Department's <i>Local Environmental Plan Making Guideline</i> (page 69) outlines the template to demonstrate strategic and site-specific merit. The intended outcome is for the document to be clear and concise, and written in plain English, so it is easily understood by the community.</p> <p>The issue is the various parts in the template are repetitive, resulting in duplication of information. This makes the document lengthy to read and difficult for the community to understand. A review of the rezoning application template is required to ensure the content is simple to understand.</p>

7. Update the Ministerial Directions to be fit-for-purpose

The Discussion Paper gives the opportunity to review the Department's Ministerial Directions, which provide broad policy directions in the categories of employment and resources, environment and heritage, housing, infrastructure and urban development, hazard and risk, regional planning, local plan-making and metropolitan planning. Rezoning applications must demonstrate consistency with the Ministerial Directions (page 20).

The issue is many have not been reviewed since 2009 and are no longer fit-for-purpose to make assessment considerations more certain. The submission recommends mandating the periodic reviews of Ministerial Directions and allowing Council to approve inconsistencies with Ministerial Directions.

Next Steps

Should Council endorse the submission, it will be forwarded to the Department for consideration. The Department has not indicated a timeframe for the implementation of the proposed new approach.

ITEM 5.2 Submission to the Draft Design and Place State Environmental Planning Policy

AUTHOR Planning

PURPOSE AND BACKGROUND

This report outlines Council's submission to the exhibition of the Department of Planning and Environment's Draft Design and Place State Environmental Planning Policy (Draft SEPP) and supporting guides, and requests Council's endorsement of the submission.

ISSUE

State Environmental Planning Policies contain planning rules for development and land use in a state-wide context. Rezoning applications and development applications must comply with the SEPPs. If there is an inconsistency with Council's planning rules, the State Environmental Planning Policies (SEPPs) prevail.

There are 17 SEPPs that currently apply to the State in relation to housing, transport and infrastructure, primary production, biodiversity and conservation, resilience and hazards, industry and employment, resources and energy, planning systems, codes, precincts, residential apartment design and building sustainability.

In December 2021, the Department commenced the exhibition of the Draft Design and Place SEPP (the Draft SEPP) to replace the existing SEPPs on residential apartment design and building sustainability. The intended outcome is to provide a consistent set of principles and considerations to guide the design of the built environment.

The Draft SEPP is proposed to apply to major residential, business and industrial development. Council would need to refer rezoning applications and development applications to its design review panel for advice.

The Draft SEPP is to be supported by an Urban Design Guide and Apartment Design Guide, which would provide design criteria. The Draft SEPP would require Council to apply the design criteria flexibly and to consider alternative solutions if these result in a neutral or better design outcome than meeting the design criteria.

Council has prepared a submission to the exhibition of the Draft SEPP policy package, which raises the following key issues:

- Council does not support the Urban Design Guide (Objective 3), which proposes to set baseline residential density targets. The targets may impact on Council's master planning process for local and neighbourhood centres. A detailed master planning process should determine appropriate densities in accordance with *Connective City 2036* and community consultation.

- The Urban Design Guide should provide design criteria that guide development in established urban areas, as the draft criteria is largely based on greenfield development scenarios that are not suited to established localities like Canterbury Bankstown.
- The Guides should provide prescriptive controls rather than merit controls to provide certainty and enable Council to assess applications within the mandated assessment timeframes.
- Council does not support the proposal to make the Minister for Planning the responsible authority to establish Council's design review panel. The Draft SEPP should allow Council to establish its design review panel and determine the membership, procedures, fees and thresholds.

While Council advocates on many issues, this submission is forwarded to Council for endorsement given the importance of the proposed changes and the potential impacts on Council. Should Council endorse the submission, it will be forwarded to the Department for consideration. The Draft SEPP is expected to come into force in late 2022.

RECOMMENDATION

That Council endorse the submission to the Draft Design and Place State Environmental Planning Policy and supporting guides, as provided in Attachment A.

ATTACHMENTS

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

- A. Council Submission
- B. Draft SEPP Policy Package Overview

POLICY IMPACT

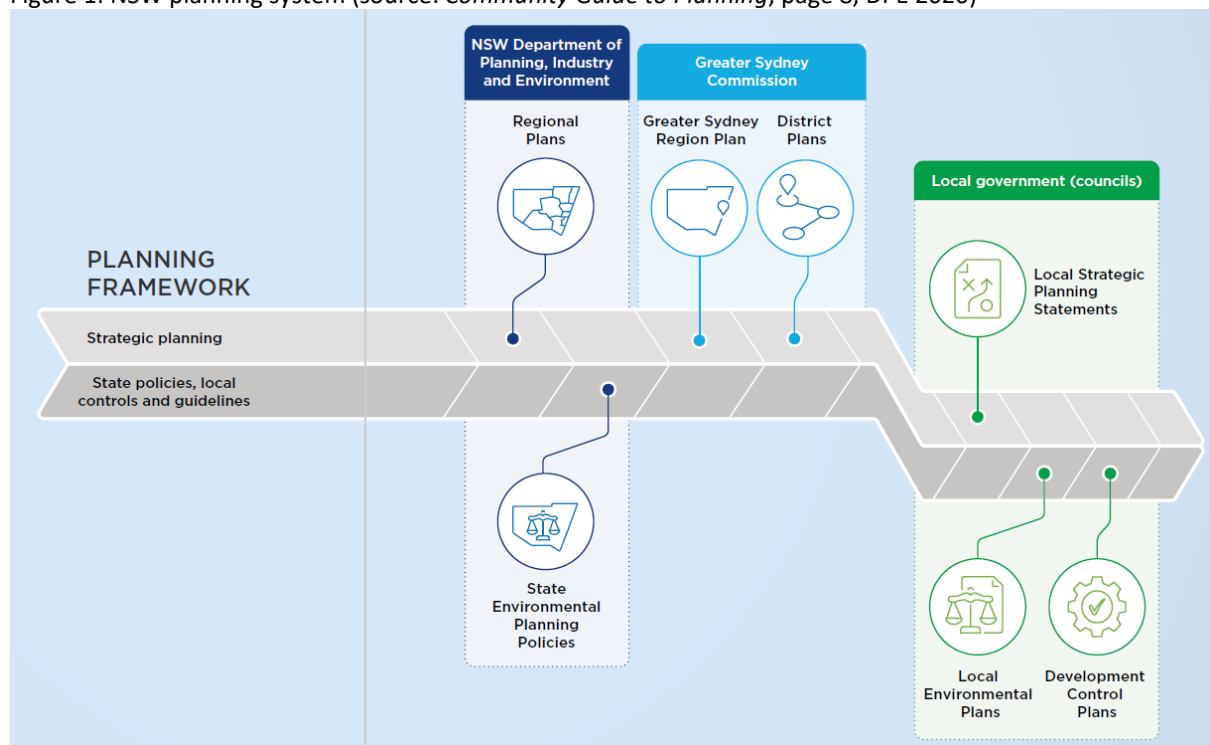
1. Overview of the NSW planning system

The *Environmental Planning and Assessment Act 1979* (the Act) is the State's primary planning legislation. The Act sets out the planning pathways and legal requirements to determine how we use land.

The Act is supported by the Department of Planning and Environment's State Environmental Planning Policies, as illustrated in Figure 1. The SEPPs contain planning rules for development and land use in a state-wide context. Rezoning applications and development applications must comply with the SEPPs. If there is an inconsistency with Council's planning rules, the SEPPs prevail.

There are 17 SEPPs that currently apply to the State in relation to housing, transport and infrastructure, primary production, biodiversity and conservation, resilience and hazards, industry and employment, resources and energy, planning systems, codes, precincts, residential apartment design and building sustainability.

Figure 1: NSW planning system (source: *Community Guide to Planning*, page 8, DPE 2020)



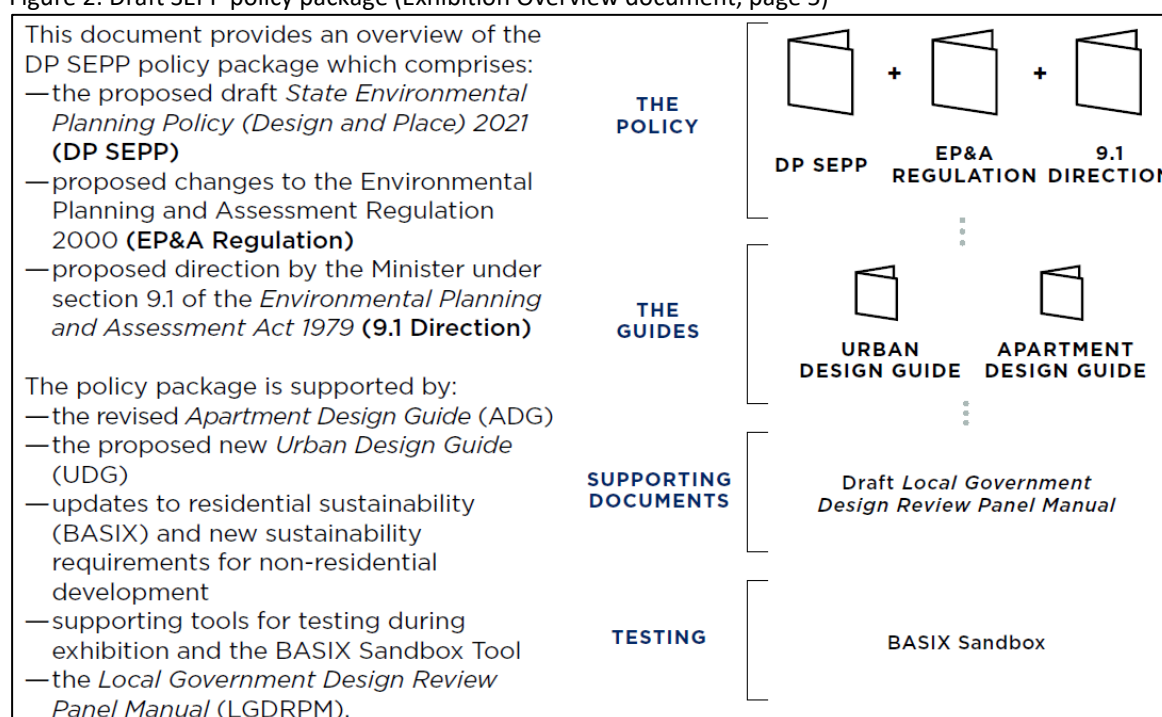
2. Overview of the Draft SEPP policy package

In December 2021, the Department commenced the exhibition of the Draft SEPP policy package, which comprises:

- Draft Design and Place State Environmental Planning Policy, which would be the primary source of design principles and considerations for rezoning applications and development applications on urban land. It would establish five design principles, ten considerations and a range of key outcomes. The Draft SEPP would replace the existing SEPPs on residential apartment design and building sustainability.

- Draft Environmental Planning and Assessment Amendment (Design and Place) Regulation 2021 (the Draft Regulation), which would support the Draft SEPP by requiring development applications to submit contextual and site analysis, net zero ready statement, documentation that discloses embodied energy, verification statements for urban designers and landscape architects, and verification that the advice of design review panels has been incorporated.
- Draft Urban Design Guide (UDG), which aims to improve the planning and design of urban environments. It would apply design criteria to development over 1 hectare, development on industrial zoned land over 1 hectare and with a capital investment value of \$30 million or more, and where a master plan or DCP is required by another instrument.
- Draft Apartment Design Guide (ADG), which aims to improve the planning and design of residential apartment development. It would apply design criteria to residential apartments of three or more storeys and four or more dwellings.
- Ministerial Direction, to require rezoning applications for sites greater than 1 hectare to have regard to the Draft SEPP design principles and considerations, to be considered by a design review panel, to consider the Draft Urban Design Guide's objectives and to demonstrate how it responds to Country.
- Draft Local Government Design Review Panel Manual, which would guide the operation and function of design review panels. Proponents must prepare a design review report to demonstrate how they have considered the advice of the panel and justify any departure from that advice, and Council must have regard to this statement in determining an application.
- Updates to residential sustainability (BASIX) and new sustainability requirements for non-residential development.

Figure 2: Draft SEPP policy package (Exhibition Overview document, page 5)



The Exhibition Overview document, as provided in Attachment B, provides details of the draft documents.

3. Policy Implications for Council

In 2018, the Department and the Greater Sydney Commission introduced amendments to the Act to deliver a ‘plan-led’ system – an approach that ensures strategic planning is the foundation for all decisions about potential land use changes.

Council has invested significant resources and engaged widely to prepare its new planning framework as required by the Act. The new planning framework provides a pathway to manage growth and change across Canterbury Bankstown and include Council’s Local Strategic Planning Statement ‘*Connective City 2036*’ and the supporting Housing Strategy and Employment Lands Strategy. In 2020, Council adopted its new planning framework, and the Greater Sydney Commission has assured *Connective City 2036*, confirming it is consistent with State priorities. The Department has endorsed the Housing Strategy.

Council is currently master planning the centres and surrounding residential zones in accordance with the South District Plan, *Connective City 2036* and Housing Strategy. The South District Plan (Action 18, page 51) requires a place-based planning approach to inform the proposed built form controls, in consultation with the community.

Council has also implemented other improvements to its design processes, consistent with *Connective City 2036* as follows:

- Endorsed the establishment of a design review panel, in consultation with the NSW Government Architect’s Office.
- Established an Urban Design Team to provide in-house design expertise on rezoning applications, development applications and capital works projects.
- Introduced a design quality clause in the Draft Consolidated Local Environmental Plan.
- Reviewed the design quality provisions in the Draft Consolidated Development Control Plan.

The Draft SEPP policy package will have policy implications as it proposes to replace Council’s existing design processes as follows:

Council’s design processes under existing legislation	Proposed Draft SEPP policy package
<u>Design review panel</u> <ul style="list-style-type: none"> • Council endorsed establishing an independent Design review Panel. • Terms of Reference determine the membership, procedures and thresholds. • Council determines the fees. • Purpose is to provide expert design advice to Council and proponents on development applications, rezoning applications and other projects. Advice may be given at the pre-lodgement and post-lodgement stages. 	<u>Design review panel</u> <ul style="list-style-type: none"> • Replaces Council’s Terms of Reference. • Minister for Planning to constitute the panel. May abolish the panel at any time and for any reason. • The Minister would determine the membership, procedures, fees and thresholds. • Purpose is to provide expert design advice to Council and proponents on development applications and rezoning applications. • Matters to be referred to the Panel include:

<ul style="list-style-type: none"> • Matters to be referred to the panel include certain major residential and non-residential development based on building size. • Pre-lodgement meetings are recommended. 	<ul style="list-style-type: none"> — State significant development, — development with a capital investment value of more than \$30 million, — development with a capital investment value of between \$5 million and \$30 million if the development will be carried out by a council or the Crown, — development with a site area of at least 1 hectare, — residential apartment development, — other development specified by another environmental planning instrument. • Pre-lodgement meetings would be mandatory.
<p><u>LEP/DCP</u></p> <ul style="list-style-type: none"> • A DCP cannot be inconsistent with the ADG. • If a DCP contains requirements regarding visual privacy, solar and daylight access, common circulation and spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage, the requirements will have no effect. 	<p><u>LEP/DCP</u></p> <ul style="list-style-type: none"> • Maintains existing requirement that a DCP cannot be inconsistent with the ADG. • Council cannot determine a development application unless a DCP applies to the site. • Design review panel may provide advice to Council about the design quality provisions in a LEP/DCP in force, a Draft LEP/DCP, or a draft master plan or other planning policy document.
<p><u>Rezoning applications</u></p> <ul style="list-style-type: none"> • Must comply with the existing SEPPs on residential apartment design and building sustainability. • There is no Ministerial Direction on design. • Council is currently master planning the centres and surrounding residential zones to determine appropriate densities in accordance with <i>Connective City 2036</i>. 	<p><u>Rezoning applications</u></p> <ul style="list-style-type: none"> • Must comply with the Draft SEPP and supporting guides. • Must comply with the Ministerial Direction to ensure the Draft SEPP is considered early in the planning process, and to respond to Country. • UDG proposes to set baseline residential density targets, which may impact on master planning process.
<p><u>Development applications</u></p> <ul style="list-style-type: none"> • Must comply with the existing SEPP on residential apartment design. • Applies to residential apartments of three or more storeys and four or more dwellings. • Prescriptive controls. • If a development application complies with the ADG's non-discretionary development standards (parking, internal areas and ceiling heights), Council cannot require more onerous standards for these matters. 	<p><u>Development applications</u></p> <ul style="list-style-type: none"> • Must comply with the Draft SEPP and supporting guides. • Applies to residential apartments and major non-residential development. • Maintains the non-discretionary development standards for residential apartments. • Council to apply UDG and ADG design criteria flexibly and to consider alternative solutions if it achieves a neutral or more beneficial outcome than meeting the design criteria. • Proponents to submit additional information with applications.

The issue is, at this late stage in the process, the Draft SEPP policy package does not consider Council's endorsed strategies and would erode the substantial body of strategic planning work this Council and others have put into the new planning framework.

The implications of shifting from prescriptive controls to ‘flexible’ design solutions are unclear and creates uncertainty for the integrity of Council’s planning rules and Council’s proven track–record in assessing applications within the mandated assessment timeframes. The submission outlines these issues in detail. The Draft SEPP policy package should ensure that Council’s effective design processes can continue.

FINANCIAL IMPACT

Council currently sets the referral fees to the design review panel and reviews the fees annually to align with operational costs. The Draft Regulation (Part 16B, page 11) proposes to replace Council’s existing fee structure with a mandated fixed fee, to be determined by the Minister for Planning. The exhibition material does not indicate a draft fee for comment. Council would not be able to amend the fee.

This matter will have financial implications as a ‘one size fits all’ approach does not consider Council’s operational costs. Council may need to increase its resourcing of the design review panel if the Draft SEPP proceeds with the following changes:

- Increase the quorum from Council’s two panel members to three.
- Increase the membership from Council’s pool of six panel members to ten members.
- Increase the frequency of meetings if the panel is required to provide advice within 14 days of a request from an applicant (refer to clause 268D, Draft Regulation).

COMMUNITY IMPACT

The submission is consistent with *Connective City 2036* (page 87) as endorsed by the Greater Sydney Commission, which advocates for a review of NSW Government guidelines to improve liveability and design quality.

DETAILED INFORMATION

Summary of Council's Submission

The submission, as provided in Attachment A, raises the following issues:

1. Council does not support the proposal to set baseline residential density targets

The Draft Ministerial Direction (clause 6) and Draft Urban Design Guide (Objective 3, page 26) propose to set baseline residential density targets, namely:

- Minimum gross residential densities of 30 dwellings per hectare to be provided in and around centres and high-frequency public transport.
- Minimum average gross residential density of 15 dwellings per hectare to be provided in other areas.

Council does not support this proposal as it is currently master planning the centres and surrounding residential zones in accordance with its new planning framework. The Greater Sydney Commission's South District Plan (Action 18, page 51) requires a place-based planning approach to inform the proposed built form controls, in consultation with the community and this planning should be reflective of the site and its capacity and appropriateness for redevelopment. Planning outcomes should not be dictated by a generic density target.

The issue is, at this late stage in the process, the Draft Ministerial Direction and Draft Urban Design Guide propose to set new baseline residential density targets, which are inconsistent with the place-based planning approach and do not consider Council's endorsed strategies or local context. It would erode the substantial body of strategic planning work this Council and others have put into the new planning framework. Furthermore, the implications of not meeting the targets is unclear and creates uncertainty for the integrity of Council's zoning controls.

2. Provide design criteria that guide development in established urban areas as the draft criteria is largely based on greenfield development scenarios

According to the Draft Urban Design Guide, the design criteria would apply to precinct planning, such as Council's current master planning process for centres. The design criteria are proposed to include:

- Maximum block lengths (Objective 6, page 36) – 220–250 metres for industrial areas and 160–220 metres for residential and mixed-use development.
- Mid-block connections (Objective 7, page 40) – Mid-block connections and through-site links for pedestrians are provided no more than 130 metres apart within walking catchments of key destinations such as centres, public open spaces, transport nodes and schools.
- Tree canopy targets (Objective 10, page 50) – Applicable to public open spaces, streets, precincts and development sites.
- Public open space targets (Objective 12, page 60) – For development over 5 ha, deliver a minimum of 15 per cent of the net developable land as freely accessible public open space, with the majority of this as dedicated RE1 zoned land. Open spaces should align with local council open space plans. If the local open space strategy does not consider

open space appropriate on a site, the proponent will need to look for opportunities to provide connectivity and contribute to nearby open spaces (page A11).

The issues with the proposed design criteria are:

- The proposed design criteria and supporting diagrams relate to greenfield sites where there are no existing road networks and development to impede the delivery of public open space, mid-block connections and urban tree canopy. The Draft Urban Design Guide does not provide guidance on how Council is to achieve the same design criteria in established urban areas, other than to consider alternative design solutions. This approach will be open to various interpretations and will take greater time and resources of Council to resolve during the pre-lodgment and assessment stages.
- The design criteria are not supported by legal mechanisms to fund the delivery of land for public purposes. The Draft SEPP and Draft Regulation should establish appropriate legal / funding mechanisms to resolve how to deliver the public open space, mid-block connections and through-site links when preparing zoning changes or determining development applications.

3. Provide prescriptive controls rather than merit controls

The Draft SEPP (clause 24, page 12 and clause 30, page 14) requires Council to apply the design criteria in the Draft Urban Design Guide and Draft Apartment Design Guide flexibly and to consider alternative solutions if these result in a neutral or better design outcome than meeting the design criteria.

The issue is the shift to more 'flexible' design solutions will take greater time and resources of Council to consider during the pre-lodgment and assessment stages. This will make it difficult for Council to assess applications within the mandated assessment timeframes, such as the deemed refusal 40 days assessment period for development applications under the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*. If Council does not meet this expectation, the Minister for Planning may appoint a planning administrator or regional panel to exercise Council's functions.

To address this issue, the preferred option is to retain the existing prescriptive design controls of the Apartment Design Guide and apply prescriptive controls in the Urban Design Guide. Complying with the mandated assessment timeframes will only work if there are strong prescriptive design controls in place for rezoning applications and development applications.

However, if the intent of the Draft SEPP is to allow more 'flexible' design solutions, the Department should equally be 'flexible' on the mandated assessment timeframes and provide financial support to Council to conduct detailed and ongoing urban design training sessions for Councillors and Council staff.

4. Allow Council to constitute its design review panel and determine the membership, procedures, fees and thresholds

The Draft SEPP (Part 4, page 16) proposes to mandate design review panels. The Draft Regulation (Part 16B, page 11) proposes to make the Minister for Planning the responsible authority to:

- Determine the fees to refer applications to a panel meeting (clause 248)
- Constitute a design review panel for a local government area, and abolish the panel at any time and for any reason (clause 268B)
- Appoint the Chairperson and panel members (clause 268C)
- Determine the term of panel members (Schedule 7(1))
- Appoint alternate panel members (Schedule 7(2))
- Determine the procedures to conduct panel meetings (Schedule 7(4)).

Council does not support this proposal as it has invested significant resources to establishing its design review panel in accordance with *Connective City 2036*. The Draft Regulation does not acknowledge the substantial body of work this Council and others have put into establishing its design review panel. A 'one size fits all' approach also does not consider local circumstances, such as Council's operational costs and administrative resources.

Council should be able to continue to operate its existing design review panel, and to determine the membership, procedures, fees and thresholds. The Draft SEPP, Draft Regulation and Draft Design Review Panel Manual need to ensure that Council's effective design processes can continue.

5. Amend the Draft SEPP and supporting guides to ensure greater clarity and consistency

The submission recommends the following key amendments to ensure greater clarity and consistency in the application of the proposed provisions:

Draft SEPP

- Remove reference to '*flexibly*' apply the Draft Urban Design Guide (clause 24) and Draft Apartment Design Guide (clause 30) as it would mean that no part of the Draft Guides can be applied with consistent effect.
- Define how an alternative solution would achieve a '*neutral or more beneficial outcome*' than meeting the design criteria (clauses 24 and 30).
- Require Council to be satisfied that design verification statements and design review reports achieve the Draft SEPP's objectives, rather than consider (clause 36).
- Include as a consideration the impact of sites facilities (such as utilities, building services, substations and waste storage areas) on the streetscape.

Draft Urban Design Guide

- Require complying development to meet the canopy tree targets (Objective 10, page 50), otherwise the Codes SEPP will undermine any opportunity for Council to achieve the target through the rezoning or development assessment process.
- Ensure the proposed street designs (Objective 13, page 66) comply with Council's minimum carriageway widths and other engineering standards.

Draft Apartment Design Guide

- Ensure the minimum floor-to-floor heights (page 18) and floor-to-ceiling heights (page 52) are consistent.
 - Review the minimum apartments sizes to meet additional bedroom and study demands, particularly as more people are working from home (page 52).
 - Confirm whether wintergardens are included in the calculation of floor space ratios (page 59).
 - Locate storage areas within apartments rather than in storage cages outside of apartments (page 59).
 - Provide design criteria for architectural roof features, as permitted under clause 5.6 of the Standard Instrument LEP (page 81).
6. Regarding accessible dwellings, require at least 20% of new dwellings in apartments to achieve the Silver Standard and a further 20% of new dwellings to achieve the Gold Standard

The Draft Apartment Design Guide proposes to provide a minimum of 20 per cent of apartments that incorporate the Livable Housing Design Guidelines' Silver Level universal design features (page 49). The issue is the Draft Apartment Design Guide proposes to apply lower targets compared to Council's livable housing targets.

In 2019, Council consulted the community, industry, social housing providers, aged care providers and state agencies to discuss options on how Council may proceed to address future demand for livable housing. In summary, most respondents supported the application of the Livable Housing Design Guidelines.

In 2020, Council decided to move from the Adaptable Housing Australian Standard to the Livable Housing Design Guidelines by requiring at least 20% of new dwellings in apartments and shop top housing to achieve the Silver Standard and further 20% of new dwellings to achieve the Gold Standard.

The submission recommends that development achieve the Draft SEPP or Council's livable housing targets, whichever is higher.

7. Limit the consideration of Country to State significant development until the Department finalises the Draft *Connecting with Country* framework

The Draft Ministerial Direction (clause 5(c)), Draft Urban Design Guide (page 13) and Draft Apartment Design Guide (page 13) propose to require rezoning applications and development applications to demonstrate how proposals respond to Country and how proposals have been informed by contributions from Aboriginal stakeholders of the land.

The issue is the Draft SEPP and supporting guides propose an inconsistent approach to the consideration of Country. The Draft SEPP (page 9) proposes to limit the consideration of Country to State significant development to which the Urban Design Guide applies. However, the Draft Ministerial Direction, Draft Urban Design Guide and Draft Apartment Design Guide propose to apply the consideration of Country to rezoning applications and development applications.

To address this issue, the preferred option is to limit the consideration of Country to State significant development to which the Urban Design Guide applies, consistent with the Draft SEPP. This will give time for the Department to finalise the Draft *Connecting with Country* framework to apply to rezoning applications. Development applications should not be required to consider Country as this would duplicate the research and engagement undertaken at the rezoning stage.

8. Ensure the higher BASIX standards are clear and concise

The Draft SEPP proposes to improve sustainability performance by updating the BASIX Tool for residential development, and applying non-residential sustainability targets for energy, water and electric vehicle readiness.

The submission seeks clarification on the building design and technological changes that would be required to meet the new targets, and to ensure the selection of materials considers durability and maintenance needs.

Next Steps

Should Council endorse the submission, it will be forwarded to the Department for consideration. The Draft SEPP is expected to come into force in late 2022.

ITEM 5.3 Planning Proposal for 445-459 Canterbury Road, Campsie

AUTHOR Planning

PURPOSE AND BACKGROUND

This report seeks Council support to amend the floor space and height of building provisions of the draft Consolidated Canterbury Bankstown LEP for the property at 445-459 Canterbury Road, Campsie and progress a Planning Proposal for Gateway consideration. This Planning Proposal relates specifically to a Private Hospital use.

ISSUE

Council has received an application to prepare a Planning Proposal for the site at 445-459 Canterbury Road, Campsie. The site currently comprises low scale commercial premises including retail shops and a motor vehicle repair business. The application seeks to increase the maximum height of building control from 12m to 45.5m to facilitate the redevelopment of the site for the purposes of a part 10 and 11 storey private hospital with 218 beds, eight operating theatres, and five levels of basement car parking. The summary of the current, original and revised planning proposal is provided in the table below.

	Current controls	Proponent's Original Planning Proposal	Proposed controls (this report)
Zone	B6 Enterprise Corridor Zone	B6 Enterprise Corridor Zone	B6 Enterprise Corridor Zone
Maximum Floor Space Ratio	None applicable	Not proposed	5.1:1 for hospital use only
Maximum Building Height	12m	56m	44.1-45.5m

The application would facilitate the redevelopment of the site for a new private hospital that will have significant positive social, economic and health related benefits. The development has a total Capital Investment Value of \$125 million. Approximately 453 Full Time Equivalent staff will be employed once operational and the private hospital will provide health services to support the nearby Canterbury Public Hospital including provision of health services not offered at the existing public hospital. At present there are no private hospitals in the Canterbury Bankstown LGA and there is strong demand for such health facilities to operate within the LGA. Currently, residents must travel outside of the LGA to access health services offered by private hospitals.

The application is consistent with the Council's Local Strategic Planning Statement: Connective City 2036 and Draft Campsie Town Centre Master Plan which both seek to establish an Eastern Lifestyle and Medical Precinct along Canterbury Road, anchored by Canterbury Hospital. The application is also consistent with the draft Master Plan which proposes a 10 storey height control for the site and acknowledges that the application for the site can proceed separately

from the draft Master Plan given the importance and specialised nature of the proposal being a hospital to anchor the health precinct and to help catalyse other health related development within the precinct.

The application is supported by a Letter of Offer which outlines the proponent's in-principle commitment to dedicate part of the site as a through site link to facilitate the delivery of a new rear lane, new pocket park, public art, contribution towards the design and construction of a new cycleway in Campsie and pedestrian and public domain improvements in the vicinity of the site to improve access for users of the site in the future. The application includes provision of a nine metre wide laneway along the rear of the site to provide vehicle access to the future private hospital on the site and would remove vehicle access to the site from Canterbury Road.

A detailed assessment of the application indicates that there is strategic and site-specific merit to proceed to the next step in the plan making process and seek Gateway approval from the Department of Planning and Environment (the Department) subject to undertaking further analysis with regard to traffic, stormwater and flooding management and site contamination. Council will prepare a site-specific Development Control Plan (DCP) that will set out the detailed planning and development controls for the site and would be exhibited concurrently with the Planning Proposal.

Council and Transport for NSW have reviewed the traffic implications of the proposal and proposed traffic management measures put forward by the applicant to help minimise traffic congestion along Canterbury Road and surrounding streets. Some additional information and further consultation with TfNSW is required and can be carried out during the formal exhibition period of the application subject to the Department issuing a Gateway Determination.

The Canterbury Bankstown Local Planning Panel considered Council's assessment report at a public meeting on 15 December 2021 and endorsed the recommendation to proceed to Gateway. The Local Planning Panel's recommendations have informed the recommendations presented to Council in this report.

RECOMMENDATION That -

1. The application to amend the draft Canterbury Bankstown Local Environmental Plan proceed to Gateway subject to:
 - (a) Inclusion of a site-specific LEP clause in Part 6 'Additional Local Provisions' that permits the following:
 - a. A maximum building height of 44.1m to Canterbury Road only where the use of the land is a hospital use. The clause will include minimum setbacks for rooftop mechanical plant to maintain solar access to surrounding properties. Due to the site's topography, the clause will also stipulate a maximum building height of 45.5m when measured from the northern side of the site from the future rear lane, inclusive of rooftop mechanical plant
 - b. A maximum Floor Space Ratio (FSR) of 5.1:1 to apply for hospital uses only noting that the final wording of the site specific LEP clause be drafted to avoid any conflict with the operation of any other clauses in the LEP about the application and calculation of the mapped or non-mapped FSR for the site.
 - c. Stipulate minimum setbacks for the building as measured from the Canterbury Road boundary and other site boundaries to maintain solar access to the surrounding properties.

- d. Include objectives that must be considered in the proposed Local Provision clause as follows:
 - To encourage the development of a hospital to enhance the delivery of health services to the local community.
 - To ensure that the development is compatible with surrounding land uses and site constraints and maintains acceptable solar access to future residential development along Canterbury Road.
- (b) Prior to public exhibition occurring the following additional information is submitted by the applicant:
 - i. Draft site specific DCP controls that are supported by modelling to protect solar access to future residential apartments on the southern side of Canterbury Road. This is to include controls for minimum building setback and maximum mechanical plant height.
 - ii. A NSW Environment Protection Authority accredited Site Auditor to verify the methodology and conclusions of the draft RAP.
 - iii. Additional traffic modelling and other supporting information to address issues raised by Transport for NSW and Council in relation to the Planning Proposal.
- 2. Council prepare a site specific DCP Amendment as outlined in Section 4 of this report and exhibit the DCP Amendment concurrently with the Planning Proposal.
- 3. A draft Planning Agreement be prepared and exhibit alongside the Planning Proposal, subject to the following:
 - i. Agreement being reached by the applicant and Council on an active transport/cycleway contribution, open space contribution, and accurate costing for pedestrian and traffic management measures prior to the matter being considered by Council.
 - ii. Development contributions under s7.11 or s7.12 being payable in full in addition to any public benefit offer, consistent with Council's Planning Agreement Policy.
- 4. The applicant updating the supporting studies prior to exhibition to reflect the amendments to the Planning Proposal since lodgement (incl. reduced building height from 56m to 44.1m and 45.5m, maximum Floor Space Ratio of 5.1:1).
- 5. Subject to the issue of a Gateway Determination, Council exhibit the Planning Proposal, draft site specific DCP and draft Planning Agreement and the matter be reported to Council following the exhibition.
- 6. Council seek authority from the Department of Planning, Infrastructure and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

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

- A. Attachment A - Canterbury Bankstown Local Planning Panel Report (CBLPP) and Attachments.
- B. Attachment B - Minutes of CBLPP Meeting dated 15 December 2021

POLICY IMPACT

Council's adopted Local Strategic Planning Statement (LSPS) – 'Connective City 2036' guides the future growth and development of the City of Canterbury Bankstown to 2036. This Planning Proposal is consistent with the LSPS vision of Campsie as a Strategic Centre and supporting the development of the Eastern Lifestyle and Medical Precinct through social infrastructure capital investment and would contribute 453 jobs to the 2,700 target established in the draft Campsie Master Plan.

The draft Campsie Master Plan acknowledges the need for this Planning Proposal to be submitted and considered separately, given the important and specialised nature of the proposal.

FINANCIAL IMPACT

There is no financial impact to Council as a result of this proposal.

A formal Letter of Offer has been submitted by the applicant identifying a number of items that would be funded or undertaken as works in kind by the applicant through a planning agreement. The infrastructure upgrades proposed will be delivered through the planning agreement as outlined in this report in addition to ordinary conditions of any development approval.

In principle, Council and the applicant agree on suite of benefits required to be delivered along-side the proposal. The monetary contributions for a cycleway, open space acquisition and costing for pedestrian and traffic management measures would need to be settled for insertion into a planning agreement prior to exhibition.

Works to be delivered and monetary contributions identified through the planning agreement would be in addition to ordinary section 7.11 or 7.12 development contributions.

COMMUNITY IMPACT

There are currently no private hospitals within Canterbury Bankstown Local Government Area (LGA). This application will enable the delivery of a new private hospital on the site that aligns with the strategic vision set out in Council's LSPS and Draft Campsie Town Centre Master Plan (draft Master Plan). The proposal will deliver a number of positive social, economic and health related benefits to the surrounding community and broader city. The proposal will generate around 453 direct FTE jobs once operational and act as a catalyst for future investment in health and allied services in Campsie, particularly along Canterbury Road and close to the Canterbury Hospital.

A private hospital in this location has the potential to complement existing and future services provided at Canterbury Hospital, and enhance the proximity and range of health services available to the Canterbury Bankstown community. The co-location of a public and private hospital within the same precinct creates opportunities for further growth in the allied health, medical and therapeutic sectors, helping to support local, specialised jobs for the local community.

The proposed site specific LEP clause, coupled with a site specific Development Control Plan, will ensure the height is reflective of the site and its constraints, is compatible with the

Council's strategic vision for this area of Campsie and takes into careful consideration the amenity of surrounding land uses.

The Planning Proposal includes a Letter of Offer that will include provision of public domain upgrades around the site to improve access for pedestrians including dedication of the site frontage to provide a wider footpath along Canterbury Road, a new pedestrian through site link, delivery of public art and a monetary contribution towards delivery of a future cycleway in Campsie. Other inclusions are the provision of a small pocket park and landscaping in the northern side of the site with an easement to be imposed to allow public access and use in perpetuity (subject to a Planning Agreement).

DETAILED INFORMATION

1. SITE DESCRIPTION

The subject site (site) at 445-459 Canterbury Road, Campsie comprises the following properties as shown in **Figure 1** and Table 1.

Table 1: Subject site details

Property Address	Property Description	Current Zone	Site Area
445-459 Canterbury Road, Campsie	Lot 3 DP 337683 Lot A DP 355656 Lot B DP 355656 Lot A DP 416123 Lot B DP 416123 Lot 15 DP 3995 Lot A DP 391661 Lot B DP 391661 Lot 13 DP 3995	B6 Enterprise Corridor Zone	4,414m ²

The site has a frontage of 86m to Canterbury Road, a 60m frontage to Stanley Street to the east and slopes down 2.5m from Canterbury Road to the north west of the site. Existing development on the site includes a single storey commercial development with three commercial tenancies fronting Canterbury Road and a vehicle repair station is located on the site's Stanley Street frontage. Each tenancy has associated at-grade car parking.

The site currently has six vehicle access points in total, with four along the Canterbury Road frontage and two along the Stanley Street frontage.

Figure 1: Site Map



The site is located on the Canterbury Road corridor, 130m to the east of Beamish Street and 800m to the south of Campsie railway station and future Metro Station. The site is well serviced by bus services with a bus stop located on the site's frontage to Canterbury Road that provide services to Balmain, Leichhardt, Canterbury and Rockdale.

Photo 1: *The site frontage to Canterbury Road*



2. PROPOSAL

2.1 Description of Proposal

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

- Part 10 and 11 storey building envelope providing with a total of 218 beds and eight operating theatres and a total Gross Floor Area of approximately 22,478m² comprising the following elements:
 - 650m² of ancillary retail/café.
 - 1,350m² of allied health, ambulatory care and medical retail (e.g. pharmacy).
 - 3,000m² of medical office space.
 - Five level basement car park with 382 car parking spaces.
 - Servicing area accommodating four loading bays.
 - Hospital front and back of house areas.
 - Drop-off/pick-up porte cochere off the future rear lane.
- Provision of a nine (9) metre wide public lane along the rear of the site which will serve as the only vehicle access point to the future private hospital for staff, patients, emergency and service vehicles. The lane will also be the first segment of a future lane that will run between Stanley Street and Una Street to the east as identified by Council's draft Campsie Master Plan.
- A maximum building height of 44.1m to Canterbury Road. This maximum height includes 4.6m of rooftop mechanical plant. A maximum building height of 45.5m will apply when measured on the northern side from the future rear lane accounting for the slope of the land.
- Provision of a small pocket park in the north western corner of the site (approx. 205m²).
- Provision of landscaping along the northern, western and southern sides of the site (20% site area as deep soil planting), 15% tree canopy cover (678m²) and approximately 13 new street trees to Canterbury Road and Stanley Street.

Figure 2: Applicant's render of the concept development for the site, view looking north east from Canterbury Road



Figure 3: Applicant's development concept scheme

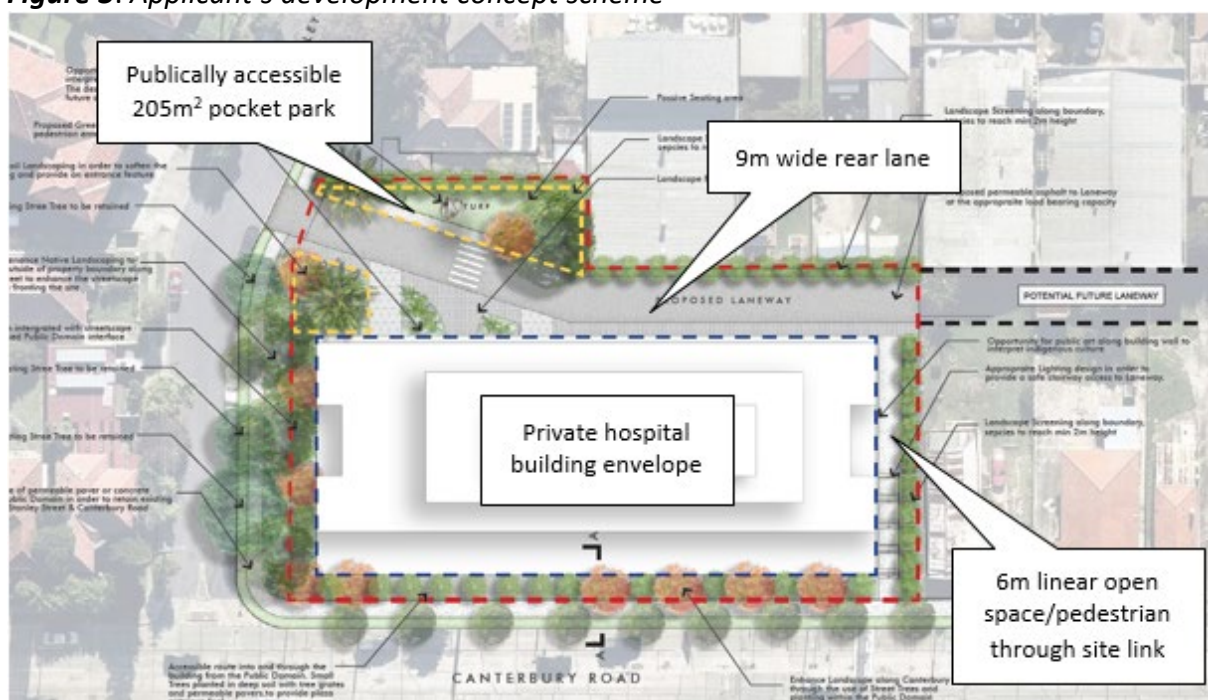


Table 2: Description of proposed LEP amendments – proposed provisions and intended outcomes

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes
New Clause 6.XX in Part 6 - 'Additional Local	Amend the draft CBLEP to include a new 'Additional Local Provision' 6.XX 'Hospital development on 445-459 Canterbury Road, Campsie' clause (clause number to be confirmed at time of drafting).

Proposed LEP Amendment	Explanation of proposed provisions and intended outcomes
Provisions' – setting maximum building height for hospital uses	<p>The intent of the new 'Additional Local Provisions' clause in Part 6 will be as follows:</p> <ul style="list-style-type: none"> • Development for the purpose of a hospital may have a maximum building height of: <ul style="list-style-type: none"> ○ 44.1m when measured from Canterbury Road frontage. ○ 45.5m when measured from the future rear laneway along the northern side of the site. • A maximum FSR of 5.1:1 will apply for hospital development on the site. • Stipulate minimum setbacks for the building as measured from the Canterbury Road boundary and other site boundaries to maintain solar access to the surrounding properties. • Include objectives in the proposed Local Provision clause as follows: <ul style="list-style-type: none"> ○ To encourage the development of a hospital to enhance the delivery of health services to the local community. ○ To ensure that the development is sensitive to surrounding land uses and site constraints and maintains acceptable solar access to future residential development along Canterbury Road.

Since lodgement of the application, Council has progressed finalisation of the draft Consolidated Canterbury Bankstown Local Environmental Plan (draft CBLEP) which has been publicly exhibited and is with the Department for finalising. Because the draft CBLEP has not become effective, to avoid any doubt, any reference to amending the draft CBLEP should be taken to be an amendment to the current Canterbury Local Environmental Plan 2012, as long as it remains effective (CLEP 2012).

Public Benefit Offer

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

In principle Council agrees with the items included on the Letter of Offer, however Council and the applicant are yet to reach agreement on the amount of the monetary contribution for selected infrastructure items proposed. It is Council's intention to negotiate with the applicant on these matters further as part of the preparation of a draft Planning Agreement to be agreed upon by Council and the applicant for public exhibition concurrently with the Planning Proposal.

It should be noted that Item 11 (below) in the applicant's Letter of Offer refers to road works and traffic management measures which would ordinarily be included as part of the detailed design process of a Development Application and required through conditions of consent and should not be reflected in a Planning Agreement.

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

Item No.	Description	Estimated Value
1.	Dedication up to 3.5m of land along the site frontage with Canterbury Road	Value to be confirmed
2.	Dedication of up to 6m of land along the eastern boundary for the purposes of a future pedestrian through site link	Value to be confirmed
3.	Dedication of land to provide a laneway of 9m width from Stanley Street to the eastern site boundary	Value to be confirmed
4.	HPG to ensure provision and maintenance of a small pocket park (minimum 205m ²) and landscaping on the north-west side of the private hospital site with an easement to be created to allow public access and use in perpetuity	Value to be confirmed
5.	A proportionate contribution to the provision of a cycleway from the site to the Cooks River, with the final amount to be discussed and agreed with Council. Subject to Council's agreement, the indicative route would be via Stanley Street – Unara Street – Duke Street – Redman Street – Wonga Street – Warrigal Street – Phillips Avenue and onto the path through Tasker Park to the Cooks River cycleway	\$25,000
6.	Works to install a new kerb pram ramp on Stanley Street, crossing Perry Street	Works in kind
7.	Upgrade of pedestrian crossing facilities on Stanley Street and Una Street (Zebra-type crossings) near Canterbury Road.	Works in kind
8.	New pedestrian crossing facilities at on Unara Street near Beamish Street and on Stanley Street near Unara Street (Zebra-type crossings).	Works in kind
9.	Provision of public art on the site, including public art to the new pocket park in the north west corner of the site and in the pedestrian through site link on the eastern side of the site.	\$150,000
10.	<p>A monetary contribution made to Council to assist with the acquisition of 80 Duke Street, Campsie (private property) to create a new public park.</p> <p>The landowner (HPG) is also agreeable to the proposal providing terraces and/or rooftop access to amenity spaces for passive recreation for visitors, staff and patients as part of the overall open space provided on site.</p>	\$75,000 (approx. 5% of the value of 80 Duke Street)
11.	A monetary contribution capped at \$300,000 to traffic management works as identified in the TTPP Report submitted to Council in August 2021, such as new traffic signals, traffic signage, lighting, traffic median strips, kerbs etc. required along Canterbury Road and adjoining streets in accordance with TfNSW and Council requirements.	Applicant's estimated value \$300,000 – Council notes the traffic management works would ordinarily be required as conditions of consent

	<p>This contribution can also be used to provide new or upgraded bus stops in close proximity to the new hospital site.</p>	<p>as part of the future Development Application. The Applicant would be required to pay the full cost of these works.</p> <p>The contribution towards new or upgraded bus stops is considered a public benefit.</p>
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Site Specific Development Control Plan

A site-specific draft Development Control Plan (DCP) has not been submitted by the applicant as part of the Planning Proposal application. It is intended that the draft DCP will be prepared by Council and made available for public comment concurrently with the Planning Proposal.

State Significant Development Application

On 13 August 2020, the Department issued the Secretary's Environmental Assessment Requirements (SEARs) for the site to facilitate a State Significant Development Application (SSDA) for *"Demolition of existing structures and construction of a new 11 storey private hospital which will provide essential services including emergency and intensive care."*

The SSDA has yet to be exhibited by the Department and cannot be determined until the proposed LEP Amendment is finalised.

Any future SSDA for a private hospital will be required to comply with the maximum building height and FSR applicable to the site. Future development at the site will be guided by the site specific DCP to ensure development outcomes sought by Council for the site are delivered and Council will have an opportunity to provide comments on the future SSDA during the formal exhibition period. To ensure solar access is maintained to the surrounding properties as part of the SSDA process, it is proposed to include minimum setbacks for the hospital building to Canterbury Road as part of the site specific LEP clause.

2.2 Canterbury Bankstown Local Planning Panel

In accordance with the Minister for Planning's *Local Planning Panels Direction* for Planning Proposals, the Local Planning Panel considered Council's assessment report and planning proposal on 15 December 2021 to provide advice to Council whether the matter should proceed to Gateway. The Panel's recommendations, as provided in Attachment B, are:

"That the application to amend the proposed changes to the Canterbury Bankstown Local Environmental Plan 2021 proceed to Gateway, subject to the following amendments

- (a) Amend 1.(a) b to read "A maximum Floor Space Ratio (FSR) of 5.1:1 to apply for hospital uses only (noting that the final wording of the site specific LEP clause be drafted to*

avoid any conflict with the operation of any other clauses in the LEP about the application and calculation of the mapped or non mapped FSR for the site)”

(b) Insert in 1. (a) d. on the first line after the word “objectives” the words “that must be considered”.

In considering the Panel’s comments, it is proposed to proceed with the proposal and incorporate the Panel’s recommendations to this report.

The majority of the Panel agreed with the Council’s assessment and that the proposal does present strategic merit as it would among other things, provide new jobs and health infrastructure within Campsie and assist with achieving Council’s LSPS vision for Campsie as a health and lifestyle precinct. Moreover, the Panel identified that the site could be considered for development as a hospital independently of the draft Master Plan especially given the lack of private hospital facilities in the Canterbury area.

The Panel notes the matters raised by those who addressed the Panel about the height and consistency with the Campsie Town Centre Master Plan. The separate development of this site as a hospital is contemplated in the Master Plan which provides for height and density uplift and envisages medical uses for this area. The Panel accepts the strategic planning work carried out to date and supports the heights being contemplated for the hospital.

2.3 Further Information and Analysis Required before Public Exhibition

Should Council resolve to proceed with a Planning Proposal, this report and the assessment at Attachment A identifies the need for the following information to be provided prior to public exhibition:

- Draft site specific DCP controls that are supported by modelling to protect solar access to residential apartments on the southern side of Canterbury Road. This is to include controls for minimum building setback and maximum mechanical plant height.
- A NSW Environment Protection Authority accredited Site Auditor to verify the methodology and conclusions of the draft RAP.
- Additional traffic modelling and other supporting information to address issues raised by Transport for NSW and Council in relation to the Planning Proposal.
- Agreement being reached between the applicant and Council on the following matters to be included in the Planning Agreement to be exhibited concurrently with the Planning Proposal and site specific DCP:
 - Monetary contributions for the active transport/cycleway and open space contribution
 - Estimate of construction costs, including concept plans, for pedestrian and traffic management measures included in the Letter of Offer, and
 - Development contributions under s7.11 and s7.12 being payable in full in addition to any public benefit offer, consistent with Council’s Planning Agreement Policy.
- The applicant updating the supporting studies prior to exhibition to reflect the amendments to the Planning Proposal since lodgement (incl. reduced building height from 56m to 44.1m and 45.5m, maximum Floor Space Ratio of 5.1:1).

3. COMMUNITY SUBMISSIONS

Community interest has been expressed in relation to this proposal with eight written submissions being received by Council in response to the Local Planning Panel meeting. The key issues raised are addressed in Table 4.

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

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

Table 4: Summary of key issues raised in public submissions in response to Local Planning Panel

Issue	Council response
Proposal is not consistent with LSPS because the draft Master Plan has not been adopted by Council	<p>The proposal is consistent with the LSPS vision for this part of Campsie to be developed into a new health and medical precinct.</p> <p>The proposal has been assessed with consideration of the draft Master Plan and is proceeding concurrently with the draft Master Plan. The proposal has been assessed on its own merits and this is recognised within the draft Master Plan as a site that would support health and medical related uses, however it is acknowledged that given the important and specialised nature of a hospital proposal, a separate Planning Proposal is warranted. The proposal is consistent with the scale of development on the site (10 storeys).</p>
Noise impacts	<p>A preliminary acoustic report has been submitted by the applicant and reviewed by Council. The preliminary report provides details on potential noise generated by the future operation of a hospital on the site could these impacts could be managed.</p> <p>The operational impacts relating to noise and other emissions are a detailed design issue resolved at the DA stage. An acoustic report will be submitted with a future DA which will be exhibited and will detail the required mitigation and management measures.</p>
Solar access impact on current properties	<p>The draft Campsie Master Plan proposes increased height and FSR for properties along the southern side of Canterbury Road, including the submitter's property to facilitate residential apartment development up to 6 storeys. The existing dwellings directly opposite the site are single storey detached dwellings. In accordance with the approach taken for the draft Master Plan, the height and consequential solar access impacts are considered appropriate based on the uplift that will occur on land surrounding the site proposed under the Campsie Master Plan.</p>

Issue	Council response
	This detailed design issue would be considered at the DA stage including an assessment under Council's DCP controls for solar access.
Excessive height and density	<p>The proposed FSR of 5.1:1 applies only to a hospital use in recognition of the significant positive impact that medical and health services will have on the site, Campsie and the Local Government Area.</p> <p>The proposed building height reflects the maximum height envisaged under draft Master Plan to Canterbury Road of 10 storeys. The proposal includes use of the lower ground level to include a part 11 storey height on the northern side of the building which was not envisaged in the draft Master Plan, however has been demonstrated to not adversely impact solar access to the surrounding properties and is therefore supported by Council.</p> <p>The proposed new LEP clause under Part 6 will include objectives, height, FSR and setback requirements for future hospital development on the site to ensure an acceptable building outcome occurs as part of the future DA process. A site specific DCP will also be prepared to ensure design quality must be demonstrated.</p>
Proposal not required due to existing public hospital	Private hospitals serve an important role in health infrastructure in NSW and complement the public hospital system. NSW Health has provided in principle support to the proposal and considers the proposal has the ability to assist with reducing waiting list times for certain medical procedures that are typically offered in private hospitals.
Lack of green space/public open space	The Letter of Offer includes provision of a pocket park and rooftop areas on the site and contribution towards acquiring a property in Duke Street for open space needs. The proposal will result in a net increase in public open space on the site and in the locality.
Impact on Canterbury Road surface due to additional vehicle movements	The general maintenance of the roadway is managed by TfNSW. Council has consulted with TfNSW early in the Planning Proposal process and will engage with TfNSW as part of the future formal exhibition post-Gateway.
Need to invest in local public hospital	<p>Proposal does not take money from the public hospital system as it is entirely privately funded. The State Government is responsible for funding of the public hospital system and initial comments from NSW Health indicates their support for the proposal as it may assist with alleviating waiting list time for elective and other health services offered by a future private hospital on the site.</p> <p>Council strongly supports and will continue to advocate for investment and growth of Canterbury Hospital and this been reflected in Campsie Master Plan.</p>

Issue	Council response
Car parking impacts and traffic congestion	The concept proposal accommodates all car parking on the site. In principle support from TfNSW has been obtained on the traffic management measures and the details to be worked through in post-Gateway/DA stages.

4. ASSESSMENT OF KEY ISSUES

Overview

In relation to the proposed amendments to the draft CBLEP, Council's assessment findings detailed below (in the draft Planning Proposal at Attachment A to the Local Planning Panel report) indicate the application has strategic merit as it will:

- Provide a new 218 bed private hospital use on the site that directly aligns with the Council's LSPS intent for an Eastern Lifestyle and Medical Precinct and fills an important gap in health infrastructure where no private hospital currently exists in the Canterbury Bankstown LGA.
- Contribute 453 jobs towards the growth target in the LSPS and South District Plan, specifically knowledge intensive jobs linked to health and medical services.
- NSW Health Local Health District has advised the proposal could assist Canterbury Hospital meet the demand for health services as a result of future projected population growth in the area, in particular elective surgical procedures that are regularly performed in the private sector could ease pressure on the hospital's waitlist.
- Deliver a building envelope that will facilitate a private hospital use and that is sensitive to the adjoining residential, and business zonings.
- Contribution towards establishing new and improved cycling and pedestrian connections within the surrounding area.
- Provide a new publicly accessible pocket park and increase deep soil planting and new street tree planting to contribute towards Council's LSPS tree canopy target of 15% within commercial centres.
- Deliver traffic management and mitigation measures to minimise traffic congestion along Canterbury Road and adjoining streets including the removal of four access points off Canterbury Road.

The strategic and site-specific merit of the proposal is able to be met subject to implementing the recommendations of this report as provided below.

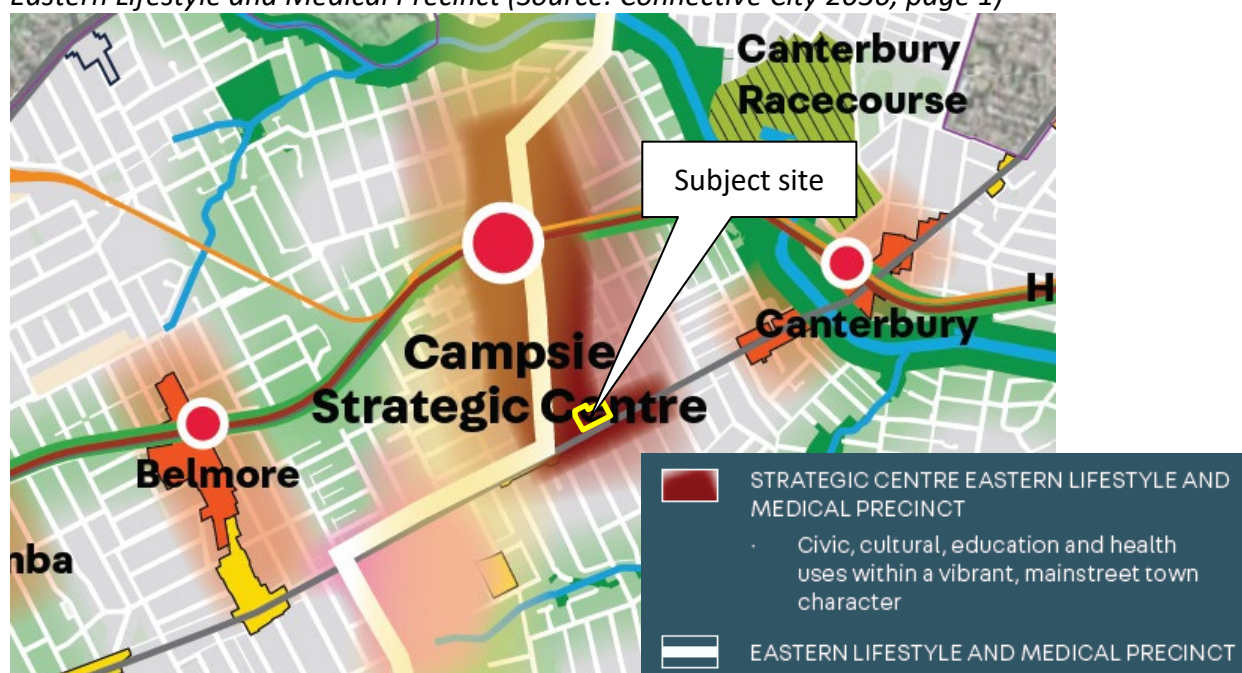
4.1 Consistency with Strategic Planning Framework

4.1.1 Local Strategic Planning Statement

The Planning Proposal is consistent with Council's LSPS and will make an important contribution towards realising the vision for Campsie as an 'Eastern Lifestyle and Medical Precinct' (see Figure 6). The site is strategically located within the Eastern Lifestyle and Medical Precinct and will provide a modern health facility that will improve the community's access to health services and facilities and supports knowledge intensive jobs. The redevelopment of the site facilitated by the Planning Proposal would generate at 453 jobs in health care and related services once operational which contributes around 6% of the total jobs target of 7,500 by 2036.

One of the central components of this vision is optimising and leveraging the existing medical and support services, retail and other commercial services along Canterbury Road to create a cohesive medical precinct. The proposal will facilitate the redevelopment of the subject site into a new private hospital, which will complement the existing Canterbury Hospital and provide further opportunities for medical and allied health services to cluster around Canterbury Road and the Campsie Strategic Centre.

Figure 4: The LSPS 'Connective City 2036' plan showing the location of the site in context of the Eastern Lifestyle and Medical Precinct (Source: Connective City 2036, page 1)



The Planning Proposal will directly contribute towards attaining Council's following key LSPS objectives:

- E3.1.56: Provide capacity for 7,500 jobs in Campsie Town Centre by 2036.
- E3.2.62: Plan for a health precinct that includes urban services anchored by Canterbury Hospital in Campsie.
- E6.2.115: Confirm the role of Campsie as the City's second strategic centre through master planning and precinct planning.
- E9.5.177: Include measures to facilitate low-emission forms of transport (public transport, cycling, walking) in place.

4.1.2 Draft Campsie Town Centre Master Plan

The Draft Campsie Town Centre Master Plan sets the strategic planning basis to amend the planning controls for Campsie Town Centre aimed at facilitating jobs, housing, design quality, sustainability and movement aspirations. The Draft Master Plan has been publicly exhibited and was reported to the Canterbury Bankstown Local Planning Panel in September 2021. In response to the advice received from the Local Planning Panel, Council has commenced further public consultation in February 2022. Following this further consultation, the draft Master Plan will be reported to Council later in 2022 including any amendments to address matters raised in submissions.

The application was submitted prior to the early public engagement of the draft Campsie Master Plan which occurred in April-June 2021. Rather than rolling this Planning Proposal in with the draft Campsie Master Plan Planning Proposal, it is proposed to progress it separately due to the specialised nature of the proposed use and the benefit associated with supporting investment in new health infrastructure in the city. The draft Master Plan notes in relation to this application, that *“Further built form analysis and traffic and transport analysis is required based on the potential for specialised, employment generating land uses on this site, as the Planning Proposal is based on a significantly scaled health services facility, which requires detailed analysis beyond the scope of this master plan.”*

The draft Master Plan recognises the strategic context for the proposal and makes recommendations for this Planning Proposal as set out in the table below. A response to these recommendations is also provided.

Table 5: Response of Planning Proposal to Draft Campsie Town Centre Master Plan recommendations / comments for the site

Draft Master Plan Recommendations / Comments	Response
The Master Plan supports an uplift in density in this location, particularly given its proximity to the Canterbury Road/Beamish Street node and the Campsie Medical Cluster, anchored by Canterbury Hospital.	<p>The draft Master Plan’s support for the proposed FSR and building height uplift on the site is noted. This application seeks to allow for the uplift only for a hospital use of the site.</p> <p>The proposal maintains the 10 storey building height established in the draft Master Plan and has undertaken more detailed solar access modelling and analysis that has shown there is scope to include an additional 4.6m building height that is setback from Canterbury Road without adversely impacting solar access to the future residential apartments on the opposite side of Canterbury Road. This further solar analysis also has shown the lower ground level on the northern side of the future hospital building can accommodate a split level resulting in a part 10 part 11 storey building overall.</p>
Large scale redevelopment of this site has the opportunity to significantly enhance the offering	Noted. The redevelopment of the site facilitated by the application would generate at 453 jobs in health care

Draft Master Plan Recommendations / Comments	Response
of specialised employment in Campsie and has the potential to contribute to the Campsie Medical Cluster.	services once operational which contributes around 6% of the total jobs target of 7,500 by 2036.
This site is currently not subject to an FSR control. Based on testing of an appropriate built form, taking into consideration the current land use and height controls, it is recommended that a maximum FSR of 3:1 be introduced.	<p>The Planning Proposal concept development envisages a total GFA of 22,478m² which equates to a total FSR of approximately 5.1:1. Whilst this is a higher FSR than referred in the draft Master Plan, it is noted that the draft Master Plan identifies the site FSR as being “<i>subject to further testing through a separate Planning Proposal</i>”. To arrive at the proposed FSR, future testing has been undertaken to ensure the future development will have acceptable solar access, building bulk and traffic and transport related impacts on the local area.</p> <p>The proposed 5.1:1 FSR will only apply to development on the site for a hospital use. All non-hospital development on the site will be required to comply with the 3:1 FSR proposed under the draft Master Plan.</p>
The height proposed by the applicant exceeds the recommended Master Plan height and therefore the impacts of taller development on this site, need to be balanced with the potential overshadowing impacts to the southern side of Canterbury Road. This can be resolved best through a standalone Planning Proposal process with detailed design analysis.	<p>The applicant has submitted detailed overshadowing analysis that has been reviewed by Council that demonstrates the future redevelopment of land on the southern side of Canterbury Road will be able to achieve compliance with the solar access requirements in the Apartment Design Guide and SEPP 65 – Design Quality of Residential Apartment Development.</p> <p>The preparation of the site specific DCP will be led by Council and will ensure potential overshadowing impacts to the southern side of Canterbury Road are minimised through appropriate development controls.</p>
It is recommended the B6 Enterprise Corridor zoning be retained on this site.	The application retains the B6 zoning of the site.

The Planning Proposal is consistent with the directions and objectives of the draft Campsie Town Centre Master Plan and will be progressed separately to the Campsie Town Centre Planning Proposal to allow for a more efficient assessment timeframe and to allow for the resolution of site-specific and specialised hospital-related issues relating to building height, traffic and transport management and site contamination.

The draft Master Plan includes proposed controls for the site subject site as shown in Figures 5 to 6.

Figure 5: Campsie Town Centre Master Plan Proposed Height Map showing the 10 storey for the site

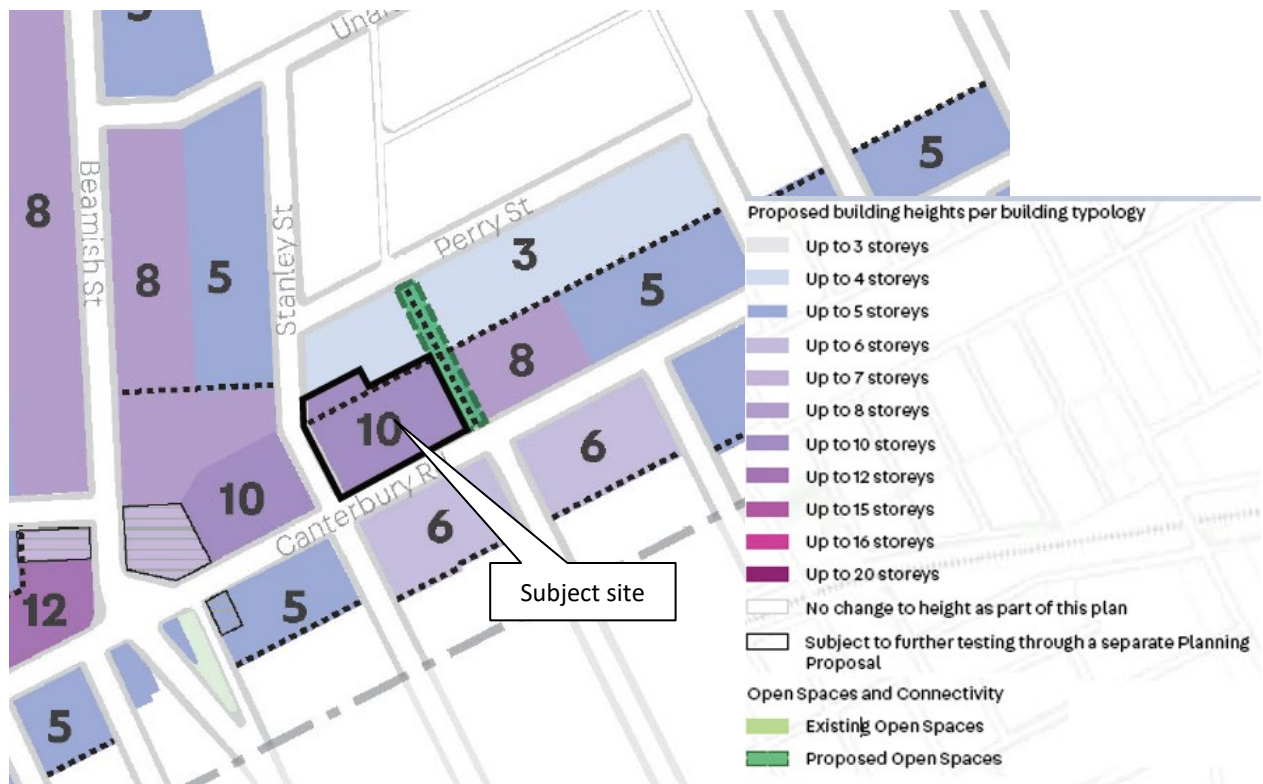


Figure 6: Campsie Town Centre Master Plan Proposed Zoning Map



It is noted that the draft Master Plan separately, and strongly advocates for enhancements to, investment in and growth of the existing Canterbury Hospital.

4.2 Building Height

Solar Access Impacts

The proposal seeks a maximum building height of 44.1m measured from Canterbury Road and 45.5m from the northern side of the site along the future rear laneway to facilitate redevelopment for a private hospital building comprising part 10 and 11 storeys and rooftop mechanical plant. The building height in terms of storeys is generally consistent with the draft Campsie Town Centre Master Plan building height envisaged for the site of 10 storeys to Canterbury Road.

However, the draft Master Plan contemplates floor to floor heights between 3.7m – 4.4m for a commercial development and not the floor to floor heights required by hospital uses which are up to 5m to accommodate building services including mechanical, electrical, fire, hydraulic and medical gasses that typically require an allowance of up to 1.2m in the ceiling space in operating theatres and other hospital spaces requiring high sterile environments including isolation rooms.

The application originally proposed a maximum building height of 56m. Following Council's assessment, the height was reduced to 44.1m fronting Canterbury Road to maintain acceptable solar access to the future development of land to the south of Canterbury Road located at 1-5 Robertson Street and 412-416 Canterbury Road, for six storey residential development (R4 High Density Residential zoned land under the Draft Campsie Town Centre Master Plan).

The further solar access impact analysis prepared by the applicant (an attachment to the CBLPP report held at Attachment A) and reviewed by Council confirms the future residential apartments on the affected properties will receive at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm on 21 June (Winter Solstice).

To ensure planning controls are implemented to preserve the solar access to future residential development on these affected properties it is proposed to apply a site specific clause in Part 6 of the Draft CBLEP to limit the maximum building height and apply setback requirements for the topmost portion of the future development to reflect the solar access modelling that has been undertaken. Further detailed controls on building articulation, street wall heights, and requirement for detailed solar access diagrams and analysis to be submitted as part of future DAs on the site will be included in the site specific DCP to support the LEP clause.

This approach maintains the integrity of the Draft Master Plan vision for the site, provides certainty for the community that only a hospital use will be able to take advantage of the increased building height and will ensure that there is no precedent for increased building heights elsewhere along Canterbury Road for non-hospital uses.

Building Height Control and Building Height Transition

The proposal remains consistent with the objectives of the draft Master Plan in this section of Canterbury Road and will maintain the intention for a transition in building heights stepping down from 'The Entrance' node at the Beamish Street/Canterbury Road intersection which includes building heights of up to 12 storeys.

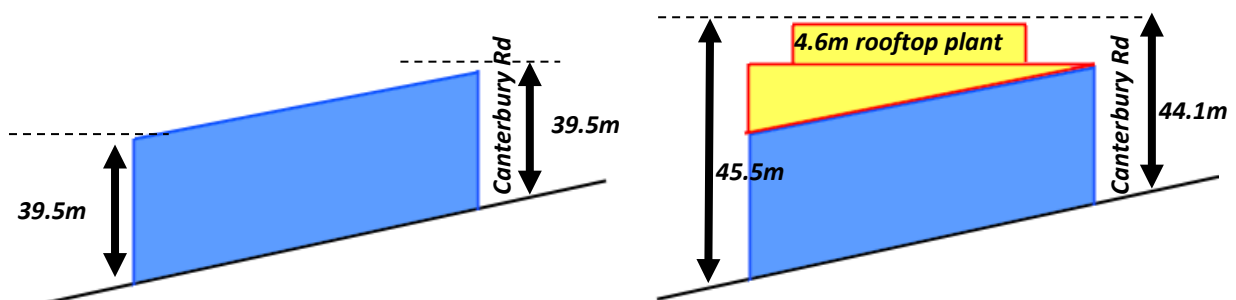
The proposal maintains the 10-storey building height in the draft Master Plan when viewed from Canterbury Road however the taller floor to floor heights and mechanical plant that are requirements of a hospital use. It is intended that the site specific DCP would include minimum building setbacks for a hospital building, as reflected in the applicant's development concept scheme, such as:

- 3.5m setback from Canterbury Road and continuing up to the 8th storey.
- 9.5m setback from Canterbury Road for storeys 9 and 10.
- 6m from eastern boundary.
- 3.5m from Stanley Avenue.
- 9.3m setback from the northern boundary with 34-42 Perry Street, Campsie.
- 21.8m setback from northern boundary with 20 Stanley Street, Campsie.

In addition to setbacks being included in the site specific DCP, it is proposed that the site specific LEP clause includes minimum setbacks for the building as measured from the Canterbury Road boundary and other site boundaries to maintain solar access to the surrounding properties and to minimise building bulk impacts. Inclusion of building setbacks in a LEP clause will provide greater certainty that setbacks are complied with as part of the SSDA process.

Figure 7 below provides a diagrammatic explanation of the intended outcome of this provision in relation to building height.

Figure 7: Illustration of proposed building height control. Left: The building height of 39.5m envisaged under the Draft Campsie Town Centre Master Plan. Right: 'Additional height' above the draft Master Plan recommendations for hospital uses up to 45.5m on the northern side of the site and 44.1m to Canterbury Road side inclusive of rooftop mechanical plant (modelled at 4.6m). The additional height above the draft Master Plan recommendations are shown in yellow.



Proposed Density Control

The applicant's concept development scheme has a total GFA of 22,478m² which equates to an FSR of 5.1:1. The application seeks to therefore include this maximum FSR control to limit the floor area permitted on the site for hospital uses recognising the specialised nature of hospital uses requiring large, unencumbered floor plates and building envelopes compared to other uses permitted in the B6 Enterprise Corridor Zone.

The draft Campsie Town Centre Master Plan recommends a maximum FSR of 3:1 on the current uses for B6 zoning, which does not include a Hospital use. It is envisaged that a future Planning Proposal, separate to this one, will seek to implement the draft Campsie Town Centre Master Plan including a maximum 3:1 FSR on this site for other, non-hospital uses in the B6 zoning.

The site specific LEP controls for a hospital use on the site including a maximum FSR of 5.1:1, together with the building height of 44.1m to Canterbury Road and 45.5m to the northern side of the building will be supported by site specific DCP controls not limited to; building setbacks, building articulation, streetscape and desired future context requirements along Canterbury Road as set out in the Canterbury Road Review and draft Master Plan. It is noted that the maximum FSR is not 'as of right', and any future Development Application must demonstrate how future development on the site does not result in an unreasonable adverse environmental impact on adjoining land and the surrounding area.

4.3 Site Contamination

The draft Remediation Action Plan (RAP) concludes that while some parts of the site contain contaminants from previous uses, the site can be made *"suitable for the proposed land use with no ongoing management"* with the completion of remediation works at the DA stage.

Prior to the use of the land for health services facility purposes, the site is to be remediated based on a final RAP to be provided at the DA stage of the proposal. Based on Council's review of the expert advice within the submitted Detailed Site Investigation, draft Remediation Action Plan (RAP) and Data Gap Investigation reports, it is recommended that a Site Audit Statement and Site Audit Report be provided prior to exhibition of the Planning Proposal to verify the methodology of the reports and the conclusion of the draft RAP.

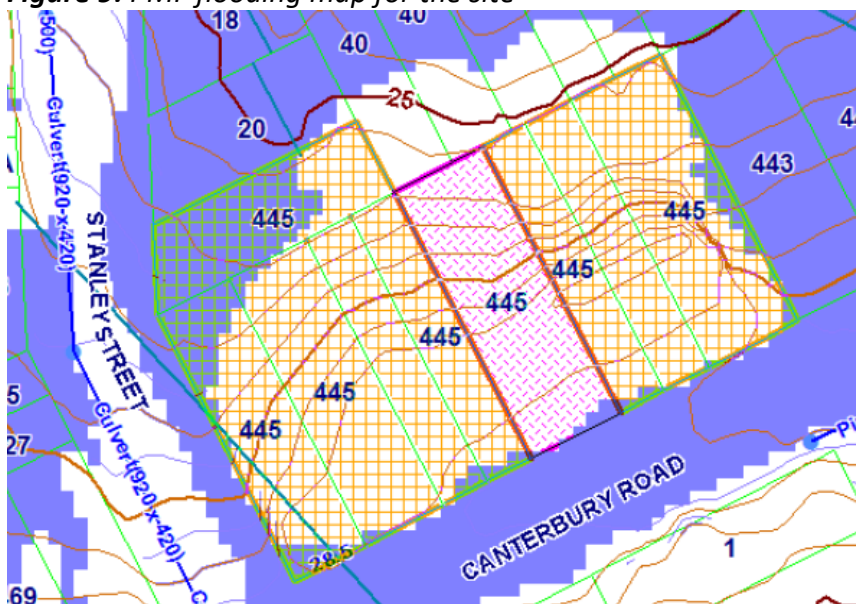
4.4 Flooding

Parts of the site are affected by the 1 in 100 Year Average Recurrence Interval (ARI) and Probable Maximum Flood (PMF) flooding events. The flooding impacts for the 100 Year ARI are isolated to the north western corner of the site, with only minimal flooding impacts modelled flood water depths of 10cm to 30cm, which is a relatively low hazard risk. The PMF impact includes the north western corner, north eastern and south eastern boundaries of the site (refer to **Figure 8** and **Figure 9**).

Figure 8: 1 in 100 Year Average Recurrence Interval map for the site



Figure 9: PMF flooding map for the site



Council's Asset Planning – Stormwater team has reviewed the flooding impact statement submitted by the applicant and confirm that the application satisfies the Ministerial Direction 4.3 – Flooding and provides the following comments:

- Basement car park – Due to the nature of the basement car park with inherent increased risk of entrapment and hazard during flooding, it is recommended that the basement is protected against flooding for events up to the PMF. This includes all potential entry points for water ingress including the main driveway, stairwells and vents.
- Emergency Vehicle Access – Whilst refuge-in-place is noted as the primary means of management during a PMF flood, it is recommended that emergency vehicle access is provided to allow for entry and egress from the site during flooding events up to the PMF. This can take into account the anticipated flooding depths that can be safely traversed by a typical emergency vehicle.

Recognising the low hazard on-site flooding risk, and the minimal area of the site impacted by potential flooding, the above flooding implications raised by Council's Asset Planning – Stormwater team will be addressed prior to exhibition through development controls to be included as part of the site specific DCP.

The site specific DCP will require a detailed flood emergency management plan to be developed as part of any future Development Application on the site.

4.5 Traffic Generation, Vehicle Access and Parking

The applicant's concept development scheme includes a total of five levels of basement car parking with a total of approximately 382 car parking spaces and a servicing area with four loading bays for service vehicles. A covered drop off and pick up area on the northern side of the building, accessed via the proposed rear laneway, will be used by emergency vehicles (ambulance/paramedics) and patients. All vehicle access to the site will be via the future rear lane off Stanley Street. The future development of the site for a private hospital would no longer have direct vehicle access to Canterbury Road which is a regional 'classified road' managed by Transport for NSW (TfNSW).

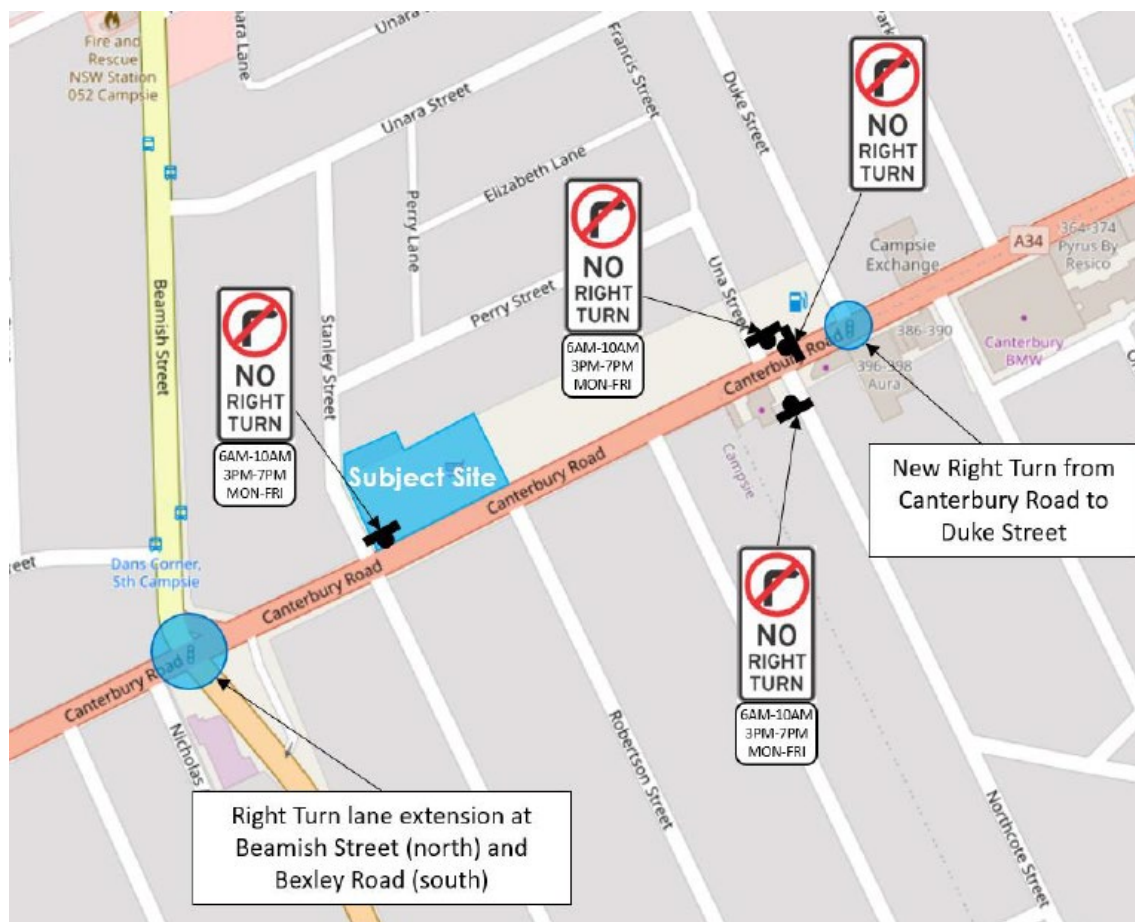
An assessment of the traffic impacts of the proposal has been carried out by Council, an independent review by a traffic consultant engaged by Council and TfNSW. In response to the matters raised in these assessments, a revised traffic impact assessment report and additional traffic modelling was submitted by the applicant in August 2021. The revised traffic information proposes a range of traffic management and congestion mitigation measures to minimise the potential traffic impacts on Canterbury Road and the surrounding streets once the private hospital is operational. The measures are shown in

Figure 10

The traffic modelling results indicate that the proposed management measures would improve overall intersection (Canterbury Road/Northcote Street) performance to an acceptable Level of Service (LoS) at D or better during peak periods which is categorised as acceptable but 'near capacity' with vehicle wait times at the intersection of 43 to 56 seconds. Without these proposed improvements this intersection would operate Level of Service F which is categorised as 'unsatisfactory'. The exception to this would be at the Beamish Street-Bexley Road-Canterbury Road intersection, which would continue to operate at LoS of F for selected movements which is categorised as 'unsatisfactory' with vehicle wait times at the intersection of more than 70 seconds. A key contributor to the current performance of this intersection is the use of Beamish Street as a regional north-south connection.

To alleviate these broader network traffic conditions, including the role of Beamish Street and Canterbury Road as regional traffic routes, the Campsie Masterplan identifies the need to deliver an alternate north/south transport connection. The delivery of the Campsie by-pass will assist in alleviating traffic pressure at a number of intersection points in this precinct and support the intent for Beamish Street to have a more localised traffic function.

Figure 10: Proposed traffic management measures to address traffic implications of the proposal once operational



The proposed traffic management measures outlined above are supported in principle by Council, subject to the following additional work being undertaken prior to exhibition of the Planning Proposal:

- Consultation with residents and businesses within a 500m radius of proposed changes to turning restrictions and traffic signals is to be undertaken, including all residents of Northcote Street.
- The traffic island on Stanley Street at the intersection with Canterbury Road, removed for road maintenance purposes by Council, will be reconstructed by Council in the future to maintain the right turn restrictions from Stanley Street to Canterbury Road, therefore the SIDRA modelling and report is to be updated to reflect this (left-in, left-out only).
- The modelled intersection layout in SIDRA of the Stanley Street/New Laneway is to be provided.
- Traffic volume distribution diagrams are to be included for each scenario showing how traffic has been distributed and reassigned.

TfNSW has reviewed the applicant's proposed traffic management measures and has raised no objection to the application progressing to Gateway subject to some additional work that is required to resolve traffic and vehicle access implications of the proposal prior to exhibition of the Planning Proposal.

This matter is further discussed in Section 8 of the Planning Proposal at Attachment A.

4.6 Public Benefit Offer

Council has received a Letter of Offer from the applicant that details the public benefits and infrastructure that would be delivered as part of the LEP amendment for the site. The Letter of Offer has been informed by Council's assessment of the demands placed on the surrounding infrastructure by the site once fully developed and operating as a private hospital with 218 beds and up to 453 staff.

In principle, Council agrees with the items included on the Letter of Offer as summarised in **Table 3**, however Council notes the traffic management works in Item 11 in the table, would ordinarily be required as conditions of consent as part of the future Development Application. Item 11 includes provision of a bus stop which is accepted by Council and would be approved by TfNSW.

It is Council's intention to further negotiate with the applicant on the quantum of the monetary contributions towards the design and construction of new cycleways and acquiring 80 Duke Street for public open space (items 5 and 10 in **Table 3**) and confirming the contribution of the bus stop in preparation of a draft Planning Agreement to be agreed upon by Council and the applicant for public exhibition concurrently with the Planning Proposal and site specific DCP.

Council has advised the applicant that the offsetting the cost of items on the Letter of Offer and future Planning Agreement from the payment of Section 7.11 or 7.12 Development Contributions is not accepted.

5. OTHER CONSIDERATIONS

Council has assessed this planning proposal against the justification matters outlined in the Department's *Local Environmental Plan Making Guide (December 2021)* and has prepared a draft Planning Proposal (as an attachment to the CBLPP report held at Attachment A). The purpose of the draft Planning Proposal is to demonstrate whether there is justification for a proposal to proceed to Gateway based on consistency with the relevant state environmental planning policies and Ministerial Directions.

A key matter for consideration is management of the likely impacts resulting from the proposal, these are primarily; traffic management and road upgrades, remediation of land and solar access on the surrounding area.

Council's assessment concludes that the proposal presents both strategic and site-specific merit and identifies the need for some further information to be provided prior to exhibition, should Council decide to progress this Planning Proposal.

6 POLICY MATTERS

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

7 GOVERNANCE AND ADMINISTRATION MATTERS

The following items are submitted for consideration -

- | | | |
|-----|--|-----|
| 7.1 | 2022 Australian Local Government Association National General Assembly -
Consideration of motions | 105 |
| 7.2 | Cash and Investment Report as at 28 February 2022 | 115 |
| 7.3 | Proposed Road Closure Terrace Lane, Bankstown | 119 |

Governance and Administration Matters - 15 March 2022

ITEM 7.1 2022 Australian Local Government Association National General Assembly - Consideration of motions

AUTHOR Corporate

PURPOSE AND BACKGROUND

The Australian Local Government Association (ALGA) is hosting the National General Assembly of Local Government (NGA) on 19-22 June 2022 as a hybrid event offering both virtual and onsite attendance.

The annual Conference is Australia's most influential Local Government Conference and provides a platform to address national issues and advocate to the Federal Government on critical topics facing the Local Government sector.

Council receives one voting delegate for the Conference.

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

ISSUE

To inform Council of the 2022 Australian Local Government Association (ALGA) National General Assembly (NGA) and to consider the submission of motions.

RECOMMENDATION

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

ATTACHMENTS

Nil

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

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

DETAILED INFORMATION

Conference Motion Requirements

The 2022 NGA theme 'Partners in Progress' focuses on how partnerships, particularly between the Australian Government and Local Governments, can tackle immediate challenges facing communities, as well as confidently facing the future.

In preparing and submitting motions, The ALGA is asking Councils to focus on how partnership can address national issues at the local level, and new ways the Australia Government could partner to strengthen the local government sector to advance community well-being, local economic development, create jobs, address environmental challenges, climate change and complex social issues such as housing affordability.

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

- be relevant to the work of local government nationally;
- not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
- be consistent with the themes of the NGA;
- complement or build on the policy objectives of your state and territory local government association;
- be submitted by a council which is a financial member of their state or territory local government association;
- propose a clear action and outcome i.e. call on the Australian Government to do something;
- not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs.

ALGA require Motions to be submitted to ALGA online by 25 March 2022.

Proposed Motions

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

PROPOSED MOTION 1 (IMMEDIATE RECOVERY CHALLENGES):

This General Assembly calls on the Australian Government to reverse its decision to remove the Local Government Ministerial portfolio, and the position be reinstated in its entirety.

NATIONAL OBJECTIVE

With over 530 councils across Australia and more than half of those in remote, regional or rural areas, local government requires appropriate Ministerial representation at the Federal level. This can only be achieved through a Minister in Cabinet. A Minister can make policy statements, initiate bills, and be held to account at Question Time, something an Assistant Minister cannot do.

On 6 September 2006, Federal Parliament gave formal recognition to local government via a motion by then Local Government Minister, Hon J Lloyd, one that received bipartisan support. This recognition has effectively been demoted by the Australian Government's decision to remove the position of Minister of Local Government and replace it with an Assistant Minister role. This decision devalues the significant role of local government, ignores parliamentary resolutions, and relegates the sector to one of less importance.

Australian councils had a local government Minister representing them for over 50 years. It is critical that this representation be reinstated, and the sector be appropriately represented, particularly during times of a global public health crisis. Councils need to be heard and their interests debated and supported on the floor of Federal Parliament.

SUMMARY OF KEY ARGUMENTS

Councils are the closest level of government to the community and are best placed to respond directly on important social issues and during times of crisis. Local governments provide direct leadership, communication, essential services and support to their respective communities, demonstrating this consistently and effectively during the COVID-19 pandemic. Now more than ever, communities are looking to their councils for support and direction.

Appropriate representation of local government at the national level is crucial and required. As such, the decision to replace the Local Government Minister with an Assistant Minister must be revoked and the Ministerial role be reinstated. This will afford the local government sector the representation it requires and deserves at the Federal Level.

For the first time in almost 50 years, a Local Government Minister will not represent the sector in Cabinet nor be held to account during Question Time, inevitably removing local government from a topic of importance at the national level. The decision to dissolve the Local Government Ministerial portfolio and replace it with an Assistant Minister, a position that cannot sit as a Minister in Cabinet or perform any duties in the Legislative Assembly on behalf of Ministers, such as tabling documents or introducing legislation, severely diminishes the impact of local government at the federal level.

Local Government must play a greater role in the Australian federal system for effective advocacy of key issues impacting on the sector. The sector experiences unique and complex issues, and as such, requires appropriate representation at a federal level.

This Federal Government's decision, coupled with local government preclusion at National Cabinet, exemplifies a failure to acknowledge an entire tier of government that is present and active across the nation. This deliberate sector stripping must end, and the position of Local Government Minister be reinstated immediately to provide adequate representation of the sector at the Federal level.

PROPOSED MOTION 2 (CLIMATE CHANGE):

This General Assembly calls on the Australian Government to align with the NSW Government and Resilient Sydney Member Councils plans for reducing the impacts of climate change and provide an economic framework to drive achievable targets for carbon reduction by no later than 2050.

NATIONAL OBJECTIVE

The Australian Government's *Net Zero emissions target by 2050*, was an opportunity for our nation to set a new course for the future. While a technology-led response to emissions reduction appeared promising, it relied on yet to be developed technologies to cut emissions in 10-20 years. This risky policy approach is unable to provide zero emissions by 2050, according to scientists.

A strategic shift from coal and liquified natural gas production towards renewal energy alternatives is required to truly pivot towards a new way of reducing carbon emissions. This will involve the Australian Government proposing new (and realistic) policies to deliver the objective of net zero emissions by 2050, and the provision of a clear economic driver: setting a price for carbon.

State Government carbon neutral responses such as the NSW Climate Change Policy Framework, coupled with decarbonisation projects and a push for electrical alternatives, are viable, realistic renewable energy measures that mitigate the impacts of climate change.

The Australian Government must partner with state and local governments to deliver a clear, realistic and tangible economic framework that puts net zero emissions (namely, a shift from non-renewable energy and fuels to 100% renewable) at the epicentre of its national approach to combatting climate change. It must also work with industry to set the direction for the future. This will result in the biggest economic transformation Australia has seen since WWII.

SUMMARY OF KEY ARGUMENTS

Australians emit 1.3 per cent of global emissions annually, even though our population equates to 0.3 per cent of the global population. We are one of the biggest global emitters on a per capita basis. In order to not over consume and stay within its carbon budget, drastic and immediate action is required.

The Australian Government must set a price on carbon, commit to a shift from fossil fuels (not just a reduction), and work with other tiers of government to align its approach and delivery.

State and local governments are moving towards renewal energy options as alternatives to replace traditional energy sources such as coal or gas. Decarbonisation projects, renewable energy investments and associated projects, the proposed decommission of coal plants, and the gradual reduction in carbon emissions through electrical alternatives, are geared towards achieving net-zero emissions by 2050, at the latest.

It is imperative that the Australian Government work towards real and tangible outcomes, particularly around the tonnes of carbon dioxide stored per hectare of soil per year, to seriously address the impacts of climate change. Alignment with state and local governments on reducing the impacts of climate change is required, and partnerships must be developed to appropriately address this critical global issue.

PROPOSED MOTION 3 (IMMEDIATE RECOVERY CHALLENGES):

This General Assembly calls on the Australian Government to increase the Local Government Financial Assistance Grants to a minimum of one percent of Commonwealth taxation revenue to better assist councils in post COVID-19 economic recovery.

NATIONAL OBJECTIVE

Councils have experienced unprecedented financial challenges as a result of the COVID-19 public health crisis. These challenges, coupled with the growing range of services provided by councils that extend beyond their traditional role, are having a major impact on what services are provided by councils and how these are delivered to their communities.

Councils require financial certainty to meet community expectations, instil resilience, and undertake both short and long-term planning. Only through financial certainty can councils appropriately plan for the future. This certainty can be achieved through a Federal Government commitment to increase the Financial Assistance Grants to a minimum of one per cent of Commonwealth taxation revenue, moving forward. This billion-dollar commitment will ensure that councils are provided with the certainty of Federal Government financial support that is needed during these difficult times.

SUMMARY OF KEY ARGUMENTS

The local Government sector needs to be financially equipped and be appropriately geared towards economic recovery. In order to do so, financial certainty is required to plan for the future so as to ensure the continued financial longevity of councils. Failure to secure adequate federal funding will have a direct impact on the communities at a time when economic recovery is most needed.

While Commonwealth taxation revenue for the period 2020-21 period was down to \$480 billion from \$552 billion the previous year (largely a result of the impact of COVID-19 on key avenues of taxation such as company income tax and income tax paid by superannuation), it was still \$14.4 billion higher than estimate at the 2021-22 Budget. This higher than anticipated taxation revenue, coupled with the steadily increasing CPI (rising in the twelve months to December 2021 quarter by 3.5%), demonstrates an increase in consumer confidence, and small steps towards an economic recovery. This is the time where the Australian Government needs to prioritise the financial assistance it provides to Local Government.

In the 2021-22 period, the Australian Government provided \$2.7 billion in untied funding to local governing bodies under the Financial Assistance Grant program via instalments. This equates to 0.56% of the Commonwealth taxation revenue, well below what should be provided to local government during this time of heightened uncertainty. This continued

miniscule financial assistance to councils that is now provided via quarterly instalments, needs to be reconsidered.

The Australian economy is showing signs of strong recovery. A February 2022 statement of monetary policy from the Reserve Bank of Australia purports that the Australian economy has bounced back strongly from the lockdowns, and GDP is expected to grow by 5 per cent over the year. This growth is also experienced in the labour market- with a decline in the unemployment rate and reduction in underemployment rate not experienced in 13 years.

Given these positive signs of economic recovery, it is time for the Federal Government to re-evaluate its methodology for the allocation of financial assistance grants provided to councils so as to increase the allocated amount provided to a minimum of 1% of Commonwealth taxation revenue. This will provide councils with funding certainty needed to plan for the future.

PROPOSED MOTION 4 (IMMEDIATE RECOVERY CHALLENGES):

This General Assembly calls on the Australian Government to provide the Local Roads and Community Infrastructure Program to councils in perpetuity, so as to continue its support of councils and their efforts to maintain and create community infrastructure and local roads for their communities.

NATIONAL OBJECTIVE

The Local Roads and Community Infrastructure Program has been welcomed by councils across the country. The program has enabled councils to prioritise and deliver priority local road and community infrastructure projects during a time of heightened uncertainty. However, the grant funding provided to councils is available through a three-phase process and is forecast to cease after Phase 3 (all projects are to be delivered by June 2023).

Given the financial challenges councils currently face, the ongoing provision of this grant funding is required to provide councils with financial certainty required to steer towards locally led economic recovery and meet state government demands and community expectations.

Ongoing grant funding that focuses on both local roads and community infrastructure will provide councils with the financial support required to bounce back from the COVID crisis, be future focused and resilient, and plan their economic locally led recovery.

SUMMARY OF KEY ARGUMENTS

Councils have experienced the effects of the COVID crisis quite profoundly. The immediate impacts of restrictions and lockdowns saw the cessation and closure of services and facilities. In addition, councils' ability to create new and maintain current community infrastructure was severely impacted, and projects were inevitably put on hold.

Councils spend extraordinary amounts to maintain their assets. In 2019-20 alone, NSW councils' asset maintenance expenditure was \$1.94billion, and this figure continues to increase, irrespective of the COVID pandemic. In 2019-2020, NSW Councils reported an estimated infrastructure backlog of \$3.7 billion. This is the estimated costs to bring assets to

a satisfactory standard. Expenditure of asset maintenance is essential to ensuring assets continue to meet their service delivery requirements.

The provision of the Local Roads and Community Infrastructure Program has enabled councils to reignite and accelerate priority projects that would service their communities. It has provided much needed support for local economies, enabling councils to focus on crucial local infrastructure, while helping communities recover financially. This partnership between Federal and Local Governments is crucial to the economic recovery of councils across the country.

The Australian Government must show its continued commitment to locally led economic recovery by continuing the Local Roads and Community Infrastructure Program in perpetuity. This \$2.5billion commitment from the Australian Government must continue past Phase 3. This funding improves the quality of life for the community, creates business opportunities and employment, makes communities and roads safer, and our cities vibrant.

PROPOSED MOTION 5 (IMMEDIATE RECOVERY CHALLENGES):

This General Assembly calls on the Australian Government to increase the Roads to Recovery Program funding from \$500million to \$1billion per year and extend the program beyond 30 June 2024.

NATIONAL OBJECTIVE

The Roads to Recovery Program has provided vital financial support to councils across the country to maintain and support the nation's local roads infrastructure assets. With close to 80 per cent of Australia's road network owned and managed by local councils, it is critical that the program be extended beyond June 2024, and additional funds be injected into the program to further assist councils with this critically important function.

Unlike state and federal governments, local governments are unable to increase taxation revenue to meet the increasing financial demands of road construction and maintenance. As such, federal grant funds are required to support councils in managing their vast road networks through important maintenance and upgrades to their local roads.

Many councils are experiencing an annual funding gap of millions of dollars and therefore require additional Roads to Recovery funding to meet community needs. With an increasing number of sealed and unsealed roads requiring replacement; this activity alone is estimated to cost the sector close to \$18 billion, the Australian Government needs to support the local government sector and prioritise the longevity of the nation's local roads.

SUMMARY OF KEY ARGUMENTS

Australia's middle range population projection of 35.9 million by 2050 emphasises major changes to our population in the coming decades. In NSW alone, the population is set to increase by over 30 per cent in the next 20 years. This population projection suggests a possible increase to the number of motor vehicles on our roads, given driving still remains the most dominant form of travel.

As of January 2021, a total of 20.1 million motor vehicles were registered in Australia, an increase of close to 2 per cent from the previous year. With more motor vehicles on our roads, there is increasing pressure placed on councils to not only maintain the current roads infrastructure, but to consider and plan for the construction of much needed roads for the future.

With close to 700,000km of sealed and unsealed roads owned or managed by councils, permanent funding of local roads infrastructure is required. This permanent funding, coupled with an increase to the Roads to Recovery Program funding provided, is imperative to ensure the safety of the community when using our roads and help reduce road fatalities.

Councils cannot generate taxation revenue like other tiers of government and rely on grant funding to provide much needed financial support for road maintenance and construction. This coupled with serious expenditure gaps highlights the importance of ongoing and increased funding for our local roads. Canterbury-Bankstown Council alone has an annual funding gap of \$8million. The consequence of this funding gap is that the average condition of all of Council's roads has been decreasing over time.

Climate change with increases in temperature and UV reaching the surface due to decreased stratospheric ozone, contributes to accelerated ageing of bitumen and asphalt road surfaces. This makes the bitumen brittle and subject to cracking. Reduced asphalt life requires additional budget allocations just to maintain the status quo.

The additional funding of up to \$1 billion will address the infrastructure backlog and enable councils to upgrade roads that require urgent attention, increase local jobs, and increase GDP. It will curtail the underinvestment in local roads and enable councils to maintain compromised roads and improve local roads, as well as forward plan on road maintenance and improvement.

Governance and Administration Matters - 15 March 2022

ITEM 7.2 Cash and Investment Report as at 28 February 2022

AUTHOR Corporate

PURPOSE AND BACKGROUND

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

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

ISSUE

This report details Council's cash and investments as at 28 February 2022.

RECOMMENDATION That -

1. The Cash and Investment Report as at 28 February 2022 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

ATTACHMENTS [Click here for attachment](#)

- A. Imperium Markets Monthly Investment Report February 2022

POLICY IMPACT

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

FINANCIAL IMPACT

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

COMMUNITY IMPACT

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

DETAILED INFORMATION

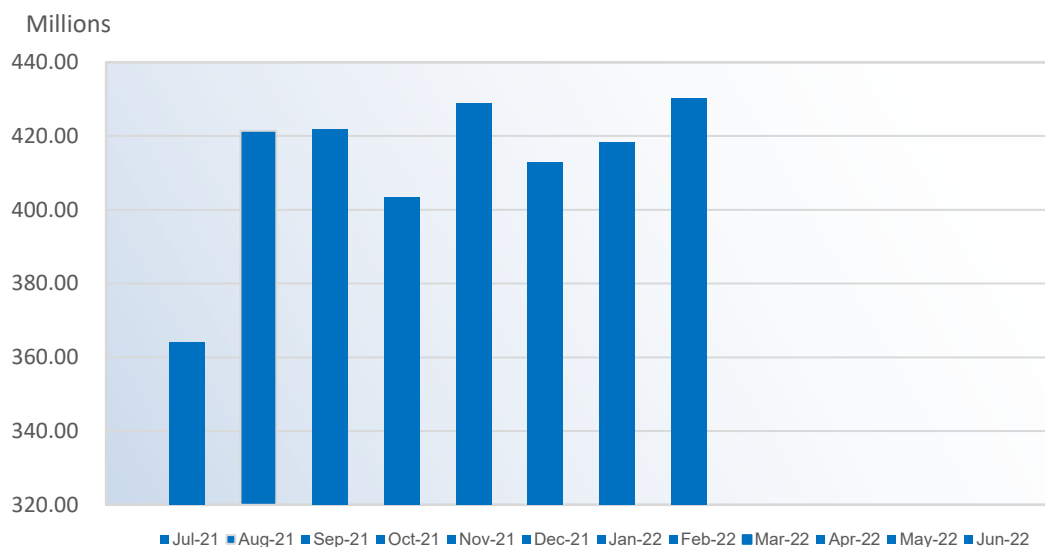
Cash and Investment Summary – as at 28 February 2022

In total, Council's Cash and Investments holdings as at 28 February 2022 is as follows:

Cash and Investments	\$
Cash at Bank	11,512,107
Deposits at Call	82,478,585
Term Deposits	260,000,000
Floating Rate Notes	35,505,390
Workers Compensation Security Deposit	4,686,000
Bonds	36,000,000
Total Cash and Investments	430,182,082

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 2021 to June 2022.

Cash and Investment Rolling Monthly Balance 2021-2022



summary of Council's investment interest income earned for the period to 28 February 2022 is as follows:

Interest Income	Feb 2022 \$	Year-to-date Feb 2022 \$
Budget	476,875	3,815,000
Actual Interest	376,501	3,445,000
Variance	(100,374)	(370,000)
Variance (%)	(21.05%)	(9.70%)

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	22.9	100
Working Capital Funds (0-3 months)	0.7	100
Short Term (3-12 months)	15.4	100
Short – Medium (1-2 years)	15.8	70
Medium (2-5 years)	45.2	50
Long Term (5-10 years)	0	5
Total Cash and Investments	100%	

Portfolio Allocation	
	Actual % of Portfolio
Cash at Bank	2.7
Deposits at Call	19.2
Term Deposits	59.5
Floating Rate Notes	9.1
Workers Compensation Security Deposit	1.1
Bonds	8.4
Total Cash and Investments	100%

ITEM 7.3 Proposed Road Closure Terrace Lane, Bankstown

AUTHOR Corporate

PURPOSE AND BACKGROUND

The purpose of this report is to detail, for Council's consideration, submissions received by Council in response to the exhibition of the proposal to close Terrace Lane Bankstown.

On 24 March 2020 Council resolved that the road closure process as prescribed by the *Roads Act 1993* be commenced and that a further report be prepared following the public exhibition.

ISSUE

Clause 38D of the *Roads Act 1993* requires Council to consider all submissions received in response to the proposed closure of a Council road. The exhibition for the proposal to close Terrace Lane Bankstown was conducted in late 2021. The proposal was publicly advertised, and notices were issued to the relevant parties as required by the *Roads Act 1993* and *Roads Regulation 2018*.

This report summarises the exhibition process and provides details of responses received. In total, ten submissions were received: one appears to support the proposed road closure; eight raised no objection; one initially raised an objection which was later withdrawn following clarification on certain aspects from Council.

Continuation of the road closure process is recommended. Comments received from adjoining owners, notifiable authorities and members of the public raised no reasons for Council to abandon its purpose of initiating the process.

No resolution by Council is required in order to classify the lot to be created by any approved closure as Operational land under the *Local Government Act 1993*. This is because pursuant to Clause 43(2) of the *Roads Act 1993* the classification of the newly-created lot will automatically default to Operational land for the purposes of the *Local Government Act 1993* without Council having to formally resolve that it be so classified.

RECOMMENDATION That -

1. The road closure process be completed as detailed in the report.
2. The Mayor and General Manager be authorised to sign all documentation, under the Common Seal of council if required, to effect the road closure.

ATTACHMENTS

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

- A. Council Report - 24 March 2020
- B. Submissions Table

POLICY IMPACT

There will be no policy impact as a result of the closure of Terrace Lane Bankstown.

FINANCIAL IMPACT

There will be no financial impact from the closure of this road.

COMMUNITY IMPACT

There will be no adverse community impact as a result of the closure of Terrace Lane Bankstown. The closure will enable the regularising of structures present on the current road reserve, comprising community buildings and installations aimed at reducing anti-social behaviour.

Rights of Way will be established over the western end of Terrace Lane to ensure that pedestrians can continue to move between North Terrace and the adjacent private properties (known as 121, 122, 123, 124, 126 and 129 Bankstown City Plaza) and the entrance to Bankstown Railway Station.

DETAILED INFORMATION

The *Roads Act 1993* and *Roads Regulation 2018* require that notice of the proposed road closure must be:

- published in a local newspaper;
- given to all owners of land adjoining the road;
- given to all notifiable authorities; and
- given to any other person prescribed by the regulations.

The notice must indicate the manner and the period (being at least 28 days) of public exhibition, and closing date for submissions. Council's Public exhibition commenced on 9 November 2021.

On 17 November 2021 a notice for the proposed road closure appeared in the Torch Newspaper and the proposal commenced exhibition on Council's website on the *Have Your Say* page. Submissions were requested by 5:00pm 20 December 2021.

The notifications invited interested parties to direct questions to Council's Coordinator Property and/or to seek an extension of the closing date if they required more time to consider the proposal.

Submissions received by Council are set out in the table in the Attachments.

After further correspondence with TfNSW it was determined that no Rail Corridor Access Gates abut Terrace Lane and TfNSW were informed that no physical works would take place due to the road closure process. TfNSW advised that their requests were 'general comments for Council's consideration and awareness' and they raised no objection to the proposed road closure.

Ausgrid originally objected to the proposal due to an incorrect assumption that Ausgrid assets would be impacted by the road closure. Ausgrid offered to withdraw the objection if Council could confirm that access to Ausgrid's assets will not be restricted and the land will remain as public land and not be sold for development. On 24 November 2021 Ausgrid were informed by letter from Council that 'It is not Council's intention to sell the land, change its current use or fence off any part of it under this proposal.' On 16 December 2021 Ausgrid replied by letter stating that 'Ausgrid's original objection, 11th November 2021, to the closure of Terrace Lane is now withdrawn.'

In summary, ten submissions were received: nine from notifiable authorities and one from a resident. The resident appears to support the proposal. Eight of the notifiable authorities raised no objection. One authority raised an objection which was later withdrawn following clarification from Council.

That said, it is recommended that Council agree to finalise the road closure process, as required.

8 SERVICE AND OPERATIONAL MATTERS

The following item is submitted for consideration -

- 8.1 The operation of a trial engagement process for Lakemba Town Centre, its replication as a model and alternatives 125

Service and Operational Matters - 15 March 2022

ITEM 8.1 The operation of a trial engagement process for Lakemba Town Centre, its replication as a model and alternatives

AUTHOR City Future

PURPOSE AND BACKGROUND

This report was requested by resolution of Council at the February 2022 Ordinary Meeting, being that:

1. *Council receive a report on the operation of a trial engagement process for Lakemba Town Centre aim to reach out to our community on issues that are of immediate concern to our local residents.*
2. *The report also provides an alternative option that would provide for a fair, equitable and transparent opportunity for all Councillors to engage with their community.*

ISSUE

The City of Canterbury Bankstown Council undertakes a broad range of engagement activities across the City to engage, inform and seek feedback on numerous issues. These include input into strategies, policies and plans, feedback on capital works and projects, social and environmental issues, and proposed developments, to name a few.

As part of our engagement process, Council has also established pathways for residents, business owners and visitors to let us know of any issues that are of immediate concern to them.

Notwithstanding, Councillors are elected to both set the strategy for Council (while ensuring the long-term financial performance of Council for the community) and, to engage with the broader community in relation to what is happening for them both now and over the years ahead.

The motion in its entirety seeks information for additional processes for Councillors to do this.

RECOMMENDATION

That this report be received and noted.

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

- A. Attachment A Charter - Town Centres Engagement Committee
- B. Attachment B- engagement costs

POLICY IMPACT

The report as written has no Policy impact.

If Council did resolve to utilise Ward funds for community engagement, then the appropriate documents would need to be updated to allow Councillors – throughout the first year following an Ordinary Election – to access the funds to assist them with carrying out the engagement sessions.

In utilising the funds, certain limits would be set, say:

- Restrict use of funds to a maximum of \$5,000 per Councillor in the first year following an election
- Ward Councillors would be able to pool their funds, totalling \$15,000 per Ward; and
- An acquittal process be required, to ensure transparency/probity.

FINANCIAL IMPACT

The recommendation that the report be “noted” does not have any financial impact.

However, it does outline possible financial implications subject to the level of engagement proposed.

1. If Council resolved to proceed with running a minimalist engagement trial for Lakemba under the Council committee structure with a project plan, town hall meeting and 4 committee meetings, the costs are estimated at \$25,000.

The funding of a trial would be balanced by considering the reduction of other activities as part of preparing next year’s budget. The funds would be made available within Council’s 2022/23 Operational Plan.

2. If Council resolved to proceed with the alternative approach utilising Councillors existing Ward funds, the total cost would not require any change to Council’s Operational budget with all venue, sustenance and facilitator costs being met from within the existing Councillor Ward Fund allocation.

Council’s position regarding the use of Councillor Ward Funds would be amended, as outlined in the report, as part of Council’s 2022/23 Operational Plan.

COMMUNITY IMPACT

The report as written has no community impact.

DETAILED INFORMATION

Community Engagement in the City of Canterbury Bankstown

In considering the introduction of a trial engagement for Lakemba, along with any alternative options, it is important that these considerations be undertaken in the context of a full appreciation of the existing consultation undertaken within Council.

The City of Canterbury Bankstown believes that community engagement, when done well, improves the social, environmental and economic outcomes of the City for its residents, businesses and visitors, and increases trust in the democratic process. It cements the relationship between Council and its residents.

Council has a dedicated Community Engagement Team that works across Council to direct, lead and provide support in all aspects of engagement. They are innovative in their approach and drive the strategy across a range of services, service enhancement, assets and asset replacements, strategy and policy development, and future plans, across all geographical areas of the City.

Pre-Covid, between July 2018 and June 2019, the Community Engagement Team supported services across Council to undertake 116 distinct community engagement activities (including forums, workshops, displays, pop-ups and focus groups) involving over 8,000 face to face conversations with residents and businesses.

During Covid, community engagement continued in a primarily digital context, with Council's dedicated community engagement website 'Have Your Say' recording 363,645 genuine views between March 2020 and February 2022.

Examples of Community Engagement in the City of Canterbury Bankstown have been recognised through a number of awards and as a 'discipline', Community Engagement is undertaken in line with the values espoused by the Association of Public Participation, of which Council is a member. These are:

- Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Public participation includes the promise that the public's contribution will influence the decision.
- Public participation promotes sustainable decisions by recognising and communicating the needs and interests of all participants, including decision makers.
- Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
- Public participation seeks input from participants in designing how they participate.
- Public participation provides participants with the information they need to participate in a meaningful way.
- Public participation communicates to participants how their input affected the decision.

Recent Community Engagement Initiatives

Examples of Community Engagement activities undertaken recently include:

- One Rate engagement – During December 2020 and January 2021, Council staff undertook what was one of our largest ever consultations by Council. There were 15 drop-in sessions held across the City (three in each ward), as well as direct mailouts to every resident and online information and engagement. One of those drop-in sessions was held at the Lakemba Senior Citizens Centre. The community welcomed and embraced the opportunity to raise many issues spanning the breadth of Council services.
- Life After Lockdown - In May 2020 Council engaged with the community to better understand the experience of our community during the first lockdown and how it had changed their priorities for the City. The results can be seen here: <https://www.mentimeter.com/s/94b341c5923241a295b252e655bffd87/6637d3cb5754>
- Community satisfaction – Council regularly undertake surveys to understand community satisfaction and priorities with relation to issues affecting the City and Council services. The information can be broken down by a range of demographic information, including location.
- The following (more succinct) list indicates the extensive range and breadth of community engagement activities undertaken across Council in 2021:

Major Capital works Projects

- Greenacre Splash Park – Shelter / Zone Names
- Footpath Fun, Lakemba
- Lakemba Lights
- Ewen Park Public Art Project, Hurlstone Park
- Paul Keating Park Play Stage 1, Bankstown
- Nepali Monument proposal at Gough Whitlam Reserve, Earlwood
- Streets as Shared Spaces, City of Canterbury Bankstown
- Recreation Upgrades at Roberts Park, Greenacre
- Thurina Park Community Centre, Villawood

Sustainability

- CBCity Resilience Strategy
- Cooks River Community Values Survey
- Help us improve our waterways and wetlands
- Parking and Bin Day Changes
- NSW Water Quality Objectives
- Planning our Green Corridors

Community Planning & Development

- Co-naming of Council Wards
- Implementing Child Safe Standards for Canterbury Bankstown Council
- Join the #RacismNotWelcome campaign
- Say No to Domestic Violence
- Disability Inclusion Action Plan 2022-26
- Positive Ageing in CBCity
- CBCity Community Safety and Crime Prevention Plan 2022-2026

Strategy

- Mirambeena Plan of Management, Georges Hall
- Vale of Ah Off Leash Dog Park Action Plan consultation, Milperra
- BMX and Mountain Biking Facilities
- Sport Facilities Strategic Plan

Communication

- Keep Connected
- Keep Connected: Special Edition (Apr - Jul)

City Business and Engagement

- Event & Activation Focus Group - Application Form
- Carols in the Park 2021
- Night Time Economy Action Plan 2021-26
- Economic Development Strategy 2036

Landuse Planning

- Planning Proposal 165-169 Holden Street, Ashbury (Ashfield Reservoir)
- Henry Lawson Drive Upgrade- Stage 1A (EIS Proposal) DA No 648/2021, Milperra
- Development Application for Riverlands Golf Course, Milperra
- Changes to Development Application at 20 Dasea Street, Chullora
- Draft DCP: 30-46 Auburn Road, Regents Park
- Master Planning - Internal Engagement
- Canterbury Racecourse Community Voice Panel
- Planning Agreement: 74 Rickard Bankstown, WSU Bankstown Campus
- Planning for Bankstown City Centre - draft Master Plan
- Planning for Campsie Town Centre - draft Master Plan Stage 1
- Planning Proposal for 353-355 Waterloo Road, Greenacre (Chullora Marketplace)
- Planning Proposal for 297-299 Canterbury Road, Revesby (Revesby Hospital)

Finance

- 2021-22 draft Operational Plan, Budget and Schedule of Fees and Charges
- 2021/2022 Fees and Charges Amendment re Sports Facilities additional fee
- 2021/2022 Fees and Charges Amendment re DA Planning additional fee
- Emergency Financial Support – COVID19
- Annual Financial Statements 2021-21

Governance -Information Services

- Terrace Lane, Bankstown - Proposed Road Closure
- Council Outdoor Public Wi-Fi
- Proposed Licence: Clubhouse Facility at Wagener Oval
- Honouring our Local ANZAC Heroes

Infrastructure / Traffic

- Lakemba Town Centre – High Pedestrian Activity Area (HPAA)
- Bankstown to Chester Hill Cycleway Upgrade
- Safer Roads Proposal: Chester Hill Town Centre
- Safer Roads Proposal: William Street, Earlwood and Kingsgrove
- Foord Avenue Underpass Safety Upgrade Proposal, Hurlstone Park
- Proposed Licence to use area of Close St Reserve, Canterbury

Future Community Engagement Initiatives

There are a number of important community engagement sessions occurring across the City in the coming months that will provide a significant base from which to understand community sentiments and priorities across the City. Several of the key issues that will be discussed are outlined below.

- Integrated Planning documents – During May our new suite of Integrated Planning documents will be on public exhibition. This will include a number of options for the community to provide feedback, including online (Have-your-say activities and online submissions), and a proposal to hold two drop-in sessions in each Council ward during that month. Our Integrated Planning documents cover everything we do as a Council, our priorities for the next term and our entire budget for the coming year and term and therefore creates the best opportunity for our community to understand and influence the services and infrastructure we provide and how we provide them.
- Community Facilities Strategic Plan – Also during May, it is anticipated that the Community Facilities Strategic Plan will be placed on community exhibition. This Plan will be used by Council to inform planning, funding and prioritisation for the delivery of Council's community facilities. The most common types of Council community facilities include libraries, meeting halls, neighbourhood centres, cultural and creative facilities, early childhood health centres, childcare centres, senior citizens' centres, leased spaces and scout and girl guide halls.

- Metropolitan Greenspace Program- In 2020, the Department of Planning, Industry and Environment funded Council to develop a strategy and shared vision for three priority green grid corridors within the City of Canterbury-Bankstown with the intention of creating opportunities for greater social and ecological benefit. Community consultation was undertaken in April 2021, with a second round of consultation on the draft corridor plans, including the work undertaken on the Sydenham to Bankstown open space corridor.
- Adding to the above, the Community Engagement Team will be undertaking a review of their own strategy, services and approach in the next 18 months as part of the requirements of Integrated Planning and Reporting. This will involve further public consultation.

Community Engagement Tools and techniques

Council has a suite of tools either in place or in development (some of which are unique to us in Australia) to continuously improve and innovate in the ways we engage.

Some of our tools include:

- Hive – <https://haveyoursay.cbcity.nsw.gov.au/>
 - Main engagement platform for public exhibition.
 - A range of participation apps including: Social Map, Fund It, Gather, Visioner, Forms, Question and Answer, Conversation and Forum.
 - Visual tools to showcase projects.
 - Tools to support other languages and those with disabilities
- Survey Anyplace: <https://surveyanyplace.com/>
 - Visual surveying for targeted feedback i.e. share a link to access
 - Ability to create more complicated surveys with logic
- Mentimeter:
 - Used for interactive presentation and live polling
 - Participants can use their own devices whilst looking at a presentation and vote, add words to a word cloud and see the results update live.
- Issuu:
 - To embed Interactive PDFs onto a HYS page. Eg. <https://haveyoursay.cbcity.nsw.gov.au/sports-facilities-strategic-plan>
 - Back end reporting allows us statistics such as reads, impressions, read time, average read time, clicks and break it down by page.
- Hotjar
 - A heatmap reporting tool used as a layer on top of a HYS page to see how users view a page (where they click and interactive and how far they scroll)

- Miro:
 - Collaborative whiteboard
 - Used particularly for meetings and workshops for ideation, brainstorming and planning
- Qualifio (in development):
 - Interactive and gamified engagement with over 50 formats. Allows engagement to be turned into a simple form of game.
- Rosetta Stone – Ambassador Units
 - These provide instantaneous translations between languages in face to face conversations through patented earpieces

Additional Community Engagement across Council

In addition to the above, Council engages extensively with residents, businesses, workers and visitors each day. Examples include:

- Customer Service Centre answering over 280,000 calls each year on issues of immediate concern to callers, within 2 minutes, Monday to Friday 8 am to 5 pm. These statistics do not include the 24/7 out of hours call centre.
- Business and resident liaisons undertaken by Executive Services, City Improvement, Regulatory Services, Compliance, Community Services, Development and Planning Approvals, Parking Officers, Wardens, Works and Projects staff on routine maintenance and major projects, Major events, business and community events and traffic personnel.
- Monthly engagement with over 40,000 business residents through electronic newsletters.
- Engagement with chambers of commerce.
- Monthly engagement with residents through printed and social media, primarily driven by Council's Communications Unit.

All of the community engagement identified above provides direct information to Councillors to inform their decision making. Information from all formal engagement is reported to Council as part of specific Council reports as well as being available on the Have Your Say website. Councillors also have access to our annual community surveys and satisfaction reports.

Implementing a trial engagement process for Lakemba Town Centre

What would a new trial engagement in Lakemba look like? The original motion provided guidance, being:

- *Provide for face-to-face engagement with residents and businesses,*
- *Be held locally in Lakemba*
- *Involve ward Councillors*
- *Include Federal and State Members*
- *A steering committee consisting of Ward Councillor and appropriate staff to organise the meeting.*
- *A reference Group or Working Party to carry on a longer form engagement post the meeting*

This is very much aligned with a Council committee based on a single place, or a precinct committee which most councils have ceased establishing. Some councils still establish precinct committees of residents to meet regularly to discuss matters of concern to their local area and where precinct committees are established, they are done so covering an entire LGA. These committees have been reported to have varying levels of success where in some instances they have been counter-productive (by the creation of shadow councils and effectively councillors that have not been elected) and are arguably not in unison with the expectations of the Local Government Act where Councillors must make decisions in the broader public interest.

If Council wished to proceed with the introduction of a precinct or other committee for Lakemba Town Centre it would need to be mindful of:

- The existing consultation already undertaken as outlined in this report
- The level and type of consultation that would be delivered
- The importance of providing different mechanisms for people to engage to ensure equitable access, broad representation and meaningful information.
- The size and selection process for the membership
- How this information collected from the community would be used to inform decision making
- Given the passion of all councillors for their local neighbourhoods, the cost of replication in other Town Centres and places.
- The total cost of the trial as well as any broader expansion to other Centres

Based on the original motion's intent and considering the above, a targeted engagement for Lakemba may consist of the following (noting that costs are estimated on anticipated materials and contract and also staffing costs and resources):

1. Steering Committee (Councillors and staff):

It is anticipated that a minimum of three meetings would be required to organise the proposed public meeting and post evaluation.

The steering committee would need to recruit and select members for the engagement advisory Committee, supported by public advertising and review and assessment of applications by governance.

The Steering Committee would also need to establish the purpose and agenda for meetings, agree logistics and budget and also complete a post assessment.

The estimate of running this is estimated to be \$3,000.

2. Public Meeting

A single face-to-face public meeting with residents, businesses, Councillors, State and Federal Members (as requested in the report) would require detailed planning and coordination.

At the time of preparing this report it is difficult to determine how many would be in attendance though Lakemba Senior Citizens Centre has a capacity of 130 and with a public meeting setup would be limited to around 80 people.

It is also important to note the significant limitations of holding a single public meeting which will limit public involvement as it may be unsuitable for many to participate. This places a high risk on any information collected not being a true representation of the issues and concerns of the broader community.

The estimate of running this is estimated at \$8,000.

3. Engagement Advisory Committee

The Engagement Advisory Committee (as requested in the original NoM) would need to have a clear Charter to ensure there is a clear understanding of its role and function. A draft has been prepared as outlined in Attachment A.

The following points would need to be considered if Council was to proceed with an Advisory Committee

- It can be difficult to find members to sit on a Committee who do not have a specific interest or indeed a conflict of interest. Selection of members would need to be managed carefully, including undertaking an appropriate process to both call for and select members.
- While it is not clear at this point how this information is to be used to inform Council decision making, it is important to note that any Committee is only advisory and has no decision-making function.
- If not managed carefully a public meeting and committee may create unrealistic expectations on what council can deliver, especially in light of the point above where they are only advisory in nature.
- The advantage of an Engagement Advisory Committee is that Council would be able to not only listen but provide information back to the group; based on what Council is hearing. This has been the strength of Community Voice Panels for specific projects or purposes.

The estimate of running this consistent with the Charter for 4 meetings is estimated to be \$14,000.

4. Recommended Drop-in session and optional workshops.

As noted above, the running of a single public meeting has a high potential to significantly limit the ability to obtain broad representation and input from residents and businesses. It is important that any consultation is equitable, allows for broad representation and is meaningful.

Recognising that a Public Meeting would only have a small number of people in attendance (proportionally) and only be available to persons without work or family commitments at the time of the meetings, it is recommended that other forms of engagement would be needed to supplement the Steering Committee. At a minimum 2 drop-in sessions should be undertaken in the Town Centre.

If more detailed discussions were required, this would involve the running of issue specific workshops.

The estimated cost of running this ranges from \$7,540 for a drop in to \$28,360 for workshops. It is not recommended that any workshops take place.

The total cost of running a Council committee process trial engagement process for Lakemba, inclusive of project planning/steering, town hall meeting, 4 committee meetings and secretariat support from staff, venue hire, sustenance, etc is estimated \$25K.

Of the City's 88 centres, 34 are larger, servicing their surrounding residential populations. Ensuring a robust, representative and equitable replication of this model with a similar level of community engagement across all of these 34 important centres would cost at a minimum \$850,000.

Attachment B provides a more detailed breakdown of costs.

The funding of a trial would need to be balanced by considering the reduction of other activities as part of preparing next years budget for this single trial only. There are not the resources to replicate this in multiple centres.

If Council wanted to proceed with this model it is suggested that a motion should be brought forward that Council:

1. Agrees to a trial engagement in Lakemba as outlined in this report
2. That a project plan be developed to a budget limit of \$25,000
3. That the charter be agreed in principal and that final charter and project plan be developed and agreed with ward councillors.
4. That funds be made available within Council's 2022/23 Operational Plan.

An alternative approach to Community Engagement across the City

Notwithstanding the merits of the proposal identified above, several Councillors have advised staff that they also want to similarly engage with their communities. Consideration regarding funding is quite pivotal to how Council would progress any of the proposals/programs.

Naturally, a decision to commit to the broader engagement strategies, even at the minimal \$850,000 will require Council to revise/cut existing operational services/programs and/or re-direct asset replacement funding to accommodate initiatives replicated in other areas.

Given Council's existing engagement strategies, it would be both counterproductive and/or unreasonable to replicate a trial across the 34 centres, particularly given the significant costs and resourcing implications.

As an alternative, a program could be established to allow – particularly following an ordinary election – the opportunity for Councillors to both introduce and establish their presence in their communities and hear directly from their constituents. This would certainly accord with the views of a number of Councillors regarding equitable access to supported engagement in their community, and still enable any group of Ward Councillors to undertake a version of the committee process.

An alternative program would largely be driven/coordinated by each Councillor – or collectively by Ward Councillors - whereby they would coordinate an engagement session(s) with their Ward constituents through either street meets, a community centre gathering or even perhaps a BBQ, where they could engage and hear directly from their constituents.

To ensure that any event is appropriately managed (both orderly and from a governance perspective), Councillors could be required to:

- Have an initial discussion with staff to plan the purpose, scope, method, target audience, WHS and likely costs of running their event;
- Be responsible for coordinating, promoting and running their engagement activities and utilise any available funds as per a signed off plan;
- Utilise minute takers engaged by Council to consistently capture relevant information/outcomes of each session. The information would be collated by Council and integrated with Council's broader operational planning and engagement processes; and
- Councillors would also be required to comply with relevant obligations under the Local Government Act 1993 and Council's Code of Conduct when conducting the sessions (especially given that public money is being used)

In terms of funding, it is proposed that the current policy position on the use of Ward Funds by Councillors (\$5K per annum) be amended to allow for Councillors to carry out the session, if they choose to do so.

At present, the use of Councillor Ward Funds is restricted for use to deliver/provide Council works, services and/or projects, which are of a capital nature. To assist with facilitating the above, this practice could be amended to allow Councillors – throughout the first year following an Ordinary Election – to access the funds to assist with carrying out the engagement sessions.

In utilising the funds, certain limits would be set, say:

- Restrict use of funds to a maximum of \$5,000 per Councillor (for the first year following an election)
- Ward Councillors would be able to pool their funds, totalling \$15,000 per Ward; and
- An acquittal process be required, to ensure transparency/probity.

The above could provide a balanced approach to satisfying Councillors' objectives and importantly capture relevant information to assist in determining the future needs for our City.

Funding of the above would not require any change to Council's Operational budget with all venue, sustenance and note taking costs being met from within this existing budget.

If Council wanted to proceed with this model it is suggested that a motion should be brought forward that Council:

1. Council adopts the proposal to introduce a Councillor Community Engagement Allowance of \$5,000 per Councillor (in the first 12 months following their election) for direct community engagement activities, as outlined in the report.
2. That rules and guidelines be developed, supported by process mapping, so that Councillors understand this process.
3. That Council procure a panel of external minute takers to support this model.
4. That Council's Policy position regarding the use of Councillor Ward Funds be amended, as outlined in the report, as part of Council's 2022/23 Operational Plan.

Conclusion

Councillors are elected to both set the strategy for Council (while ensuring the long-term financial performance of Council for the community) and, to engage with the broader community in relation to what is happening for them both now and over the years ahead.

The resolution of Council seeks to explore additional processes for Councillors to do this.

This report provides a breakdown of applying a formal Council Committee structure to an engagement activity in Lakemba and also a requested alternative for broad engagement for all Councillors across the City.

If Ward Councillors joined together to apply \$15,000 for an engagement in any town centre under the alternative approach, they would be able to be supported in developing a project plan to undertake a very similar process to the full council committee approach, where they would be able to dictate the agenda and also be responsible for how their engagement operates and with whom in attendance.

Without the broader bureaucratic secretariat structure of Council's governance team the same process could be run by Ward Councillors for \$15,000.

This report is presented to Council for its information and consideration.

9 COMMITTEE REPORTS

The following item is submitted for consideration -

9.1	Minutes of the Traffic Committee Meeting held on 8 March 2022	141
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Committee Reports - 15 March 2022

ITEM 9.1 **Minutes of the Traffic Committee Meeting held on 8 March 2022**

AUTHOR **City Assets**

PURPOSE AND BACKGROUND

Attached are the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 March 2022.

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

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

ISSUE

Recommendations of the Canterbury Bankstown Council Traffic Committee meeting.

RECOMMENDATION

That the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 8 March 2022, be adopted.

ATTACHMENTS [Click here for attachment](#)

A. MINUTES - Traffic Committee Meeting - 8 March 2022

POLICY IMPACT

The matter has no policy implications to Council.

FINANCIAL IMPACT

Potential costs arising out of recommendations of the Traffic Committees are detailed in 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 while required.

10 NOTICE OF MOTIONS & QUESTIONS WITH NOTICE

The following items are submitted for consideration -

10.1 Notice of Motions	145
10.2 Local SES Awards and Recognition - Councillor Bilal El-Hayek	147
10.3 Shane Warne Tribute - Councillor George Zakhia	149
10.4 Climate Change Flooding - Councillor George Zakhia	151

Notice of Motions & Questions With Notice - 15 March 2022

ITEM 10.1 **Notice of Motions**

AUTHOR **Office of the General Manager**

ISSUE

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

RECOMMENDATION

That the information be noted.

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

- A. Notice of Motion Table
- B. Correspondence sent in relation to Notice of Motions

Notice of Motions & Questions With Notice - 15 March 2022

ITEM 10.2 Local SES Awards and Recognition

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

“That Council writes to the newly appointed Minister for Emergency Services and Resilience, Ms Steph Cooke, calling on her to reinstate local awards nights for our SES Canterbury and Bankstown Units and I further call on her to adequately fund these presentation nights, as recognition for the outstanding work they do in keeping our entire community safe”

BACKGROUND

The State Emergency Service (SES) and our local units have a long history of helping our community through floods, storms and fires. And as we have seen over the past month, they have yet again played an outstanding role in keeping our community safe.

A group of selfless men and women who put the community first, ahead of their own safety

Councillors, what I am about to tell you beggars belief, especially given the current flood crisis gripping NSW. And, I will add it is not the first time this matter has been raised by this Council.

In fact, the Mayor raised this issue in 2018 and his pleas fell on deaf ears. Well, the time has now come for the gloves to come off again and we must fight for a better outcome for these local heroes.

The matter I am referring to is the mean-spirited, penny pinching by the NSW Government to abandon the Annual Awards Night held by the local Bankstown and Canterbury SES units.

That’s right! They have refused to restore their funding and now hold an annual SES Southern Metropolitan Zone function. . . coincidentally, it will be held in the next couple of weeks.

In effect, that very formal event, is restricted to award recipients, unit Commanders and their partners. . . completely ignoring the rank and file members putting their lives on the line.

And more importantly, the awards presented are only State and National ones. . . length of service merit awards and training certificates are not recognised at the event.

Outrageous is an understatement, especially when you see the State and Federal Government politicians turning up at disaster zones for picture opportunities and singing their praises.

Oh, I forgot to mention that the State Government does tell local SES units to throw a BBQ for their teams and “generously” throws in \$300 to cover the cost. Three hundred dollars wouldn’t pay for bread rolls and a snag each.

Our Local SES Units at Canterbury and Bankstown deserve better. They deserve the chance to recognise and reward the efforts of their dedicated men and women and enable them to share their successes with community members, Council, other local emergency organisations. . . and not merely be seat warmers at some formal awards night.

FINANCIAL IMPACT

There is no financial impact on Council, there is negligible financial impact on the NSW Government as they already collect millions of dollars from local government on top of the millions council pay directly the SES for buildings and facilities and the financial impact on the local SES Units will be positive as it will restore this very important recognition celebration.

GENERAL MANAGER’S COMMENT

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

Notice of Motions & Questions With Notice - 15 March 2022

ITEM 10.3 Shane Warne Tribute

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

“The City of Canterbury Bankstown honours one of this country’s greatest cricketers, Shane Warne, by dedicating a tribute page on Council’s social and digital media platforms in the week leading up to his State Funeral.

I further propose Council promotes the upcoming Heart Week to raise awareness about this killer cardio-vascular disease and to empower people to better look after their health.”

BACKGROUND

Arguably one of Australia’s greatest cricketers, Shane Warne, has died at the age of 52, while on holidays in Koh Samui, Thailand, on Friday 4 March 2022.

It is believed he died suddenly from a suspected heart attack, despite frantic attempts to revive him.

Shane Keith Warne (“Warnie”) was born on September 13, 1969 in Ferntree Gully, Victoria. A right-hand wrist spinner he played for Australia, Victoria, Hampshire, Rajasthan Royals, Melbourne Stars, ICC World XI, and the Rest of the World.

He made his Test debut in 1991-92 against India at the SCG and played his last test in 2006-07 against England at the SCG.

During his illustrious career he took 708 wickets at an average of 25.41. His best bowling figures for an innings were 8-71 against England at the Gabba, and 12-128 for the match. He was also a useful “tailender” batsman, clubbing 3154 runs, with an average of 17.32. His biggest regret was never making a century, although he came pretty close on one occasion scoring 99 against NZ.

He also had a very successful one-day international career.

He was the first player to take 700 wickets, most wickets in a calendar year (96), most Ashes wickets and most test wickets by an Australian. He was also named in Wisden’s all-time Test XI.

Off the field, Warnie was a flamboyant entrepreneur and showman, who lived life to the full. He dated Hollywood stars, mixed with the rich and famous, loved playing poker, endorsed products, from sunglasses, nicotine alternatives, diet supplements and even a hair loss treatment.

He was well known across the world and the Australian public loved him for the larrikin he was, despite his on and off field indiscretions. He was generous and caring and donated his time to many charities and foundations.

But his greatest loves were his children Jackson, Summer and Brooke.

Shane Keith Warne, the king of spin, dead at 52. RIP

FINANCIAL IMPACT

This can be accomplished by using Council's existing resources at no cost.

GENERAL MANAGER'S COMMENT

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

Notice of Motions & Questions With Notice - 15 March 2022

ITEM 10.4 Climate Change Flooding

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

“That our Council be represented at the upcoming Franc. Sydney 2022 conference which brings together Government leaders and experts to examine issues like stormwater management and climate change.”

BACKGROUND

Recent record-breaking rains have caused havoc in some parts of our LGA and caused hundreds of thousands of dollars of damage to homes, facilities and infrastructure. There is clear evidence that conventional policies and approaches to urban development and stormwater management may need to change.

The inaugural Franc. Sydney 2022 conference which will be held on 29 March brings together an array of decision makers and experts including Stormwater NSW, CSIRO, UNSW, Sydney Institute of Marine Science and representatives from the Georges River Keeper and Cooks River Alliance.

Issues on the agenda include the ever-increasing density and reduction of green space which will make things worse, creating increasingly inhumane development. Consequences will include more destructive flooding, increasing physical and mental health issues, increased crime and reduced water security.

The keynote presentation will be given by NSW Resilience Commissioner Shane Fitzsimmons with the first session headlined: What will it take to make Urban Stormwater Truly Blue/Green?

There will also be a detailed presentation by several eminent professors about Climate Change and a discussion about the Cooks River.

Attendance at this conference ensures our City is abreast of the latest information and takes the issue of Climate Change seriously.

FINANCIAL IMPACT

Attendance at this conference ensures our Council is abreast of the latest information on the issue of Climate Change and I have been advised that the associated costs can be met from existing budgets for attending conferences.

GENERAL MANAGER'S COMMENT

Council is committed to keeping up to date with contemporary issues facing our City and the community. Indeed, attendance at this conference is aligned to Council's partnership with the Cooks River Alliance and our own Operational Plan objectives.

11 CONFIDENTIAL SESSION

11.1 T16-22 Greenacre Splash Park - Major Landscaping Package

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 Item 11.1 in confidential session for the reasons indicated:

Item 11.1 T16-22 Greenacre Splash Park - Major Landscaping Package

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.