



## STRATEGIC INFRASTRUCTURE FUNDING & DELIVERY PAPER

### City of Canterbury-Bankstown Local Strategic Planning Statement

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# Strategic Infrastructure Funding & Delivery Paper

## City of Canterbury-Bankstown Local Strategic Planning Statement

September 2019

**Prepared for**

**City of Canterbury-Bankstown Council**

**By**



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## 1. Background

### 1.1 What is an LSPS?

The City of Canterbury-Bankstown Council is preparing its first Local Strategic Planning Statement (or LSPS).

An LSPS:

- sets out the 20-year vision for land use in the local area,
- the special character and values that are to be preserved and how change will be managed into the future,
- provides the link between the higher order strategic plans (the *Metropolis of Three Cities* and the relevant District Plan) and the priorities established in Council's Community Strategic Plan.

The operational relevance of a council's LSPS under the Environmental Planning and Assessment Act 1979 (EP&A Act) is that it must be taken into consideration in planning proposals to amend the Local Environmental Plan (LEP). Under section 3.33 of the EP&A Act, when considering such a proposal, the council is required to assess whether the planning proposal will give effect to its LSPS. In other words, the LSPS is a document that informs decisions about the future use and development of land in an area.

Land use and development in urban areas cannot occur without infrastructure to support it – for example, water, sewer, road, energy and open space are key networks for urban development.

Thus, the preparation of an LSPS includes a requirement to identify strategic infrastructure priorities and the methods of funding and delivering those priorities over the LSPS planning horizon:

The LSPS will assist councils in their consideration of infrastructure needs to support growth. This will promote transparency and clarity by identifying upfront the strategic infrastructure priorities for an area, which can then be delivered through a range of methods such as government funding or planning agreements.<sup>1</sup>

Other infrastructure-related matters to be addressed by the LSPS include:

- necessary changes to statutory plans and development controls, council's infrastructure funding and delivery programs and finer grained strategic planning,
- informing the development of local infrastructure plans and management of contributions schemes.<sup>2</sup>

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<sup>1</sup> *Local Strategic Planning Statements Guideline for Councils*, DPIE 2018, p5

<sup>2</sup> *ibid.* pp 12, 14

## 1.2 The future City of Canterbury-Bankstown

### 1.2.1 Connective City 2036 vision

The City of Canterbury Bankstown's draft LSPS is called *Connective City 2036*.

New and upgraded infrastructure and its critical role in being able to connect the residents and workers of the CP to places within and beyond the City is the central focus and main theme of the LSPS.

The LSPS has the following features:

- (a) A City that will accommodate 135,000 extra residents and 125,000 extra workers by 2036.
- (b) New metro lines and stations that will be the focus of where the growth populations will live and work
- (c) Commercial and employment renewal around transit stations
- (d) A target of 80% of an anticipated 50,000 new dwellings being located within the walk-catchment of transit stops
- (e) Targeted major urban renewal precincts including:
  - i. a premier business park at Chullora connecting to Padstow and Bankstown City Centre through a Chapel Road Urban Spine
  - ii. Bankstown Aviation and Technology Precinct centred on Bankstown Airport
  - iii. Eastern Lifestyle and Medical Precinct extending from Campsie to Kingsgrove
- (f) Encouragement of limited commercial and residential growth around local and village centres and protection of established lower-scale residential areas
- (g) An integrated Green and Blue Web including protection and enhancement of river corridors and parklands for ecology and recreational activities, with the following focus areas:
  - i. Salt Pan Creek and tributaries
  - ii. Duck River and tributaries
  - iii. Cooks River, Wolli Creek and tributaries
  - iv. Georges River and tributaries
  - v. Metro Linear Green Space

### 1.2.2 Key infrastructure to support the vision

Infrastructure means the networks and services people need to live their everyday lives. This includes both economic infrastructure that makes land able to be used for urban purposes (such as transport, water, energy, and telecommunications) and social infrastructure that support the wellbeing of the people that live in cities (such as schools, hospitals, parks, and other community facilities).<sup>3</sup>

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<sup>3</sup> Infrastructure Australia (2018) *Planning Liveable Cities A place-based approach to sequencing infrastructure and growth*, p25

The following are identified in *Connective City 2036* as the most important infrastructure priorities to enable these connections:

- A genuine interconnected Sydney Metro network, including completion of the Sydenham to Bankstown metro conversion and its extension to Liverpool, and two new north-south links connecting the hubs of Bankstown and Campsie to suburban jobs centres such as Parramatta, Hurstville/Kogarah and Macquarie Park.
- A Sydney Metro station at Chullora to support that area's conversion from a suburban industrial area to an urban business park.
- New civic, cultural, and community places for a City of 500,000 people, with the facilities focused on the 'Chapel Road Precinct' and Bankstown City Centre.
- A new hospital in Bankstown and the upgrade of Canterbury Hospital.
- Schools, universities and TAFE in Bankstown and Campsie.
- Improvements to metropolitan road infrastructure.
- A lifestyle precinct at Campsie to Kingsgrove including a hospital precinct and urbanised industrial area.
- Protecting and restoring river corridors and ecological places and a whole of system approach to open space planning through Green and Blue Webs components of Connective City 2036.
- Multi-functional regional parks across the City.

A range of community-support infrastructure will also be needed to support these major infrastructure items and the growth that will accompany them, including local parks, linear parks, new and improved public domain in centres.

Council's infrastructure planning will involve planning to maximise access to quality places, direct delivery of local infrastructure that the Council is responsible for, and advocacy to other levels of government to provide the metropolitan and city-shaping infrastructure that will transform the way people perceive Canterbury Bankstown and how they connect with the rest of the Sydney region.

### **1.3 Purpose and scope of this report**

Council engaged GLN Planning to identify the suite of funding and delivery mechanisms that will be needed to provide the infrastructure to meet the urban vision described in the City of Canterbury-Bankstown LSPS.

Councils staff and other consultants are undertaking investigations to inform the LSPS, including housing, economic development, urban design, and movement and access. Together, these investigations will identify the strategic infrastructure priorities for the City over the next 20 years. One of GLN Planning's tasks is to recommend actions that will allow the Council to be proactive in enabling the required infrastructure to be delivered when and where it is needed.

The scope and costs of the local, state and utility infrastructure upgrades are likely to be substantial. Council wants to ensure that the infrastructure supporting the development outcomes can be afforded / delivered. While the Council will be principally concerned with the viability of delivering the local infrastructure it is responsible for, a holistic understanding of all infrastructure needs and funding / delivery opportunities has been undertaken.

With the above commentary as background, this report addresses the following:

- an overview of the LSPS planning vision for the City, including its strategic infrastructure needs and priorities,
- the roles and responsibilities of different entities, particularly the Council, in planning and delivering different types of infrastructure,
- the different funding and delivery mechanisms available to the Council to provide the City's local infrastructure (i.e. the infrastructure that the Council is likely to be responsible for),
- an opportunities and constraints assessment of the mechanisms,
- an assessment of the governance arrangements that are required to enable the timely delivery of both City-shaping and local infrastructure, and
- suggested actions for Council to allow it effectively to advocate, plan, fund and deliver the infrastructure required to achieve the planning vision in the LSPS.



## 2. Infrastructure planning, funding, delivery and governance

### 2.1 Infrastructure challenges facing the City

The world's best cities provide citizens with access to infrastructure services and utilities that supports a great quality of life and productivity.

But great places and their supporting infrastructure do not happen by accident. Great places require careful planning of infrastructure, fostering effective partnerships between different tiers of government, their public authorities and also private providers, and a financially sustainable delivery program.

An ongoing challenge for governments and infrastructure agencies is to sequence the delivery of new or upgraded infrastructure alongside increased growth. This means making sure schools, hospitals, recreational facilities, and public transport services can support new people, without compromising the liveability of existing communities.

In recent years there has been a growing community concern that development and population growth has raced ahead of the infrastructure needed to support growth. The effects of this misalignment have been experienced in some areas have been over-enrolment in schools, increased congestion on roads, overcrowding on public transport and competition for space at parks.

Key contributors to misalignment have included poor coordination and a 'silo' planning approach. These factors have, in some cases, contributed to diminished community trust in governments and institutions that allocate billions of dollars to providing infrastructure. Once trust is eroded it is difficult to restore and so a focused effort on sequencing and alignment of infrastructure with development demands is critical to achieving community trust.

A city's infrastructure needs and priorities also evolve over time. What is planned to meet a need for today may not be quite the same as what the population requires in 20 years' time. New technology enabling the emergence of on-demand transport as a service is an example of how needs change. Transformational projects such as metros have the biggest impact on the way people live and work, and many other decisions follow these decisions including local infrastructure priorities. It is important that the funding and delivery framework and the allocation of resources is nimble enough to respond to major infrastructure decisions and evolving priorities.

Prioritisation and re-prioritisation is also necessary because of scarce funding resources. Local communities are always competing for a share of the taxation revenue pie to pay for infrastructure and other government services. Funding from council general rates is limited and capped from year to year, and in general there is little appetite in the community for new taxes (partly due to distrust in the ability of governments at all levels to spend money wisely and in a timely way). Developers are also limited in their capacity to fund growth-related infrastructure through contributions because of impacts on project viability.

Potential solutions and responses to these challenges – many of which are discussed in this paper – include:

- Making the most of what we have – i.e. adding value and capacity to existing assets.

- Developing and implementing creative solutions – e.g. leveraging the value of publicly owned land to achieve multiple infrastructure outcomes; and direct developer delivery of infrastructure through planning controls and incentives.
- Infrastructure priorities, sequencing and alignment can be achieved through positive relationships and genuine collaboration between infrastructure agencies. Council should be the conduit through which effective coordination of infrastructure planning within the City of Canterbury Bankstown takes place.
- Funding and delivery programming needs to be nimble to respond to evolving priorities. Tensions in resource allocation can be resolved by relevant stakeholders discussing, agreeing on and then regularly revisiting infrastructure priorities.
- Implement a comprehensive, line by line, funding mix solution so that infrastructure goals can be achieved

## **2.2 Council's role in planning and delivery**

### **2.2.1 Metropolitan infrastructure**

Metropolitan infrastructure is supplied by State and Commonwealth agencies and includes new and upgraded main roads, heavy and metro rail, water and energy services. Metropolitan infrastructure will have the biggest impact on the City's future prosperity residents' quality of life.

Programming and delivery of this infrastructure will primarily be the responsibility of the State government through its transport agencies and funding allocations in the State Budget. Major projects in Canterbury-Bankstown have to compete with other projects throughout NSW for funding.

Council cannot merely expect major infrastructure investments happen by chance. Instead it will need to strategically advocate for the accelerated provision of the State and regional infrastructure.

### **2.2.2 Local infrastructure**

If State and regional infrastructure provides the backbone to the City's places, local infrastructure is very much the complete skeleton.

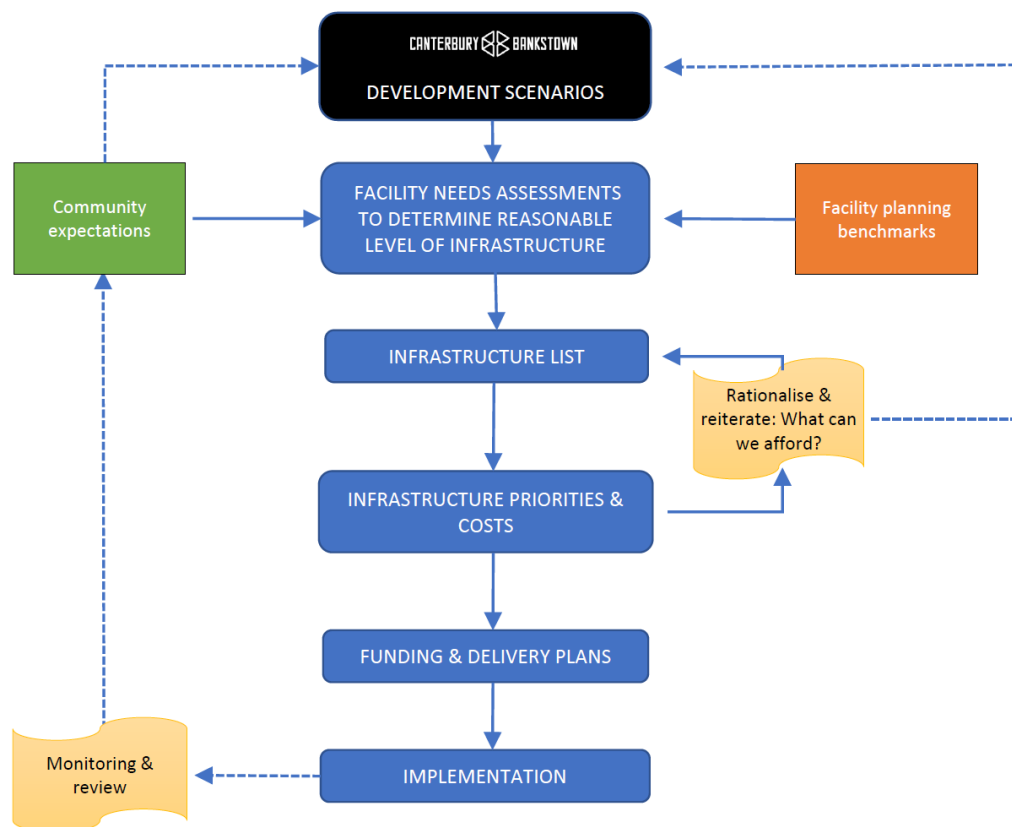
Local infrastructure includes the vast majority of the road and stormwater drainage network, most of the parks network, and key community buildings like libraries, community centres, indoor sports centres and aquatic centres. Private and not for profit groups also provide local facilities, like registered clubs and schools.

The draft LSPS further classifies local infrastructure as 'city-shaping' and 'community-supporting' infrastructure. City-shaping infrastructure are places or spaces that will be used by everyone in the City – they have an influence beyond their immediate areas. These include the Green Web, new aquatic, cultural/arts facilities, aquatic centres or major street improvements in areas like Chapel Road Precinct and Eastern Lifestyle and Medical Precinct. Community-supporting infrastructure includes the hundreds of parks, buildings, facilities, road and other improvements that the Council plans, builds and manages every day.

Council's task in ensuring the future City of Canterbury-Bankstown has a healthy infrastructure skeleton will be manifold:

- Plan for the needs of both the existing and the growth populations
- Provide and maintain the various local infrastructure network it is responsible for
- Facilitate partnerships with other providers of local facilities and services

The process of planning for local infrastructure is an iterative one, involving developing planning benchmarks or standards, community input, and scenario testing. This iterative approach is shown in **Figure 1**.



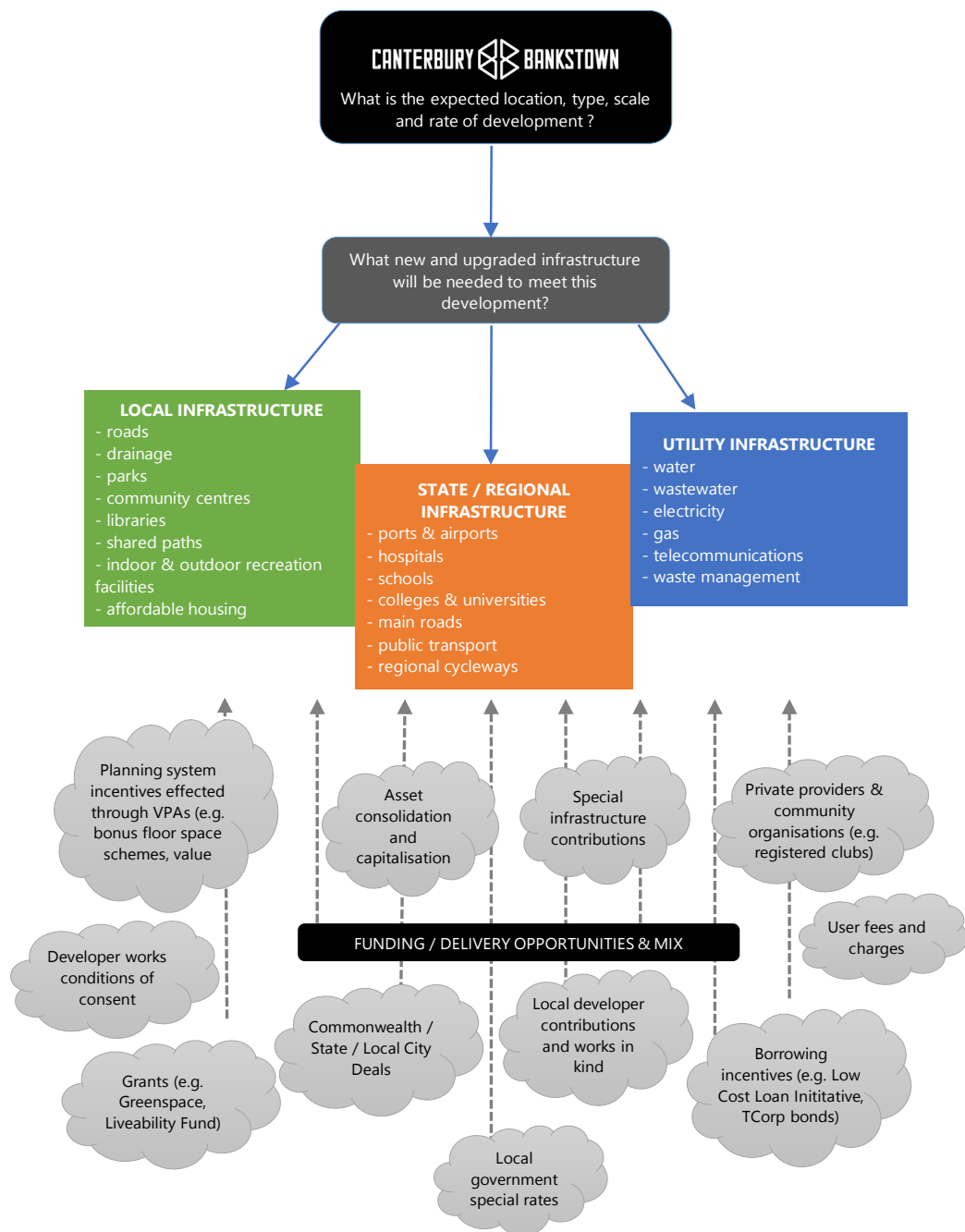
**Figure 1:** Local infrastructure planning process

## 2.3 Infrastructure funding opportunities and constraints

### 2.3.1 Overview

**Figure 2** outlines the process by which infrastructure needs in the City of Canterbury Bankstown are identified.

It also shows the menu of the main funding mechanisms and opportunities that the Council could draw on to deliver local infrastructure for which it is responsible.



**Figure 2: Infrastructure categories and possible funding and delivery mechanisms**

### 2.3.2 Local infrastructure mechanisms

Each of the possible funding mechanisms available to the Council to fund local infrastructure has its own opportunities and limitations. Summary descriptions of 20 possible mechanisms are shown in **Table 1** below.

**Table 1: Local infrastructure funding and delivery mechanisms**

| Mechanism  | Brief description of mechanism  |
|--|---|
| <b>Planning system mechanisms</b>                    |   |
| S7.11 contributions                                  | A contribution of money or land imposed as a condition on a development consent or complying development certificate. The contribution cannot be more than an amount that reflects the relationship (or nexus) between the particular development and the infrastructure the subject of the contribution.   |
| S7.12 contributions                                  | Fixed rate levy imposed as a condition on a development consent or complying development certificate. Maximum levy rate is set by regulation and is generally 1% of development cost.   |
| S7.32 affordable housing contributions               | Contribution of money or land imposed as a condition of on a development consent to be applied toward affordable housing.   |
| Special Infrastructure Contributions (SICs)          | Contribution of money or land imposed as a condition on a development consent or complying development certificate to be applied toward the provision of public infrastructure determined by the Minister for Planning.   |
| Voluntary planning agreements                        | An agreement voluntarily negotiated between a developer and the one or more planning authorities in which the developer commits to providing contributions of land, works or money for public purposes.   |
| Local area density bonus scheme/Value sharing        | An arrangement where a developer shares with the community some of the uplift in land value created by a planning decision. The value sharing is usually effected by the developer providing money, land, works or other contributions for the provision of infrastructure up to the agreed share of value uplift. The contributions are formalised through a voluntary planning agreement. |
| Direct developer provision through planning controls | The developer is required to provide, replace or upgrade infrastructure as a condition on a development consent. The works are usually required directly as a result of the development works.  |
| <b>Other mechanisms</b>                              |   |
| General fund   | Ordinary rates revenue that is collected by the council on an annual basis to fund the operations of the council.   |
| Other general income (fees, charges, rents etc)      | Fees and charges for various services and facilities provided by the council; usually set by regulation under the Local Government Act and other Acts.  |
| Special rate variation (LGA)                         | Additional council rates pursuant to section 495 of the Local Government Act for works or services that will service the LGA. An application is required to be made and approved by IPART.  |
| Special rate variation (Local)                       | Additional council rates pursuant to section 495 of the Local Government Act for works or services limited to a specific area (e.g. land release or suburb) that will benefit from the proposed   |

| Mechanism                                | Brief description of mechanism  |
|--|---|
|  | infrastructure. An application is required to be made and approved by IPART.  |
| Stormwater management levy               | Levy imposed pursuant to section 496A of the Local Government Act for the provision of stormwater management services for each parcel of rateable land for which the service is available.  |
| Redevelopment of State Government land   | Opportunities to have infrastructure, facilities, affordable housing or other public benefits incorporated into the redevelopment of State-owned land that is surplus to agency needs.  |
| State and Federal Government grants      | Funds that are available for the provision of infrastructure via an application process. Most schemes require co-funding/cash contribution for projects. Projects without co-funding tend to score lower against the merit criteria.  |
| City Deals funding                       | Partnership between Federal, State and local governments for agreed outcomes. Funds are available to deliver specific projects/objectives over a 20 year timeframe. A recent example is the <a href="#">Western Sydney City Deal</a> .  |
| Proceeds from asset sales                | Sale of council owned assets (usually land e.g. depots) that are surplus to needs or are otherwise redundant and are no longer required. Proceeds of sales are used to co-fund other council projects.  |
| Cash investment interest                 | Use of interest earned on cash investments such as term deposits to provide co-funding for projects.  |
| Property joint venture                   | A business arrangement between two or more partners to combine resources to accomplish a specific task. Generally, one party will provide the land – such as a council - and the other(s) the development of that land.   |
| Non council providers of similar service | Facilities and services that have been traditionally provided by councils but are also provided by other organisations. Examples include child care centres (increasingly provided by for-profit companies), indoor recreation centres (increasingly provided by registered clubs and NGOs such as PCYC). |
| Subsidised borrowing schemes             | Low cost loan financing offered by the NSW Government (e.g. Low Cost Loans Initiative, LCLI). All councils are eligible to apply for a maximum loan period of 10 years. Programs tend to support 'enabling infrastructure' that may include community facilities, parks and playing fields.               |

It will be rare that one mechanism will provide the funding solution for each infrastructure category. Council will need to comprehensively test and match different mechanisms to particular infrastructure items and categories so that a sustainable funding mix can be applied to provide and maintain infrastructure over its life cycle. This is further discussed in section 2.5.

### 2.3.3 Planning system mechanisms

The City of Canterbury-Bankstown LSPS is underpinned by the assumption that there will be significant additional development of land in the future. The mechanisms available under the NSW planning system to fund and deliver growth-related infrastructure will be important in informing the future infrastructure funding mix.

GLN Planning examined in detail the planning system mechanisms opportunities and constraints, as they relate to the City of Canterbury-Bankstown. This is shown in **Table 2**.

**Table 2: Planning system funding and delivery mechanisms**

| Mechanism and brief description  | Opportunities / advantages  | Constraints / disadvantages  |
|--|---|--|
| <p><b>Section 7.11 contributions</b></p> <p>Contribution of money or land imposed as a condition on a development consent or complying development certificate</p> | <p>Typically extracts more funds than a 1% s7.12 levy, particularly for residential development that results in an increased population.</p> <p>While contributions do have to satisfy nexus, contributions plans can be prepared with relatively flexible facility descriptions and - in a compact urban area like Canterbury-Bankstown - broad catchments.</p> <p>Developers are able to satisfy contribution requirements (either partly or fully) by providing 'material public benefits' which can include works or land identified in the contributions plan.</p> | <p>Contributions imposed on a development must fairly reflect that development's demand for the infrastructure included in the contributions plan. The practical effect of this is that in established urban areas, development contributions will usually only ever cover part of the cost of new infrastructure or upgrades to existing infrastructure.</p> <p>Contributions are to be applied towards capital costs, and generally not maintenance or recurrent costs.</p> <p>Contributions on residential development in established areas are generally capped at \$20,000 per dwelling as per Minister's direction. There is no indexing of this cap.</p> <p>Councils may seek contributions above the cap but first have to have their draft plan reviewed by IPART and the Minister. This is currently a lengthy process with a duration of 1-2 years from preparation of application to a Minister's determination.</p> <p>Above the cap plans can only authorise contributions for 'essential works'. The essential works list does not include infrastructure that would typically be needed for growing populations in inner &amp; middle urban areas. For example, any community building, indoor sports centre, aquatic facilities are not currently regarded as essential works. There is uncertainty as to whether streetscape works are essential works. Land acquisition is however in the essential works list.</p> |



| Mechanism and brief description   | Opportunities / advantages  | Constraints / disadvantages  |
|---|---|--|
| <p><b>Section 7.12 levies</b></p> <p>Levy imposed as a condition on a development consent or complying development certificate</p>  | <p>Levy is easily calculated.</p> <p>Levy can be applied toward any infrastructure, regardless of whether or not there is a connection between the development and the infrastructure.</p> <p>Levy is therefore most useful when the amount and type of development is difficult to predict, or where there is little understanding of the connection between the infrastructure to be funded by the levy and the developments that are paying the levy.</p> <p>In established areas of Sydney with residential development growth, s7.12 is optimally applied to non residential developments as well as to extensions or enlargements to existing dwellings. Many councils pursue this approach including Willoughby, Hornsby, The Hills.</p> | <p>The maximum levy that can be imposed on any development cannot be more than 1% of the cost of the development.</p> <p>Pursuit of a levy plan with this upper limit rate results in much less revenue compared to a s7.11 contributions approach, particularly for development that increases dwellings. Previous work we have done for other councils suggest that revenue from residential development can be 1/3 or ¼ of the amount that can be achieved through s7.11 contributions.</p> <p>Councils can seek the Minister's approval to apply a higher levy rate to particular development or particular areas. However, to date there has been no consistent guidance issued by DPIE to councils that wish to do this (and there have been many).</p> <p>DPIE has generally required these councils to show cause as to why a higher levy rate is warranted, which has required a detailed nexus assessment to be undertaken. If the council does this there is then a strong incentive for the assessment to inform a s7.11 contributions plan and abandon the higher s7.12 levy request.</p> |
| <p><b>Section 7.4 planning agreements</b></p> <p>An agreement voluntarily negotiated between a developer and one or more planning authorities in which the developer commits to providing contributions of land, works or money for public purposes</p> | <p>A broader range of contributions can be provided through planning agreements.</p> <p>Public purposes are not limited and may include, for example, recurrent spending, conservation of the natural environment, and spending on programs in addition to capital works.</p> <p>Many councils use planning agreements to negotiate contributions beyond the mandatory s7.11 or s7.12 amounts. This is more often done in conjunction with</p>  | <p>Because they are optional for developers, planning agreements can never entirely replace a council having <i>mandatory</i> contributions mechanisms – either / both s7.11 and s7.12 contributions plans – in place.</p> <p>Planning agreements are often perceived by developers as not voluntary. This can be mitigated by the Council having a policy and clear procedures around the use of planning agreements.</p>   |

| Mechanism and brief description  | Opportunities / advantages   | Constraints / disadvantages   |
|--|--|---|
|  | <p>planning proposals because an applicant usually needs a council's support to proceed with a rezoning (as distinct from a DA, where the applicant can appeal to the Land &amp; Environment Court where a council or planning panel does not determine the application within a prescribed time period).</p>  | <p>While a developer cannot be forced to enter into an agreement, the promise of a council's support for increased development potential (in a planning proposal) in exchange for development contributions a council is seeking can be an incentive that brings the parties to an agreement. This is typically what happens in value sharing schemes (see below).</p> <p>Negotiation and execution of agreements with individual land owners can be and often is time consuming and expensive. This can be mitigated by drafting standard form agreements, and adopting standard charges (for value sharing – see below).</p>  |
| <p><b>Value sharing scheme</b></p> <p>An arrangement where a developer shares with the community some of the uplift in land value created by a planning decision. The value sharing is usually effected by the developer providing money, land, works or other contributions for provision of infrastructure up to the agreed share of value uplift.</p> | <p>May operate in addition to mandatory contributions mechanisms. This is useful because the mandatory mechanisms have monetary caps on them, and so a value sharing scheme can provide an additional source of funds for delivery of local infrastructure.</p> <p>For example, libraries, community centres, indoor recreation facilities (and potentially public domain works) are currently not categorised as 'essential works', and so cannot be funded by s7.11 contributions above a \$20K cap.</p> <p>These schemes must be underpinned by a clear policy and guidelines for participation. They should (but need not) be formally supported by LEP provisions – see comments in right hand column.</p> <p>The recent public exhibition of the City of Sydney's policy <a href="#">Draft Guideline for Site Specific Planning Proposals in Central Sydney</a> is a good example of the approach.</p> | <p>Scheme effected through planning agreements, so there is an amount of administration and organisation required. See comments on planning agreements.</p> <p>Only possible if values increase as a result of planning decisions. This can be mitigated by the scheme switching off or reducing when market conditions are unfavourable.</p> <p>DPIE has traditionally resisted council value sharing schemes being formalised in environmental planning instruments on the grounds that they unlawfully supplement the mechanisms endorsed by the EP&amp;A Act (s7.11 and s7.12), and that they force developers into planning agreements (which are supposed to be voluntary).</p> <p>However, some recent developments which may see this resistance reduced or removed:</p> <ul style="list-style-type: none"> <li>In October 2018, the <a href="#">Independent Planning Commission</a> in its review of a DPIE decision to reject Randwick Council's proposed inclusion of a</li> </ul> |

| Mechanism and brief description  | Opportunities / advantages   | Constraints / disadvantages   |
|--|--|---|
|  |  | <p>'community infrastructure contribution (CIC)' (or value sharing) in an LEP determined that it was a 'valid contributions mechanism' that should be allowed to proceed.</p> <ul style="list-style-type: none"> <li>In February 2019, the DPIE issued its <a href="#">Guideline for Developing an Affordable Housing Contribution Scheme</a> (AHCS). AHCSs are the method by which councils will implement mandatory affordable housing contributions on development under s7.32 of the EP&amp;A Act. A key requirement of these schemes is that the contribution must be shown to not affect development viability, and must relate to the value uplift that is created by an 'upzoning' of land.</li> </ul>  |
| <p><b>Direct developer provision through planning controls</b></p> <p>Provisions in planning instruments that require or encourage developers to directly provide infrastructure as part of their development.</p> | <p>In an urban renewal context, examples of the types of infrastructure that can be provided this way include:</p> <ul style="list-style-type: none"> <li>Footpath paving and undergrounding of services on adjacent road frontages</li> <li>Through-site or perimeter access lanes and thoroughfares</li> <li>Civic squares and local parks</li> </ul> <p>The first example is widely applied by various councils. For the last two listed examples, the approach represents a potential alternative to provision via conventional s7.11 contributions (which are capped for residential development).</p> <p>The planning controls approach allows the most expensive cost component – land – to be internalised</p> | <p>The controls have to be reasonable and defensible in a potential court appeal on a consent, refusal or deemed refusal.</p> <p>The planning control or requirement ultimately translates to conditions of consent. And each condition is subject to limitations as to their scope. The condition must satisfy the three-pronged 'Newbury test'<sup>4</sup> – that is:</p> <ul style="list-style-type: none"> <li>it must have a planning purpose,</li> <li>it must relate to the permitted development to which it is annexed, and</li> <li>it is not so clearly unreasonable that no reasonable planning authority could have imposed it.</li> </ul> <p>Requiring developers to directly provide significant infrastructure such as parks and plazas is more able to</p> |

<sup>4</sup> From the decision by the House of Lords in *Newbury District Council v Secretary of State for the Environment* AC 578 [1981]

| Mechanism and brief description | Opportunities / advantages   | Constraints / disadvantages  |
|---------------------------------|--|--|
|                                 | <p>within the development project by allocation of the full floor space potential onto only part of the development site.</p> <p>The following provides an example of how this can be done:</p> <ul style="list-style-type: none"> <li>• A DCP could require, as a pre-requisite for its development for higher density residential development, the consolidation of land to create a substantial minimum development site area.</li> <li>• The DCP would also include complementary controls that required a sufficiently-sized residue portion of the consolidated allotment to be set aside as an urban park.</li> <li>• The incentive can be supported / enhanced by linking the controls to a value sharing scheme in which additional or 'bonus' floor space is granted to the consolidated site in exchange for embellishment and dedication of public space to the council. Or, the developer could be granted a partial offset of s7.11 contributions to reflect the cost of say the embellishment works.</li> </ul> | <p>be justified where the development is large, which is why it would be critical to link the entitlement to redevelop with the assembly of a site that is large enough to incorporate a significant unbuilt-upon area for say a 3,000m<sup>2</sup> park.</p> <p>If value sharing is part of the arrangement, the net public benefit that accrues from setting aside of land for infrastructure in exchange for bonus floor space provisions or higher building height allowances needs to be clearly explained in the LEP or DCP.</p> |

## **2.4 Summary of key opportunities and constraints**

### **2.4.1 Council leadership in infrastructure coordination**

The LSPS articulates what the City will look like in the future. This report provides a preliminary examination of how Council in collaboration with the State government and other City partners can make that City happen. Many town planning exercises provide a clear picture of the 'what' but a cursory examination of the 'how'. This is understandable given that plans are executed over many years, even decades, and have to endure several changes in the people making the funding (or 'how') decisions - e.g. councils are elected for 4 year terms.

Consideration of funding and delivery considerations up-front demonstrates leadership by Council on behalf of the whole City. Establishing the narrative of what kind of City you want to be will help persuade other tiers of government to invest. In our opinion this is the first and most significant opportunity, and it can be supported by more active collaboration by Council with agencies that will be making decisions on the City-shaping infrastructure. Proactive advocacy of major infrastructure can and should be part of Council's core business.

### **2.4.2 Development contributions schemes and other developer involvement arrangements**

Developers will play an important role in providing local infrastructure through contributions, but they cannot carry the entire load if housing is to remain affordable. The following section discusses the key opportunities.

#### **Section 7.11 contributions and section 7.12 levies**

S7.11 and s7.12 can form the basis of a mandatory development contributions scheme to deliver the local infrastructure needed to support the place plans. These mechanisms will be able to fund some of the cost of growth-related capital works infrastructure. The extent of funding is limited by State government policy and also the extent to which the anticipated growth demands the new or upgraded infrastructure.

#### **Capturing and reinvesting value created by planning decisions**

Increases in land value can be generated by 'upzoning' decisions or major new public transport plans.

Land owners who receive an unearned windfall because of a planning decision should share that windfall with the community that provided it. Council should seek to capture some of this extra value reinvest it in infrastructure that supports growth.

Council should structure its land use plans to ensure a reasonable share of this extra value is directed towards the City's priority infrastructure.

#### **Actively involving land developers in creating great places**

One of the major stresses caused by growth is that, while the new populations increase the demand for parks, civic squares and the like, the cost of the land needed for the new parks to serve new residents is prohibitively expensive.

Council can design its place-based land use planning strategies so that open space and public domain are delivered as part of developments.

Potential strategies include lot consolidation, transfer of development rights and bonus floor space schemes that will encourage developers to deliver new generously-sized ground level public spaces as part of their developments.

### **Funding life cycle costs**

The mandatory contributions mechanisms cannot meet the recurrent or whole of life cycle costs of infrastructure. Opportunities to fund these costs principally lie outside the planning system mechanisms, and using the traditional mechanisms of the General Fund, special rate variations (LGA wide), council fees, charges, rents, and investment interest. The likely ongoing rate pegging policy of the State government means that Council will need to be regularly looking at special rate variations and fees and charges in order to maintain its substantial asset base.

### **Non council providers**

Non council providers of some social infrastructure, such as recreation facilities and community floor space, represent a potentially major opportunity for Council to share the burden of providing these facilities. Entities such as registered clubs and schools often have these facilities on their sites and they are used part of the time by their members. Joint use opportunities between Council and other providers should be explored.

### **Integrated, multi-use approach to water corridors to leverage funding by others**

Nexus between new development and upgrading stormwater systems is likely to be low because of the existing impervious, built-up character of the City. This means that section 7.11 contributions have little potential for substantial income to fund stormwater upgrades.

The Local Government Act's stormwater management levy provides limited funds for councils to manage its stormwater assets. There is the opportunity for Council to explore the potential to link Sydney Water's current interest in and funding for 'naturalising' stormwater channels to trunk network upgrade priorities. Most of the stormwater systems comprise part of or feed into the Green Grid proposals, so there may be funding opportunities from the State Government under grant programs such as the Liveability Fund.

These factors indicate that, in order to maximise funding opportunities from non-Council sources, Council should be prioritising and promoting multi-use in the planning of its trunk drainage networks.

### **State government-owned and other major sites**

The potential redevelopment of major sites including State government owned land provides opportunities to include social infrastructure as part of the land use mix.

Canterbury Racecourse for example stands out as a great opportunity to provide 'land-hungry' active open space and recreation facilities (such as playing fields), in the event that the site's current private recreation use becomes redundant in the future and the site is made available for other purposes.

Another opportunity is for Council to leverage off public domain improvements linked to metro station renewals. The State government's conversion of the Sydenham to Bankstown rail line to cater

for metro vehicles will take place over the next 3-4 years. The works program includes some public domain improvements immediately adjacent to the metro stations. Council can take advantage of the State's investment by early programming of works that improve the pedestrian and cycling environment in the walk zone immediately beyond these works.

### Leveraging the land value from Council-owned land

Council's own land portfolio represents a significant opportunity to provide the means to deliver required social infrastructure, particularly in highly accessible locations such as centres. This may be in terms of:

- Joint ventures with developers to redevelop Council-owned land in centres, leveraging the land value so as to provide centre-based infrastructure such as civic squares, multi-purpose community floor space, and public car parking.
- 'Asset recycling' being the sale of surplus Council land, with reinvestment of the proceeds into acquiring strategic land parcels that will enable priority infrastructure to be provided. This could be a key vehicle to acquire 'missing links' in the Green Grid project. In order to gain the required community and councillor support for this strategy, Council must develop a clear plan on what the proceeds will be applied to.

## 2.5 Towards a sustainable funding mix

### 2.5.1 Steps

The steps the Council should follow in designing a sustainable funding mix to meet the cost of the infrastructure priorities established in the LSPS are as follows:

**Master plan:** a master plan should be developed for each place. It will be prepared with the involvement of the community, key stakeholders and city partners, and infrastructure agencies. It will establish a clear vision and an intended outcome based on understanding of the place that is underpinned by an evidence base.

**Infrastructure schedule, responsibilities and priorities:** A prioritised schedule of the state, regional, utility, local and other infrastructure that is needed to bring to life that master plan will be prepared. The schedule will identify the facilities that Council will advocate and collaborate with other stakeholders to program and fund, and the local infrastructure Council will deliver through a funding mix.

**Infrastructure funding and coordination:** Council will coordinate the planning, prioritisation, programming, budgeting, procurement and delivery of local infrastructure linked to its life cycle asset management systems. The emphasis will be on tailoring the funding mix to suit each class of infrastructure, and is discussed further below.

**Infrastructure delivery:** Local infrastructure projects (including city-shaping infrastructure that Council has a responsibility to provide) will then be designed, specified, tendered and overseen by place project managers.

Council will be responsible for the delivery of local infrastructure in the City's centres and places, including most of the road and stormwater drainage networks, parks, civic squares, and city-shaping facilities like libraries, community centres, indoor sports centres and aquatic centres.

Different funding sources are potentially available for different projects. Council will match different mechanisms to particular infrastructure items and categories so that a sustainable funding mix can be applied to provide and maintain infrastructure over its life cycle.

The following describes an example of how this approach might work.

### 2.5.2 Example

The draft LSPS has a goal that 80% of new housing is to be accommodated in the walk catchments of transit stops. Council should prepare a contributions plan that mandatorily requires developers of the new housing to make s7.11 or s7.12 contributions to help fund the new parks, public domain, community and other local facilities that are needed to meet the demands of the new populations that will occupy the new housing.

However, current State Government policies restrict or cap these contributions meaning that a range of funding and delivery tools need to be considered and implemented to deliver the outcomes for each place.

There are opportunities to complement the traditional contributions mechanisms with the following:

- (a) Direct developer provision of infrastructure through planning controls
- (b) Value sharing scheme
- (c) Voluntary planning agreements
- (d) Special rate variations applying to a local area<sup>5</sup>

While these mechanisms can operate individually to help deliver growth-related infrastructure that cannot be met through s7.11 / s7.12 contributions, optimal place outcomes are most likely to be achieved if some or all of these are applied together to a specific growth area and to a specific growth infrastructure plan.

For example, current State Government policy restricts s7.11 contributions to be used to provide 'essential works'. Essential works do not include any community buildings such as libraries, community centres, etc.. Indoor recreation centres and major sports facilities such as stadia are also not currently designated as essential works. Yet these facilities are likely to be critical to community well-being and the quality of the future City of Canterbury-Bankstown. Council should therefore plan for a **funding mix** that includes the use of (a), (b), (c) and / or (d) above to help meet the cost of infrastructure that is not currently designated as essential works.

The capacity for these complementary mechanisms to fund growth infrastructure will likely be affected by movements in the economic cycle. For instance, a trough in the housing market will significantly diminish the potential for value sharing schemes to fund infrastructure. However, the 'slack' during down periods of the cycle can be picked up to some extent by a local area special rate applying to landowners. This approach is one where the suite of mechanisms are in place, but the extent of their application is 'toggled' to suit economic conditions. This control board approach is critical in ensuring that there isn't at any one time excessive charges on developers and landowners that needlessly hold back economic development of the City.

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<sup>5</sup> Also known as a business district improvement levy (when applied to land in centres)



Whichever array of mechanisms is used, it should be made plain to developers and the community what the funding will be applied towards. Therefore, a comprehensive infrastructure plan is an essential part of the funding and delivery mechanisms.

### **2.5.3 Funding mix analysis**

The prioritisation and programming of infrastructure to create the new places will respond to many factors, including:

- the type, scale, rate and location of development in the different parts of the City (and thus the development contributions received)
- relative community needs and expectations for one infrastructure type over another
- political considerations including expenditure decisions made by Commonwealth and State Government
- the property and infrastructure investment climate, including the availability and affordability of finance for both private and public sectors
- the health of the wider economy, particularly the construction and housing sectors
- the availability of funding from a range of sources for different types of infrastructure

The determination of a sustainable funding mix for the infrastructure that the Council may be involved in delivering will necessarily consider all these factors, and will culminate in an assessment of opportunities for different funding mechanisms to deliver individual infrastructure items.

An example of a high level funding opportunities analysis template using some of the infrastructure items listed in the draft LSPS is shown in Appendix A.

## **2.6 Governance opportunities and responses**

### **2.6.1 Building blocks of good governance**

The effective planning, funding and delivery of the infrastructure that the future City of Canterbury-Bankstown requires can only occur with effective governance and decision-making.

Governance refers to the way an organisation or business harnesses and allocates its resources achieve its objectives effectively and efficiently.

Similarly, governance of a city is about how the different players who shape the city make decisions and allocate resources to:

- make the local economy flourish,
- improve the wellbeing of the population, and
- conserve and celebrate city's natural areas,

for the benefit of all.

Cities are complex, with thousands of individuals and organisations making decisions reflecting their own aspirations and priorities. Elected state and local government representatives and their agencies

primarily make the decisions about how a city looks and operates. The biggest challenge in creating a great city is the way different agencies often make decisions in isolation from each other.

In order to avoid the traditional but flawed 'silo' planning approach a new governance model needs to be pursued.

A good city governance model is one that:

- focuses on creating great places through the coordinated effort of many, rather than providing services in isolation from each other
- effectively involves and engages residents and the broader community
- enables genuine collaboration between federal, state and local government, and city-shaping institutions and businesses
- effectively aligns infrastructure delivery with development and population growth
- includes a logical 'road map' for traveling from plan into reality, including the use of multiple funding and delivery mechanisms to deliver the infrastructure that is needed to support growth (i.e. the 'funding mix').

### **2.6.2 Collaboration and partnerships**

Major infrastructure priorities as well as many of the smaller projects require a collaborative approach to plan and deliver. Collaboration occurs with a wide group of stakeholders including the community, State agencies and cross boundary technical and professional disciplines.

Realising the strategic vision in this plan will require a large degree of collaboration with local and state government including neighbouring councils, Transport for NSW, NSW Health, Department of Education, Greater Sydney Commission, Department of Planning, Industry and Environment, Sydney Water, the Commonwealth Department of Infrastructure, Regional Development and Cities, and Sydney Metro.

There are also organisations here in the City that, due to their size and reach into the community, will be active partners in the City's development including WSU, Bankstown Hospital, Bankstown and Sydney Airports, and major businesses.

Council will regularly engage and collaborate with its city partners, other agencies and stakeholders to promote fundamental strategic planning (e.g. reserving land for transit corridors and other network infrastructure) and leverage off and align its infrastructure programs with their investment plans as much as possible.

### **2.6.3 Advocacy**

While city shaping infrastructure such as new and upgraded main roads, metro rail, schools and hospitals have the biggest impact on the City's future prosperity and residents' quality of life, Council is not the responsible agency for providing major and utility infrastructure.

These facilities rely on decisions and budget-setting of State and Federal government. Major utility investments such as reservoirs, electricity substations and broadband networks are implemented by public and private providers.

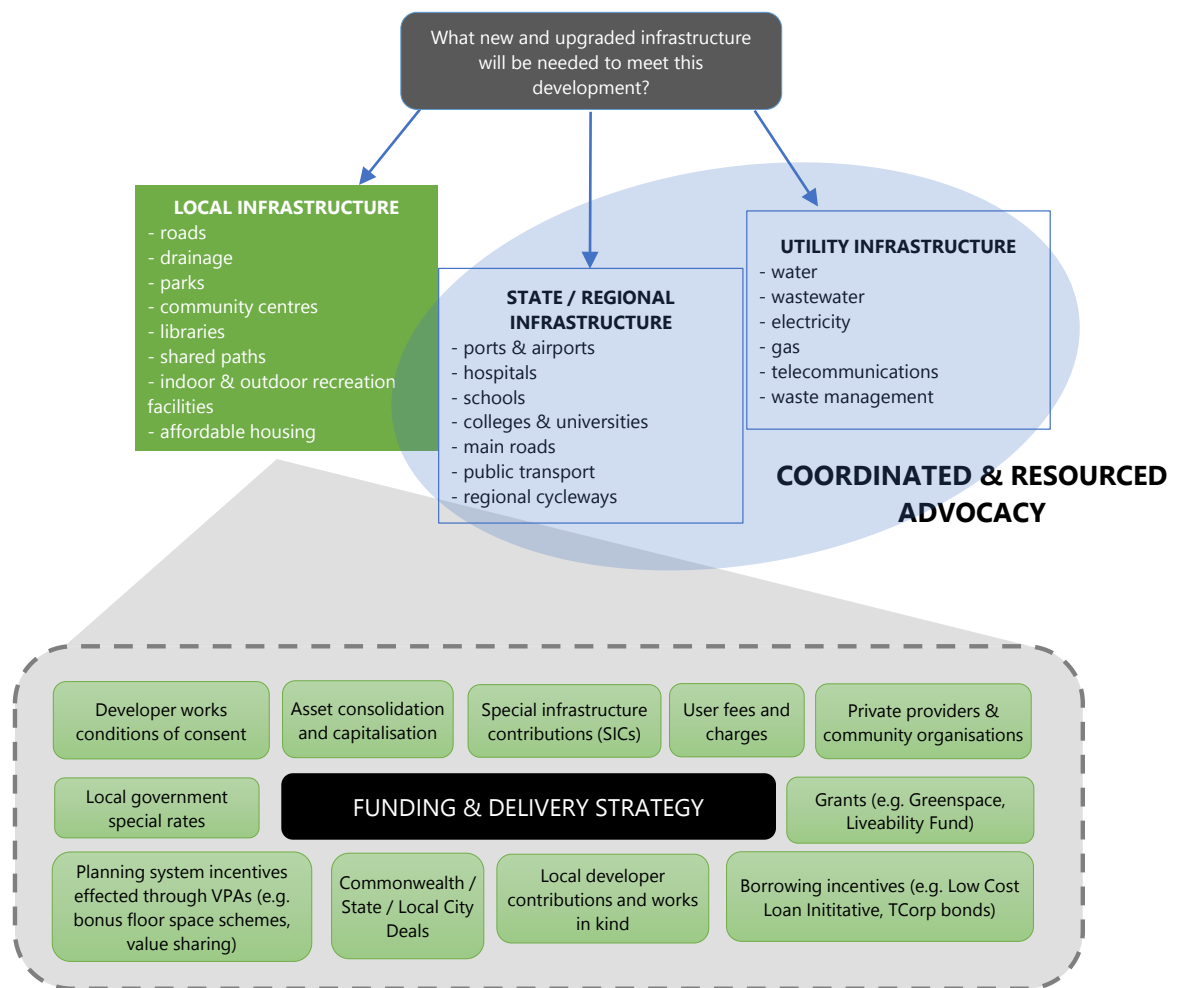
Council will advocate for major and transformational infrastructure to be provided by these agencies. It will do this by:

- logging blockages and efficiencies in the existing networks
- demonstrating need and long-term forecasts and planning through the LSPS
- sharing information with other levels of government about its LSPS vision and the community's needs
- developing ongoing, positive relationships with agencies and communicating well to ensure timely and viable advice
- advocating to government to accelerate provision of transformational projects (such as Sydney Metro services) that will underpin growth and radically improve connections between the City and the rest of Greater Sydney.
- coordination through a 'place management' approach.

### 3. Actions and recommendations

1. Council should adopt the following objectives to enable effective governance and coordination of the funding and delivery of infrastructure:
  - (h) effectively align infrastructure funding and delivery with growth
  - (i) establish a clear picture of future places and their infrastructure needs
  - (j) support the creation of great places through an infrastructure funding framework that is underpinned by a tailored funding mix
  - (k) use the land development process as a funding mechanism for quality infrastructure
  - (l) advocate and collaborate with State agencies and the private sector to coordinate infrastructure.
2. Establish a City governance model that:
  - (a) focuses on creating great places through the coordinated effort of many, rather than providing services in isolation from each other
  - (b) effectively involves and engages residents and the broader community
  - (c) enables genuine collaboration between federal, state and local government, and city-shaping institutions and businesses
  - (d) effectively aligns infrastructure delivery with development and population growth
  - (e) includes a logical 'road map' for traveling from plan into reality, including the use of multiple funding and delivery mechanisms to deliver the infrastructure that is needed to support growth (i.e. the 'funding mix').
3. Council to develop a land use master plan and infrastructure plan for each place that will include a prioritised, costed list of city-shaping and community-support infrastructure. This list will inform the preferred funding mix to achieve the infrastructure plan, and the contributions plans and complementary funding strategies that support that mix.
4. Council to allocate sufficient resources to effectively coordinate the planning, prioritisation, programming, budgeting, and delivery of local infrastructure, and to link it to the Council's life cycle asset management systems.
5. Council will, in preparing infrastructure and funding plans, evaluate the role of the following potential mechanisms in the funding mix to deliver the master plan for each place:
  - (a) General Fund
  - (b) Other general income (fees, charges rents, etc.)
  - (c) Special rate variation (LGA-wide and local area)
  - (d) Stormwater management levy
  - (e) Developer contributions through the planning system
  - (f) Redevelopment of State Government land
  - (g) State and Commonwealth government grants programs
  - (h) State government sponsored subsidised borrowing schemes

- (i) City Deals funding
  - (j) Proceeds from asset sales
  - (k) Property joint ventures
  - (l) Cash investment interest
  - (m) Partnerships with non-council providers
6. The synthesis of Council's coordination, collaboration, advocacy, funding and delivery of the infrastructure to support the LSPS is shown in **Figure 3**.



**Figure 3: Infrastructure funding, delivery and advocacy**

## **APPENDIX A**

# **Infrastructure funding opportunities analysis template**

SC - State Government  
CCB - City of Canterbury-Bankstown Council  
CP - City Partners  
★ - Funding Opportunity

|  |  |          | Funding and Delivery responsibility | General Fund | Other General Income (Fees charges, rents, etc.) | Special rate variation (LGA) | Special rate variation (Local) | S7.11 Contributions | S7.12 Levies | SICs | Stormwater management levy | Redevelopment of State Government land | State Government grants | City Deals funding | Local area density bonus scheme / VPA | Proceeds from asset sales | Cash investment interest | Property joint venture | Non Council providers of similar service | Subsidised borrowing schemes |
|--|--|----------|-------------------------------------|--------------|--|------------------------------|--------------------------------|---------------------|--------------|------|----------------------------|--|-------------------------|--------------------|---------------------------------------|---------------------------|--------------------------|------------------------|--|------------------------------|
| Bankstown City Centre                        | Bankstown Arts Centre                                      | S,CCB,CP | *                                   | *            |  | *                            | *                              | *                   |              |      |                            | *                                      | *                       | *                  | *                                     | *                         | *                        | *                      | *  |                              |
| Bankstown City Centre                        | Implementing Cultural Trail                                | S,CCB,CP |                                     |              |  | *                            | *                              |                     |              |      |                            | *                                      | *                       |                    |                                       | *                         |                          |                        |  |                              |
| Bankstown City Centre                        | Public domain works (including public art)                 | CCB      | *                                   | *            | *  | *                            | *                              | *                   | *            |      | *                          | *                                      | *                       | *                  | *                                     | *                         |                          |                        | *  |                              |
| Bankstown Aviation and Technology Precinct   | Aviation centre of excellence                              | CP       |                                     |              |  |                              |                                |                     |              |      |                            | *                                      |                         |                    | *                                     |                           |                          |                        |  |                              |
| Bankstown Aviation and Technology Precinct   | Placemaking surrounding metro stations                     | S,CCB,CP |                                     |              |  | *                            | *                              | *                   | *            |      | *                          |  | *                       | *                  | *                                     | *                         | *                        |                        | *  |                              |
| Bankstown Aviation and Technology Precinct   | Duplication of Henry Lawson Drive and new M5 on/off ramp   | S        |                                     |              |  |                              |                                |                     | *            |      |                            | *                                      | *                       |                    |                                       |                           |                          |                        |  |                              |
| Bankstown Aviation and Technology Precinct   | Enhance Georges River Parklands                            | S, CCB   | *                                   | *            | *  |                              | *                              | *                   |              |      |                            | *                                      | *                       | *                  | *                                     | *                         |                          |                        | *  |                              |
| Canterbury-Bankstown systems and tributaries | Improve River systems and rehabilitation of Riparian zones | S, CCB   | *                                   | *            | *  |                              | *                              | *                   |              | *    |                            | *                                      | *                       | *                  | *                                     | *                         |                          |                        | *  |                              |
| Canterbury-Bankstown systems and tributaries | Interconnected Open Space Network                          | CCB      | *                                   | *            | *  | *                            | *                              | *                   |              |      |                            | *                                      | *                       | *                  | *                                     | *                         |                          |                        | *  |                              |
| Chapel Road Precinct                         | Pedestrianisation of Appian Way                            | CCB      | *                                   | *            |  | *                            | *                              | *                   |              |      |                            |  |                         | *                  | *                                     | *                         |                          |                        |  |                              |
| Chapel Road Precinct                         | Major Civic and cultural spaces                            | S, CCB   | *                                   | *            | *  | *                            | *                              | *                   |              |      | *                          | *                                      |                         | *                  | *                                     | *                         | *                        |                        | *  |                              |
| Chapel Road Precinct                         | Footpath Boulevard   | CCB      | *                                   |              |  | *                            | *                              | *                   |              |      |                            |  |                         | *                  | *                                     | *                         |                          |                        |  |                              |
| Chapel Road Precinct                         | Bankstown-Lidcombe Hospital redevelopment                  | S        |                                     |              |  |                              |                                |                     | *            |      | *                          | *                                      | *                       |                    |                                       |                           |                          |                        |  |                              |
| Chapel Road Precinct                         | Grade separation of Stacy Street/Hume Highway Intersection | S        |                                     |              |  |                              |                                |                     | *            |      |                            | *                                      | *                       |                    |                                       |                           |                          |                        |  |                              |
| Eastern Lifestyle and Medical Precinct       | Wetland, Park areas and playing fields                     | CCB, CP  | *                                   | *            | *  | *                            | *                              | *                   |              | *    |                            |  |                         | *                  | *                                     | *                         |                          |                        | *  |                              |
| Eastern Lifestyle and Medical Precinct       | Two new regional parks                                     | S, CCB   |                                     |              | *  |                              | *                              | *                   | *            |      |                            | *                                      | *                       | *                  | *                                     | *                         |                          |                        | *  |                              |
| Eastern Lifestyle and Medical Precinct       | Pedestrian Crossings                                       | CCB      | *                                   | *            |  |                              | *                              | *                   |              |      |                            |  |                         | *                  |                                       | *                         |                          |                        |  |                              |
| Eastern Lifestyle and Medical Precinct       | Street embellishment                                       | CCB      | *                                   | *            |  |                              | *                              | *                   |              |      |                            |  |                         | *                  |                                       | *                         |                          |                        |  |                              |
| Eastern Lifestyle and Medical Precinct       | Cooks River and Centerbury Racecourse restoration          | S, CCB   |                                     |              |  |                              | *                              | *                   | *            | *    | *                          | *                                      | *                       | *                  |                                       |                           |                          |                        |  |                              |