

# ORDINARY COUNCIL MEETING


## AGENDA

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

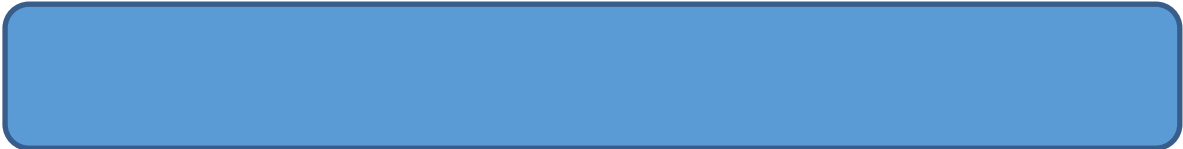
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

**Tuesday, 17 May 2022**

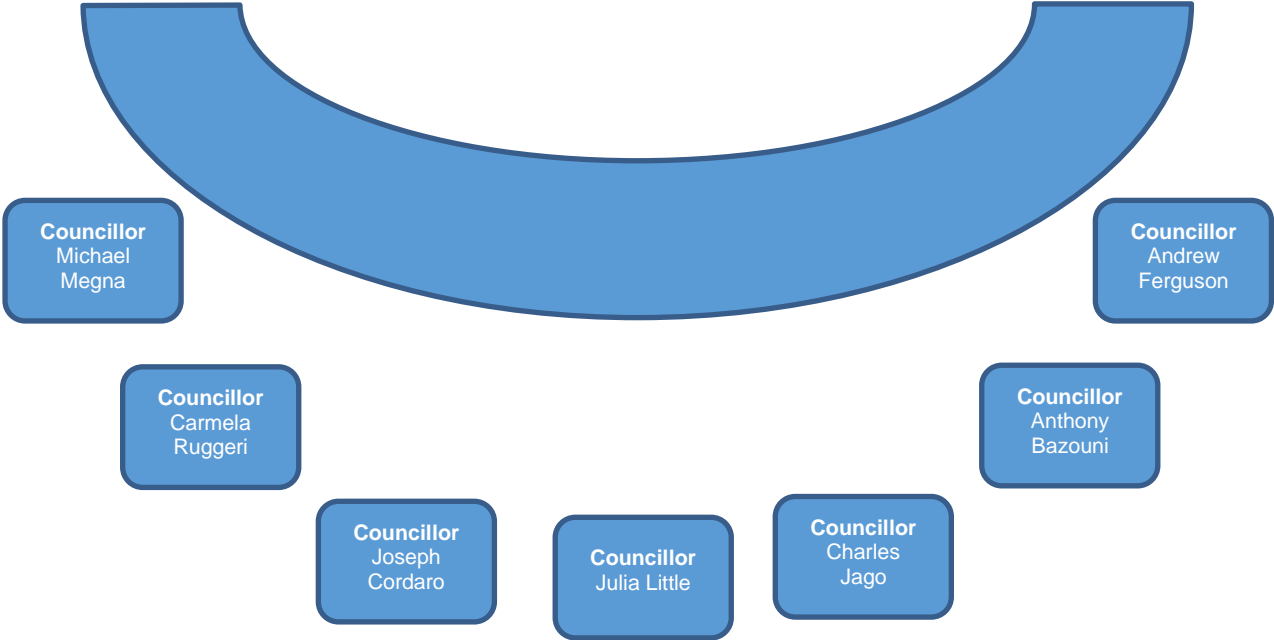
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



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



**Councillors**  
**City of Canada Bay**



**Statement of Ethical Obligations**

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

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

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**Agenda for an Ordinary Council Meeting  
to be held on Tuesday 17 May 2022  
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne  
Commencing at 6.00pm**

**Table of Contents**

<b>1</b>	<b>ACKNOWLEDGEMENT OF COUNTRY.....</b>	<b>5</b>
<b>2</b>	<b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....</b>	<b>5</b>
<b>3</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
<b>4</b>	<b>DISCLOSURES OF INTERESTS .....</b>	<b>5</b>
<b>5</b>	<b>MAYORAL MINUTE(S) .....</b>	<b>6</b>
	Item 5.1 Mayoral Minute - Rhodes Fire Brigade 100th Anniversary .....	6
	Item 5.2 Mayoral Minute - Safety Concerns Relating to Boat and Trailer Parking Around Five Dock and Campbell Parks .....	7
	Item 5.3 Mayoral Minute - Beats and Eats .....	8
<b>6</b>	<b>PUBLIC FORUM .....</b>	<b>9</b>
<b>7</b>	<b>ITEMS RESOLVED BY EXCEPTION.....</b>	<b>9</b>
<b>8</b>	<b>EXECUTIVE SERVICES DIRECTORATE REPORTS.....</b>	<b>9</b>
<b>9</b>	<b>COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS .....</b>	<b>10</b>
	Item 9.1 Submission to Sydney Metro West Exhibition of the Application and Environmental Impact Statement for Rail Infrastructure, Stations, Precincts and Operations.....	10
	Item 9.2 DA Determinations by the Local Planning Panel and Staff Under Delegation ....	13
	Item 9.3 Canada Bay Local Heritage Grants Program 2021/2022 .....	21
	Item 9.4 Appointment of Delegates to Rhodes Community Committee.....	30
	Item 9.5 City of Canada Bay IPART Submission .....	31
	Item 9.6 Planning Proposal - Strathfield Triangle.....	43
	Item 9.7 Community Association Forum Charter .....	51
<b>10</b>	<b>CITY SERVICES AND ASSETS DIRECTORATE REPORTS .....</b>	<b>57</b>
	Item 10.1 Appointment of Delegates to Access and Inclusion Committee .....	57
	Item 10.2 City of Canada Bay Local Traffic Committee Minutes - 28 April 2022 .....	58
	Item 10.3 Draft Concord Oval Plan of Management - Pre-Public Exhibition.....	66
<b>11</b>	<b>CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....</b>	<b>68</b>
	Item 11.1 Third Quarter Budget Review - January to March 2022 .....	68
	Item 11.2 Code of Conduct Policy Review.....	74
	Item 11.3 Cash and Investment Report for April 2022 .....	75
	Item 11.4 Covid 19 Vaccination Program at the Connection - Rhodes.....	78

<b>12</b>	<b>NOTICES OF MOTION.....</b>	<b>80</b>
	Item 12.1 Notice of Motion - Second Bay Run .....	80
	Item 12.2 Notice of Motion - Community Organisation Consultation, Participation and Empowerment .....	81
	Item 12.3 Notice of Motion - City of Canada Bay Council Indigenous Recognition and Community Education.....	82
	Item 12.4 Notice of Motion - Cabarita Swimming Pool.....	83
	Item 12.5 Notice of Motion - Boat and Trailer Parking in Local Streets .....	84
	Item 12.6 Notice of Motion - Don't Leave Local Communities Behind Campaign.....	85
<b>13</b>	<b>NOTICES OF MOTION OF RESCISSION .....</b>	<b>87</b>
<b>14</b>	<b>MATTERS OF URGENCY .....</b>	<b>87</b>
<b>15</b>	<b>QUESTIONS WITH NOTICE .....</b>	<b>87</b>
<b>16</b>	<b>CONFIDENTIAL MATTERS .....</b>	<b>88</b>
	Item 16.1 Concord Oval Cafe Tender .....	88
<b>17</b>	<b>CONFIDENTIAL RESOLUTIONS.....</b>	<b>90</b>

## **1 ACKNOWLEDGEMENT OF COUNTRY**

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

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

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

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

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## **3 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 19 APRIL 2022**

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#### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of 19 April 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

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## **4 DISCLOSURES OF INTERESTS**

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

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**5 MAYORAL MINUTE(S)****ITEM 5.1 MAYORAL MINUTE - RHODES FIRE BRIGADE 100TH ANNIVERSARY****Attachments:** NilSubmitted by: Councillor Stephanie Di Pasqua (Deputy Mayor)

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**MOTION**

That Council congratulate the Rhodes Fire Brigade for their centenary of service.

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**BACKGROUND**

In March I was honoured to attend the centenary celebrations for the Rhodes Fire Brigade at the Rhodes Community Centre, and I wish now to extend my congratulations to the Brigade and all who serve currently and have served our community over the past century.

Now 101 years old, the Brigade was finally able to mark their centenary this year after COVID-19 lockdowns prevented formal celebrations last year.

On the 11th of March 1921, Rhodes Fire Brigade was inaugurated in response to fires at local timber mills and the arrival of Tulloch Ironworks and Berger paints.

Initially, it was a volunteer brigade led by Captain Charles McIlwaine, who offered a suitable shed at the rear of his property at 27 Blaxland Road. The first major fire attended was in February 1927 when a timber boat caught fire near the boat ramp at the end of Blaxland Road.

In 1933 they received a motorised fire appliance to support their work during a time when the chemical industry was growing. In 1967 an explosion rocked the whole of Rhodes caused by a significant fire at the Union Carbide Plant. The Brigade was confronted with a building and surrounding tanks of chemicals alight and worked to prevent a major disaster.

Perhaps the most remarkable part of the 101-year history is the family legacy of the Brigade. The current Station Commander is Captain Gregory McIlwaine – grandson of the founding Brigade Captain Charles McIlwaine. It is this family and community tradition that makes the Brigade's history special and unique.

Over its storied history, the Rhodes Fire Brigade has consistently served and assisted our local community and I ask Council to join me in congratulating the Rhodes Fire Brigade on this important occasion, to thank them for their important service to our community and to wish them well for the next 100 years.

**Stephanie Di Pasqua**

DEPUTY MAYOR

**ITEM 5.2 MAYORAL MINUTE - SAFETY CONCERNS RELATING TO BOAT AND TRAILER PARKING AROUND FIVE DOCK AND CAMPBELL PARKS****Attachments:** NilSubmitted by: Councillor Stephanie Di Pasqua (Deputy Mayor)

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**MOTION**

1. That Council officers undertake focused enforcement of the parking of boats and large vehicles/trailers within the vicinity of Council's parks and reserves, particularly Five Dock Park, Campbell Park and Lysaght Park.
  2. That Council officers bring a report to Council which investigates options to improve pedestrian safety and the regulation of parking of boat trailers and large vehicles and trailers adjacent to parks and reserves where there has been a recurring problem, such as Five Dock Park, Campbell Park and Lysaght Park.
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**BACKGROUND**

I would like to make Council aware of growing community concerns relating to the high and ever-increasing number of boats, boat trailers, other trailers and large vehicles on the streets fronting Five Dock Park and Campbell Park.

The intention for our local public streets is not to provide long term parking utility to owners of boats from our area and beyond and it is time that Council investigate opportunities to find solutions for these locations.

The parking of these boats, trailers and vehicles around these parks is not only a nuisance on busy weekends, they create a significant safety issue for members of our community who utilise the parks by significantly reducing sightlines and visibility of residents and visitors, particularly children, crossing the street.

As an example, a number of children from the sporting clubs that play at Campbell Park and Lysaght Park need to regularly cross between these fields for training and matches, and visibility for these children crossing the road is consistently obscured by these large vehicles.

Whilst I understand the parking of boat trailers is regulated by the *Impounding Act 1993*, it is prudent that we investigate options to pursue a range of initiatives to protect our community and manage parking in these locations. Such initiatives would include parking restrictions and associated signage.

**Stephanie Di Pasqua**

DEPUTY MAYOR

**ITEM 5.3 MAYORAL MINUTE - BEATS AND EATS****Attachments: Nil**Submitted by: Councillor Stephanie Di Pasqua (Deputy Mayor)

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**MOTION**

That Council

1. Write to the NSW Department of Environment and Planning thanking them for their funding that assisted with the Beats and Eats program.
  2. Seek funding opportunities to assist with costs associated with delivering these events, including operational resourcing.
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**BACKGROUND**

I would like to acknowledge the overall success of the Beats and Eats program that was delivered by Council with support from the NSW Government's Summer Night Fund and Festival of Place initiative.

Through the Beats and Eats program, Council held events during the months of February, March and April in the town centres of Drummoyne, Five Dock, Concord and Rhodes. This allowed many in our community to enjoy an enlivening event program after 5pm through music, family fun and delicious food. It helped to create a social destination after school and after work, supporting our collective efforts towards reviving our local economy and supporting small businesses.

The Beats and Eats program was faced with many challenges, particularly due to inclement wet weather but with thanks to our staff, we were still able to host some fantastic events.

It is evident that there is a real appetite in the community for this type of family-friendly small-scale events that activate our town centres and provide a vibrant and fun atmosphere.

I would like to see Council continue to deliver these events for our community and small businesses and seek funding opportunities to continue the program.

**Stephanie Di Pasqua**

DEPUTY MAYOR



## **6 PUBLIC FORUM**

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

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## **7 ITEMS RESOLVED BY EXCEPTION**

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

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## **8 EXECUTIVE SERVICES DIRECTORATE REPORTS**

Nil

## 9 COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS

### ITEM 9.1 SUBMISSION TO SYDNEY METRO WEST EXHIBITION OF THE APPLICATION AND ENVIRONMENTAL IMPACT STATEMENT FOR RAIL INFRASTRUCTURE, STATIONS, PRECINCTS AND OPERATIONS

Reporting Manager: Coordinator Strategic Planning

Attachments: 1. City of Canada Bay Submission to the Sydney Metro West CCI and EIS for rail infrastructure, stations, precincts and operations (More than 10 pgs) [⇒](#)

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#### RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

1. That Council endorse the *City of Canada Bay Submission to the Sydney Metro West Critical State Significant Infrastructure and Environmental Impact Statement*, attached to the report.
  2. That authority be delegated to the General Manager to make minor amendments to the *City of Canada Bay Submission to the Sydney Metro West Critical State Significant Infrastructure and Environmental Impact Statement*, prior to final submission.
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#### PURPOSE

This report seeks Council endorsement of the City of Canada Bay Submission to the recently exhibited Sydney Metro West Application.

#### EXECUTIVE SUMMARY

The NSW Government publicly exhibited its *Sydney Metro West Critical State Significant Infrastructure (CSSI) Application, Environmental Impact Statement and accompanying documents* (the Application) from 23 March 2022 until 4 May 2022.

Council Officers have prepared a City of Canada Bay (CCB) Submission responding to matters raised within the Application. The Submission was forwarded to the Major Projects assessment team at the Department of Planning and Environment (DPE) by exhibition closing date. DPE has indicated that they can receive a Council-endorsed submission following Council's consideration of the submission at the May Council meeting.

#### STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

- EFF 4.2.1 Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.
- EGA 3.1.1 Adopt an integrated approach to the provision of Major Regional Infrastructure to meet community need.

#### BACKGROUND/DISCUSSION

On 23 March 2022, the NSW Government exhibited a *Critical State Significant Infrastructure (CSSI) Application, Environmental Impact Statement (EIS) and accompanying documents* relating to the Sydney Metro West, for its rail infrastructure, stations, precincts, and operations from Westmead to Sydney Central Business District.

Sydney Metro West is seeking consent (from State government) for the construction of metro station buildings, metro precincts immediately surrounding the stations, services facilities, spaces for non-station uses at metro station including retail and commercial, provision for over and/or adjacent

station development within metro precincts, as well as transport network modifications such as interchange facilities, amongst others. The recent exhibition sought public comment on the detail exhibited.

The exhibited material was made available to the public through the NSW Government's planning portal, and the exhibition was promoted by both Sydney Metro and the Department of Planning and Environment (DPE) via in-person community events, social media, mainstream media, materials delivered to households and other means of communication.

A copy of the exhibited material can be viewed online at:

<https://pp.planningportal.nsw.gov.au/major-projects/projects/sydney-metro-west-rail-infrastructure-stations-precincts-and-operations>

The exhibition was open for community comment with submissions due on 4 May 2022. It is anticipated that Sydney Metro will respond to submission received to assist DPE in their assessment of this Application.

### **City of Canada Bay Submission**

The City of Canada Bay Submission was prepared as a cross-disciplinary response. It sought contribution from Officers across Council with expertise in relevant technical areas including, but not limited to, the engineering disciplines of civil/hydrology/traffic, heritage, sustainability, environmental health, social planning, strategic planning, place making, landscape design and others.

Additionally, Council officers engaged VIAE Consulting, a transport planning consultancy, which provided additional perspectives to the EIS, and supported early phase of the submission preparation.

The City of Canada Bay Submission raises concerns and makes recommendations based on local knowledge and on-the-ground experiences relating to Sydney Metro West. These are outlined throughout the Submission, which is structured in a manner that references relevant volumes and chapters of the exhibited material. A copy of the Submission is provided at **Attachment 1** to this report.

### **TIMING**

Council officers obtained confirmation from the DPE for the lodgement of an Officer-level Submission by the deadline of 4 May 2022, to be followed by a Council-endorsed version of the Submission post the Council Meeting in mid-May 2022.

### **FINANCIAL CONSIDERATIONS**

There are no immediate financial implications associated with the City of Canada Bay Submission to the Sydney Metro West CSSI application and EIS exhibition.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

On 23 September 2020 the Minister for Planning and Public Spaces declared the Sydney Metro West Project as Critical State Significant Infrastructure (CSSI) through an *Environmental Planning and Assessment Amendment (Sydney Metro West) Order 2020*, under s5.12 (4) and 5.13 of the *Environmental Planning and Assessment Act (EP&A) 1979*. The DPE will assess the Application and consider submissions received, under the EP&A Act.

Local Government Areas affected by the Sydney Metro West CSSI include Burwood, City of Sydney Cumberland City, Inner West, Strathfield, and City of Canada Bay.

### **RISK CONSIDERATIONS**

Whilst the draft submission at Attachment 1 outlines a range of considerations, including the need for greater detail on a number of aspects, there is a risk that these matters raised may not be taken on board in the consideration of submissions by DPE. Additionally, should Council not endorse the

submission (Attachment 1), there is a risk of not getting Council's representations on public record and considered by DPE.

Should consent be granted to Sydney Metro West, it will pose potential longer-term financial and operational considerations for Council. In particular, it affects Council's asset management strategy relating to land, infrastructure and services provision in the vicinity of Sydney Metro precincts.

It is also anticipated that ongoing resources will be required for Council to work closely with Sydney Metro West on the design and development of Metro precincts, including construction management, infrastructure provision and strategic planning.

**ITEM 9.2 DA DETERMINATIONS BY THE LOCAL PLANNING PANEL AND STAFF UNDER DELEGATION****Reporting Manager: Manager Statutory Planning****Attachments: Nil**

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That Council receive and note the information contained in the report on DA determinations by the Local Planning Panel and Staff under delegation (for the period 1 April 2022 and 30 April 2022).

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**PURPOSE**

This report outlines 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 CONNECTION**

This report supports YOUR future 2030 Outcome area:

VSA 5.4.1 Provide transparent and informative Statutory Development services to assure approval processes are streamlined and timely and effective compliance is achieved.

**BACKGROUND/DISCUSSION**

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).

The following applications were listed for consideration at the CBLPP meeting held on 27 April 2022:

- MOD2021/0166 – 2P Parkview Road, Chiswick - To allow for the extension of sports use of Campbell Park and the associated illumination of the floodlighting to be extended from 9:00pm to 9:30pm, Tuesday to Thursday and 5pm to 9:30pm, Friday – *Approved subject to conditions.*

**Items for next CBLPP Meeting on 25 May 2022**

As of the date of this report, the following applications are proposed to be referred to the next meeting of the CBLPP to be held on 25 May 2022. It should be noted that the assessment reports for these matters are yet to be completed and that not all matters may be finalised in time for the agenda for the upcoming CBLPP meeting to be published on Council's webpage by close of business on Thursday, 12 May 2022:

- DA2021/0266 - 29 Lenore Street, Russell Lea - Demolition of structures and construction of a two-storey dwelling with basement parking and swimming pool.

**Development Applications – Determined**

The following Development Applications have been determined by staff under delegation between 1 April 2022 and 30 April 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2021/0326	24.11.2021	77 Thompson Street, Drummoyne	Alterations and additions to existing dwelling	Approved 01.04.2022
DA2021/0373	05.01.2022	52 Bowman Street, Drummoyne	Alterations and additions to existing dwelling	Approved 04.04.2022
DA2021/0097	07.05.2021	28 Wilga Street, Concord West	Demolition of existing structures and construction of a dwelling with swimming pool and associated landscaping	Approved 05.04.2022
DA2021/0353	07.02.2022	38 Ingham Avenue, Five Dock	Demolition and removal of existing pool and surrounding timber decking, construction of addition of single storey studio at the rear of the property and new swimming pool, landscaping and cabana	Approved 05.04.2022
DA2021/0277	12.10.2021	378 Concord Road, Concord West	Remove existing school sign and installation of new digital, electronic LED sign panel and pylon sign structure	Approved 05.04.2022
DA2021/0024	04.02.2021	128 George Street, North Strathfield	Demolition of existing structures and construction of an attached dual occupancy with Strata Title Subdivision	Approved 07.04.2022
DA2022/0187	02.08.2021	22 Bayswater Street, Drummoyne	Demolition of existing structures and construction of four, two-storey townhouses with basement parking	Approved 08.04.2022
DA2021/0336	02.12.2021	3 Trafalgar Parade, Concord	Proposed Alterations and Additions to front facade and rear porch of existing dwelling, renewal of existing carport, new car space and alterations to existing driveway crossing	Approved 08.04.2022
DA2022/0093	30.03.2022	19-19A Roseby Street, Drummoyne	Proposed refurbishment of an existing juice bar	Approved 08.04.2022
DA2021/0189	29.07.2021	38 Westbourne Street, Drummoyne	Alterations and additions to an existing semi-detached dwelling, including first floor addition	Approved 11.04.2022
DA2021/0091	28.04.2021	63 Henry Street, Five Dock	Demolition of existing structures and construction of an attached two-storey dual occupancy development with Torrens subdivision	Approved 12.04.2022
DA2022/0091	29.03.2022	4 Park Avenue, Concord	Removal of seven trees (1 x Callistemon, 3 x Inga, 2 x Bangalow Palms, 1 x Jacaranda) and pruning of two	Approved 12.04.2022

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			trees (1 x Blueberry Ash and 1 x Conifer)	
DA2021/0135	11.06.2021	23 Medora Street, Cabarita	Demolition of existing dwelling and tree removal. Construction of two-storey single dwelling over a basement and front fence	Approved 12.04.2022
DA2021/0247	14.09.2021	57 Curtin Avenue, Abbotsford	Proposed demolition of existing structure and construction of proposed attached dual occupancy	Approved 14.04.2022
DA2021/0265	05.10.2021	146 Great North Road, Five Dock	Use, associated fitout and external signage of an existing commercial tenancy for the purposes of operating a gym	Approved 14.04.2022
DA2021/0279	15.10.2021	89 Davidson Avenue, Concord	Alterations and additions to an existing dwelling house and a swimming pool with a cabana	Approved 21.04.2022
DA2021/0345	06.12.2021	11 Altona Street, Abbotsford	Alterations and first floor additions	Approved 21.04.2022
DA2021/0379	23.12.2021	15 Robert Avenue, Russell Lea	Alterations and additions to existing dwelling	Approved 22.04.2022
DA2022/0115	14.04.2022	9 Napier Street, Drummoyne	Removal of 4 x Bangalow palm trees due to no complying with pool regulations (T1-4) removal of 1 x Cabbage tree palm due to poor location being up against balcony (T5)	Approved 22.04.2022
DA2021/0368	21.12.2021	16 Majors Bay Road, Concord	Alterations and first floor additions to existing dwelling and new carport	Approved 26.04.2022
DA2021/0359	15.12.2021	53 Cometrowe Street, Drummoyne	Demolition of existing dwelling and construction of a new dwelling	Approved 29.04.2022
DA2022/0083	29.04.2022	19 Lenore Street, Russell Lea	Construction of a Carport	Approved 29.04.2022
DA2021/0361	15.12.2021	41 Park Road, Five Dock	Demolition and removal of shed and vegetation and construction of two-storey dwelling	Approved 29.04.2022

Total Number of DAs Determined = 23

### Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 April 2022 and 30 April 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0095	01.04.2022	13 Parramatta Road, Five Dock	Alterations & Additions to existing Pub "The Illinois Hotel"
DA2022/0102	04.04.2022	63 Bowman Street, Drummoyne	Alterations and additions to existing semi detached dwelling with new carport to front and new spa to the rear of the site
DA2022/0098	06.04.2022	17 Merville Street, Concord West	Demolition of existing structures and construction of two storey dual occupancy with basement parking and swimming pools
DA2022/0099	06.04.2022	8 Burwood Road, Concord	Change the use of the existing shop to pizza take away shop
DA2022/0100	06.04.2022	340 Victoria Place, Drummoyne	Alterations and additions to existing dwelling including new pool and alfresco area
DA2022/0101	06.04.2022	58 Clements Street, Russell Lea	Demolition of existing house, new three storey dwelling, inground pool, landscaping
DA2022/0103	06.04.2022	19 Excelsior Street, Concord	Construction of pool, associated landscaping and alterations to openings of existing dwelling
DA2022/0104	06.04.2022	1 Merville Street, Concord West	Demolition of existing structures and construction of a two storey dual occupancy with pools, front fence and torrens title subdivision
DA2022/0094	07.04.2022	2 Abbotsford Cove Drive, Abbotsford	Removal of a eucalyptus racemosa and removal of a phoenix reclinate
DA2022/0106	07.04.2022	36 Formosa Street, Drummoyne	Alterations and additions to existing dwelling
DA2022/0105	08.04.2022	129 Links Avenue, Concord	Removal of one tree from a heritage item
DA2022/0107	12.04.2022	20 Norman Street, Five Dock	Demolition of existing structures and construction of a new two-storey dwelling with garage, pool and related landscaping
DA2022/0109	13.04.2022	17 Edward Street, Concord	Alterations and additions to existing dwelling
DA2022/0113	14.04.2022	2/47 Alexandra Street, Drummoyne	Proposed demolition of existing garage whilst maintaining existing slab, propose new upgrade and raise roof line
DA2022/0115	14.04.2022	9 Napier Street, Drummoyne	Removal of 4 x bangalow palm trees due to no complying with pool regulations(T1-4) removal of 1 x Cabbage tree palm due to poor location being up against balcony (T5)
DA2022/0117	14.04.2022	371B Great North Road, Wareemba	Construction and installation of an inground concrete swimming pool



DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0116	14.04.2022	River Quays Marina, 140 Tennyson Road, Mortlake	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
DA2022/0112	14.04.2022	46 Wilga Street, Concord West	Single storey alterations and additions to rear of dwelling house
DA2022/0119	14.04.2022	28 Harrabrook Avenue, Five Dock	Retrospective consent for the use of two hardstand parking spaces and new planter boxes
DA2022/0120	19.04.2022	15 Riverside Mews, Drummoyne	First floor addition to a dwelling
DA2022/0118	20.04.2022	20 Llewellyn Street, Rhodes	Alteration and addition to existing dwelling
DA2022/0110	21.04.2022	1H Hospital Road, Concord West	Rooftop facility consisting of antennas on mounting poles and equipment cabinets on roof level for telecommunications
DA2022/0121	27.04.2022	77 Burnell Street, Russell Lea	Demolition of existing structures and construction of a two-storey dwelling with pool, detached garage and front fence
DA2022/0123	27.04.2022	34 McCulloch Street, Russell Lea	Alterations and first floor additions to existing dwelling and construction of a pool
DA2022/0124	27.04.2022	19 Leeds Street, Rhodes	Proposed use as cellar door for adjoining distillery (already approved via CDC-63837).
DA2022/0125	27.04.2022	11-15 Bertram Street, Mortlake	Demolition of existing structures and improvements, construction of four storey residential 50 apartments and basement carparking.
DA2022/0126	28.04.2022	40 Gipps Street, Drummoyne	Removal of a damaged Jacaranda Tree and the pruning of an Acer Tree and Ficus Tree
DA2022/0083	29.04.2022	19 Lenore Street, Russell Lea	Construction of a carport
DA2022/0128	29.04.2022	27 Tranmere Street, Drummoyne	Alterations and first floor additions to existing single story residence
DA2022/0122	29.04.2022	59 Tranmere Street, Drummoyne	Removal of a Jacaranda and Tree Fern from front yard, and a Willow tree from the rear yard.

Total Number of DAs Lodged = 30

### Variations to development standards

There were two (2) variations made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 April 2022 and 30 April 2022:

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2021/0373	52 Bowman Street, Drummoyne	Clause 4.3, Maximum Building Height	Works relate to the minor refurbishment of an existing roof form which sits above the height control. Majority of works are single storey and to the rear of the existing dwelling.	200mm (2.35%)	4.04.2022
DA2021/0379	15 Robert Avenue, Russell Lea	Clause 4.3, Maximum Building Height	The exceedance to the building height control relates to a minor extension to the existing roof form. The addition will not impact upon the amenity of the surrounding properties and will result in an addition of size, scale and character consistent with typical low-scale residential dwellings.	300mm (3.5%)	22.04.2022

### Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 30 April 2022:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2019/0380	Gladesville Bridge Marina – 380 Victoria Place, Drummoyne	Class 1 Appeal against the actual Refusal of the development application for alterations and additions to the Gladesville Bridge Marina  Council is listed as the First Respondent.  Save the Gladesville Bridge Waterway Incorporated are listed as the Second Respondent	Section 34 Conciliation conference held 2 November 2021. No agreement reached.  Matter listed for five-day hearing on 12, 13 and 16, 17 and 18 May 2022

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0089	30-34 Leicester Avenue, Strathfield	Class1 Appeal against the deemed Refusal of the development application for demolition of existing structures, amalgamation of lots and the construction of a five-storey residential flat building with 42 apartments and 46 car parking spaces.	Application remains under review by the Land and Environment Court with no judgement yet made
DA2021/0108	38 Salt Street, Concord	Class 1 Appeal against the deemed Refusal of the development application for the demolition of existing structures on site, construction of a double storey residential dwelling with basement, in ground swimming pool and front fence	Conciliation conference convened on 13 April 2022 with amended plans submitted by the applicant to respond to Council and neighbour concerns. Court upheld appeal on amended scheme and was conditionally approved 22 April 2022
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 listed for conciliation conference on 10 June 2022
DA2021/0290	25 Abbotsford Parade, Abbotsford	Class 1 Appeal against the deemed refusal of the development application for Major alterations and additions existing dwelling	Matter listed for conciliation conference 15 and 16 August 2022
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	Matter listed for first directions hearing on 16 May 2022
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	Matter listed for first directions hearing on 12 May 2022

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		for one (1) car, four (4) motorcycles and four (4) bicycles under State Environmental Planning Policy (Affordable Rental Housing) 2009	

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

#### **TIMING**

This report generally provides a summary of development applications from the previous month.

#### **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.

#### **RISK CONSIDERATIONS**

This report is provided for information only and there are no risk considerations associated with this report.

**ITEM 9.3 CANADA BAY LOCAL HERITAGE GRANTS PROGRAM 2021/2022****Reporting Manager: Coordinator Heritage****Attachments: 1. Heritage Grants Report on Completed Projects** [↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

1. That Council acknowledges the completed projects of the 2021/2022 Local Heritage Grants Program.
  2. That Council commence the 2022/23 Heritage Grants Program based on a budget of \$25,000.00 (inclusive of the anticipated receipt of a \$5,500 grant from NSW Heritage Grant).
- 

**PURPOSE**

To report on the outcome of the 2021/2022 Local Heritage Grants Program, and seek endorsement for the 2022/2023 Program.

**EXECUTIVE SUMMARY**

This report outlines the completed projects for the 2021/22 Local Heritage Grants Program.

The fund was originally established in 2008 as part of Council's commitment to the conservation and promotion of local heritage through the financial support for small conservation projects.

This report recommends that Council note the completed projects for the 2021/2022 Local Heritage Grants Program; and commence the 2022/2023 Heritage Grants Program.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

- EFF 4.2.1 Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

**BACKGROUND/DISCUSSION**

Council established the Local Heritage Grants Program in 2008 and since this time, numerous applications have been received for projects, making it a popular and successful initiative.

The Program provides valuable support for property owners of heritage items and buildings in heritage conservation areas. This funding can make the difference between saving a highly significant historic building in the Canada Bay LGA, and it falling into disrepair.

*Review of Applications*

The Guidelines for the Heritage Grants Program include the following criteria on which applications were assessed:

- the work has been completed and paid for;
- the work is for sympathetic repairs of historic built fabric;
- previously lost architectural features are reinstated;
- the work has enhanced public amenity and is to a part of the place that is highly visible to the public;
- the works are to a place which has high public accessibility, e.g. local museum or church;
- the work has been undertaken by a non-profit organisation, community group or church; and

- the work is to a heritage item or to a property of heritage value in a conservation areas.

The maximum level of funding per project is \$2,000.00 for works in a Heritage Conservation Area, and \$3,000.00 for works to a Heritage Item. Whilst matched funding (dollar for dollar) is required by the applicant, in many cases the applicant contributed a greater percentage of the cost of the works. To maximise the number of projects that are funded each year, funding applications often receive less than the maximum amount.

*Summary of completed projects for 2021/2022*

Below is a summary table on the nineteen (19) heritage projects with a total value of \$164,199 which were successfully completed and received funding under the Local Heritage Grants Program. Of this amount, Council allocated grant funding totalling \$30,460.

No.	Property	Project Description	Total Project cost	Local Heritage Grant approved
1	61 Bowman Street, DRUMMOYNE	Tuck-pointing	\$10,750	\$1,900
2	105 Lyons Road, DRUMMOYNE	Repointing of sandstone and brick walls. Tuck-pointing of the front façade.	\$8,855	\$1,800
3	68 Lyons Road, DRUMMOYNE	Repainting of external timberwork.	\$6,875	\$2,000
4	26 Edwin Street, DRUMMOYNE	Repainting of external timberwork, gutters and downpipes.	\$10,945	\$1,800
5	6 Lindfield Avenue, CONCORD	New concrete driveway.	\$9,700	\$1,000
6	49 Moore Street, DRUMMOYNE	New verandah joinery, repainting, new tiling to the front verandah, and a new timber picket fence.	\$13,632	\$1,900
7	1 College Street, DRUMMOYNE	Tuck-pointing	\$6,215	\$1,800
8	49 Myall Street, CONCORD WEST	Repainting exterior elements of the house	\$5,852	\$1,800
9	77 Formosa Street, DRUMMOYNE	Rebuilding of the sandstone base entry steps.	\$8,523	\$1,800

No.	Property	Project Description	Total Project cost	Local Heritage Grant approved
10	10 Cambridge Street DRUMMOYNE	Replacement of tessellated tiles of the front verandah.	\$5,667	\$1,800
11	5 Myall Street CONCORD WEST	Tuck-pointing	\$8,900	\$2,000
12	30 Henley Street DRUMMOYNE	Stabilisation of the front sandstone steps.	\$1,580	\$790
13	44 Bowman Street DRUMMOYNE	Tiling of front verandah	\$6,550	\$1,500
14	46 Polding Street DRUMMOYNE	New front gate	\$685	\$300
15	55 Tranmere Street DRUMMOYNE	Retiling of the existing roof	\$17,250	\$2,000
16	71 Myall Street, CONCORD WEST	Repainting	\$4,840	\$1,500
17	3 Frederick Street CONCORD	Repainting	\$7,920	\$2,700
18	41 St Georges Crescent DRUMMOYNE	Tuck-pointing	\$25,500	\$1,900
19	25 Westbourne Street DRUMMOYNE	Repointing sandstone base	\$3,960	\$170
<b>Total</b>			<b>\$164,199</b>	<b>\$30,460</b>

### TIMING

The Local Heritage Grants Program has been a successful Council program running annually for over 10 years. A report is provided to Council on completion of the grants program each year.

It is recommended that Council proceed with the Local Heritage Grants Program for the 2022/2023 financial year.

### FINANCIAL CONSIDERATIONS

Council has continued to provide funding for this program since it was introduced over 10 years ago, and in the 2021/2022 budget, initially allocated \$19,500 to fund the program. A grant of \$5,500 was received from the Heritage NSW to supplement Council's allocated budget. The budget for the program was subsequently increased by a further \$5,520, bringing the total budget for 2021/2022 to

\$30,520 (with a total of \$30,460 allocated in 2021/2022). This increase reflected the number of worthy applications received.

A total of \$25,000 has been allocated in the 2022/2023 budget for the continuation of the Local Heritage Grants program. This amount includes the anticipated receipt of a grant of \$5,500 from Heritage NSW. Council has received similar grant funding each year since the inception of this program.

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





Applications are processed in accordance with Council's *Local Heritage Grants Program Guidelines*.


#### **RISK CONSIDERATIONS**




The outcome of the Local Heritage Grants Program is reported to Council at the completion of the program each year. The works associated with each application are completed and paid for in advance, and the applications are assessed against criteria set out in Council's *Local Heritage Grants Program Guidelines*. Thus, the recommendations of this report pose no governance or risk considerations for Council.









**ATTACHMENT 1 – Heritage Grants Report of Completed Projects**

No.	Property	Project Description	Photograph
1	61 Bowman Street, DRUMMOYNE	Tuck-pointing	
Reason to support: The tuck-pointing reinstates an original feature and enhances the contribution of the house to the Bourketown Heritage Conservation Area.			
2	105 Lyons Road, DRUMMOYNE	Repointing of sandstone and brick walls. Tuck-pointing of the front façade.	
Reason to support: The repointing protects the sandstone base and brick walls of the house. The tuck-pointing reinstates an original feature and enhances the contribution of the house to the Bourketown Heritage Conservation Area.			
3	68 Lyons Road, DRUMMOYNE	Repainting of External timberwork.	
Reason to support: The painting will help to preserve the timberwork of the house. The colours are sympathetic. The work will enhance the presentation of this heritage item to Drummoyne Park.			
4	26 Edwin Street, DRUMMOYNE	Repainting of external timberwork, gutters and downpipes.	
Reason to support: The painting will help to preserve the timberwork of the house. The colours are sympathetic. The work enhances the contribution of the house to the Bourketown Heritage Conservation Area.			

No.	Property	Project Description	Photograph
5	6 Lindfield Avenue, CONCORD	New concrete driveway.	
		Reason to support: The use of concrete wheel strips repeats an original feature of the front garden. The new driveway is safer for the occupants.	
6	49 Moore Street, DRUMMOYNE	New verandah joinery, repainting, new tiling to the front verandah, and a new timber picket fence.	
		Reason to support: The work enhances the contribution the building makes to the Moore Street HCA.	
7	1 College Street, DRUMMOYNE	Tuck-pointing	
		Reason to support: The tuck-pointing reinstates an original feature and enhances the contribution of the house to the Bourketown Heritage Conservation Area.	
8	49 Myall Street, CONCORD WEST	Repainting exterior elements of the house	
		Reason to support: The painting will help to preserve the timberwork of the house. The colours are sympathetic. The work enhances the contribution of the house to the Yaralla Estate Heritage Conservation Area.	
9	77 Formosa Street, DRUMMOYNE	Rebuilding of the sandstone base entry steps.	

No.	Property	Project Description	Photograph
		<p>Reason to support: The previous steps were worn and unsafe. The new steps match the original and the work has been completed to a good standard.</p>	
10	10 Cambridge Street, DRUMMOYNE	Re-tiling the front verandah.	
		<p>Reason to support: The tiles match the original and enhance the aesthetic of the house.</p>	
11	5 Myall Street, CONCORD WEST	Tuck-pointing	
		<p>Reason to support: Redoing the tuck-pointing reinstates an original architectural feature and enhances the contribution the house makes to the streetscape of the Yaralla Estate Conservation Area. Unusual black tuck-pointing undertaken to match the original (some evidence of which remained prior to the works).</p>	
12	30 Henley Street DRUMMOYNE	Stabilisation of the front sandstone steps.	

No.	Property	Project Description	Photograph
		<p>Reason to support: The works prevents further destabilisation thus ensuring the retention of the existing sandstone slab steps.</p>	
13	44 Bowman Street DRUMMOYNE	Tiling of the front verandah.	
		<p>Reason to support: The retiling neatens the appearance of the front verandah.</p>	
14	46 Polding Street DRUMMOYNE	New front gate	
		<p>Reason to support: Enhances the streetscape</p>	
15	55 Tranmere Street, DRUMMOYNE	Reroofing of the existing roof using unglazed terracotta Marseille pattern roof tiles to match the existing.	

No.	Property	Project Description	Photograph
16	71 Myall Street, CONCORD WEST	Repainting timberwork of the house.	
Reason to support: Enhances the streetscape of the Yaralla Estate Heritage Conservation Area			
17	3 Frederick Street CONCORD	Repainting timberworks, gutters and downpipes, as well as the front fence.	
Reason to support: Protects the building fabric of this heritage item and enhances the streetscape.			
18	41 St Georges Crescent DRUMMOYNE	Tuck pointing of the front of the house	
Reason to support: Protects the building fabric of this heritage item and enhances its appearance.			
19	25 Westbourne Street DRUMMOYNE	Repointing	
Reason to support: Protects the building fabric and enhances the contribution of the building to the streetscape of the Marlborough and Tavistock Streets Heritage Conservation Area.			

**ITEM 9.4 APPOINTMENT OF DELEGATES TO RHODES COMMUNITY COMMITTEE****Reporting Manager: Place Manager Rhodes****Attachments: Nil**

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That Council appoint the Councillor to be delegate, in addition to the Mayor (or their delegate) for the Rhodes Community Committee for the current Council term.

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**PURPOSE**

This report seeks the appointment of Councillor representatives to the Rhodes Community Committee.

**REPORT**

At the 19 April 2022 Council Meeting Council resolved:

For the Rhodes Community Committee:

4. *THAT Councillor nominations for Membership of the Committee be received and endorsed at the May 2022 Council Meeting.*

The Rhodes Community Committee Charter requires two councillor delegates, the Mayor (or their delegate) who will chair the meetings, and another councillor.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

- IIP 1.3.1            Provide Place Management to enhance spaces and places and bring communities and businesses together.

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the nomination of Councillor representatives to this committee.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The Rhodes Community Committee Charter, adopted by Council at the ordinary Council meeting on 19 April 2022, seeks the appointment of the Mayor (or their delegate) and one other Councillor to this committee.

**RISK CONSIDERATIONS**

The Committee Charter (19 April 2022) seeks the appointment of the Mayor (or their delegate) and one other Councillor to this Committee. The operation of this committee is governed by the committee charter, Council's Code of Conduct and Code of Meeting Practice, and as such, there are no risk considerations associated with this report.

**ITEM 9.5 CITY OF CANADA BAY IPART SUBMISSION****Reporting Manager: Manager Sustainability and Waste****Attachments:** 1. **Final - Canada Bay Submission - IPART DWMC** [↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That Council endorse the submission on the Independent Pricing and Regulatory Tribunal of NSW's (IPART) review of the Domestic Waste Management Charge (DMWC) attached to the report.

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**PURPOSE**

To provide a copy of the Council officer submission on the Independent Pricing and Regulatory Tribunal of NSW's (IPART) review of the Domestic Waste Management Charge (DWMC) for Council to consider endorsement.

**EXECUTIVE SUMMARY**

This report provides a summary of the key issues raised in the Council officer submission on the IPART's review of the Domestic Waste Management Charge (DWMC). IPART's review has implications for councils across NSW, and the issues summarised in this report, whilst specific to the City of Canada Bay, are similar to the issues raised by many other councils. As submissions were due on Friday 29 April 2022, it was not possible to seek Council endorsement of the submission prior to finalisation.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

ER 2.1.4 Provide efficient and effective Waste and Resource Recovery services.

**BACKGROUND/DISCUSSION**

The IPART commenced a review of the DWMC in November 2019. Since then, IPART has released a discussion paper and draft report outlining IPART's position on DWMC charges; and have proposed changes to the way DWMC increases are regulated. DWMC are charges levied by NSW councils on residential ratepayers under the *Local Government Act 1993* to pay for the collection of domestic waste.

The Draft Report released in December 2021 highlights that overall, DWMC charges appear to be increasing faster than the rate peg and inflation. The report proposes a 'benchmark rate peg' for DWMC rate increases to address this. The report also recommends that only landfill, dry recycling, green waste or food and garden organics (FOGO), and bulk collections services should be funded from the DMC. If this proceeds, it would result in limited scope for councils to fund essential services such as community recycling centres, e-waste drop off days and other projects, all of which support the NSW Government's *Waste and Sustainable Resources Strategy*. Under the IPART proposal, Council would need to fund these services from General Revenue, resulting in them competing against other essential Council services for funding in the annual budget. It is noted that the implications of the IPART review generally would make delivery of many recent and forthcoming State Government sustainability and waste reduction initiatives very difficult.

The report also indicated a benchmark rate peg of 1.1% for financial year 2022-23. The report discussed that IPART propose to 'publish an annual report that highlights councils that have DWMC charges that have increased by more than the benchmark waste peg; and will include each council's explanations for the increases'.

### Council submission

In response to the draft report, Council's Waste team prepared a submission outlining key issues with the draft report. These include the following:

- Opposition to the approach proposed in IPART's draft report (clarified pricing principles and a voluntary indicative peg of 1.1%).
- When given a choice between two options (as proposed) of benchmarking and rebalancing or rate pegging, Council would choose benchmarking and rebalancing as Council's long-term financial modelling that applies these principles indicates a better outcome for residents with this option.
- A benchmarking peg would hinder Council renewing or entering new contracts which are significantly increasing due to increasing costs, risks, and disruptions in the waste management supply chain.
- The Waste Cost Index (WCI) methodology discussed in the report is flawed in creating the 'benchmark' peg as it does not take into consideration the current and forecasted CPI changes, currently running at 4%. Instead, the 2022–23 benchmark has been developed based on costs from previous financial years.
- DWMC should be set based on actual and expected costs, not general indices. Council sets it DWMC based on community needs and expectations, along with market pricing. Rising costs due to factors outside Council's control, and an ability to set prices which reflect the year ahead forecast, are critical to ensure sustainable financial management.
- The most important issue for City of Canada Bay residents identified in community engagement for Council's recently adopted *Resource Recovery and Waste Strategy* was for Council to implement a food recycling service. As well as this, the NSW Government has mandated that NSW councils introduce food and garden organics (FOGO) and/or food organics (FO) by 2030. The peg limits Council's capacity to implement this kind of service without considerable financial and resource burden.
- The definitions of 'waste' and 'domestic waste management services' do not fully address all services and functions provided by Council to reduce waste to landfill and maximise resource recovery. Under these definitions, services such as community recycling centres, e-waste drop-off days, and waste education programs that are not directly related to kerbside services would not be covered, yet they are essential waste services — both from a resource recovery perspective, as well as in terms of the feedback received from the community during the preparation of Council's *Resource Recovery and Waste Strategy*.
- Illegal dumping should be considered domestic waste. Composition and tonnage data gathered by Council since 2017–18 shows that only 10% of illegally dumped materials are building materials. Given this composition, it is reasonable that funding from DWMC is used on illegal dumping enforcement, education, and disposal.
- Increased costs for residents where loans are required for major infrastructure instead of reserve spending. As part of the long-term financial planning process, Council had identified three upcoming projects to be funded from Council's DWMCC reserve. If Council is prevented from using reserve spending by 2025–26, ratepayers could expect to pay an additional \$55.10 per annum on top of the DWMCC to fund the costs of these projects, through special rate variations.
- Council already consults with residents via the Integrated Planning and Reporting framework to understand their preferences for waste service delivery and outcomes, and service levels and environmental goals are based on this feedback, which are the drivers of DWMCC.



**TIMING**

Submissions on this matter were due on Friday 29 April 2022, and this timeframe did not enable the submission to be reported to Council prior to finalisation.

**FINANCIAL CONSIDERATIONS**

Whilst there is no direct financial impact associated with this submission, there will be considerable financial impacts should the current IPART proposal proceed. Both the peg and rebalancing approaches carry financial risk for Council. Rebalancing will push costs of delivering the domestic waste service to General Revenue where they will compete with other Council services and priorities. The peg will limit Council's ability to deliver improved, increased, and best practice waste services for our community.

Council has developed a long term financial plan for waste services and the lack of clarity and certainty around future use of the funds puts at risk Council's current and future plans.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

There are no legislative and policy considerations related to the submission.

**RISK CONSIDERATIONS**

In addition to the financial risks outlined above, there are a number of other risks associated with the IPART proposal. Both options proposed present a significant risk for service delivery. There are risks associated with exceeding the rate peg approach, including annual publication of exceedances. The benchmarking approach would see all councils being benchmarked against each other whilst delivering different services tailored to the needs of their communities and a risk that there will not be a fair comparison of services, leading to community concern.

As a final decision about the IPART Review has not yet been made, a further assessment of risks will be presented to Council once a decision has been made.

City of Canada Bay Council

Submission on the Draft report of the Independent  
Pricing and Regulatory Tribunal of NSW's (IPART) review  
of domestic waste management charges

29 April 2022

1

Document Set ID: 7607815  
Version: 1, Version Date: 02/05/2022

### Summary of Council's position

Council strongly opposes any measure which will inhibit Council's ability to deliver the services that the City of Canada Bay community expects and has asked for through the current NSW Government strategic planning framework and the development of Council's *Resource Recovery and Waste Strategy*.

Council supports clear and transparent pricing principles, which assist Council in developing the Domestic Waste Management Charges (DWMC) that meets the needs of the local community. This includes updated definitions and a broad range of services that support diversion of waste from landfill.

Council opposes the approach proposed in IPART's draft report in December 2021 (clarified pricing principles and a voluntary indicative peg of 1.1% in 2022/23; hereinafter, 'voluntary peg') and does not believe that the voluntary peg will assist councils in setting their DWMC. This approach does not consider the full range of services with updated definitions; instead it uses old data and lagging indicators, and does not take into account various factors that councils currently use to predict contract costs for yearly budgets (for example: consumer price index, local government award increases, and rise and fall averaging).

Council would choose benchmarking and rebalancing over rate pegging, given the choice between these two options only as our long-term financial modelling that applies these principles indicates a better outcome for residents. This option would only be supported where it does not involve a special rate variation, and it allows for all domestic waste management services currently active and planned to be funded and stipulated in the pricing principles. The definition of 'domestic waste' and 'domestic waste management services' would need to be updated, and services should be calculated on a proportional cost basis, like an availability charge. The City of Canada Bay community has not expressed concern regarding Council's current charging structure, however the community has expressed a desire for more services and have indicated they would be willing to pay a higher cost for this outcome, where resource recovery and diversion from landfill is the priority.

Council supports the current waste reserve being used for reasonable future obligations related to the agreed pricing principles. This may include climate emergencies, contract variations and unexpected cost increases, and capital expenditures for new facilities and services such as Food Organics Garden Organics (FOGO). All of these are currently in our long-term financial plan and any changes to this will considerably change what Council can deliver. The ability to plan for market variations and risk should be permissible.

The proposed peg would act as a disincentive to councils to expand or improve current waste services. Waste and resource recovery service contracts are not procured on an annual basis but are tendered for up to 10 years. Existing monopolies and limited competition in the waste industry limit councils' ability to negotiate these contract costs.

2



The City of Canada Bay has committed to implementing Food Organics Garden Organics gradually over the next three years, with a full service in 2025. This change is in line with the mandate from the NSW EPA.

### Stakeholder issues for comment

#### **Do you think our proposed annual 'benchmark' waste peg will assist councils in setting their DWMC?**

City of Canada Bay strongly opposes the annual voluntary 'benchmark' waste peg. Council sets its DWMC based on forecasting actual and expected costs for the coming year, not previous costs. This is a more accurate and realistic way to develop a forecasted budget for the coming year.

When Council develops its DWMC it includes the costs of contracts, infrastructure, community education, operational requirements, and related overheads. It is not based on dated data and lagging indicators with limited relevance to Council's specific needs and service levels.

DWMC increases are directly tied to Council's adopted *Delivery Program* commitments within the *Community Strategic Program* or relate to a specific procurement of services through a contract. The actions in Council's *Delivery Program* are fully costed and reflect feedback from community consultation via the Integrated Planning framework. This allows for sound financial management as well as accountability to the community.

Each council has varying community expectations and therefore comparing councils and their services can be difficult. Any agreed methodology should consider this.

#### Flawed Waste Cost Index methodology

The Waste Cost Index (WCI) methodology discussed in the report is flawed in creating the 'benchmark' peg as it does not take into consideration the current and forecasted CPI changes, currently running at 4%. Instead, the 2022–23 benchmark has been developed based on costs from previous financial years. This backward-looking approach does not allow for future-proofing waste services based on current and future external factors, many of which are known at the time of development.

For example, the substantive fuel and inflationary increases that have impacted the City of Canada Bay's (and many other councils) contract costs since June 2021 will continue to increase in the next budget period. Rise and fall impacts on the collection contract have caused cost to rise by 6.1% in the first 9 months of the current financial year. This is a known issue which can be factored in as metropolitan Sydney is lacking in waste infrastructure, such as transfer station/s, to accept its domestic waste.

Furthermore, the timing of this peg is inappropriate and hinders Council's ability to meet increasing costs due to State government policy, Council-adopted targets, and market changes (such as international import bans or the impacts of COVID-19), and climate change.

3



#### DWMC should be set based on actual and expected costs, not general indices

Council sets it DMWC based on community needs and expectations, along with market pricing. Rising costs due to factors outside Council's control, and an ability to set prices which reflect the year ahead forecast, are critical to ensure sustainable financial management.

There are a variety of factors which affect the DWMC such as limited competition in the waste sector, COVID-19, COAG export bans, inflation, rise and fall considerations, and climate disasters. All these factors require a flexible revenue raising mechanism and clear pricing principles to ensure sound financial management and an ability to deliver varied services as required.

A recent example of this was the price impact from the floods, where material could not be sent by rail to our contracted facility and alternative facilities were sourced, costing Council up to \$110 extra per tonne for disposal over a 2-week period, amounting to an additional \$29,500 in costs for waste disposal. The ability to have a future-proofing factor is important to long-term contract resilience. Similarly, during the COVID-19 lockdowns of 2020 and 2021 we dealt with marked increases in disposal tonnages and costs for all of our waste streams, with some months showing year on year increases ranging from up to 15% for general waste to up to 50% for garden organics.

#### Reduced negotiation capacity and higher contract prices due to limited waste industry competition

The proposed peg would act as a disincentive to councils to expand or improve current waste services. Waste and resource recovery service contracts are not procured on an annual basis but are tendered for up to 10 years. Existing monopolies and limited competition in the waste industry limit Council's ability to negotiate reasonable contract costs. A benchmarking peg would hinder Council renewing or entering new contracts which are significantly increasing due to increasing costs, risks, and disruptions in the waste management supply chain.

#### NSW Government mandates – Food Organics Garden Organics services

NSW landfill levy rates increased by more than 140% over a nine-year period. Levy payments are a significant portion of waste service delivery costs for all metropolitan councils and make up around 20% of all domestic waste management expenditure by the City of Canada Bay. At the same time, the NSW Government has mandated that NSW councils introduce food and garden organics (FOGO) and/or food organics (FO) by 2030 as part of the *Waste and Sustainable Materials Strategy* (WaSM).

The City of Canada Bay engaged a consultant to undertake a waste options study to create a financial model for different organics collection services. This study presented Council with two options regarding uptake of the service: an optimistic option and a pessimistic option. The pessimistic option takes into consideration implementing a new service that is not fully utilised, therefore substantial landfill costs will remain. [REDACTED]



Council will have to raise the DMWC above the 1.1% peg in this situation. Alternatively, based on our 10-year financial plan, it is anticipated that we will have to apply for multiple special rate variations and this would cost Council additional time and money.

#### No consideration for long term strategic planning

Any limits placed on DWMC increases do not account for the introduction of new services (planned or unplanned) which deliver improved resource recovery outcomes and respond to changing community expectations and preferences. Council has adopted its *Resource Recovery and Waste Strategy* which outlines numerous projects that will impact charges. There are also multiple changes to NSW government levies, and state, federal and international regulatory changes (including import bans, export bans and revocation of approvals for use of materials from waste processing) which all impact pricing

#### Reasonable costs for domestic waste management services should account for the full range of programs and services within the Circular Economy framework

The definitions for use of Domestic Waste Management charges have not been updated for some time, yet the range of services, programs and outcomes managed by councils has changed significantly over the years, as acknowledged in the NSW Circular Economy Policy.

To improve circular economy outcomes from waste collection, DWMC definitions and guidance should be updated to recognise the full range of waste services provided by councils within a Circular Economy framework, including education and behaviour change programs, management of waste and resource recovery in public spaces, support for reuse and repair, innovative collection and drop-off options, and repurchase of recycled materials in order to develop markets.

Updated unambiguous guidance and principles for 'reasonable cost' would be welcome, but should incorporate the full Circular Economy Framework, and should be provided in draft for councils to review and provide feedback on prior to being adopted.

#### Illegal dumping data evidence as household material

Composition and tonnage data gathered by Council since 2017–18 shows that only 10% of illegally dumped materials are building materials. The rest is categorised as household materials, particularly furniture, mattresses white goods and other miscellaneous materials. This indicates around 90% of illegal dumping is household material and, at most, only 10% is from a commercial or construction source. Given this composition, it is reasonable that funding from DWMC is used on illegal dumping enforcement, education, and disposal, as much of this waste could be categorised as missed bulk household or non-compliant bulk household services. Below is the breakdown of materials collected from illegal dumping since 2017–18.

Types of materials – proactive only	Total %	Total	2020-21 kg	2019-20 kg	2018/19 kg	2017-18 kg
Furniture	31%	738	204	138	215	181
Paints	12%	274	10	68	83	113
Other Waste	23%	554	223	58	180	93
Recycle Bin Steels	8%	182	0	60	70	52
Mattresses	6%	133	58	20	35	20
White Goods	5%	118	24	16	41	37
Tyres	4%	91	6	11	59	15
Gas Bottles	1%	25	2	3	7	13
E-waste	1%	21	21	0	0	0
Asbestos	0%	6	6	0	0	0
<i>Building Materials</i>	<i>10%</i>	<i>227</i>	<i>122</i>	<i>31</i>	<i>18</i>	<i>56</i>
	<b>100.00%</b>	<b>2369</b>	<b>676</b>	<b>405</b>	<b>708</b>	<b>580</b>

**Do you think the pricing principles will assist councils to set the DWMC to achieve best value for ratepayers?**

The concept of pricing principles is supported, however there is considerable work required to modernise them and ensure that they reflect the true services Council delivers. Council does not believe it is an appropriate time for these changes to be implemented due to the NSW Government's current review of the NSW Resource Recovery Framework which will likely see definitions of key terms (such as 'waste') altered amongst other changes to the framework. However, updated pricing principles which align with the NSW Government's review of the resource recovery framework, once completed, could be considered in the future.

[Lack of clarity and outdated waste terminology](#)

The pricing principles require more clarity as they are based on outdated definitions of waste. The definitions of 'waste' and 'domestic waste management services' taken from the *Local Government Act 1993* and the Office of Local Government's *Council Rating and Revenue Raising Manual* do not fully address all services and functions provided by Council to reduce waste to landfill and maximise resource recovery. Services such as community recycling centres, e-waste drop-off days, and waste education programs that are not directly related to kerbside services would not be covered, yet they are essential waste services — both in the eyes of the Canada Bay community and from a resource recovery perspective.



Pricing principles and definitions need to be modernised and clarified to provide clear guidance for councils on what services can be included under the DMWC. Councils should also be able to utilise waste reserve to provision for future obligations expected by the community, mandated by the NSW Government and that are necessary to meet waste and resource recovery targets.

#### Proportionate costing

Whilst the City of Canada Bay supports clear and transparent DWMC, services should be calculated on a proportional cost basis, like an availability charge. Community recycling centres, drop-off events, and illegal dumping should be covered under DWMC as there is a delineable link to rateable parcels of land, i.e. the waste is coming from households and these services are available to all households. Kerbside services are already somewhat proportional as residents are not charged a reduced fee for not presenting their bin or for generating less waste than others. These are aggregated and averaged across the service for best value across the Local Government Area.

#### Community expectations reflecting 'best value'

Council adopted a *Waste Strategy* in 2021 and, along with this, has developed a *Long-Term Financial Plan* which has considered the needs of our community which were expressed through our direct engagement process.

Any changes to the way the DWMC is developed, should support the range of high-quality domestic waste management services Council already delivers, along with those that are mandated by the NSW Government. This charge is developed based on an adopted waste strategy.

Price is not the only driver in determining what services Council will provide to the community. Council notes that IPART only received submissions from 33 residents in relation to this review which is not a representative sample size for the NSW population. In 2020, the City of Canada Bay received 586 submissions on the development of its waste strategy. Community feedback indicated that reducing the environmental impacts of waste was a key priority; 87% of respondents ranked reducing waste to landfill and reducing greenhouse gas emissions as more important than maintaining the current cost of waste services. In addition, when asked what they thought would make the most difference in the community, the most common comments included additional education on recycling and reducing waste, as well as reducing food waste by collecting food or additional composting — services and functions that would not be clearly covered under the pricing principles

The cost and impacts of regulating annual maximum DWMC increases would outweigh any benefits. Increasing staff wages through the agreed LG Award each year, will impact Council's ability to remain within the suggest IPART peg in turn causing councils to undertake more work to prepare a special rate variation or report on reasoning for why we have gone over the peg. We already report on how we spend the DWMC through our integrated planning and reporting. Residents will not receive 'best value' if Council must dedicate time to reporting why their charges are above the waste peg when Council's DWMC are already transparent – all rates, fees and charges are published annually.

7





Increased costs for residents where loans are required for major infrastructure instead of reserve spending

IPART has advised that capital costs for providing DWMC services should only be recovered once those services have commenced or facilities have been built; and that, should a council build a waste-related facility or roll out a DWMC service, the council must rely on borrowing and not plan for this infrastructure through incremental charging. Preventing Council from using reserve spending for major waste infrastructure or new services will cost ratepayers money.

For example, as part of the long-term financial planning process, Council had identified three upcoming projects to be funded from Council's DWMC reserve. However, under the proposed principles, if Council needed to take out loans for these projects and therefore pay for them through a special rate variation application, by 2025–26 ratepayers could expect to pay an additional \$55.10 per annum on top of the DWMC to fund the costs of these projects, through three rate variations.

Project cost	\$8M
Loan period	10 years
Realistic interest rate	3%
Loan taken	2022/23
Annual repayment	\$937,844.05
Total cost	\$9,378,440.53
Interest	\$8,000,000.00
Households	36,000
Household interest per annum (interest/households/loan period)	\$3.83 per household/year
<b>SRV to cover principal and interest</b>	<b>\$26.05 per household/year</b>

Project cost	\$5M
Loan period	10 years
Realistic interest rate	5%
Loan taken	2024/25
Annual repayment	\$647,522.87
Total cost	\$6,475,228.75
Interest	\$1,475,288.75
Households	36,000
Household interest per annum (interest/households/loan period)	\$4.10 per household/year
<b>SRV to cover principal and interest</b>	<b>\$17.99 per household/year</b>

8

Project cost	\$3M
Loan period	10 years
Realistic interest rate	5.5%
Loan taken	2025/26
Annual repayment	\$398,003.31
Total cost	\$3,980,003.06
Interest	\$980,003.06
Households	36,000
Household interest per annum (interest/households/loan period)	\$2.72 per household/year
<b>SRV to cover principal and interest</b>	<b>\$11.06 per household/year</b>

**Would it be helpful to councils if further detailed examples were developed to include in the Office of Local Government's *Council Rating and Revenue Raising Manual* to assist in implementing the pricing principles?**

Council consults with residents to understand their preferences for waste service delivery and outcomes, and service levels and environmental goals are based on this feedback, which are the drivers of DWMC. Council encourages the modernisation and clarification of pricing principles and the underlying definitions to align with the objectives of the *Waste and Sustainable Materials Strategy (WaSM)* and *Waste Avoidance and Resource Recovery Act (WARR)*.

If the OLG manual is updated to reflect this review, working examples which illustrate how costs such as overheads, should be allocated and reported would be useful.

Belinda Koytz

Manager Sustainability and Waste

City of Canada Bay Council

**ITEM 9.6 PLANNING PROPOSAL - STRATHFIELD TRIANGLE****Reporting Manager: Manager Strategic Planning****Attachments:** 1. **Letter from the Department of Planning and Environment, dated 3 March 2022** [↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

1. That the letter from the Department of Planning and Environment, dated 3 March 2022 and provided as an attachment to the report be noted.
  2. That the planning proposal for the Strathfield Triangle Precinct be withdrawn.
- 

**PURPOSE**

To consider a request from the Department of Planning and Environment to withdraw the planning proposal for the “Strathfield Triangle”.

**EXECUTIVE SUMMARY**

A Council-initiated planning proposal was prepared for the precinct known as the “Strathfield Triangle” in 2020. The planning proposal sought to revise the planning framework applicable to the area to incentivise development and the associated delivery of infrastructure.

The Department of Planning and Environment has written to Council raising concerns in relation to the planning proposal. The primary issues raised relate to consistency with the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS), the provision of public open space and the potential effect of the planning proposal on future development.

Certain issues raised by the Department of Planning and Environment (DPE) can be addressed through the amendment and revision of the planning proposal. However, consistency with PRCUTS is an impediment to the progression of the planning proposal, and the recent approval of four development applications within the precinct by the Land and Environment Court are also likely to result in the intended outcome of the planning proposal not being realised.

It is recommended that the planning proposal be withdrawn.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

EFF 4.2.1 Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

**BACKGROUND/DISCUSSION***The Strathfield Triangle Precinct*

The “Strathfield Triangle” (the Precinct) is located in the suburb of Strathfield, within walking distance of Strathfield Railway Station, being approximately 300m to the northwest of the station at its nearest point. The Precinct is bounded by Parramatta Road to the north, Leicester Avenue to the east and the T9 Northern Railway line to the west.

The Precinct has been the subject of sporadic development, with several residential flat buildings having been constructed towards the northern part of the Precinct. Despite this, development activity has stagnated, with the southern part of the Precinct remaining undeveloped.

Limited development, combined with increasing land and construction costs have affected the ability of Council to deliver key infrastructure items within the Precinct.

### *The Planning Proposal*

A revised planning framework was prepared to enable arrangements to be put in place to incentivise development and the associated delivery of infrastructure. The planning framework comprised a suite of documents, including a Planning Proposal, draft Infrastructure Strategy, draft Development Contributions Plan and draft Development Control Plan.

The draft planning framework seeks to:

- increase the remaining development capacity in the Precinct from approximately 800 to approximately 1,120 dwellings;
- deliver 2,470sqm of public open space, located centrally within the Precinct;
- retain the re-alignment of Cooper Street and the provision of a signalised intersection at Leicester Ave;
- widen the full length of Cooper Street to provide an improved pedestrian amenity;
- close the unused southern portion of Cooper Street; and
- provide a series of through-site links to improve accessibility within the Precinct.

Council resolved to submit the planning proposal and supporting documents to the Department of Planning and Environment (DPE) on 19 May 2020, seeking a Gateway Determination.

### *Letter from Department of Planning and Environment*

A letter was received from on 3 March 2022 requesting that Council withdraw the planning proposal. The letter identifies matters that require further information or amendments to the planning proposal, and requests that the planning proposal be withdrawn, noting that it could be resubmitted if the matters raised were addressed. The key matters raised in DPE's letter to Council, include:

- requiring further information to demonstrate how the planning proposal delivers a better outcome than the current planning controls of the *Canada Bay Local Environmental Plan (LEP) 2013* and PRCUTS in order to address its inconsistency with *Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy*;
- the proposed 2,470sqm of public open space is inconsistent with Council's Social Infrastructure (Open Space and Recreation) Strategy and Action Plan 2019, which requires a minimum 3,000sqm of public open space to be provided;
- the risk regarding the certainty of the delivery of public open space with the proposed rezoning of RE1 zoned lands;
- the amount of public open space proposed is not proportionate to the proposed increase in density; and
- the proposed application of a minimum site area control for the base FSR will potentially restrict development under the existing controls.

Comments are provided below in response to the matters raised by DPE.

### *Inconsistency with Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)*

The planning proposal seeks to amend the *Canada Bay LEP 2013* to establish a new set of planning controls for the Strathfield Triangle Precinct. The planning proposal departs from the recommended outcomes in the PRCUTS Planning and Design Guidelines, as these guidelines do not anticipate development beyond the existing controls.

Given the departures from the recommended outcomes in the Parramatta Road Strategy, the planning proposal must demonstrate that better outcomes would be delivered when compared to

PRCUTS. A study was prepared in support of the planning proposal that highlighted the following better outcomes:

- securing the necessary infrastructure to support future growth;
- establishing a mechanism to deliver affordable housing;
- delivering an improved accessibility and connectivity outcome through revised road arrangements including road closures, street widening, upgraded intersections, new shared zones, new shared cycleways and through site links;
- delivering a larger central park (2,470sqm, compared to 2,310sqm);
- provision of a small community space (min. 40sqm) on the ground floor of a residential flat building and facing onto the park;
- an improved urban design strategy that will improve amenity outcomes for existing and future residents;

Despite the above, DPE is not satisfied that the planning proposal demonstrates a better outcome.

#### *Social infrastructure to support the proposed population*

DPE has highlighted that the proposed increase in public open space from 2,310sqm to 2,470sqm and the associated delivery mechanism, is not considered a better outcome than what would be delivered under the existing planning controls or the PRCUTS.

The approach to securing public open space in the planning proposal is through a planning mechanism that would enable access to additional Floor Space Ratio and building height where community infrastructure is provided. Such a mechanism is not an uncommon approach to secure public open space in urban renewal precincts and has been successfully adopted for other Local Government Areas.

However, DPE is concerned that the proposed rezoning of land that is currently zoned RE1 Public Recreation to R4 High Density Residential creates a risk to the provision of open space in the Precinct. This outcome would occur where a landowner chooses to develop to a lower density than permitted to avoid the delivery of community infrastructure.

DPE also noted that the quantum of increase in public open space proposed is not proportionate to the development uplift sought. To address DPE's concerns, the size of the central park would need to be increased. Any increase in the size of proposed public open space would require a balance between the feasibility of delivering public infrastructure in a high-cost context, and the impact of increasing densities further than already contemplated.

#### *Minimum site area*

The planning proposal seeks to introduce a minimum site area requirement for residential flat buildings and shoptop housing in the Precinct for the base and incentive Floor Space Ratio. The purpose of this proposed development standard is to ensure coordinated development that secures areas to be dedicated for public open space and other local infrastructure.

DPE has raised concern that the introduction of the minimum site area controls as a development standard will potentially restrict development under the existing controls (base scenario).

To address this concern, the planning proposal would need to be amended to remove the minimum site area controls as a development standard for the base Floor Space Ratio or enable departures to the minimum site area standards on a case-by-case basis. Such an amendment would pose significant risk to the delivery of public open space, as development may occur on land identified for the purposes of the new park and hence undermine the objectives and intent of the new planning framework.

### *Development Applications in the Strathfield Triangle Precinct*

Notwithstanding the matters raised by DPE, a number of Development Applications (DAs) have been lodged and approved by the Land and Environment Court based on the current planning controls under the Canada Bay LEP 2013. The approval of these DAs has occurred during the planning proposal process for the Strathfield Triangle precinct.

In the event proponents of these DAs develop these sites in accordance with the approvals received, the planning proposal for the precinct and the revised approach to deliver community infrastructure would likely be compromised. For instance, should development occur on land proposed for the central public open space under the planning proposal, the opportunity to deliver this key local infrastructure will be lost.

### *Options*

Council has a number of options in relation to the planning proposal.

- *Option 1* – Withdraw and re-submit an amended planning proposal to DPE.
- *Option 2* – Advise DPE that the planning proposal will not be withdrawn.

In the event that that a Gateway Determination is not issued (meaning the planning proposal cannot proceed), the planning proposal may be referred the Independent Planning Commission for review.

- *Option 3* – Withdraw the planning proposal, with the current planning controls continuing to apply to the Strathfield Triangle precinct.

Certain issues raised by DPE can be addressed through the amendment and revision of the planning proposal. However, consistency with PRCUTS is an impediment to the progression of the planning proposal and recently approved development application may also result in the intended outcome of the planning proposal not being realised. The recent Land and Environment Court DA approvals present a significant constraint in terms of possible amendments to the planning proposal.

Given the above, it is recommended that the planning proposal be withdrawn (Option 3).

### **TIMING**

The correspondence from DPE was received on 3 March 2022. A response would be provided to DPE following a resolution of Council.

### **FINANCIAL CONSIDERATIONS**

The existing planning framework relies on local infrastructure items being delivered through the compulsory acquisition or dedication of land (in lieu of development contributions) at a significant cost.

The planning proposal sought to introduce an alternative mechanism to deliver public infrastructure, including the public park and civic infrastructure improvements.

Should the planning proposal not proceed, the intended approach to deliver local infrastructure improvements for the benefit of existing and future residents in the Precinct will need to be further considered.

The realisation of improvements in the Precinct will need to be informed by an understanding of the cost of land acquisition, land dedication and civil works. These costs will need to be offset by income from development contributions, asset sales and other revenue, and complemented by a staging strategy that prioritises the delivery of works.

## LEGISLATIVE AND POLICY CONSIDERATIONS

The *Canada Bay Local Strategic Planning Statement* requires plans and development in the Strathfield Triangle to exhibit design excellence, deliver an improved public domain and be accompanied by a robust funding mechanism to deliver local infrastructure.

*Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)* is the relevant statutory framework to guide planning decision relating to land within the Strathfield Triangle. The planning proposal is inconsistent with PRCUTS, and DPE is of the view that the proposal does not create a better outcome.

## RISK CONSIDERATIONS

There are a number of risks associated with this report. There is a risk that withdrawal of the planning proposal will result in an inferior outcome for the Precinct than that proposed by Council's planning proposal. There are significant financial implications associated with the funding and delivery of infrastructure under this option, and the associated risks would need to be carefully considered by Council, should the planning proposal be withdrawn.

If the planning proposal was to be withdrawn and amended, there is a significant risk that an amended proposal would still not satisfactorily resolve the issues identified by DPE in their recent letter, resulting in the planning proposal not proceeding. In addition, it is likely that the landowner would act on the consents granted by the Land and Environment Court, posing further risks for the effectiveness of this option.

Alternatively, the risk of not withdrawing the planning proposal is that the outcome of an appeal to the Independent Planning Commission (IPC) is unknown, however, a refusal by the IPC is possible.

On balance, it is considered that the risks associated with withdrawal of the planning proposal and delivery of infrastructure under the existing planning controls for the precinct are lower than the alternative options.

**Planning,  
Industry &  
Environment**

Mr John Clark  
General Manager  
City of Canada Bay Council  
Locked Bag 1470  
Drummoyne NSW 1470

Dear Mr Clark

**Strathfield Triangle Precinct Planning Proposal (PP-2021-3058)**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for PP-2021-3058 relating to the Strathfield Triangle Precinct.

We appreciate the substantial work undertaken by Council to prepare the planning proposal and support the opportunity to increase the number of new homes in the precinct. However, we have completed a detailed review of the planning proposal, along with its supporting documentation and have identified a number of matters that require further consideration to allow the planning proposal to progress to Gateway.

The Department recently met with Council staff on 25 February 2022 to discuss the proposed changes outlined in the planning proposal and outlined a number of matters that require further information and resolution. These matters are outlined in this letter.

I note the Department previously requested Council submit a revised planning proposal providing further information to address the planning proposal's inconsistency with Section 9.1 Ministerial Direction 7.3 Parramatta Road Corridor Urban Transformation Strategy (now Section 9.1 Ministerial Direction 1.5). This was provided in the form of a 'Better Planning Outcomes Study' which sought to demonstrate how the planning proposal would deliver a better outcome than the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).

The key matter to be resolved is the planning proposal's inconsistency with Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy (formerly Ministerial Direction 7.3). The Department is not satisfied that the planning proposal would deliver a better outcome than identified in the PRCUTS and considers the planning proposal to remain inconsistent with Ministerial Direction 1.5. The inconsistency with the Ministerial Direction is addressed below, along with other key matters that require further consideration.

**Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy**

Ministerial Direction 1.5 (formerly Ministerial Direction 7.3) requires planning proposals to demonstrate consistency with the PRCUTS. As previously advised, the planning proposal is inconsistent with the PRCUTS and cannot rely on the Out-of-Sequence checklist to address the inconsistency with Ministerial Direction 1.5.



Therefore, the planning proposal must demonstrate better outcomes are delivered than identified in the PRCUTS, having regard to the vision and objectives, or that the inconsistency is of minor insignificance. The Department does not consider the planning proposal's inconsistency to be of minor significance.

The existing planning controls for the precinct in the Canada Bay LEP 2013 reflect the intended outcomes for the precinct under the PRCUTS. This results in the planning proposal seeking considerable departures from the recommended outcomes in the *Parramatta Road Corridor Planning and Design Guidelines*, as these guidelines do not anticipate development beyond the existing controls.

Addressing the planning proposal's inconsistency with Direction 1.5 is a key matter to be resolved. The Department is not satisfied that the Better Planning Outcomes Study clearly demonstrates a better outcome can be achieved and is seeking further information from Council to address this. This information should address the relationship between the existing planning controls and recommended outcomes in the PRCUTS, and clearly outline how the planning proposal would deliver a better outcome.

#### Minimum site area for residential flat buildings and shop housing

The planning proposal seeks to introduce a minimum site area requirement for residential flat buildings and shop top housing in the precinct. The proposed minimum lot sizes align with the proposed lot amalgamation pattern on the proposed 'Key Sites Map'. The proposed minimum lot size for residential flat buildings and shop top housing ranges from 1,700sqm to 5,800sqm across the precinct, requiring significant lot amalgamation to achieve the minimum site area requirements.

The minimum lot size controls apply to both the base and incentive floor space ratio (FSR) controls. The Department does not object in-principle to base and incentive FSR controls which relate to the delivery of community infrastructure. The Department acknowledges this approach was recently supported at Gateway for the Stage 1 PRCUTS planning proposal. However, we are concerned that the introduction of the minimum site area controls for residential flat buildings and shop top housing as a development standard for the base FSR will potentially restrict development under the existing controls (base scenario).

The relationship between the minimum site area requirements and base FSR is a matter that requires further review and consideration to determine the impact this would have on residential development potential.

#### Social infrastructure to support the proposed population

The proposed increase in public open space from 2,310sqm to 2,470sqm, and the associated delivery mechanism, is not considered a better outcome than what would be delivered under the existing planning controls or the PRCUTS. The provision of public open space in the planning proposal is also inconsistent with Action 2.13 in Council's *Social Infrastructure (Open Space and Recreation) Strategy and Action Plan 2019* which aims to 'deliver new, high quality green open space of a minimum 0.3ha in Strathfield Triangle to address current and forecast undersupply'.

The Department is also concerned that the proposed rezoning of land zoned RE1 Public Recreation to R4 High Density Residential creates a risk to the delivery of public open space and does not provide certainty that public open space will be delivered, despite the incentive provisions proposed. The Department notes the approach to zoning future open space varies

between this planning proposal and Council's Stage 1 PRCUTS planning which proposes to zone future open space RE1.

The minor increase in public open space proposed is not considered proportionate to the development uplift sought and is only a slight increase from the 2,310sqm currently zoned RE1. Further planning investigations for the site should consider the community benefit associated with any future development uplift, specifically the quantity and quality of public open space, existing zoned open space, and alignment with Council's open space and recreation strategy.

The proposed height and density controls in the planning proposal vary considerably to the recommendations in the PRCUTS. The proposed increase in height and density has the potential to create amenity impacts to surrounding residents, particularly at the interface to existing low density areas. The increase in density is also not supported by a proportionate increase in community infrastructure or public domain improvements. To deliver a better outcome than the PRCUTS the planning proposal should exceed the community benefits that would be delivered under the existing planning controls or identified in the PRCUTS.

While the intent of the planning proposal is to facilitate the delivery of local infrastructure through development, the outcomes proposed including the provision and delivery of open space, public domain improvements and scale of built form and densities proposed, do not clearly establish that a better outcome would be delivered for the site than would be delivered under the PRCUTS.

In response to this assessment and the planning proposal's inconsistency with Ministerial Direction 1.5, we respectfully request Council withdraw the planning proposal and submit a revised planning proposal that addresses the matters raised above.

I would like to acknowledge the significant amount of work that Council have undertaken in preparing the planning proposal. The Department would support Council in submitting a new planning proposal, at a later time when the matters identified above have been addressed and the inconsistency with Ministerial Direction 1.5 has been resolved.

If you have any questions or require further information please contact Katrina Burley, Manager Place and Infrastructure, Eastern and South Districts, at the Department on (02) 9274 6307 or at [katrina.burley@planning.nsw.gov.au](mailto:katrina.burley@planning.nsw.gov.au)

Yours sincerely



3 March 2022  
**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**

**ITEM 9.7 COMMUNITY ASSOCIATION FORUM CHARTER****Reporting Manager: Director Community and Environmental Planning****Attachments: 1. Draft Community Association Forum Charter** [↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That, subject to the adoption of the revised Community Association Forum Charter, attached to the report, a Councillor representative in addition to the Mayor (or their delegate) be appointed to the Forum.

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**PURPOSE**

This report presents the revised Charter of the Community Association Forum for Council's consideration and endorsement.

**REPORT**

A forum to enable discussion of issues specifically relating to Community Associations with Council representatives was established in 2008, The forum originally comprised representatives from Cape Cabarita, Edgewood, Kendall Inlet, Liberty Grove, Tuscany Court, Breakfast Point, Abbotsford Cove, Kings Bay, Pelican Point, Pelican Quays, and Phillips Landing associations, as well as Councillor and Council officer representatives.

Since 2008, it has become apparent that the focus of Council's involvement in the operation of community associations is principally in those that are responsible for the maintenance of significant infrastructure and/or assets which are publicly accessible, such as foreshore pathways, seawalls, parks, footpaths, and bicycle paths. The following Community Associations have such characteristics and it is therefore proposed that representatives of these associations comprise the forum: Abbotsford Cove; Breakfast Point; Cape Cabarita; Edgewood; Liberty Grove; Pelican Point; Pelican Quays; Phillips Landing and The Elms.

The Charter was last revised in 2012, and the draft Charter (Attachment 1) has been updated as follows:

- updated background and objectives of the Forum, reflecting the change in focus over time since its inception in 2008;
- clarification of Forum membership and Council staff roles;
- conflict of interest updated in line with current governance parameters;
- confidentiality and media protocol sections updated; and
- sections relating to the administration of the Forum updated to reflect recent practice and function of the forum.

The draft Charter specifies that the Mayor or their nominee will represent Council on the forum. Therefore, subject to Council adopting the Charter, Council will be required to appoint the Councillor representative.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

EEG 4.1.1 Community Engagement provides direction for planning and the two way flow of information contributes to decision making.

**FINANCIAL CONSIDERATIONS**

Administration of the Community Associations Forum is provided for in the 2022/2023 budget. It is not intended that the Forum have a decision making role, and any recommendations including those involving expenditure of Council funds would need to be considered in line with Council's Delivery Program and Operational Plan.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The Draft Charter (Attachment 1), if adopted, would govern the operation of the Forum, together with Council's Code of Conduct. Issues considered by the Forum will need to be considered in the context of Council's adopted Delivery Program and Operational Plan.

**RISK CONSIDERATIONS**

There is a risk that community association representatives on the Forum may not effectively represent the views of their association, however, these representatives are subject to endorsement by their association, which assists in minimising this risk.

Community Association Forum Charter

CHARTER

COMMUNITY ASSOCIATION FORUM

Date of Adoption: XXXXX

## Community Association Forum Charter

### Introduction

The Community Association Forum is a forum which provides an opportunity for issues that are common to a number of Community Associations to be raised, discussed with Council and, where possible, resolved.

A forum to enable issues specifically related to Community Associations to be directly discussed with Council representatives was established in 2008, following a Council resolution.

### Objectives

The objectives of the Community Association Forum are to:

- Provide a forum for Council and community associations to address issues relating to Community Associations, with a focus on publicly accessible community-title land, and associated assets and infrastructure.

### Membership

Membership of the Forum will be as follows:

- The Mayor (or their nominee) plus one other Councillor will represent Council on the Forum.
- The Mayor (or their nominee) will chair the meetings. If the Chair is absent, the other Councillor will chair the meeting. In the event that neither the Mayor (or their nominee) nor the other Councillor are in attendance, a Council staff member will chair the meeting.
- Other Councillors may attend the Forum as observers.
- The Community Association Forum comprises the following Community Associations, all of which are responsible for maintenance of community assets and infrastructure which are publicly accessible:
  - Abbotsford Cove
  - Breakfast Point
  - Cape Cabarita
  - Edgewood
  - Liberty Grove
  - Pelican Point
  - Pelican Quays
  - Phillips Landing
  - The Elms
- Each of the above Community Associations will nominate one representative for the Forum. Each Association may also nominate one alternate to attend the Forum in the absence of the representative member, with all such representatives (and alternates) to be formally endorsed by their Association.
- Each term of membership shall be aligned with the term of Council (typically four (4) years).

Last revised 12/5/2022

Community Association Forum Charter

## Participation of Council staff

The following Council staff will attend Forum meetings as required:

- General Manager
- Director, Community and Environmental Planning
- Director, Corporate Services and Strategy
- Director, City Services and Assets
- Personal Assistant to the General Manager (PA GM)

Other Council Staff may attend meetings as required.

## Council support for the Forum

Council is responsible for providing administrative support for the meetings. This includes preparation and distribution of agendas, minutes, and other relevant information.

Council's main contact for the Forum will be the PA GM. The PA GM will initiate communication on behalf of Council, maintain a record of matters requiring documentation and prepare an update for each meeting.

## Code of Conduct

All members of the Forum shall comply with Council's Code of Conduct.

## Confidentiality

The Forum may consider items in confidence. Members will be advised if a matter is classified as confidential. Members must not disclose or distribute information that is confidential.

## Media Protocol

Members of the Forum are not to speak to the media in their capacity as Forum members. All media enquiries relating to the proceedings of the Forum are to be referred to the Manager of Communications at the City of Canada Bay Council.

## Meeting Timelines

The Forum will typically meet quarterly.

There may be occasions where additional meetings are called to discuss special or urgent issues or projects.

Last revised 12/5/2022

Community Association Forum Charter

### Agenda/Minutes

- The agenda will be circulated to all Forum members, Council staff and Councillors at least one week prior to the next meeting.
- Council staff shall arrange for the minutes of each meeting to be taken and circulated following the meeting.
- Information on the actions of a meeting will be reported to the subsequent meeting of the Forum.

### Review

The terms of reference will be reviewed following each local government election.

DRAFT

Last revised 12/5/2022



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## 10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

### ITEM 10.1 APPOINTMENT OF DELEGATES TO ACCESS AND INCLUSION COMMITTEE

**Reporting Manager:** Manager Library and Community Services

**Attachments:** Nil

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#### RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That Council appoint the Councillor to be delegate, in addition to the Mayor (or their delegate) for the Access and Inclusion Committee for the current Council term.

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#### PURPOSE

This report seeks the appointment of Councillor representatives to the Access and Inclusion Committee.

#### REPORT

At the 19 April 2022 Council Meeting the following resolution was passed in regard to the Access & Inclusion Committee:

4. *THAT Councillor nominations for membership of the Committee be received and endorsed at the May 2022 Council Meeting.*

The Access and Inclusion Committee Charter requires two councillor delegates, the Mayor (or their delegate) who will chair the meetings, and one other councillor.

#### STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

- |           |   |
|-----------|---|
| VSA 5.1.1 | The Council governs efficiently and effectively on behalf of the Community.   |
| IIP 1.1.1 | Promote Disability Inclusion to enhance positive community attitudes and behaviours and improved access to create a more liveable community for people with disability. |

#### FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the nomination of Councillor representatives to this committee.

#### LEGISLATIVE AND POLICY CONSIDERATIONS

The Access and Inclusion Committee Charter, endorsed by Council at the ordinary Council meeting on 19 April 2022, seeks the appointment of the Mayor (or their delegate) and one other Councillor to this committee.

#### RISK CONSIDERATIONS

The Committee Charter (19 April 2022) seeks the appointment of the Mayor (or their delegate) and one other Councillor to this Committee. The operation of this committee is governed by the committee charter, Council's Code of Conduct and Code of Meeting Practice, and as such, there are no risk considerations associated with this report.

**ITEM 10.2 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 28 APRIL 2022****Reporting Manager: Coordinator Traffic and Transport****Attachments:** 1. **City of Canada Bay Local Traffic Committee Minutes - 28 April 2022** [↓](#)

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 28 April 2022, attached to the report, be adopted.

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**PURPOSE**

To report the City of Canada Bay Local Traffic Committee minutes of 22 April 2022 to Council.

**REPORT**

This report contains the minutes for the City of Canada Bay Local Traffic Committee meeting held on 28 April 2022 for Council's adoption.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

EGA 3.3.1 Deliver Traffic and Parking infrastructure that supports the use of active and public transport and safe use of roads

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report.



## **TRAFFIC COMMITTEE**

**28 April 2022**

***(VIA EMAIL)***

## **MINUTES**

**Committee Members:**

Cr Michael Megna	Chair
Sergeant S Tohme	NSW Police
Kathryn Hawkins	Transport for NSW
Mr J Sidoti	Local Member of Parliament

**Advisory Members:**

Mr B MacGillicuddy	CCB Council
Ms M Carpenter	CCB Council
Mr L Huang	CCB Council
Mr S Lindsay	CCB Council
Mr S Pandey	CCB Council
Mr A Prichard	State Transit Authority, Sydney Buses
TBA	Access Committee
Mr G Ashton	Bay Bug – Canada Bay Bicycle Users Group

**Minute Taker:** Ms C Di Natale      CCB Council

## INDEX

### Traffic Committee Meeting 28 April 2022

ITEM-1	INGHAM AVENUE, FIVE DOCK -PROPOSED NO LEFT TURN ....	3
ITEM-2	GEORGE STREET, NORTH STRATHFIELD, PROPOSED NO PARKING TO NO STOPPING ZONE .....	5
ITEM-3	HARRIS ROAD, FIVE DOCK, PROPOSED CHANGES TO TIMED PARKING RESTRICTION .....	7
ITEM-4	CURRAWANG STREET, CONCORD WEST, PROPOSED RELOCATION OF NO STOPPING ZONE .....	8

**APOLOGIES**

Nil

**DECLARATIONS OF PECUNIARY INTEREST**

Nil

**CONFIRMATION OF MINUTES**

Traffic Committee Meeting – 31 March 2022

**COMMITTEE RECOMMENDATION**

THAT the minutes of the Traffic Committee Meeting of 31 March 2022 be confirmed.

**ITEM-1            INGHAM AVENUE, FIVE DOCK – PROPOSED NO  
LEFT TURN****REPORT**

Council has received correspondence from the community regarding trucks and buses mounting the footpath when turning left from Ingham Avenue into First Avenue eastbound, Five Dock. This has been highlighted further during recent upgrades to this intersection under the Federal Stimulus Schools Zones program

These recent works did not notably further constrain this turning manoeuvre. Due to the acute angle of this corner and competing objectives such as maximising pedestrian safety, it is not feasible to accommodate large vehicles performing this manoeuvre.

At present, there are two existing advisory signs stating ‘No left turn for buses. It is not part of a designated bus route however correspondence from the community indicate buses are using it when not in service. Notwithstanding this, there is currently no advisory or enforceable signage which applies to large vehicles more broadly. Follow up observations have been undertaken by Council staff and it noted that damage to infrastructure has occurred due to large vehicles mounting the kerb in order to make the turn movement. Noting this and following a turning manoeuvre assessment, it is proposed to install a ‘No Left Turn, Vehicles Under 10m Excepted’ restriction at this location as per the attached plan.

**STAFF RECOMMENDATION**

THAT a ‘No Left Turn, Vehicles Under 10m Excepted’ be installed on Ingham Avenue, on the northern side of its intersection with First Avenue, Five Dock.

**DISCUSSION**

Item is in order.

**COMMITTEE RECOMMENDATION**

THAT a 'No Left Turn, Vehicles Under 10m Excepted' be installed on Ingham Avenue, on the northern side of its intersection with First Avenue, Five Dock.

**ITEM-2            GEORGE STREET, NORTH STRATHFIELD,  
PROPOSED NO PARKING TO NO STOPPING ZONE****REPORT**

Council has received correspondence requesting a review of the existing 'No Parking' restrictions on the west side of George Street, North Strathfield, at Mena Street.

Council staff have reviewed the existing 'No Parking' zones and noted that the restrictions are longer than required by current standards. Typically parking within 10m of an intersection is restricted to 'No Stopping'. A longer length of parking restriction is required on George Street to the north of Mena Street due to a chicane. Noting this, consultation was undertaken with the community proposing to remove the existing 'No Parking' signage and signpost shorter 'No Stopping' zones. Council received one written response opposed to the changes. Concerns were raised that by reducing the restricted parking area outside 134 George Street, it would create a hazard and increase difficulty for drivers when exiting Mena Street.

Noting this, the proposal has been amended to retain a reduced length of 'No Parking' adjacent 134 George Street as outlined in the attached plan. Whilst this is beyond statutory requirements which typically apply at an intersection, it aims to balance sight lines against maximising on-street parking. The proposal will create an additional 2 on-street parking spaces.

**STAFF RECOMMENDATION**

THAT the existing 'No Parking' zones on the western side of George Street on both the northern and southern sides of the intersection of Mena Street, North Strathfield, be removed.

THAT a 12m 'No Stopping' and 7m 'No Parking' zone be installed on the western side of George Street on the southern side of the intersection of Mena Street, North Strathfield.

That a 38m 'No Stopping' zone be installed on the western side of George Street on the northern side of the intersection of Mena Street, North Strathfield.

**DISCUSSION**

Item is in order.

**COMMITTEE RECOMMENDATION**

THAT the existing 'No Parking' zones on the western side of George Street on both the northern and southern sides of the intersection of Mena Street, North Strathfield, be removed.

THAT a 12m 'No Stopping' and 7m 'No Parking' zone be installed on the western side of George Street on the southern side of the intersection of Mena Street, North Strathfield.

That a 38m 'No Stopping' zone be installed on the western side of George Street on the northern side of the intersection of Mena Street, North Strathfield.

**ITEM-3            HARRIS ROAD, FIVE DOCK, PROPOSED CHANGES  
                         TO TIMED PARKING RESTRICTION****REPORT**

Council has received correspondence regarding the existing parking restrictions at the intersection of Harris Road and Parramatta Road, Five Dock, resulting in traffic congestion.

At present, there is an existing 'No Parking' zone which operates between 6.30am to 9.30am and 3.30pm to 6.30pm on the eastern side of Harris Road, near the intersection with Parramatta Road. This area allows for 2 vehicles to park outside of these hours.

Investigations during school afternoon pick-up times found significant queuing of vehicles from the traffic signals at the intersection of Harris Road and Parramatta Road. It was noted that if parking was prevented in this location during this time, the capacity of the left lane of Harris Road, at the signalised intersection of Parramatta Road would increase from 3 vehicles to approximately 10 vehicles.

Noting this, it is proposed to amend the existing 'No Parking' zone to operate between 6.30am to 9.30am and 2.30pm to 6.30pm as per the attached plan.

Consultation on this proposal was undertaken with the nearby businesses and residents on Harris Road, as well as Rosebank College which would be directly impacted by the changes. Council received two pieces of correspondence in response to the changes, both in favour.

**STAFF RECOMMENDATION**

THAT the existing 'No Parking, 6.30am-9.30am, 3.30pm-6.30pm' zone be changed to a 'No Parking, 6.30am-9.30am, 2.30pm-6.30pm' zone on the eastern side of Harris Road, adjacent 2 Harris Road, Five Dock.

#### **DISCUSSION**

Item is in order.

#### **COMMITTEE RECOMMENDATION**

THAT the existing 'No Parking, 6.30am-9.30am, 3.30pm-6.30pm' zone be changed to a 'No Parking, 6.30am-9.30am, 2.30pm-6.30pm' zone on the eastern side of Harris Road, adjacent 2 Harris Road, Five Dock.

#### **ITEM-4 CURRAWANG STREET, CONCORD WEST, PROPOSED RELOCATION OF NO STOPPING ZONE**

##### **REPORT**

Council has received correspondence from the community regarding the existing parking restrictions in Currawang Street, Concord West.

At present, there is existing 'No Stopping' and '2P' signage on the south side of Currawang Street just east of Currawang Lane. The location of this signage may give the impression that vehicles can park between the driveways of 48 and 50 Currawang Street. The distances between these driveways is however significantly less than the length of a standard vehicle.

Noting this, to discourage vehicles from parking in this location and obstructing driveway access, it is proposed to extend the existing 'No Stopping' zone by approximately 13m as well as removing the existing driveway linemarking as per the attached plan.

Consultation has been undertaken with adjoining residences regarding the proposed changes. Council received one verbal response opposed to the change, stating that by parking a vehicle in the location encourages vehicles to slow down when exiting Currawang Lane.

Inspections show that Currawang Lane is linemarked with a 'Give Way' line on both approaches to Currawang Street. It is also noted that for a standard vehicle to park in this location they would be obstructing a driveway and could be infringed.

##### **STAFF RECOMMENDATION**



THAT the existing 'No Stopping' and '2P, 8am-6pm, Mon-Fri, Permit Holders Excepted, Area 4' sign on the southern side of Currawang Street, adjacent 48 Currawang Street be relocated 13m east adjacent to 46 Currawang Street, Concord West.

**DISCUSSION**

Item is in order.

**COMMITTEE RECOMMENDATION**

THAT the existing 'No Stopping' and '2P, 8am-6pm, Mon-Fri, Permit Holders Excepted, Area 4' sign on the southern side of Currawang Street, adjacent 48 Currawang Street be relocated 13m east adjacent to 46 Currawang Street, Concord West.

**ITEM 10.3 DRAFT CONCORD OVAL PLAN OF MANAGEMENT - PRE-PUBLIC EXHIBITION****Reporting Manager: Manager Parks and Recreation****Attachments: 1. Draft Plan of Management for Concord Oval (More than 10 pgs) [↗](#)**

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

1. That the draft Plan of Management for Concord Oval be referred to the Department of Planning and Environment - Crown Lands, for formal approval to place on public exhibition.
  2. That following public exhibition, a report be prepared and submitted to Council for the formal adoption of the final Plan of Management for Concord Oval.
- 

**PURPOSE**

Following redevelopment of Concord Oval, a new Plan of Management is legislatively required to govern its future management and use.

**EXECUTIVE SUMMARY**

A draft Plan of Management has been prepared for Concord Oval to reflect the future management and use of the precinct following its redevelopment. The new precinct includes a new community recreation centre, public open space, café, community meeting rooms and a Centre of Excellence for Wests Tigers Rugby League Club. As required under the Crown Lands Management Act 2016, this report recommends that the draft Plan of Management is referred to the Department of Planning, Industry and Environment - Crown Lands for formal approval to be placed on public exhibition for a period of 28 days (allowing 42 days for submissions to be received). It further recommends that following this public exhibition, a report be prepared and submitted back to Council for the formal adoption of the final Plan of Management for Concord Oval.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

ER 2.2.1 Plan for, and maintain, Parks and Open Space to provide active and passive recreation opportunities for everyone's enjoyment.

**BACKGROUND/DISCUSSION**

The redevelopment of Concord Oval is one of the most significant projects in Council's history. Council undertook extensive community engagement in 2018 which has informed the redevelopment of the precinct. The project includes:

- a first-class sporting field available for public access when not in use for organised sport
- Centre of Excellence leased by Wests Tigers Rugby League Club
- administrative and playing facilities for key users
- community rooms and café
- indoor community recreation centre
- open space for informal recreation
- public car park

In keeping with the approved plans and works at Concord Oval, a draft Plan of Management been prepared to reflect the future management and use of the precinct following its development. Plans

of Management are a legislative requirement which set out objectives and performance targets for public land and include the management of leases and licences over the land.

### **TIMING**

Subject to Council's resolution, the draft Plan of Management will be referred to Crown Lands for review. Following approval by Crown Lands, the draft Plan of Management will be placed on public exhibition for a period of 28 days, with submissions to be received for a period of 42 days, to run concurrently. Following the conclusion of this period, a report will be prepared and submitted to Council for consideration, anticipated to be the August 2022 Council meeting.

### **FINANCIAL CONSIDERATIONS**

There is no cost impact associated with the exhibition and subsequent adoption of the Plan of Management. The draft Plan of Management does however include an Action Plan and this identifies possible approaches for funding of future actions including grants, partnerships and Council sources of funds.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

All community land managed by a council and used by the community must have a Plan of Management in place under the *Crown Land Management Act 2016* and the *Local Government Act 1993*, as soon as practicable. A plan of management is a statutory instrument that provides strategic planning and governance for the management and use of the land. The redevelopment of Concord Oval requires that a new Plan of Management for Concord Oval be developed.

Further, the *Crown Land Management Act 2016* sets out the process by which a draft Plan of Management is to be exhibited and adopted. It is confirmed that the process council staff followed complies with this requirement.

### **RISK CONSIDERATIONS**

Under the above legislation, Council is required to formally adopt a Plan of Management for Concord Oval. Failure to do so may limit Council's ability to make strategic planning and governance decisions at Concord Oval, including the issuing of leases and licences.

## 11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

### ITEM 11.1 THIRD QUARTER BUDGET REVIEW - JANUARY TO MARCH 2022

**Reporting Manager:** Coordinator Corporate Accounting

**Attachments:**

1. **Third Quarter Review Budget Statement March 2022 (More than 10 pgs)** [⇒](#)
2. **Third Quarter Budget Review Capital Works Program March 2022 (More than 10 pgs)** [⇒](#)

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#### RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

1. That the Third Quarter Review Budget for 2021/22, including the variations as identified in the report and attachments be adopted.
  2. That Council note that the loans from TCorp totalling \$15 million that Council resolved to accept at its meeting on 19 April 2022 were drawn down on 6 May 2022 at interest rates detailed in the report.
- 

#### PURPOSE

To inform Council on the results of the third quarter budget review and what material changes to the annual budget have occurred from January to March 2022. Revised year end forecasts are based on financial performance and trends over the period 1 July 2021 to 31 March 2022

#### EXECUTIVE SUMMARY

Budget adjustments proposed in this review will adversely impact the forecast operating result (excluding capital items) by \$165,000. Operating income has been revised down by \$1.14M with Operating Expenditure reductions of \$979K being brought to account. Details relating to material revisions are provided in the report attachments.

#### STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

VSA 5.2.3      Ensure Council's long-term financial sustainability by providing effective Financial Management.

#### BACKGROUND/DISCUSSION

The quarterly review of the 2021/22 Budget for the period January to March 2022 has been completed. Actual results for the third quarter are assessed to determine the need for revisions to the original budget. Explanations are included for recommended changes and any impact on Council's original Operational Plan, Delivery Program or Long Term Financial Plan.

The Budget is comprised of two components:

- Continuing Operations Budget
- Capital Budget

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

Council's Original Budget for 2021/22, provided for an Operational Deficit of \$1.918M.

The First Quarter Review of Council's 2021/22 Budget forecasted a projected year end result of a deficit of \$1.903M. The Second Quarter Review of Council's Budget forecasts a projected year end

result of a deficit of \$1.916M. The Third Quarter Review of Council's Budget forecast is for a deficit of \$2.082M.

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

### **TIMING**

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

### **FINANCIAL CONSIDERATIONS**

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

Operational		ORIGINAL BUDGET	SEPTEMBER QUARTER	DECEMBER QUARTER	MARCH CHANGES	REVISED BUDGET
<b>Income</b>	<i>Rates and Annual Charges</i>	58,763	59,045	58,907	(140)	58,767
	<i>User Fees and Charges</i>	18,882	17,591	17,842	(756)	17,087
	<i>Interest</i>	1,020	1,020	1,060	140	1,200
	<i>Other Revenue</i>	6,669	6,050	5,532	(570)	4,962
	<i>Rental Income</i>	3,436	3,195	2,956	(227)	2,729
	<i>Grants and Contributions-Operational</i>	5,226	5,973	6,034	409	6,442
	<b>Total operating income</b>	<b>93,997</b>	<b>92,874</b>	<b>92,331</b>	<b>(1,144)</b>	<b>91,187</b>
<b>Expense</b>	<i>Employee Costs</i>	40,459	39,587	38,886	(654)	38,232
	<i>Borrowings</i>	79	79	79	0	79
	<i>Materials &amp; Contracts</i>	34,759	34,501	34,704	(340)	34,364
	<i>Depreciation</i>	14,391	14,391	14,391	0	14,391
	<i>Other Expenses</i>	6,227	6,220	6,187	15	6,202
	<i>Net Loss from disposal of assets</i>	0	0	0	0	0
	<b>Total operating expenditure</b>	<b>95,915</b>	<b>94,778</b>	<b>94,247</b>	<b>(979)</b>	<b>93,268</b>
<b>Operational result - surplus/(deficit)</b>		<b>(1,918)</b>	<b>(1,903)</b>	<b>(1,916)</b>	<b>(165)</b>	<b>(2,082)</b>
<b>Capital</b>						
<b>Income</b>	<i>Grants And Contributions-Capital</i>	51,712	53,550	50,566	(2,750)	47,816
	<i>New Loans</i>	15,000	15,000	15,000	0	15,000
	<i>Proceeds From The Disposal Of Assets</i>	1,310	11,697	7,097	(3,206)	3,892
<b>Total Capital Income</b>		<b>68,022</b>	<b>80,247</b>	<b>72,663</b>	<b>(5,956)</b>	<b>66,707</b>
<b>Expense</b>	<i>Capital Expenditure</i>	93,649	98,396	100,497	1,500	101,997
	<i>Capital Expenditure - Principal Loan</i>	581	581	581	0	581
	<i>Capital Expenditure - Other</i>	0	50	170	0	170
<b>Total capital expenditure</b>		<b>94,229</b>	<b>99,027</b>	<b>101,248</b>	<b>1,500</b>	<b>102,748</b>
<b>Capital result - surplus/(deficit)</b>		<b>(26,207)</b>	<b>(18,780)</b>	<b>(28,585)</b>	<b>(7,456)</b>	<b>(36,041)</b>
<b>Funding Movements</b>						
	<i>Add Back Depreciation &amp; Amortisation - Non Cash Item</i>	14,391	14,391	14,391	0	14,391
	<i>Transfer From Reserve</i>	17,766	21,914	31,865	10,456	42,321
	<i>Transfer To Reserve</i>	6,623	18,534	19,322	3,639	22,961
<b>Total Funding Movements</b>		<b>25,533</b>	<b>17,770</b>	<b>26,934</b>	<b>6,817</b>	<b>33,751</b>
Net result - surplus/(deficit)		(2,592)	(2,913)	(3,568)	(804)	(4,371)
<b>Operating Ratio</b>	<b>Operating Ratio</b>	-2.04%	-2.05%	-2.08%		-2.28%

This review recommends a number of changes to the Continuing Operations Budget and provides revised estimates for the full year. In some cases, the recommended changes to the budget are movements of funds across functions or activities of Council and have not impacted the 'bottom line'.

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

### Capital Works Program

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

Type	Original Budget	Carry Overs	September Variations	December Variations	March Variations	Proposed Budget
Capital Expenditure	\$93,648,528	\$3,715,270	\$1,082,201	\$2,221,487	\$1,500,199	\$102,147,686
Loans	\$580,751					\$580,751
Total Capital	\$94,229,279	\$3,715,270	\$1,082,201	\$2,221,487	\$1,500,199	\$102,728,437

The above table shows the net movement in the Capital Expenditure Program, with an increase of \$1.500M. This includes bringing forward budget allocations for the Rhodes Recreation Centre of \$7.7M to reflect expenditure anticipated to 30 June 2022 and the rephrasing of other projects to 2022/23.

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

### Cash & Investments

The Statement of Investments as at 31 March 2022 was presented at the Council Meeting of 19 April 2022. At the end of the third quarter, Council's Cash and Investments amounted to \$145,236,222.16. By comparison, at the end of the third quarter in March 2021, Cash and Investments amounted to \$179,892,529.24. These funds are invested in accordance with Council's Investment Policy.

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

Cash flows from rate collections over the first nine months of the 2021/2022 financial year amount to approximately \$48 million of the \$61.3 million rate debtor. This represents 74% of the total collectible compared to 71% for the same period last year.

### Loan Borrowings

At the Council Meeting of 19 April 2022, Council resolved to accept the loan offer for \$15 million from TCorp to fund Council's contribution towards the redevelopment of Concord Oval.

TCorp had provided indicative interest rates based on quarterly interest and principal repayments over 10 year and 20 year terms, as follows:

Loan 1- \$5M - 10 year term. Indicative interest rate - 3.45% Interest and Principal repayment - \$593,331.59 per year

Loan 2 -\$10m - 20 year term. Indicative interest rate - 3.95% Interest and principal repayment - \$725,578.65 per year

Two loans were drawn down on 6 May 2022 with details as follows:

Loan Amount	Interest Rate	Maturity
\$5,000,000	4.17%	6/5/2022
\$10,000,000	4.56%	6/5/2042

The secured interest rates whilst higher than reported in April 2022 reflect good outcome in a market of increased cost of funding whilst Central banks in the United States, Australia, United Kingdom and New Zealand are attempting to tame inflation by lifting cash rates over 2022.

The Loan repayments will be funded from future developer contributions. Current Developer Contribution Plans make provision for the delivery of Recreation Facilities to the value of that proposed for Concord Oval. The decision to borrow and subsequently service the loan principal and interest obligations by drawing on developer contributions over a period of up to 20 years provides Council with the ability to deliver additional facilities across the LGA that would have been unaffordable if the full \$15M was utilised in the current year.

## Financial Impact

### COVID-19

The Coronavirus pandemic continues to impact both communities and businesses across the country and in the local government area. This pandemic has had further financial impact on Council over what was forecast when the budget was adopted in June 2021. In addition to the \$400K of income reductions included in the adopted budget, a further \$2.944M of reductions have been brought to account over the financial year ended 30 June 2022.

Service	Adopted Income Budget	Covid Impact	Budget Income Revised	Expenditure Savings - Offset	Net Result
FDLC	\$3,239,059	(\$1,120,747)	\$2,118,312	\$672,203	(\$448,544)
Infringements	\$4,781,504	(\$1,987,784)	\$2,793,720	\$410,525	(\$1,577,259)
Leases	\$3,436,445	(\$707,938)	\$2,728,507	\$0	(\$707,938)
Park Hire	\$380,501	(\$172,049)	\$208,452	\$129,795	(\$42,254)
Venue Hire	\$831,706	(\$120,642)	\$711,065	\$75,247	(\$45,395)
Parking Meters	\$744,826	(\$123,000)	\$621,826	\$0	(\$123,000)
Total	\$13,414,041	(\$4,232,160)	\$9,181,882	\$1,287,770	(\$2,944,390)

Further revenue impacts during the current financial year resulting from COVID-19 relate to Council support provided to businesses by way of fee abatement for footpath dining and property leases which will be brought to account once the Business Activity Statements from the affected businesses are analysed.

### Budget Recovery

The ongoing financial impact of COVID-19 beyond the current financial year is softening. Recently, the Reserve Bank changed its Interest rates forecast from remaining at historically low rate until 2024, to an increasing trajectory, with rates likely to increase to over 2%. This will impact favourably on Council's investment earnings projections. Previously, the ongoing impact of low cash rates on future investment earnings had been incorporated into the Long Term Financial Plan at a cost of \$500K per year for the next two years. This will need to be reconsidered.

The March Review has highlighted a number of changes with the net operating result being a \$2.082M budget deficit.

Despite the \$2.9 million (net) of negative budget impacts during 2021/2022 financial year, particularly relating to Covid-19, adjustments have been made to maintain the deficit to as close to the original budget level.

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

It is my opinion that the Quarterly Budget Review Statement for City of Canada Bay Council for the quarter ended 31/03/2022 indicates that Council's projected financial position as at 30 June 2022 will be satisfactory at the year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. This opinion focuses on Council's projected short-term liquidity position at year end. It does not extend to an opinion relating to Council's long-term financial position.

Evan Hutchings

Responsible Accounting Officer



**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

**RISK CONSIDERATIONS**

Income and expenditure is managed through the quarterly budget review process. Although some income and expenditure cannot be directly controlled, it can be monitored and action is taken to mitigate potential financial or budgetary risk. Further, Council staff utilise monthly reporting for managing operational and project income and expenditure, and any budget variations are reported to the Director. The Executive Team is also provided with monthly financial reports that allow Directors to make informed decisions and plan ahead to ensure budget targets are met.

**ITEM 11.2 CODE OF CONDUCT POLICY REVIEW****Reporting Manager: Manager Governance and Customer Services****Attachments: 1. Code of Conduct Policy (More than 10 pgs) [⇨](#)**

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**That Council adopt the Code of Conduct attached to the report.

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**PURPOSE**

To advise Council of the outcome of the public exhibition of the Code of Conduct and recommend the Code for adoption.

**REPORT**

Council, at its meeting on 15 March 2022, resolved to place the draft *Code of Conduct Policy* on public exhibition. The public exhibition ran for 28 days from 17 March to 14 April 2022. No submissions or comments were received, and it is therefore recommended for adoption.

The draft *Code of Conduct Policy* is provided at Attachment 1.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

VSA 5.1.1 The Council governs efficiently and effectively on behalf of the Community.

**FINANCIAL CONSIDERATIONS**

There are no financial associated considerations with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Section 440(7) of the Local Government Act 1993 states that:

- (7) *A council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate and as are consistent with this section.*

The City of Canada Bay Code of Conduct is based on the Model Code of Conduct for Local Councils in NSW released by the Office of Local Government via their Circular 20-32 2020 released on 14 August 2020.

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report.

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**ITEM 11.3 CASH AND INVESTMENT REPORT FOR APRIL 2022****Reporting Manager: Manager Finance****Attachments: 1. Investment Report April 2022 (More than 10 pgs) [⇒](#)**

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**That the Cash and Investments Report for April 2022 attached to the report be received and noted.

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**PURPOSE**

To present Council's Investment portfolio performance for April 2022.

**EXECUTIVE SUMMARY**

Council's investments are reported monthly to Council in accordance with the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's Investment Policy.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

VSA 5.2.3 Ensure Council's long-term financial sustainability by providing effective Financial Management.

**BACKGROUND/DISCUSSION**

This report incorporates the end of April Cash and Investments Report 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 2005 and Council's Investment Policy.

**Summary position as at end April 2022**

The Cash at Bank and Cash Investments are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
APRIL 2022	\$1,807,121.54	\$ 150,953,376.03	\$ 152,760,497.57

The detailed Schedule of Investments held as of 30<sup>th</sup> April 2022 are also provided over the page.

**Statement of Investments April 2022**

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
04/05/22	AMP Bank	BBB	\$2,000,000.00	170	0.75%	15/11/21	Term Deposits
04/05/22	MyState Ltd	BBB+	\$2,000,000.00	365	0.50%	04/05/21	Term Deposits
12/05/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	365	0.39%	12/05/21	Term Deposits
27/05/22	National Australia Bank	AA-	\$2,500,000.00	269	0.30%	31/08/21	Term Deposits
30/05/22	Auswide Bank Ltd	BAA2	\$2,000,000.00	181	0.65%	30/11/21	Term Deposits
03/06/22	National Australia Bank	AA-	\$3,000,000.00	365	0.35%	03/06/21	Term Deposits
09/06/22	Members Equity Bank	BBB+	\$2,000,000.00	280	0.45%	02/09/21	Term Deposits
17/06/22	Commonwealth Bank of Australia	AA-	\$3,500,000.00	288	0.36%	02/09/21	Term Deposits
24/06/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	364	0.43%	25/06/21	Term Deposits
30/06/22	National Australia Bank	AA-	\$2,500,000.00	303	0.31%	31/08/21	Term Deposits
07/07/22	Members Equity Bank	BBB+	\$2,000,000.00	367	0.50%	05/07/21	Term Deposits
08/07/22	Commonwealth Bank of Australia	AA-	\$1,500,000.00	308	0.36%	03/09/21	Term Deposits
21/07/22	Bank of Queensland	BBB+	\$1,500,000.00	237	0.65%	26/11/21	Term Deposits
29/07/22	Bendigo and Adelaide Bank	BBB+	\$2,000,000.00	364	1.90%	30/07/21	Term Deposits
05/08/22	National Australia Bank	AA-	\$3,000,000.00	365	0.35%	05/08/21	Term Deposits
12/08/22	National Australia Bank	AA-	\$3,500,000.00	364	0.35%	13/08/21	Term Deposits
09/09/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	364	0.39%	10/09/21	Term Deposits
15/09/22	Bank of Queensland	BBB+	\$2,000,000.00	363	0.95%	17/09/21	Term Deposits
30/09/22	MyState Ltd	BBB+	\$2,000,000.00	364	0.45%	01/10/21	Term Deposits
03/10/22	Westpac Bank	AA-	\$3,000,000.00	367	0.80%	01/10/21	Term Deposits
10/10/22	AMP Bank	BBB	\$2,000,000.00	367	0.80%	08/10/21	Term Deposits
11/10/22	National Australia Bank	AA-	\$3,000,000.00	180	1.20%	14/04/22	Term Deposits
14/10/22	National Australia Bank	AA-	\$2,000,000.00	371	0.39%	08/10/21	Term Deposits
20/10/22	Westpac Bank	AA-	\$1,500,000.00	367	0.47%	18/10/21	ESG TD
08/11/22	National Australia Bank	AA-	\$2,000,000.00	270	0.70%	11/02/22	Term Deposits
10/11/22	Bank of Queensland	BBB+	\$3,000,000.00	210	1.50%	14/04/22	Term Deposits
18/11/22	Westpac Bank	AA-	\$2,000,000.00	364	0.54%	19/11/21	ESG TD
02/12/22	Westpac Bank	AA-	\$2,000,000.00	364	0.58%	03/12/21	ESG TD
16/03/23	Macquarie Bank	A+	\$2,000,000.00	365	1.20%	16/03/22	Term Deposits
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	Term Deposits
02/05/23	AMP Bank	BBB	\$2,000,000.00	545	1.00%	03/11/21	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	730	0.60%	23/06/21	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	562	0.60%	01/01/22	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	729	0.65%	29/07/21	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	734	0.65%	30/07/21	Term Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	732	1.11%	28/10/21	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	731	1.08%	18/02/22	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	731	1.68%	04/03/22	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	1004	1.62%	14/02/22	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	1005	1.62%	03/03/22	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	1095	2.02%	18/02/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	1095	2.10%	25/02/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1368	1.87%	21/02/22	ESG TD
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1461	1.04%	16/02/22	Term Deposits
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1460	2.24%	18/02/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1460	2.31%	25/02/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1460	2.22%	04/03/22	ESG TD
16/08/22	Suncorp Metway	A+	\$2,500,000.00	1390	1.05%	26/10/18	Floating Rate Notes
28/10/22	Teachers Mutual Bank	BBB	\$1,000,000.00	1096	1.61%	28/10/19	ESG FRN
03/02/23	Bank of Queensland	BBB+	\$2,000,000.00	1635	1.11%	13/08/18	Floating Rate Notes
06/02/23	Newcastle Permanent Building Society	BBB	\$2,000,000.00	1707	1.47%	05/06/18	Floating Rate Notes
24/02/23	RACQ Bank	BBB+	\$1,500,000.00	1096	1.01%	24/02/20	Floating Rate Notes
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	1.01%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	1.17%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	0.85%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	0.95%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	0.91%	12/02/20	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$1,996,240.00	1651	0.63%	02/06/21	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	0.83%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	A	\$500,000.00	1826	0.48%	19/08/21	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	0.61%	23/09/21	ESG FRN
15/12/22	NTTC	AA-	\$2,000,000.00	808	0.90%	28/09/20	Fixed Rate Bond
15/12/23	NTTC	AA-	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	AA-	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	AA-	\$2,000,000.00	1496	1.10%	11/05/21	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	\$1,001,582.32		0.55%		AMP 31Day Notice
	AMP Bank	BBB	\$4,601,693.15		0.50%		AMP Business Saver
	Macquarie Bank	A+	\$7,503,860.56		0.60%		Macquarie CMA
<b>30/04/22</b>			<b>\$150,953,376.03</b>		<b>0.93%</b>		
TOTAL INVESTMENTS at 31/3/22			\$144,249,433.25				
Net Increase/(Decrease) in Investments			\$6,703,942.78				

**TIMING****FINANCIAL CONSIDERATIONS**

Interest paid on maturing investments for the 10 months ending 30 April 2022 was \$872K against an annual budget of \$910K

It is projected that this trend will result in the original budget forecast being exceeded by approximately \$140K with the revised budget adjusted up to \$1.05M. The Third Quarter Budget Review, to be considered at the 17 May 2022 Meeting includes a favourable variation to bring to account this improved budget result.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (General) Regulation 2005 and Council's Investment Policy. Section 212 of the Local Government (General) Regulation 2005 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

**RISK CONSIDERATIONS**

Council manages the risk associated with investments by diversifying the types of investment, credit quality, counterparty exposure and term to maturity profile.

**ITEM 11.4 COVID 19 VACCINATION PROGRAM AT THE CONNECTION - RHODES****Reporting Manager: Director City Services and Assets****Attachments: Nil**

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

1. That Council agree to the request from Health NSW for the hire of the space at The Connection, Rhodes to accommodate a short term COVID-19 vaccination program for a period of approximately five weeks, with the fees for this use to be waived subject to compliance with section 610F of the Local Government Act 1993.
  2. That the requirement to lodge the bond amount of \$1,000.00 applicable to the hire of the space at The Connection, Rhodes by Health NSW be waived on this occasion.
  3. That Council publicly exhibit the proposed waiving of the applicable fees for the use contained in Council's adopted Fees and Charges, for a period of 28 days, in accordance with section 610F of the Local Government Act 1993.
  4. That any submissions received as a result of the public exhibition process be submitted to Council for consideration and in the event that no submissions are received, it be determined that the fees have been waived without the requirement for any additional consideration by Council.
- 

**PURPOSE**

To consider a request from NSW Health for use of space at The Connection, Rhodes to accommodate a short term COVID-19 vaccination program, and the waiving of the applicable hire fees.

**REPORT**

A request has recently been received from NSW Health for space at The Connection, Rhodes to accommodate a short term COVID-19 vaccination program.

Due to The Connection's central location between the two densely populated suburbs of Rhodes and Wentworth Point, NSW Health believe it is an ideal location for a COVID-19 vaccination program offering free vaccination and booster shots to residents.

The Program is being delivered to assist in the facilitation of the vaccination program in that locality. In conjunction with the request for use of the facility, the waiving of the applicable fees has also been requested. This short-term program is planned to run for a period of approximately five weeks. The applicable hire fees for the venue for this period would be \$17,080.00. It is noted that at the time of preparation of this report there are no other bookings for the venue during that period. Should this remain the case there would be no hire fees foregone through this initiative, and based on this current hire status, the impact is likely to remain negligible. Waiving of the fee would demonstrate further support to the program in supporting the health and wellbeing of residents in this part of the LGA.

To facilitate the waiving of this fee there is an obligation to comply with section 610F of the Local Government Act 1993 which requires that proposed amendments to adopted fees and charges be publicly exhibited for a period of 28 days. Any submissions received as a result of the public exhibition process are required to be submitted to Council for consideration. Should no submissions be received it is proposed that the fees be determined to have been waived without the requirement for any further consideration by Council.

**STRATEGIC CONNECTION**

This report supports YOUR future 2030 Outcome area:

VSA 5.4.3      Provide services and encourage the community to take pride in their city to ensure Public Health for all.

### **FINANCIAL CONSIDERATIONS**

Up to \$17,080.00 in potential room hire fees, being an amount of up to \$1,708 per day for a five (5) week period. It is noted that at the time of this report being prepared there were no other bookings for the space for the anticipated duration.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The proposed fee waiver requires compliance with section 610F of the Local Government Act 1993.

### **RISK CONSIDERATIONS**

There are no significant risk considerations associated with this report.

**12 NOTICES OF MOTION****ITEM 12.1 NOTICE OF MOTION - SECOND BAY RUN**

Submitted by: Councillor Andrew Ferguson

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**MOTION**

1. That Council reaffirms its commitment to extending foreshore and improving connectivity and access to the foreshore in the City of Canada Bay.
  2. That Council endorses in principle the proposed extension of the foreshore by construction of a Boardwalk from Friends Avenue to Halliday Park Five Dock.
  3. That Council officers prepare estimates on the cost of the work that would be involved in investigating options (including feasibility, approval processes and estimated construction costs) for building this foreshore walkway/boardwalk.
  4. That Council acknowledges that construction of the Kings Bay Section of the proposed 'Second Bay Run' is a priority, subject to community consultation and securing external funding.
- 

**BACKGROUND FROM COUNCILLOR ANDREW FERGUSON**

Extending and improving foreshore connectivity and access in the City of Canada Bay is a focus of this Council.

I believe that there is significant community support for the extension of the foreshore walk from Friends Avenue to Halliday Park Five Dock.

Extending this foreshore access at Five Dock, along with the development of foreshore access at Kings Bay, will deliver a 5.5 kilometre continuous walkway from Prince Edward Park Cabarita to Henry Lawson Park Abbotsford. It is understood that it would probably be necessary to build a boardwalk over the TfNSW Waterway to minimize any loss of privacy and noise to landowners impacted by this proposal.

Achieving this vision for establishing a 'Second Bay Run' will be a magnificent achievement for the City of Canada Bay Council and our community.

It is understood that Council does not currently have any plans or budget for this segment of foreshore access.



**ITEM 12.2 NOTICE OF MOTION - COMMUNITY ORGANISATION CONSULTATION, PARTICIPATION AND EMPOWERMENT**

Submitted by: Councillor Andrew Ferguson  
Councillor Julia Little

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**MOTION**

1. That Council welcomes the recent establishment of the following three community organisations:
    - Rhodes Action Group
    - North Strathfield Community Action Group
    - Peninsulas Action Group-Mortlake, Breakfast Point and Cabarita
  2. That representatives (maximum two) of each of these three groups be invited to attend separately future Council workshops to outline their respective issues, concerns and priorities within the next 3 months.
- 

**BACKGROUND FROM COUNCILLOR ANDREW FERGUSON**

Central to the success and credibility of Council is not just consultation with residents and our community but their active involvement in Council affairs.

Within our community there are residents with great skills, insight and passion who can significantly assist the decision-making process of this Council through their input.

Accordingly, I welcome the recent establishment of the following three community organisations:

- Rhodes Action Group
- North Strathfield Community Action Group
- Peninsulas Action Group-Mortlake, Breakfast Point and Cabarita

These three organisations are independently focused on issues of traffic and pedestrian safety, tree canopy and street landscaping, parks, the provision and maintenance of Council facilities, overdevelopment and much more.

I believe the formation of these groups is exciting for Council. It is evidence of not just community frustration but a willingness and determination of residents to assist Council 'get it right'.

**ITEM 12.3 NOTICE OF MOTION - CITY OF CANADA BAY COUNCIL INDIGENOUS RECOGNITION AND COMMUNITY EDUCATION**

Submitted by: Councillor Andrew Ferguson

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**MOTION**

1. That Council commits to continuing and strengthening its commitment to promoting indigenous recognition and reconciliation.
  2. That Council officers liaise with ANTaR with a view to determining options and costs for the production and printing of two leaflets for New Citizens of Australia living in the City of Canada Bay and a Welcome to Canada Bay, similar to those that were made available to citizens in 2013 and 2014.
  3. That a report be prepared and submitted to Council following the actions in (2) above.
- 

**BACKGROUND FROM COUNCILLOR ANDREW FERGUSON**

It is acknowledged that this Council is committed to promoting indigenous recognition and reconciliation, and has developed and implemented many initiatives to this end.

In 2013 and 2014 Council funded ANTaR in the production and printing of two leaflets for New Citizens of Australia living in the City of Canada Bay and a Welcome to Canada Bay. These leaflets specifically provided helpful information about the First Peoples of this land.

One of the leaflets was intended for distribution at Citizenship Ceremonies to new citizens and the other leaflet was intended for distribution at Council libraries, community centres and events etc. Copies of the leaflets are attached. It is noted that there are 1,500 printed copies of the latter mentioned leaflet still available, however, due to the passing of time some of the information, including contact details may no longer be current.

I believe that as a component of Council's commitment to promoting indigenous recognition and reconciliation, the production and distribution of these leaflets should be reinstated. I would envisage that the 'Welcome to Canada Bay' leaflets would be on display and available at Council, Council libraries and community centres, and distributed at appropriate Council events.

**ITEM 12.4 NOTICE OF MOTION - CABARITA SWIMMING POOL**

Submitted by: Councillor Michael Megna

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**MOTION**

1. That Council officers consider the request made through the petition from the residents both near and surrounding Cabarita Pool, to extend the opening time from the 1st September to the 31st May, commencing in Spring 2022.
  2. That consideration of this matter include that, in view of the relatively mild weather in the month of May, more use can be made of the pool use for an extra month, rather than closing on the 30 April.
  3. That the pool operator be consulted on the proposal.
  4. That a report be prepared and submitted to Council as soon as practicable.
- 

**BACKGROUND FROM COUNCILLOR MICHAEL MEGNA**

A petition signed by 161 people relating to Cabarita Swimming Centre has been received by me. The petition reads as follows:

“Currently the swimming season at the above centre is from 1<sup>st</sup> September to 30<sup>th</sup> April. Considering the weather in Cabarita is relatively mild in May and that May is part of the Autumn season...We the undersigned request that Canada Bay Council extend the opening time of the swimming centre from 1<sup>st</sup> September to 31<sup>st</sup> May commencing this season.”

**ITEM 12.5 NOTICE OF MOTION - BOAT AND TRAILER PARKING IN LOCAL STREETS**

Submitted by: Councillor Julia Little

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**MOTION**

1. Council acknowledges the ongoing community frustration with boats and trailers parking in our local government area
  2. That Council officers investigate options to reduce the impact of trailers and boats parking, in particular, adjacent to parks, foreshore, schools and community facilities and present the outcomes of the investigation to a Councillor Workshop in the next 6 months.
- 

**BACKGROUND FROM COUNCILLOR JULIA LITTLE**

I have received representations from members of the community regarding boats and trailers, some of which are from outside of our LGA, being parked for extended periods in local streets.

I believe that it is timely for options to be prepared and presented to Council on potential parking restrictions to minimize the inconvenience this is causing to residents. Further, the greatest inconvenience appears to be created on weekends, public holidays, and school holidays around all local parks, with any report on this matter addressing these times occasions and locations in particular.

There is likely to be several options to address this issue, one of which may be to introduce parking restriction during these nominated periods and locations. Exploration of other potential options to better enforce current legislation should also be pursued.

**ITEM 12.6 NOTICE OF MOTION - DON'T LEAVE LOCAL COMMUNITIES BEHIND CAMPAIGN**

Submitted by: Councillor Julia Little

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**MOTION**

1. That Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs.
  2. That Council agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
    - a) express support for ALGA's funding priorities;
    - b) identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
    - c) seek funding commitments from the members, candidates and their parties for these identified local projects and programs.
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**BACKGROUND FROM COUNCILLOR JULIA LITTLE**

The Don't Leave Local Communities Behind campaign will promote 17 priority asks in the portfolios of economic recovery, transport and community infrastructure, building resilience, circular economy and intergovernmental relations.

These priorities are based on motions passed by councils at ALGA's annual National General Assembly and have been endorsed by ALGA's Board which is comprised of representatives from all state and territory Local Government Associations.

They have been assessed by independent economists and would add around \$6.46 billion per year to Australia's Gross Domestic Product while creating 43,444 jobs.

The Don't Leave Local Communities Behind campaign will run for five weeks, with each week focussing on one of the five portfolio areas.

The full list of national Federal Election priorities that will be promoted through this campaign is outlined below:

***Economic recovery***

1. An initial injection of Financial Assistance Grants to local government of \$1.3 billion to support communities and jobs and also resolve the current practice of bringing forward two quarterly Financial Assistance Grant payments each year.
2. A commitment to return Financial Assistance Grants to at least one percent of Commonwealth taxation revenue via a phased approach.

***Transport and community infrastructure***

3. \$500 million per annum for a four-year continuation of the Local Roads and Community Infrastructure Program.

4. A strategic local roads investment program of \$300 million per annum over four years to address road transport first and last mile issues and congestion on local roads.
5. An increase in Roads to Recovery to \$800 million per annum (an additional \$300 million per annum) and the Black Spot Program to \$200 million per annum over four years, while addressing the South Australian road funding anomaly by making the additional \$20 million per annum to SA in 2021-22 and 2022-23 permanent.
6. Continuing the Stronger Regional Digital Connectivity Package at \$55 million over four years.
7. \$200 million over four years to assist councils to develop and implement innovative housing partnerships.

***Building resilience***

8. A targeted disaster mitigation program of \$200 million per annum for four years which will reduce the costs of response and recovery and strengthen community resilience.
9. A commitment to ensuring betterment funding as a core element of disaster recovery funding arrangements.
10. A commitment to include community infrastructure that is publicly accessible and owned, and local government waste, water and wastewater assets under Disaster Recovery Funding Arrangements.
11. A Local Government Climate Response Partnership Fund of \$200 million over four years to enable planning and preparation to minimise the impacts of climate change in local communities and enable councils to achieve climate neutrality as soon as practicable.
12. \$100 million per annum over four years provided directly to local governments to support the capabilities of Indigenous councils and the implementation of the Closing the Gap local/regional voice.

***Circular economy***

13. Support to provide guidance and advice to councils on how to unlock the circular economy locally, particularly in rural, regional, and remote areas.
14. Support to investigate and, if feasible, implement a national bin harmonisation program that will improve kerbside recycling, reduce contamination, and maximise opportunities for reuse.
15. \$100 million per annum over four years to fund local government circular waste innovation projects.

***Intergovernmental relations***

16. Reinstating local government representation to the primary intergovernmental forum in Australia, the National Cabinet.
17. Ensuring local government's ongoing voting membership of other relevant Ministerial forums.

Participating in a national advocacy campaign does not preclude this Council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.

**13 NOTICES OF MOTION OF RESCISSION**

Nil

**14 MATTERS OF URGENCY**

Nil

**15 QUESTIONS WITH NOTICE**

Nil

**16 CONFIDENTIAL MATTERS**

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**RECOMMENDATION**

That

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

**ITEM 16.1 CONCORD OVAL CAFE TENDER**

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

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

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

**BACKGROUND/DISCUSSION**

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

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

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

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

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**17 CONFIDENTIAL RESOLUTIONS**

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

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