

# ORDINARY COUNCIL MEETING

## AGENDA

Notice is hereby given that an Ordinary Council Meeting will be held at the:

Council Chambers, City of Canada Bay Civic Centre, Drummoyne

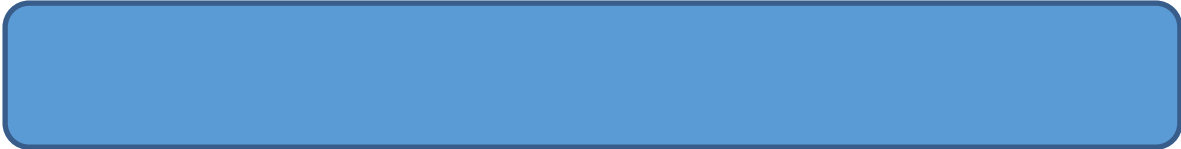
**Tuesday, 16 May 2023**

Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.

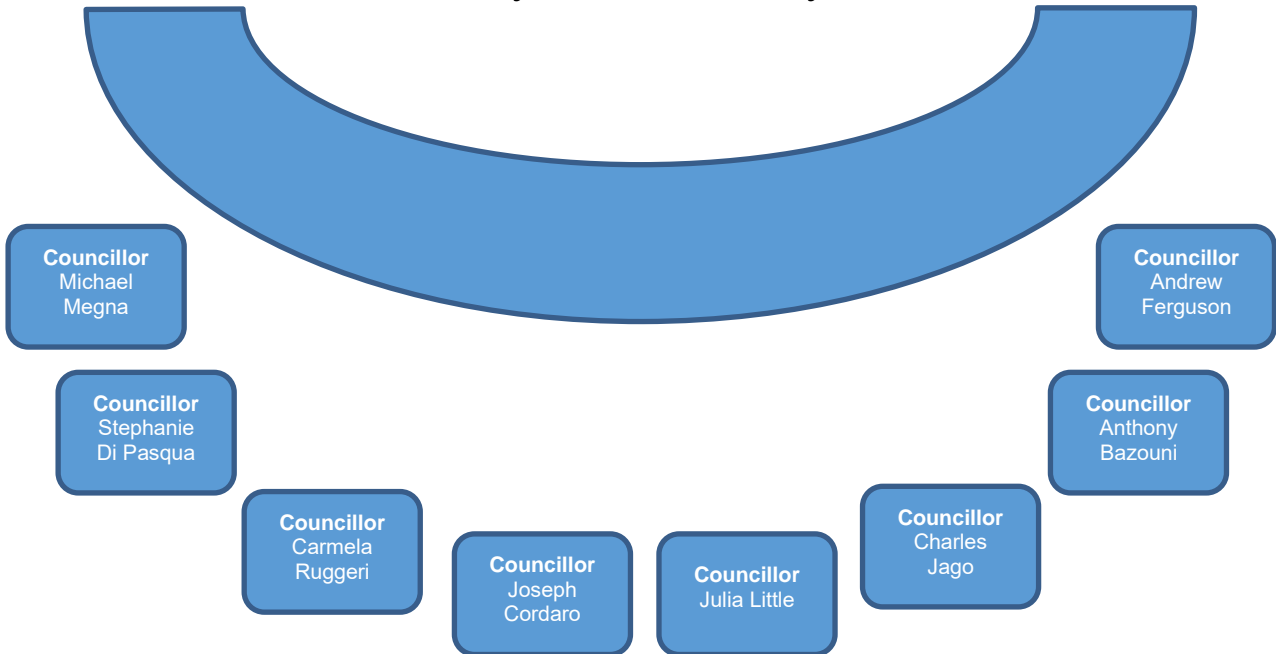


**John Clark**  
**General Manager**

<b>Melissa Lee</b> Manager Governance & Customer Services	<b>Evan Hutchings</b> Director Corporate Services & Strategy	<b>John Clark</b> General Manager	<b>Mayor Angelo Tsirekas</b>	<b>Monica Cologna</b> Director Environment & Planning	<b>Russell Wolfe</b> Director Community, Culture & Leisure	<b>Greig Schuettrumpf</b> Director City Assets
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**Councillors  
 City of Canada Bay**



**Statement of Ethical Obligations**

The Mayor and Councillors are bound by the Oath/ Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Canada Bay and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

It is also a requirement that the Mayor and Councillors disclose conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with Council's Code of Conduct and Code of Meeting Practice.

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**Agenda for an Ordinary Council Meeting  
to be held on Tuesday 16 May 2023  
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne  
Commencing at 6.00pm**

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

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The City of Canada Bay acknowledges the Wangal clan, one of the 29 tribes of the Eora nation and the traditional custodians of this land.

The City's Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

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## **2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

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In accordance with clauses 6.3, 6.4 and 6.5 of Council's Code of Meeting Practice, apologies must be received and accepted from absent Councillors and a leave of absence from the Council Meeting may be granted.

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## **3 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 APRIL 2023**

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#### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of 18 April 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

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## **4 DISCLOSURES OF INTERESTS**

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In accordance with Part 16 of Council's Code of Meeting Practice, all Councillors must disclose and manage any conflicts of interest they may have in matters being considered at the meeting.

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**5 MAYORAL MINUTE(S)****ITEM 5.1 MAYORAL MINUTE - CANADA BAY MEN'S SHED 10TH ANNIVERSARY**

Submitted by: Councillor Angelo Tsirekas (Mayor)

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**MOTION**

That Council receive and note the report.

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**BACKGROUND**

On behalf of Council, I would like to extend my congratulations to the Canada Bay Men's Shed as they mark their tenth anniversary.

The Canada Bay Men's Shed, also known as Harry's Shed, has well and truly fulfilled the dream of Harry and Jeanette O'Hara in creating a welcoming place where people from all backgrounds can come together to work on projects, surrounded by a sense of community.

From humble beginnings of around 35 members, it has grown to more than 110 and provides facilities to do woodworking, metalworking and toy making.

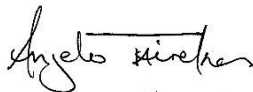
The Shed also provides a repair service for local schools and community groups as well as local residents who need some work done.

Harry's Shed has assisted and done work for Balmain Hospital, Concord Hospital, all our local primary and secondary schools, kindergartens, the Heritage Society, Five Dock Leisure Centre, and many many local residents.

And perhaps most importantly, it also provides a forum for older men to discuss medical and mental health issues and it creates a vital support network.

Council's 2012 Mayor's Golf Day donated all proceeds to Harry's Shed in its infancy and since then we have been thrilled to support the Shed where possible across the last decade because we know that the comradery fostered, and the community service exhibited, is so beneficial for our local area.

I urge Council to join me in extending our warmest congratulations to the Canada Bay Men's Shed on this significant milestone.



**Angelo Tsirekas**

MAYOR

**ITEM 5.2                      MAYORAL MINUTE - EMERGENCY SERVICES LEVY**

Submitted by:                      Councillor Angelo Tsirekas (Mayor)

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**MOTION**

That:

1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and the Member for Drummoyne:
    - a) Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community.
    - b) Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's ability to provide essential community services and infrastructure is likely to be significantly eroded.
    - c) Advising that the Government's decision may lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.
    - d) Calling on the NSW Government to take immediate action to:
      - i. restore the ESL subsidy in 2023/24
      - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
      - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
  2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
  3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Council's emergency services contribution.
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**BACKGROUND**

I am calling on Councillors to support representations to the NSW Government in response to the highly damaging increase in the Emergency Services Levy (ESL) imposed on all councils without warning for the 2023/24 financial year.

The ESL is a cost imposed on councils and insurance policy holders to fund the emergency services budget in NSW. The majority is paid as part of insurance premiums, with a further 11.7 per cent funded by councils and 14.6% by the NSW Government. The ESL represents cost shifting at its worst, as it is imposed on councils without any mechanism for councils to recover costs.

The levy increase for the State's 128 councils in 2023/24 amounts to almost \$77 million, with the total cost imposed on the local government sector increasing from \$143 million in the current financial year to \$219 million next year. This represents a 53.1% increase, completely dwarfing the IPART baseline rate peg of 3.7% for 2023/24.

Reporting suggests that the increase in costs this year reflects a 73% increase in the State Emergency Service budget and an 18.5% funding increase to Fire and Rescue NSW. The impact of these large increases on councils' finances will be particularly severe in 2023/24 as a result of the NSW Government deciding to scrap the subsidy for council ESL payments.

For many councils, the unexpected cost hit will absorb almost all of their IPART-approved rate rise for this year and in some cases absorb more than 100%. This is placing local government budgets under enormous pressure as they struggle from the combined impact of the pandemic, extreme weather events, high inflation and wage increases.

IPART-approved rate rises are intended to compensate for the impacts of inflation and increases in council costs. Instead, the rate increase will have to be largely diverted to the significantly higher ESL payments this year. NSW councils will have no option other than to make cuts to infrastructure and services expenditure.

For Council, the ESL has increased by \$579,812 for 2023/24, bringing the total Council contribution to \$2,808,190.00. This amounts to 36.2% of the expected increase in rate income for 2023/24 (Based on rate peg of 3.7%). If the NSW Government's decision is not reversed, the potential impacts on Council's services, infrastructure maintenance and delivery include:

- Reduced funding for community services for our most vulnerable
- Reduced funding for maintaining our parks and foreshore amenities
- Reduced funding for roads, footpaths and drainage
- Reduced funding for streetscapes in population hubs
- Reduced funding for tree maintenance activities
- Reduced funding for traffic management

The timing of this development is particularly challenging for councils as it comes so late in the local government budgeting cycle, well after IPART's rate determination for the coming financial year.

All councils strongly support a well-funded emergency services sector and the critical contribution of emergency services workers and volunteers (many of whom are councillors and council staff). However, it is essential that these services be supported through an equitable, transparent and sustainable funding model.

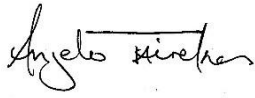
Local Government NSW has raised the serious concerns of the local government sector with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.

This Mayoral Minute recommends that Council call on the NSW Government to take immediate action to:

- a) restore the ESL subsidy,
- b) decouple the ESL from the rate peg to enable councils to recover the full cost
- c) develop a fairer, more transparent and financially sustainable method of funding critically important emergency services.



The Mayoral Minute also recommends that Council write to IPART advising of the financial sustainability impacts of the ESL.



**Angelo Tsirekas**

MAYOR

**6 PUBLIC FORUM**

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In accordance with Part 5 of the Code of Meeting Practice, residents, ratepayers, applicants or other persons may request to address Council in relation to any one matter related to the general business of Council but not the subject of a report on the agenda (Public Forum) and no more than two matters listed for consideration on the agenda (Public Address).

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**7 ITEMS RESOLVED BY EXCEPTION**

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In accordance with Part 13 of the Code of Meeting Practice, items that are dealt with by exception are items where the recommendations contained in the staff reports in the agenda are adopted without discussion.

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**8 EXECUTIVE SERVICES DIRECTORATE REPORTS**

Nil.

## 9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

### ITEM 9.1 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION

**Reporting Manager** Manager Statutory Planning

**Attachments:** Nil

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#### RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 April 2023 and 30 April 2023.

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#### PURPOSE

This report outlines development application (DA) determinations by the Canada Bay Local Planning Panel (CBLPP) and Staff under delegation.

#### EXECUTIVE SUMMARY

This report provides Development Application statistical data in accordance with Council's resolution of 6 February 2018 on applications received, determined, and applications considered by the Canada Bay Local Planning Panel (CBLPP).

#### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

#### BACKGROUND/DISCUSSION

This report provides DA statistical data in accordance with Council's resolution of 6 February 2018 on applications received, determined and applications considered by the Canada Bay Local Planning Panel (CBLPP).

#### Items for CBLPP Meeting on 26 April 2023

The following applications were electronically determined by the CBLPP on 11 April 2023:

- DA2022/0100 - 340 Victoria Place, Drummoyne – Alterations and additions to existing dwelling including new pool and alfresco area within the harbour foreshore area – *approved subject to conditions*.
- DA2022/0152 – 38 Bayswater Street, Drummoyne – Demolition of the existing dwelling house, construction of a three storey residential flat building containing three units over basement car park for six vehicles – *approved subject to conditions*.

The following applications were listed for consideration at the CBLPP meeting held on 26 April 2023:

- DA2022/0066 - 14A St Georges Crescent, Drummoyne - Alterations and additions to attic floor of existing dwelling – *Refused*.
- DA2022/0336 - 121 Henley Marine Drive, Drummoyne - Alterations and additions to existing dwelling house including new garage – *Deferred for electronic determination (applicant to provide amended plans)*.

### Items for CBLPP Meeting on 31 May 2023

The following applications are listed for consideration at the CBLPP meeting to be held on 31 May 2023:

- DA2022/0329 – 109 Henley Marine Drive, Drummoyne - Construction of double garage, garbage room, driveway and street crossover.
- DA2022/0348 – 27 Walton Crescent, Abbotsford - Upgrade Existing Unit Block.
- DA2023/0061 – 2P Teviot Street, Abbotsford – Alterations and additions to the existing boat shed to include an awning located on the side elevation

### Development Applications – Determined

The following Development Applications have been determined by staff under delegation between 1 April 2023 and 30 April 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0327	24.11.2022	5 Corby Avenue, Concord	Demolition of existing structures and construction of two storey dwelling, associated landscaping, pool and spa.	Approved 03.04.2023
DA2022/0313	14.11.2022	4 South Street, Drummoyne	Alterations and additions to existing semi-detached dwelling	Approved 04.04.2023
DA2022/0100	06.04.2022	340 Victoria Place, Drummoyne	Alterations and additions to existing dwelling including new pool, alfresco area, enlarged main entrance, installation of car hoist with increased garage roof	Approved – LPP 11.04.2023
DA2022/0152	27.05.2022	38 Bayswater Street, Drummoyne	Demolition of the existing dwelling house, construction of a 3 storey residential flat building containing three residential units, over basement car park for six vehicles, a waste room and associated storage rooms, landscaping and civil works	Approved – LPP 11.04.2023
DA2023/0069	04.04.2023	30 Formosa Street, Drummoyne	Replacement of block retaining wall	Approved 13.04.2023
DA2023/0058	22.03.2023	19-19A Roseby Street, Drummoyne	Fitout of shop 170 of Birkenhead Point	Approved 13.04.2023
DA2022/0059	01.03.2022	3 Harrison Avenue, Concord West	Demolition of existing structures, torrens title subdivision, the construction of two attached dual occupancies and associated site works	Approved 14.04.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0283	13.10.2022	1 Ramsay Road, Five Dock	Proposed Mechanical Workshop (Vehicle Repair Station)	Approved 14.04.2023
DA2023/0020	08.03.2023	12 Bay Road, Russell Lea	Demolition of an existing structure/s and proposed Torrens title subdivision of one allotment into two (2)	Approved 14.04.2023
DA2022/0293	03.11.2022	40 Clements Street, Russell Lea	Demolition of existing structures and construction of a two storey dwelling house and swimming pool	Approved 14.04.2023
DA2022/0185	12.07.2022	19 Edwin Street, Drummoyne	Alterations and additions to existing single storey residence	Refused 17.04.2023
DA2022/0297	28.10.2022	45 Duke Avenue, Rodd Point	Demolition of existing structures and construction of a two storey dwelling and swimming pool	Approved 17.04.2023
DA2022/0331	19.12.2022	33 Burns Crescent, Chiswick	Consolidate Lots 2 and 4 in DP 33466 (37 and 41 Burns Crescent Chiswick) into Lot 12 in DP 74085 (33 Burns Crescent Chiswick) plus demolish the existing dwelling on Lot 12 in DP 74085 (33 Burns Crescent Chiswick) to create a detached dual occupancy on the consolidated lot	Approved 17.04.2023
DA2022/0243	31.08.2022	24 Minnesota Avenue, Five Dock	Rear deck additions attached to portion of two storey rear additions approved under a separate Complying Development Certificate	Approved 19.04.2023
DA2023/0051	14.03.2023	70 landra Street, Concord West	Removal of a Ficus tree due to inappropriate location which is causing damage to brick fence and public footpath and replacement planting of two native trees	Approved 19.04.2023
DA2023/0060	27.03.2023	16 Fairwater Drive, Breakfast Point	Alteration and addition to a dwelling house	Approved 20.04.2023
DA2023/0072	06.04.2023	38 Thornley Street, Drummoyne	Removal of 2 Bottlebrush street trees to enable reconstruction of damaged	Approved 20.04.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			public stormwater system and replacement street tree planting with 2 trees	
DA2022/0279	11.10.2022	2 Duke Avenue, Rodd Point	Alterations and additions to existing dwelling and carport	Approved 20.04.2023
DA2023/0080	19.04.2023	71 Tranmere Street Drummoyne	Remove cyprus pine tree that is in decline from front yard	Approved 24.04.2023
DA2022/0332	01.12.2022	100 Cabarita Road, Cabarita	Construction of a new two storey dwelling with a basement and in-ground swimming pool on a vacant land	Approved 24.04.2023
DA2022/0066	01.03.2022	14A St Georges Crescent, Drummoyne	Alterations and additions to attic floor of existing dwelling	Refused – LPP 26.04.2023
DA2022/0290	18.10.2022	5 Rickard Street, Rodd Point	Demolition of the existing structure, construction of a new two storey dwelling and a swimming pool	Approved 27.04.2023
DA2022/0346	15.12.2022	21 Moore Street, Drummoyne	Alterations and first floor additions to rear of existing residence	Approved 28.04.2023
DA2023/0037	24.02.2023	13 Correys Avenue, Concord	Demolition of existing garage, removal of concrete areas and construction of a secondary dwelling	Approved 28.04.2023

Total Number of DAs Determined = 24

### Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 April 2023 and 30 April 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0064	03.04.2023	30 Leicester Avenue, Strathfield	Proposal for alterations and additions to existing DA2021/0089, comprising amendments to the unit mix, and addition of 3 levels to result in an 8 storey building comprising 58 residential apartments
DA2023/0065	03.04.2023	13 Collingwood Avenue, Cabarita	Partial demolition of existing dual occupancy with additions to create a single dwelling home

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0066	04.04.2023	54 MacNamara Avenue, Concord	Demolition of existing structures and construction of new two-storey dwelling with basement parking
DA2023/0067	04.04.2023	23 Potter Street, Russell Lea	Proposed demolition of existing single level rear extension and construction of new single level rear extension including minor internal modifications to existing dwelling
DA2023/0069	04.04.2023	30 Formosa Street, Drummoyne	Replacement of block retaining wall
DA2023/0070	06.04.2023	22 Leigh Avenue, Concord	Demolition of existing dwelling and the proposal of 2-storey dual occupancy development with single garage and associated stormwater and landscape works
DA2023/0072	06.04.2023	38 Thornley Street, Drummoyne	Removal of 2 Bottlebrush street trees to enable reconstruction of damaged public stormwater system and replacement street tree planting with 2 trees
DA2023/0071	12.04.2023	4B Fortescue Street, Chiswick	Swimming pool and extension of first floor balcony
DA2023/0074	13.04.2023	39 Byrne Avenue, Russell Lea	Demolition of existing dwelling and construction of a new dual occupancy with basement parking
DA2023/0075	13.04.2023	16 Market Street, Drummoyne	Rear 2 storey addition linked to existing house and proposed swimming pool
DA2023/0077	17.04.2023	11 Collingwood Avenue, Cabarita	Alterations and additions to convert an existing dual occupancy to a single dwelling
DA2023/0079	18.04.2023	110 Lyons Road, Drummoyne	Consolidation of two lots into one then Strata Subdivision of new allotment
DA2023/0080	19.04.2023	71 Tranmere Street, Drummoyne	Remove cyprus pine tree that is in decline from front yard
DA2023/0081	20.04.2023	45 Fairlight Street, Five Dock	Deck addition to rear of dwelling
DA2023/0068	20.04.2023	23 Edenholme Road, Russell Lea	Alterations and additions to the existing dwelling with carport within front setback
DA2023/0078	24.04.2023	4/31 Marlborough Street, Drummoyne	Pruning of 4 x Lilly Pilly Trees in backyard
DA2023/0083	26.04.2023	1 Bayview Road, Canada Bay	Select demolition works, ground floor extension and first floor addition to existing semi-detached dwelling

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0084	28.04.2023	2 Duchess Avenue, Rodd Point	Demolish existing house and construct new house with pool

Total Number of DAs Lodged = 18

### Variations to development standards

There were no variations made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 April 2023 and 30 April 2023.

### Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 30 April 2023:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2022/0129	19/203-211 Great North Road, Five Dock	Class 1 Appeal to the deemed refusal of development application for the alterations and additions including demolition, for the purpose of a childcare centre, for ninety-six (96) children with sixteen (16) staff, to operate 7:00am and 6:00pm Monday to Friday, and thirty-four (34) car spaces	No agreement reached at the conciliation conference. Matter is listed for a hearing on 5 and 6 June 2023.
DA2021/0260	15-17 Cooper Street, Strathfield	Class 1 appeal against the refusal of development application for demolition of existing dwelling houses, Consolidation of two lots and proposed new boarding house with 29 rooms and a manager's room	No agreement reached at the conciliation conference. Applicant is considering preparing amended plans in response to the matters raised during the proceedings.
DA2021/0266	29 Lenore Street, Russell Lea	Class 1 appeal against the refusal of development application for demolition of structures and construction of a two-storey dwelling with basement parking and swimming pool	No agreement reached at conciliation conference. Matter proceeded to hearing. Awaiting judgement.
DA2022/0125	40-44 Tennyson Road and 5-15 Bertram Street, Mortlake	Class 1 appeal against the deemed refusal of development application for the demolition of existing structures and improvements and construction of four 4-storey residential flat buildings	Hearing date set for 3 May 2023.



DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		containing 50 apartments including basement car parking and associated landscaping	
DA2021/0132	8 Drummoyne Avenue, Drummoyne	Class 1 appeal against the actual refusal of development application for alterations to an existing dwelling in a heritage conservation area including: upper storey addition, lower storey alterations, internal remodelling, alterations to garaging and associated works	Matter listed for conciliation conference 27 and 28 July 2023

Of the above 5 listed matters before the Land and Environment Court, there are currently 4 active appeals and 1 matter awaiting judgement.

#### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

#### **LEGISLATIVE AND POLICY CONSIDERATIONS**

This report is provided for Council's information in response to the Council resolution of 6 February 2018.

**ITEM 9.2 DRAFT PLANNING AGREEMENT POLICY AND PROCEDURES MANUAL - POST-EXHIBITION****Reporting Manager** Manager Strategic Planning

- Attachments:**
1. **Submission (Provided in Attachment Booklet)** [⇒](#)
  2. **Draft CCBC Planning Agreement Policy and Procedures Manual\_July 2022 (Provided in Attachment Booklet)** [⇒](#)
  3. **NSW Government Planning Agreements\_Practice Note\_Feb 2021 (Provided in Attachment Booklet)** [⇒](#)
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**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. Council notes the outcome of the public exhibition of the draft *Planning Agreement Policy and Procedures Manual*.
  2. The draft *Planning Agreement Policy and Procedures Manual*, attached to the report at Attachment 2, be adopted.
  3. The General Manager be delegated authority to make minor edits to the draft *Planning Agreement Policy and Procedures Manual* prior to publication.
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**PURPOSE**

To report on the outcome of the public exhibition of the draft *Planning Agreement Policy and Procedures Manual* and to seek its adoption.

**EXECUTIVE SUMMARY**

The draft *City of Canada Bay Planning Agreement Policy and Procedures Manual* (draft Policy) has been updated to reflect the requirements of the *NSW Government Planning Agreements – Practice Note – February 2021*.

The draft Policy was publicly exhibited from 6 March 2023 to 3 April 2023 (28 days), in accordance with the requirements of the *City of Canada Bay Community Participation Plan*.

This report recommends that the draft *City of Canada Bay Planning Agreement Policy and Procedures Manual* be adopted.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 1: Creative vibrant local village centres and community hubs

**BACKGROUND/DISCUSSION**

Planning agreements are a legal agreement between planning authorities and developers whereby public benefits are provided in association with a development.

In February 2021, the Department of Planning and Environment (DPE) published the *NSW Government Planning Agreements – Practice Note – February 2021*.

The *City of Canada Bay Planning Agreement Policy and Procedures Manual* has been updated to ensure consistency with the Practice Note as follows:

- Previous references to the 2005 Practice Note were replaced with references to the new 2021 Practice Note.

- Previous references to the Draft Ministerial Directions, which were not made, were replaced with references to new clauses in the Environmental Planning and Assessment Regulation 2021.
- Advice was provided that the explanatory note can now be prepared by only one of the parties but should be reviewed and agreed on by any other party to the agreement.
- The fundamental principles governing the use of planning agreements and the acceptability test that should be applied to planning agreements were revised.
- Security provisions were revised to state that, in addition to financial security, compulsory acquisition is a suitable means of enforcing land dedication obligations.
- The timing provisions were revised to state that a planning agreement should be negotiated and executed before the relevant application is determined, or the local environmental plan giving effect to a planning proposal is made.

#### *Public Exhibition*

The draft *Policy* was publicly exhibited on Council's community engagement platform, *Collaborate*, from 6 March 2023 to 3 April 2023 (28 days), in accordance with the requirements of the *City of Canada Bay Community Participation Plan*.

#### *Review of submissions*

One submission was received during the exhibition period.

The submission relates to application of the *Planning Agreement Policy and Procedures Manual*, rather than to the draft *Policy* itself.

The submission requested that the service laneway proposed in 2014 for Five Dock, connecting First and Second Avenue and running parallel with Great North Road and Waterview St, be implemented via future Planning Agreements. The acquisition of the relevant land via a future planning agreement is currently possible and Council will work with future landowners in the event of a future development application.

As the submission is not relevant to the draft *Planning Agreement Policy and Procedures Manual*, the draft policy has not been amended in response to the submission received.

It is recommended that the draft *Policy* be adopted.

### **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

The draft *Policy* was publicly exhibited for 28 days in accordance with the requirements of the *City of Canada Bay Community Participation Plan*.

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report, with Council's existing policy being updated to reflect DPE's latest Practice Note.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The draft *Policy* is consistent with the *NSW Government Planning Agreements – Practice Note – February 2021*.

**ITEM 9.3 CITY OF CANADA BAY DRAFT PLANNING STUDIES - NORTH STRATHFIELD, CONCORD AND FIVE DOCK METRO PRECINCTS - REPORT ON SUBMISSIONS**

**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Attachment 1 - Report on Submissions - Sydney Metro West Planning Study - Exhibition 2 (*Provided in Attachment Booklet*) [⇨](#)
  2. Attachment 2 - Canada Bay Metro Public Exhibition Outcomes of Survey Report (*Provided in Attachment Booklet*) [⇨](#)
  3. Attachment 3 - Draft CCB Sydney Metro Local Planning Study Stage 3 - Five Dock (*Provided in Attachment Booklet*) [⇨](#)
  4. Attachment 4 - Draft Sydney Metro Local Planning Study Stage 3 - Concord (*Provided in Attachment Booklet*) [⇨](#)
  5. Attachment 5 - Draft Sydney Metro Local Planning Study Stage 3 - North Strathfield (*Provided in Attachment Booklet*) [⇨](#)
  6. Attachment 6 - Draft Sydney Metro West Planning Study Stage 1 Background and Strategic Context Review (*Provided in Attachment Booklet*) [⇨](#)
  7. Attachment 7 - Draft CCB Urban Design Framework Stage 3 (*Provided in Attachment Booklet*) [⇨](#)
- 

*Note: This item was submitted to the Council Meeting on 18 April 2023. As there was a lack of quorum for this item at the April Council Meeting, this item has been resubmitted to the 16 May 2023 Council Meeting.*

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

**Five Dock**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
2. The draft Planning Study for Five Dock, provided at Attachment 3, be adopted.
3. A Planning Proposal and draft Development Control Plan be prepared for Five Dock Planning Study Area.

**Concord Oval/Burwood North**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
2. The draft Planning Study for Concord Oval/Burwood-North, provided at Attachment 4, be adopted.

**North Strathfield**

That:

1. Council note the Report on Submissions, provided at Attachment 1 and Survey Report provided at Attachment 2.
  2. The draft Planning Study for North Strathfield, provided at Attachment 5, be adopted.
  3. A Planning Proposal and draft Development Control Plan be prepared for North Strathfield Planning Study Area.
-

## PURPOSE

To report on the outcome of the public exhibition of draft Planning Studies (formerly referred to as Local Character Statements), to adopt the draft documents and to seek endorsement to commence the preparation of a Planning Proposal.

## EXECUTIVE SUMMARY

The NSW Government announced Sydney Metro West in 2016 and construction started in 2020. Three stations will be located in the City of Canada Bay in the suburbs of North Strathfield, Five Dock and Concord Oval/Burwood North.

Sydney Metro West is a significant infrastructure project that will improve how people move around the City of Canada Bay and its surrounds. Council has an opportunity to influence the extent of change around station locations and to ensure the community is consulted from an early stage.

Initial engagement was undertaken by Council in November and December 2020 to understand the community's aspirations for each station precinct. Feedback from the engagement was used to prepare draft Planning Studies, and a second round of engagement was undertaken from 19 April 2022 to 31 May 2022 to seek feedback and submissions from the community.

The draft Planning Studies have now been updated with consideration given to the matters raised in the feedback and submissions received through the 2022 engagement.

This report provides a summary of the feedback and submissions received and outlines amendments to the draft Planning Studies arising from the engagement. It is recommended that the draft Planning Studies be adopted, and work commence on the preparation of a Planning Proposal and a draft Development Control Plan.

## STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 1: Creative vibrant local village centres and community hubs

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

Direction 4: Infrastructure and Transport

Goal IT 3: Encourage active and accessible transport opportunities

## BACKGROUND/DISCUSSION

A key action arising from the *Canada Bay Local Strategic Planning Statement* adopted by Council in October 2019, set out the following:

*Prior to rezoning occurring, a local planning study is to be prepared and endorsed by Council for the localities in which a Sydney Metro West station is proposed, including development sites and their immediate surrounds.*

The LSPS requires the local planning study to include/address, *inter alia*:

- preparation of desired future character statements in consultation with the community;
- identify opportunities for new and/or improved public domain improvements and areas of open space within, or surrounding the new Metro locations;
- establish preferred land uses and built form outcomes within and around the new Metro locations;

- consider opportunities for a diverse range of housing consistent with the desired future character of the area;
- ensure that the employment functions and services around station locations are supported and enhanced;
- identify the need for any further studies.

On 21 July 2020, Council resolved to commence a process to engage with the community so as to inform the preparation of draft Planning Studies for land within the immediate vicinity of proposed metro stations within the City of Canada Bay.

On 15 March 2022, Council resolved that the draft Planning Studies be placed on public exhibition and a further report be provided to Council on the outcome of the community engagement including recommended changes and actions. The outcome of this engagement is the subject of this report.

In September 2022, the Greater Cities Commission released *The Six Cities Region Discussion Paper*. The Discussion Paper outlined the Commission's emerging thinking on how planning for Sydney may be progressed and implemented in upcoming revisions to the *Greater Sydney Region Plan* and the *Eastern City District Plan*. These documents are important as they inform planning decisions at a local level. The Discussion Paper identified a number of priorities of relevance to planning around metro stations:

- 3.3 *The Region Plan and City Plans will identify priority housing areas proximate to existing and future transport hubs over the first 10 years of the Plans to ensure supply is increased and development is supported by appropriate infrastructure. This will include diverse and affordable housing adjacent to the roll out of fast rail and metro stations, rapid transit stations and innovation districts*
- 3.4 *The Region and City Plans will prioritise areas for housing developments that are connected to transport hubs and supported by local infrastructure.*
- 4.1 *The City Plans will identify precincts and centres with the most potential to support delivery of housing targets, in line with existing and planned infrastructure. Key locations will be close to stations and transport hubs.*

### *Community Engagement*

The exhibition package was publicly exhibited from 19 April 2022 to 31 May 2022 on Council's community engagement platform, *Collaborate*, for 28 days. Letters were also sent to landowners and residents advising of the public exhibition. Exhibition details are provided below:

- *Letter* - A notification letter was sent to over 6,500 landowners and residents to advise them of the exhibition. The letters to landowners were personally addressed and sent to the owner's postal address.
- *Facebook* - A Facebook post reached 5,430 readers, resulting in 684 engagements, consisting of 13 reactions, 4 comments and 2 shares.

A total of 329 viewers clicked on the link to Council's website containing the exhibited documents.

- *Instagram* - An Instagram post reached 904 readers with 984 impressions, meaning that some people viewed the post more than once.
- *Collaborate* - A notification email was also sent to all users who were following the *Collaborate* page from the round 1 exhibition. There were 3,746 views to the Collaborate Page by 2,478 visitors. Of those, 154 made a contribution via the surveys that were provided. There are now 90 people following the project page for updates.

### *Outcomes of Community Engagement*

A total of 154 surveys were completed on Collaborate and 101 written submissions were received during the exhibition period.

The *Report on Submissions* at Attachment 1 and *Canada Bay Metro Public Exhibition Outcomes of Survey Report* at Attachment 2 provide a detailed analysis of the engagement that was undertaken and the comments that were received.

The feedback varied within each precinct and across the three precincts. The key concerns raised by written submissions and the online survey are summarised in the *Report on Submissions*.

#### *Changes to draft Planning Studies*

Comments received have been reviewed and a number of amendments have been made to the draft Planning Studies as outlined in the *Report on Submissions*. An overview of primary changes to the desired sub-precinct character areas are summarised below. Where references is made to a sub-precinct, these areas relate to the numbers shown on the precinct maps provided under each station location.

#### **Five Dock** (Figure 1)

- Sub-precinct 2 - The draft Planning Study has been revised to recommend a 5 storey height limit (reduced from 6) in the “*Transition sub-precinct*”, being the land located generally between East and West Streets. This height limit will enable an improved transition in building scale between the seven (7) storeys proposed along Great North Road and the two to three storeys proposed to the west.
- The block bounded by Garfield St, School Lane, Lancelot St, and West St has been included in sub-precinct 2 due to its proximity to the metro station and the separation of this block from other properties.
- Sub-precinct 3 - The maximum building height in the *School and residential sub-precinct* has been revised from three storeys to two storeys (8.5m) or three storeys (9.0m) where multi-dwelling housing (terraces) are provided. This approach will enable development to occur incrementally over time and in a manner that will enable the scale of development to complement the existing buildings.

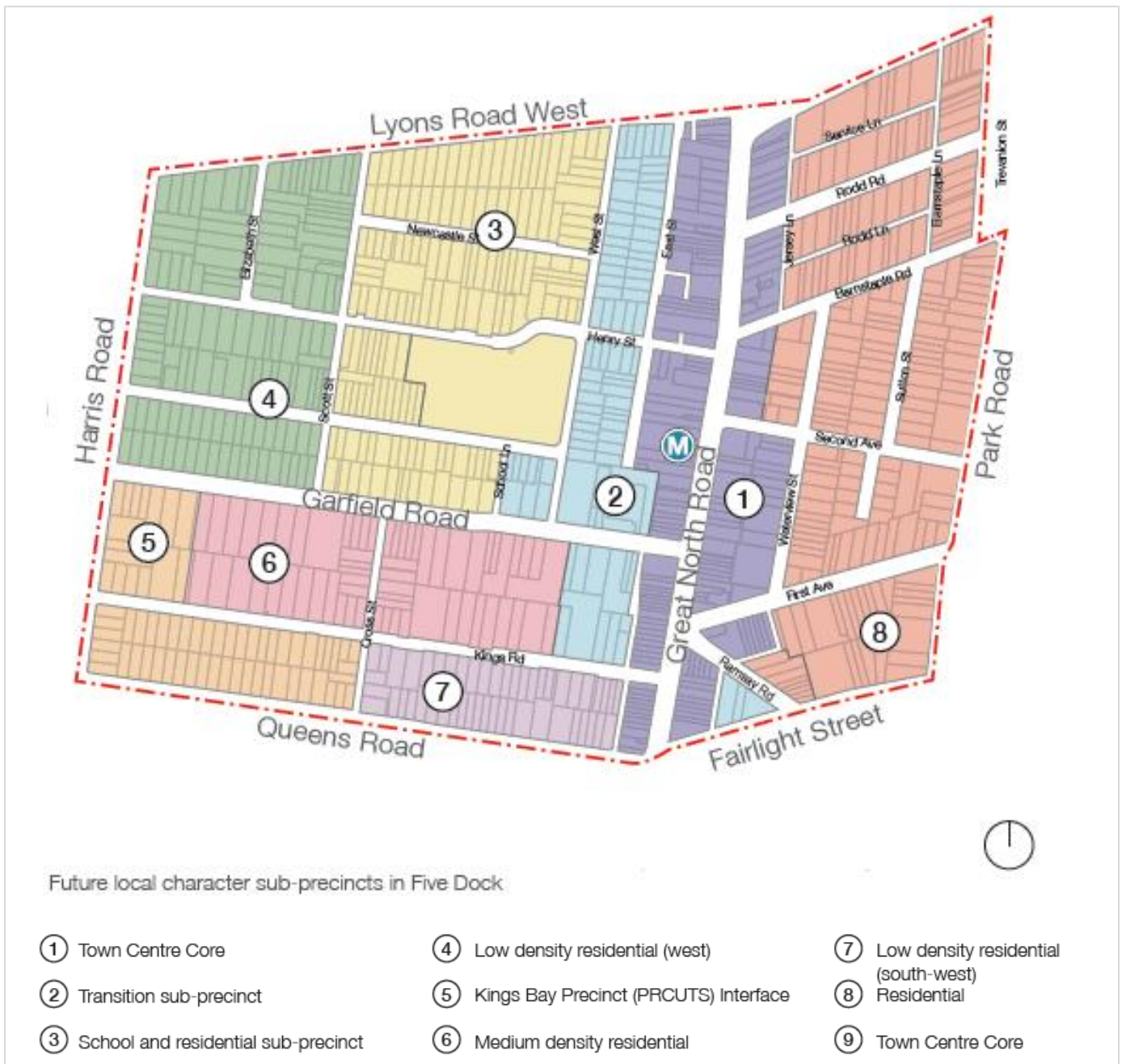


Figure 1 – Five Dock

**Concord Oval/Burwood North (Figure 2)**

- The draft Planning Study for Concord/Burwood North has been revised to more closely align with the outcomes contained within the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), including the now finalised Stage 1 PRCUTS Planning Proposal. Changes to planning controls in this precinct will be progressed through a Planning Proposal for Stage 2 of PRCUTS.
- Sub-precinct 4 - The “*Low density residential (north of Gipps Street)*” has been revised from three storeys to state that the height limit will be two storeys (8.5m) or three storeys (9.0m) where multi-dwelling housing (terraces) are provided. This approach will enable development to occur incrementally over time and in a manner that will enable the scale of development to complement the existing buildings.





Future local character sub-precincts in Concord

- |                                      |                            |
|--------------------------------------|----------------------------|
| ① Parramatta direct interface        | ④ Low density residential  |
| ② High density residential and plaza | ⑤ In-fill area residential |
| ③ In-fill Area residential           | ⑥ St Luke Anglican Church  |

Figure 2 - Concord Oval/Burwood North

### North Strathfield (Figure 3)

- Sub-precinct 1 & 3 - The *Mixed-use sub-precinct* and *School District* have been revised from 10 storeys to 8 storeys, consistent with the maximum height for a mixed-use development in PRCUTS.
- Sub-precinct 2 - The northern boundary of the “*Residential (lower west)*” has been revised to Pomeroy St, with the land to the north of Pomeroy Street now being located in sub-precinct 4. This will limit the extent of five storey buildings and reduces the overall density in response to community feedback.
- Sub-precinct 4 - The “*Low density residential (upper west)*” boundary has been extended south to Pomeroy Street, and to the north to include lots fronting Argonne Street, Conway Avenue and Rothwell Avenue. This will enable a coordinated approach to the development of all land

on the western side of George Street. The height limit has been amended from no change (two storey) to three to four storeys in response to community feedback.

- Sub-precinct 6 - On the eastern side of the railway line, the southern boundary of sub-precinct 6 has been relocated north to Gracemere St. This allows the Gracemere St /Beronga St block to be included in sub-precinct 7 which will enable a zoning change from low density to medium density and facilitate two to three storey (terrace) development. This approach will avoid this block being isolated between a low-density area to the north and medium density to the south.
- Sub-precinct 7 - The current/proposed medium density in sub-precinct 7 has been extended to the south to include land north of Princess Avenue. This will avoid isolating the Nelson Road to Napier Street block. Future development will be subject to a height limit of 8.5m (two storeys) or 9.0m where terraces are provided.
- Sub-precinct 9 - A new sub-precinct has been introduced, known as "*Land subject to flooding*". The Powells Creek Flood Study, adopted by Council on 6 December 2022 identified a number of properties as being flood prone. NSW Local Planning Direction 4.1 – Flooding states that planning proposals must not contain provisions that apply to a flood planning area that will permit a significant increase in the development and/or density of the land. As such, properties that are likely to be significantly impacted by flooding (in sub-precinct 2 and 4) have been placed within their own sub-precinct (sub-precinct 9) and existing planning controls will be retained.



Figure 3 – North Strathfield

The revised Planning Studies are provided at Attachments 3, 4 and 5, the Stage 1 Background and Strategic Context Review is at Attachment 6 and the revised Stage 3 Urban Design Framework is provided at Attachment 7.

#### *Status of Local Character Statements*

The Local Character Statement components of the draft Planning Studies were prepared in accordance with the *Local Character and Place Guideline* published by the NSW Department of Planning and Environment (DPE). Despite the previous commitment of DPE to local character areas, their policy position has changed, and DPE is no longer supportive of inclusion of local character area planning controls in Local Environmental Plans. For this reason, the draft Local Character Statements have been renamed as Planning Studies and will be used to inform the preparation of a Planning Proposal.

Should a Planning Proposal be prepared, further investigations/studies will be required to ensure that all relevant matters are given sufficient consideration and can be successfully translated into planning controls. Proposed studies include an Urban Design Master Plan, a Public Domain Plan, Traffic/Transport study, Feasibility testing, Tree canopy study, Sustainability strategy, Community infrastructure strategy and Development Control Plan.

#### *Conclusion*

The draft Planning Studies were publicly exhibited, and the submissions received have been assessed.

The documents have been revised to respond to a range of matters raised in submissions.

It is recommended that the package of amended documents be adopted, and that work commence on background investigation/studies to inform the preparation of a Planning Proposal and draft Development Control Plan.

### **TIMING AND RISK CONSIDERATIONS**

It is important that this work progress to ensure that Council is able to have input into future change around metro stations. Should there be a delay, there is a risk that individual landowners may submit Planning Proposals and/or the NSW Department of Planning and Environment may commence their own planning for land surrounding transport hubs.

Subsequent to Council endorsement of the draft Local Planning Studies and accompanying documents, additional studies will be undertaken to inform the preparation of a Planning Proposal.

Any Planning Proposal and Draft Development Control Plan that are prepared would be the subject of further consultation and engagement.

### **FINANCIAL CONSIDERATIONS**

A budget has been allocated to enable the preparation of a detailed Urban Design Masterplan, and studies associated with the requirements of a planning proposal in the financial years of 2022/23 and 2023/24.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

This report also relates to the implementation of the *Canada Bay Local Strategic Planning Statement* (LSPS) and reviewing planning controls near metro stations is consistent with the Greater Cities Commission's priority to increase housing supply near transport hubs.

All engagement undertaken to date has been non-statutory and further statutory public exhibitions will occur should a Planning Proposal and draft Development Control Plan be prepared.

**ITEM 9.4 PLANNING PROPOSAL (PP2022/0003) - RECREATION FACILITIES (INDOOR) IN R1 GENERAL RESIDENTIAL ZONE - ADDITIONAL PERMITTED USE****Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Planning Proposal (PP2022-0003) - Recreation Facilities (Indoor) - May 2023 (*Provided in Attachment Booklet*) [⇒](#)
  2. Report on submissions - PP2022-0003 - Recreation Facilities (Indoor) in R1 zone (*Provided in Attachment Booklet*) [⇒](#)
- 

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. Council notes the outcome of the public exhibition.
  2. The Planning Proposal, provided as Attachment 1, be endorsed for finalisation.
  3. Authority be delegated to the General Manager to make any minor changes to the Planning Proposal (if required) prior to finalisation of the Local Environmental Plan.
- 

**PURPOSE**

To report on the outcome of the exhibition of the Planning Proposal to permit Recreation Facilities (Indoor) on certain land in Mortlake, and to seek Council endorsement to finalise the amendments to the Local Environmental Plan.

**EXECUTIVE SUMMARY**

The Planning Proposal seeks to permit Recreation Facilities (Indoor) on certain land in Mortlake.

The Planning Proposal was placed on public exhibition and 11 submissions were received. Minor amendments have been made to the Planning Proposal in response to submissions and to make minor corrections.

It is recommended that the Planning Proposal be endorsed for finalisation.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 4: Promote a community where residents feel safe and enjoy good health

Direction 3: Vibrant Urban Living

Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs

**BACKGROUND/DISCUSSION***Background*

A Mayoral Minute was tabled at the Council meeting of 16 August 2022 to investigate the suitability of gyms within the R1 General Residential zone in Mortlake. The Mayoral Minute recognised that gyms and local fitness facilities are important local infrastructure that bring the community together for exercise, health, and wellbeing.

Council resolved to investigate the potential for Recreation Facilities (Indoor) to be included as a land use permitted with consent in the R1 General Residential zone. This resolution did not

foreshadow the outcomes of a Planning Proposal but rather it set in train a community consultation process with local residents, businesses, landowners, and relevant stakeholders.

A Planning Proposal was prepared to give effect to the Council resolution and, at the meeting of 18 October 2022, Council resolved to revise the Planning Proposal to only allow the additional permitted use in certain locations within the R1 General Residential zone within Mortlake, as follows:

*That Recreational Facilities (Indoor) only be permitted on land within the R1 General Residential Zone that has a frontage to Tennyson Road, between Palace Lane and Herbert Street, and land that has a frontage to Edwin Street, between Tennyson Road to Hilly Street.*

This revised Planning Proposal seeks to amend Schedule 1 of the Canada Bay Local Environmental Plan 2013 (LEP) to permit Recreation Facilities (Indoor) with consent in certain locations (see Figure 1) within the R1 General Residential zone, as well as to update Schedule 1 to include references to a new Additional Permitted Use map series. A copy of the Planning Proposal is provided as Attachment 1.



Figure 1: Location of proposed Additional Permitted Use

A Gateway determination was issued by the NSW Department of Planning and Environment on 23 December 2022.

### Community engagement

The Planning Proposal was placed on public exhibition from 1 February 2023 to 1 March 2023 (29 days) on Council's community engagement platform, Collaborate. A letter was also sent to landowners and residents within the suburbs of Mortlake and Breakfast Point to advise them of the exhibition.

A total of 11 written submissions were received during the exhibition period. One of those submissions was generally neutral, two were generally supportive, and eight were generally unsupportive. Key concerns raised in submissions related to:

- Traffic and parking
- Amenity impacts – noise, vibration

- Existing operation of gyms
- Inclusion of 123 Peninsula Drive
- Potential future approvals via CDC
- Inclusion of properties fronting Hilly Street

Certain issues raised are matters that would be relevant to the assessment of a development application, others relate to the approval process or the regulation of unauthorised uses. The Report on Submissions (Attachment 2) provides a summary of the engagement undertaken and the comments received.

#### *Amendments to the Planning Proposal (post exhibition)*

The Planning Proposal has been revised to include the following changes arising from community engagement and assessment of matters outlined in the Report on Submissions:

- Remove drainage reserve (Lot 212 in DP 566285) from the planning proposal as the land is not suitable to accommodate Recreation Facilities (Indoor).
- Amend reference to the appendix map images provided on page 16 (Attachment 1) to correct a typographical error.

It is recommended that the Planning Proposal be endorsed by Council and proceed to be finalised as an amendment to the *Canada Bay Local Environmental Plan 2013*.

#### **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

The Planning Proposal was initiated by Council and is required to be finalised by 23 September 2023, in accordance with the Gateway Determination issued by the Department of Planning and Environment.

#### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

#### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and follows the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline'.

Once finalised, the Canada Bay Local Environmental Plan 2013 will be updated to include the Additional Permitted Use and Development Applications may be submitted for Recreation Facilities (Indoor) on mapped land in the R1 General Residential Zone in Mortlake.

**ITEM 9.5 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE MINUTES - 27 APRIL 2023****Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. **EAC Meeting Minutes - 27 April 2023** [↓](#)

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**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 27 April 2023, attached to the report, be received and noted.

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**PURPOSE**

The City of Canada Bay Environment Advisory Committee seeks Council's endorsement of the attached minutes and associated recommendations/actions.

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Environment Advisory Committee from the meeting held on 27 April 2023.

The Committee's role is to advise and make recommendations on sustainability and waste issues as they relate to Council's operations, with a focus on the implementation of and achievement of targets in Council's Community Strategic Plan, Our Future 2036.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Goal STE 2: Increase urban tree canopy

Goal STE 3: Reduce waste to landfill through avoidance and increased recycling and reuse

Goal STE 4: Enhance and protect native flora and fauna to support local biodiversity

Direction 5: Civic Leadership

Goal CL 3: Council works with partners to actively shape the City's future

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Council has adopted an *Environmental Strategy* and *Resource Recovery and Waste Strategy*.





## Environment Advisory Committee Agenda

Thursday 27 April 2023 6.30pm – 8.30pm

Drummoyne Civic Centre - Halliday Room

Dinner Provided at (from 6.30pm)

**DISTRIBUTION LIST:** Kylie Tang (KT), David Mansford (DM), Sally Ash (SA), Rolf Muller (RM), Robyn Ann Lindner (RL), Tailoi Ling (TL), Kate Egan (KE), Mavis Clements (MC), Christina Rojas (CR), Alyssa Brown (AB)

**APOLOGIES:** Sahar Khalili (SK), Danny Ruspandini (DR), Kylie Tang (KT)

**COUNCIL COMMITTEE STAFF:** Belinda Koytz (BK), Robert Adamson (RA), Councillor Charles Jago (CJ), Monica Cologna (MC),

**CHAIR:**

**ITEMS:**

<b>6.30pm</b>	<b>Acknowledgement of Country</b>	<b>Clr Jago</b>
<b>6.32pm</b>	<b>Announcements and Introductions</b>	<b>Clr Jago</b>
<b>6.35pm</b>	<b>FOGO Trial and Breakdown</b>	<b>Belinda Koytz</b>

- BK provided an update on the FOGO collection trial outlining the rollout of the trial in Rhodes and why that area was selected, how participants were engaged and supported throughout the trial, outcomes that were being tested, challenges that are being faced and potential solutions.
- CJ enquired why food organics and garden organics cannot be included in the same bin with BK explaining these two waste materials require different processing.
- MC asked where waste is currently being dumped and BK outlined the different locations of tips that Councils waste contractor uses. location of different tips that Council uses.
- RM questioned if the data being captured from the trial will impact development control plans and BK explaining that is already taking place.
- TL suggested nominating FOGO ambassadors in each of the building and BK highlighted that currently 6 of the 22 buildings in the trial have an ambassador and those buildings that do have an ambassador have higher participation rates.
- DM wanted to know what the end use of the food waste being collected was and BK explained that it was being turned into compost.

- |               |                       |                      |
|---------------|-----------------------|----------------------|
| <b>7.05pm</b> | <b>Council Update</b> | <b>Belinda Koytz</b> |
|---------------|-----------------------|----------------------|
- BK spoke to committee regarding the success and challenges of the Sustainable Saturday and asked for feedback from the committee members who attended and volunteered on the day.
  - BK informed the committee members about the places to roam grant that was recently given to Council to help protect local fauna and flora and build a permanent nature trail.
  - The new printable waste calendar was shown to the committee and BK asked the members to champion this service when engaging with residents.



## 10 CITY ASSETS DIRECTORATE REPORTS

### ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 27 APRIL 2023

**Reporting Manager** Manager Roads and Traffic

- Attachments:**
1. **Traffic Committee Minutes - 27 April 2023** (*Provided in Attachment Booklet*) [⇒](#)
  2. **ITEM 1 - Marquet Street - Concept Plan** (*Provided in Attachment Booklet*) [⇒](#)
  3. **ITEM 2 - Rodd Road - Concept Plan - Angled Parking Restriction** (*Provided in Attachment Booklet*) [⇒](#)
  4. **ITEM 3 - Waterview St** (*Provided in Attachment Booklet*) [⇒](#)
  5. **ITEM 4 - Strathfield Triangle No Stopping** (*Provided in Attachment Booklet*) [⇒](#)
  6. **ITEM 5 - Kokoda St** (*Provided in Attachment Booklet*) [⇒](#)
- 

### RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 27 April 2023, attached to the report, be adopted.

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### PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 27 April 2023 to Council.

### REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 27 April 2023 for Council's consideration and adoption.

### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

Goal IT 2: Manage traffic and parking to minimise congestion and increase road safety

### FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the report.

### LEGISLATIVE AND POLICY CONSIDERATIONS

The City of Canada Bay Local Traffic Committee meetings are held in line with Transport for NSW guidelines.

**ITEM 10.2                    URBAN TREE CANOPY STRATEGY SIX MONTHLY UPDATE - JULY TO DECEMBER 2022****Reporting Manager    Manager Open Space****Attachments:            Nil**

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**RECOMMENDATION OF DIRECTOR CITY ASSETS**

That the Urban Tree Canopy Strategy Six Monthly Update report for the period July to December 2022 be received and noted.

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**PURPOSE**

Council's *Urban Tree Canopy Strategy* (2019) is the key strategic framework identifying priorities and actions that need to be undertaken to achieve Council's goal of increasing the canopy from 18% to 25% by 2040.

Regular data analysis and reporting is important to track progress towards meeting our increased canopy cover target. This is an action outlined in the *Urban Tree Canopy Strategy*. This report is the fourth of a series of six-monthly reports providing Council with an update on progress and responds to the following resolution of Council made on 18 May 2021:

*THAT Council introduces a regular, ongoing report to Council on trees known to have been removed from public and private land across the Canada Bay LGA with reports at least half-yearly, beginning in July 2021. This report should also highlight any public planting which has occurred within that period.*

**EXECUTIVE SUMMARY**

This report provides a summary of trees planted and removed across the City of Canada Bay for the period of 1 July 2022 to 31 December 2022.

On public land, 823 trees were planted, and on combined public and private land, 328 trees were removed. The net gain in trees planted across the City of Canada Bay for the reporting period was 570 trees in total.

The NSW Government will be releasing current canopy cover percentages and data for each LGA in mid-2023, enabling councils to track their canopy cover through industry leading imagery and datasets. This will be instrumental in better gauging canopy gains or losses over time.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

- Direction 1:            Connected Community
- Goal CC 4:            Promote a community where residents feel safe and enjoy good health
- Direction 2:            Sustainable and Thriving Environment
- Goal STE 1:            Reduce greenhouse gas emissions
- Goal STE 2:            Increase urban tree canopy
- Goal STE 4:            Enhance and protect native flora and fauna to support local biodiversity
- Goal STE 5:            Improve access to, and enhance the quality of, the City's foreshore and waterways

Direction 3: Vibrant Urban Living

Goal VUL 1: Creative vibrant local village centres and community hubs

### BACKGROUND/DISCUSSION

Council adopted its *Urban Tree Canopy Strategy* in 2019. This strategy outlines Council's objective to increase canopy cover across the LGA on both public and private land.

Increased canopy has many scientifically proven benefits for the community and environment such as: reducing heat; providing clean air; improved amenity, biodiversity and habitat and many others.

Challenges also exist in meeting the increased canopy cover target, such as climate change; limited public and private permeable space available for planting; development and urban intensification; community perceptions and conflicts i.e. blocking views, vandalism, illegal removals, objection to tree litter, understanding of benefits.

To address these challenges, the *Urban Tree Canopy Strategy* has both short and long-term recommendations to achieve Council's goals. Many of these have been achieved, are in progress or ongoing.

### Six Month Report Data

	Public Land	Private Land	Type/Reason
<b>Tree Planting</b>	823	30 45	Tree Giveaways - Trees - State Govt Program
<b>TOTAL PLANTED</b>	<b>823</b>	<b>75</b>	<b>898 planted</b>
<b>Tree Removals</b>	57 30 8	216 11 6	- Poor health - Vandalised - Metro West - Tree permits - DAs - Illegal
<b>TOTAL REMOVALS</b>	<b>95</b>	<b>233</b>	<b>328 removed</b>
<b>NET TOTAL</b>	<b>728</b>	<b>-158</b>	<b>570 Net gain</b>

Figure 1 – CCBC Planting, removal and giveaway numbers for 6-month reporting period July-Dec 2022

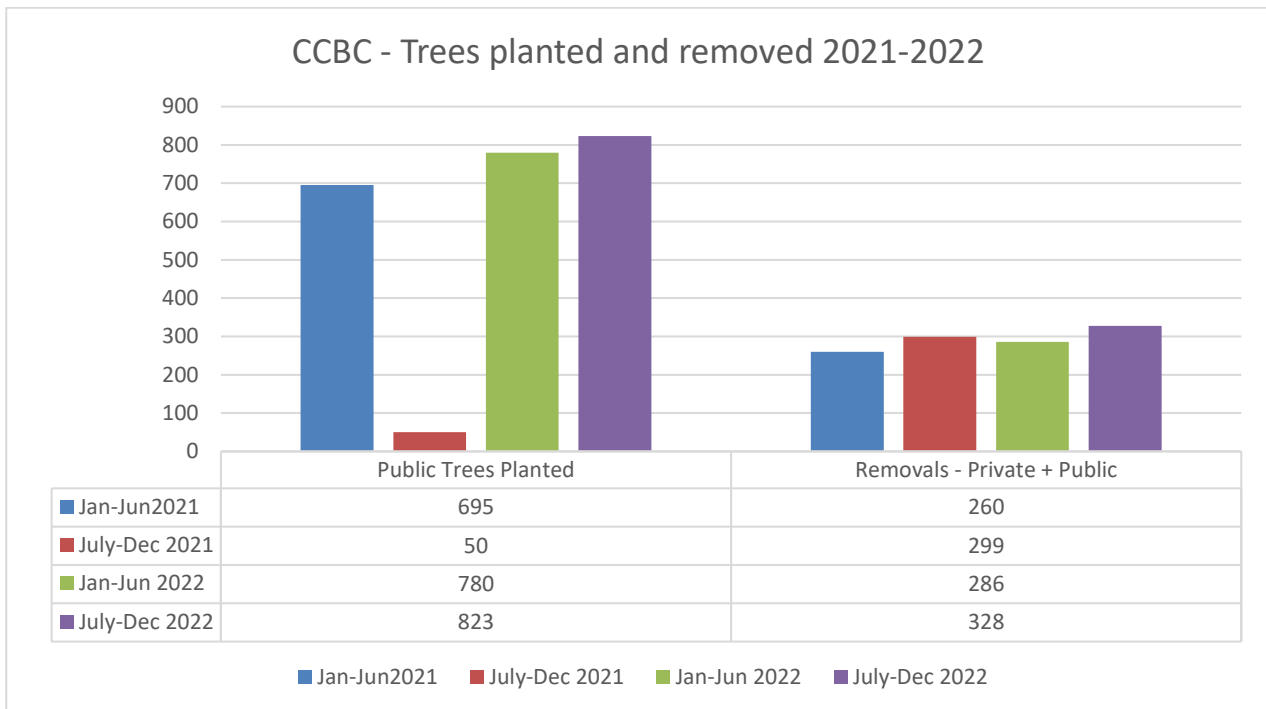


Figure 2 – CCBC Trees planted and removed during two-year reporting period 2021-2022

### Data Limitations

This report assumes trees that are approved through Developments Applications and Tree Removal Permits are removed and/or replacement trees are planted and trees provided through giveaway initiatives are also planted.

Canopy loss from the removal or pruning of trees is not included or recorded.

### Tree Planting

As part of Council plant giveaways, 30 trees and 800 shrubs were provided to residents. The total trees planted only includes the number of trees provided and shrubs are not considered trees in Council’s strategy. It is also unknown if these trees and shrubs were planted and if so, where.

As part of the State Government Public Tree giveaway and mapping program, 45 trees were registered, it is unknown if these trees were planted and if so, where.

### Tree Removals

A total of 57 public trees were removed from streets or public parks due to their age, location, and where a safety risk was identified.

Vandalism occurred to 80 (10%) of new tree plantings. Of these, 50 were replaced, resulting in a net loss of 30 trees.

The Sydney Metro West Project required the removal of 8 trees for the State infrastructure development.

Council approved 216 tree removals on private land via the Tree Removal permits process. Reasons supporting removals included inappropriate location, age, safety risk and/or infrastructure damage. A further 11 trees were approved for removal for similar supporting reasons as part of Development Applications (DA).

Over the period, 6 mature private and public trees were removed without permission. All matters were investigated by tree officers and the compliance team, and in cases where sufficient evidence was ascertained, enforcement action was undertaken.

**Current Focus Areas**

Council will continue to monitor and implement the Urban Tree Canopy Strategy actions and prioritisation.

Council has engaged a consulting arborist company to begin to map all street trees and trees within nominated parks. The next six-month report will include a progress update on the Tree Inventory mapping project.

The NSW Government will be releasing current canopy cover percentages and data for each LGA in mid-2023, enabling councils to track their canopy cover through industry leading imagery and datasets. This will be instrumental in gauging canopy gains or losses over time. Information to be release by the State Government will be included in future reports to Council.

Council will continue community education on Council's canopy goals through the established tree trail, QR codes on new trees, community planting days and tree giveaways, social media posts, working with schools to increase canopy and having the Urban Forester present to community events and groups.

Council will continue to focus on planting areas that are lacking in canopy cover and are susceptible to the urban heat island effect, through community feedback and where minimal tree planting has been undertaken in the past.

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

There are no risk considerations associated with this report.

**FINANCIAL CONSIDERATIONS**

All proposed action is included within existing Operational Budgets.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Actions proposed are in accordance with the Urban Tree Canopy Strategy.





2. *A report be prepared and submitted to Council on the feasibility, options and costs of conducting an audit on an appropriate cross section of sites in the Council area where duplexes have been built in the last 12 months where there were trees removed, including whether suitable replacement trees have been reinstated.*
3. *Council generally opposes the removal of mature healthy trees in the City of Canada Bay LGA by state government agencies e.g. Metro.*
4. *Council supports the replacement of mature trees that have been removed by state government agencies with suitable mature trees where possible.*
5. *Council officers enter into discussions with staff of other councils with a view to developing a joint approach to seeking the replacement of mature trees removed by state government agencies with suitable mature trees.*

Council's *Urban Tree Canopy Strategy* was adopted in October 2019. This is a comprehensive document that provides a modern management approach to urban forestry. The strategy provides valuable guidance for Council officers through clear objectives which seek to achieve Council's canopy cover goals by 2040. This is a 20-year strategy that is to be formally reviewed in 2024. The Strategy's priorities and actions are focussed around 5 central themes and 70 short, medium, and long term recommendations.

Progress has been made on the 70 recommendations, to date 20 have been achieved and 37 are in progress, while 13 are dependent on shorter term actions being completed first. The *Urban Tree Canopy Strategy* has seen Council increase tree planting from 40-50 trees per year to a total of over 4000 trees over the last 36 months. Council staff are working to increase the organisational approach to management of the urban canopy across the LGA, including developing a resource strategy, along with review of policies and procedures.

In addition to financial support provided through grants, the NSW State government will be releasing reliable, accurate canopy coverage data (percentages) for all Sydney councils in mid-2023. This will highlight actual canopy coverage and show how each council has been tracking.

Each aspect of the resolution is addressed in turn below.

### Resolution 1

*A report be prepared and submitted to Council on options for expanded or new initiatives to increase the tree canopy in the City of Canada Bay local government area.*

**Response:** This resolution has brought about an interim review of the 2019 *Urban Tree Canopy Strategy* and enabled staff to consider the relevancy and feasibility of the developed actions within current available resources. Relevant sections of the adopted strategy are referenced and can be viewed in more detail in the attachment.

### Achievements To Date

An overview of (2019) strategy actions completed, underway or ongoing is provided in Table 1.

Priority	Action	Status
7.3.1 Protect and value	Mapping of public and significant trees	Underway
7.3.2 Renew and Grow	Over 4000 new trees planted	Ongoing
	DCP update	Complete
	Street Tree Masterplan	Underway

7.3.3 Support and Sustain	Advocate to Sydney Metro Project and Energy Australia	Ongoing
7.3.4 Engage and Create	Tree Trail (pilot) Tree Trail (permanent) Schools education Canopy Partnerships (Breakfast Point, Liberty Grove, Department of Health)	Complete Underway Ongoing Underway
7.3.5 Manage and Resource	Strategy roles and responsibilities defined Urban Forester position created to lead strategy implementation	Complete Complete

Table 1 – Urban Canopy Actions Completed, Underway and Ongoing

### Expanded and New Initiatives

Priority	Action
7.3.1 Protect and value	a. Review current processes b. Review compliance approach and CDC audit. c. Design for trees d. Develop Tree Vandalism Policy
7.3.2 Renew and Grow	a. Promote Canopy Gain b. Review Street tree replacement program c. Adopt replacement strategy and tree off-set policy
7.3.3 Support and Sustain	a. Develop (tree) risk policy and follow Tree Risk Assessment Minimum Industry Standard b. Value trees as assets c. Tree protection guidelines and compliance
7.3.4 Engage and Create	a. Re-engage with community and measure effectiveness
7.3.5 Manage and Resource	a. Develop overarching Urban Forest Strategy b. Resourcing Strategy c. Review of Tree Management Guidelines, policies and procedures d. Define when an Arborist report is required and to what standard

Table 2 – Interim Urban Canopy Strategy review actions

### Resolution 2

*A report to Council on the feasibility, options and costs of conducting an audit on an appropriate cross section of sites in the Council area where duplexes have been built in the last 12 months where there were trees removed, including whether suitable replacement trees have been reinstated.*

**Response:** In 2022, a total of 37 occupation certificates were issued for dual occupancies within the City of Canada Bay, of which, 36 were issued by private certifiers. Of these, 24 dual occupancies were approved via a development application (DA) and 13 were approved via a Complying Development Certificate (CDC).

The dual occupancies approved via a DA, were assessed against Council's DCP, including DCP landscaping requirements. It is noted that the DCP was updated in August 2022 to improve controls relating to urban tree canopy. These controls include both tree protection measures and requirements for a minimum number of trees to be provided when land is redeveloped, and replacement planting when trees are removed. Given the timing of the adoption of the DCP, many of the dual occupancies constructed in the last 12 months would not have been subject to the updated controls contained within the current DCP.

Those dual occupancies approved via a CDC would have been assessed against the provisions of the *State Environmental Planning Policy (Exempt and complying Development Codes) 2008 (SEPP)*. Not only were these approvals not subject to the more detailed landscaping provisions in Council's DCP, the SEPP also allows a site to be substantially cleared, and contains many fewer provisions relating to landscaping.

Prior to the issue of an Occupation Certificate (OC), the *Environmental Planning & Assessment Act, 1979* ('The Act') requires any preconditions of the development consent, such as landscaping requirements, to be satisfied. The failure to satisfy any preconditions of the development consent prior to the issue of an OC could lead to penalties, suspension or otherwise deregistration of the certifier.

The Act also sets out the legal framework for Powers of Entry within residential premises. Specifically, S.9.16 of The Act stipulates that an investigation officer may enter a part of premises used for residential purposes with the consent of the occupier, or if it is necessary to do so to inspect work being carried out under a consent, approval or certificate under this Act.

In order to provide an estimated cost to undertake an audit of dual occupancies built within the past 12 months the following assumptions have been made:

1. An initial review of the applications to determine which ones involved tree removal.
2. Of those involving tree removal, a random selection of 12 could be identified to be audited, including a mix of DA and CDC approvals, and different locations across the local government area. A sample of 12 represents approximately one third of the total dual occupancies issued with an OC in 2022.
3. For each site included in the audit, access to the premise would be sought from the occupier, noting that an inspection of each site will produce more accurate results than analysis using aerial photos alone. The most efficient way to do so would be to visit the nominated premise and seek access from the occupier. The premises would be audited after normal Council business hours to ensure occupiers are home. Should access not be provided by the occupier, aerial photo analysis and visual inspection would be undertaken from outside the property. However, it is noted that, if access is not provided by the occupier, the accuracy of the audit will be significantly reduced, as it will be difficult to determine the species and ultimate height/estimated canopy cover of any planting that has occurred.

An hourly rate of \$120 has been applied (inclusive of overtime) to review the relevant consents including plans and conditions together with travel and time taken to undertake the audit. On this basis, it is estimated that a review of a sample of 12 dual occupancies would cost approximately \$7,000. It is anticipated that this work could be undertaken within 3-6 months.

There are some potential challenges associated with the accuracy of the audit should occupiers not agree to provide access to the identified properties. Given that Council has recently updated its DCP, it is anticipated that issues associated with loss of tree canopy cover are likely to arise from development approved via the CDC pathway. Council could consider alternative options such as a review of the SEPP's landscaping provisions, and/or working with SSROC councils on targeted advocacy for amendment to the landscaping requirements in the SEPP.

Given the above, it is recommended that further details on such an audit, together with other options, be provided to Council at a workshop.

### Resolution 3

*Council generally opposes the removal of mature healthy trees in the City of Canada Bay LGA by state government agencies e.g. Metro.*

**Response:** Council's submissions on the Sydney Metro West Environmental Impact Statement (23 June 2020) referenced Council's aims in relation to improving canopy cover; and raised concerns in relation to the removal of trees and replacement planting. This advocacy led to Sydney Metro West's Concept and Stage 1 applications being subject to a condition that required a net increase in the number of mature trees provided at a ratio of 2:1.

Council regularly liaises with the Sydney Metro Project to advocate for tree preservation and future tree replacement.

### Resolution 4

*Council supports the replacement of mature trees that have been removed by state government agencies with suitable mature trees where possible.*

**Response:** Council's *Urban Tree Canopy Strategy* and the *City of Canada Bay Local Strategic Planning Statement* seek to increase the amount of tree canopy through the protection and planting of trees. The Strategy has played an important role in informing updates to the Canada Bay Development Control Plan (DCP), Council's advocacy in relation to major projects by the NSW Government and planning at a local level. Council has formally requested where mature trees have been removed that they be replaced with mature trees at project completion, if not before. Council requests a minimum 2:1 replacement planting ratio.

### Resolution 5

*Council officers enter into discussions with staff of other councils with a view to developing a joint approach to seeking the replacement of mature trees removed by state government agencies with suitable mature trees.*

**Response:** Council's Urban Forester has established relationships with equivalent officers at neighbouring Councils (Inner West, Burwood, City of Sydney and Strathfield) and will continue to liaise closely with these officers to ensure an aligned joint approach on replacement of mature trees removed by State Government.

### RISK CONSIDERATIONS

Review of Council's approach to risk management when relating to trees, is identified as an action to bring in line with the minimum industry standard for Tree Risk Assessment MIS501.

### FINANCIAL CONSIDERATIONS

The proposed Special Rate Variation (SRV) takes into consideration the maintenance requirements of the LGA's increasing canopy. Notwithstanding approval of the SRV, Council will continue to seek funding where available to deliver actions outlined in the adopted strategy.

Regarding an audit of recent dual occupancy developments, the estimated cost of an audit of a sample of 12 recently completed dual occupancies is estimated at approximately \$7,000. It is proposed that this audit work would be undertaken by Council's existing Compliance officers, and whilst this work could be incorporated into their existing workload where possible, it is anticipated that there would be some overtime costs. This cost has not been accounted for in the 2023/24 budget. If the audit was to proceed and any breaches identified, enforcement action would be undertaken.

### LEGISLATIVE AND POLICY CONSIDERATIONS

Relevant legislation includes:

*Environmental Planning & Assessment Act, 1979*

*State Environmental Planning Policy (Exempt and complying Development Codes) 2008*

*Canada Bay Development Control Plan (DCP)*  
*City of Canada Bay Local Strategic Planning Statement*  
*City of Canada Bay Urban Tree Canopy Strategy*

**ITEM 10.4 CITY OF CANADA BAY PLAYGROUND ADVISORY COMMITTEE - MINUTES OF MEETING HELD 10 NOVEMBER 2022****Reporting Manager** Manager Open Space**Attachments:** 1. **Playground Advisory Committee Minutes 10 November 2022** [↓](#)

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**RECOMMENDATION OF DIRECTOR CITY ASSETS**

That the Minutes of the Playground Advisory Committee meeting held on 10 November 2022, attached to the report, be received and noted.

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**PURPOSE**

To consider the minutes of the City of Canada Bay Playground Advisory Committee held on 10<sup>th</sup> November 2022.

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Playground Advisory Committee from the meeting held on 10 November 2022.

The Committee's role is to assist Council in implementing the *Let's All Play Strategy* in line with Council's Community Strategic Plan, Our Future 2036.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 5: Provide open space, facilities, and programs that promote active lifestyles

Goal CC 3: Provide the community with equitable access to a range of programs, services, and facilities

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Council has adopted the *Let's All Play Strategy* and *Social Infrastructure (Open Space and Recreation) Strategy* and is guided by the State Government *Everyone Can Play* guidelines.

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report.

# **CITY OF CANADA BAY PLAYGROUND ADVISORY COMMITTEE MEETING**

## **MINUTES**

Held in the Halliday Room, City of Canada Bay Civic Centre, Drummoyne  
and on MS Teams

**Thursday, 10 November 2022**

**Minutes of the City of Canada Bay Playground Advisory Committee Meeting****Held on Thursday 10 November 2022****At the Halliday Room, City of Canada Bay Civic Centre, Drummoyne and on MS Teams****Commencing at 4.00pm****Present:**

Mayor Tsirekas	Chairperson	
Cr Di Pasqua	Councillor	via MS Teams
Jennifer Kent	Community Member	via MS Teams

**Officers in attendance:**

Russell Wolfe	Acting Director City Services and Assets
Petrina Nelson	Acting Manager Parks and Recreation
Wendy Wright	Acting Open Space Planning Coordinator

**NOTES**

The meeting commenced at 4:04pm and concluded at 4:42pm.





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**1 ACKNOWLEDGEMENT OF COUNTRY**

The City of Canada Bay acknowledges the Wangal clan, one of the 29 tribes of the Eora nation and the traditional custodians of this land.

The City's Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

**2 APOLOGIES**

Cr Ruggeri                      Councillor

**3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

**4 CONFIRMATION OF MINUTES**

Staff to report on options for Cabarita Park playground accessibility improvements to Council

**5 REPORTS****ITEM 5.1 PLAYGROUND WORKS IN PROGRESS AND RECENTLY COMPLETED**

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**RECOMMENDATION**

That the playgrounds advisory committee note the report.

**CARRIED**

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**ITEM 5.2 UPDATE ON 2023 - 2024 PLAYGROUND UPGRADES**

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**RECOMMENDATION**

That the Playgrounds Advisory Committee note the proposed playground upgrades for 2023 - 2024.

**CARRIED**

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**ITEM 5.3 UPDATE ON EXTERNAL GRANT APPLICATIONS**

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**RECOMMENDATION**

That the Playgrounds Advisory Committee note the report.

**CARRIED**

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**6 GENERAL BUSINESS**

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**COMPLETION OF ACTION FROM THE COMMITTEE MEETING FROM JUNE 2021**

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**RECOMMENDATION**

Petrina to prepare the report relating to June 2021 Council meeting action below:

That in the event of this (or any other similar) grant application applied for during 2021-22 being unsuccessful, a report be brought back to council in options to fully fund the works in 2022-23 prior to June 2022.

**CARRIED**

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*Note:*

- 1. Introduction by Jennifer Kent - Playground advisory committee*
- 2. Russell Wolfe advised the Committee that due to a conflict on interest in her new role with DPE, Bec Ho has resigned from the committee. Bec held the role of Playground Expert on the committee. It is proposed that Council staff reach out to the Touched by Olivia Foundation for a suitable replacement as playground expert.*

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**THANK YOU TO BEC HO**

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**RECOMMENDATION**

That a letter of thanks be written and sent to Bec Ho for her involvement in the committee via Touched by Olivia.

**CARRIED**

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CHAIRMAN

## 11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

### ITEM 11.1 CITY OF CANADA BAY CULTURE PLAN AND ASSOCIATED POLICIES

**Reporting Manager** Manager Place Management

- Attachments:**
1. **Draft City of Canada Bay Culture Plan** (*Provided in Attachment Booklet*) [⇒](#)
  2. **Draft Art Collection Policy** (*Provided in Attachment Booklet*) [⇒](#)
  3. **Draft Creative Hoarding Policy** (*Provided in Attachment Booklet*) [⇒](#)
  4. **Draft Community Events Strategy and Policy** (*Provided in Attachment Booklet*) [⇒](#)
- 

### RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. Council endorse the draft Cultural Plan and the associated draft Public Art Strategy, Creative Hoarding Policy, Art Collection Policy, and Community Events Strategy and Policy to be placed on public exhibition for a period of four weeks.
  2. A further report be presented to Council, following the exhibition period detailing feedback and any proposed changes to the draft Cultural Plan and the associated draft Public Art Strategy, Creative Hoarding Policy, Art Collection Policy, and Community Events Strategy and Policy.
- 

### PURPOSE

This report presents the direction for cultural development across the City of Canada Bay. It responds to the Council resolution at its meeting on 1 November 2021 relating to the delivery of culture:

1. *THAT Council support the formation of a City of Canada Bay Arts and Culture Committee, with representations from local arts community groups such as the Drummoyne Arts Society and local artists.*
2. *THAT Council request staff prepare a report for the next term of Council in respect of ideas and initiatives that can strengthen Council's arts and culture program and assist local artists.*
3. *THAT Council report on the establishment of an appropriate council creative arts centre, and sources of potential state and or federal government funding.*

### EXECUTIVE SUMMARY

The purpose of this report is to update Council about the achievements from the City of Canada Bay's Culture Plan 2007-2013 and Public Arts Strategy 2015-2022. These plans have largely been achieved with 90% of detailed actions being realised.

The report also presents the draft Cultural Plan 2023–2031, which unites community aspirations and connects to State and Federal Government programs to drive cultural development across the City. It delivers a framework to provide cultural outcomes in terms of social, economic and community benefits through both planned and responsive approaches. The Plan aims to build the identity and reputation of the City of Canada Bay as a creative and cultural city.

The draft Cultural Plan 2023-2031 includes the draft Public Art Strategy and the following associated policies which are required to achieve the boarder goals: Creative Hoarding Policy, Art Collection Policy, and Community Events Strategy and Policy.

## STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

Goal VUL 2: Improve access to local art, culture and creative activities

## BACKGROUND/DISCUSSION

### The need for a cultural development program

The Federal Government's National Cultural Policy, *Revive*, outlines the benefits that arts, culture and creativity can have when they are accessible and relevant to Australian audiences. Appropriate policies and investment from all three levels of government are required to ensure equitable access to the arts.

Cultural development is increasingly a local government responsibility, with community aspirations surrounding the delivery of arts and cultural programs continuing to grow. Eight out of ten people believe that the arts make for a richer and more meaningful life, and nine out of ten people believe the arts are an important part of education. Additionally, arts and culture are a critical driver of the economy, with Australian households spending nearly \$50 a week (on average), on 'cultural expenditure'.

Council's cultural development program provides a framework to respond to emerging opportunities within the creative sector. It allows the City of Canada Bay to grow its identity and reputation as a cultural leader, and boost its social and economic value. Cultural development programs contribute to local economic development by encouraging footfall and business in village centres, providing new opportunities for local businesses and artists, enticing new businesses to the area, and facilitating growth in local employment.

Cultural development is also an important vehicle for increasing community participation and engagement. Through the program, significant partnerships have emerged to support and activate public places, provide investment and improve broader Council outcomes regarding sustainability, codesign of space and urban design. Most significantly, the City of Canada Bay's cultural development program is underpinned by ideas of placemaking, cultural heritage and an aim to foster vibrant and engaged communities across the Local Government Area (LGA).

### Review of the existing plans

The City of Canada Bay's Culture Plan 2015-2022 and Public Arts Strategy 2015-2022 were adopted in 2015. The Cultural Plan 2015-2022 set out the key strategic directions for the City and included quadruple bottom-line outcomes. The *social* actions identified several partnerships, saw the development of community capacity, invested in vibrant and distinctive community cultures and increased community participation. The *environmental* components of the plan employed best practice in placemaking and public art and identified key sites that required cultural development to improve community lifestyle, participation and amenity. *Economically*, the plan supported local creative industries to increase local employment, encouraged the development of creative skills, supported cultural infrastructure and maximised the use of marketing and tourism. The Cultural Plan also saw a number of *governance* outcomes, including improving community engagement, development of strategic partnerships, fundraising and sponsorship activities, cultural management, copyright management and the employment of best practice when working with artists.

Achievements included:

30 public art installations around the LGA, from sculptures to digital compositions. Artists included the internationally recognised Brook Andrew, Caroline Rothwell and Reko Renni, as well as homegrown successes such as Jason Wing, Lisa Hobcroft and Melle Smith. Other achievements included:

- Over 2,000 public performances at over 200 cultural and community events.
- Awards and recognition (Keep Australia Beautiful, Local Government NSW, Local Government Managers Australia).
- 75 art exhibitions hosted.
- 86 author talks with 3,738 attendees.
- New cultural infrastructure, including The Learning Space, the Connection, the Conservatory and Gallery 57.
- Five private sector galleries opening across Drummoyne, Mortlake and Five Dock.
- \$1,000,000 of funding from voluntary planning agreements, grants and gifts in-kind.
- Over 50 partnerships formed with government, corporate and community groups (e.g. Multicultural NSW, Create NSW, Boomali Gallery, Drummoyne Art Society, Association Basilicata, and the Embroiderers Guild).

The value of creating a Cultural Development Plan and Public Art Strategy is evidenced by the achievements described above. The principles-based planning provides the City with direction and funding opportunities, and enables effective measurement of progress in these areas.

### **Draft City of Canada Bay Cultural Plan 2023-2031**

The City of Canada Bay has identified several responsibilities Council has in delivering the cultural development program. Six important roles were identified including:

- **Custodian** – Council has a shared responsibility to care for local First Nations history and culture, colonial and migrant history and culture, and emerging cultures, as well as its art collections and creative spaces.
- **Leader** - To lead the local community's cultural ambitions and to reflect the City's distinct character throughout the cultural activities Council undertakes.
- **Producer** - Council invests in and produces local arts and culture activities, including events, festivals, programs and public art.
- **Collaborator** – Council works in collaboration with the community, businesses and key partners, participating in open and engaged dialogue and acting as a point of connection.
- **Host** - Council welcomes arts and culture and creates the right environment to attract people, events, businesses and activity to the LGA.
- **Advocate** – Council champions and empowers the local cultural and creative community and celebrates the work of practitioners, organisations and venues across the City.

### **Themes**

The following themes were established as the keystones for a creative City of Canada Bay:

1. First Nations First
2. Creative Economy
3. Displaying Creativity
4. Diverse cultures, vibrant events, and a proud heritage

### **Developing this Plan**

The development of this plan draws upon several targeted consultations around arts and cultural practice in the City. Key work was completed through consultation with the community, including a Cultural Plan Review survey, public art survey, two focus groups with 20 local artists and creatives. 637 people engaged with the Collaborate webpage for the Cultural Plan Review, over 77 participants provided feedback and 64 suggestions were made for public art across City.

### **Draft Public Art Strategy**

The draft Public Art Strategy sets out 6 key strategic principles for the City, which are:

- Respond to the culture of Canada Bay
- Reflect the cultural, social and environmental significance of the area
- Respond to major sites as well as smaller localities
- Create connections along and across the foreshore and Parramatta River
- Celebrate heritage yet add contemporary cultural layers
- Support a culture of interaction, engagement and dialogue
- Achieve sustainable design and fabrication
- Exemplify excellence in public art & design

The strategy contains details of the public artworks in the City, themes for future artworks and details about how Council approaches the management and maintenance of public art.

### **Community Events Strategy and Policy**

This sets a framework for the events managed and supported by Council. It seeks to ensure that events run within the City are delivering the vision and objectives of Council's key plans and policies. The Strategy sets the broad goals of the program and the Policy sets out Council's approach to deliver community events, event requests on Council-owned and controlled land and in Council-owned facilities.

The key principles of this are that:

- Our sense of place and of belonging is strong, with our diversity respected and local character promoted in all our vibrant and prosperous villages.
- Council events are a balance of economic, environmental, and social factors.
- All Council events will meet basic management standards relating to risk management, planning and reporting, safety and accessibility.
- Consistency of systems and processes ensures that all external stakeholders and providers have the same experience across different events.
- Council will act as a role model through Council events and as a resource for the community by upskilling event organisers.
- All council events endeavour to provide attendees with an amazing experience.

### **Art Collection Policy**

This Policy contains direction for the acquisition, management, documentation and deaccessioning of items in the City of Canada Bay Art Collection. It sets out the principles and practises to guide decision making about the Collection to meet best practice in its development, documentation, conservation, interpretation, and display.

Council recognises the importance of arts and culture to local communities and the role that Council's Art Collection can play in fostering a sense of civic pride, place, shared history, and voice. The Collection provides an opportunity to conserve items of significant cultural value, preserve local stories, support artistic excellence, generate community conversations and enliven public spaces.

### **Creative Hoarding Policy**

This Policy contains direction for the application of creative hoarding in the LGA. It sets out criteria for the requirement of creative hoarding, available options for artwork, graphics and images and suitability criteria used for the assessment of proposals.

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

It is proposed that the draft Cultural Plan and the associated Strategy and Policies be exhibited for public comment for a period of four weeks.

**FINANCIAL CONSIDERATIONS**

Funding for the activities associated with the draft Cultural Plan are contained within the annual Operational Plan and associated budgets. The Plan will also be used to help access grants, partners' support and sponsorship. This is particularly important in light of the cost of community events which have escalated significantly.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

These plans relate to several State and National Government policies including but not limited to:

- Cultural Policy—Revive: a place for every story, a story for every place,
- Australian Government's Arts and Cultural Accord
- Australia Council and Creative Australia Strategies and Plans
- Create NSW Cultural Framework, Protocols and Strategies



**ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 20 APRIL 2023****Reporting Manager** Manager Library and Community Services**Attachments:** 1. **Minutes - Access and Inclusion Committee Meeting 20 April 2023****RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE**

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting held 20 April 2023, attached to this report, be received and noted.

---

**PURPOSE**

To present the minutes of the City of Canada Bay Access and Inclusion Committee, so that they may be noted.

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Access and Inclusion Committee from the meeting held on 20 April 2023.

The Committee's role is to advise and make recommendations on access and inclusion issues as they relate to Council's operations, with a focus on the implementation and achievement of targets in Council's Disability Inclusion Action Plan.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 1: Foster an inclusive community where diversity is welcomed and celebrated

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The City of Canada Bay Access and Inclusion Committee Charter was endorsed by Council at the ordinary meeting held on 18 April 2022.

# **CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING**

## **MINUTES**

Held in the Hudson Room, City of Canada Bay Civic Centre, Drummoyne

**Thursday, 20 April 2023**



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**Minutes of a City of Canada Bay Access and Inclusion Committee Meeting  
Held on Thursday 20 April 2023  
In the Hudson Room, City of Canada Bay Civic Centre, Drummoyne  
Commencing at 10am**

**Present:**

Russell Wolfe	Chairperson - Director Community Culture and Leisure	
Coral Arnold	Community Member	
Nehmet Houssami	Community Member	(Teams)
Nicole Bradshaw	Community Member	(Teams)
Robyn Ryan	Community Member	(Teams)
Kim Becherand	Touched by Olivia Foundation	

**Officers in attendance:**

Philip Edney	Manager, Library and Community Services
Melissa Blain-Woodley	Community Development Co-ordinator
Isha Kariavasam	Library Officer, Administration

**NOTES**

The meeting commenced at 10.10am and concluded at 11.30am.



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## 1 WELCOME/ACKNOWLEDGEMENT OF COUNTRY

The City of Canada Bay acknowledges the Wangal clan, one of the 29 tribes of the Eora nation and the traditional custodians of this land.

The Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

## 2 APOLOGIES

### APOLOGIES

Mayor Angelo Tsirekas	Chairperson
Jill Hodder	Community Member
Adam Clark	Community Member
Min Jung Cha	Ebenezer Mission
Jeanette O'Hara	Life Member
Jack Nolan	Life Member
Cr Julia Little	Councillor

### LEAVE OF ABSENCE

Nil

## 3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST

Nil

## 4 CONFIRMATION OF MINUTES

### 4.1 Minutes of City of Canada Bay Access and Inclusion Committee Meeting held 1 December 2022

---

#### RECOMMENDATION

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting of 1 December 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

---

*Note: The minutes were acknowledged and adopted.*

---

**5 REPORTS****ITEM 5.1 TRANSPORT OPTIONS FOR OLDER PEOPLE AND PEOPLE LIVING WITH DISABILITIES LIVING IN THE CITY OF CANADA BAY**

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**RECOMMENDATION**

1. That the City of Canada Bay Access and Inclusion Committee Members note and acknowledge the Report on Transport Options in the City of Canada Bay LGA.

---

*Note: The Community Development Coordinator presented a report on the transport options currently available for older residents and people with disability. It was decided the information from the report should be provided in a various accessible formats and circulated to older residents. Kim Becherand, Committee Member, suggested accessing the services of 'Centre for Inclusive Design' to train staff to prepare accessible documents.*

**ITEM 5.2 BRETT PARK ADVENTURE PLAYScape, DRUMMOYNE**

---

**RECOMMENDATION**

1. That the City of Canada Bay's Access and Inclusion Committee members note the draft concept prepared for the upgrade and provide feedback to Council.

---

*Note: In the absence of Wendy Wright – Acting Open Space Planning Coordinator, it was decided to request a response to the comments listed below after Committee Members attempted to visit Brett Park;*

- *The entire park should be accessible - not parts of it.*
- *Accessible toilets and parking must be located closer to the adventure playscape*
- *Surfaces should be accessible for people with limited mobility/ wheelchair users*
- *Pathways need to be accessible with appropriate gradient*
- *Playscape and park needs to be safely fenced – so that children cannot run into busy traffic*
- *Council need to have processes in place to decide if the space/site could be made accessible and inclusive before applying for an accessible grant to improve the space.*

*Feedback will be provided to the Acting Open Space Planning Coordinator for a response.*

*Petrina Nelson – Manager, Parks and Recreation to be invited to the next meeting and present on planned playground upgrades at the next meeting.*

---

**ITEM 5.3 CHARLES HEATH RESERVE COMMUNITY AND PLAY SPACE, FIVE DOCK**

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**RECOMMENDATION**

1. That the City of Canada Bay's Access and Inclusion Committee members note the final concept prepared for the upgrade and provide feedback to Council.
- 

*Note: The final design was presented by Daniel Wood – Parks Project Manager and the construction to commence in two weeks.*

*Comments provided by members of the Committee;*

- *Council need to have processes in place to decide if the space/ site could be made accessible and inclusive before applying for grants for upgrades.*
- *The plans need to be reviewed by the Committee and accessibility audits need to be conducted at the early planning stages prior to plans being approved.*
- *There are no accessible pathways, no rails, no shades closer to the Play Space*
- *No wayfinding*
- *There are steps with no handrails and TGSIs*
- *There is an accessible slide with sand at the bottom- how does a wheelchair user get out of the sand?*
- *Accessible toilets need to be closer to Play Space*
- *Accessible parking needs to be closer to main entrance*
- *There should be seats closer to the Play Space to watch the children*
- *Surfaces should be wheelchair accessible*
- *Play Space needs to be safe – so that children do not run off to the road*

*Daniel to report back if any of the changes suggested by the Committee could be adopted.*

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**ITEM 5.4 DIAP WORKING GROUP - 'RAISING AWARENESS OF THE BENEFITS OF EMPLOYING PEOPLE WITH DISABILITY'**

---

**RECOMMENDATION**

1. That the City of Canada Bay Access and Inclusion Committee members note the work being done by the DIAP Working Group on raising awareness of the benefits of employing people with disability.
- 

*Note: Update on the Survey:*

- *Eight responses in total – two employers and six people with disability*
  - *The survey needs to be updated and it will be opened for a longer period.*
  - *An introduction letter needs to be included to give more information around the survey.*
  - *Members requested to present at the Chamber of Commerce meetings in Concord, Five Dock and Drummoyne to promote survey.*
  - *The Community Development Coordinator will prepare a stakeholder list consisting of three Chambers of Commerce, three Rotary Clubs, Drummoyne Community Centre (DCC), Rhodes and Birkenhead Point Centre Management and Schools.*
-

- *Members of the Committee will conduct a survey and letter drop at the Majors Bay Road and Five Dock main street shops.*

## **6 GENERAL BUSINESS**

### **ITEM 6.1 CONCORD RECREATION CENTRE**

---

*Note: Coral Arnold, Committee member, provided information on the challenges to access the new Concord Recreation Centre;*

- *the exercise machines are too close to each other and are a trip hazard*
- *the mirrors are located in the wrong place in the program room*
- *older people may not be accommodated in the new facility as programs are changed regularly and members are not informed.*

*The changes to program could be added in the Newsletter.*

*Coral has spoken with Jimmy Ball - Recreation Manager. The Community Development Coordinator will follow-up and provide feedback.*

### **ITEM 6.2 DATES OF THE ACCESS AND INCLUSION COMMITTEE MEETINGS**

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*Note: Discussions were held to check if the day of the meetings should be changed to enable more members to attend meetings.*

*The Community Development Coordinator to follow up on preferred times and days with members and the Chairperson.*

---

CHAIRMAN



## 12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

### ITEM 12.1 GAS EASEMENT - 64 VICTORIA AVENUE, CONCORD WEST

**Reporting Manager** Manager, Property Strategy and Leasing

**Attachments:**

1. [Attachment 1 - Location map of the works](#) ↓
2. [Attachment 2 - Survey Plan](#) ↓

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#### RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Council enters into an Easement Agreement (88B) and Deed of Agreement with Jemena over road reserve adjoining the Victoria Avenue Public School in Concord West, as illustrated in the location map attached to the report, for the purposes of realigning a gas main.
  2. The General Manager be authorised to execute any agreement relating to registration of the Easement.
- 

#### PURPOSE

To seek approval to enter into an Easement Agreement (88B) and Deed of Agreement with Jemena to create an easement over road reserve adjoining the Victoria Avenue Public School located at 64 Victoria Ave, Concord West for the purposes of realigning an existing gas main.

#### EXECUTIVE SUMMARY

Jemena Gas Network (JGN) Pty Ltd contacted Council seeking to negotiate an Easement Agreement (88B) and Deed of Agreement (Deed) over road reserve adjoining the Victoria Avenue Public School (the School) in Concord West for the purposes of realigning an existing gas main. Jemena had identified the existing location of the gas main within the school grounds as an operational risk.

Jemena has legislative rights to construct, operate and maintain the gas main in the road reserve under section 47 of NSW Gas Supply Act 1996, as part of the gas distribution network. The authorisation granted under the act allows Jemena to operate a distribution system for the purpose of conveying natural gas without requiring a DA to be lodged or Council approval, however a local Council does have an opportunity to make submissions in writing to the network operator in relation to any proposal.

Jemena is relocating the existing gas main out of the School grounds and reinstating the infrastructure within the road reserve of Victoria Avenue (see location map on the following page and attached) under the control of the City of Canada Bay.

The easement for the proposed realignment of the new gas main is to ensure Jemena has legal access rights to construct, inspect, maintain and operate the infrastructure in the easement area.

#### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

Goal IT 1: Manage local assets to ensure they continue to meet community needs and address climate adaptation

**BACKGROUND/DISCUSSION**

Jemena Gas Network (JGN) Pty Ltd is the authorised reticulator for Jemena’s gas distribution networks in NSW, as defined in the NSW Gas Supply Act 1996. The Reticulator’s Authorisation granted to JGN under the act authorises JGN to operate a distribution system for the purpose of conveying natural gas within NSW distribution districts.

Jemena’s gas distribution network supplies gas to residential, commercial, and industrial premises, with more than 1.2 million customers across Sydney.

Zinfra has been engaged by Jemena to deliver the Canada Bay Pipeline Realignment Project. A component of this involves installing approximately 100 metres of gas main and associated works just north of the School (along Victoria Avenue) and to the west of the School, and to enter an easement agreement (88B) and Deed with the City of Canada Bay Council for operational access to the road reserve adjoining the school.

The purpose is to ensure ongoing access to the underground gas infrastructure for operation and maintenance. The work commenced in mid-November 2022. The project was delayed due to a number of construction related issues due to the complexity of the network in the area. The pipeline has not been laid and as such, the works are not scheduled for completion until December 2023.

The location of the works is provided in the diagram below.

Review of Environmental Factors (REF) was prepared for the project, and it was approved (in 2021) in accordance with Part.5 of the EP&A Act, Sect.111. Community Consultation was undertaken in late 2021. Work at the School took place during the school holidays to minimise the impact on the school. Prior to the commencement of the works, community notification was issued by letter box drop around the 8th of November 2022.

Jemena is drafting the standard Easement terms (88B) and Deed which Council’s lawyers will review. Once finalised, the agreements will be executed by both parties.



**Attachment – Location of the works**



Zinfra. 4a Bellevue Circuit. Pemulway. NSW. 2145. ABN. 98 156 517 305

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

The works commenced in mid-November 2022 and are ongoing in the area. All works are expected to be complete in December 2023.

There are no risk considerations associated with this report.

**FINANCIAL CONSIDERATIONS****LEGISLATIVE AND POLICY CONSIDERATIONS****GAS SUPPLY ACT 1996 - SECT 47****47 Erection and placement of gas works**

- 1) This section applies to work connected with the erection, installation, extension, alteration, maintenance, and removal of gas works.
- 2) For the purposes of this Act, a network operator;
  - (a) may carry out work to which this section applies, and
  - (b) in particular, may carry out any such work on a public road.
- 3) Work to which this section applies is exempt from the requirement for an approval under the [Local Government Act 1993](#) except in relation to buildings.
- 4) However, no such work (other than routine connections, repairs, or maintenance work) may be carried out unless;
  - (a) notice of the proposal to carry out the work has been given to the local council, and
  - (b) the local council has been given a reasonable opportunity (being at least 40 days from the date on which the notice was given) to make submissions to the network operator in relation to the proposal, and
  - (c) the network operator has given due consideration to any submissions so made.
- 5) Subsection (4) does not apply to the carrying out of any such work to cope with emergencies.

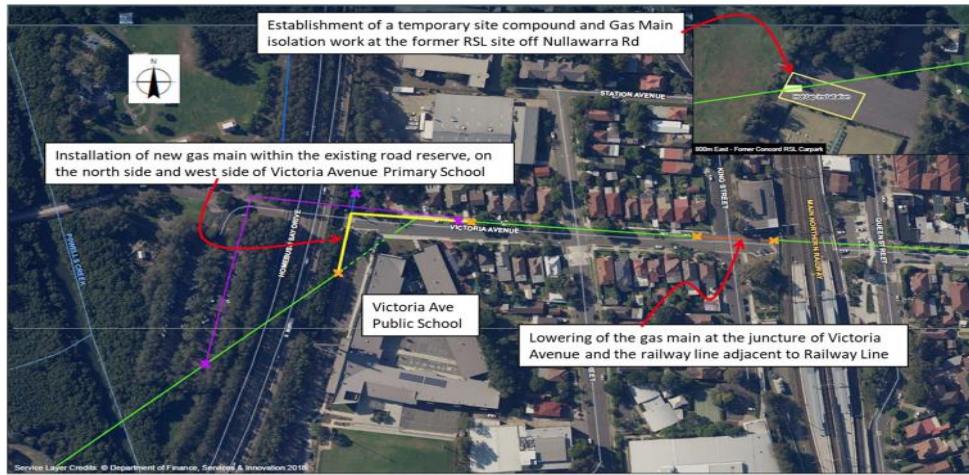
Local Government Act 1993

Conveyancing Act 1919 - Section 88B (creation of easements)

Attachment 1

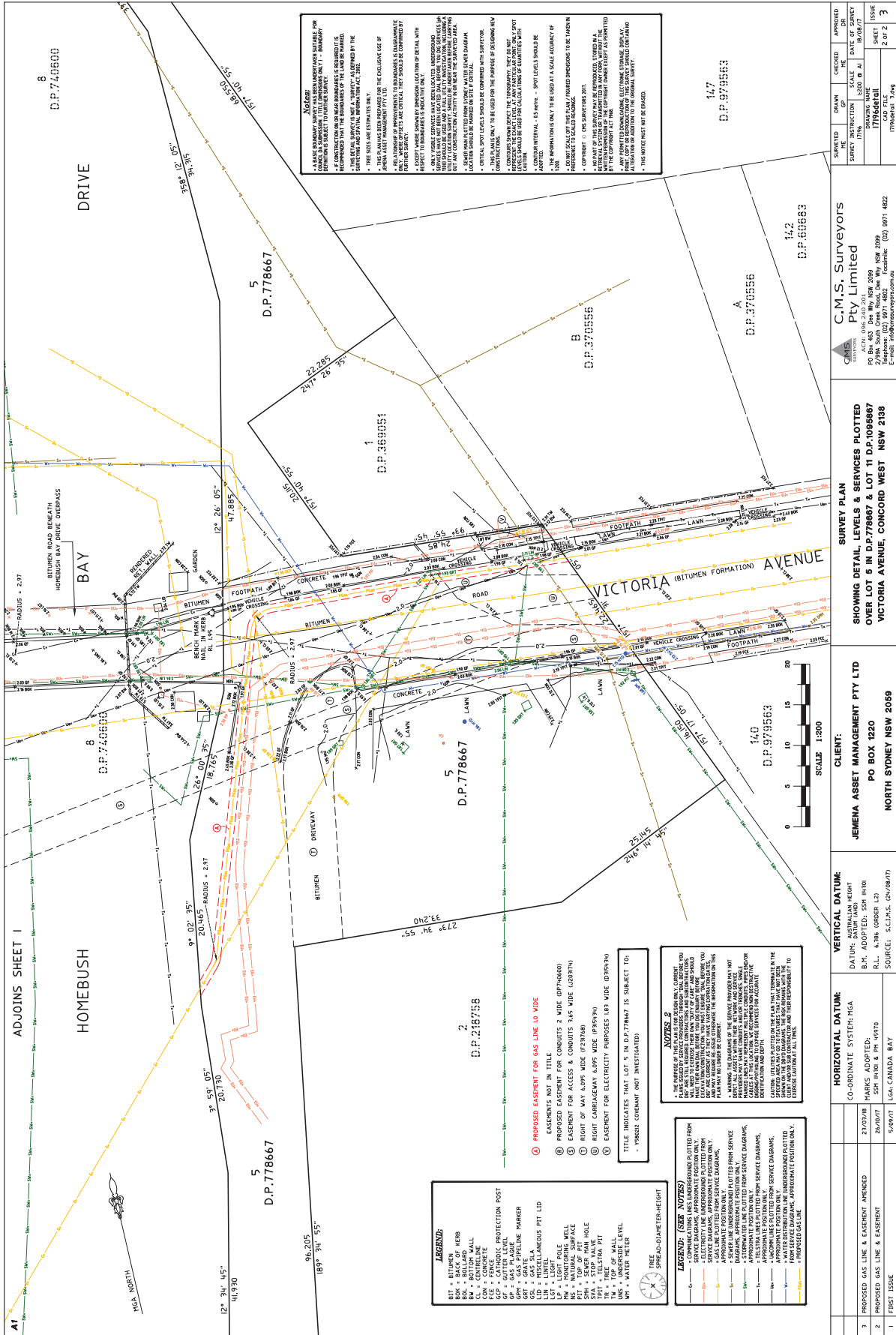


**Attachment – Location of the works**



Zinfra. 4a Bellevue Circuit. Pemulway. NSW. 2145. ABN. 98 156 517 305





**ITEM 12.2 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2023****Reporting Manager** Manager Governance and Customer Services**Attachments:** Nil

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That Councillor Tsirekas (Mayor) and one other Councillor be nominated as Council's delegate and alternate delegate respectively, to attend the National General Assembly of Local Government with the General Manager, in Canberra from 13-16 June 2023.

---

**PURPOSE**

The purpose of this report is for Council to determine the delegates to attend the National General Assembly of Local Government in Canberra on 13-16 June 2023 with the General Manager.

**REPORT**

Council has received an invitation to the Australian Local Government Association National General Assembly (NGA), to be held in the National Convention Centre in Canberra from 13-16 June 2023.

The NGA of Local Government is the peak annual event for Local Government, from a national perspective, with in excess of 800 Mayors and Councillors attending each year. The theme of the 2023 conference is "Our Communities, Our Future", with the aim of conveying the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work. Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

Registrations are now open for both onsite and virtual attendees. Costings per person are as follows:

Attendance

Registration (early bird – pay before 19 May): \$895 per person

Registration (virtual): \$689 per person

Accommodation approx. per night: \$390 per person

(Crown Plaza, 1 Binara Street Canberra - adjacent to conference venue)

It has been traditional in previous years for the Council to nominate one delegate and one alternate delegate to attend the Assembly with the General Manager.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

**FINANCIAL CONSIDERATIONS**

Registration, accommodation and transport costs for Councillor attendance at the National General Assembly can be funded from the Councillor - Conferences budget.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

There are no legislative or policy considerations associated with this report.

**ITEM 12.3 COUNCIL RELATED DEVELOPMENT APPLICATIONS CONFLICT OF INTEREST POLICY****Reporting Manager** Manager Governance and Customer Services**Attachments:** 1. **Council Related Development Application Conflict of Interest Policy** [↓](#)

---

**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That the Council Related Development Applications Conflicts of Interest Policy attached to the report be adopted.

---

**PURPOSE**

New requirements have been introduced in the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in council related development.

Part of these requirements is that councils must adopt a policy that specifies how conflicts of interest in connection with council-related development applications will be handled.

A draft Policy titled "Council Related Development Applications Conflict of Interest Policy" is attached for the consideration and adoption of Council.

**REPORT**

New requirements have been introduced in the Environmental Planning and Assessment Regulation 2021 to address conflicts of interest in council related development. Part of these requirements is that councils must adopt a policy that specifies how conflicts of interest in connection with council-related development applications will be handled.

Where Council is a developer, landowner or holds a commercial interest in the land they regulate and they are development regulators, an inherent conflict can arise. Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows councils to strengthen their relationship with communities and build and enhance trust.

Council related developments are defined as:

A development application for which the council is the consent authority, that is –

1. made by or on behalf of the council, or
2. for development on land –
  - a. of which the council is an owner, a lessee or a licensee, or
  - b. otherwise vested in or under the control of the council.

Under the amended Regulation, all Council-related development applications and related development consents must be added to Council's DA register. In addition to the ordinary details specified by clause 240 of the Regulation, entries in the register for Council-related development must include details of any conflicts of interest that may arise, and any measures taken by Council to manage the conflicts of interest.

Council will not be permitted to determine a Council-related development application unless it has adopted a conflict of interest policy and consider that policy in making its determination. Council's conflict of interest policy must specify how it will manage conflicts of interest that arise in connection with Council-related development applications, and must comply with the Council-related Development Application Conflict of Interest Guidelines published by the NSW Department of Planning and Environment.



The policy considers:

- the process for identifying and managing potential conflicts of interest, and areas to which the policy does not apply
- how a potential conflict of interest is identified and how the risk level is then assessed (via a conflict of interest risk assessment) and
- management controls and strategies that may be applied to:
  - the assessment of an application for Council-related development
  - the determination of an application for Council-related development and
  - the regulation and enforcement of approved Council-related development.

The recommended controls key to the effectiveness of the measures proposed to be implemented are detailed in Section 4 of the draft Policy.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations related to this item.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

Environmental Planning and Assessment Regulation 2021.

### **RISK CONSIDERATIONS**

If Council does not adopt a conflict of interest policy in relation to managing Council related development applications, it would mean that Council is not compliant with the changes to the Environmental Planning and Assessment Regulations.



POLICY

## COUNCIL RELATED DEVELOPMENT CONFLICT OF INTEREST POLICY

Date of adoption: TBD

Effective date: TBD

0BCouncil related development Conflict of Interest Policy

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Owner: [Enter Doc owner]  
Last revised: 11/05/2023

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0BCouncil related development Conflict of Interest Policy

## 1. Preliminary

### 1.1 Name of policy

This policy is the Council Related Development Applications – Conflict of Interest Policy.

### 1.2 Aim of policy

This policy aims to manage potential conflicts of interest and increase transparency of the development process for Council-related development.

### 1.3 Scope

This policy applies to Council-related development.

### 1.4 Definitions

(1) In this policy:

**application** means an application for consent under Part 4 of the Act to carry out development and includes an application to modify a development consent. It does not include an application for a complying development certificate (CDC).

**Council** means the City of Canada Bay.

**Council-related development** means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be consent authority.

**development process** means application, assessment, and determination.

**the Act** means the *Environmental Planning and Assessment Act 1979*.

(2) A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

(3) Notes included in this policy do not form part of the policy.

## 2. Process for identifying and managing potential conflicts of interest

2.1 The assessment of development applications for Council-related development will be undertaken by an independent external planning consultant.

2.2 This Policy does not apply to development for the following purposes:

- a) commercial fit outs and minor changes to the building façade
- b) internal alterations or additions to buildings that are not a heritage item
- c) business identification and building identification signs
- d) minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
- e) development where the Council might receive a small fee for the use of their land.

0BCouncil related development Conflict of Interest Policy

- 2.3 The Modification of applications for Council-related development may be assessed and determined (outside of the Local Planning Panel and Sydney Planning Panels jurisdiction) by Council Officers where an assessment of risk and determination of appropriate management controls is undertaken.
- 2.4 The General Manager (or his delegate) will document the proposed management approach for the Modification Application in a statement that is published on the NSW Planning Portal.
- 2.5 The Minimum exhibition period for Council-related development application is 28 days.

### 3. Identifying whether a potential conflict of interest exists & assessment of risk level

- 3.1 Modification applications lodged with the Council that are Council-related development are to be referred to the General Manager (or a delegate) for a conflict-of-interest risk assessment.

*Note: Council-related development is defined in section 4*

- 3.2 The General Manager is to:
  - a) assess whether the application is one in which a potential conflict of interest exists,
  - b) identify the phase(s) of the development process at which the identified conflict of interest arises,
  - c) assess the level of risk involved at each phase of the development process,
  - d) determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 4 of the policy and the outcome of the General Manager's assessment of the level of risk involved as set out clause 3.2(c) of the policy.

### 4. Management Controls and strategies

- 4.1 The following management controls will be applied to:
  - a) the assessment of an application for Council-related development
    - o assessment of development applications for Council-related development will be undertaken by an independent external planning consultant
    - o Council development assessment officers responsible for assessing a Modification will have had no involvement in the preparation of the application; or
    - o the Modification application is referred to an independent external planning consultant for assessment
  - b) the determination of an application for Council-related development
    - o application referred to Local Planning Panel for determination.
  - c) the regulation and enforcement of approved Council-related development by:  
Council
    - o Council development and compliance officers will ensure compliance and enforcement is undertaken in accordance with:
      - the Compliance and Enforcement Policy
      - relevant conditions of consent
      - legislative requirements

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Last revised: 11/05/2023

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0BCouncil related development Conflict of Interest Policy

Private Certifier

- Private Certifier will ensure compliance is undertaken in accordance with the mandatory inspection regime and conditions of consent. Private Certifiers will issue a Written Direction Notice in relation to deviations from the consent.
- Any enforcement resulting from the Written Direction Notice or deviations of the consent is undertaken by Council in accordance with:
  - the Compliance and Enforcement Policy
  - relevant conditions of consent
  - legislative requirements

**ITEM 12.4                    THIRD QUARTER BUDGET REVIEW - JANUARY TO MARCH 2023****Reporting Manager    Manager Finance****Attachments:**

- 1.    Quarterly Budget Review Statement March 2023 - Quarter 3  
(Provided in Attachment Booklet) [⇒](#)**
- 2.    Capital Works Program Report 31 March 2023 (Provided in  
Attachment Booklet) [⇒](#)**

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That the Third Quarter Budget Review for 2022/23, including the variations as identified in the report and attachments, be adopted.

---

**PURPOSE**

To inform Council on the results of the third quarter budget review and what material changes to the annual budget have occurred from January to March 2023. Revised year end forecasts are based on financial performance and trends over the period 1 July 2022 to 31 March 2023.

**EXECUTIVE SUMMARY**

As at the end of Quarter 3, Council is forecasting an operating budget deficit of \$1.396M. This closely aligns to the Quarter 2 forecast of \$1.392M. Overall income is forecast up by \$100K. Significant income adjustments include favourable investment income gains of \$200K, metro construction hoarding fees not budgeted for of \$487K being offset by reductions in income from the recreation centres of (\$506K) and infringement income of \$207K. The impact of the unavoidable timing of the receipt of grants in the previous financial year and their expenditure this year, as reported in the Quarter 1 review amounts to \$1.198M and is the one adjustment causing the revised budget result to be worse than the budget originally adopted.

The impact of high inflation on other goods and services has been monitored and adjusted, where necessary. Additional costs associated with cleaning contracts (\$286K), fuel costs (\$164K) and the events program (\$100K) have been accounted for in this review. Where possible, savings have been brought to account to cover cost increases. These include employee cost savings of \$405K and administrative savings of \$123K. The budget also assumes the ongoing payment in advance of the Financial Assistance Grant. The advance payment of Financial Assistance Grant would usually be paid in June 2023 and is estimated at \$2M. Failure to receive this grant will exacerbate the current deficit forecast.

The QBRS, compiled for information of Council and the community, provides a summary of Council's financial position at the end of each quarter as to its progress against both the original Operational Plan and the last revised budget, as well as any recommended revisions identified as part of the budget review process. The Operating Budget deficit has increased from the approved budget deficit of \$805K to a deficit of \$1.396M, excluding capital income and reserves movements. Overall the consolidated budget position incorporating the Capital Budget has changed from the approved deficit of \$106K to a surplus of \$70K.

Significant material Operational Plan revisions arising in the March 2023 quarter forecast are as follows:

**Income:**

- Forecast decrease in User Charges of \$302K is mainly attributable to adjustments to income from Five Dock Leisure Centre (FDLC) and Concord Oval Recreation Centre (CORC) with combined income forecast down by \$506K from \$3.07M to \$2.57M. Adjustments were necessitated by the lower than anticipated usage of the indoor courts (\$400K) and gymnastic

program (\$106K). Operational cost savings associated with the recreation centres of \$197K have been realised with the overall net cost to budget being \$308K.

- Forecast increase in Investment Income of \$200K due to raising interest rates and an investment portfolio balance more than originally forecast. Interest rates have now moved by a total of 3.75% over the past year with the latest 0.25% increase in May 2023. The current cash rate is currently 3.85%.
- Forecast decrease in Other Revenue of \$124K is mainly attributable to infringement income down by (\$207K).
- Forecast increase in Grants and Contributions – Operating of \$452K was mainly attributable to the receipt of grants to assist with the Parramatta Road Corridor Strategy \$400K.

#### **Decreases in Expenditure:**

- Forecast Employee benefits and on-costs have decreased by \$405K. Savings are the result of short-term staff vacancies across the organisation whilst recruitment takes place.
- Forecast Materials and Services have increased by (\$505K). Increases include additional fuel costs of (\$164K), building cleaning costs of (\$266K), community events of (\$100K) and software licences of (\$115K). Administrative savings of \$123K have been brought to account to help offset additional expenditure increases.

#### **Budget improvement:**

Budget adjustments proposed in this review will marginally change the forecast as projected in the December Quarter Review by \$4K. Operating income has been revised up by \$100K with Operating Expenditure increases of \$104K being brought to account. Details relating to material revisions are provided in the report attachments.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

### **BACKGROUND/DISCUSSION**

The quarterly review of the 2022/23 Budget for the period July 2022 to March 2023 has been completed. Actual results for the third quarter are assessed to determine the need for revisions to the quarter 2 budget. Explanations are included for recommended changes and any impact on Council's original Operational Plan, Delivery Program or Long Term Financial Plan.

The Budget is comprised of two components:

- Continuing Operations Budget
- Capital Budget

A copy of the Quarterly Report is attached to this report.

Council's Original Budget for 2022/23, provided for an Operational Deficit of \$805K.

The First Quarter Review of Council's 2022/23 Budget forecasted a projected year end result of a deficit of \$2.676M.

The Second Quarter Review of Council's 2022/23 Budget forecasted a projected year end result of a deficit of \$1.393M.

The Third Quarter Review of Council's 2022/23 Budget forecasted a projected year end result of a deficit of \$1.396M



A summary of the Budget along with variations associated with the "Proposed March Variations" recommended as part of this review are included in the report attachment.

### TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.

### FINANCIAL CONSIDERATIONS

The consolidated budget summarised below incorporates the Operational Budget and Capital Budgets. The Funding movements section details transfers to and from Cash Reserves.

		Original Budget	Quarter 1 Revised Budget	Quarter 2 Revised Budget	Quarter Movement	Quarter 3 Proposed Budget
<b>Operational</b>						
<b>Income</b>	<i>Rates and Annual Charges</i>	60,462,030	60,241,030	60,221,030	(13,306)	60,207,724
	<i>User Fees and Charges</i>	20,222,948	20,112,137	18,738,718	(302,374)	18,436,344
	<i>Other Revenue</i>	6,647,387	6,669,454	6,369,727	(123,517)	6,246,210
	<i>Other Income/Rental Income</i>	3,545,569	3,701,684	3,701,684	(111,923)	3,589,761
	<i>Grants and Contributions-Operational</i>	7,706,832	6,933,034	7,087,852	451,537	7,539,389
	<i>Interest</i>	1,883,300	2,438,300	3,905,849	200,000	4,105,849
	<b>Total operating income</b>	100,468,066	100,095,639	100,024,860	100,417	100,125,277
<b>Expense</b>	<i>Employee Costs</i>	41,999,418	42,129,732	41,590,656	(404,866)	41,185,789
	<i>Borrowings</i>	698,147	698,147	698,147	0	698,147
	<i>Materials &amp; Services</i>	37,539,749	38,440,763	37,623,387	505,268	38,128,655
	<i>Depreciation</i>	15,379,000	15,379,000	15,379,000	0	15,379,000
	<i>Other Expenses</i>	5,656,336	6,123,822	6,126,444	3,999	6,130,443
	<i>Net Loss from disposal of assets</i>	0	0	0	0	0
	<b>Total operating expenditure</b>	101,272,650	102,771,464	101,417,634	104,400	101,522,035
<b>Operational result - surplus/(deficit)</b>		<b>(804,585)</b>	<b>(2,675,825)</b>	<b>(1,392,774)</b>	<b>(3,984)</b>	<b>(1,396,758)</b>
<b>Capital</b>						
<b>Income</b>	<i>Grants And Contributions-Capital</i>	38,206,148	35,695,381	26,540,063	(450,276)	26,089,786
	<i>New Loans</i>	0	0	0	0	0
	<i>Proceeds From The Disposal Of Assets</i>	5,439,000	5,439,000	8,139,000	(4,600,000)	3,539,000
	<b>Total Capital Income</b>	43,645,148	41,134,381	34,679,063	(5,050,276)	29,628,786
<b>Expense</b>	<i>Capital Expenditure</i>	90,099,116	86,763,423	76,083,352	(22,187)	76,061,164
	<i>Capital Expenditure - Principal Loan</i>	1,340,615	1,340,615	1,340,615	0	1,340,615
	<i>Capital Expenditure - Other</i>	583,966	679,606	650,161	(68,000)	582,161
	<b>Total capital expenditure</b>	92,023,697	88,783,644	78,074,128	(90,187)	77,983,940
<b>Capital result - surplus/(deficit)</b>		<b>(48,378,548)</b>	<b>(47,649,263)</b>	<b>(43,395,065)</b>	<b>(4,960,089)</b>	<b>(48,355,154)</b>
<b>Funding Movements</b>						
	<i>Add Back Depreciation &amp; Amortisation -</i>	15,379,000	15,379,000	15,379,000	0	15,379,000
	<i>Transfer From Reserve</i>	48,300,094	48,639,139	46,683,886	1,189,753	47,873,640
	<i>Transfer To Reserve</i>	14,602,370	13,983,737	17,205,384	(4,187,396)	13,017,988
<b>Total Funding Movements</b>		<b>49,076,724</b>	<b>50,034,402</b>	<b>44,857,502</b>	<b>5,377,149</b>	<b>50,234,652</b>
<b>Net result - surplus/(deficit)</b>		<b>(106,409)</b>	<b>(290,685)</b>	<b>69,664</b>	<b>413,076</b>	<b>482,740</b>

This review recommends a number of changes to the Continuing Operations Budget and provides revised estimates for the full year. In some cases, the recommended changes to the budget are movements of funds across functions or activities of Council. The consolidated budget movement over the nine months projects an increase in unrestricted cash reserves of \$483K.

Material variations highlighted during the quarter are detailed in the Quarterly Budget Review Statement attachment.

## Capital Works Program

The Capital Budget includes the Capital Works Program comprising new and renewal infrastructure projects, planned purchases and disposals of major equipment, loan repayments and allocations to reserves. The capital expenditure program is funded from developer contributions, grants, funds drawn down from reserves and specific purpose income such as the Stormwater Management Charge.

The following table summarises variances to the original budget for Capital Expenditure:

Type	Original Budget	Prior Quarter Movements	March Quarter Movement	Proposed Budget
Capital Expenditure	90,683,082	(13,949,570)	(90,187)	76,643,325
Loans	1,340,615	0	0	1,340,615
Total Capital	92,023,697	(13,949,570)	(90,187)	77,983,940

The above table shows the net movement in the Capital Expenditure Program, with a decrease of \$14,039,757. This includes the rephrasing of some projects to 2023/24.

Full details of the recommended variations to forecast budgets are shown in the Third Quarter Budget Review Capital Works Program in Attachment 2 to the report.

## Cash & Investments

The Statement of Investments as at 31 March 2023 was presented at the Council Meeting of 18 April 2023. At the end of the third quarter, Council's Cash and Investments amounted to \$141,082,337.38. By comparison, at the end of the third quarter in March 2022, Cash and Investments amounted to \$145,236,222.16. These funds are invested in accordance with Council's Investment Policy.

A detailed Statement of Cash and Investments is incorporated in Attachment 1 to the report.

Cash flows from rate collections over the first nine months of the 2022/2023 financial year amount to approximately \$49 million of the \$63 million rate debtor. This represents 77% of the total collectible compared to 77% for the same period last year.

## Financial Impact

The third quarter review forecasts a revised operating budget deficit of \$1.396M. As highlighted in the report, grants received in the previous financial year and reserved relating to "Greening our City" - \$860K, FASST project (DA's) - \$250K and Social Cohesion \$88K are now being drawn upon to fund programs being delivered in the current financial year. The timing impact of the receipt of these grants amounting to \$1.198M in 2021/22 is unfavourable in the current year whilst favourable to the final year end results reported for 2021/22. Eliminating the impact of the timing of the receipt of these grants, results in the overall operating budget being a deficit of \$199K. This is an improvement of \$606K on the original budget deficit of \$805K.

This review has also identified projects that will now be undertaken in 2023/24. The impact of these combined funding movements results in the revised capital works program being adjusted down from \$90.6M to \$76.6M.

Council's forecast Cash and Investments position as at 30 June 2023 has increased from the original forecast of \$102.9M to \$117.1M, due to capital grants being received in advance and the re-phasing of capital projects to future years.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for City of Canada Bay Council for the quarter ended 31/03/2023 indicates that Council's projected financial position as at 30 June 2023 will be satisfactory at the year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. This opinion focuses on Council's projected short-term liquidity position at year end. It does not extend to an opinion relating to Council's long-term financial position.

Evan Hutchings

Responsible Accounting Officer

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

Clause 203(2) of the Local Government (General) Regulation 2005 requires that at the end of each quarter, a Budget Review Statement be prepared and submitted to Council that provides the latest estimate of Income and Expenditure for the current financial year.



STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
02/05/23	AMP Bank	BBB	\$2,000,000.00	180	1.00%	03/11/22	Term Deposits
04/05/23	MyState Ltd	Baa2	\$2,000,000.00	365	2.93%	04/05/22	Term Deposits
04/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	363	3.18%	06/05/22	Term Deposits
11/05/23	MyState Ltd	Baa2	\$2,000,000.00	188	4.30%	04/11/22	Term Deposits
18/05/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	146	4.18%	23/12/22	Term Deposits
25/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	125	4.12%	20/01/23	Term Deposits
31/05/23	Commonwealth Bank of Australia	AA-	\$1,000,000.00	159	4.22%	23/12/22	Term Deposits
31/05/23	AMP Bank	BBB	\$1,000,000.00	180	4.35%	02/12/22	Term Deposits
08/06/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	307	3.69%	05/08/22	Term Deposits
15/06/23	Auswide Bank Ltd	BBB+	\$2,000,000.00	190	4.45%	07/12/22	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	365	0.60%	23/06/22	Term Deposits
29/06/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	188	4.31%	23/12/22	Term Deposits
29/06/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	133	4.37%	16/02/23	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	335	3.74%	05/08/22	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	160	4.36%	27/01/23	Term Deposits
13/07/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	188	4.41%	06/01/23	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	197	0.60%	01/01/23	Term Deposits
20/07/23	National Australia Bank	AA-	\$2,000,000.00	90	4.35%	21/04/23	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	364	0.65%	29/07/22	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	367	0.65%	01/08/22	Term Deposits
10/08/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	202	4.25%	20/01/23	Term Deposits
07/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	216	4.39%	03/02/23	Term Deposits
14/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	197	4.75%	01/03/23	Term Deposits
21/09/23	Bank of Queensland	BBB+	\$2,000,000.00	203	4.63%	02/03/23	Term Deposits
28/09/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	209	4.63%	03/03/23	Term Deposits
05/10/23	National Australia Bank	AA-	\$2,000,000.00	210	4.65%	09/03/23	Term Deposits
23/10/23	AMP Bank	BBB	\$2,000,000.00	180	4.90%	26/04/23	Term Deposits
07/12/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	349	4.62%	23/12/22	Term Deposits
14/03/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	379	5.05%	01/03/23	Term Deposits
02/04/24	ING Bank	AAA	\$2,000,000.00	390	5.00%	09/03/23	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1096	1.04%	16/02/23	Term Deposits
20/10/23	Westpac Bank	AA-	\$1,500,000.00	183	4.53%	20/04/23	Tailored Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	367	1.11%	28/10/22	ESG TD
01/12/23	Westpac Bank	AA-	\$2,000,000.00	274	4.20%	02/03/23	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	364	4.47%	20/02/23	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	364	1.68%	06/03/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	640	1.62%	13/02/23	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	640	1.62%	03/03/23	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	728	2.02%	20/02/23	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	728	2.10%	27/02/23	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1004	1.87%	20/02/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1093	2.24%	20/02/23	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1093	2.31%	27/02/23	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1096	2.22%	03/03/23	ESG TD
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.40%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	4.55%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	4.33%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	4.37%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	4.34%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	4.06%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Metway	AAA	\$1,000,000.00	1096	4.54%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	4.12%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.54%	13/01/23	Floating Rate Notes
24/02/26	Members Banking (RACQ Bank)	BBB+	\$2,300,000.00	1096	5.05%	24/02/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	4.34%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	AAA	\$500,000.00	1826	3.87%	19/08/21	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	4.49%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.79%	13/01/23	Floating Rate Notes
19/01/28	Cooperatieve RABOBank	A+	\$1,000,000.00	1826	4.86%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1826	4.47%	16/02/23	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	4.10%	23/09/21	ESG FRN
15/12/23	NTTC	Aa3	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	Aa3	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	Aa3	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,018,635.47		4.05%		AMP 31Day Notice
	AMP Bank	BBB	\$1,000.00		1.50%		AMP 31Day Notice
	Macquarie Bank	A+	\$2,005,473.96		3.60%		Macquarie At Call
	Macquarie Bank	A+	\$6,015,204.64		3.40%		Macquarie At Call
<b>30/04/23</b>			<b>\$132,790,314.07</b>				
TOTAL INVESTMENTS at 31/03/2023			\$139,516,135.22				
Net Increase/(Decrease) in Investments			(\$6,725,821.15)				

**FINANCIAL CONSIDERATIONS**

Interest rates have increased by 3.75% since May 2022, to 3.85%. The RBA last met on 2 May 2023, and rates increased by a further 25 basis points. The return on Council's investment Portfolio for the current Financial Year has been revised up from \$1.883m to \$4.106m reflecting the current interest rate settings.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2021 and Council's Investment Policy. Section 212 of the Local Government (General) Regulation 2021 states:

- (1) The responsible accounting officer of a council:
  - (a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented;
    - (i) if only one ordinary meeting of the council is held in a month, at that meeting, or
    - (ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and
  - (b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.
- (2) The report must be made up to the last day of the month immediately preceding the meeting.

**ITEM 12.6 LOCAL GOVERNMENT REMUNERATION TRIBUNAL  
DETERMINATION 2023/24****Reporting Manager** Manager Governance and Customer Services**Attachments:** Nil

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That, pursuant to section 248 of the *Local Government Act 1993*, the annual fee for the Mayor and Councillors, payable monthly in arrears, for the period 1 July 2023 to 30 June 2024 be fixed as follows:

- (a) Councillors at \$21,730 per annum
  - (b) Mayor at \$47,390 per annum.
- 

**PURPOSE**

To determine the fees to be paid to the Mayor and Councillors for the 2023/24 financial year.

**EXECUTIVE SUMMARY**

The Local Government Remuneration Tribunal has determined an increase of 3% to mayoral and councillor fees for the 2023/24 financial year, with effect from 1 July 2023.

The Tribunal is required to determine the remuneration categories of councils and mayoral offices at least once every three years under section 239 of the Local Government Act 1993. The Tribunal undertook a review of the categories as part of its 2023 determination.

The Tribunal has determined the creation of two (2) new remuneration categories, 'Metropolitan Major' and 'Rural Large'. This does not affect the City of Canada Bay Council's remuneration category, which remains the same at 'Metropolitan Small'.

Should the 3% increase be applied to the existing fees, the fees paid to the City of Canada Bay Council Mayor and Councillors in 2023/24 will be \$21,730 per annum for Councillors and \$47,390 per annum for the Mayor.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

Goal CL 1: Council is accountable, efficient, and ready to meet future challenges

**BACKGROUND/DISCUSSION**

The Local Government Remuneration Tribunal (the Tribunal) released its report and determination on 27 April 2023 in accordance with sections 239 and 241 of the Local Government Act, 1993 (LGA). The Tribunal is required to report to the Minister for Local Government by 1 May each year as to its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

In determining the maximum and minimum fees payable to each of the categories, the Tribunal is required, pursuant to section 242A of the LGA, to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C (1) (a) of the Industrial Relations Act 1996, when making or varying awards or orders relating to the conditions of employment of public sector employees. The current policy is that public

sector wages cannot increase by more than 3 per cent per annum, and this includes the maximum and minimum fees payable to councillors and mayors.

A range for fees in each category is stipulated each year by the Tribunal. Traditionally, the City of Canada Bay has adopted the maximum fee for both the office of councillor and mayor to reflect the duties of these offices.

The Tribunal received 18 submissions which included nine (9) requests for re-categorisation, with five (5) of these requesting the creation of new categories. The Tribunal noted the requirement of section 239 of the LGA that it must determine categories for councils and mayoral offices at least once every 3 years. The Tribunal also noted that it had last conducted an extensive review in 2020 and that such a review was due this year.

As a result, The Tribunal has now determined the creation of two (2) new remuneration categories, 'Metropolitan Major' and 'Rural Large'. This does not affect the City of Canada Bay Council's remuneration category, which remains the same at 'Metropolitan Small'.

Regarding fees, the Tribunal determined a 3% per annum increase in the minimum and maximum fees applicable to each category. The fee range for the 2023/24 financial year determined by the Tribunal for 'Metropolitan Small' councils, which includes the City of Canada Bay Council, is:

- Councillors           \$9,850 to \$21,730 per annum
- Mayor                 \$20,980 to \$47,390 per annum.

In accordance with section 248 of the Local Government Act 1993 Council is required to pay each Councillor an annual fee with the fee set by resolution within the range determined by the Tribunal.

#### **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

The fees proposed by the Local Government Remuneration Tribunal are effective from 1 July 2023 to 30 June 2024 and the fee adopted by Council will apply to the same period.

#### **FINANCIAL CONSIDERATIONS**

The total for fees at the maximum of the range (which includes the 3% increase to the 2022/23 fee amount adopted by Council) is \$242,960 for 2023/24. This is an increase of \$7,050 from the 2022/23 year. Provision for this amount has been included in the draft budget allocation for 2023/24.

#### **LEGISLATIVE AND POLICY CONSIDERATIONS**

In accordance with section 248 of the Local Government Act 1993 Council is required to pay each Councillor an annual fee with the fee set by resolution within the range determined by the Tribunal.



**13 NOTICES OF MOTION****ITEM 13.1 NOTICE OF MOTION - COUNCILLOR LITTLE - STEP UP FOR CANCER SURVIVORSHIP**

- Attachments:**
1. **Concord Cancer Centre - Step Up letter 2023** [↓](#)
  2. **Step Up for Cancer Survivorship - Advertisements** [↓](#)

Submitted by: Councillor Julia Little

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**MOTION**

That Council:

1. Use its media channels to promote this fundraising initiative at Concord Hospital.
  2. Advise the coordinators of the initiative of the in-kind support and seek a report of the success of the initiative.
- 

**BACKGROUND FROM COUNCILLOR JULIA LITTLE**

Council has previously supported this very worthwhile fundraising initiative at Concord Hospital.

This initiative provides awareness, education and funding for the unit assisting cancer patients.



**Professor Janette Vardy**

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**Department of Medical Oncology**

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April 2023



**We're calling on the community to commit to their favourite physical activity during June and help raise funds for the Sydney Cancer Survivorship Centre at Concord Hospital.**

We invite you to get involved in Step Up for Cancer Survivorship and help support the Sydney Cancer Survivorship Centre to offer free programs for cancer survivors.

**Why get involved?**

Many in your community will no doubt have been impacted by cancer - either because of someone in their family being diagnosed, or someone close to them.

Step Up for Cancer Survivorship is a practical way for your members, their families, and your broader community to get involved and make a difference in your local community.

Getting involved is also a wonderful way to celebrate and recognise cancer survivors, raise awareness of the ongoing challenges cancer survivors face and most importantly, to celebrate life.

**Fundraising target**

Our fundraising target is \$75,000. All funds raised will go towards the cost of providing free courses and exercise programs to improve the fitness, strength and quality of life of our cancer survivors.

We do hope that you will consider getting behind Concord Hospital's Sydney Cancer Survivorship Centre and participate in 'Step Up'.

**Here's how it works:**

**Register as an individual or join up with some friends to make a team**

Make a \$25 tax-deductible donation to register (per person).

<https://www.mycase.com.au/events/stepupforcancersurvivors>



**Decide on your physical activity for the month of June**

Think about what you like to do - walk, run, swim, cycle, dance, squat, lunge, kayak, play tennis – or your own combination of activities. Any kind of physical activity that you enjoy!

**Decide on your personal challenge for the month of June**

This could be a time commitment for your chosen physical activity or set a number of steps or kilometres for each day, week or the entire month.

**Ask your family and friends to sponsor you (or your team)**

Their tax-deductible donation will go towards your personal (or team) fundraising tally and encourage you to reach your physical activity goals. All funds raised will go towards the cost of providing free courses (e.g. yoga, pilates, music and art therapy) and exercise programs for our cancer survivors.

**Help spread the word**

Consider including details about Step Up for Cancer Survivorship in your regular newsletter and encourage your community to get involved.

Share details about your group participants on your own social media – and provide us with updates for our social media (email photos and details to Lynne – [SLHD-ConcordSurvivorship@health.nsw.gov.au](mailto:SLHD-ConcordSurvivorship@health.nsw.gov.au) ).

**ABOUT US**

***Our vision is for all people diagnosed with cancer to live the lives they want, in the best health possible, after a cancer diagnosis.***

The Sydney Cancer Survivorship Centre at Concord Hospital was established in 2013. Our aim is to help survivors at all stages of the cancer journey, by providing access to a multidisciplinary team of professionals to support an individual's needs following a cancer diagnosis. We focus on helping people make positive lifestyle changes, including improving their physical activity and nutrition, as well as providing psychological support.

**This June, will you encourage your members and wider community to step up for cancer survivors?**

If you have any questions or need further information, please call Lynne on 9767 5222.

Yours sincerely



Janette Vardy  
Professor of Cancer Medicine  
Director of The Sydney Cancer Survivorship Centre  
Concord Hospital

This June, will you commit to your  
favourite physical activity and...



# Step Up

FOR

CANCER SURVIVORSHIP



CONCORD  
**CANCER CENTRE**  
Dedication | Compassion | Innovation



Health  
Sydney  
Local Health District

This June, will you commit to your  
favourite physical activity and...

# Step Up

FOR

CANCER SURVIVORSHIP



This June, will you commit to your  
favourite physical activity and...

# Step Up

FOR

CANCER SURVIVORSHIP



**ITEM 13.2                      NOTICE OF MOTION - COUNCILLOR FERGUSON - ABANDONED SHOPPING TROLLEYS ACROSS OUR LGA**

Submitted by:                      Councillor Andrew Ferguson

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**MOTION**

That:

1. Council note with concern the proliferation of shopping trolleys abandoned across our LGA.
  2. A presentation on this matter and the impacts of the Public Spaces (Unattended Property) Act 2021 be provided to a future Councillor workshop.
  3. Following the Councillor workshop, Council write to the relevant Minister detailing deficiencies identified and provide recommendations for improvements in legislation.
- 

**BACKGROUND FROM COUNCILLOR ANDREW FERGUSON**

Concern is being expressed to me by many members of the community regarding the proliferation of shopping trolleys abandoned across our LGA. In particular, I have noted that Rhodes and the entrance of Liberty Grove are unacceptable hot spots with abandoned trolleys littering local streets, obstructing footpaths and parks and sometimes ending up in the Parramatta River. I am of the understanding that the Public Spaces (Unattended Property) Act 2021 which commenced in December 2022 has restricted Council's ability to immediately impound trolleys. This legislation includes the requirement to provide 3 hours' notice to move an item if it is causing an obstruction or safety risk. In the case where a trolley is causing a public amenity issue Council must now give the operator 4 days to move the trolley. This procedure is cumbersome, costly to Council resources and ineffective. I believe that our community deserves better. I am proposing that a presentation on this matter be provided to a future Councillor workshop including details of what steps/actions Council has taken in the last 12 months to tackle the problem and the impacts of the legislation.

I also propose that following the Councillor workshop, Council write to the relevant Minister detailing deficiencies identified and provide recommendations for improvements in legislation.

**ITEM 13.3                      NOTICE OF MOTION - COUNCILLOR RUGGERI - BOAT AND TRAILER  
PARKING - CAMPBELL PARK**

Submitted by:                      Councillor Carmel Ruggeri

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**MOTION**

That Council officers undertake community consultation and prepare a report for the consideration of the Canada Bay Traffic Committee on the following:

1. Prohibition or limitation (such as 24 hour parking) of the parking of boats and trailers in the streets surrounding Campbell Park for a trial period, with that period to be determined following consultation with the community and Traffic Committee.
  2. Provision of 'No Parking' near the pedestrian refuge in Bibby Street to provide a greater line of sight to improve motorist and pedestrian safety.
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**BACKGROUND FROM COUNCILLOR CARMEL RUGGERI**

Council recognises the importance of pedestrian safety around Campbell Park. As previously highlighted in our Deputy Mayor's Mayoral Minute in May 2022, there is concern regarding the safety of the many people, particularly children, who attend sporting activities at Campbell Park. Despite the efforts made by Council to address this issue, these concerns remain. The parking of boats and trailers around Campbell Park is the principal cause of the safety issues, resulting in significant reduction in sight lines and visibility, in particular for children endeavouring to cross the street. I believe that action needs to be taken and serious consideration be given to prohibit the parking of boats and trailers on the streets surrounding Campbell Park.



**14 NOTICES OF MOTION OF RESCISSION**

Nil

**15 MATTERS OF URGENCY**

Nil

**16 QUESTIONS WITH NOTICE**

Nil

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**17 CONFIDENTIAL MATTERS**

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**RECOMMENDATION**

That:

1. Council moves into closed session to deal with the matters listed below, which are classified as confidential under section 10A(2) of the *Local Government Act, 1993* for the reasons specified:

**ITEM 17.1 REQUEST FOR FURTHER LICENCE OF EXISTING CARPARK TO BRIARS AT GREENLEES LIMITED - CNR WELLBANK STREET AND IAN PARADE CONCORD**

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

Further it is considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.

2. Pursuant to section 10A(1), 10(2) and 10A(3) of the Local Government Act, the media and public be excluded from the meeting on the basis that the business to be considered is classified as confidential under section 10A(2) of the Local Government Act.
3. The correspondence and reports relevant to the subject business be withheld from the media and public as provided by section 11(2) of the Local Government Act.
4. The resolutions made by the Council in Closed Session be made public after the conclusion of the closed session and such resolutions be recorded in the minutes of the Council meeting.

**BACKGROUND/DISCUSSION**

In accordance with section 10A(2) of the Act, Council may close part of its meeting to deal with business of the following kind:

- (a) Personnel matters concerning particular individuals (other than councillors).
  - (b) Personal hardship of any resident or ratepayer.
  - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
  - (d) Commercial information of a confidential nature that would, if disclosed:
    - (i) Prejudice the commercial position of a person who supplied it: or
    - (ii) Confer a commercial advantage on a competitor of Council;
    - (iii) Reveal a trade secret.
  - (e) Information that would, if disclosed, prejudice the maintenance of law.
  - (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
  - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
  - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
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- (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

It is considered that the business listed in the recommendation is of a kind referred to in section 10A(2) of the Local Government Act 1993 and, under the provisions of the Act and the Local Government (General) Regulation 2021, should be dealt with in a part of the meeting that is closed to members of the public and the media.

Pursuant to section 10A(4) of the Act and clauses 14.9–14.10 of the City of Canada Bay Code of Meeting Practice, members of the public may make representations to the meeting immediately after the motion to close part of the meeting is moved and seconded, as to whether that part of the meeting should be closed.

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**18 CONFIDENTIAL RESOLUTIONS**

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In accordance with Part 14 of the Code of Meeting Practice, resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson as soon as practicable. The resolution must be recorded in the publicly available minutes of the meeting.

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