

ORDINARY COUNCIL MEETING

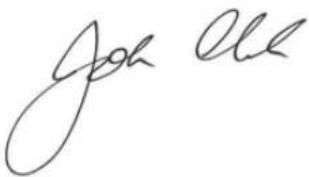
AGENDA

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

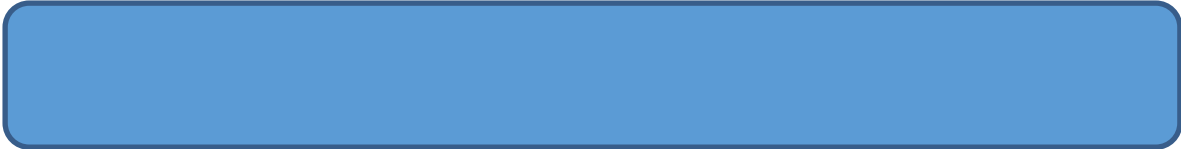
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 18 July 2023

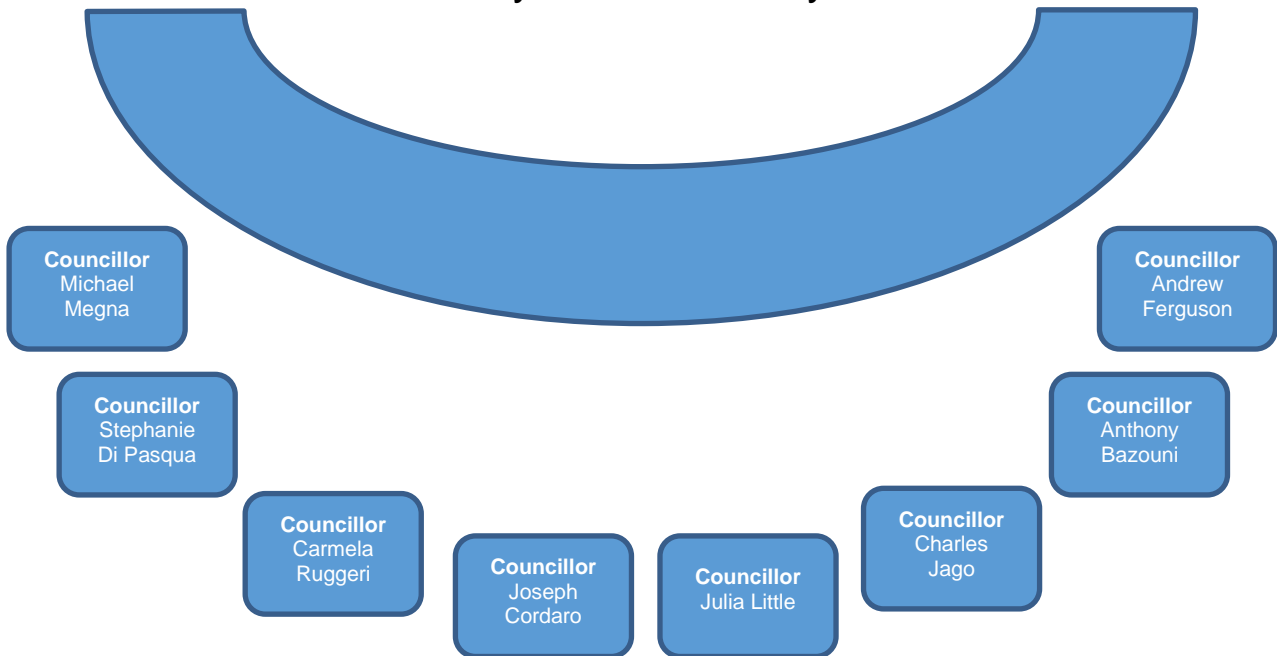
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



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.

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 18 July 2023
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6.00pm**

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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 AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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.

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 20 JUNE 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 20 June 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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.

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - LEADING A REFORM AGENDA ON WASTE

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That Council:

1. Notes councils have a key role to play in reducing waste and its impact on the environment.
 2. Notes across the Sydney metropolitan area, 55 per cent of household and commercial waste goes to landfill each year, resulting in loss of valuable resources, costing businesses and households more than \$750 million in waste levies each year.
 3. Will work with other Sydney councils to:
 - a. reduce waste;
 - b. improve environmental outcomes where waste has to be processed;
 - c. find solutions for the residue that is left; and
 - d. coordinate our advocacy, communications and collective buying power to bring the benefits of scale, efficiency and industry confidence.
 4. Write to the NSW Government to invest the revenue from its waste levy for council and industry initiatives that:
 - a. accelerate the transition to a circular economy;
 - b. build the waste infrastructure needed to meet the growing pressures of population growth, loss of landfill capacity and a lack of competition in the sector;
 - c. educate and support communities to reduce waste; and
 - d. set the waste levy at an appropriate level with realistic hypothecation allocation, to streamline planning approvals for infrastructure, and to increase clarity and efficiency of licensing procedures.
 5. Write to the Commonwealth Government to expedite bans on materials that cannot be recycled or recovered, and to increase extended producer responsibilities including labelling to specify recycled content in product and packaging.
 6. Work with the other tiers of government to ensure the delivery of infrastructure solutions locally to reduce waste hauled long distances or to landfill.
-

BACKGROUND

Across Australia, people are asking for more ambitious action on climate change. Reducing waste and its impact on the environment is one of the key actions councils can take to lower our emissions.

Across the Sydney metropolitan area, 55 per cent of household and commercial waste goes to landfill each year, resulting in loss of valuable resources, costing businesses and households more than \$750 million in waste levies each year.

Sydney councils must meet ambitious resource recovery and waste reduction targets, while also meeting the community's expectations for uninterrupted services and public health outcomes. The

time has long passed when councils collected rubbish and transported it to a landfill where it would slowly rot away.

Achieving the overhaul of the industry that is needed requires strategic input from Mayors, Councillors, GMs/CEOs and councils' officers.

Providing viable waste services for the community is no longer solely an operational issue for council staff to manage. Industry-wide changes include a limited number of suppliers, a lack of processing infrastructure and a shortage of readily accessible waste collection and transfer sites. These changes present all Sydney councils with the prospects of rising costs, increasing truck movements and resource recovery rates that are static at best. Few options exist for increased efficiency or resource recovery improvements, or to reduce landfill.

The original drivers of public health and hygiene have been supplemented by the need to reduce pollution, lower carbon emissions, and recover and re-use resources. Collecting waste is just part of the picture; Councils must make strategic decisions about where this waste will go.

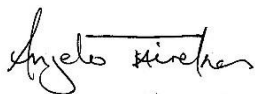
The last 20 years have seen significant positive change. Recycling has been introduced for glass, hard plastics, paper and cardboard. There are separate collections for mattresses, electronic waste, tyres, clothing, mobile phones, batteries and chemicals. Landfills capture methane to generate energy. There will soon be collections for food waste and/or food and garden organics.

In spite of councils' successes, waste processing and disposal have not kept pace with recent changes, yet the population is growing and waste generation rates continue to increase. Most Sydney councils must pay to haul recyclable materials and waste far outside their local area, and new transfer capacity is difficult to secure due to cost and availability of appropriately zoned land.

Data shows that we will not be able to meet NSW and Commonwealth targets with our current systems. Even with the highest efficiencies, progress in domestic waste collection and recovery will be impossible without major changes. These transitions will be expensive. The Waste Levy on landfill is an incentive to recycle, but in a failing market just adds to the costs that Council must charge the community. Only around 7 per cent¹ of around \$800 million in annual waste levy revenue comes back to councils and the waste industry through contestable grants to fund improvements. Councils will not receive a fair share of funding, despite being asked to meet government targets and transition to a circular economy.

My delegates attended the Metropolitan Sydney Mayoral Summit on Waste on 18 May 2023 to discuss what councils can do to contribute solutions to these concerns. The Sydney Mayoral Summit was convened by Southern Sydney Regional Organisation of Councils (SSROC) on behalf of Resilient Sydney, which our council supports.

Together they heard from the waste industry, NSW EPA and Federal Government representatives, and Sydney Mayors about initiatives and areas of influence where councils can work together.



Angelo Tsirekas

MAYOR

¹ 7 per cent represents \$356 million allocated to contestable grant funding over the 6 years 2021 to 2027, as a percentage of \$800 million year-on-year. Being contestable, the grant funding will not be equitably apportioned across NSW.

ITEM 5.2 MAYORAL MINUTE - FUNDRAISER FOR THE BIG ISSUE

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That Council receive and note the report.

BACKGROUND

Late last year City of Canada Bay locals were saddened by the loss of Marcus Prentice, a well-known figure who sold The Big Issue outside Coles on Majors Bay Road in Concord for over 11 years.

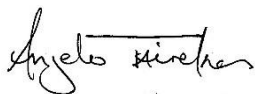
To honour his contribution to the local community, Council unanimously supported a Mayoral Minute seeking endorsement for a fundraising event for The Big Issue.

The fundraiser, held on Friday 12 May, was an opportunity to both honour Marcus and raise funds to help The Big Issue continue its important work in the community. The Big Issue is an independent, not-for-profit organisation dedicated to supporting and creating work opportunities for people experiencing homelessness, marginalisation and disadvantage.

The event was a huge success with \$26,000 raised on the night.

I would like to thank all of the local businesses and community members who were able to support this event either through their attendance or through kind donations. Our generous community is at its best when it comes together to support a worthy cause.

Marcus' contribution to our local community will also be recognised with the unveiling of a plaque on Majors Bay Road later this year.



Angelo Tsirekas

MAYOR

ITEM 5.3 **MAYORAL MINUTE - VALE RON YEO OAM**

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That Council receive and note the report.

BACKGROUND

It is with sadness that I bring to Council's attention the recent passing of Ron Yeo OAM.

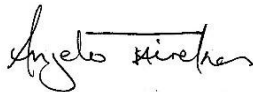
Ron, or Ronnie as he was known to his friends, was a remarkable individual whose dedication and contributions to our local community have left an enduring impact.

Ron's philanthropic endeavours spanned numerous organisations, including Dr Charlie Teo's Cure For Life Foundation, the Oncology Children's Foundation, and the I-India Project Australia.

He served as President of the Rotary Club of Five Dock and played an instrumental role in many local fundraising events.

Ron's service earned him many acknowledgements, including the Order of Australia, Rotary's Paul Harris Fellow Award, the 2009 NSW Premier's Chinese Community Service Jack Wong Sue Award for Service Beyond the Chinese Community and in 2006 he was named the 2006 City of Canada Bay Citizen of the Year.

We offer our condolences to Ron's wife Cheryl and family. Let us honour Ron Yeo's legacy by continuing his work and striving to make our community a better place.



Angelo Tsirekas

MAYOR

6 PUBLIC FORUM

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).

7 ITEMS RESOLVED BY EXCEPTION

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.

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

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 June 2023 and 30 June 2023.

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 28 June 2023

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

- DA2023/0031 – 56 Bowman Street, Drummoyne – Alterations and additions to an existing dwelling resulting in a change of use to an attached two storey dual occupancy with strata subdivision – *Refused as per recommendation.*
- DA2022/0337 – 13-15 Lyons Road, Drummoyne – Alterations and additions to Oxford Hotel including change of use from an exercise studio and office to pub. Extension of trading hours between 6am and 4am the following day, Monday to Saturday and 10am to 12 midnight, Sunday to match the Oxford Hotel's trading hours – *Approved subject to conditions.*
- DA2023/0015 – 21-23 Victoria Avenue, Concord West – Demolition of the existing two commercial buildings and the construction of three storey mixed use strata building above two basement parking – *Refused as per recommendation.*

- DA2023/0064 – 30-34 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 – *Refused as per recommendation.*
- DA2023/0019 – 75 Renwick Street, Drummoyne – Alterations and additions to existing two storey residence – *Approved subject to conditions.*

Items for CBLPP Meeting on 26 July 2023

The following applications are listed for consideration at the CBLPP meeting to be held on 26 July 2023:

- DA2023/0091 – 65 Byrne Avenue, Russell Lea - Demolition of existing structures and construction of a new two storey dwelling.
- DA2022/0164 – 2C Wolseley Street, Drummoyne - Construction of a new apartment building.
- DA2022/0189 – 43 Walton Crescent, Abbotsford - Demolition of existing structures and construction of a multi-unit residential flat building consisting of 9 apartments and 3 basement levels of parking.
- MOD2022/0170 – 3 Arcadia Avenue, Drummoyne - Major modifications including new second basement level, moving the pool into the basement changes to floor plan design, layouts, fenestration size and location, landscaping and roof.
- DA2023/0023 – 31 Clermont Avenue Concord - Replace existing fence with new concrete and timber fence on western boundary of Heritage Item Ardill House.
- DA2023/0005 – 10 Thornleigh Street, Concord - Demolition of laundry and two storey red brick building, retention of heritage listed building, removal of 9 trees, retention of 27 trees, and the Torrens title subdivision into two lots.

Development Applications – Determined

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0145	24.05.2022	65 Parramatta Road, Concord	Removal of existing concrete slab, minor excavation, and filling of land; Construction of a single storey building within internal mezzanine for use as a plumbing supplies store; Provision of 10 onsite car parking spaces and a loading area to the west of the proposed building; Business identification signage; and Retention of existing vehicular access via Parramatta Road with minor modifications.	Approved 02.06.2023
DA2022/0352	12.01.2023	86 Henley Marine Drive, Rodd Point	New double storey dwelling with a basement, landscaping and pool.	Approved 02.06.2023
DA2023/0094	15.05.2023	15 Harrabrook Avenue, Five Dock	Construction of a new garage at rear of property.	Approved 09.06.2023
DA2023/0036	21.02.2023	3 Rider Boulevard, Rhodes	Modify DA309/2005 to extend existing gymnasium hours to 24 hours a day 7 days a week.	Approved 09.06.2023
DA2023/0090	10.05.2023	39 Janet Street, Russell Lea	Demolition of existing structures on site and construction of a double storey dwelling with basement, swimming pool and outbuilding.	Approved 09.06.2023
DA2023/0028	15.02.2023	13 Margaret Street, Abbotsford	Construction of a single dwelling with basement and swimming pool.	Approved 12.06.2023
DA2023/0079	18.04.2023	110 Lyons Road, Drummoyne	Consolidation of two lots into one then Strata Subdivision of new allotment.	Approved 14.06.2023
DA2023/0001	11.01.2023	83 Thompson Street, Drummoyne	Internal renovation and first floor addition.	Refused 16.06.2023
DA2023/0041	01.03.2023	11 Brays Road, Concord	Demolition of existing structures and construction of new two storey dwelling with basement parking, pool and landscaping works.	Approved 16.06.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0063	30.03.2023	57 St Albans Street, Abbotsford	Demolition of existing buildings, construction of a new dwelling, swimming pool and related landscaping with basement carparking.	Approved 16.06.2023
DA2023/0106	02.06.2023	1/8-8A Moore Street, Drummoyne	Pruning of branch which overhangs adjoining property to the west.	Approved 16.06.2023
DA2023/0113	08.06.2023	19-19A Roseby Street, Drummoyne	Fitout of Tenancy 64A as Van Heusen.	Approved 16.06.2023
DA2023/0100	24.05.2023	21 Lamrock Avenue, Russell Lea	Alterations and additions to existing dwelling including rear modifications to kitchen, bathroom, garage and windows.	Approved 20.06.2023
DA2021/0260	27.09.2021	15 Cooper Street, Strathfield	Demolition of existing dwelling houses, Consolidation of two lots and proposed new boarding house with 30 rooms and a manager's room.	Approved: Court 20.06.2023
DA2023/0046	06.03.2023	1A Watkin Street, Concord	Construction of two storey dwelling house with basement.	Approved 20.06.2023
DA2022/0336	02.12.2022	121 Henley Marine Drive, Drummoyne	Alterations and additions to existing dwelling house including new garage.	Approved: LPP 22.06.2023
DA2022/0350	03.02.2023	42 Thompson Street, Drummoyne	Alterations and additions to existing dwelling.	Approved 23.06.2023
DA2023/0043	06.03.2023	491 Great North Road, Abbotsford	Demolition of existing garage and construction of new garage and internal driveway.	Approved 23.06.2023
DA2023/0056	2.03.2023	64 Day Street, Drummoyne	Alterations and additions to an existing dwelling and cabana.	Approved 23.06.2023
DA2023/0076	02.05.2023	11 The Crescent, Russell Lea	Proposal to enclose existing balconies.	Approved 23.06.2023
DA2022/0129	06.05.2022	19/203-211 Great North Road, Five Dock	Alterations and additions and change in use of an existing commercial tenancy/dance studio for the purpose of a new childcare centre. The development seeks to reconfigure the existing	Approved: Court 23.06.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			building and add one (1) additional level so as to enable the provision of a childcare centre capable of accommodating ninety-two (92) children, nineteen (19) staff, and Twenty-three (23) parking spaces to operate 7am to 6pm.	
DA2023/0009	23.01.2023	63 Llewellyn Street, Rhodes	Demolition of existing structures and construction of a multistorey dwelling residential with basement garage, pool, associated landscaping and new front fence.	Approved 26.06.2023
DA20213/0054	23.03.2023	26 Fitzroy Street, Abbotsford	Construction of a new multi storey dwelling with basement garage, associated landscaping and new front and side fence.	Approved 26.06.2023
DA2023/0015	07.02.2023	21 Victoria Avenue, Concord West	Demolition of the existing two commercial buildings and the construction of three storey mixed use strata building above two basement parking at 21 - 23 Victoria Avenue, Concord West (Lot 49 DP1675 & Lot 50 DP 105531).	Refused – LPP 28.06.2023
DA2023/0019	14.02.2023	75 Renwick Street, Drummoyne	Alterations and Additions to existing two storey residence.	Approved – LPP 28.06.2023
DA2023/0031	17.02.2023	56 Bowman Street, Drummoyne	Alterations and Additions to an Existing Dwelling Resulting in a Change-of-Use to an Attached Two-Storey Dual Occupancy, with Strata Subdivision.	Refused – LPP 28.06.2023
DA2023/0064	03.04.2023	30-34 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.	Refused – LPP 28.06.2023
DA2023/0066	04.04.2023	54 Macnamara Avenue, Concord	Demolition of existing structures and construction of	Approved 28.06.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			new two-storey dwelling with basement parking.	
DA2023/0081	20.04.2023	45 Fairlight Street, Five Dock	Deck addition to rear of dwelling.	Approved 28.06.2023
DA2023/0101	24.05.2023	24 Lancelot Street, Concord	Demolition of existing dwelling and Construction of a new Two Storey Dwelling.	Approved 28.06.2023
DA2023/0110	06.06.2023	20 Llewellyn Street, Rhodes	Additions and alterations to an existing outbuilding to convert to a secondary dwelling.	Approved 29.06.2023
DA2023/0119	14.06.2023	15 Richards Avenue, Drummoyne	Subdivision of one Lot into two Allotments.	Approved 29.06.2023
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.	Approved 30.06.2023

Total Number of DAs Determined = 33

Development Applications - Lodged

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0105	01.06.2023	283 Concord Road, Concord West	Demolition of existing dwelling and construction of two dual occupancies and Torrens Title Subdivision.
DA2023/0106	02.06.2023	1/8-8A Moore Street, Drummoyne	Pruning of branch which overhangs adjoining property to the west.
DA2023/0108	05.06.2023	27-29 Majors Bay Road, Concord	Change of use to an indoor recreation facility personal training studio.
DA2023/0107	06.06.2023	14A Undine Street, Russell Lea	Propose Driveway/Vehicular crossing.
DA2023/0110	06.06.2023	20 Llewellyn Street, Rhodes	Additions and alterations to an existing outbuilding to convert to a secondary dwelling.
DA2023/0109	06.06.2023	35 Newcastle Street, Five Dock	First floor addition and alteration to an existing residence.

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0113	08.06.2023	19-19A Roseby Street, Drummoyne	Fitout of Tenancy 64A as Van Heusen.
DA2023/0112	09.06.2023	1 Rider Boulevard, Rhodes	Proposal for a dissolved air floatation plant (DAF) which is required to support the operational needs of Rhodes Waterside, at 1 Rider Boulevard, Rhodes.
DA2023/0114	12.06.2023	18 Deakin Street, Concord	Demolition of dwelling house and swimming pool; removal of trees; construction of a new two storey dwelling house, swimming pool, pergola and associated landscape works.
DA2023/0115	12.06.2023	116 Correys Avenue, Concord	Part demolition of existing structures on site including rear portion of dwelling-house, carport and shed. The proposed additions encompass a rebuilt section of dwelling, a new garage and a swimming pool at the rear.
DA2023/0111	13.06.2023	22 Edward Street, Concord	Ground floor alterations and first floor addition to existing dwelling.
DA2023/0117	14.06.2023	51 The Esplanade, Drummoyne	Partial demolition of existing corner windows on first floor and construction of a new balcony over existing awning.
DA2023/0119	14.06.2023	15 Richards Avenue, Drummoyne	Subdivision of one Lot into two lots.
DA2023/0116	15.06.2023	3A Averill Street, Rhodes	Alterations and additions to an existing self storage facility for 3 x flooring infills between existing mezzanines forming a first floor, upgraded accessibility including a new accessible ramp and accessible toilet facility. Fire egress is also proposed to be upgraded providing 2 fully enclosed fire stairs and egress corridors to open space.
DA2023/0121	15.06.2023	1F Homebush Bay Drive, Rhodes	Proposed identification signage for incoming tenant Chery Motor Australia.
DA2023/0120	15.06.2023	11 Collingwood Avenue, Cabarita	Alterations and additions to convert an existing dual occupancy to a single dwelling.
DA2023/0122	19.06.2023	3 Bellbird Close, Canada Bay	Demolition of the existing dwelling house and associated structures and construction of a new two-storey dwelling house with attached garage.
DA2023/0124	19.06.2023	38 Plunkett Street, Drummoyne	Demolition of existing structures, construction of a new two-storey dwelling with swimming pool and cabana.

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0118	20.06.2023	19 Ingham Avenue, Five Dock	First floor addition, minor ground floor alterations and rear awning, carport and associated driveway.
DA2023/0123	20.06.2023	20 Norman Street, Five Dock	Demolition of existing residence and garage and construction of a new two-storey dwelling.
DA2023/0125	20.06.2023	126 Cabarita Road, Cabarita	Proposed new two-storey dwelling house.
DA2023/0126	21.06.2023	5 Rider Boulevard, Rhodes	Change of use for Unit 2 on the ground-floor level to a 24/7 "Recreation Facility – Indoor", including internal fit-out for the proposed purpose, installation of a new entry doorway and associated business identification signage.
DA2023/0127	27.06.2023	27 Mepunga Street, Concord West	Demolition of existing structures to site, strata subdivision, construction of a two storey dual occupancy w/ basement parking, in-ground pools and associated landscaping.
DA2023/0128	27.06.2023	19-19A Roseby Street, Drummoyne	Retail Fitout - Calvin Klein.
DA2023/0129	27.06.2023	26 Gears Avenue, Drummoyne	Demolition of existing buildings, construction of a two storey dwelling and related landscaping.
DA2023/0130	27.06.2023	53 Edenholme Road, Russell Lea	Alterations and additions to the rear of the existing dwelling.
DA2023/0133	27.06.2023	91 Cabarita Road, Cabarita	Construction of a double storey residential dwelling and removal of two (2) trees.
DA2023/0131	28.06.2023	12 Argonne Street, North Strathfield	Construction of a Granny Flat.
DA2023/0132	28.06.2023	41 Moala Street, Concord West	The demolition of an existing swimming pool and the erection of a new secondary dwelling and garage for off-street parking.
DA2023/0134	29.06.2023	11 Excelsior Street, Concord	Proposed alterations and additions to the rear including an outbuilding.

Total Number of DAs Lodged = 30

Variations to development standards

There were seven 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 June 2023 and 30 June 2023:

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0350	42 Thompson Street, Drummoyne	Floor Space Ratio, Clause 4.4	The existing dwelling exceeds the floor space ratio control, this application proposes a 3.6sqm addition to the existing. The proposed development, as conditioned, will not result in environmental impacts upon neighbouring properties and will ensure a consistent built form with surrounding development.	16.42sqm (9.8%)	23.06.2023
DA2023/0009	63 Llewellyn Street, Rhodes	Height of Buildings, Clause 4.3	An existing excavation on the site which results in a breach of the height control. When ground levels are extrapolated from natural ground levels at the perimeter of the building the height is compliant. The proposal has been lowered further and will result in minimal environmental impacts.	640mm (7.5%)	26.06.2023
DA2023/0019	75 Renwick Street, Drummoyne	Floor Space Ratio, Clause 4.4	The proposed works will result in a reduction in the existing breach to the floor space ratio control. The reduced bulk of the dwelling will not result in any unreasonable	36sqm (25.78%)	28.06.2023

			amenity impacts upon neighbouring properties.		
DA2023/0054	26 Fitzroy Street, Abbotsford	Height of Buildings, Clause 4.3	The proposal, as amended, will have a built form compatible with surrounding development and will not result in any amenity impacts upon neighbouring properties.	603mm (7.1%)	26.06.2023
DA2023/0056	64 Day Street, Drummoyne	Height of Buildings, Clause 4.3	The existing building encroaches the height control, the extent of breach will be decreased by 590mm. The lowered built form will not result in any unreasonable amenity impacts upon neighbouring dwellings and will be consistent with surrounding built form in both bulk and scale.	280mm (3%)	23.06.2023
DA2023/0063	57 St Albans Street, Abbotsford	Height of Buildings, Clause 4.3	The resultant-built form and height will be comparable to surrounding developments. There will be no amenity impacts arising from the non-compliance.	840mm (9.88%)	16.06.2023
DA2023/0076	11 The Crescent, Russell Lea	Floor Space Ratio, Clause 4.4	The enclosure of balconies will not result in any amenity impacts upon neighbouring properties and will not unduly alter the built form of the dwelling as the glazing is contained within the existing envelope of the approved built form.	12.94sqm (4.5%)	23.06.2023

Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 30 June 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	Amended proposal approved by the Court on 23 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	Amended proposal approved by the Court on 20 June 2023
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 containing 50 apartments including basement car parking and associated landscaping	No agreement reached at the conciliation conference. Applicant is considering preparing amended plans in response to the matters raised during the proceedings.
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
DA2023/0064	1A Watkin Street, Mortlake	Class 1 appeal against the deemed refusal of development application for the construction of a two-storey single dwelling house with basement.	Appeal discontinued as the DA was approved under delegated authority subject to suitable conditions
DA2023/0064	30-34 Leicester	Class 1 appeal against the deemed refusal of development application for alterations and additions to	Matter listed for s34 conciliation conference on 14 September 2023

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
	Avenue, Strathfield	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.	
DA2022/0316	52-56 Ramsay Rad, Five Dock	Class 1 appeal against the deemed refusal of development application for the Demolition of existing structures and construction of a new shop top housing development containing two basement levels, ground level commercial tenancies, 4 levels of residential apartments, and related landscaping.	Matter listed for s34 conciliation conference on 5 October 2023
DA2022/0351	37 Llewellyn Street, Rhodes	Class 1 appeal against the deemed refusal of development application to demolish a locally listed heritage item and remove select trees from the site	Matter listed for s34 conciliation hearing 13 November 2023

Of the above 8 listed matters before the Land and Environment Court, there are currently 5 active appeals.

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.

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 JUNE 2023

Reporting Manager Manager Roads and Traffic

- Attachments:**
1. **Traffic Committee Minutes - 29 June 2023** *(Provided in Attachment Booklet)* [⇒](#)
 2. **ITEM 1 - Loftus Street, Concord - Loading Zone** *(Provided in Attachment Booklet)* [⇒](#)
 3. **ITEM 2 - Concept Plan - Great North Road, Five Dock** *(Provided in Attachment Booklet)* [⇒](#)
 4. **ITEM 3 - Wareemba Street Works Zone** *(Provided in Attachment Booklet)* [⇒](#)
 5. **ITEM 4 - Ada Street, Concord - No Parking** *(Provided in Attachment Booklet)* [⇒](#)
 6. **ITEM 5 - Conneticut Avenue, Five Dock - MIPPS** *(Provided in Attachment Booklet)* [⇒](#)
 7. **ITEM 6 - Northcote Street, Mortlake - No Parking** *(Provided in Attachment Booklet)* [⇒](#)
 8. **ITEM 7 - Sydney Street, Concord - Give Way** *(Provided in Attachment Booklet)* [⇒](#)
 9. **ITEM 8 - Uhrs Point Reserve, Rhodes - Proposed Path** *(Provided in Attachment Booklet)* [⇒](#)
 10. **ITEM 9 - Traffic Management Plan - Ferragosto** *(Provided in Attachment Booklet)* [⇒](#)
 11. **ITEM 10 - Traffic Management Plan - Drummoyne School Fete** *(Provided in Attachment Booklet)* [⇒](#)
 12. **ITEM 11 - Edwin Street, Mortlake - No Parking** *(Provided in Attachment Booklet)* [⇒](#)
 13. **ITEM 12 - Bevin Avenue – Time Restricted Parking** *(Provided in Attachment Booklet)* [⇒](#)
 14. **ITEM 13 - Hamilton Street - Double Centreline** *(Provided in Attachment Booklet)* [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 29 June 2023, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 29 June 2023 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 29 June 2023 for Council's 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 this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 VICTORIA AVENUE PRECINCT MEMORANDUM OF UNDERSTANDING RENEWAL

Reporting Manager Manager Library and Community Services

Attachments: 1. [Victoria Avenue Precinct MoU July 2023](#) [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the General Manager be authorised to sign the Victoria Avenue Precinct Memorandum of Understanding.

PURPOSE

The current Victoria Avenue Precinct Memorandum of Understanding (MoU) was first signed in 2017 and now requires renewing.

EXECUTIVE SUMMARY

The Victoria Avenue Precinct is made up of the Victoria Avenue Public School, a Child and Family Health Centre, Council's Victoria Avenue Early Childhood Education and Care Centre and a playing field. This precinct is operated by two State Government departments and Council and as such it requires an MoU. The MoU ensures all parties involved in the operation of the centre have a governance structure that establishes the collaborative relationship to provide integrated services for families with children from birth to year six. The current MoU has expired and requires renewal. This Council Report is recommending that the General Manager be given delegated authority to sign the updated MoU.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

BACKGROUND/DISCUSSION

The Victoria Avenue Precinct was developed through a partnership between Council, the NSW Department of Education and the NSW Sydney Local Health District and was opened in January 2015.

The Precinct is made up of a Child and Family Health Clinic (NSW Health), Victoria Ave Children's Centre (City of Canada Bay), a playing field (City of Canada Bay) and Victoria Avenue Public School (NSW Department of Education). These facilities operate from a complex of buildings and land with leasing arrangements to enable the operation of the services delivered from the premises.

This partnership aims to provide integrated services enabling families to access education, health and recreation services for families with children from birth to year six. Therefore, it is important for each of the three government agencies to agree on and ensure governance structures are documented and followed. The MoU clarifies and defines the:

- objectives of the stakeholder organisations
- principles and values needed to work collaboratively
- outcomes to be achieved
- strategic intent of each organisation
- function and composition of the Victoria Avenue Precinct Leadership Group

The precinct leaders, staff from Council, Department of Education, and NSW Health, meet quarterly under the terms of the MoU to discuss matters including building maintenance, WHS training, professional development and planning and delivering community events.

Joint projects and events that have been delivered by the Victoria Avenue Precinct Leadership Group range from practical building related procedures to programs for families and community members and include:

- Utilisation of facilities including classrooms, play equipment and oval
- Development of WHS and emergency evacuation procedures
- Accessing the school for maintenance and building requirements such as plumbing, air-conditioning, fire services panel
- Community fairs
- Easter hat parades
- Technology and STEM programs in partnership with Libraries' Technology Programs Team
- Native garden regeneration in partnership with Council's Open Space Team
- Transition to school videos in languages other than English in partnership with Community Services and Media and Comms Staff, undertaken with funding from the Department of Communities and Justice's Targeted Early Intervention program
- Delivering workshops for families on topics such as parenting
- Shared professional development workshops for staff
- 1,000 books before school in partnership with Library staff

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

FINANCIAL CONSIDERATIONS

Council budgets for the Victoria Avenue Precinct Leadership Team projects and events. The 2023/24 financial year budget for these projects and events is \$5,000.

LEGISLATIVE AND POLICY CONSIDERATIONS

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



Memorandum of Understanding

THIS MEMORANDUM OF UNDERSTANDING is updated on 13 July 2023

BETWEEN:

The City of Canada Bay Council (ABN 79 130 029 350) (**The City of Canada Bay Council**); and

NSW Department of Education (NSW DoE); and

Sydney Local Health District (SLHD)

BACKGROUND:

- A. The City of Canada Bay Council is a local government authority providing both infrastructure and services to the City of Canada Bay
- B. The NSW Department of Education is a State Government agency which provides educational services to meet the social, academic and emotional needs of students within the designated area.
- C. NSW Department of Health is a State Government agency in which Community Health provides accessible primary health and non-acute care within a community-based setting and through home visits for the local community.
- D. The City of Canada Bay, NSW Department of Education and NSW Health collaborate in respect to the Victoria Avenue Precinct located at 64-66 Victoria Avenue, Concord West. The colocation of a range of services is seen as an opportunity to deliver integrated services to families with children from birth to Year 6.
- E. The City of Canada Bay Council, NSW Department of Education and NSW Health collaborate in respect to proposals for strategic projects, in areas of joint interest such as strategy, operations and planning and development that provide an integrated service model for the Precinct.
- F. This document sets out the terms under which the parties will collaborate

OPERATIVE PROVISIONS:

1. DEFINITIONS

In this document, unless the contrary intention appears:

Confidential Information has the meaning given in clause 12.

Intellectual Property Rights means copyright, trademark, design, patent, semiconductor or circuit layout rights.

LGA means the City of Canada Bay Council's local government area.

Priority Projects means any projects which the Partnering Group may from time to time agree to be priority for the purposes of the development of the Victoria Avenue Precinct.



Victoria Avenue Precinct means the site located at Victoria Avenue Concord West which contains:

- A Child and Family Health Centre
- Children's Early Learning Centre providing long day care
- Public Primary School providing education for children from K-6
- Outside School Hours Care Centre providing care for 29 children
- Sportsfield, Community Hall and Multipurpose Centre

Victoria Avenue Precinct Leadership (VAPL) Group means the group of persons described in clause 9.

2. TERM

July 2023 to December 2025

3. AIM

The aim of the parties is to establish a collaborative relationship between the City of Canada Bay Council, NSW DoE and SLHD to deliver a Community Precinct with integrated services for families with children from birth to Year 6.

4. OBJECTIVES

The parties' objectives are to:

- 4.1. Develop a joint understanding of each party's strategic plans, policies, priorities and programs as they relate to the delivery of an integrated model in the Community Precinct;
- 4.2. Deliver a Precinct based on integration where there is a high level of commitment, trust, strong focus, shared control and shared values;
- 4.3. Investigate the development of joint plans, policies and projects according to the strategic priorities of each party, which strengthen the Precinct;
- 4.4. Share and leverage the resources of each party, to achieve the best outcomes for each party and the vision for the Precinct;
- 4.5. Facilitate open discussion regarding the challenges and opportunities facing each party;
- 4.6. Strengthen the relationship between each party;
- 4.7. Engage, where appropriate, other NSW Government departments and other non-Government organisations in joint policy, planning and project implementation; and
- 4.8. Provide an avenue for each party to request support from the other.



5. PRINCIPLES AND VALUES

The underlying principles in respect of the collaborative relationship between the City of Canada Bay Council, NSW Department of Education and NSW Health are:

- 5.1. All members will work collaboratively and demonstrate:
 - Commitment
 - Trust
 - Support
 - Respect
 - Honesty
- 5.2. All decisions are transparent.
- 5.3. Members have a peer relationship where no 'surprise' decisions are made.
- 5.4. Decisions are made on a 'best for Precinct' basis.
- 5.5. Share knowledge, information and experiences to build on lessons learned.
- 5.6. Be accountable and reliable
- 5.7. Communication between members is open, honest and timely.
- 5.8. Commitment to high performance outcomes that are measured openly in a continuous improvement environment.

6. OUTCOMES

- 6.1. Precinct leaders initiate and deliver projects as a team.
- 6.2. Genuinely inclusive and authentic decision-making processes are in place

7. STRATEGY INTENT

The parties consider that collaborating together will provide greater opportunities to achieve each party's strategic outcomes. As at the date of this document, and subject to any amendments from time to time:

- 7.1 The City of Canada Bay Council's strategic intent is set out in a document titled *Our Future 2036* which sets our Council's vision for the City and the *Social Infrastructure Community Strategy (2019)* which sets the goal for Council to work in partnership with "other government agencies and the private and community sector (to provide) social infrastructure that helps to build inclusive, connected and resilient communities and activated centres." p.4.
- 7.2 NSW Department of Education's strategic intent is set out, in part, in the document titled NSW Department of Education, Strategic Plan 2018-2023.
- 7.3 NSW Health strategic intent is set out, in part, in the document titled Sydney Local Health District Strategic Plan 2018-2023.



8. COLLABORATION

- 8.1. The City of Canada Bay, NSW Department of Education and NSW Health will collaborate in respect of proposals for the Priority Projects, with a view to achieving the aim and objectives set out in clauses 3 and 4 of this document.
- 8.2. The parties recognise the importance of community engagement and consultation in the delivery of the Precinct. Engagement techniques will be designed to respond to the diverse needs of various stakeholders in the Precinct and may include community forums, online engagement and information sessions

9. VICTORIA AVENUE PRECINCT LEADERSHIP (VAPL) GROUP

- 9.1 The functions of the VAPL Group are to:
- coordinate the collaboration activities between the City of Canada Bay, NSW Department of Education and NSW Health;
 - identify new or emerging strategic issues for consideration;
 - facilitate conversations about opportunities for collaboration on projects that add value or issues to address;
 - coordinate the implementation of the Precinct Strategy (including, establishing Project Teams, allocating responsibilities, and identifying timeframes and deliverables); and
 - report on progress and measurable indicators for Projects and any other programs.
- 9.2 The VAPL Group will comprise:
- two persons appointed by the City of Canada Bay;
 - one person appointed by NSW Department of Education; and
 - one person appointed by NSW Health
- 9.3 The members of the VAPL Group are:
- for the City of Canada Bay, the Manager - Library & Community Services (or their delegate) and Victoria Avenue Children's Centre Coordinator;
 - for NSW Department of Education, Victoria Avenue Public School Principal; and
 - for NSW Health, Nursing Unit Manager
- 9.4 Either party may at any time replace its appointed members to the VAPL Group by notice in writing to the other party.
- 9.5 A quorum for a meeting of the Partnering Group is one member appointed by each party and a quorum must be present for the whole of the meeting. If there is no quorum within half an hour of the time appointed for a meeting of the VAPL Group, the meeting is dissolved

10. NO PARTNERSHIP OR AGENCY

- 10.1. Nothing in this document shall constitute or be deemed to constitute either a partnership between the parties or the appointment of one party as agent of the other.



11. INTELLECTUAL PROPERTY RIGHTS

- 11.1. Each party shall retain all right, title and interest to, and all Intellectual Property Rights in, any materials or information provided by it to the other.
- 11.2. Any materials or information created pursuant to this document will be owned jointly by the parties.

12. CONFIDENTIALITY

- 12.1. Each party must keep strictly confidential this document, other documents concerning the Priority Projects and all confidential information exchanged in connection with this document or the Priority Projects (Confidential Information), except to the extent that disclosure is required by law.
- 12.2. Each party must ensure that its employees and agents, and any subcontractors engaged for the purposes of this document, do not make public or disclose the other party's confidential information.
- 12.3. Notwithstanding any other provision of this clause 15, a party may disclose the terms of this document to its solicitors, auditors, insurers and accountants.
- 12.4. This clause 15 survives the termination of this document.

13. TERMINATION

- 13.1. Either party may terminate this document, by providing 21 days written notice to the other.

14. LIABILITY FOR EXPENSES

- 14.1. Each party must pay its own expenses incurred in negotiating, preparing and executing this document and performing any part of this document. This will be subject to negotiation within VAPL.

15. LAW

- 15.1. This document is governed by the law in force in the State of New South Wales.



Education &
Communities



Health
Sydney
Local Health District

EXECUTED as an agreement:

John Clark
General Manager
City of Canada Bay Council

___/___/___ _____

Elisa Baker
Principal
Victoria Avenue Public School
NSW Department of Education

___/___/___ _____

Teresa Anderson
Chief Executive Officer Sydney
Local Health District

___/___/___ _____

ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 29 JUNE 2023**Reporting Manager** Manager Library and Community Services**Attachments:** 1. **City of Canada Bay Access and Inclusion Committee Meeting Minutes - 29 June 2023** [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting held on 29 June 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 29 June 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, 29 June 2023



**Minutes of a City of Canada Bay Access and Inclusion Committee Meeting
Held on Thursday, 29 July 2023
At the Hudson Room, City of Canada Bay Civic Centre, Drummoyne
Commencing at 10am**

Present:

Cr Michael Megna	Acting Chairperson	
Coral Arnold	Community Member	(Teams)
Nehmet Houssami	Community Member	(Teams)
Nicole Bradshaw	Community Member	(Teams)
Robyn Ryan	Community Member	(Teams)
Kim Becherand	Touched by Olivia Foundation	

Officers in attendance:

Russell Wolfe	Director - Community, Culture and Leisure
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 11.20am.

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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 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

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 20 April 2023

RECOMMENDATION

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting of 20 April 2023 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 BUSINESS ARISING FROM PREVIOUS MINUTES

Note: Petrina Nelson – Manager, Parks and Recreation responded to the feedback provided by the Committee at the previous meeting for Brett Park Adventure Playscape in Drummoyne and the Charles Heath Reserve Community and Play Space at Five Dock.

ITEM 5.1 BRETT PARK ADVENTURE PLAYSCAPE, DRUMMOYNE

Note:

- *Entire park should be accessible:*
 - *This is not in the scope of the current project. Accessible path options for the whole park have been proposed and will be upgraded once more funding becomes available.*
 - *Upgrading the existing steep ramp to an accessible grade has been included in this project delivery.*

- *Accessible toilets and parking closer to the adventure playscape:*
 - *one disabled parking space has been proposed near the entry. Street parking is available along Day Street and Tranmere Street.*
 - *The existing toilet block is currently not an accessible toilet block. To upgrade the existing toilet block to be accessible is not part of this project. This toilet block, however, is within 10mins walking distance from the proposed playground.*

- *Surfaces should be accessible for people with limited mobility/ wheelchair users:*
 - *Surfaces are a mixture of concrete, wetpour rubber, timber, sand and mulch. Concrete, wetpour rubber and timber are provided to link inclusive play equipment. Sand and mulch is not accessible for wheelchairs and supportive devices, however, they are an important play feature for children living with disabilities other than mobility issues.*

- *Council need to have processes in place to decide if the space could be made accessible and inclusive before applying for an accessibility grant to improve the space:*
 - *A site and access analysis were completed at the project initiation stage and was provided with thorough information to drive the design approach.*
 - *The current location was selected by the community at the first consultation and we have endeavoured to make this location as accessible and inclusive as possible in line with the 'Everyone Can Play' guidelines.*

ITEM 5.2 CHARLES HEATH RESERVE COMMUNITY AND PLAY SPACE, FIVE DOCK

Note:

- *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:*
 - *Manager, Parks and Recreation noted this feedback.*
- *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:*
 - *Manager, Parks and Recreation noted this feedback.*
 - *The previous Access and Inclusion Committee was consulted as part of the community engagement process and provided comments but since then a new Committee was elected in June 2022.*
 - *An accessibility consultant was engaged to review the design during the planning process.*
- *There are no accessible pathways, no rails, no shade closer to the Play Space:*
 - *There is a network of accessible pathways surrounding and within the play space. There are three proposed shade sails covering part of the play space. Other areas of the play space will be covered by natural shade from the surrounding mature trees. There are three sets of stairs with compliant handrails. The ramps have a maximum grade of 1:20 and handrails are not required.*
- *No wayfinding:*
 - *Manager, Parks and Recreation noted this feedback.*
- *There are steps with no handrails and tactile ground surface indicators (TGSi):*
 - *There are three sets of stairs, these have compliant handrails and TGSi.*
- *There is an accessible slide with sand at the bottom- how does a wheelchair user get out of the sand:*
 - *There are 8 slides in the play space and of these two slides have wheelchair access with rubber soffit at the bottom. Sand is an important play feature for children with disabilities other than mobility issues.*
- *Accessible toilets need to be closer to Play Space:*
 - *The accessible toilets are directly adjacent to the play space.*
- *Accessible parking needs to be closer to main entrance:*
 - *There is an existing accessible parking space in the laneway off Queens Road and currently constructing two more accessible parking spaces in the carpark at the rear of the Five Dock Leisure Centre.*
- *There should be seats closer to the Play Space to watch the children:*
 - *There are eight circular bench seats and six park bench seats spread throughout the play space.*
- *Surfaces should be wheelchair accessible:*
 - *Surfaces are a mixture of concrete, rubber soffit and sand. Sand and mulch is not accessible for wheelchairs and supportive devices, however, they are an important play feature for children living with disabilities other than mobility issues.*
- *Play space needs to be safe – so that children do not run off to the road:*
 - *Playground area is fully fenced.*

6 REPORTS

ITEM 6.1 CABARITA PARK PLAYGROUND UPDATE

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: The design for the Cabarita Park Playground were presented by Philippa Dunstan-Landscape Architect Open Space:

- Council has developed ideas to improve accessibility in the playground. This item is currently on 'Collaborate' seeking feedback from the community on two accessibility improvements to the park;
 - Option 1: Replace all sand with rubber softfall across the entire playground area.
 - Option 2: Keep some sand softfall area, increase the rubber surface area and introduce inclusive and accessible play equipment.
- Some groups prefer no sand at all. However, feedback shows that most users consulted have expressed a preference for a hybrid option of having both sand and rubber softfall.
- There is no fencing around the playground to feel secure.
- Committee members made the following comments:
 - commended the Council's Open Space team for having face to face consultation with the community.
 - suggested pathways into the sand so that wheelchair users could still assist children playing in the sand.
 - requested to use the hybrid method and offered to share the information with other park users for feedback.

7 GENERAL BUSINESS

ITEM 7.1 FOOTPATHS REPAIRED IN FIVE DOCK

Note: Coral Arnold, Committee member, wished to know if all footpaths are being repaired in Five Dock.

- The roads that are designated State roads, ie. Lyon's Road, will be the responsibility of the State Government. However, Council can advocate that the footpaths be repaired.
- The footpaths on local roads are being repaired by Council.

ITEM 7.2 DISABILITY INCLUSION ACTION PLAN (DIAP)

Note: Karen Judd – Senior Strategic Planner will present the findings of the mid-term review and will provide an update at the next meeting on the actions against the DIAP.

8 DATES OF THE ACCESS AND INCLUSION COMMITTEE MEETINGS

Note: 17 August 2023 - Concord Library, Concord
19 October 2023 - Civic Centre, Drummoyne
7 December 2023 - Concord Library, Concord

CHAIRPERSON

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 COUNCILLOR SUPERANNUATION

Reporting Manager Manager Governance and Customer Services

Attachments: Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council consider resolving in accordance with either option 1 or 2 contained in the report.

PURPOSE

For Council to consider making superannuation contribution payments, in accordance with Section 254B of the *Local Government Act 1993*, to each Councillor, as if the Councillor were an employee.

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

In May 2021, amendments to the *Local Government Act 1993* came into effect including new provisions introduced through Section 254B which provide the ability for councils to make superannuation contributions for councillors from 1 July 2022. This contribution is additional to the fees paid to Councillors and is equivalent in amount to superannuation guarantee payments under Commonwealth superannuation legislation. Prior to this legislation contributions of superannuation to Councillors was not possible. Under the legislation each Council may determine contributions and such decision must be made by resolution in an open meeting of council.

At its meeting on 15 March 2022, Council previously considered this matter and resolved:

“THAT consideration of Councillor superannuation be deferred for a period of 12 months.”

This report is now submitted in accordance with that resolution.

For convenience, Section 254B of the *Local Government Act* is reproduced below:

254B Payment for superannuation contributions for councillors

- (1) A council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment--
 - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or

- (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
- (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.
- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—
- Commonwealth superannuation legislation* means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.
- superannuation account* means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

In relation to Clause (8) of S254B above, it should be noted that:

- Section 248A of the Act states that a Councillor who is suspended from Office may not receive any remuneration whilst suspended from office. This section will mean that no superannuation payment may be made to a Councillor who is suspended from office.
- Section 254A of the Act states circumstances in which the annual fee paid to a Councillor may be reduced or must be suspended due to periods of leave. This section will mean that any superannuation payment may be reduced or suspended if any similar reduction or suspension of an annual fee paid to a Councillor occurs.

OPTIONS

Option 1

Should Council wish to resolve to introduce making superannuation payments to Councillors it may choose to resolve as follows:

1. From 1 July 2023 Council make a superannuation contribution payment, in accordance with Section 254B of the *Local Government Act 1993*, to the nominated superannuation account of each Councillor.
2. The amount of each superannuation contribution payment shall be equal to the amount Council would have been required to contribute under Commonwealth Superannuation legislation, as at the date of each payment, as if the Councillor were an employee of Council.

Option 2

Should Council not wish to resolve to introduce making superannuation payments to Councillors it may choose to resolve as follows:

That superannuation contribution payments not be made to Councillors.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Should Council resolve to make superannuation payments to Councillors, such contributions would be effective from 1 July 2023.

FINANCIAL CONSIDERATIONS

Provision has been made in the 2023/24 budget for these payments to be made. The rate for 2023/24 would be 11% (the current superannuation guarantee) with that rate to progressively increase to 12% by 1 July 2025.

LEGISLATIVE AND POLICY CONSIDERATIONS

Sections 254A, 254B and 248A of the *Local Government Act* should be referred to when considering this report.

ITEM 12.2 BUSINESS USE OF FOOTPATH POLICY UPDATE**Reporting Manager** Manager Property Strategy and Leasing**Attachments:**

1. **Business Use of Public Footpath Policy - Final** (*Provided in Attachment Booklet*) [⇒](#)
2. **Public Consultation Submissions - Business Use of Public Footpath Policy** (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The updated Business Use of Footpath Policy, attached to the report, be adopted.
 2. Negotiations with the applicable approval holders with fixed structures upon the footway commence in accordance with the information contained in the report.
-

PURPOSE

This report advises Council of the outcome of the public exhibition of the updated Business Use of Footpath Policy and to recommend its adoption.

EXECUTIVE SUMMARY

The final draft Business Use of Footpath policy has been publicly exhibited in accordance with Council's resolution of 18 May 2021.

This report provides details on the response to the public exhibition and recommends the adoption of the draft Policy.

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

At its meeting on 18 May 2021, Council resolved:

That:

1. *Based on the key considerations within the body of this report, Clause 8.1 of Council's Business Use of Footpath Policy remains unchanged, and we continue to not permit furniture to be stored on the footpath after hours.*
2. *Council notifies for a period of 28 days the proposed amendment to the Business Use of Footpath policy, as per the wording proposed in the body of this report to exclude permanent structures from the Business Use of Footpath policy.*
3. *A further report be brought back to Council post the end of the notification period.*

A review of Council's Business Use of Footpath Policy was conducted in 2021. The review identified that in some instances Council has approved permanent structures upon the footway.

The key amendment that is reflected in the draft Policy is that permanent structures on the footway are proposed to be subject to approval through a separate occupancy agreement.

There are currently three locations within the City of Canada Bay which have fixed outdoor seating and decks on the footpath. Through the proposed amendment and related process, there will be a consistent approach to managing the occupancy approvals.

The final draft Business Use of Footpath Policy is provided in Attachment 1.

The amended Policy, in its draft form, was exhibited on Council's website for community feedback for 28 days from 7 March to 4 April 2023.

Council received several submissions from the public. Responses to these submissions are provided in attachment 2.

Summary of submissions

- 287 visits to the Collaborate website
- 76 downloads of the policy document
- Email sent to 2,892 Collaborate subscribers advising of the public exhibition of the draft Policy
- 19 submissions – 15 in support, 4 against none of which are relevant to the proposed policy changes. The 4 submissions against mainly centre around compliance, cost to business and parking related issues.

It is noted that of the 19 submissions received, only one indicated that they were from business owners/operators.

In view of the outcomes of the public exhibition process it is recommended that Council adopt the updated policy and resolve to commence negotiations with the applicable approval holders with fixed structures upon the footway.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The proposed amendment to the Business Use of Footpath policy was exhibited on Council's website for 28 days from 7 March to 4 April 2023.

There are no risk considerations associated with this report.

FINANCIAL CONSIDERATIONS

There are no financial associated considerations with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Roads Act 1993

The Local Government Act 1993

ITEM 12.3 CASH AND INVESTMENTS REPORT FOR JUNE 2023
Reporting Manager Manager Finance

Attachments: 1. **Investments as at 30 June 2023** (*Provided in Attachment Booklet*) [⇒](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Reports for June 2023, attached to the report, be received and noted.

PURPOSE

To present Council's Investment portfolio performance for June 2023.

EXECUTIVE SUMMARY

Council's investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2021 and Council's Investment 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

BACKGROUND/DISCUSSION

This report incorporates the June 2023 Cash and Investments Reports, for Council's consideration.

Certification - Responsible Accounting Officer

Evan Hutchings as the Responsible Accounting Officer have certified that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government General Regulation 2021 and Council's Investment Policy.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS
Summary position as at 30 June 2023

The Cash at Bank and Cash Investments as at 30 June 2023 are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
Jun-23	\$10,885,746.79	\$137,963,441.00	\$148,849,187.79

The detailed Schedule of Investments held for June 2023 are also provided over the page.

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
03/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	32	4.10%	01/06/23	Term Deposits
05/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	63	4.19%	03/05/23	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
10/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	39	4.20%	01/06/23	Term Deposits
12/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	40	4.21%	02/06/23	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
28/08/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	90	4.78%	30/05/23	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
30/11/23	Bank of Queensland	BBB+	\$3,000,000.00	184	4.95%	30/05/23	Term Deposits
07/12/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	349	4.62%	23/12/22	Term Deposits
29/02/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	276	5.00%	29/05/23	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
29/05/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	366	5.03%	29/05/23	Term Deposits
29/08/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	458	4.99%	29/05/23	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	182	4.20%	02/06/23	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	277	4.92%	18/05/23	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	273	1.68%	05/06/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	552	1.62%	12/05/23	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	546	1.62%	05/06/23	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	641	2.02%	18/05/23	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	641	2.10%	25/05/23	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	916	1.87%	19/05/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1006	2.24%	18/05/23	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1006	2.31%	25/05/23	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1002	2.22%	05/06/23	ESG TD
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.84%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	4.98%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	4.72%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	4.78%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	4.73%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	4.58%	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	4.70%	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	5.42%	24/02/23	Floating Rate Notes
15/05/26	Bendigo and Adelaide Bank	BBB+	\$1,000,000.00	1096	5.15%	15/05/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	4.98%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	AAA	\$500,000.00	1826	4.33%	19/08/21	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	4.73%	23/09/21	ESG FRN
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	4.94%	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	Cooperative 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	4.89%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland	AAA	\$1,250,000.00	1827	5.08%	09/05/23	Floating Rate Notes
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	\$2,009,115.94		4.95%		AMP
	AMP Bank	BBB	\$1,000.00		2.10%		AMP
	Macquarie Bank	A+	\$2,006,465.80		4.10%		Macquarie CMA
	Macquarie Bank	A+	\$8,021,922.37		3.90%		Macquarie CMA
	Macquarie Bank	A+	\$1,424,936.89		3.70%		Macquarie CMA
30/06/23			\$137,963,441.00				
TOTAL INVESTMENTS at 31/05/2023			\$140,946,697.56				
Net Increase/(Decrease) in Investments			(\$2,983,256.56)				

FINANCIAL CONSIDERATIONS

Interest rates have increased by 4.00% since May 2022, to 4.10%. The RBA last met on 4 July 2023, where the board decided to leave the cash rate unchanged. The return on Council's investment Portfolio for the 2022-23 Financial year had been revised up from \$1.770M to \$3.972M. Actual interest earned for the financial year amounted to \$4.063M being \$91K better than the revised budget.

The overall cash position as at 30 June was also better than expected due to the receipt of the following funds:

The Commonwealth Financial Assistance grant for 2023-24 was fully paid in advance in the amount of \$3.158M. It was anticipated that 75% of the grant would be received in June. This resulted in approximately \$790K more than anticipated.

Council has also received \$1.8M in advance, from the Department of Planning and Environment on behalf of the Parramatta River Catchment Group. These funds will be spent over the next 4 years.

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 12.4 HOWLEY PARK EAST - APPOINTMENT AS CROWN LAND MANAGER**Reporting Manager Manager Property Strategy and Leasing****Attachments: Nil**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Application be made to NSW Department of Industry – Lands and Water under section 3.3 of the *Crown Land Management Act 2016 (NSW)* for Council to be appointed as Crown Land Manager for Part Lot 7058 / DP94083, also known as Howley Park East.
 2. The General Manager be authorised to execute on behalf of Council any documents associated with the application to NSW Department of Industry – Lands and Water.
-

PURPOSE

The purpose of this report is to seek approval for Council to apply to be appointed the Crown Land Manager of Part of Reserve 500410 – Part Lot 7058 / DP94083, also known as Howley Park East. Management by Council stems from the Crown Lands Management Act 2016 and Council would apply to become the appointed Crown Land Manager to better coordinate planning and management of the site.

EXECUTIVE SUMMARY

This report seeks Council's approval to make formal application to Crown Lands for Council to be assigned Crown Land Manager for the Howley Park East site to facilitate Council's implementation of the Greater Sydney Crown Lands Open Space Activation Program (GSCLOSAP) project to upgrade Howley Park.

Section 377(1)(s) of the *Local Government Act 1993 (NSW)* states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a resolution of Council is required for such purposes.

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

The NSW government is supporting NSW communities through a range of funding programs, including the Greater Sydney Crown Lands Open Space Activation Program (GSCLOSAP). The City of Canada Bay Council successfully applied for funding and entered a Funding Deed with Crown Lands to upgrade Howley Park East to enable it to become a passive recreational area.

A condition of this Deed is for Council to be appointed as Crown Land Manager of the site under section 3.3 of the *Crown Land Management Act 2016*, the site being Part of Reserve 500410 – Part Lot 7058 / DP94083. The grant is for a maximum of \$1,363,636.36 GST exclusive.

Upgrade of Howley Park East

The project proposes a new passive recreation area, with access to the foreshore. The concept attached to the application detailed four key design principals being:

- Open Space
- Connectivity
- Culture and place; and
- Integration

Pending further community consultation, the project will be realised by the construction of a retaining wall, new access points, lookout, turfed terrace, installation of lighting, feature planting and bush regeneration of endemic plant species.



Crown Land Management

Council is responsible for the management of various types of land including operational and community land it owns, and some Crown Reserves.

Crown land is the term given to all land owned by NSW government. Much of this land is dedicated as Crown Reserves with a specific public purpose, often 'Public Recreation'.

Many of these reserves are managed by Council on behalf of the Crown under the Crown Lands Management Act 2016 and in these cases, Council has been appointed as the Crown Land Manager (CLM).

Council will comply with any relevant legislation and procedures in relation to Native Title and Aboriginal land rights and interests when managing Crown land.

Management by Council stems from the Crown Lands Management Act 2016 and, in this case, it is considered that Council's appointment as Crown Land Manager would provide the ability to better coordinate planning and management for the area.

The process for Council being appointed CLM is:

- Council passes a resolution requesting that a reserve be created, and authorising Council to make an application to be considered as the CLM.
- Once Crown received this resolution, they can begin the process of creating the reserve and appointing Council.
- The assessment will consider land use, native title, Aboriginal cultural heritage, impacts on Crown Land, benefits to the community, impact on existing tenures and consistency with CLM Act.
- Once approved, gazettal is undertaken and then the proposal to appoint Council as the CLM needs to be signed off by Council/General Manager.

In terms of the appointment as CLM, the assessment by the Crown needs to address the benefit to the community of Council managing the reserve rather than Crown Land.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

There are no consultation requirements associated with the transfer of Care and Control from Crown Lands to Council

There are no risk considerations associated with this report.

Further Community Consultation is proposed regarding the masterplan for the Upgrade of Howley Park East

FINANCIAL CONSIDERATIONS

A portion of the reserve at Howley Park East will remain under the control of the Department. This portion of land is currently subject to a licence between the Department and the marina operator – Enares P/L. The income derived from the existing licence will remain with the Department as the portion of land is proposed to be excluded from the care and control of Council.

The grant for the Howley Park Upgrade is for a maximum of \$1,363,636.36 GST exclusive.

LEGISLATIVE AND POLICY CONSIDERATIONS

Below is a summary of the sections within the **Crown Land Management Act 2016** and **Local Government Act 1993** that are relevant to the process.

Section 3.3 states the Minister may, by written instrument (an appointment instrument), appoint one or more qualified persons to be Crown land managers for specified dedicated or reserved Crown land. With local Councils being a qualified person under the Act.

In accordance with Section 3.3 of the CLM Act, the Minister may appoint Crown Land Managers for specified dedicated or reserved Crown land by a notice of the Minister published in the Gazette. Council must, as soon as practicable after it becomes the Crown Land Manager of the dedicated or reserved Crown land, assign the land to one or more categories of community land referred to in section 36 of the Local Government Act.

The CLM Act authorises Councils that are appointed Crown Land Manager for dedicated or reserved Crown land to manage the land as if it were public land under the *Local Government Act 1993* (NSW).

Section 377(1)(s) of the Local Government Act 1993 (NSW) (LG Act) states that the making of an application, or the giving of a notice, to the Governor or Minister is a non-delegable function meaning a Resolution of Council is required for such purposes.

13 NOTICES OF MOTION

Nil

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

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 MEMORANDUM OF UNDERSTANDING FIVE DOCK

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

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.
 - (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.
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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.

18 CONFIDENTIAL RESOLUTIONS

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.
