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## Planning Matters - 25 August 2020

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### **ITEM 5.1                      Application to Amend Bankstown Local Environmental Plan 2015: 167 Hume Highway, Greenacre**

**AUTHOR                      Planning**

### **PURPOSE AND BACKGROUND**

This report considers a planning proposal application submitted by the Iris Capital to amend the building envelope controls for the site at 167 Hume Highway in Greenacre, known as the Palms Hotel. The proposal has changed since it was first considered by Council in December 2018. Council's approval is sought to seek a Gateway Determination.

### **ISSUE**

At its Ordinary Meeting of 11 December 2018, Council considered a planning proposal application for the site at 167 Hume Highway, Greenacre. Council resolved to defer the application to consider additional information from the applicant in relation to potential infrastructure needs, economic and amenity impacts (noise and air quality) and community needs investigation prior to deciding whether to proceed with a planning proposal.

The proponent has since submitted additional information for Council's consideration in response to the Council resolution. A key change is the proposed expansion and embellishment of Peter Reserve (Council owned) which was previously identified for divestment under Council's Plan of Management. In order to facilitate the 600m<sup>2</sup> expansion of the park, which will double its size, changes to the floor space ratio and building heights are proposed (noting the allowable gross floor area will not change).

A revised letter of offer to enter into a planning agreement has been submitted by the applicant to dedicate land for the expansion of Peter Reserve, contribute to its embellishment, deliver a new bus stop along the Hume Highway, and contribute towards a new district level community facility and district level recreation facility.

This report recommends the application proceed to the Department of Planning, Industry and Environment for a Gateway Determination.

### **RECOMMENDATION    That -**

1. Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
  - (a) Permit a minimum floor space ratio of up to 0.3:1 for non-residential purposes within a maximum FSR for the whole site of up to 1.3:1.
  - (b) Permit a maximum building height of 20 metres (six storeys), 17 metres (five storeys), and 11 metres (three storeys).
  - (c) Rezone part of 167 Hume Highway, Greenacre from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation.

- (d) Reduce the depth of the 11 metre building height control along the Hume Highway for residential purposes from 20 metres to 12 metres.
  - (e) For consistency, the change recommended in (d) also be applied to the adjoining sites at 165 and 185 Hume Highway, Greenacre.
- 2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- 3. Subject to the issue of a Gateway Determination, Council address the conditions and exhibit the planning proposal, and the matter be reported to Council following the exhibition.
- 4. Council prepare and exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
- 5. A planning agreement be prepared and exhibited concurrently with the planning proposal, noting that development contributions for any future development of this site will be payable in addition to the planning agreement offer.
- 6. The planning agreement be reported to Council with the planning proposal following the exhibition.

## **ATTACHMENTS**

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- A. Recommended amendments to the Zoning Map, FSR Map and Height of Buildings Map
- B. Local Planning Panel Meeting– Report of 19 November 2018
- C. Local Planning Panel Meeting–Minutes
- D. Ordinary Meeting of 11 December 2018–Council Report and Minutes
- E. Urban Design Peer Review (Addendum), July 2020
- F. Peer review of Acoustic and Air Quality Assessments, July 2020
- G. Letter of offer, August 2020
- H. Updated Planning Proposal Report, June 2020
- I. Updated Urban Design Report, May 2020
- J. Updated Acoustic Assessment, May 2020
- K. Updated Air Quality Assessment, May 2020
- L. Social Impact and Community Needs Assessment, May 2019
- M. Social Impact and Community Needs Assessment (Open Space Addendum), May 2020
- N. Estimate of Operational Impacts, May 2020
- O. RMS Correspondence, September 2017
- P. Cover Letter, June 2020
- Q. Cover Letter, August 2020

## **POLICY IMPACT**

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This matter is consistent with the Council's Local Strategic Planning Statement, namely *E6.12 Ensure housing growth is supported by infrastructure and funding*, the action that requires infrastructure is properly staged and funded for the future housing growth and *E6.4 Protect the low density character of suburban neighbourhood*, the action that requires reinforcing the low density character of suburban areas consistent with Council's Housing Strategy.

The proposal is consistent with achieving the objectives of Zone B6 Enterprise Corridor under the Bankstown Local Environmental Plan 2015 to promote businesses along main roads and provide for residential uses as part of a mixed use development.

The proposal is also consistent with Council's newly adopted Housing Strategy and Employment Strategy. In particular, the inclusion of a minimum FSR for non-residential uses will preserve employment lands within the B6 Enterprise Corridor, as identified in the strategy, LSPS and consistent with the objectives of the zone. The retention and expansion of Peter Reserve is consistent with the guiding principles of the Housing Strategy, through location of housing within walking distance of open space.

## **FINANCIAL IMPACT**

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The proponent submitted a letter of offer to enter into a planning agreement to dedicate 600m<sup>2</sup> of land for the expansion of Peter Reserve, certain contribution to its embellishment, deliver a new bus stop along the Hume Highway, and contribute towards a new district level community facility and district level recreation facility. The increased density and inclusion of a minimum non-residential component will create increased job capacity on site and private investment in the area.

Further negotiations with the proponent will be required to confirm the extent of contribution towards a new district level community facility and district level recreation facility. As the proponent's offer for embellishment work is capped at \$50,000, any difference would be required to be incurred by Council to complete the embellishment work.

## **COMMUNITY IMPACT**

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The planning proposal contributes to doubling the size of Peter Reserve and embellishment works so that a public open space is available within a walking distance for future residents, which can be considered as broader public benefit.

The proposal contributes to achieving built-forms that are appropriate for a zone-transition area to ensure low density suburban character in Peter Crescent is maintained, whilst allowing appropriate density and built-forms along Hume Highway for the purposes of mixed use developments.

## DETAILED INFORMATION

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### 1. BACKGROUND

#### 1.1 Site Description

The site at 167 Hume Highway in Greenacre (Lot 402, DP 631754) is 11,750m<sup>2</sup> as shown in Figures 1 and 2.

The site is within the Zone B6 Enterprise Corridor under the Bankstown Local Environmental Plan 2015. The zone permits highway related land uses such as hotel or motel accommodation, business and office premises and light industries subject to consent. The zone also permits certain residential uses (residential flat buildings, seniors housing and multi dwelling housing) only if the uses form part of a mixed-use development.

The site is currently occupied by the Palms Hotel and three other associated buildings used for accommodation, storage and a separate restaurant. The site is constrained by noise and air quality due to its interface to the Hume Highway. A small section of the site sits within the medium stormwater flood risk precinct. The site falls by approximately 5 metres from north to south.

The site adjoins a single storey commercial building to the north, low density residential development to the south, and Peter Reserve (Zone RE1 Public Recreation) to the east.

In relation to the local context, the site forms part of the Hume Highway Enterprise Corridor, which generally consists of industrial development on the northern side of the Hume Highway. The southern side of the Hume Highway consists of a mix of highway related businesses and low-density residential development, predominantly houses. The nearest shopping centre is Chullora Marketplace (1.2km) to the north east. Public transport is limited to bus services along the Hume Highway.



Figure 1: Site Map

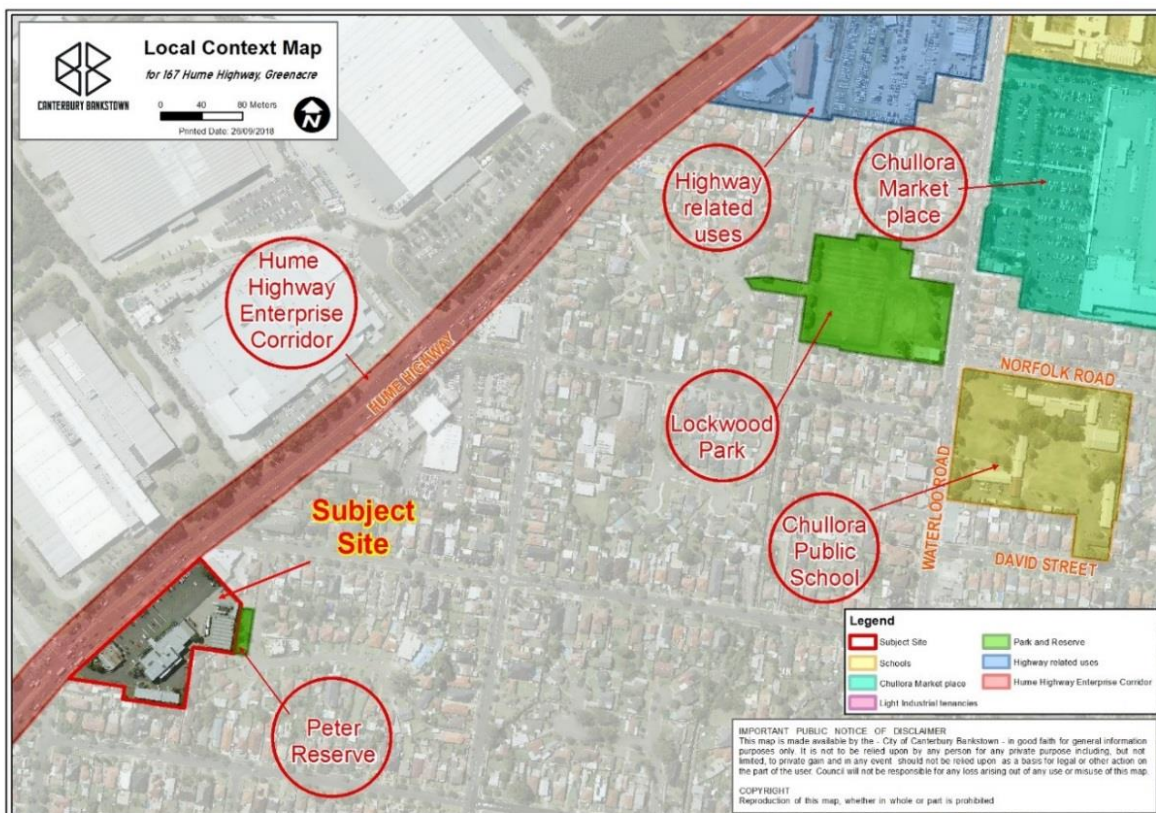


Figure 2: Locality Map



## 1.2 Original Proposal

In July 2018, the proponent submitted a planning proposal seeking to increase the building envelope on the site at 167 Hume Highway in Greenacre, generally consistent with the recommendations of the North East Local Area Plan as follows:

167 Hume Highway, Greenacre	Current controls	Proponents proposed controls
<b>Zone</b>	B6 Enterprise Corridor	No change
<b>Maximum FSR</b>	1:1	1.5:1
<b>Maximum building height</b>	11-14 metres (3-4 storeys)	14-17 metres (4-5 storeys)
<b>Minimum highway setback for dwellings</b>	20 metres	10 metres

The application showed a concept design for a mixed use development consisting of a commercial building (Block A) and three residential flat buildings (Block B, C, and D) to accommodate approximately 167 dwellings (refer to Figures 3). The concept design also includes 413 basement parking spaces (comprising 84 commercial spaces, 294 residential spaces, and 35 visitor spaces). A landscape strategy includes a 5–7 metre landscape buffer along the Hume Highway and areas of communal open space.



Figure 3: Original Indicative Concept Plan (Urban Design Report, Squillace 2018)

### **1.3 Request for additional information - Local Planning Panel Meeting and Ordinary Council Meeting**

The Local Planning Panel considered the planning proposal application on 19 November 2018 and recommended that the application proceed to Gateway based on the following building envelope controls (refer to the Local Panel Planning Minutes as provided in Attachment C):

- (a) Permit a minimum floor space ratio of 0.25:1 for non-residential purposes within a maximum FSR for the whole site of 1.25:1.*
- (b) Permit a maximum building height of 17 metres (five storeys) to the north of the site, 14 metres (four storeys) in the centre of the site, and 11 metres (three storeys) along the southern boundary, as shown in Figure 11 of this report.*
- (c) Reduce the depth of the 11 metre building height control along the Hume Highway from 20 metres to 12 metres.*
- (d) For consistency, the change recommended in (c) should also apply to the adjoining sites at 165 and 185 Hume Highway in Greenacre.*

The Panel also recommended that the Gateway process should require the following additional information:

- (a) Social Impact and Community Needs Assessment*
- (b) Air Quality and Noise Impact Study*
- (c) Consultation with the Roads & Maritime Services*
- (d) An economic investigation and analysis for the non-residential land uses proposed for the site that is a Hotel and Serviced Apartments, to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site*

*Panel Reason:* *To ensure the B6 zone fulfils its purpose of employment generation.*

At its Ordinary Meeting of 11 December 2018, Council considered the application (refer to the Council Report as provided in Attachment D) and resolved that:

- 1. The matter be deferred subject to the applicant providing the following additional information as outlined in the report:*
  - (a) Social Impact and Community Needs Assessment*
  - (b) Air Quality and Noise Impact Study*
  - (c) Consultation with the Roads & Maritime Services*
  - (d) An economic investigation and analysis for the non-residential land uses proposed for the site i.e. hotel and serviced apartments and to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site.*
- 2. Once the additional information is received and evaluated, a further report be provided to Council on the matter.*

#### 1.4. Updated Planning Proposal (June 2020)

In June 2020, Council received an updated planning proposal from the applicant to amend the building envelope controls for the site at 167 Hume Highway, Greenacre as follows:

167 Hume Highway	Current controls	Proposed controls
Zone	B6 Enterprise Corridor	Part rezone to RE1 Public Recreation
	RE1 Public Recreation	Part Rezone to B6 Enterprise Corridor
Maximum FSR	1:1	1.25:1 including a minimum commercial FSR of 0:25:1
Maximum building height	Part 11 metres (3 storeys); and Part 14 metres (4 storeys).	Part 11 metres (3 storeys), Part 14 metres (4 storeys); and Part 18 Metres (5 storeys).
Minimum highway setback for dwellings	20metres	10 metres

The updated information package included an updated planning proposal report, an updated urban design report and associated studies in order to satisfy the Council resolution of December 2018, including:

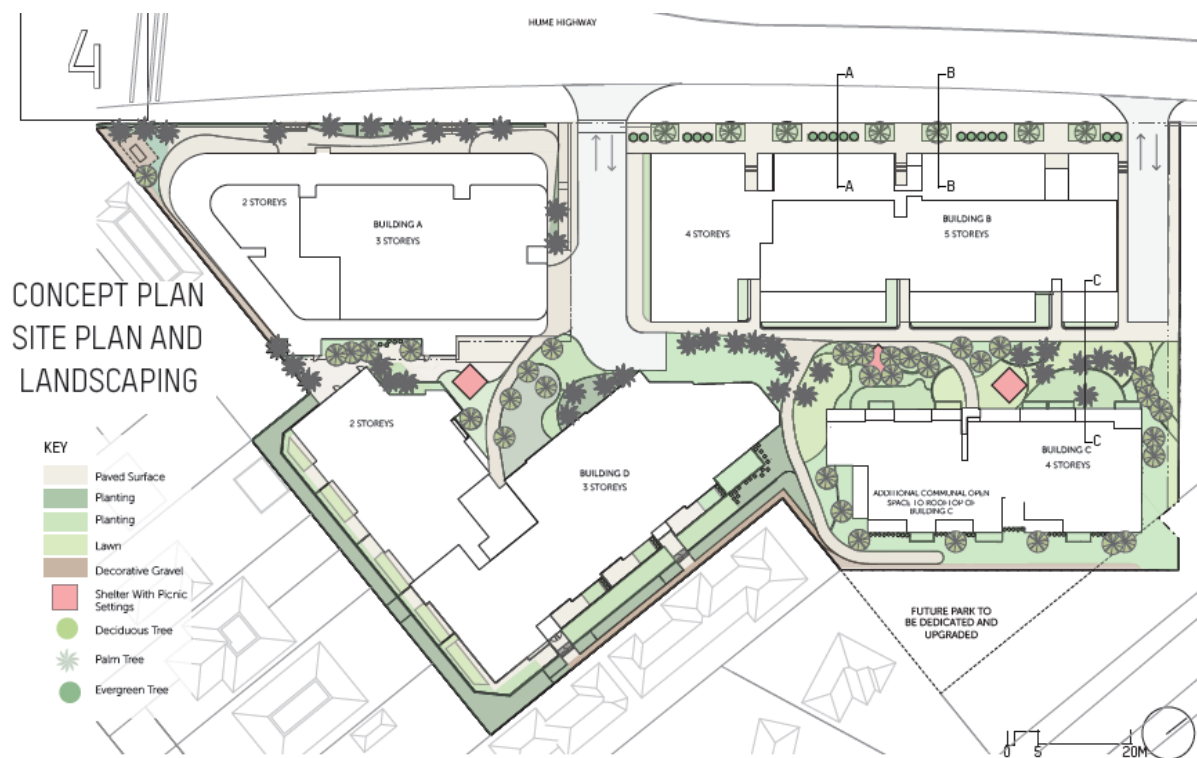
- Updated Planning Proposal Report (prepared by mecone, dated June 2020)
- Updated Urban Design Report (prepared by Squillace, dated May 2020)
- Updated Acoustic Assessment (prepared by Acoustic Logic, dated May 2020)
- Updated Air Quality Assessment (prepared by CETEC Solutions, dated May 2020)
- Social Impact and Community Needs Assessment (prepared by GHD, dated May 2019)
- Social Impact and Community Needs Assessment -Open Space Addendum (prepared by GHD, dated May 2020)
- Estimate of Operational Impacts (prepared by Atlas Urban Economics, dated May 2020)
- Letter of offer (prepared by mecone, dated August 2020)
- RMS Correspondence (email dated September 2017)
- Cover letter (prepared by mecone, dated June 2020)
- Cover letter (prepared by mecone, dated August 2020).

The updated concept plan shows a concept mixed-use development (3-5 storeys), consisting of 129 apartments (original proposal included 167 dwellings), distributed across four (4) residential flat buildings and associated basement parking (260 spaces). The proposed non-residential use include hospitality use in Block A (bistro of 280m<sup>2</sup> and sports bar/gaming area of 250m<sup>2</sup>) and ground floor commercial/retail space of 2,406m<sup>2</sup>) in Block B. The concept plan shows a total Gross Floor Area of 14,680m<sup>2</sup>.



The revised concept plan proposes to dedicate approximately 400m<sup>2</sup> of the site to expand Peter Reserve. The concept plan also proposes to acquire and rezone 79m<sup>2</sup> of Peter Reserve for lot reconfiguration of the subject site. These matters are discussed in more details in section 2 of this report.

This report considers the additional information received to date in response to the Council resolution of 11 December 2018.



**Figure 4: Proposed Revised Concept Plan (Urban Design Report, Squillace, June 2020)**

## 2. ASSESSMENT FINDINGS

### 2.1 Social Impact and Community Need Assessment

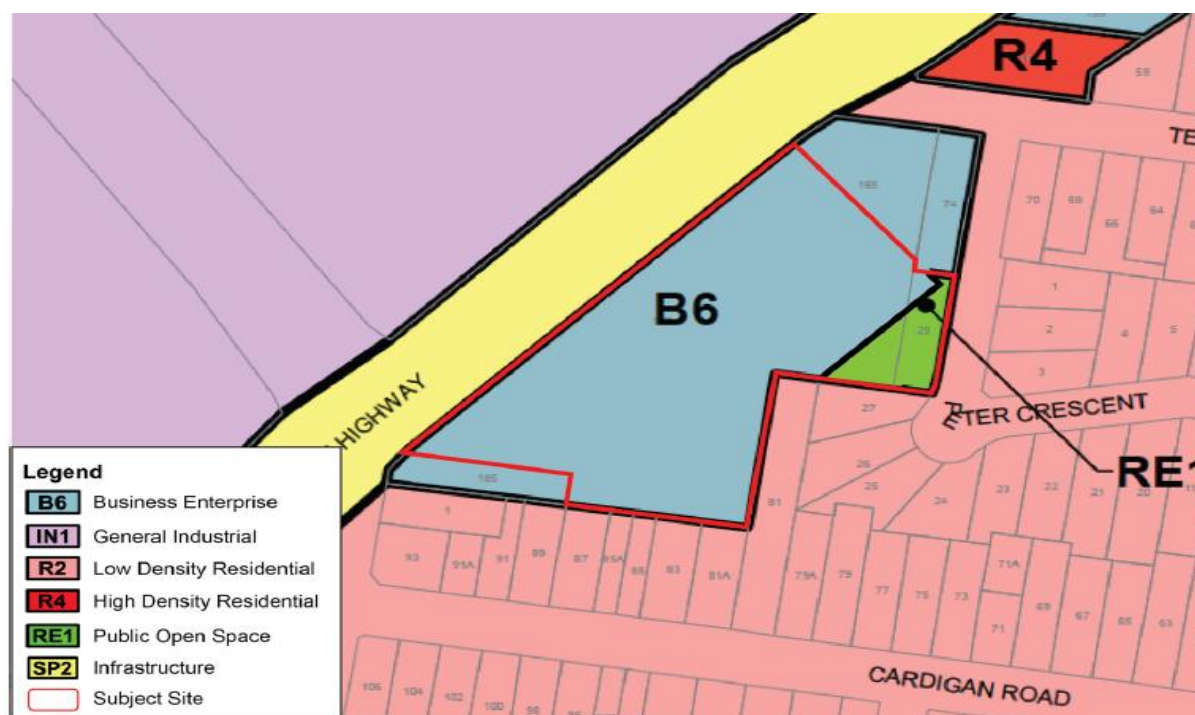
Council requested a Social Impact and Community Needs Assessment to investigate local infrastructure needs arising from the proposal. The applicant submitted a Social Impact and Community Needs Assessment (SICNI, May 2019) and Open Space Addendum (May 2020) which indicated that:

*The SICNI found there is a low provision of public open space in the study area, particularly large parcels of open space. Public open space in the study area primarily comprises local parks and informal greenspaces which do not appear to be uniformly available within 400 metres of residences, which is best practice and considered a 'walkable' distance for most people. The SICNI found the closest public open space to the development site was 700 metres away, however this did not consider Peter Reserve in the assessment. (Attachment M, Open Space Addendum)*

The report's recommendation is consistent with the South District Plan, Planning Priority S16, which seeks to ensure that new dwellings are located within 400 metres of public open space for recreation and social activities.

In response, Council requested that the adjoining Peter Reserve be expanded by 600m<sup>2</sup> with associated embellishment works, effectively doubling the size of the existing reserve to create a new local park of 1,250m<sup>2</sup> to better service the local community.

In order to address the requirement of the public open space, the proponent initially proposed dedicating approximately 329m<sup>2</sup> of land to expand Peter Reserve and a land swap with Council for approximately 79m<sup>2</sup> of Peter Reserve, shown in Figure 6.



**Figure 5: Applicant's proposed zoning map (2020)**



**Figure 6: Applicant's proposed (2020) land dedication and lot configuration of Peter Reserve (now superseded)**

Council's assessment identified that the applicants proposed lot reconfiguration presented an irregular shape at the northern end of Peter Reserve which is not conducive to open space planning. The assessment identified that there is no merit in undertaking a public hearing and reclassification for a small portion (79m<sup>2</sup>) of Peter Reserve, where it serves little benefit to the community or Peter Reserve.

The urban design peer review commissioned by Council considered the above matters and recommended a revised lot reconfiguration based on land dedication and expansion of Peter Reserve by 600m<sup>2</sup>, deletion of the proposed land swap and a revised maximum building height and FSR for the resultant smaller lot size. Council's urban design peer review is discussed in further detail below.

The proponent was advised of Council's revised urban design peer review and asked to update the planning agreement letter of offer to increase the land dedication to 600m<sup>2</sup>, include a contribution to park embellishment works and remove the land swap component. The proponent has agreed and provided an amended letter of offer (Attachment G).

The amended letter of offer has also been amended to include other Infrastructure needs identified through the assessment of the revised information and consideration of other proposals in the locality. The offer also includes:

- New bus stop on the Hume Highway, adjacent to the site, as there is an identified need for a new bus stop to improve public transport access to the site.
- Contribution to a new district level community facility and district level recreation facility in the Greenacre locality.

Should Council proceed with the planning proposal, it is recommended that a planning agreement be prepared and exhibited to support the planning proposal.

## **2.2 Air Quality and Noise Impact Study**

The Bankstown DCP 2015 requires that dwellings are setback a minimum 20 metres from the Hume Highway. In November 2018, the Local Planning Panel endorsed the recommendations of the urban design peer review (2018) to reduce residential setback from 20 metres to 12 metres along Hume Highway, subject to the applicant preparing air quality and noise assessment reports to confirm amenity impacts to the future residents.

In response to the above, the applicant submitted Updated Air Quality Assessment, May 2020 (Attachment K) and Updated Acoustic Assessment, May 2020 (Attachment J) to reduce the residential setback from 20 metres to 10 metres along Hume Highway.

Council's peer review of the above reports provided the following recommendations:

- Acoustic impacts can be managed for apartments with a 10m setback
- Air quality impacts can be managed for apartments through setbacks of greater than 10m

The peer review did not identify an exact setback to manage air quality impacts above 'greater than 10m'. Council's urban design peer review has retained the previously recommended 12m setback.

The proponent has responded with a request to reduce the setback to 10m. This report recommends a front setback of 12m be retained based on the recommendations of Council's air quality and urban design peer reviews.

## **2.3 Consultation with the Roads and Maritime Services**

In relation to traffic implications, the proposal does not identify any impacts on the surrounding road network. Previously, Council's traffic engineer recommended that the applicant seek confirmation from the Roads and Maritime Services (RMS) on the proposed access crossover locations (Hume Highway is a classified road) and the impact of the proposed traffic on the signalised intersection.

In response to the Council resolution to consult with the RMS requirement, the applicant submitted previous correspondence from the RMS, dated September 2017 (Attachment O), which states:

*Roads and Maritime reiterate our previous position that the access into the site should be via the furthest northern eastern extent of the subject bays, which is away from the right turn bays on Hume Highway.*

The revised concept from the proponent still shows multiple access points to the site from the Hume Highway, which were not supported by the RMS. Council's urban design peer review (2020) has recommended a design concept consistent with the recommendations from the RMS, which will be used as guidance to form the draft site specific DCP. Further consultation with the RMS will also occur as part of post Gateway agency consultation, should the proposal be supported.

## **2.4 Economic Analysis**

Council requested an Economic Analysis to ensure the proposal is compatible with the zone objectives of B6 Enterprise Corridor, namely, to promote businesses and other employment uses along main roads. This was to include an analysis for the non-residential land uses proposed for the site (for example, hotel and serviced apartments) and to explore the ratio of employees to FSR. The economic study was to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site.

The applicant submitted an *Estimate of Operational Impact* (Attachment N) which indicates that:

*In addition to retaining the existing bistro and sports bar gaming operations, the Proposal Case is estimated to generate additional annual impacts through retail/commercial operations and dispersed jobs in new residential units.*

*On completion, the proposal will contribute to the Canterbury-Bankstown LGA through increased economic activity which will support local employment, direct and induced. Annual household expenditure by new residents will additionally support retail and other local service businesses in the Canterbury-Bankstown LGA, contributing to their economic vitality and sustainability.*

The report indicates that the existing hotel and bistro provides approximately 31 full time employment (FTE) jobs. The proposal would create approximately 79 additional direct full-time jobs (i.e. those on-site) through the proposed non-residential FSR of 0.25:1.

Following a review, the proposal is considered to be compatible with the zone objectives. It is noted that the Estimate of Operational Impact report does not raise any issue with the minimum FSR set for non-residential purposes (0.25:1) for the site. Based on the reduced lot size after the dedication of land to expand Peter Reserve, the recommended non-residential FSR has been revised to 0.3:1, which is generally equivalent to the previous 0.25:1 FSR and endorsed by Council's urban design peer review (July 2020).

Council's review supports these findings to inform the planning proposal.

## **2.5 Urban Design Assessment**

As a result of the additional work submitted by the proponent, Council commissioned a further urban design peer review of the proposal.

Previously, the urban design work had not considered:

- Retention of Peter Reserve

- Land dedication and expansion of Peter Reserve by 600m<sup>2</sup> to 1250m<sup>2</sup>
- Appropriate density and overshadowing impacts to Peter Reserve
- RMS requirement to reduce to one driveway from the Hume Highway

As a result of consideration of these new factors, Council's urban design review recommended a relocation of height and density towards the Hume Highway and decrease in density along Peter Reserve and the adjoining low density dwellings. The revised heights provide a sensitive transition to the adjoining R2 low density residential area, and opens up the site to benefit future residents and provide passive surveillance of the reserve. The addendum to urban design peer review is shown in Attachment E.

The key recommendations and comparisons are set out below:

<b>167 Hume Highway, Greenacre</b>	<b>Current controls</b>	<b>Previous recommendations (peer review 2018)</b>	<b>Revised urban design peer review recommendations, July 2020</b>
<b>Zone</b>	B6 Enterprise Corridor	B6 Enterprise Corridor	Part rezone to RE1 Public Recreation
<b>Maximum FSR</b>	1:1	1.25:1, including a minimum of 0.25:1 of non-residential purposes	1.3:1*, including a minimum of 0.3:1 non-residential FSR
<b>Maximum building height</b>	11–14 metres (3–4 storeys)	11, 14 and 17 including a minimum of 0.25:1 of non-residential purposes metres (3, 4 and 5 storeys)	11, 17 and 20 metres (3, 5 and 6 storeys)
<b>Minimum Hume Highway setback for residential</b>	20 metres	12 metres	12 metres

\*For a reduced site area

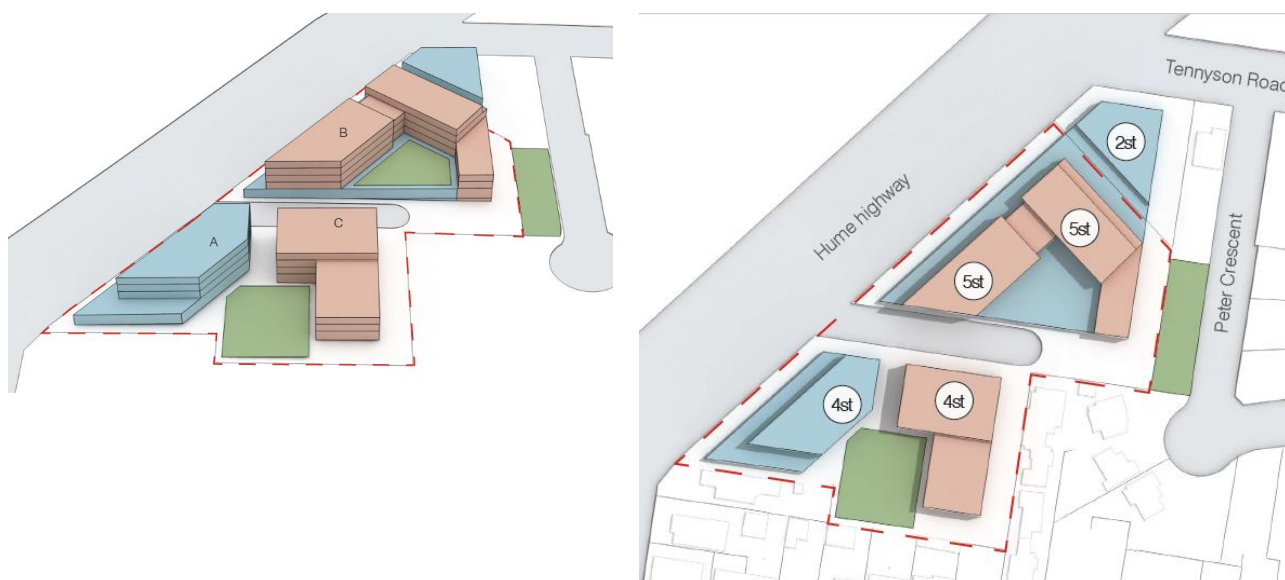
The recommended maximum floor space area has been revised as a result of the decrease in total lot size from the land dedication of 600m<sup>2</sup> to expand Peter Reserve. The overall floor area of the site has not increased, as set out in the table below:

<b>167 Hume Highway, Greenacre</b>	<b>Previous recommendations on Floor Space Ratio and Gross floor area (peer review 2018)</b>	<b>Revised urban design peer review recommendations, July 2020</b>
Site Area	11,750m <sup>2</sup>	11,150m <sup>2</sup>
Total FSR	1.25:1 including a minimum of 0.25:1 of non-residential purposes	1.3:1 including a minimum of 0.3:1 non-residential FSR
Total GFA	14,687.5m <sup>2</sup>	14,474m <sup>2</sup> (-213m <sup>2</sup> )
Min. Commercial FSR	0.25:1	0.3:1
Min. Commercial GFA	2,937.5m <sup>2</sup>	3,345m <sup>2</sup> (+407.5m <sup>2</sup> )



Whilst the proponent does not object overall, the proponent has raised that the adjusted non-residential FSR equates to an additional 407.5m<sup>2</sup>, beyond the previous recommendation. Whilst it is agreed that the proposal would result in an increase in commercial area, the requested retention of 0.25:1 FSR would result in a decrease in non-residential floor area, which is inconsistent with the recommendations of the Local Planning Panel. This report recommends that a revised FSR for non-residential of 0.3:1 be adopted, as it is generally consistent with the previous recommendation.

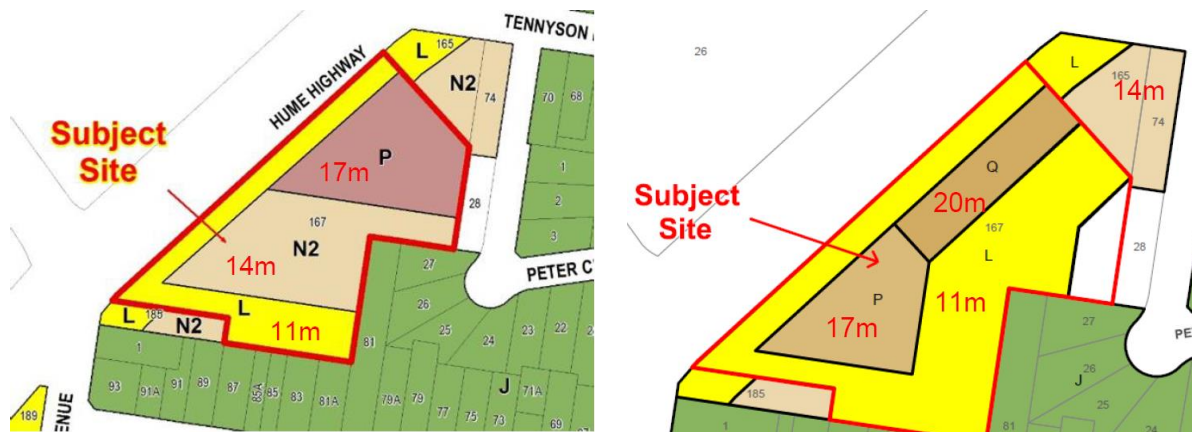
A comparison of the previous built forms and height is shown below:



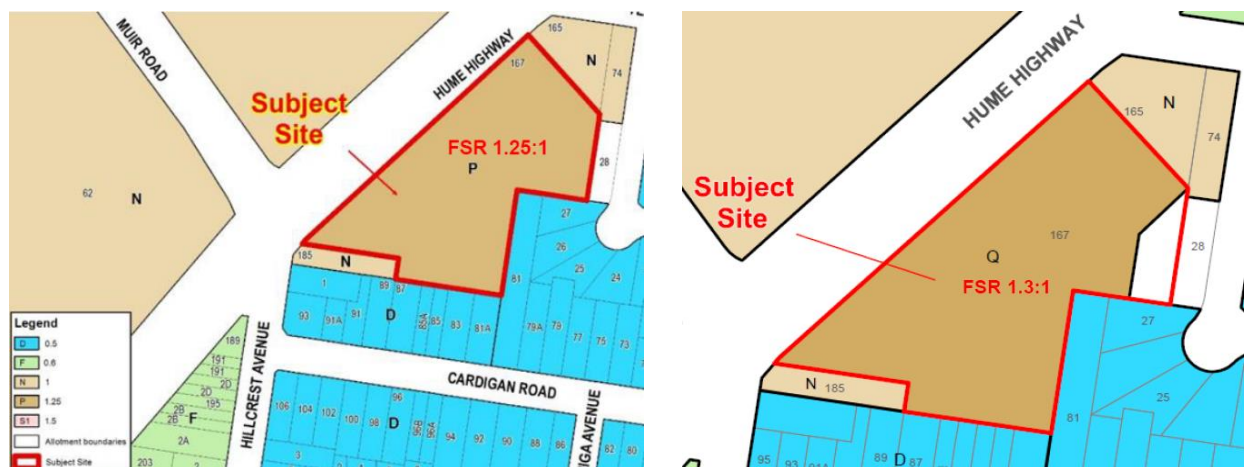
**Figure 8: Previous peer review recommendation, Architectus 2018**



**Figure 9: Current peer review recommendation, Architectus 2020**



**Figure 10: Previous (2018) and current (2020) peer review recommended maximum building heights**



**Figure 11: Previous (2018) and current (2020) peer review recommended Floor Space Ratios**

## Next Steps

The next step is to prepare and submit a planning proposal to the Department of Planning, Industry and Environment to seek a Gateway Determination. The planning proposal would request amendments to the Bankstown Local Environmental Plan 2015. It is also proposed to prepare a DCP amendment and a Planning Agreement to support the planning proposal.

Following the exhibition of the planning proposal, draft DCP amendments and Planning Agreement, the outcomes would be reported to Council.

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 AUGUST 2020**

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**PRESENT:** His Worship the Mayor, Councillor Asfour  
Councillors El-Hayek, Ishac, Zakhia, Waud, Downey, Saleh, Madirazza, Harika,  
Tuntevski

**PRESENT BY AUDIO**  
**VISUAL LINK:** Councillors Kuskoff, Huda, Raffan, Eisler

**APOLOGIES:** Nil

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**HIS WORSHIP THE MAYOR DECLARED THE MEETING OPEN AT 6.05 P.M.**

**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**

**(1030)**

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

RESOLVED that the minutes of the Ordinary Council Meeting held on 28 July 2020 be adopted.

- CARRIED

**SECTION 2: LEAVE OF ABSENCE**

Nil

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

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

In respect of Item 6.1 – Community Gardens and Nature Strip Gardens Policy, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who operate a community garden and she would vacate the Chamber taking no part in debate.

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**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 AUGUST 2020**

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In respect of Item 11.5 – Voyager Point Footbridge, Cllr Tuntevski indicated that should the item be considered following a resolution of urgency he would declare a significant, Non Pecuniary Conflict of Interest due to his employment with Liverpool City Council and he would vacate the Chamber taking no part in debate.

**SECTION 4: MAYORAL MINUTES**

**ITEM 4.1 CONDOLENCES TO LEBANON**

**(1031) CLR. ASFOUR**

RESOLVED that Council write to the Lebanese Ambassador in Australia, on behalf of our community, and offer our condolences and support to the people of Lebanon who like the symbolic Cedar Tree have shown strength and resilience through yet another tragic chapter in their history.

- CARRIED

COUNCIL OBSERVED A MINUTES SILENCE IN MEMORY OF THE VICTIMS OF THE LEBANON DISASTER.

**ITEM 4.2 PUBLIC ACCOUNTABILITY**

**(1032) CLR. ASFOUR**

RESOLVED that I

1. Council note the submission forwarded to the chairperson of the public accountability committee.
2. Council support the Mayors request to appear on behalf of council at the Inquiry into the Integrity, Efficacy and Value for Money of NSW Government Grant Programs.

- CARRIED

**CANTERBURY BANKSTOWN**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN COUNCIL CHAMBERS**  
**ON 25 AUGUST 2020**

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**ITEM 4.3                      LOCAL COMMUNITY BASED DONATIONS**

In respect of item 4.3 – Local Community Based Donations, Clr El-Hayek declared a significant, Non Pecuniary Conflict of Interest due to his working association with Human Appeal Australia and he would vacate the Chamber taking no part in debate.

CLR EL HAYEK TEMPORARILY LEFT THE MEETING AT 6.16PM AND RETURNED AT 6.17PM.

**(1033)                      CLR. ASFOUR**

1.     RESOLVED that Council support Human Appeal Australia's Lebanon Emergency Appeal through a \$2,000 donation.
2.     Council support the National Breast Cancer Foundation and the efforts of Councillor George Zakhia through a \$2,000 donation.
3.     Council support the request from the VCA with the installation of a plaque through a \$2,000 donation.
4.     These funds to be made available from Council's Community Grants and Events Sponsorship budget.

- CARRIED

**SECTION 5:                      PLANNING MATTERS**

**ITEM 5.1                      APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 167 HUME HIGHWAY, GREENACRE**

**(1034)                      CLR. MADIRAZZA:/CLR. WAUD**

RESOLVED that

1.     Council prepare and submit a planning proposal to seek a Gateway Determination for the following amendments to Bankstown Local Environmental Plan 2015:
  - (a)    Permit a minimum floor space ratio of up to 0.3:1 for non-residential purposes within a maximum FSR for the whole site of up to 1.3:1.
  - (b)    Permit a maximum building height of 20 metres (six storeys), 17 metres (five storeys), and 11 metres (three storeys).
  - (c)    Rezone part of 167 Hume Highway, Greenacre from Zone B6 Enterprise Corridor to Zone RE1 Public Recreation.

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- (d) Reduce the depth of the 11 metre building height control along the Hume Highway for residential purposes from 20 metres to 12 metres.
  - (e) For consistency, the change recommended in (d) also be applied to the adjoining sites at 165 and 185 Hume Highway, Greenacre.
- 2. Council seek authority to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
  - 3. Subject to the issue of a Gateway Determination, Council address the conditions and exhibit the planning proposal, and the matter be reported to Council following the exhibition.
  - 4. Council prepare and exhibit DCP amendments to support the planning proposal and the matter be reported to Council following the exhibition.
  - 5. A planning agreement be prepared and exhibited concurrently with the planning proposal, noting that development contributions for any future development of this site will be payable in addition to the planning agreement offer.
  - 6. The planning agreement be reported to Council with the planning proposal following the exhibition.

- CARRIED

**For:-** Clrs Asfour, Downey, Eisler, Harika, Huda, Ishac, Kuskoff, Madirazza, Raffan, Tuntevski, Waud and Zakhia

**Against:-** Clrs El-Hayek and Saleh

**ITEM 5.2**                      **REPORT ON COUNCIL'S PERFORMANCE IN THE ASSESSMENT OF DEVELOPMENT APPLICATIONS FOR THE 2019/20 FINANCIAL YEAR, CLAUSE 4.6 VARIATIONS APPROVED FOR THE FOURTH QUARTER OF THE 2019/20 FINANCIAL YEAR, AND PLANNING RELATED LEGAL APPEALS**

**(1035)**                      **CLR. ISHAC:/CLR. TUNTEVSKI**

RESOLVED that the report be noted.

- CARRIED



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**SECTION 6: POLICY MATTERS**

**ITEM 6.1 COMMUNITY GARDENS AND NATURE STRIP GARDENS POLICY**

In respect of Item 6.1 – Community Gardens and Nature Strip Gardens Policy, Clr Saleh declared a significant, Non Pecuniary Conflict of Interest due to her working association with Riverwood Community Centre who operate a community garden and she would vacate the Chamber taking no part in debate.

CLR SALEH TEMPORARILY LEFT THE MEETING AT 6.20PM AND RETURNED AT 6.22PM

**(1036) CLR. EISLER:/CLR. HARIKA**

RESOLVED that

1. Council endorse the Nature Strip Gardens Policy and Community Gardens Policy and both policies to be placed on public exhibition.
2. A further report be submitted Council following public exhibition.

- CARRIED

**ITEM 6.2 REVOCATION OF COUNCIL POLICIES**

**(1037) CLR. MADIRAZZA:/CLR. ISHAC**

RESOLVED that Council revokes the former Council policies as outlined in the report.

- CARRIED

**SECTION 7: GOVERNANCE AND ADMINISTRATION MATTERS**

**ITEM 7.1 REVIEW OF THE 2019/20 OPERATIONAL PLAN, DELIVERY PROGRAM AND BUDGET TO 30 JUNE 2020**

**(1038) CLR. MADIRAZZA:/CLR. WAUD**

RESOLVED that

1. The quarterly review of the 2019/20 Operational Plan and six-monthly review of the Delivery Program to 30 June 2020 be noted, and the June 2020 Quarterly Budget Review Budget as outlined in this report be adopted.

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2. Subject to the Federal Government approving Council's submission for the Local Roads and Community Infrastructure Program, Council's 2020/21 Budget be adjusted to reflect the proposed changes, as outlined in the report.
3. Council authorise the carryover of \$41.6M of funding to complete certain capital and operating projects commenced throughout the 2019/20 financial year, as outlined in the report.
4. Council apply all rates and charges written off during the year to its rating databases in satisfying its obligation under the Local Government Act 1993 and Local Government (General) Regulation 2005, as outlined in the report.
5. Council endorse the write-off of sundry debts for the 2019/20 financial year, as outlined in the report.

- CARRIED

**ITEM 7.2**  
**(1039)**

**CODE OF CONDUCT AMENDMENTS**

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

RESOLVED that

1. Council note the amendments to the Model Code of Conduct, Model Code of Meeting Practice and the Procedures for Administering the Code.
2. Council adopt the required amendments to its Code of Conduct and Code of Meeting Practice, as attached.

- CARRIED

**ITEM 7.3**  
**(1040)**

**NAMING REQUEST FOR A RESERVE - CORNER HUME HIGHWAY AND MILLER ROAD, BASS HILL**

**CLR. HARIKA:/CLR. KUSKOFF**

RESOLVED that

1. Council endorse the commencement of community consultation for the proposal to name the reserve on the corner of Miller Road and Hume Highway, Bass Hill, 'Dick Payten Park'.

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2. A further report be provided to Council following on the outcomes of the community consultation process.

- CARRIED

**ITEM 7.4**                      **PROPOSED LICENCE AGREEMENT WITH THE WESTERN SUBURBS MAGPIES JUNIOR AUSTRALIAN FOOTBALL CLUB**

**(1041)**                      **CLR. RAFFAN:/CLR. MADIRAZZA**

RESOLVED that

1. In principle Council agrees to enter into a five year Licence agreement, with a five year option, with the Western Suburbs Magpies Junior Australian Football Club subject to the outcome of the public exhibition process.
2. Following the public exhibition process, a report will be presented to Council before agreeing to proceed to enter into a Licence Agreement with WSMJAFL.
3. A clause be included into the Licence agreement that the current annual rental fee of \$1200 P/A will be applied until the updated Community Facilities Policy is adopted. Any changes to the rental amount will be applied to the agreement as per the provisions of the updated Community Facilities Policy.

- CARRIED

**ITEM 7.5**                      **CASH AND INVESTMENT REPORT AS AT 31 JULY 2020**

**(1042)**                      **CLR. MADIRAZZA:/CLR. DOWNEY**

RESOLVED that

1. The Cash and Investment Report as at 31 July 2020 be received and noted.
2. The Certification by the Responsible Accounting Officer incorporated in this report, be adopted.

- CARRIED

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**SECTION 8: SERVICE AND OPERATIONAL MATTERS**

**ITEM 8.1 PAUL KEATING PARK 2020-2040 MASTERPLAN**  
**(1043) CLR. RAFFAN:/CLR. EL-HAYEK**

RESOLVED that

1. Council endorse the Paul Keating Park 2020-2040 Draft Masterplan for public exhibition, with a further report back to Council following exhibition.
2. Council submit an application under the Public Spaces Legacy Program to enable the delivery of Stage 1 of the Paul Keating Park Masterplan, the significant city-shaping unique playspace for Bankstown Central Business District.
3. Council write to the Honourable Paul Keating, seeking his feedback on the Masterplan and support for our vision for Paul Keating Park.

- CARRIED

**ITEM 8.2 REVIEW OF STREET TREE REMOVAL - 172 NORTHAM AVENUE, BANKSTOWN**  
**MOTION CLR. EL-HAYEK:/CLR. HARIKA**

Having considered the matter Council agrees to the removal of the *Lophostemon conertus* (Brush Box tree) outside 172 Northam Avenue Bankstown.

**AMENDMENT CLR. EISLER:/CLR. ZAKHIA**

That the matter be deferred so Council Officers can consider the possibility of directional pruning and what effect that will have on the tree species, if any, and provide a further report to Council.

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

**(1044) CLR. EISLER:/CLR. ZAKHIA**

RESOLVED that the matter be deferred so Council Officers can consider the possibility of directional pruning and what effect that will have on the tree species, if any, and provide a further report to Council.

- CARRIED

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**SECTION 9: COMMITTEE REPORTS**

**ITEM 9.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 11 AUGUST 2020**  
**(1045) CLR. HARIKA:/CLR. TUNTEVSKI**

RESOLVED that the recommendations contained in the minutes of the Canterbury Bankstown Council Traffic Committee meeting held on 11 August 2020, be adopted.

- CARRIED

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

**(1046) CLR. ZAKHIA:/CLR. ISHAC**

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

- CARRIED

**ITEM 10.1 NOTICE OF MOTIONS**  
**(1047) CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that the information be noted.

- CARRIED

**ITEM 10.2 COMMEMORATIVE CEDAR TREES**  
**(1048) CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council plants a pair of Cedar trees in two appropriate locations across the City, in memoriam to those who were killed, and the many hundreds of thousands impacted by the explosion in Beirut.

- CARRIED

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**ITEM 10.3**  
**(1049)**

**SUPPORTING BEIRUT**

**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council:

1. Writes to the Prime Minister and NSW Premier, thanking their respective Governments for the contribution of aid, support and empathy toward Lebanese people both in Lebanon and here in Australia, and
2. In writing to the Prime Minister, requests that the Federal Government, on behalf of the largest Arabic-speaking community in Australia, establishes a national fundraising appeal “Aussies for Lebanon” to raise money for food, clothing, shelter and emergency relief, and in doing so, make the necessary arrangements so donations are tax deductible.

- CARRIED

**ITEM 10.4**  
**(1050)**

**FACE MASKS**

**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council encourage the wearing of face masks during the COVID-19 pandemic in accordance with the NSW Chief Medical Officer’s advice, as an additional safety measure to keep our community safe and protect local jobs and our economy by making the City of Canterbury-Bankstown a Covid Safe City.

- CARRIED

**ITEM 10.5**  
**(1051)**

**BANKSTOWN BUNKER**

**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council writes to the NSW and Federal Governments, seeking the restoration and promotion of the former Air Defence Head Quarters site, known as the Bankstown Bunker, as a site of State and National significance.

- CARRIED



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**ITEM 10.6**  
**(1052)**

**MANAGING FOOTPATHS**  
**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council investigate and provide a briefing on pedestrian accidents that have occurred over the last 18 months on both local street and shopping village footpaths, with the briefing to indicate the number of those incidents reported, their causes and the action taken by Council to help ensure that these accidents are less likely to occur again.

- CARRIED

**ITEM 10.7**  
**(1053)**

**NATIONAL BREAST CANCER FOUNDATION**  
**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council promotes the National Breast Cancer Foundation and their Road to 2030: zero deaths from breast cancer by 2030.

- CARRIED

**ITEM 10.8**  
**MOTION**

**1 DONOVAN STREET REVESBY HEIGHTS**  
**CLR. ZAKHIA:/CLR. ISHAC**

That Council write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

**AMENDMENT**

**CLR. TUNTEVSKI:/CLR. DOWNEY**

That Council once again write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

**CLR ZAKHIA:/ CLR ISHAC ACCEPTED THE AMENDMENT AS THE MOTION.**

**(1054)**

**CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council once again write to the NSW Government, requesting the Sydney Region Development Fund acquire 1 Donovan Street Revesby Heights for the purpose of creating more open space in the City.

- CARRIED

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**SECTION 11: CONFIDENTIAL SESSION**

**(1055) MATTER OF URGENCY**  
**CLR. EISLER:/CLR. ISHAC**

RESOLVED that urgency be permitted and Item 11.5 be considered in confidential session.

- CARRIED

**(1056) CLR. ISHAC:/CLR. ZAKHIA**

RESOLVED that

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 11.1, 11.2, 11.3, 11.4 and 11.5 in confidential session for the reasons indicated:

Item 11.1 Revesby Commuter Carpark

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

Item 11.2 Property Matter - 17 Wangee Road, Lakemba

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

Item 11.3 T75-20 Canterbury Town Centre Stage 2 - Intersection Upgrade and Underpass 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.*

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Item 11.4 Organisational Structure

*This report is considered to be confidential in accordance with Section 10A(2)(a) of the Local Government Act, 1993, as it relates to personnel matters concerning particular individuals.*

Item 11.5 Voyager Point Footbridge

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

- CARRIED

**COUNCIL RESOLVED INTO CONFIDENTIAL SESSION AT 6.53 PM AND  
REVERTED BACK TO OPEN COUNCIL AT 7.02 PM.**

**ITEM 11.1 REVESBY COMMUTER CARPARK**

**(1057) CLR. MADIRAZZA:/CLR. ISHAC**

RESOLVED that the General Manager be delegated to finalise negotiations of the matter as outlined in this report.

- CARRIED

**ITEM 11.2 PROPERTY MATTER - 17 WANGEE ROAD, LAKEMBA**

**(1058) CLR. EL-HAYEK:/CLR. MADIRAZZA**

RESOLVED that Council agree to the proposed approach regarding the matter, as outlined in the report.

- CARRIED

**ITEM 11.3 T75-20 CANTERBURY TOWN CENTRE STAGE 2 - INTERSECTION UPGRADE AND  
UNDERPASS CONSTRUCTION**

**(1059) CLR. RAFFAN:/CLR. EISLER**

RESOLVED that

1. Council accepts the tender received from Abergeldie Contractors Pty Ltd for an amount of \$8,960,906.20 (excluding GST) for T75-20 Canterbury Town Centre Stage 2.
2. The General Manager be authorised to enter into a contract and sign all documentation in accordance with Council's resolution, as required.

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3. Council notifies the unsuccessful tenderers in writing and thank them for tendering.

- CARRIED

**ITEM 11.4 ORGANISATIONAL STRUCTURE**

**(1060) CLR. ZAKHIA:/CLR. EL-HAYEK**

RESOLVED that the information be noted.

- CARRIED

**ITEM 11.5 VOYAGER POINT FOOTBRIDGE**

In respect of Item 11.5 – Voyager Point Footbridge, Clr Tuntevski declared a significant, Non Pecuniary Conflict of Interest due to his employment with Liverpool City Council and he would vacate the Chamber taking no part in debate.

CLR TUNTEVSKI TEMPORARILY LEFT THE MEETING AT 6.55PM AND RETURNED AT 7.02PM.

**(1061) CLR. ZAKHIA:/CLR. ISHAC**

RESOLVED that Council agree to the proposed approach regarding the matter, as outlined in the report.

- CARRIED

**THE MEETING CLOSED AT 7.03 P.M**

Minutes confirmed 22 SEPTEMBER 2020

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Mayor