

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, 6 December 2022

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

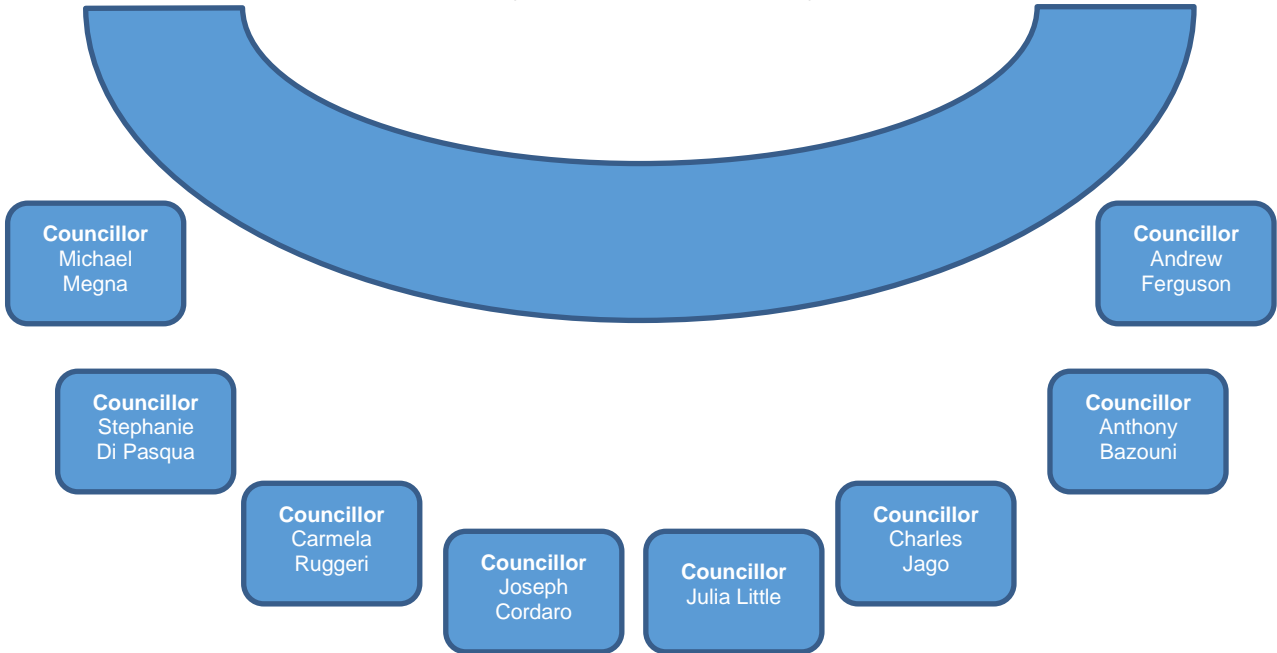


John Clark
General Manager

Melissa Lee Manager Governance & Customer Services	Evan Hutchings Director Corporate Services & Strategy	John Clark General Manager	Mayor Angelo Tsirekas	Monica Cologna Director Environment & Planning	Russell Wolfe Director Community Culture & Leisure	Greig Schuettrumpf 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.

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 6 December 2022
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6.00pm**

Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY.....	5
2	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....	5
3	CONFIRMATION OF MINUTES	5
4	DISCLOSURES OF INTERESTS	5
5	MAYORAL MINUTE(S)	6
	Item 5.1 Mayoral Minute - Iron Cove Bridge Lane Closure	6
6	PUBLIC FORUM	8
7	ITEMS RESOLVED BY EXCEPTION.....	8
8	EXECUTIVE SERVICES DIRECTORATE REPORTS	8
9	COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS	9
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation	9
	Item 9.2 Rhodes Community Committee Minutes - 27 October 2022	17
	Item 9.3 Planning Proposal - 160 Burwood Road, Concord (the Bushells site).....	20
10	CITY SERVICES AND ASSETS DIRECTORATE REPORTS	28
	Item 10.1 Planning Agreement - 160 Burwood Road, Concord (the Bushells site).....	28
	Item 10.2 Powells Creek Flood Study.....	39
	Item 10.3 Barnwell Park Golf Course Draft Plan of Management	43
	Item 10.4 City of Canada Bay Local Traffic Committee Minutes - 17 November 2022	45
11	CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....	47
	Item 11.1 Annual Code of Conduct Complaints Statistics 2021-2022	47
	Item 11.2 Audit Risk and Improvement Committee Minutes - 8 November 2022	52
	Item 11.3 Councillor and Staff Interaction Policy	59
	Item 11.4 Administration of the September 2024 Ordinary Election	71
	Item 11.5 Delegated Authority - Christmas / New Year Recess 2022/23	73
	Item 11.6 Cash and Investments Report for November 2022	74
12	NOTICES OF MOTION.....	77
13	NOTICES OF MOTION OF RESCISSION	77
14	MATTERS OF URGENCY.....	77
15	QUESTIONS WITH NOTICE	77

16	CONFIDENTIAL MATTERS	78
	Item 16.1 Five Dock Bowling Club - Lease to Docapiro Five Dock Pty Ltd - Variation of Lease.....	78
	Item 16.2 Rhodes Recreation Centre - Management Model	78
17	CONFIDENTIAL RESOLUTIONS	80

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 15 NOVEMBER 2022

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 15 November 2022 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 - IRON COVE BRIDGE LANE CLOSURE

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That:

1. The Mayor write to NSW Minister for Transport David Elliott, Member for Drummoyne John Sidoti and Transport for NSW representatives requesting traffic counts and travel time observations be conducted on Victoria Road in peak periods during the Iron Cove Bridge lane closure and following the opening of the new tunnel entry.
 2. The Mayor write to NSW Minister for Transport David Elliott, Member for Drummoyne John Sidoti and Transport for NSW representatives requesting additional priority be given to local traffic attempting to access Victoria Rd via the various traffic signals from Lyons Rd to the Iron Cove Bridge.
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BACKGROUND

I would like to draw Council's attention toward an important local issue impacting residents in Drummoyne and commuters from across our LGA.

Victoria Road is one of Sydney's busiest and most congested transport corridors, yet it is also at the heart of one of our town centres. Issues relating to traffic and congestion, parking and noise pollution have confronted the Drummoyne community for most of its recent history and these issues seem to have almost become insurmountable.

Before 5 November there were four city-bound lanes for traffic from Drummoyne to flow across the Iron Cove Bridge toward Rozelle and the city; three for general traffic and one bus lane. From 5 November one of the city-bound lanes for general traffic was closed in order to construct the WestConnex tunnel entry. The closure will remain in place until late 2023.

As Councillors will be aware, the congestion on Victoria Road in Drummoyne and in surrounding streets was already at unacceptable levels. This lane closure has increased traffic congestion immeasurably during peak periods. It has created more gridlock throughout Drummoyne and on occasions on Lyons Road all the way to Five Dock, having an enormous impact on our residents and businesses.

Concerningly, Council received no official communication about this closure from Transport for NSW except for general community-wide updates, and no detail about mitigation actions or information about support for local business.

In 2017 the City of Canada Bay raised major concerns in our submission responding to the WestConnex M4-M5 Environmental Impact Statement about the traffic impacts and impact on local streets that would result from the introduction of the Iron Cove Bridge tunnel. Our submission specifically advocated for an extension of the proposed tunnel through to Huntleys Point, outlining significant benefits to both our community and for traffic travelling further west.

Last year, Council again supported a Mayoral Minute advocating for the further investigation of an extension of the Rozelle Interchange beyond Drummoyne to ensure that our town centre does not become a freeway merely fit for funnelling traffic into WestConnex.

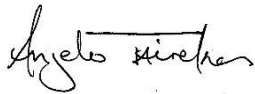
Unfortunately, Council's many calls for action over the past years have been ignored and once again our local community is worse for it.

The current situation is untenable, and the NSW Government and Transport for NSW must come to Council and to our community with solutions to ease the gridlock that is impacting the lives and livelihoods of our residents.

I call on Transport for NSW to conduct traffic counts and travel time observations during peak periods now, and also after the opening of the entry to the WestConnex tunnel in late 2023.

I also call on Transport for NSW to amend traffic signal timing on Victoria Road to provide additional priority to local traffic entering from side streets onto Victoria Road from Lyons Road to the Iron Cove Bridge. This will provide much needed relief for local streets which are completely gridlocked since the lane closure.

The State Government must commit to immediate solutions to these issues and also come to the table with long term solutions for our local Drummoyne community.



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 COMMUNITY AND ENVIRONMENTAL 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 COMMUNITY AND ENVIRONMENTAL 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 November 2022 and 18 November 2022.

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 30 November 2022

The following applications are listed for consideration at the CBLPP meeting to be held on 30 November 2022:

- DA2022/0100 – 340 Victoria Place Drummoyne - Alterations and additions to existing dwelling including new pool and alfresco area within the harbour foreshore area.
- DA2022/0223 – 1 Nullawarra Avenue, Concord – Refurbishment and extension of Registered Club.

Items for CBLPP Meeting on 14 December 2022

The following applications are listed for consideration at the CBLPP meeting to be held on 14 December 2022:

- DA2021/0354 - 43 Burnell Street Russell Lea - Alterations and additions to an existing three storey dwelling.

- DA2022/0280 – 15 Undine Street, Russell Lea - Reconstruction/reinstatement of fire damaged area of the existing dwelling house.

Development Applications – Determined

The following Development Applications have been determined by staff under delegation between 1 November 2022 and 18 November 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0042	10.02.2022	8 Eaton Place, Chiswick	Demolition of existing structures and construction of a two storey attached dual occupancies, plunge pools and strata title subdivision	Approved 03.11.2022
DA2021/0261	27.09.2021	7 Mooculta Street, Russell Lea	Construction of a two storey dual occupancy with basement, swimming pool, driveway and associated landscaping	Approved 04.11.2022
DA2022/0009	10.01.2022	36 Westbourne Street, Drummoyne	Alterations and first floor addition to existing semi-detached dwelling	Approved 04.11.2022
DA2022/0302	31.10.2022	287 Concord Road, Concord West	The strata subdivision of the attached dual occupancies on the two Torrens title allotments	Approved 04.11.2022
DA2022/0206	22.07.2022	37 Tait Street, Russell Lea	Alterations and first floor addition to existing dwelling	Approved 04.11.2022
DA2021/0254	21.09.2021	33 Dorking Road, Cabarita	Demolition of the existing structures and the construction of new multi storey dwelling with swimming pool and associated landscaping	Approved 08.11.2022
DA2022/0265	21.09.2022	7A Melbourne Street, Concord	Construction of two storey dwelling	Approved 08.11.2022
DA2022/0079	16.03.2022	60 Denning Street, Drummoyne	Demolition of existing structures and construction of a new two storey dwelling with basement parking, pool and associated landscaping	Approved 08.11.2022
DA2021/0082	22.04.2021	71 Victoria Road, Drummoyne	Demolition of existing structures, site consolidation and construction of a new mixed use development comprising basement carparking, two (2) retail tenancies, thirty one (31) residential apartments. The proposal incorporates the	Approved – Court

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			removal of three (3) existing driveways and construction of a new driveway accessing the site from Day Street, and approval will be required pursuant to S138 of the Roads Act 1993	
DA2022/0310	09.11.2022	271 Concord Road, Concord West	Strata subdivision of 2 x attached dual occupancies (total 4 dwellings)	Approved 11.11.2022
DA2022/0256	13.09.2022	43 Bouvardia Street, Russell Lea	Construction of a boundary and pool fence	Approved 11.11.2022
DA2022/0212	03.08.2022	411 Lyons Road, Five Dock	Alterations and additions to rear of existing dwelling	Approved 11.11.2022
DA2022/0182	01.07.2022	83 Renwick Street, Drummoyne	Alterations and additions to existing dwelling	Approved 11.11.2022
DA2021/0340	15.12.2021	5 Nelson Road, North Strathfield	A single storey detached dwelling at the northern end of the site to create a detached dual occupancy. All existing structure will be demolished. Minor modification to existing CDC approved under CDC2122003CDC by Beyond Certification	Approved 14.11.2022
DA2022/0220	05.08.2022	39 Bowman Street, Drummoyne	Alteration and additions at rear of existing dwelling	Approved 15.11.2022
DA2022/0166	02.06.2022	18 Brussels Street, North Strathfield	Demolition of existing structures, and construction of an attached two storey dual occupancy with a Strata Title Subdivision, pools, front fences and associated works	Approved 15.11.2022
DA2022/0291	01.11.2022	18 Carrington Street, North Strathfield	Prune Photinia tree located in rear yard	Approved 15.11.2022
DA2022/0150	19.05.2022	5 Mepunga Street, Concord West	Demolish existing garage and replace with new garage and a single carport in front of the garage	Approved 18.11.2022
DA2020/0314	12.11.2020	16 McGrath Avenue, Five Dock	Demolition of the existing structures and the erection of a two-storey dwelling with basement, front fence and a swimming pool	Approved 18.11.2022
DA2021/0338	06.12.2021	4 Curtin Avenue, Abbotsford	Demolition of existing structures on site and	Approved 18.11.2022

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			construction of a new two-storey dual occupancy including associated landscaping, site works and strata subdivision	

Total Number of DAs Determined = 20

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 November 2022 and 18 November 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0259	01.11.2022	6-16 Fairwater Close, Breakfast Point	Pruning a Callery Pear Tree in the courtyard of Lot 9/Apt 109
DA2022/0282	01.11.2022	6 Nirranda Street, Concord West	Removal of four Spotted Gum trees as they are unstable, dropping branches and positioned too close to structures on the property
DA2022/0291	01.11.2022	18 Carrington Street, North Strathfield	Prune Photinia tree located in rear yard
DA2022/0300	01.11.2022	146 Great North Road, Five Dock	Use as a pizza restaurant and trading hours of 7am to 10.30pm Sunday to Thursday, 7am to 11pm Friday and Saturday and the evening preceding a public holiday
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
DA2022/0304	03.11.2022	6 Walker Street, Rhodes	Enclosed outdoor dining area with aluminium frame and PVC blinds
DA2022/0305	07.11.2022	1 Potter Street, Russell Lea	Demolition of existing structures and construction of a two storey dwelling with pool and front and side
DA2022/0309	09.11.2022	71 Clements Street, Russell Lea	Extend the existing first floor balcony at the rear of the existing dwelling
DA2022/0310	09.11.2022	271 Concord Road, Concord West	Strata subdivision of 2 x attached dual occupancies (total 4 dwellings)
DA2022/0311	09.11.2022	63 Byrne Avenue, Russell Lea	Proposed ground floor and first floor alterations and additions to existing dwelling including use of western portion of roof area for a proposed terrace
DA2022/0314	10.11.2022	25 Wilga Street, Concord West	Alterations and additions to rear of existing dwelling with attached garage, front fence, and landscaping
DA2022/0308	11.11.2022	38A Boronia Street, Concord West	First floor addition to existing dwelling house including internal and external alterations

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0320	11.11.2022	89 Parramatta Road, Concord	Installation of an electric vehicle charging station, solar panels, additional panel added to existing pylon sign
DA2022/0318	11.11.2022	16 Clermont Avenue, Concord	Development application seeking the use and completion of an unauthorised carport within the front setback
DA2022/0313	14.11.2022	4 South Street, Drummoyne	Alterations and additions to existing semi-detached dwelling
DA2022/0315	14.11.2022	14 The Parade, Drummoyne	Demolition of existing building, construction of new two storey dwelling with basement parking and plant rooms
DA2022/0312	14.11.2022	6 Dalmeny Avenue, Russell Lea	Alterations and additions to existing dwelling with carport and pool
DA2022/0319	15.11.2022	25 Fairwater Drive, Breakfast Point	New swimming pool (35,000 litres), additions and alterations to the existing house, minor fence changes
DA2022/0321	15.11.2022	17 Lancelot Street, Five Dock	Proposed tandem carport
DA2022/0322	16.11.2022	17 Edenholme Road, Russell Lea	Internal alterations to existing dwelling, new attached double garage and outbuilding to the rear of the property; master bedroom to be extended above the garage, extension includes ensuite and walk-in-wardrobe and has pitched roof form to match approved roof. Extension will be constructed out of materials to match existing; new blade wall to deck and roof over deck area
DA2022/0323	18.11.2022	8A Drummoyne Avenue, Drummoyne	Internal reconfiguration of existing dwelling and two storey alterations and additions to rear of dwelling and rear of detached garage

Total Number of DAs Lodged = 21

Variations to development standards

There were two variations made to a development standard (e.g. Building Height, Floor Space Ratio) for the one development application under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 November 2022 and 18 November 2022:

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2021/0082	71-77 Victoria Road, Drummoyne	Clause 4.3 Building Height	Exceedance is generally limited to a lift overrun, parapet planters, and shade structures that recede from view when observed from the public domain.	4.47metres (22%)	10.11.2022

DA2021/0254	33 Dorking Road, Cabarita	Clause 4.4 Floor Space Ratio	The design responds to the steep topography of the site, foreshore setback, and will be consistent with adjoining development.	45.8m ² (7.5%)	8.11.2022
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Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 18 November 2022:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0167	34 Bayview Road, Canada Bay	Class 1 Appeal against the deemed refusal of the Demolition of existing structures and construction of a 48-place childcare facility, basement parking for 12 vehicles	Matter relisted for hearing on 13 and 14 December 2022. Previous September dates vacated due to Public Holiday
DA2021/0290	25 Abbotsford Parade, Abbotsford	Class 1 Appeal against the deemed refusal of the development application for Major alterations and additions existing dwelling	Agreement reached between the parties on amended plans, application approved by the Court
DA2021/0082	71-75 Victoria Road, Drummoyne	Class 1 Appeal against the deemed refusal of the development application for: Demolition of existing structures, site consolidation and construction of a new mixed use development comprising basement carparking, two (2) retail tenancies, four (4) live/work tenancies and twenty-nine (29) residential apartments. The proposal incorporates the removal of three (3) existing driveways and construction of a new driveway accessing the site from Day Street, and approval will be required pursuant to S138 of the Roads Act 1993	Agreement reached between the parties on amended plans, application approved by the Court
DA2021/0179	2 Swan Avenue Strathfield	Class 1 Appeal against the deemed refusal of the development application for: Demolition of the existing dwelling house and associated structures and construction of a three (3) storey x eighteen (18) room boarding house (incl. Manager's room) with parking for one (1) car, four (4)	Council awaiting submission of amended plans following recent conciliation conference

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		motorcycles and four (4) bicycles under <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	
DA2022/0065	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Change of use external area and extension of opening hours at the Illinois Hotel	Council awaiting submission of amended plans following recent conciliation conference
DA2022/0095	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Alterations and Additions to existing Pub "The Illinois Hotel"	Council awaiting submission of amended plans following recent conciliation conference
DA2021/0218	41 St Georges Crescent, Drummoyne	Class 1 Appeal against the refusal of the development application for alterations and additions to a heritage listed dwelling	Awaiting judgement by the Commissioner
DA2021/0254	33 Dorking Road, Cabarita	Class 1 Appeal against the deemed refusal of the development application for alterations and additions to a dwelling house	Agreement reached on amended plans, application approved under delegation, appeal discontinued.
DA2022/0039	53 Davidson Avenue, Concord	Class 1 Appeal against the deemed refusal of the development application for the construction of a new two-storey dwelling	Agreement reached on amended plans, application approved under delegation, appeal discontinued.
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. Applicant has advised that they are preparing amended plans in response to the matters raised during the proceedings.
DA2022/0016	13 Collingwood Street, Drummoyne	Class 1 appeal against the deemed refusal of development application for alterations and additions to a contributory dwelling in a heritage conservation area	No agreement reached at conciliation conference awaiting amended plans from the applicant
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	Matter listed for conciliation conference 3 February 2023

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		proposed new boarding house with 29 rooms and a manager's room	
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	Matter listed for conciliation conference 1 and 2 February 2023
DA2022/0116	134-140 Tennyson Road, Mortlake	Class1 appeal against the deemed refusal of development application for demolition of the existing site structures including tree removal, construction of a 4-storey residential flat building of 20 x 3-bedroom apartments, basement carparking for 44 vehicles (40 residential and 4 visitor spaces) access via a ramp to Palace Lane. concurrently with the application is a voluntary planning agreement for the creation of 8metre wide public foreshore access.	Matter listed for conciliation conference 19 December 2022
DA2021/0096	7 Burnell Street, Drummoyne	Class1 appeal against the refusal of development application for alteration and extension to existing residential dwelling	Matter listed for conciliation conference 16 and 17 February 2023
DA2022/0253	19 Warsaw Street, North Strathfield	Class 1 appeal against the deemed refusal of development application for the construction of a dual occupancy	Matter listed for conciliation conference 8 and 9 March 2023

Of the above 16 listed matters before the Land and Environment Court, there are currently 12 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.

ITEM 9.2 RHODES COMMUNITY COMMITTEE MINUTES - 27 OCTOBER 2022**Reporting Manager** Manager Place Management**Attachments:** 1. **Rhodes Community Committee Meeting Minutes - 27 October 2022** [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That the minutes of the meeting of the Rhodes Community Committee held 27 October 2022 be received and noted.

PURPOSE

This report contains the minutes of the 2022-2024 Rhodes Community Committee meeting (attached), that was held on Thursday 27 October 2022.

REPORT

This report provides Council with the Rhodes Community Committee minutes from the meeting held on 27 October 2022.

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 1: Creative vibrant local village centres and community hubs
- Goal VUL 3: Promote the City as an attractive, welcoming place to do business
- Goal VUL 4: Ensure the built environment respect the unique neighbourhood character and responds deftly to evolving community needs
- Goal VUL 2: Improve access to local art, culture and creative activities
- 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

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

Rhodes Community Committee 2022-2024

When:	Thursday 27 October 2022, 6-8pm
Where:	Event Space 1, The Connection, Rhodes
Chair:	Deputy Mayor. Clr Stephanie Di Pasqua
Attendees:	Harvey Baden, Christopher Castley, Sean (Hsuan-Hua) Chang, Geoff Coffill, Rameses Florentino, Elizabeth Golez, Jing Hong, John Kipritidis, Trevor Oates, Nathan Connor, Monita Patel, Uma Srinivasan, Chiral Yadava, Monica Cologna Director Community & Environmental Planning
Guest Presenters:	Belinda Koytz, Manager Sustainability & Waste and Flavia Evans, Coordinator Resource Recovery Officer (Strategic)
Apologies:	Mayor Angelo Tsirekas, Clr. Andrew Ferguson, Ruiqi Hu, Daniel (Kye-Ho) Yi, Nazia Zabin
Minute Taker:	Saskia Vromans Place Manager Rhodes

Meeting Minutes:

No.	Item	Details		
1.	Acknowledgement of Country	Acknowledgement of Country completed by Chair		
2.	Declaration of Pecuniary Interests	None declared		
2.	Apologies	Mayor Angelo Tsirekas, Clr. Andrew Ferguson, Ruiqi Hu, Daniel (Kye-Ho) Yi , Nazia Zabin		
3.	Previous Minutes:	Item	Action	Status
		Move next RCC meeting from 24 November to earlier date	Final RCC meeting of 2022 moved to 27 October.	Completed
		Previous minutes	Accepted	Completed
4.	Guest Presentation:	<p>Belinda Koytz and Flavia Evans from Council's Sustainability and Waste team presented on the strategic update for the Bulk Household and Food Organics Garden Organics (FOGO) Trial. Presentation outlined the goals of the Bulk House trial, including overview of current service provisions, challenges, comparison to other council services and results of the initial Bulk Household Trial, including feedback from Building Managers, Strata and residents. Next steps, evaluate trial interventions, design fair and equitable solution for contract 2025, improve resource recovery and reduce waste to landfill. FOGO trial to commence on 28 October 2022 for Friday waste collection zone. 21 buildings confirmed in the trial. 1600 households invited to join the FOGO trial. Strong support from residents. Full details of the FOGO trial can be found at the website collaborate.canadabay.nsw.gov.au/rhodesfogotrial</p> <p>Copy of presentation to be provided to RCC members for reference.</p>		

5.	Place Management Update	<p>Quarterly progress update provided by Saskia Vromans, Place Manager Rhodes</p> <p>Events: Rhodes Moon Festival, Business Connect Networking event Community Consultation: Reimagining Lunar New Year Works in Progress: Cumulus, Foreshore Lighting upgrade, Christmas Program, Lunar New Year, Rainbow Pathway Rhodes Action Group community meeting 26 October 2022: Factual clarification provided on 5 key matters raised at meeting including the Rhodes recreation Centre, Stage 2 Station precinct, private pool, Annie Leggett Promenade desire line complexities, Marquet Street Pedestrian crossing and the Walker Street Footbridge.</p> <p>Coming Up Next: Reconciliation Action Plan meet up for first nations; 80th Anniversary of Kokoda Track campaign 3 November; Rhodes Peninsula Place Plan Review community engagement from 24 October to 18 December 2022. Place Audit assistance requested of each RCC member.</p> <p>JH provided update from the Rhodes Moon Festival, thanking Council and praising all the partners, performers and volunteers involved.</p> <p>RF provided update from Neighbourhood Watch and the Burwood Police Community Safety Precinct Committee Meeting. Rhodes is still a very safe area. Feedback from residents has been positive. HB commended RF on advocacy, higher presence of police in Rhodes.</p> <p>CC provided update from the Rhodes Action Group community meeting with Billbergia.</p> <ul style="list-style-type: none"> - Copy of presentation to be provided to RCC members for reference. - Collaborate Canada Bay webpage link to be provided for the Rhodes Recreation Centre
6.	Walker Street Footbridge	<p>Monica Cologna provided update on the status of this project from Council's perspective. Council development approval completed for the footbridge. Leasing negotiations in progress. Delivery finalisation of the footbridge is between Billbergia and Transport Asset Holding Entity (TAHE)</p> <ul style="list-style-type: none"> - CC requested TAHE contact details for community advocacy.
	Next Meeting	Thursday 23 February 2023, 6-7:30pm
	Close	

ITEM 9.3**PLANNING PROPOSAL - 160 BURWOOD ROAD, CONCORD (THE BUSHHELLS SITE)**

Reporting Manager Senior Strategic Planner

Attachments:

1. Planning Proposal - 160 Burwood Rd Concord (as exhibited) *(Provided in Attachment Booklet)* [⇨](#)
2. LEP maps (revised post-exhibition) *(Provided in Attachment Booklet)* [⇨](#)
3. Report on submissions *(Provided in Attachment Booklet)* [⇨](#)
4. Urban Design Review by Council *(Provided in Attachment Booklet)* [⇨](#)
5. DCP-03_Part-B-General-Controls *(Provided in Attachment Booklet)* [⇨](#)
6. DCP-12_Part-K-Special-Precincts_Former-Bushells-Factory *(Provided in Attachment Booklet)* [⇨](#)
7. Survey *(Provided in Attachment Booklet)* [⇨](#)
8. Urban Design Report *(Provided in Attachment Booklet)* [⇨](#)
9. Concept Plan, Analysis and SEPP 65 Certification *(Provided in Attachment Booklet)* [⇨](#)
10. Landscape Master Plan *(Provided in Attachment Booklet)* [⇨](#)
11. Public Domain Plan *(Provided in Attachment Booklet)* [⇨](#)
12. Traffic Impact Assessment *(Provided in Attachment Booklet)* [⇨](#)
13. Aboricultural Development Assessment Report (revised post-exhibition) *(Provided in Attachment Booklet)* [⇨](#)
14. Heritage Listing Nomination Report *(Provided in Attachment Booklet)* [⇨](#)
15. Heritage Significance Assessment *(Provided in Attachment Booklet)* [⇨](#)
16. Heritage Response to Local Planning Panel *(Provided in Attachment Booklet)* [⇨](#)
17. Statement of Heritage Impact *(Provided in Attachment Booklet)* [⇨](#)
18. Facade Report *(Provided in Attachment Booklet)* [⇨](#)
19. Draft Letter of Offer *(Provided in Attachment Booklet)* [⇨](#)
20. Affordable Housing Contribution Scheme *(Provided in Attachment Booklet)* [⇨](#)
21. Economic Impact Assessment *(Provided in Attachment Booklet)* [⇨](#)
22. Retail Demand Assessment *(Provided in Attachment Booklet)* [⇨](#)
23. Aboriginal Due Diligence Assessment *(Provided in Attachment Booklet)* [⇨](#)
24. Contamination Assessment *(Provided in Attachment Booklet)* [⇨](#)
25. Additional Contamination Assessment *(Provided in Attachment Booklet)* [⇨](#)
26. Preliminary Geotechnical Investigation *(Provided in Attachment Booklet)* [⇨](#)
27. Additional Geotechnical Investigation *(Provided in Attachment Booklet)* [⇨](#)
28. Sustainability Strategy *(Provided in Attachment Booklet)* [⇨](#)
29. Social Infrastructure and Community Uses Demand Assessment *(Provided in Attachment Booklet)* [⇨](#)
30. Flood Report (revised post-exhibition) *(Provided in Attachment Booklet)* [⇨](#)
31. Detailed Site Investigation (Round 1) *(Provided in Attachment Booklet)* [⇨](#)

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. Council notes the Report on Submissions at Attachment 3 and the Urban Design Review at Attachment 4.
 2. That the Planning Proposal – 160 Burwood Road, Concord at Attachment 1 be submitted to the Department of Planning and Environment for making as a Local Environmental Plan, subject to the following amendments:
 - (a) The Land Use Zones being consistent with the proposed Land Zoning Map at Attachment 2.
 - (b) The maximum building heights being consistent with the proposed Height of Building Map at Attachment 2.
 - (c) The maximum Floor Space Ratio being consistent with the proposed Floor Space Ratio Map at Attachment 2 with the LEP including a bonus 0.15 Floor Space Ratio where the Central Roasting Hall is retained and adaptively reused.
 - (d) The Local Heritage Listing being consistent with the proposed Heritage Map at Attachment 2.
 - (e) The Foreshore Building Line being consistent with the proposed Foreshore Building Line Map at Attachment 2.
 - (f) Reduction of the minimum amount of non-residential floor space from 10,000sqm to 7,500sqm.
 - (g) Additional permitted uses to be limited to office premises, shops, restaurants and cafes within the proposed R3 Medium Density Residential zone.
 - (h) Reduce the Affordable Housing Contribution from 10% to 7%.
 3. The draft Development Control Plan at Attachments 5 and 6 be adopted and come into effect upon the gazettal of the Local Environmental Plan.
 4. The draft Affordable Housing Contribution Scheme at Attachment 20 be adopted and come into effect upon the gazettal of the Local Environmental Plan.
 5. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal and draft Development Control Plan prior to finalisation.
-

PURPOSE

To report on the outcome of the public exhibition of the Planning Proposal for 160 Burwood Road, Concord and to seek endorsement to submit the Planning Proposal to the Department of Planning and Environment (DPE) for finalisation.

EXECUTIVE SUMMARY

A Planning Proposal has been prepared to amend the planning controls at 160 Burwood Road, Concord by amending the *Canada Bay Local Environmental Plan 2013* (LEP). The Planning Proposal is seeking to facilitate urban renewal of industrial land into a mixed-use development comprising residential, retail/commercial (including light industrial uses) and recreational uses.

The Planning Proposal was publicly exhibited from 10 June 2022 to 08 July 2022 (28 days), in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Gateway Determination dated 31 October 2021. 187 submissions were received during the public exhibition.

Issues raised in submissions have been comprehensively assessed and an independent Urban Design Review undertaken to investigate these issues. The Urban Design Review assessed the key urban design issues, giving specific consideration to whether the proposed layout, massing and built form of the proposed development provide an appropriate response for the location and surrounding context of the site. The Urban Design Review recommends various amendments to the proposal.

To comply with the conditions of the Gateway determination, the Planning Proposal needs to be submitted to DPE to be finalised before 28 February 2023.

It is recommended that the Planning Proposal be amended as per the recommendations of the Urban Design Review and the Submissions Outcome Report and submitted to DPE for finalisation. It is also recommended that the amended draft Development Control Plan and the amended draft Affordable Housing Contribution Scheme 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

A Planning Proposal was originally lodged with Council on 30 July 2018. The applicant was advised of various issues that should be addressed prior to the progression of the Planning Proposal.

Amended plans were submitted on 7 February 2019, which were the subject of a report to the Local Planning Panel on 6 June 2019. The Local Planning Panel provided advice about the proposal.

On 18 June 2019, Council considered a report on the Planning Proposal and resolved that it be deferred until after a meeting with representatives of the community to workshop key issues, and a subsequent Councillor workshop. The community representatives' workshop was held on 24 July 2019 and the outcome of the workshop was presented at a Councillor Briefing.

On 15 October 2019, Council resolved to forward the Planning Proposal, as amended to address the recommendations of the Canada Bay Local Planning Panel and the Residents Workshop – Outcomes Report, to DPE for a Gateway determination.

However, prior to submission of the Planning Proposal to DPE, the proponent lodged an application for a Gateway Review on the basis that Council had not made a decision within 90 days of its submission to Council.

The Planning Proposal was then amended to address certain matters raised by the Local Planning Panel and was assessed by the Eastern City Planning Panel (the Panel) on 31 March 2020. The Panel recommended that the Planning Proposal should proceed to a Gateway determination.

A Gateway determination was issued in October 2021 and this is discussed later in this report

The Planning Proposal

The Planning Proposal is seeking to:

- Rezone the subject site from the existing IN1 General Industrial land zone to part B1 Neighbourhood Centre, part R3 Medium Density Residential, and part RE1 Public Recreation;
- Amend Part 6 Additional Local Planning Provisions of the Canada Bay LEP to:
 - Apply a Foreshore Building Line to the portion of the site proposed to be zoned RE1 Public Recreation; and
 - Introduce a development standard for the site which sets out a minimum provision of 10,000m² GFA for non-residential uses, of which a minimum 3,000m² GFA shall be light industrial uses.

- Amend Schedule 1 Additional Permitted Uses to permit "Commercial premises" within that part of the site proposed to be zoned R3 Medium Density Residential;
- List the Former Bushells Factory Building as an item of Local Heritage in the Canada Bay LEP;
- Increase the maximum height of buildings from 12m to various heights across the site ranging from 12m (3 storeys) to 21m (6 storeys), plus a height for the Central Roasting Hall that is the same as the existing height (RL 46.6).
- Increase the maximum FSR from 1:1 to 1.25:1, comprising a range of FSRs for different blocks across the site of 1.15:1, 1.85:1, 2.1:1, 2.2:1 and 3.05:1.
- The key changes from the original planning proposal are shown in the table below.

	Date of planning proposal version					
	June 2017 Refused	July 2018	Feb 2019	Sept 2019	June 2020 Gateway Review	May 2022 The subject Planning Proposal
Zoning	B4 Mixed Use		B1 Neighbourhood Centre; R3 Medium Density Residential; RE1 Public Recreation			
Height	121.5m	12m, 22m, 25m, 46m	12m, 16m, 21m, 24m and 30m. RL 46.6 to reflect existing roof height of Central Roasting Hall		12m, 15m, 17m, 18m, and 21m. RL 46.6 to reflect existing roof height of Central Roasting Hall	
FSR	1.95:1	1.6:1	1.5:1	1.25:1	1.25:1, comprising 1.13:1, 1.81:1, 2.1:1, 2.4:1 and 2.74:1	1.25:1, comprising 1.15:1, 1.85:1, 2.1:1, 2.2:1 and 3.05:1
Additional local provisions	No change				Foreshore Building Line in RE1 zone. Minimum 10,000m ² GFA for non-residential uses, of which a minimum 3,000m ² GFA for light industrial uses	
Additional permitted uses	Boat sheds, jetties, moorings, water recreation structures	Multi-unit dwellings	Light Industries in the R3 zone	No change	Commercial Premises in the R3 zone	
Schedule 5 Environmental Heritage	No change			Former Bushells Factory Building		

Assessment by the Eastern City Planning Panel

The Panel recommended certain conditions be attached to the Gateway determination:

1. Light industrial (IN2) uses be permissible on the site.
2. A minimum provision of non-residential uses of 10,000 sqm be provided, with a minimum of 3,000 sqm to be provided for 'urban services' (aka light industrial uses)
3. Satisfactory arrangements made to allow for the maintenance on the site of:

- Minimum of 8,900 sqm of Public Open Space
 - Minimum of 10% affordable housing to be provided in perpetuity
4. A DCP be prepared/exhibited and include certain urban design, landscaping, sustainability and heritage criteria.

Gateway determination

The current Planning Proposal responds to the Gateway conditions issued by DPE on 31 October 2021. The major changes required by the Gateway were that, prior to public exhibition, the planning proposal was to be revised to:

- a. Include provisions to ensure spatial needs of light industry uses are addressed, including requirements for light industry to be located on the lower and upper ground floor levels of the Central Roasting Hall, and appropriate floor-to-ceiling heights.
- b. Update the draft DCP to address the spatial needs of light industrial uses as well as detailed design considerations such as floor to ceiling height spans, loading docks and vehicle access/parking, vehicle circulation, waste disposal, storage and service areas/ corridors, etc.

Draft Development Control Plan

A draft Development Control Plan (DCP) has been prepared to complement the planning proposal. The draft DCP includes guidance that will need to be considered by proponents, Assessment Officers and Consent Authorities when considering future development applications.

Draft Affordable Housing Contribution Scheme

A draft Affordable Housing Contribution Scheme (AHCS) has been prepared that amends Council's current AHCS, incorporating the affordable housing rate recommended by feasibility testing commissioned by Council. The independent feasibility test assessed different affordable housing rates and recommended an affordable housing contribution rate of 7%. Factors that have influenced the recommended rate include:

- Industrial property prices having increased as a result of uplift in value of industrial uses, narrowing the development site value.
- Revenue potential having improved. The downsizer market is particularly strong, with recent evidence that buyers are willing to pay premium prices for a premium product, including waterfront properties in Concord.
- Construction costs having increased, but not as much as revenue potential for waterfront housing.
- The residential GFA having decreased slightly since 2019, when the current AHCS was tested and which included additional non-residential GFA requirements. All things being equal, residential is currently generally more valuable than non-residential uses.

Public Exhibition

The planning proposal and supporting information was publicly exhibited from 10 June to 08 July 2022 (28 days), in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and the Gateway Determination dated 31 October 2021.

A notification letter was sent to 2,317 landowners and residents and 11 State Government agencies.

A total of 187 submissions were received during the exhibition period, including 5 from government agencies.

Review of submissions

The primary issues raised in submissions related to:

- Density, scale and height

- Traffic
- Transport and cycleways
- Parking
- Heritage
- Environmental impacts
- Natural environment
- Open space
- Services and facilities
- Ownership and maintenance of foreshore
- Development Control Plan (DCP)

All issues raised in submissions have been comprehensively assessed. Refer to [Attachment 3 - Report on Submissions](#) for a summary of issues raised and response.

The post-exhibition review also included an independent Urban Design Review commissioned by Council, to provide objective feedback about various aspects that had urban design implications (refer [Attachment 4 – Urban Design Review](#)). The recommendations of the Urban Design Review informed responses to issues raised in submissions and changes to the planning proposal.

It is recommended that Council endorse the planning proposal for finalisation subject to recommended changes being made prior to submission to DPE, including the following key changes:

- Relocate the proposed B1 Neighbourhood Centre zone and the light industrial uses internally within the site, to activate the waterfront and respect the low-density residential character of Burwood Road.
- Reduce the minimum amount of non-residential floor space to be provided on site from 10,000sqm to 7,500sqm.
- Limit additional permitted uses to office premises, shops, restaurants and cafes within the R3 Medium Density Residential zone.
- Amend the maximum building heights to ensure the proposed number of storeys is not exceeded.
- Revise the maximum Floor Space Ratio (FSR) map to include block by block maximum FSRs and with an additional bonus 0.15:1 Floor Space Ratio permissible for Block 4, the Central Roasting Hall, if it is retained and adaptively re-used. This will provide further incentive to retain and protect the building. The recommended Floor Space Ratios arise from an amended site layout that reduces the overall building depths, accommodates balconies within the building envelopes, increases building setbacks and introduces upper storey setbacks.
- Introduce a new LEP clause that limits the maximum FSR for the whole site to 0.96:1, plus the additional bonus FSR of 0.15:1 for retention and adaptive re-use of the Central Roasting Hall. This gives a total of 1.11:1 FSR, down from the proposed 1.25:1.
- Amend the LEP Heritage Map to strengthen the 'landscape garden setting' for the Central Roasting Hall.
- Adjust the Foreshore Building Line so that it follows the outer edge of the building footprint facing Exile Bay.
- Reduce the Affordable Housing Contribution from 10% to 7%, as recommended by feasibility testing undertaken by Council.

It is also recommended that Council endorse the revised draft Development Control Plan, which includes the following key changes:

- Reduction of the depth of the 5 and 6 storey buildings along the eastern boundary and setback the uppermost floor to minimise the overshadowing impact and visual bulk.
- Increased setback of buildings fronting Massey Park Golf Course from 3.0m to 4.5m.
- Reduction of overall building depths to accommodate balconies within building envelopes and avoid encroachments into side setbacks.
- Strengthen controls in relation to overlooking and privacy and include controls that permit common open space on roof tops only if the area does not adversely impact adjoining residents.
- Increased building separation distances where they do not achieve the minimum criteria set out in the *Apartment Design Guide*.
- Modified footprint of building W1 (north-western corner of the site) to minimise the encroachment over the proposed road over Massey Park Golf course.
- Inclusion of a definition for 'landscaped setting' and reduce the building footprints of buildings to the south of the Central Roasting Hall to ensure that the 'Factory in a Garden' setting is retained. Also, strengthen the detailed objectives, controls and provisions for the conservation, adaptive reuse and interpretation of the heritage item.
- Reconfiguration of the proposed basement ramps of the three-storey terraces along Burwood Road to ensure each terrace is provided with the required private open space.
- Inclusion of additional controls to minimise the impact of light industrial uses on site, including acoustic mitigation measures.

Conclusion

The planning proposal for 160 Burwood Road, Concord (the Bushells site) was publicly exhibited and submissions received have been assessed. An independent Urban Design Review of the planning proposal has assessed the urban design implications including those arising from feedback received in submissions, and has recommended changes that would improve the proposed layout, massing and built form of the development given the location and context of the site.

The accompanying draft DCP has been revised to respond to recommendations in the Urban Design Review and matters raised in submissions. The draft Affordable Housing Contribution Scheme has been revised to respond to feasibility testing that recommends an affordable housing contribution rate of 7%.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment for finalisation, subject to the changes outlined in the Report on Submissions and the Urban Design Review; and the draft DCP and draft Affordable Housing Contribution Scheme be adopted.

TIMING AND RISK CONSIDERATIONS

Gateway determination

The Gateway Determination requires that the Planning Proposal be finalised before 28 February 2023. Council is not the local plan-making authority to make the LEP, and the Department of Planning and Environment will be responsible for making the final LEP. Council should therefore be cognisant of the deadline to finalise the LEP specified by DPE. To meet this deadline, Council would need to submit the Planning Proposal to DPE, allowing sufficient time for the plan to be made prior to 28 February. It is noted that the plan making stage usually requires approximately 6 weeks. Should Council wish to proceed with the Planning Proposal as per the report recommendation, it is also recommended that Council make a decision about the draft Planning Agreement. Council typically

requires registration of a Planning Agreement on the title of the land to which it applies, to ensure delivery of the public benefits outlined in the Planning Agreement. There is a significant risk for Council if it were to proceed with the Planning Proposal without proceeding with an associated Planning Agreement, as once a Planning Proposal is finalised (gazetted), then Council's ability to seek public benefits associated with land value uplift is lost.

Should Council delay submitting the planning proposal to DPE for any length of time, DPE may choose to finalise the plan without further involvement from Council. In this circumstance, Council would lose the opportunity to influence the form of the final plan.

Foreshore park

The proposed RE1 Public Recreation zoning and dedication to Council of the foreshore park is the only reliable means to ensure Council is able to maintain control of future uses of this public space in perpetuity, including for landscaping, bushcare and regeneration, litter and rubbish removal, graffiti removal etc. An alternative ownership scenario via a public easement over the land will not provide Council or the community with the same level of certainty over how the land is managed into the future, as all future activities and management of the land will be limited to those listed on the Land Title, and/or that are decided by the relevant Strata Committee/Community Association. That is, unless Council is the owner of this land, it will have no ability to influence uses that are not envisaged at the time of registration of the easement/restriction or that emerge as necessary or desirable in the future.

FINANCIAL CONSIDERATIONS

A future development will be subject to the Canada Bay Local Infrastructure Contribution Plan and the Canada Bay Affordable Housing Contribution Scheme.

The Planning Proposal and associated Contribution Plans will ensure that appropriate measures are in place to provide local infrastructure that complements the planned increase in population.

A draft Planning Agreement has also been prepared and exhibited that will be considered separately to the Planning Proposal.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal has been reviewed in accordance with the Canada Bay Local Strategic Planning Statement (LSPS) and the Canada Bay Local Housing Strategy (LHS).

Once finalised, the Planning Proposal will amend the *Canada Bay Local Environmental Plan 2013* and the adopted Development Control Plan and Affordable Housing Contribution Scheme will come into effect upon gazettal of the LEP.

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

ITEM 10.1 PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (THE BUSHHELLS SITE)

Reporting Manager Manager Buildings and Property

Attachments:

1. Attachment 1 - Key issues table [↓](#)
2. Attachment 2 - Risk Assessment [↓](#)

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

Option 1:

Should Council, at this meeting, not support the Planning Proposal for 160 Burwood Road, Concord, it is recommended that Council resolves as follows:

That consideration of this matter be deferred and brought back to Council for further consideration, if required;

Option 2:

Should Council, at this meeting, determine that it will request the Minister for Planning to make the local environmental plan proposed by the Planning Proposal, it is recommended that Council resolves as follows:

That:

1. *Council endorses and approves the Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay and New Concord Development Pty Ltd, as shown at Attachment 1.*
 2. *Authority be delegated to the General Manager to execute the Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay and New Concord Development Pty Ltd and sign all documents necessary to register the Draft Planning Agreement on the title to the land to which it relates.*
-

PURPOSE

The purpose of this report is to seek Council's endorsement and approval to enter into the Draft Planning Agreement (VPA) for 160 Burwood Road, Concord (the Bushells site) as exhibited.

EXECUTIVE SUMMARY

On 15 October 2019 Council resolved to forward a Planning Proposal for 160 Burwood Road Concord, to the Department of Planning, Industry and Environment for Gateway determination. The Planning Proposal was issued Gateway Determination on 31 October 2021 and progressed to public exhibition from 10 June to 8 July 2022.

On 19 May 2020 Council resolved that delegation be granted to the General Manager to negotiate the terms of any Planning Agreement. The Draft VPA between the City of Canada Bay (Council) and New Concord Development Pty Ltd (Developer) has subsequently been negotiated and achieves a public benefit associated with delivery and dedication of the new Foreshore Park, and the provision of publicly accessible open space within the development, with further developer works to be affected through conditions of consent relating to any Development Application.

On 16 August 2022 Council resolved to place the Draft VPA for 160 Burwood Road, Concord on public exhibition. The Draft VPA was exhibited between 20 September 2022 and 28 October 2022 and received 47 submissions.

This report seeks Council’s endorsement and approval to enter into the Draft VPA for 160 Burwood Road, Concord (the Bushells site) as exhibited, if Council determines to request that the Minister for Planning make the local environmental plan proposed by the Planning Proposal.

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

BACKGROUND/DISCUSSION

On 15 October 2019, Council resolved to forward a Planning Proposal for 160 Burwood Road, Concord, known as the ‘Bushell’s site’ and comprising Lot 5 in DP129325, Lot 2 in DP230294, Lot 398 in DP 752023 and Lot 399 in DP 752023 (Subject Land) to the Department of Planning, Industry and Environment for Gateway determination.

The Subject Land has a land area of 39,440 square metres and is currently zoned Industrial (IN1) as shown located at Diagram 1 below.



Diagram 1- Location Plan

The Planning Proposal

On 19th May 2020 Council resolved to accept the role as Planning Proposal Authority and a Gateway Determination was issued on 31 October 2021. The key changes to the current planning controls proposed within the Planning Proposal (relevant to the VPA) are referenced at Table 1 below.

The Planning Proposal was placed on public exhibition from 10 June to 8 July 2022 and is subject to a separate Council report, recommending further amendments to the planning controls as shown at Table 1 below.

	Existing	Proposed	Recommended by Council
FSR	1:1	1.25:1	1.11:1
Non-residential sqm	NA	10,000 (3,000 for Light Industrial)	7,500 (3,000 for Light Industrial)
Zoning	IN1 General Industrial	B1- Neighbourhood Centre, R3 -Medium Density Residential, RE1- Public Recreation;	B1- Neighbourhood Centre, R3 -Medium Density Residential, RE1- Public Recreation;
Affordable Housing Contribution	NA	10% of Gross Floor Area (GFA)	7% of GFA

Table 1- Key planning control amendments relevant to the VPA

A Draft VPA has now been negotiated in consideration of the proposed amendments to the planning controls listed at Table 1 and seeks value for money through the delivery of the following public benefits:

1. Dedication of the New Foreshore Park (subject to the renewal of the seawall and remediation of the park to the satisfaction of Council), as shown at Diagram 2; and
2. Embellishment of the New Foreshore Park; and
3. Registration of an easement over the Public Domain Land to enable public access to the open space, as shown at Diagram 2.

Whilst an Affordable Housing contribution is not a direct public benefit within the Draft VPA it is considered a public benefit that affects this site, and the value of this contribution needs to be taken into account when determining value for money as outlined in this report.

This Draft VPA has now been exhibited. The Developer has executed a copy of the Draft VPA. If Council resolves to enter into the Draft VPA, it can proceed directly to executing it, at which time it will come into effect.

If Council determines not to support the Planning Proposal, and if the Planning Proposal does not proceed, then there is no need for the Draft VPA. However, as the Minister for Planning is the local plan making authority in respect of the Planning Proposal, it is possible that the Minister could determine to make the local environmental plan proposed in the Planning Proposal, and if that occurred, it is in Council's interests for the Draft VPA to be entered into.

It is therefore recommended that if Council does not support the Planning Proposal, but subsequently the Minister for Planning proceeds to make the local environmental plan contemplated by the Planning Proposal, Council should reconsider the Draft VPA. Again, as the Developer has already executed a copy of the Draft VPA, if Council resolved to enter into the Draft VPA, it could immediately execute it and it would come into effect.

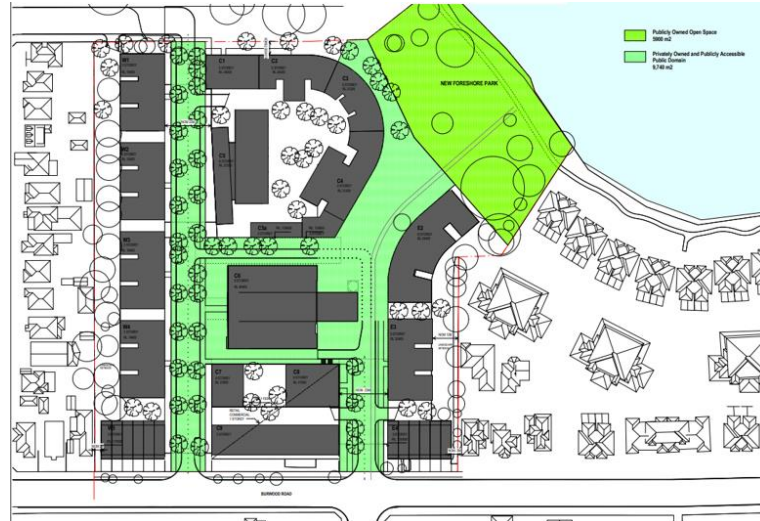


Diagram 2- Proposed public and private open space

Affordable Housing Contributions Scheme (AHCS)

Affordable housing contributions seek to capture a share of the value uplift that is created when development consent is granted for residential development. The Draft VPA also seeks to capture a share of the value uplift created by a change in planning controls which permits additional development. For these reasons, it is considered reasonable to acknowledge the contribution that will be made towards affordable housing when negotiating the Draft VPA.

The Affordable Housing Contributions permissible under the AHCS are applicable regardless of the Draft VPA and are being amended as part of the Planning Proposal.

Public Consultation

The Draft VPA was placed on public exhibition from 20 September 2022 to 28 October 2022.

The public consultation consisted of the following:

- Exhibition on Council’s Collaborate page – 273 visits
- Notification letter- 2165 letters sent

Submissions

Council received a total of 47 submissions. These submissions are provided at Attachment 1. The items raised within these submissions are listed in the issues paper, shown at Attachment 1. Four Key themes were identified and are outlined at Table 2 below.

Theme	Issue raised	Council response
Theme 1. The Park being dedicated to Council	<ul style="list-style-type: none"> - The park is not a public benefit. - Council should not own the park, or the sea wall. The public should have access and the land be maintained by the complex in line with adjoining complexes 	<ul style="list-style-type: none"> • The provision of new open space is supported by both local and district planning strategies and the proposed park on this site has been found to have merit by the Local Planning Panel, the Regional Planning Panel and Council’s urban design consultant. • The proposed new park will have an area of 5,904 sqm, is north facing and fronts to Exile Bay. The location and orientation of the park will have a high level of amenity for local residents by providing opportunities for passive recreation, ie. green space, picnics, dog walking, play.

		<ul style="list-style-type: none"> • This park will complement the green link along the foreshore, leading to the Massey Park Golf Course and align with the principles within the Canada Bay Foreshore Access Strategy. • The City of Canada Bay has many areas of open space located on the foreshore of the Parramatta River. The majority of this open space is in the ownership of Council or the Crown. It is therefore not uncommon for Council to be the owner of local parks. • By owning the park Council: <ul style="list-style-type: none"> ○ Is able to control to manage and deal with noise and anti-social behaviour. ○ Can implement park improvements to improve the quality and functionality of the park and to plan for changes to meet the needs of the growing population.
<p>Theme 2- Maintenance and improvements</p>	<ul style="list-style-type: none"> • Council and rate payers will pay to maintain the park and the sea wall. • There are limited amenities proposed for the park 	<ul style="list-style-type: none"> • Council is responsible for the maintenance of all local parks zoned RE1 Public Recreation. • The park represents a significant waterfront asset • The Draft VPA contemplates Council owning and maintaining this park. This ensures we have control of this park and can modify the park over the years to meet the changing needs of the community. • The seawall will be renewed and brought up to a Condition 1 rating (at a cost of approx \$2 Mil by the Developer). Council's management of the seawall aligns with the proposed ownership of the park. The sea wall will have a a useful life of 80 years. • There are no plans for an amenity block within this park as part of this development. There are plans for an upgrade of the Bayview amenities in 23/24. This park will include, lighting, park benches, pathways and associated improvements, similar to other passive recreation areas.
<p>Theme 3- Contamination</p>	<ul style="list-style-type: none"> - contamination is a concern and needs to be managed in the VPA - Council needs to manage the delivery of the public benefits 	<ul style="list-style-type: none"> • The conditions dealing with contamination within the Draft VPA are very thorough. There is a requirement for a suitably qualified contaminated land expert to certify the land is suitable for recreational use with no ongoing environmental management requirements for Council. This will ensure that appropriate remediation and environmental monitoring occurs on the land. • Council Officers are required to approve design, delivery, hand over of the park, remediation, seawall repair and park embellishments. Should the works not be undertaken to Councils requirements we will not agree to the handover of the park. Should they not remedy we may use their security deposit to rectify the works.

<p>Theme 4- Value for Money</p>	<ul style="list-style-type: none"> - There aren't as many public benefits compared to the last planning agreement, ie. Re-activating the Ferry Wharf, parking, bus service for 3 years - There are better public benefits, such as community rooms and the community should be asked to suggest alternate public benefits - The dedication of the park does not represent value for money - How did Council determine the value and costs associated with the public benefits? 	<ul style="list-style-type: none"> • Previous public benefits put forward by the applicant related to different iterations of the planning proposal. As the previous planning proposal had a greater amount of Gross Floor Area, there was greater capacity for the increased amount of the value uplift generated by development to be provided towards public benefits. • The draft AHCS requires an affordable housing contribution of 7% of the proposed Gross Floor Area. This equates to up to \$28.8 Mil worth of Affordable Housing and must be taken into consideration when determining the value of public benefits contemplated by the draft Planning Agreement. • The Draft VPA is a mechanism to enable the delivery of the foreshore park contained within the Planning Proposal. The park was always contemplated as part of the development, and we are now limited in any further public benefit to be considered at this site given the Affordable Housing and reduced FSR proposed. • Valuation of public benefits is informed by Council's Planning Agreement Policy and advice from Council's Economic Consultant and Valuer. When calculating the value of public benefits, Council must consider the value generated by both the affordable housing contribution and the value of the proposed park and works to the park in this location. • Council obtained both a valuation to determine the value uplift, the value of the parkland and determined the equivalent amount of Affordable Housing Contributions for this site.
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Table 2- Table of Issues

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

In accepting the public benefits proposed within the Draft VPA we must consider the various risks associated with taking on the ownership of the public park. Many of the submissions received through the consultation process expressed concern that by owning the park Council would pay to maintain both the sea wall and the park. A risk assessment has been undertaken to assist Council in their decision-making process, as shown at Attachment 2

Given the above risk assessment, it is recommended that Council accept the dedication of the park and its associated maintenance responsibilities, including the sea wall. The VPA contemplates the remediation and approval of all improvements upon the park, including the restoration of the sea wall (approx. \$2Mil) to ensure the condition and quality of the assets are fit for purpose upon dedication of the park. This will minimise maintenance costs and maximise the life cycle of these assets, hence mitigating this risk.

FINANCIAL CONSIDERATIONS

The draft planning agreement proposes public benefit to an amount equivalent to an appropriate share of the uplift in value of the land, given the change in zoning and increase in GFA of the proposed development. In addition to the public benefits outlined in the planning agreement (dedication of public open space and the grant of an easement for public access), future development will also be required to make a contribution towards Affordable Housing.

Council is satisfied that the value of both the public benefit and the Affordable Housing contributions is reasonable and appropriate given the development proposed.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Draft VPA has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act (1979)*, and the *Canada Bay Planning Agreement Policy*.

The dedication of the foreshore park aligns with Councils Foreshore Access Strategy.

Issue	No	Response	Times raised
The park is not a public benefit and should not be dedicated	1	<p>This park is considered a public benefit.</p> <p>The provision of new open space is supported by both local and district planning strategies and the proposed park on this site has been found to have merit by the Local Planning Panel, the Regional Planning Panel and Council's urban design consultant.</p> <p>The proposed new park will have an area of 5904 sqm, is north facing and fronts to the Exile Bay. The location and orientation of the park will have a high level of amenity for local residents by providing opportunities for passive recreation , ie. green space, picnics, dog walking, play.</p>	5
Opposed to the dedication of the park	2	<p>The City of Canada Bay has many areas of open space located on the foreshore of the Parramatta River. The majority of this open space is in the ownership of Council or the Crown. It is therefore not uncommon for Council to be the owner of local parks.</p> <p>Some open space is provided on privately owned land accompanied by an easement for public access. An example of this approach is the open space provided within Breakfast Point.</p>	4
Oppose to the dedication of the park due to noise, vandalism and parking issues	3	<p>The park will include pathways and lighting that will provide some visibility and increased security. The passive surveillance from the adjoining apartment complexes will reduce such anti-social behaviour and Council are able to have more control over noise and anti-social behaviour if the park is in Council ownership.</p>	2
Opposed to the dedication of the park as it is in close proximity to other parks that we are spending money on to improve	4	<p>Council regularly seeks to improve the quality and functionality of existing parks. However, it is also important to plan for new areas of open space to meet the needs of the growing population.</p> <p>This park will complement the green link along the foreshore, leading to the Massey Park Golf Course and align with the principles of the Canada Bay Foreshore Access Strategy.</p>	16
Council and rate payers will pay to maintain the park	5	<p>Council is responsible for the maintenance of all local parks zoned RE1 Public Recreation.</p> <p>The VPA contemplates Council owning and maintaining this park. This will enable Council to have control of the land and ensure the park can be improved in line with the expectations and changing needs of the community.</p>	23
Council and rate payers will pay to maintain the seawall	6	<p>The seawall will be renewed to a good condition (at a cost of approx \$2 Mil), in line with the Planning Agreement. The sea wall will have an 80 year life.</p>	10
Council should not own the park, it should have public access and be maintained by the complex in line with adjoining complexes	7	<p>This does occur in complexes adjoining the site, however this is generally done for access paths and not for parkland. It is preferred that Council own and have control of the open space as per comments in rows 3, 5 and 6 above.</p>	23
Council should not own the sea wall, it should be maintained and owned by the complex, similar to adjoining complexes.	8	<p>See comments in row 7 above</p>	12
There are no amenities on this park to make it useful	9	<p>There are no plans for an amenity block within this park as part of this development. There are plans for an upgrade of the Bayview amenities in the 2023/24 financial year. This park will include, lighting, park benches, pathways and associated improvements, similar to other passive recreation areas.</p>	7

<p>the park is an excuse to put gardens on the roof tops of buildings for solar access requirements</p>	<p>10</p>	<p>Future development on the site must provide private open space to meet the needs of future residents in addition to the public open space proposed under the VPA.</p> <p>The Concept Plan submitted with the Planning Proposal illustrates common open space on the eastern and western boundaries as well as between buildings. Should the development seek to provide the communal use of rooftops, this approach will be required to be outlined in a future development application and found to have acceptable impacts (i.e. overlooking and visual bulk).</p>	<p>8</p>
<p>The VPA and Planning Proposal were not notified together and this was misleading</p>	<p>11</p>	<p>It is preferable to notify Planning Proposals and draft VPAs concurrently, however this is not always possible.</p> <p>The Planning Proposal was notified following the receipt of information by the proponent to address conditions of the Gateway Determination. The draft VPA was notified following a period of negotiation between Council and the proponent.</p>	<p>1</p>
<p>the notification missed residents and had to be done again. There is an issue with the process.</p>	<p>12</p>	<p>The residents and landowners of one street were not notified of the draft Plannign Agreement. Following this matter being brought to Council's attention, the residents and landowners were immediately notified and the exhibition period extended.</p>	<p>2</p>
<p>There is no clarity on access to the development in the VPA</p>	<p>13</p>	<p>Schedule 4 within the VPA shows the access areas in grey. This was a little unclear and we will look at replacing with colour photos and sending a copy to the residents who asked for clarification. The public easement allows for public thoroughfare by foot, bike or wheel chair.</p>	<p>4</p>
<p>contamination is a concern and needs to be well managed in the VPA</p>	<p>14</p>	<p>The VPA is very thorough on the remediation of contamination and a requirement for a suitably qualified contaminated land expert to certify the land is suitable for recreational use with no ongoing environmental management requirements for Council. This will ensure that appropriate remediation and environmental monitoring occurs on the land.</p>	<p>8</p>
<p>Council need to manage the delivery for the public benefits</p>	<p>15</p>	<p>Council Officers are required to approve design, delivery and hand over of the park, remediation, seawall repair and park embellishments. Should the works not be undertaken to Councils requirements, the transfer of the park to Council ownership will not occur. Should the developer not remedy and defects, Council may use the security deposit to rectify the works.</p>	<p>1</p>
<p>There aren't as many public benefits compared to the last planning agreement , ie. Re-activating the Ferry Wharf, parking, BUS SERVICE FOR 3 YEARS</p>	<p>16</p>	<p>Previous public benefits put forward by the applicant related to different iterations of the planning proposal. The original letter of offer that comprised the temporary ferry and bus service related to a planning proposal with a floor space ratio of 1.95:1 and a maximum building height on the site of 121.5m.</p> <p>As the previous planning proposal had a greater amount of Gross Floor Area, there was greater capacity for the increased amount of the value uplift generated by development to be provided towards public benefits.</p> <p>The City of Canada Bay has adopted an Affordable Housing Contributions scheme and the proposal involves 10% of the proposed Gross Floor Area being dedicated to Council as Affordable Housing. This equates to up to approximately \$39mil worth of Affordable Housing and must be taken into consideration when determining the value of public benefits contemplated by the draft VPA.</p>	<p>7</p>
<p>The planning proposal should consider improved traffic in the area</p>	<p>17</p>	<p>The draft VPA does not include traffic mitigation measures.</p> <p>The assessment of the Planning Proposal will consider traffic related impacts. Where appropriate, future development may be subject to conditions that require off-site works to provide traffic management measure but only where the works relate to an impact caused by the proposed development.</p>	<p>1</p>

<p>There are better public benefits, such as community rooms and the community should be asked to suggest alternate public benefits</p>	<p>18 The draft VPA is a mechanism to enable the delivery of the foreshore park contained within the Planning Proposal.</p> <p>The park was always contemplated as part of the development and as mentioned above in row 17, there are limits to the amount public benefit that can be delivered as part of the redevelopment the land.</p>	<p>5</p>
<p>The dedication of the park does not represent value for money</p>	<p>19 Refer to row 17. Valuation of public benefits is informed by Council's Planning Agreement Policy and advice from Council's Economic Consultant and Valuer.</p> <p>When calculating the value of public benefits, Council must consider the value generated by both the affordable housing contribution and the value of the proposed park and works to the park in this location.</p>	<p>1</p>
<p>How did Council determine the value and costs associated with the public benefits.</p>	<p>20 Council obtained both a valuation to determine the value uplift, the value of the parkland and also took into consideration the value of the Affordable Housing Contributions for this site.</p>	<p>1</p>
<p>The web site hid the explanatory note making the VPA difficult to comprehend.</p>	<p>21 The Explanatory Note was attached to the draft VPA and provided on Council's online Community Engagement Platform.</p>	<p>4</p>
<p>The agreement does not talk to costs for maintaining the park</p>	<p>22 The maintenance costs for the park are not generally included in a VPA. However they have been considered in our initial analysis when determining the dedication of the park</p>	<p>2</p>

RISK ASSESSMENT- COUNCIL OWNING THE PARK VERSUS NOT OWNING THE PARK

	Risk to the community, should Council own and maintain the park	Risk to the community, should Council not own and maintain the park
Long Term Strategy for the Park	Council controls the long-term strategy for the park	Council has no control over the long-term strategy for the park
Installation of additional improvements, based on community need and improved amenity for the park	Council can install additional improvements, based on community need	Council has no control over the installation of new community improvements.
Majority of open space is either owned, managed, and maintained by Council	Aligns with consistent management approach	Does not align with the consistent management approach
Consistent standards of service applied to maintain the sea wall and park	Council can control the standards of service for the park	Council cannot control the standards of service to the park
Quality repairs & Maintenance to the park and seawall, ie. bush care, landscaping, regeneration	Council can control quality	Council cannot control quality
Management of antisocial behaviour, ie. graffiti removal	Council can enforce	Council has limited enforcement capacity.
Park being open to the public and readily accessible for passive recreational use	Council can enforce to ensure the park is always open to the public	Council has limited enforcement, restrictions on use, outside of the terms of the easement.
Cleansing, rodent control and Waste Management	Council can schedule waste removal, rodent control, and cleaning to a level of service	Council has no control of waste, rodent control, and cleanliness
Costs to maintain and repair	Council will be required to pay for ongoing maintenance of the park & sea wall	Council will not be required to pay for maintenance of the park & sea wall
Safety risks for managing the park	Liability sits with Council	Liability does not sit with Council
Security risks for managing the park	Council manages	Council does not manage

ITEM 10.2 POWELLS CREEK FLOOD STUDY**Reporting Manager** Manager Strategic Asset Services and Innovation**Attachments:**

1. **Powells Creek Flood Study (*Provided in Attachment Booklet*)** [⇒](#)
2. **City of Canada Bay Draft Floodplain Risk Management Committee Charter (*Provided in Attachment Booklet*)** [⇒](#)
3. **Floodplain Risk Management Committee Handbook (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That:

1. Council adopts the Draft Powell's Creek Flood Study, attached to the report.
 2. Council undertakes the Powell's Creek Floodplain Risk Management study.
 3. Council establishes a Floodplain Risk Management Committee, and adopts the associated Charter, as attached to the report.
 4. Expressions of Interest be invited from members of the community to be representatives on the Floodplain Risk Management Committee.
 5. The five Agencies specified in the Floodplain Risk Management Committee Charter be requested to nominate one representative for the Committee.
 6. A report be prepared and submitted to Council on the outcome of the Expression of Interest and the nomination of the five Agency representatives.
-

PURPOSE

To adopt the Powell's Creek Flood Study and to initiate the Powell's Creek Floodplain Risk Management Study and establish the City of Canada Bay Floodplain Risk Management Committee, and that the respective Agencies on the Committee be asked to confirm their representative.

EXECUTIVE SUMMARY

Council is progressively implementing the NSW Government's Flood Prone Lands Policy, catchment by catchment. The ultimate objective is to prepare Floodplain Risk Management Plans for all our catchments to manage community safety, risk and loss.

The Floodplain Risk Management Plans inform appropriate new development and are not retrospective for existing development. The Plans recommend a range of development controls for flood affected properties and flood mitigations works for each individual catchment.

The Draft Powell's Creek Flood Study was exhibited and consulted from 12 May 2022 to 22 June 2022. Notification letters and fact sheets were distributed across the entire catchment area of 1,447 properties, including specific messaging to the 217 properties identified as flood affected. Following this, six property owners responded to Council's invitations for further discussion on the flood study, with two submissions from owners generally objecting to their property being identified within the Flood Planning Area.

No submissions affect the validity of the Draft Powell's Creek Flood Study. Properties may be removed or added to the flood planning area as a result of the Floodplain Risk Management Plan.

To assist in the management of the floodplain, it is recommended that a Floodplain Risk Management Committee be established and the accompanying Committee Charter, as attached to this report, be adopted. It is recommended that an Expression of Interest (EOI) be called for the community representative positions on the Committee and that the five Agencies specified in the Committee Charter be requested to nominate one representative for the Committee. A report on the

outcome of the EOI and the nomination of the five Agency representatives will be prepared and submitted to Council.

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

Council is implementing the NSW Government’s Flood Prone Lands Policy. The objectives of this Policy are to:

- a) Manage community safety
- b) Facilitate emergency planning
- c) Reduce community property damage for rare flood events

Council engaged the services of a consultant, WMA Water, who has prepared a draft flood study for the Powell’s Creek catchment in accordance with the Floodplain Risk Management Process shown below.

The draft flood study identified 217 properties out of the catchment area of 1,447 properties as requiring flood related Development Controls associated with a very rare storm event (being the 1% Annual Exceedance Probability (1% AEP) flood event). These Flood Planning Area (FPA) properties are those which the study identified as having a flood depth greater than 150mm. Flood related Development Controls apply to these properties in accordance with Council’s Development Control Plan (DCP).

Figure 1 – Floodplain Risk Management Process



The Draft Powell’s Creek Flood Study was exhibited for a period of six weeks from 12 May to 22 June 2022. Consultation with the community commenced with notification letters and fact sheets delivered to all 1,447 properties within the catchment area, as well as promotion on Council’s website and collaborate site.

Properties which were identified as flood lots received individually addressed letters inviting them to discuss the study outcomes and implications directly with Council’s floodplain management consultant. All other properties received general information regarding the flood study and were encouraged to utilise the website, collaborative page, Council’s consultant and Council’s Drainage, Marine & Floodplain Engineer for additional information.

There were six people who responded to these invitations for further discussion and meetings on the flood study, with both Council staff and the flood consultants available to provide additional technical information and context. Two submissions were received from owners generally objecting to their property being identified within the Flood Planning Area and querying what actions Council could take to reduce property risk and have the flood related development controls removed from their Section 10.7 Planning Certificates.

The process for floodplain risk management (Figure 1) was discussed with owners regarding the next steps being the preparation of risk management study to inform the Floodplain Risk Management Plan.

It is common for property owners, whose property has been tagged as a flood lot, to advise that they have never experienced any flooding. The property owners' observations are true as Canada Bay has never experienced a 1% AEP storm event.

As the Floodplain Risk Management Plan is being prepared, flood prone properties may be added or removed from the Flood Planning Area.

No submissions impacted the validity of the Draft Powell's Creek Flood Study.

Flood Planning Controls

Flood Planning Controls are placed on properties within the Flood Planning Area. These Planning Controls are specified in the Section 10.7 Planning Certificates.

The Flood Planning Controls relate to:

- Ensuring new development is constructed above the 1% AEP storm event (plus free board - being 500mm).
- Ensuring that development is not constructed in flood hazardous areas nor worsen downstream flooding.
- Reducing property risk and damage.

Floodplain Risk Management Committee

It is recommended that Council establish the Canada Bay Floodplain Risk Management Committee and its associated charter, as attached to this report.

The Charter proposes membership of the Committee be as follows:

Voting Members

- *Two (2) Councillors including the Mayor (or their delegate) nominated by Council*
- *Up to five (5) community representatives*

Non-Voting Members

- *Council Staff representative(s) (from engineering, planning and environmental disciplines)*
- *Parramatta River Catchment Group representative*
- *NSW State Emergency Service representative (from the Metro Zone)*
- *NSW Department of Planning, Industry and Environment representative*
- *Sydney Water representative*
- *Transport for NSW representative*
- *Additional Agency Representatives may be invited if deemed appropriate to address particular items.*

The first task of the Committee will be to oversee the preparation of the Powell's Creek Floodplain Risk Management Study, which will be undertaken by external consultants.

This study will investigate:

- Flood Planning Controls and mitigation measures to reduce property risk and damage.
- Community safety and emergency planning.

The Floodplain Risk Management Study will then inform the preparation of the Floodplain Risk Management Plan. Flood mitigation works identified in the Plan are eligible for 2:1 funding from the State Government.

It is recommended that Council call for Expressions of Interest from community members interested in becoming a representative on the Committee and that the five Agencies on the Committee, being *Parramatta River Catchment Group, NSW State Emergency Service, NSW Department of Planning, Industry and Environment, Sydney Water and Transport for NSW*, be asked to confirm their representative.

A report will be prepared and submitted to Council on the outcome of the Expression of Interest and the nomination of the five Agency representatives. It is proposed that Council determine the two Council representatives on the Committee at that time. However, nothing precludes Council from determining its two representatives on this Committee as part of this report, should it resolve to do so.

FINANCIAL CONSIDERATIONS

The completion of the flood study cost approximately \$86,438 (including GST). There is no cost impact to Council as the Flood Study and Floodplain Risk Management Process is funded through NSW Government Grants.

LEGISLATIVE AND POLICY CONSIDERATIONS

Implementation of the State Government's Flood Prone Lands Policy and the preparation of Floodplain Risk Management Plans, in accordance with the NSW Floodplain Development Manual, provides Council with an exemption from liability for flood liable land under Section 733 of the Local Government Act 1993.

ITEM 10.3 BARNWELL PARK GOLF COURSE DRAFT PLAN OF MANAGEMENT**Reporting Manager Manager Parks and Recreation****Attachments:** 1. **Draft Plan of Management for Barnwell Park Golf Course
(Provided in Attachment Booklet) [⇨](#)**

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That:

1. Subject to approval from Crown Lands, the draft Plan of Management for Barnwell Park Golf Course, attached to the report, be placed on public exhibition.
 2. Following public exhibition, the draft Plan of Management for Barnwell Park Golf Course be reported back to Council with any submissions received for consideration of formal adoption.
-

PURPOSE

To recommend the draft Plan of Management for Barnwell Park Golf Course (attached to the report) be placed on public exhibition, subject to approval from the Department of Planning and Environment – Crown Land.

EXECUTIVE SUMMARY

Council has resolved to construct a pedestrian/cycle path along Lyons Road West, adjacent to Barnwell Park Golf Course. The design of the shared path requires a small portion of the golf course land to be utilised to provide the appropriate width. Accordingly, a draft Plan of Management (PoM) for Barnwell Park Golf Course has been prepared to formally allow this to happen.

This report proposes the draft PoM be placed on public exhibition, subject to approval from the Department of Planning and Environment - Crown Land, as is required under the Crown Land Management Act 2016 and Local Government Act 1993.

Subject to the approval of the Department, a report will be prepared and presented back to Council on the outcomes of the public exhibition.

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

BACKGROUND/DISCUSSION

The project to develop a PoM for Barnwell Park Golf Course commenced earlier this year. Council has received funding to construct a pedestrian/cycle path along Lyons Road West. To facilitate the additional width required, it is proposed to utilise a small portion of the golf course land. Officers consulted with Crown Lands and were advised that an amendment to the Plan of Management would be required to change the categorisation (under the Local Government Act) of the strip of land in question from the current 'sportsground' to 'park'.

Engagement has been undertaken with the two key stakeholders - Barnwell Park Golf Club and Bayside Golf Shop (Council's contracted service provider). They have both stated their satisfaction that the proposed change does not unduly impact the golf course but have highlighted the need for protection along the border with Lyons Road West, to ensure the safety of pedestrians and cyclists from errant golf balls. This location has previously been identified as a priority area to improve safety

for road users and adjacent residences. Plans for an appropriate safety net are being prepared as part of the draft 2023/24 capital works program.

The draft PoM is now ready for review by Crown Lands and further input from the community and stakeholders through the public exhibition process.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Subject to Council's determination and Crown Lands' review, it is anticipated that the public exhibition will take place in early 2023.

FINANCIAL CONSIDERATIONS

The required safety netting is proposed to be included in the draft 2023/24 capital works program which will be reported to Council in/or around April 2023.

LEGISLATIVE AND POLICY CONSIDERATIONS

The draft PoM provides an updated planning document consistent with the Crown Land Management Act 2016.

ITEM 10.4 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 17 NOVEMBER 2022**Reporting Manager** Manager Roads and Traffic

- Attachments:**
1. **Traffic Committee Minutes - 17 November 2022** (*Provided in Attachment Booklet*) [⇨](#)
 2. **landra Street** (*Provided in Attachment Booklet*) [⇨](#)
 3. **Cabarita Park Traffic Management Plan** (*Provided in Attachment Booklet*) [⇨](#)
 4. **Stuart Street** (*Provided in Attachment Booklet*) [⇨](#)
 5. **Fairlight Street** (*Provided in Attachment Booklet*) [⇨](#)
 6. **Park Avenue** (*Provided in Attachment Booklet*) [⇨](#)
 7. **Village Drive** (*Provided in Attachment Booklet*) [⇨](#)
 8. **Metro West** (*Provided in Attachment Booklet*) [⇨](#)
 9. **Bayview Park** (*Provided in Attachment Booklet*) [⇨](#)
 10. **Peninsula Drive** (*Provided in Attachment Booklet*) [⇨](#)
 11. **Norman Street** (*Provided in Attachment Booklet*) [⇨](#)
 12. **Parks Parking Area signage** (*Provided in Attachment Booklet*) [⇨](#)
 13. **Bayview Park signage arrangement** (*Provided in Attachment Booklet*) [⇨](#)
 14. **Cabarita Park signage arrangement** (*Provided in Attachment Booklet*) [⇨](#)
-

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 17 November 2022, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee Minutes of 17 November 2022 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 17 November 2022 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

The following recommendations are funded under the 2022/23 capital works program:

- Stuart Street pedestrian refuge
- Park Avenue new Mobility Parking Space
- Bayview Park parking reconfiguration
- Norman Street parking reconfiguration and expansion

The following recommendations are funded under the 2022/23 operating budget:

- landra Street parking restriction changes
- Cabarita Park New Years Eve traffic management
- Fairlight Street works zone
- Bayview Park and Cabarita Park parking restriction signage

The traffic management changes within Breakfast Point will be funded by the respective Community Association. The works in and around Queen Street will be funded by TfNSW in conjunction with Metro West.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 11.1 ANNUAL CODE OF CONDUCT COMPLAINTS STATISTICS 2021-2022

Reporting Manager Manager Governance and Customer Services

Attachments: 1. Model Code of Conduct Complaints Statistics - 1 September 2021 - 31 August 2022 [↓](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the report and associated attachment to the report be received and noted.

PURPOSE

Under the requirements of Council's Code of Conduct, Council's complaints coordinator must, within three months of the end of September each year, report on a range of complaints statistics and forward a copy to the Office of Local Government (OLG).

REPORT

The Office of Local Government (OLG) considers that the reporting of complaints statistics:

- is an important accountability mechanism that provides local communities with a valuable insight into the performance of their councils;
- provides it with the means to evaluate councils' implementation of the Code's framework and whether the framework has achieved its policy objectives.

The OLG intends to publish this data.

The OLG requires Council to submit the information through a template. During the reporting period, no Code of Conduct complaints were received by Council and this is reflected in the attached Code of Conduct Statistics Report.

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 associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Council must meet the requirements of its Code of Conduct, by forwarding the OLG its report of complaints statistics within three months of the end of September 2022.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2021 - 31 August 2022

Date Due: **31 December 2022**

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Canada Bay City Council
---------------	-------------------------

Contact Name:	Melissa Lee
Contact Phone:	02 9911 6335
Contact Position:	Manager Governance & Customer Services
Contact Email:	melissa.lee@canadabay.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics Canada Bay City Council

Number of Complaints

1	a	The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	0
	b	The total number of complaints finalised in the period about councillors and the GM under the code of conduct	0

Overview of Complaints and Cost

2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	0
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	0
	g	The number of finalised complaints investigated where there was found to be no breach	0
	h	The number of finalised complaints investigated where there was found to be a breach	0
	i	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	0
	j	The number of complaints being investigated that are not yet finalised	0
	k	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	0

Preliminary Assessment Statistics

3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:	
a	To take no action (clause 6.13(a) of the 2020 Procedures)	<input type="text" value="0"/>
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	<input type="text" value="0"/>
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	<input type="text" value="0"/>
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	<input type="text" value="0"/>
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	<input type="text" value="0"/>

Investigation Statistics

4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:	
a	That the council revise its policies or procedures	<input type="text" value="0"/>
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	<input type="text" value="0"/>
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:	
a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	<input type="text" value="0"/>
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	<input type="text" value="0"/>
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	<input type="text" value="0"/>
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	<input type="text" value="0"/>
6	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	<input type="text" value="0"/>

Categories of misconduct

7 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a General conduct (Part 3)

0

b Non-pecuniary conflict of interest (Part 5)

0

c Personal benefit (Part 6)

0

d Relationship between council officials (Part 7)

0

e Access to information and resources (Part 8)

0

Outcome of determinations

8 The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation

0

9 The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by OLG

0

**ITEM 11.2 AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES -
8 NOVEMBER 2022****Reporting Manager Manager Governance and Customer Services****Attachments: 1. Unconfirmed City of Canada Bay Audit Risk and Improvement
Committee Meeting Minutes 8 November 2022 [↓](#)**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Minutes of the Audit Risk and Improvement Committee meeting held 8 November 2022 as attached to this report be received and noted.

PURPOSE

To provide Council with the minutes of the Audit Risk and Improvement Committee meeting held on 8 November 2022.

REPORT

An Audit Risk and Improvement Committee Meeting was held on 8 November 2022. A copy of the minutes of the meeting is attached.

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 associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Compliance with the Local Government Act 1993 and other relevant Acts.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING

MINUTES

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

Tuesday, 8 November 2022

Unconfirmed



Minutes of a City of Canada Bay Audit Risk and Improvement Committee Meeting**Held on Tuesday 8 November 2022****At the Hudson Room, City of Canada Bay Civic Centre, Drummoyne****Commencing at 4.30pm****Present:**

Cr A Bazouni	Councillor
Cr M Megna	Councillor
Mr D Vaccher	Independent Member (Chairperson)
Mr M Ellacott	Independent Member

Officers in attendance:

Mr E Hutchings	Acting General Manager
Ms M Cologna	Director Community and Environmental Planning
Ms M Lee	Manager Governance and Customer Services
Ms M Getsios	Manager Procurement

Visitors:

Mr A Pather	External Auditor (Crowe)
Mr D Mobilia	Audit Leader, Financial Audit (Audit Office of NSW)

NOTES

The meeting commenced at 4.35pm and concluded at 5.27pm.



Table of Contents

1	WELCOME/ACKNOWLEDGEMENT OF COUNTRY	4
2	APOLOGIES	4
3	DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST	4
4	CONFIRMATION OF MINUTES	4
5	REPORTS	5
Item 5.1	Financial Statements 2021/22, Interim Audit Management Letter and Engagement Closing Report.....	5
Item 5.2	Operation Witney – Update.....	5
Item 5.3	Update on Internal Audit Program 2022-2025.....	5
Item 5.4	Outstanding Audit Risk and Improvement Committee Actions	6
Item 5.5	Update on Fleet, Fuel and Workshop Audit	6
6	GENERAL BUSINESS	6

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

Mr J Clark General Manager

3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST

Councillor Megna disclosed a less than significant non-pecuniary interest in relation to Item 5.2 – Operation Witney – Update for the reason that:

“I was a witness for ICAC in that hearing.”

Councillor Bazouni disclosed a less than significant non-pecuniary interest in relation to Item 5.2 – Operation Witney – Update for the reason that:

“ I was a lawyer for one of the witnesses in Operation Witney”

4 CONFIRMATION OF MINUTES

4.1 Minutes of City of Canada Bay Audit Risk and Improvement Committee Meeting held 30 August 2022

RESOLVED

Moved: Alternate Chairperson Ellacott - Independent Member

Seconded: Chairperson Vaccher - Independent Member

That the minutes of the City of Canada Bay Audit Risk and Improvement Committee Meeting of 30 August 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

CARRIED

5 REPORTS**ITEM 5.1 FINANCIAL STATEMENTS 2021/22, INTERIM AUDIT MANAGEMENT LETTER AND
ENGAGEMENT CLOSING REPORT**

Note: Mr D Mobilia from the NSW Audit Office and Mr A Pather from Crowe presented on this item.

RESOLVED

That the Audit Risk and Improvement Committee note the Management Letter from the Interim Audit, the audited Annual Financial Statements 2021/22 and the Engagement Closing Report, all attached to the report.

CARRIED

Note: The Committee noted that an update in relation to the timeline for the completion of outstanding items as at June 2022 will be submitted to a future meeting.

ITEM 5.2 OPERATION WITNEY – UPDATE**RESOLVED**

That the actions taken and to be taken by Council in response to the ICAC report on the investigation titled Operation Witney, as summarised in the report, be noted.

CARRIED**ITEM 5.3 UPDATE ON INTERNAL AUDIT PROGRAM 2022-2025****RESOLVED**

That the Audit Risk and Improvement Committee note the update on the internal audit program, and endorse the amendment to the 2022 and 2023 schedule.

CARRIED

Note: The Committee noted that a copy of the Internal Audit Schedule 2022-2025 would be circulated to Committee members.

ITEM 5.4 OUTSTANDING AUDIT RISK AND IMPROVEMENT COMMITTEE ACTIONS

RESOLVED

That the Audit Risk and Improvement Committee note the update on outstanding actions as outlined in the report.

CARRIED

ITEM 5.5 UPDATE ON FLEET, FUEL AND WORKSHOP AUDIT

Note: Ms M Getsios, Manager Procurement and Fleet presented on this item.

RESOLVED

That the Audit Risk and Improvement Committee receive and note the report on the outcomes of the independent audit of the effectiveness of internal controls on Council's fleet, fuel, and workshop activities as attached to the report.

CARRIED

Note: The Committee noted that a report on the of the improvements resulting from the fleet, fuel and workshop audit will be presented to a future meeting.

6 GENERAL BUSINESS

Nil.

CHAIRMAN

ITEM 11.3 COUNCILLOR AND STAFF INTERACTION POLICY**Reporting Manager** Manager Governance and Customer Services**Attachments:** 1. [Draft Councillor and Staff Interaction Policy](#) 

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The draft Councillor and Staff Interaction Policy attached to the report be adopted.
 2. The list of staff to which Councillors may interact, in accordance with the Policy, be reviewed with a view to augmentation in the first half of 2023.
-

PURPOSE

For Council to consider adoption of the draft Councillor and Staff Interaction Policy.

REPORT

In April 2020, the Office of Local Government (OLG) released a draft Councillor and Staff Interaction Policy for comment.

In April 2022, following a consultation process, the Office of Local Government released a model Councillor and Staff Interaction Policy. This Model Policy has been used as the basis of the draft Policy (attached). In the development of Council's draft Policy, some amendments have been made. Most are cosmetic to reflect that it is the Policy of the City of Canada Bay Council. The most significant amendments have been made pursuant to recommendations of ICAC through the report relating to Operation Witney in relation to requests by Councillors to meet with staff when the request is related to, or the result of, lobbying activities.

The three main goals of the model Policy are:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

Importantly, so as to minimise doubt, the Model Policy lists the staff who Councillors are permitted to contact directly. Further, the Policy specifies what requests Councillors may make (directly) to those specified staff, as follows:

- a) information or ask questions that relate to the strategic position, performance or operation of the Council
- b) information or ask questions that relate to matters or concerns that have been raised with them by members of the public
- c) request ICT or other support from the Council administration.
- d) request that a staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting, with such request to include advice of other parties who are intended to attend the meeting and whether the request for the meeting is related to, or the result of, lobbying activities.

It is evident that the Model Policy, and consequently the draft Policy, contains and references provisions of the Code of Conduct and both documents should be read in conjunction with the other.

The draft Policy is therefore considered to be of benefit in both supporting and supplementing the Code of Conduct.

It should be noted that it is intended that the list of staff to which Councillors may interact, in accordance with the Policy, is to be reviewed with a view to augmentation in the first half of 2023.

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 relating to this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Adoption of the Policy attached to the report will support and supplement the Code of Meeting Practice and satisfy Council's obligations pursuant to ICAC's Operation Witney report.

RISK CONSIDERATIONS

Adoption of the Policy will reduce the risk of non-compliance with the Code of Conduct in relation to Councillor and Staff interaction by more specifically prescribing the parameters of such interactions.

COUNCILLOR AND STAFF INTERACTION POLICY

Date of Adoption: TBA

Effective Date: TBA

Contents

Preface	2
Part 1 - Introduction	3
Part 2 - Application	3
Part 3 - Policy objectives.....	3
Part 4 - Principles, roles and responsibilities.....	4
Part 5 - The Councillor requests system	5
Part 6 - Access to Council Staff	7
Part 7 - Councillor access to Council buildings	7
Part 8 - Appropriate and inappropriate interactions	8
Part 9 - Complaints	9
Revision History.....	9
Schedule 1 - Authorised staff contacts for Councillors (template table)	6

Preface

Positive working relationships between councillors and staff: a council's key asset

Positive, professional working relationships between councillors and staff are a key element of any council's success. If relationships between councillors and staff are functioning effectively, the council is more likely to perform effectively. If these relationships break down, it can lead to dysfunction, create a potential corruption risk, and ultimately the council's performance will suffer.

A good relationship between councillors and staff is based, in large part, on both having a mutual understanding and respect for each other's roles and responsibilities. These are defined in the Local Government Act 1993 (the LGA) and the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

In broad terms, a councillor's role is a strategic one. As members of the governing body, councillors are responsible not only for representing the community, but also for setting the strategic direction of the Council and keeping its performance under review. A comprehensive outline of the role of a councillor is provided in Part 4 of this Policy.

The role of Council staff, under the leadership of the General Manager, is to carry out the day-to-day operations of the Council and to implement the decisions, plans, programs and policies adopted by the governing body.

Access to information: the key to the relationship

Councillors need access to information about the Council's strategic position and performance to perform their civic functions effectively. The General Manager and staff are responsible for providing councillors with this information to facilitate the decision-making process.

Given councillors' role in setting the Council's strategic direction and keeping its performance under review, councillors are entitled to request information about a range of issues.

However, in requesting information, councillors should not be seeking to interrogate the minutiae of the Council's operations or to direct or influence staff in the performance of their duties. Councillors should also recognise that a council's resources are finite, and they need to be mindful of the impact of their requests.

Above all, interactions between councillors and staff should be positive, respectful and professional.

The development and intent of this policy

The City of Canada Bay Councillor and Staff Interaction Policy has been developed utilising the Model Councillor and Staff Interaction Policy which was developed by the Office of Local Government (OLG).

At its core, the policy has three main goals:

- to establish a framework by which councillors can access the information they need to perform their civic functions,
- to promote positive and respectful interactions between councillors and staff, and
- to advise where concerns can be directed if there is a breakdown in the relationship between councillors and staff.

Part 1 - Introduction

- 1.1 The Councillor and Staff Interaction Policy (the Policy) provides a framework for councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.
- 1.2 The Policy complements and should be read in conjunction with the (City of Canada Bay) Council's Code of Conduct (the Code of Conduct).
- 1.3 The aim of the Policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council. The Policy provides direction on interactions between councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.
- 1.4 It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

Part 2 - Application

- 2.1 This Policy applies to all councillors and Council staff.
- 2.2 This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.
- 2.3 This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both Council and non-Council venues and events.
- 2.4 This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.
- 2.5 The Code of Conduct provides that Council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

Part 3 - Policy objectives

- 3.1 The objectives of the Policy are to:
 - a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy
 - b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles
 - c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties
 - d) ensure councillors have adequate access to information to exercise their statutory roles
 - e) provide direction on, and guide councillor interaction with, staff for both obtaining information and in general situations
 - f) maintain transparent decision making and good governance arrangements
 - g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties
 - h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct.

Part 4 - Principles, roles and responsibilities

- 4.1 Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.
- 4.2 The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.
- 4.3 Section 232 of the Local Government Act 1993 (the LGA) states that the role of a councillor is as follows:
- to be an active and contributing member of the governing body
 - to make considered and well-informed decisions as a member of the governing body
 - to participate in the development of the integrated planning and reporting framework
 - to represent the collective interests of residents, ratepayers and the local community
 - to facilitate communication between the local community and the governing body
 - to uphold and represent accurately the policies and decisions of the governing body
 - to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.
- 4.4 The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.
- 4.5 It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.
- 4.6 Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for an elected Council composing nine (9) Councillors.

Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data
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- 4.7 Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:
- responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding
 - staff are not accountable to them individually
 - they must not direct staff except by giving appropriate direction to the General Manager by way of a Council or committee resolution, or by the Mayor exercising their functions under section 226 of the LGA
 - they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions
 - they must not contact a member of staff on Council-related business unless in accordance with this Policy
 - they must not use their position to attempt to receive favourable treatment for themselves or others.
- 4.8 The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:
- they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body
 - they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors
 - they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner
 - they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties
 - they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

Part 5 - Councillor requests

- 5.1 Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.
- 5.2 Councillors do not have a right to request information about matters that they are prevented from participating in decision- making on because of a conflict of interest, unless the information is otherwise publicly available.
- 5.3 The General Manager may identify Council support staff (the PA to Mayor and Councillor Support) under this Policy for the management of requests from councillors.

5.4 Councillors can request:

- a) information or ask questions that relate to the strategic position, performance or operation of the Council
- b) information or ask questions that relate to matters or concerns that have been raised with them by members of the public
- c) request ICT or other support from the Council administration.
- d) request that a staff member be present at a meeting (other than a meeting of the Council) for the purpose of providing advice to the meeting, with such request to include advice of other parties who are intended to attend the meeting and whether the request for the meeting is related to, or the result of, lobbying activities.

5.5 Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

5.6 Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

5.7 The General Manager or the staff member authorised to manage a councillor request will provide a response within (14 days/ 10 business days). Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

5.8 Requests under clause 5.4 (d) must be made within a reasonable timeframe before the meeting. The General Manager or Director, are responsible for determining:

- a) whether a staff member can attend the meeting; and
- b) which staff member will attend the meeting.

Staff members who attend such meetings must be appropriately senior and be subject matter experts on the issues to be discussed at the meeting. In cases where the request for the meeting is related to, or is the result of, lobbying activities, the General Manager and/ or Director must be in attendance of resulting meetings.

5.9 Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

5.10 Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

5.11 Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

5.12 The General Manager may refuse access to information requested by a councillor if:

- a) the information is not necessary for the performance of the councillor's civic functions, or
- b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources; or
- c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- d) the General Manager is prevented by law from disclosing the information.

- 5.13 Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.
- 5.14 Where a councillor's request for information is refused by the General Manager on the grounds referred to under clause 5.12 (a) or (b), the councillor may instead request the information through a resolution of the council by way of a notice of motion. This clause does not apply where the General Manager refuses a councillor's request for information under clause 5.12 (c) or (d).
- 5.15 Nothing in clauses 5.12, 5.13, and 5.14 prevents a councillor from requesting the information in accordance with the Government Information (Public Access) Act 2009.
- 5.16 Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the Council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.
- 5.17 Councillor requests are state records and must be managed in accordance with the State Records Act 1998.

Part 6 - Access to Council Staff

- 6.1 Councillors may directly contact members of staff that are listed at Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.
- 6.2 Councillors can contact staff listed at Schedule 1 about matters that relate to the staff member's area of responsibility.
- 6.3 Councillors should as far as practicable, only contact staff during normal business hours.
- 6.4 If councillors would like to contact a member of staff not listed on Schedule 1, they must receive permission from the General Manager.
- 6.5 If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager, Director or the PA to Mayor and Councillor Support who will provide advice about which authorised staff member to contact.
- 6.6 The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.
- 6.7 A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

Part 7 - Councillor access to Council buildings

- 7.1 Councillors are entitled to have access to the council chamber, meeting rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must obtain approval from the General Manager.
- 7.2 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager.

Part 8 - Appropriate and inappropriate interactions

- 8.1 Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and Council staff are courteous and display a positive and professional attitude towards one another
 - b) Council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies
 - c) Council staff record the advice they give to councillors in the same way they would if it was provided to members of the public
 - d) Council staff, including Council's executive team members, document councillor requests via the councillor requests system
 - e) Council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties
 - f) councillors and Council staff feel supported when seeking and providing clarification about council related business
 - g) councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy.
- 8.2 Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:
- a) councillors and council staff conducting themselves in a manner which:
 - i) is contrary to their duties under the Work Health and Safety Act 2011 and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
 - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory
 - b) councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - c) staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters
 - d) subject to clause 5.12, staff refusing to give information that is available to other councillors to a particular councillor
 - e) councillors who have lodged an application with the Council, discussing the matter with staff in staff-only areas of the Council
 - f) councillors being overbearing or threatening to staff
 - g) staff being overbearing or threatening to councillors
 - h) councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media

- i) councillors directing or pressuring staff in the performance of their work, or recommendations they should make
 - j) staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community
- 8.3 Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.
- 8.4 Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

Part 9 - Complaints

- 9.1 Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).
- 9.2 Clause 9.1 does not operate to prevent matters being reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Revision History

Amended by (name and position)	Date	Change Description	Owner Approved	Version	DocsetID
Melissa Lee	25/11/22	New Policy	Evan Hutchings	1	

Schedule 1 - Authorised staff contacts for Councillors (template table)

1. Clause 6.1 of this Policy provides that councillors may directly contact members of staff that are listed below. The General Manager may amend this list at any time.
2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.
3. Councillors should as far as practicable, only contact staff during normal business hours.
4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager.
5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager, Director or the PA to Mayor and Councillor Support who will provide advice about which authorised staff member to contact.
6. In some instances, the General Manager or a member of the Council's executive leadership team will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	Position
<i>John Clark</i>	<i>General Manager</i>
<i>Greig Schuettrumpf</i>	<i>Director, City Assets</i>
<i>Russell Wolfe</i>	<i>Director, Community Culture and Leisure</i>
<i>Evan Hutchings</i>	<i>Director, Corporate Services and Strategy</i>
<i>Monica Cologna</i>	<i>Director, Environmental Planning</i>
<i>Melissa Lee</i>	<i>Manager, Governance and Customer Services</i>
<i>Julia Kalouche</i>	<i>Governance Officer</i>
<i>Tracey Styles</i>	<i>Governance Officer</i>
<i>Vacant</i>	<i>Coordinator Governance and Risk</i>
<i>Belinda Gibson</i>	<i>PA to Mayor and Councillor Support</i>
<i>Lisa Togafau</i>	<i>PA to Mayor and Councillor Support</i>
<i>Joanne Steen</i>	<i>PA General Manager</i>
<i>Dianne Foster</i>	<i>PA General Manager</i>

*Note: Anyone acting in these roles from time to time may contact the Councillors in their acting capacity if required.

ITEM 11.4 ADMINISTRATION OF THE SEPTEMBER 2024 ORDINARY ELECTION**Reporting Manager** Manager Governance and Customer Services**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That pursuant:

1. to S296(2) and (3) of the Local Government Act 1993 (NSW) (the Act), that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
 2. to S296(2) and (3) of the Act, as applied and modified by s.18, that a poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 3. to S296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
-

PURPOSE

The next general Council Elections will be held in September 2024, and Council is required to make a decision on how its September 2024 ordinary elections are to be administered.

REPORT

The next general Council Elections will be held in September 2024.

Under Section 296 of the Local Government Act 1993 (the Act), councils must make a decision on how their September 2024 ordinary elections are to be administered no later than 18 months prior to the ordinary election.

Each council must resolve either:

1. To enter into an election arrangement with the NSW Electoral Commissioner (NSWEC) to administer all the council's elections, polls and constitutional referenda; or
2. That the council's elections are to be administered by the general manager of the council.

If a council fails to resolve to engage the NSWEC to administer its elections by 13 March 2023, it will be required to administer its own elections.

Background

For the 2013, 2017 and 2021 Local Government Elections, the City of Canada Bay Council chose to have its elections conducted by the NSWEC.

The advantages of continuing with the Electoral Commission for the conduct of the 2024 election are considered to be:

- The elections conducted by the NSWEC in 2013, 2017 and 2021 were undertaken in a professional, effective and efficient manner.
- The election is conducted at arm's length from Council staff, elected officials and candidates.
- Council staff and resources would not be diverted from day-to-day activities over a protracted period.
- The conduct of elections is the core business of the NSWEC.

- The NSWEC would be responsible for all risk management issues related to the conduct of the election.

The cost of the 2013 election was \$344,000, the cost of the 2017 election was \$434,000 and the cost of the 2021 election was \$567,668.51. It should be noted that there was a discount of \$240,567 for the 2021 election, (over and above the figure stated above) from the State Government to offset the cost of mandated Covid-19 measures implemented for the safety of voters. It is unknown if any Covid-19 measures will be required for the 2024 election.

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

Goal CL 4: The City of Canada Bay community is well informed and eager to engage in issues and decisions that impact them

FINANCIAL CONSIDERATIONS

Whilst the final cost of conducting the 2024 Local Government Elections is not yet formally known, there has generally been an increase of approximately 15% from the previous election.

Funding for Local Government elections is provided in the Election of Councillors Reserve fund.

LEGISLATIVE AND POLICY CONSIDERATIONS

Relevant legislative considerations include Section 296 of the Local Government Act 1993.

RISK CONSIDERATIONS

Council has previously engaged the NSW Electoral Commission for its Local Government Elections and the level of service is known. Council has the choice to engage an independent company to administer its elections, however, has not done this in past elections.

There are only a very small number of private providers ((the Australian Election Company is the only other provider identified at this time). Such company(s) rely on significant information from the NSW Electoral Commission and utilise their own systems and processes.

If Council was to engage an alternate to the NSW Electoral Commission, a significant commitment of staff time and resources would be required, with ultimate responsibility for the conduct of the election with the General Manager under this arrangement.

ITEM 11.5 DELEGATED AUTHORITY - CHRISTMAS / NEW YEAR RECESS 2022/23**Reporting Manager** Manager Governance and Customer Services**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Pursuant and subject to the limitations of Section 377 of the Local Government Act, authority be delegated to the General Manager to act in consultation with the Mayor, or in their absence, the persons acting in these roles, to determine those matters that cannot be held over until the first scheduled meeting of Council in 2023.
 2. A report on the exercise of these delegations be presented to the first Council meeting in 2023.
-

PURPOSE

Council will be in recess during the Christmas / New Year holiday period and this report seeks Council's determination of the arrangements and level of delegation over this period.

REPORT

Council will be in recess during the Christmas / New Year holiday period to its first meeting in 2023. It is necessary for Council to determine the level of delegation over this period.

Section 226 of the Local Government Act, 1993, states, in part, that the role of the Mayor is "to exercise, in cases of necessity, the policy-making functions of the governing body of the Council between meetings of the Council". Section 377 of the Act outlines what matters cannot be delegated by Council.

The General Manager has been delegated various authorities by Council. Council may wish to consider extending these delegations to determine further matters during the recess period.

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

Goal CL 4: The City of Canada Bay community is well informed and eager to engage in issues and decisions that impact them

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Sections 226 and 337 of the Local Government Act 1993 are associated with this report.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 11.6 CASH AND INVESTMENTS REPORT FOR NOVEMBER 2022
Reporting Manager Manager Finance

Attachments: 1. **Investment Report November 2022 (Provided in Attachment Booklet)** [⇒](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Report up to 25th November 2022 attached to the report be received and noted.

PURPOSE

To present Council's Investment portfolio performance for November 2022 (up to 25th November).

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 November Cash and Investments Report, up to 25th November 2022, 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 November 2022

The Cash at Bank as at 24 November and Cash Investments as at 25 November are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
November 2022	\$4,581,544.45	\$133,911,445.03	\$138,492,989.48

The detailed Schedule of Investments held as of 25 November 2022 are also provided over the page.

Statement of Investments 25th November 2022

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
30/11/22	National Australia Bank	AA-	\$2,000,000.00	89	3.00%	02/09/22	Term Deposits
08/12/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	216	2.43%	06/05/22	Term Deposits
23/12/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	88	3.50%	26/09/22	Term Deposits
05/01/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	244	2.62%	06/05/22	Term Deposits
12/01/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	216	3.06%	10/06/22	Term Deposits
20/01/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	133	3.31%	09/09/22	Term Deposits
27/01/23	National Australia Bank	AA-	\$3,000,000.00	108	3.55%	11/10/22	Term Deposits
17/02/23	National Australia Bank	AA-	\$1,500,000.00	126	3.56%	14/10/22	Term Deposits
02/03/23	Bank of Queensland	BBB+	\$2,000,000.00	216	3.50%	29/07/22	Term Deposits
09/03/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	223	3.45%	29/07/22	Term Deposits
10/03/23	National Australia Bank	AA-	\$2,000,000.00	120	3.80%	10/11/22	Term Deposits
16/03/23	Macquarie Bank	A+	\$2,000,000.00	365	1.20%	16/03/22	Term Deposits
21/03/23	AMP Bank	BBB	\$1,000,000.00	210	3.70%	23/08/22	Term Deposits
23/03/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	139	3.83%	04/11/22	Term Deposits
30/03/23	MyState Ltd	Baa2	\$2,000,000.00	181	4.10%	30/09/22	Term Deposits
06/04/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	169	3.83%	19/10/22	Term Deposits
20/04/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	182	3.94%	20/10/22	Term Deposits
26/04/23	Westpac Bank	AA-	\$2,000,000.00	180	4.00%	28/10/22	Term Deposits
27/04/23	National Australia Bank	AA-	\$1,000,000.00	181	4.00%	28/10/22	Term Deposits
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
08/06/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	307	3.69%	05/08/22	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	365	0.60%	23/06/22	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	335	3.74%	05/08/22	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	381	0.60%	01/07/22	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
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1461	1.04%	16/02/22	Term Deposits
02/12/22	Westpac Bank	AA-	\$2,000,000.00	364	0.58%	03/12/21	ESG TD
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	Tailored Deposits
20/10/23	Westpac Bank	AA-	\$1,500,000.00	365	4.53%	20/10/22	Tailored Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	367	1.11%	28/10/22	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	458	4.05%	18/11/22	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	546	1.68%	05/09/22	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	731	1.62%	14/11/22	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	819	1.62%	05/09/22	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	822	2.02%	18/11/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	822	2.10%	25/11/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1095	1.87%	21/11/22	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1187	2.24%	18/11/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1187	2.31%	25/11/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1275	2.22%	05/09/22	ESG TD
03/02/23	Bank of Queensland	BBB+	\$2,000,000.00	1635	4.10%	13/08/18	Floating Rate Notes
06/02/23	Newcastle Permanent Building Society	BBB	\$2,000,000.00	1707	4.46%	05/06/18	Floating Rate Notes
24/02/23	RACQ Bank	BBB+	\$1,500,000.00	1096	4.07%	24/02/20	Floating Rate Notes
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	3.98%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	4.16%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	3.20%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	3.91%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	3.87%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AA-	\$1,000,000.00	1096	3.76%	06/05/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	3.09%	02/06/21	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	3.48%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	A+	\$500,000.00	1826	3.47%	19/08/21	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	4.07%	18/08/22	Floating Rate Notes
17/10/25	Suncorp Metway	A+	\$1,000,000.00	1096	3.82%	17/10/22	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	3.32%	23/09/21	ESG FRN
15/12/22	NTTC	Aa3	\$2,000,000.00	808	0.90%	28/09/20	Fixed Rate Bond
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	A+	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,009,176.87		3.30%		AMP 31Day Notice
	AMP Bank	BBB	\$3,786.49		0.50%		AMP Business Saver
	Macquarie Bank	A+	\$1,999,999.99		3.05%		Macquarie CMA
	Macquarie Bank	A+	\$3,448,481.68		2.85%		Macquarie CMA
30/11/22			\$133,911,445.03				
TOTAL INVESTMENTS at 31/10/2022			\$139,758,583.00				
Net Increase/(Decrease) in Investments			(\$5,847,137.97)				

FINANCIAL CONSIDERATIONS

The RBA is likely to increase the cash rates, on 06 December 2022.

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.

12 NOTICES OF MOTION

Nil.

13 NOTICES OF MOTION OF RESCISSION

Nil.

14 MATTERS OF URGENCY

Nil.

15 QUESTIONS WITH NOTICE

Nil.

16 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 16.1 FIVE DOCK BOWLING CLUB - LEASE TO DOCAPIRO FIVE DOCK PTY LTD
- VARIATION OF LEASE**

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.

ITEM 16.2 RHODES RECREATION CENTRE - MANAGEMENT MODEL

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.
- (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.

17 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.
