

ORDINARY COUNCIL MEETING

AGENDA

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

Council Chambers, City of Canada Bay Civic Centre, Drummoyne

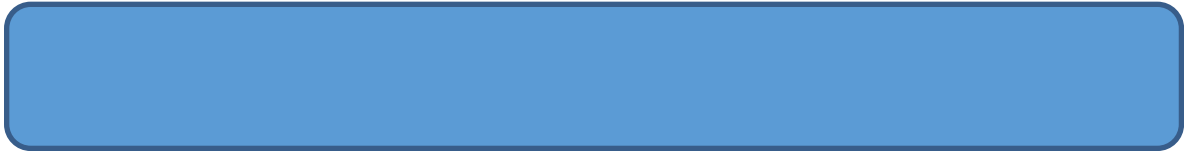
Tuesday, 18 April 2023

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

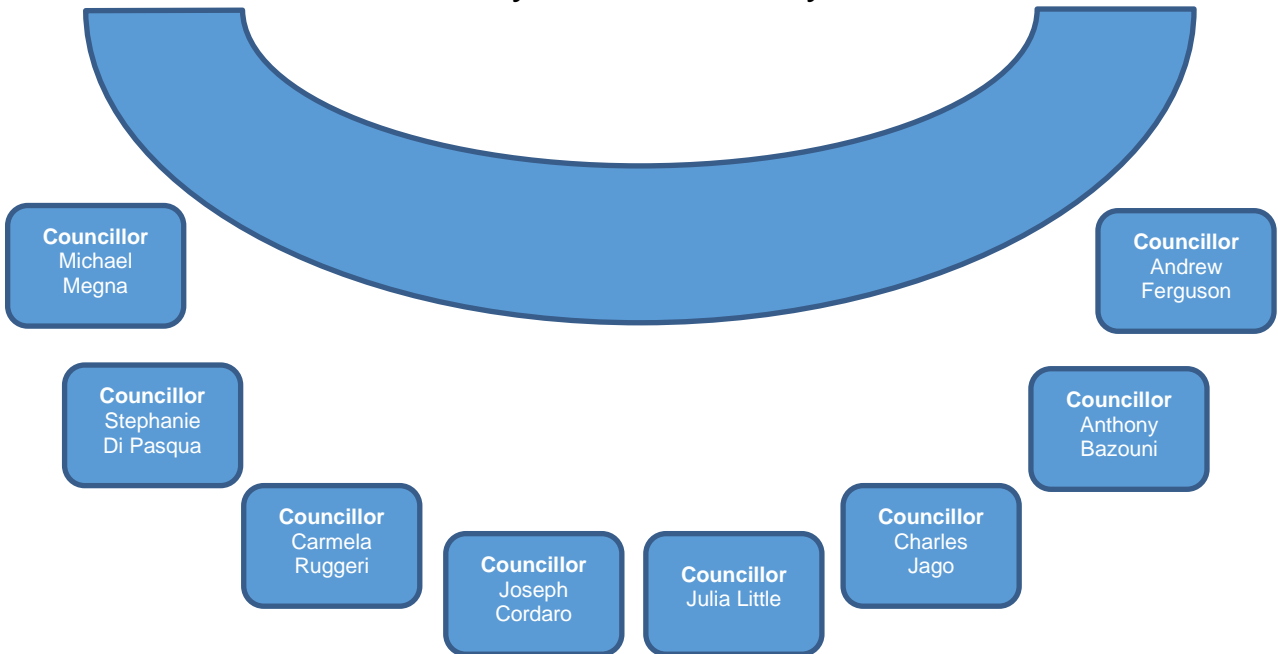


John Clark
General Manager

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



Statement of Ethical Obligations

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

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

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

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 28 MARCH 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 28 March 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

Nil

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 March 2023 and 31 March 2023.

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 29 March 2023

The CBLPP meeting scheduled for 29 March 2023 was cancelled as there were no applications identified for referral to the Panel.

Items for CBLPP Meeting on 26 April 2023

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

- DA2022/0066 - 14A St Georges Crescent, Drummoyne - Alterations and additions to attic floor of existing dwelling.
- DA2022/0336 - 121 Henley Marine Drive, Drummoyne - Alterations and additions to existing dwelling house including new garage.

Development Applications – Determined

The following Development Applications have been determined by staff under delegation between 1 March 2023 and 31 March 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2021/0179	14.07.2021	2 Swan Avenue, Strathfield	Demolition of the existing dwelling house and associated structures and construction of a three (3) storey x eighteen (18) room boarding house (incl. Manager's room) with parking for one (1) car, four (4) motorcycles and four (4) bicycles under State Environmental Planning Policy (Affordable Rental Housing) 2009	Approved – Court 01.03.2023
DA2022/0314	10.11.2022	25 Wilga Street, Concord West	Alterations and additions to rear of existing dwelling with attached garage, front fence, and landscaping	Approved 03.03.2023
DA2023/0032	17.02.2023	19-19A Roseby Street, Drummoyne	Fit-out of tenancy 114 for Elite Supplements in Birkenhead Point Outlet Centre	Approved 03.03.2023
DA2022/0334	01.12.2022	4 High Street, Concord	Construction of a two storey dwelling with swimming pool and landscaping	Approved 06.03.2023
DA2022/0199	13.07.2022	70 Llewellyn Street, Rhodes	Alterations and additions to existing dwelling	Approved 10.03.2023
DA2023/0021	09.02.2023	41 Melbourne Street, Concord	Construction of a new two storey dwelling	Approved 10.03.2023
DA2023/0024	16.02.2023	129 Lower St Georges Crescent, Drummoyne	Removal of a <i>Michelia spp</i> (Magnolia) and the pruning of a Mulberry tree and two Jacaranda trees, and the planting of a replacement tree	Approved 10.03.2023
DA2023/0039	10.03.2023	57 Curtin Avenue, Abbotsford	Strata Subdivision of attached dual occupancy	Approved 15.03.2023
DA2023/0011	25.01.2023	410 Concord Road, Rhodes	Change of Use of Premises for use as a "Health Services Facility" Child Speech Therapy	Approved 16.03.2023
DA2022/0341	12.12.2022	53 Thompson Street, Drummoyne	Alterations and additions to existing dwelling	Approved 17.03.2023
DA2023/0022	09.02.2023	23 La Mascotte Avenue, Concord	Construction of single carport	Approved 22.03.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0342	20.12.2022	12 Barton Street, Concord	Demolition of existing structures and construction of a two storey dwelling with basement	Approved 22.03.2023
DA2022/0147	24.05.2022	33 Ingham Avenue, Five Dock	Demolition of existing structures and construction of a two storey dwelling with at grade basement, pool and landscaping	Approved 24.03.2023
DA2022/0323	18.11.2022	8A Drummoyne Avenue, Drummoyne	Alterations and Additions to existing two storey dwelling and first floor additions to detached garage	Refused 24.03.2023
DA2022/0213	27.07.2022	51 Iandra Street, Concord West	Alterations and additions to the existing dwelling, new garage and carport, removal of 3 small trees	Refused 24.03.2023
DA2022/0177	20.06.2022	16 Merville Street, Concord West	Demolition of existing structures and proposal of new dual-occupancy with basement and swimming pool	Approved 24.03.2023
DA2023/0042	06.03.2023	Tennis Courts, 22 Conway Avenue, Concord West	Removal of weed species and pruning of trees located adjacent to the site as nominated on the Arborist and Landscape plans within Powells Creek	Approved 24.03.2023
DA2021/0365	21.12.2021	22 Erina Avenue, Five Dock	Demolition of existing structures, construction of a two storey dwelling with basement garage	Approved 24.03.2023
DA2022/0318	11.11.2022	16 Clermont Avenue, Concord	Development Application seeking the use of a unauthorised carport within the front setback	Refused 24.03.2023
DA2023/0053	20.03.2023	71 Harris Road, Five Dock	Strata subdivision of attached dual occupancy	Approved Council 28.03.2023
DA2022/0266	23.09.2022	24 Fitzroy Street, Abbotsford	Demolition of existing structures and construction of a new two storey dwelling with basement, cabana, pool and landscaping	Approved 28.03.2023
DA2022/0333	01.12.2022	55 Abbotsford Parade, Abbotsford	Demolition of existing swimming pool and garden bed retaining walls. Construction of new swimming pool with spa,	Approved 28.03.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			landscaping and replace existing boat shed roof	
DA2023/0013	31.01.2023	49 Wilga Street, Concord West	Alterations and additions to rear of existing dwelling and to detached garage	Approved 29.03.2023
DA2022/0339	12.12.2022	34 Park Avenue, Drummoyne	Construction of a pool	Approved 31.03.2023

Total Number of DAs Determined = 25

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 March 2023 and 31 March 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0040	01.03.2023	55 Thompson Street, Drummoyne	Installation of concrete in-ground pool, pool security fencing, general landscaping, lawns and associated works
DA2023/0041	01.03.2023	11 Brays Road, Concord	Demolition of existing structures and construction of new two storey dwelling with basement parking, pool and landscaping works
DA2023/0042	06.03.2023	Tennis Courts, 22 Conway Avenue, Concord West	Removal and pruning of trees located adjacent to the site as nominated on the arborist and landscape plans within Powells Creek
DA2023/0043	06.03.2023	491 Great North Road, Abbotsford	Demolition of existing garage and construction of new garage and internal driveway
DA2023/0045	06.03.2023	37 Campbell Street, Abbotsford	Demolition of existing single garage and construction of a single garage
DA2023/0046	06.03.2023	1A Watkin Street, Concord	Construction of two storey dwelling house with basement
DA2023/0044	06.03.2023	8 Clermont Avenue, Concord	Proposed tree removal
DA2023/0047	07.03.2023	89 Cabarita Road, Cabarita	Demolition of existing building and construction of a two storey dwelling with basement and swimming pool
DA2023/0020	08.03.2023	12 Bay Road, Russell Lea	Demolition of existing structures and proposed Torrens title subdivision of one allotment into two
DA2023/0048	09.03.2023	74 Thompson Street, Drummoyne	Construction of a new front fence and carport, and removal of trees from the front setback including White Cedar, Lilly Pilly, Black Wattle and Weeping Bottlebrush
DA2023/0039	10.03.2023	57 Curtin Avenue, Abbotsford	Strata subdivision of attached dual occupancy

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0023	13.03.2023	31 Clermont Avenue, Concord	The demolition of the existing lapped and capped treated pine fence along the western boundary of 31 Clermont Avenue, Concord, known as Ardill House, and replace it with a new combination fence in situ concrete/lapped and capped treated pine fence along the same alignment
DA2023/0050	14.03.2023	42 Therry Street, Drummoyne	Construction of a carport and extension of the existing driveway crossover
DA2023/0051	14.03.2023	70 landra Street, Concord West	Removal of a Halls Fig tree causing damage to fence and sidewalk
DA2023/0055	17.03.2023	15 Thompson Street, Drummoyne	Single carport forward of the building line
DA2023/0053	20.03.2023	71 Harris Road, Five Dock	Strata subdivision of attached dual occupancy
DA2023/0054	21.03.2023	26 Fitzroy Street, Abbotsford	Construction of a new multi storey dwelling with basement garage, associated landscaping and new front and side fence
DA2023/0052	22.03.2023	41 Kingston Avenue, Concord	Partial demolition and alterations to existing pool, construction of a new living room extension to rear of house
DA2023/0056	22.03.2023	64 Day Street, Drummoyne	Alterations and additions to an existing dwelling and cabana
DA2023/0058	22.03.2023	19-19A Roseby Street, Drummoyne	Fitout of Shop 170 of Birkenhead Point
DA2023/0054	23.03.2023	26 Fitzroy Street, Abbotsford	Construction of a new multi storey dwelling with basement garage, associated landscaping and new front and side fence
DA2023/0059	24.03.2023	39 Tait Street, Russell Lea	Alterations to an existing detached garage and replacement of existing front boundary fence
DA2023/0057	24.03.2023	15 Queen Street, North Strathfield	Construction of a secondary dwelling
DA2023/0060	27.03.2023	16 Fairwater Drive, Breakfast Point	Alteration and addition to a dwelling house
DA2023/0061	28.03.2023	Sea Scout Hall, 2P Teviot Avenue, Abbotsford	Construction of an awning/car port off the side of the existing building
DA2023/0062	28.03.2023	1 Cecil Street, Wareemba	Demolition of existing structures and the construction of a two-storey, attached Dual Occupancy development with basement car parking
DA2023/0063	30.03.2023	57 St Albans Street, Abbotsford	Demolition of existing buildings, construction of a new dwelling, swimming pool and related landscaping with basement carparking

Total Number of DAs Lodged = 26

Variations to development standards

There were 5 variations made to a development standard (e.g. Building Height, Floor Space Ratio) for the one development application under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 March 2023 and 31 March 2023:

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0116	136-140 Tennyson Road, Mortlake	Floor Space Ratio, Clause 4.4	Proposal is consistent with surrounding development.	728.5m ² (32%)	16.03.2023 Court Approval
DA2022/0116	136-140 Tennyson Road, Mortlake	Building Height, Clause 4.3	Building will be compatible with surrounding height and will not result in unreasonable amenity impacts.	5.35m (44%)	16.03.2023 Court Approval
DA2022/0116	136-140 Tennyson Road, Mortlake	Apartment Mix, Clause 6.11	Housing review identified an undersupply of three-bedroom apartments in the suburb.	100%	16.03.2023 Court Approval
DA2022/0199	70 Llewellyn Street, Rhodes	Floor Space Ratio, Clause 4.4	The proposal provides for a high-quality contemporary dwelling that complies with all other Council requirements and is consistent with the objectives of the zone	12.95m ² (5.7%)	10.03.2023
DA2022/0334	4 High Street, Concord	Floor Space Ratio, Clause 4.4	Resultant built form is consistent with established built form and will not result in any amenity impacts upon neighbouring dwellings.	21.17m ² (8.68%)	06.03.2023

Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 31 March 2023:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2022/0129	19/203-211 Great North Road, Five Dock	Class 1 Appeal to the deemed refusal of development application for the alterations and additions including demolition, for the purpose of a childcare centre, for ninety-six	No agreement reached at the conciliation conference. Matter is listed for a hearing on 5 and 6 June 2023.

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		(96) children with sixteen (16) staff, to operate 7:00am and 6:00pm Monday to Friday, and thirty-four (34) car spaces	
DA2021/0260	15-17 Cooper Street, Strathfield	Class 1 appeal against the refusal of development application for demolition of existing dwelling houses, Consolidation of two lots and proposed new boarding house with 29 rooms and a manager's room	No agreement reached at the conciliation conference. Applicant is considering preparing amended plans in response to the matters raised during the proceedings.
DA2021/0266	29 Lenore Street, Russell Lea	Class 1 appeal against the refusal of development application for demolition of structures and construction of a two-storey dwelling with basement parking and swimming pool	No agreement reached at conciliation conference. Matter proceeded to hearing. Awaiting judgement.
DA2022/0116	134-140 Tennyson Road, Mortlake	Class 1 appeal against the deemed refusal of development application for demolition of the existing site structures including tree removal, construction of a 4-storey residential flat building of 20 x 3-bedroom apartments, basement carparking for 44 vehicles (40 residential and 4 visitor spaces) access via Palace Lane, along with the creation of 8metre wide public foreshore access.	Amended proposal approved by the Court 16 March 2023
DA2022/0125	40-44 Tennyson Road and 5-15 Bertram Street, Mortlake	Class 1 appeal against the deemed refusal of development application for the demolition of existing structures and improvements and construction of four 4-storey residential flat buildings containing 50 apartments including basement car parking and associated landscaping	Hearing date set for 3 May 2023.
DA2021/0132	8 Drummoyne Avenue, Drummoyne	Class 1 appeal against the actual refusal of development application for alterations to an existing dwelling in a heritage conservation area including: upper storey addition, lower storey alterations, internal remodelling, alterations to garaging and associated works	Matter listed for conciliation conference 27 and 28 July 2023

Of the above 6 listed matters before the Land and Environment Court, there are currently 5 active appeals.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2 CHANGES TO SYDNEY, REGIONAL AND LOCAL PLANNING PANELS**Reporting Manager** Director Environment and Planning**Attachments:** Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council:

1. Reappoint Mr Jason Perica, Ms Larissa Ozog, Ms Toney Hallahan and Ms Judith Clark to the Canada Bay Local Planning Panel (CBLPP) as independent experts through to 29 February 2024.
 2. Appoint Ms Tina Christy, Ms Lindsey Day, Ms Juliet Suich, Ms Heather Warton, Ms Marcia Doheny, Ms Kim Crestani, Mr Peter Monks, Mr John O'Grady, Mr Garry Chapman, Mr Stephen Alchin, and Ms Julie Walsh to the Canada Bay Local Planning Panel (CBLPP) as independent experts through to 29 February 2024.
 3. Reappoint Ms Helen McCaffrey and Ms Ruth Frettingham to the Canada Bay Local Planning Panel (CBLPP) as community representatives through to 29 February 2024.
 4. Appoint Ms Alison Webb, Mr Hallum Jennings, and Ms Anita Kazi to the Canada Bay Local Planning Panel (CBLPP) as community representatives through to 29 February 2024.
 5. Reappoint Councillor Joseph Cordaro, Councillor Bazouni, Mr John Brockhoff and Mr Kevin Hoffman as nominated Council representatives for the Sydney Eastern City Planning Panel.
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PURPOSE

This report seeks Council's endorsement of additional expert members and representatives for the Canada Bay Local Planning Panel, and re-appointment of Council's existing representatives on the Sydney Eastern City Planning Panel, as required by the Department of Planning by 24 April 2023.

EXECUTIVE SUMMARY

From 24 April 2023, all councils in metropolitan Sydney are required to modify the operation of their Local Planning Panels to include a minimum of fifteen (15) independent experts, and four (4) community representatives.

As the Canada Bay Local Planning Panel currently has four (4) independent experts and two (2) community representatives this report seeks Council's approval for the following:

- The reappointment of four (4) alternate independent experts who currently sit on the Canada Bay Local Planning Panel.
- The appointment of eleven (11) additional alternate independent expert members to sit on the Canada Bay Local Planning Panel.
- The reappointment of two (2) community representatives who currently sit on the Canada Bay Local Planning Panel.
- The appointment of three (3) additional community representatives to sit on the Canada Bay Local Planning Panel.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

The City of Canada Bay Council, along with other metropolitan Sydney councils, has operated a mandatory Local Planning Panel (LPP) since 1 March 2018.

On 12 December 2022, Council received notice from the Department of Planning and Environment (herein referred to as DPE) that Council is required to select a minimum of fifteen (15) independent expert members for appointment to the Canada Bay LPP, and a minimum of four (4) community representatives for appointment to Canada Bay LPP by 24 April 2023. The appointment of these additional members will remain the same as the existing term for current panel members, which takes the membership through to 29 February 2024. At this stage it is not yet known if the incoming Minister for Planning and Public Space, Mr Paul Scully, will make any alterations to the configuration and operational procedures of the Local Planning Panels.

1. LOCAL PLANNING PANEL

Functions of the Local Planning Panel

The role of the LPP is to determine development applications on behalf of Council; and provide other advice to Council on strategic planning matters such as Planning Proposals. The Panels were introduced by the State Government in March 2018 to “reduce the risk of conflict of interest and corruption, achieve better planning outcomes and elevate the role of the elected Council to focus on strategic planning and policy matters rather than the determination of development applications”.

The consent authority functions of Council with respect to the following matters remain unaltered, and can only be exercised by the Panel:

- Development Applications (DAs) valued at more than \$5million but less than \$30million. Any DA valued at greater than \$30million will be determined by the Sydney Eastern City Planning Panel (regional panel).
- DAs and s4.55(2) applications relating to development previously determined by the Panel.
- DAs where the owner or applicant is the Council or a Councillor, a member of a Councillor’s family, a member of Council staff who is involved in exercising Council’s functions under the Act, or a State or Federal Member of Parliament, a relative within the meaning of the Local Government Act, 1993 of any such person/s.
- DAs that receive 10 or more objections from 10 or more different households.
- DAs seeking to depart by more than 10% from the development standards contained within the relevant Local Environmental Plan, but not where the Secretary of the Department of Planning, Infrastructure and Environment has given concurrence to the contravention of the development standards or where the concurrence has been assumed.
- DAs associated with sensitive developments such as designated developments, residential flat buildings assessed under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, demolition of heritage items, licensed places of public entertainment (e.g., clubs, hotels etc.), sex services premises or restricted premises, and DAs accompanied by a Voluntary Planning Agreement under Section 7.4 (formerly 93F) of the Act.
- Modifications of existing development consents under Section 4.55(2) of the Act that meet the abovementioned criteria.
- All Planning Proposals are required to be referred to the Panel for advice.

- Council can elect to refer any other planning or development matter that is required to be determined by the Council to the Panel for advice.

Under Section 4.8 of the Act, any Development Application which has a value of \$5million or less and which falls outside the remainder of the above criteria will be determined by staff under delegation.

Membership of the Canada Bay LPP

DPE commenced the recruitment process for the appointment of expert members to Local Planning Panels and has now approved a pool of experts to sit on the Panel. Council was notified of the updated pool on 15 December 2022. The pool comprises 214 experts from a variety of professions including planners, architects (including heritage architects), urban designers, engineers, lawyers, local and state government administrators etc. Sixty six (66) of the experts have excluded themselves from the Canada Bay Local Government Area due to no interest in being on the Canada Bay LPP or a conflict of interest, leaving 148 experts for Council to nominate experts from.

It should be noted that the following persons are excluded from membership of the Panel as follows:

- Councillors
- Property Developers
- Real Estate Agents

If any of the Panel members become a Councillor, property developer or real estate agent, they must cease being a Panel member.

The Canada Bay LPP will continue to have a minimum of four (4) members present at each meeting. The Chairperson, independent experts and community member of the Panel will rotate between meetings. Each Canada Bay LPP meeting will have a minimum of four members (Chair, two independent experts and a community representative) comprising the following:

- A Chair – Ms Alison McCabe is the current Chair of the Canada Bay Local Planning Panel. Ms McCabe is a qualified planner who has had an extensive career in Local and State Government and in private practice.
- Two alternate Chairs – Mr Peter Wells is currently an alternate Chairperson on Council's LPP. Mr Wells has an environmental science background and has had an extensive career in State Government. Ms Geraldine Hoeben is currently the other alternate Chairperson on Council's LPP. Ms Hoeben has an extensive legal career in civil and common law areas as a tribunal head and as a senior tribunal member in a diverse number of tribunals, state and federal, judicial and merits review.
- A minimum of two (2) independent members who must be qualified in at least one of the following areas - planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration. These experts now need to be selected by Council from the pool of experts recruited by DPE (discussed below).
- A community member nominated by Council. The community member does not have to be an expert in one of the fields referred to above but should be chosen to enhance the Panel's knowledge of local matters (discussed below).

Recommended Expert Members

The Canada Bay LPP has been functioning effectively to date with four (4) independent experts: Mr Jason Perica, Ms Larissa Ozog, Ms Toney Hallahan and Ms Judith Clark. Council did have a fifth independent expert, Mr Robert Furolo, until his resignation from the Panel in November 2021.

It is recommended that the independent experts listed above be reappointed to four (4) of the fifteen (15) vacant positions. Reappointing these candidates to our Panel will ensure continuity of engagement and efficient decision making.

As noted above, the Department of Planning and Environment has now provided Council with its updated list of approved expert members who have nominated to be considered for membership of Council's LPP. A total 148 individual experts have been identified on the list, and of those, three (3) have already been appointed to the Chair or alternate chair positions on the CBLPP by the Department of Planning, Infrastructure and Environment they are:

1. Ms McCabe (Chair)
2. Mr Wells (Alternate Chair)
3. Ms Hoeben (Alternate Chair)

This leaves 145 candidates. The list has been further reviewed to also exclude certain experts (a total of three (3) candidates) who have already been appointed to Council's Design Review Panel and/or who are already expert members or community members on the Sydney Eastern City Planning Panel, thereby reducing the total number to 142 possible candidates.

It has also been considered appropriate to exclude candidates (a total of six (6) candidates) who have regularly engaged with Council regarding development applications they have been involved with on behalf of clients; or have been previous members of Council's legal panel.

This reduces the final number of suitable candidates to 136. Council officers have reviewed these 136 possible candidates, and the following experts are recommended to join the reappointed expert members, Mr Perica, Ms Ozog, Ms Hallahan, and Ms Clark as expert members for the eleven (11) available expert member positions on Council's LPP (listed in alphabetical order by surname):

- Ms Tina Christy – is a qualified town planner and accredited mediator with over 29 years' experience in both local councils within Sydney and the Central Coast, and private planning practice in Sydney.
- Ms Lindsey Day – is a qualified town planner with experience in both Local Councils and private planning practice and was an independent expert on Bayside LPP, Inner West LPP and Lane Cove LPP.
- Ms Juliet Suich – is a qualified town planner with a Masters in Environmental Science and a Masters in Philosophy with over 25 years' experience in private planning practices.
- Ms Heather Warton – is a qualified town planner, with a Masters of Business Administration with over 36 years' experience in Local Council and private planning practices, was the State appointed member to the Sydney South Regional Planning Panel, expert member of The Hills and Randwick LPP and community member of the Inner West LPP.
- Ms Marcia Doheny – is a qualified lawyer, with a Bachelor of Laws degree and admitted as solicitor of the Supreme Court in 1986; and is the alternate chair of Ryde and Bayside Council LPPs.
- Ms Kim Crestani – is a qualified architect with a Bachelor of Architecture with experience in State government (Principal Manager Station Precincts, Transport for NSW), the current City Architect for City of Parramatta Council; and the director of an Architectural firm.
- Mr Peter Monks – is a qualified town planner with a Bachelor of Arts (Urban and Regional Studies) with experience in local government as the former Director of Planning at Waverley Council and City of Perth.
- Mr John O'Grady – is a qualified urban planner and landscape architect with a Bachelor of Landscape Architecture and Master of Planning with more than 30 years' experience in local government and private practice.

- Mr Garry Chapman – is a qualified town planner with over 30 years' experience in local government and private practice and is currently an expert on the Cumberland Council LPP
- Mr Stephen Alchin – is a qualified town planner and an experienced infrastructure and urban development executive who has worked across all three levels of government and private sector.
- Ms Julie Walsh – is a qualified with over 35 years' experience in private practice acting principally for councils in areas of local government, planning and property law and is the Chair of The Hills LPP and alternate Chair of Cumberland and Liverpool LPPs.

It is acknowledged that those recommended above are town planners, and it should be noted that planners dominated the approved pool of 148 experts selected by DPE. Secondly, Council has already constituted a Design Review Panel made up of architects and urban designers. This Design Review Panel will complement the LPP; and will also be providing expertise in the assessment of development applications and planning proposals going forward.

Details of all candidates in DPE's approved pool have been provided to Councillors under separate cover.

Community Members

The Canada Bay LPP has been functioning effectively to date with two (2) community representatives: Ms Helen McCaffrey and Ms Ruth Frettingham.

It is recommended that the current community representatives, Helen McCaffrey, and Ruth Frettingham, be reappointed to two (2) of the vacant positions. Reappointing these candidates to our Panel will ensure continuity of engagement and efficient decision making. Both Ms McCaffrey and Ms Frettingham have provided valuable input into the deliberations and determinations of applications before the LPP.

Council has sought Expressions of Interest for the additional community member positions. The period for interested individuals to apply for the positions expired on 28 February 2023. A total of 22 submissions were received, five (5) of which have been excluded as they are non-residents of Canada Bay, and a further three (3) were property developers or hold strong links to local developers.

Of the remaining fourteen (14) candidates, the following three (3) are recommended to join the reappointed community representatives, Ms McCaffrey, and Ms Frettingham, as community representatives:

1. Ms Alison Webb – holds a Bachelor of Commerce degree and is currently the head of customer strategy for Lendlease with experience across State government advising on policy and cultural projects and the private sector.
2. Mr Hallum Jennings – is a qualified architect with a keen interest in public benefit and quality design across the local government area.
3. Ms Anita Kazi – is a qualified social worker and resident of the area for over 17 years' and is an active member of local community and sporting groups.

Details of all candidates have been provided to Councillors under separate cover.

Administration and Coordination Support

The efficient operation of the LPP will continue under the established administration support, which includes a Senior Planner and a Panels' Coordinator to assist in the administration and functions of the Panel.

Future Reporting

Monthly reports on items considered and determined at the CBLPP will continue to be provided to Council. These reports will also continue to include all development and other planning applications determined under delegated authority by staff.

2. REGIONAL PLANNING PANEL

Sydney and Regional Planning Panels were introduced to NSW in 2009 to strengthen decision making on regionally significant development applications and other planning matters.

'Regionally significant development' is generally development with a capital investment value (CIV) over \$30 million in any development, development valued at over \$5 million which is council related or lodged by or on behalf of the Crown (State of NSW).

The recent changes to the Regional Planning Panel require councils to appoint a minimum of 4 alternate council representatives that can sit on the Panel. Council currently has 4 appointed representatives which can be drawn upon to attend regional panel meetings: Councillor Joseph Cordaro and Councillor Anthony Bazouni; with Mr Kevin Hoffman and Mr John Brockhoff as the two alternate members. It is recommended that the four (4) current Council representatives on the regional panel be retained.

FINANCIAL CONSIDERATIONS

There are no statutory fees included in the *Environmental Planning and Assessment Regulation 2021* enabling Council to recover any of the financial costs associated with the operation of the Panel. This is consistent with the financial costs of running the current LPP.

All costs associated with the members of the LPPs and the administration costs for the Panel will continue to be covered by individual councils from development application fees.

The Department has maintained remuneration rates for LPP members, which are as follows:-

- Chair = \$2000 plus GST per meeting
- Independent experts = \$1500 plus GST per meeting
- Community members = minimum of \$500 up to a maximum of \$1500 per meeting

The above rates assume a full day per meeting (i.e. 7 hours) and includes time for meeting preparation, site inspections and participation at the LPP meetings

The LPP meetings will continue to be convened once per month with standing meetings set for the last Wednesday of the month.

LEGISLATIVE AND POLICY CONSIDERATIONS

This report is prepared in response to the Ministerial Direction made under s9.1 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation (2021)*.

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

Reporting Manager Manager Strategic Planning

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

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

Five Dock

That:

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

Concord Oval/Burwood North

That:

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

North Strathfield

That:

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

PURPOSE

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

EXECUTIVE SUMMARY

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

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

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

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

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

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

Direction 4: Infrastructure and Transport

Goal IT 3: Encourage active and accessible transport opportunities

BACKGROUND/DISCUSSION

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

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

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

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

- ensure that the employment functions and services around station locations are supported and enhanced;
- identify the need for any further studies.

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

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

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

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

Community Engagement

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

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

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

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

Outcomes of Community Engagement

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

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

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

Changes to draft Planning Studies

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

Five Dock (Figure 1)

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

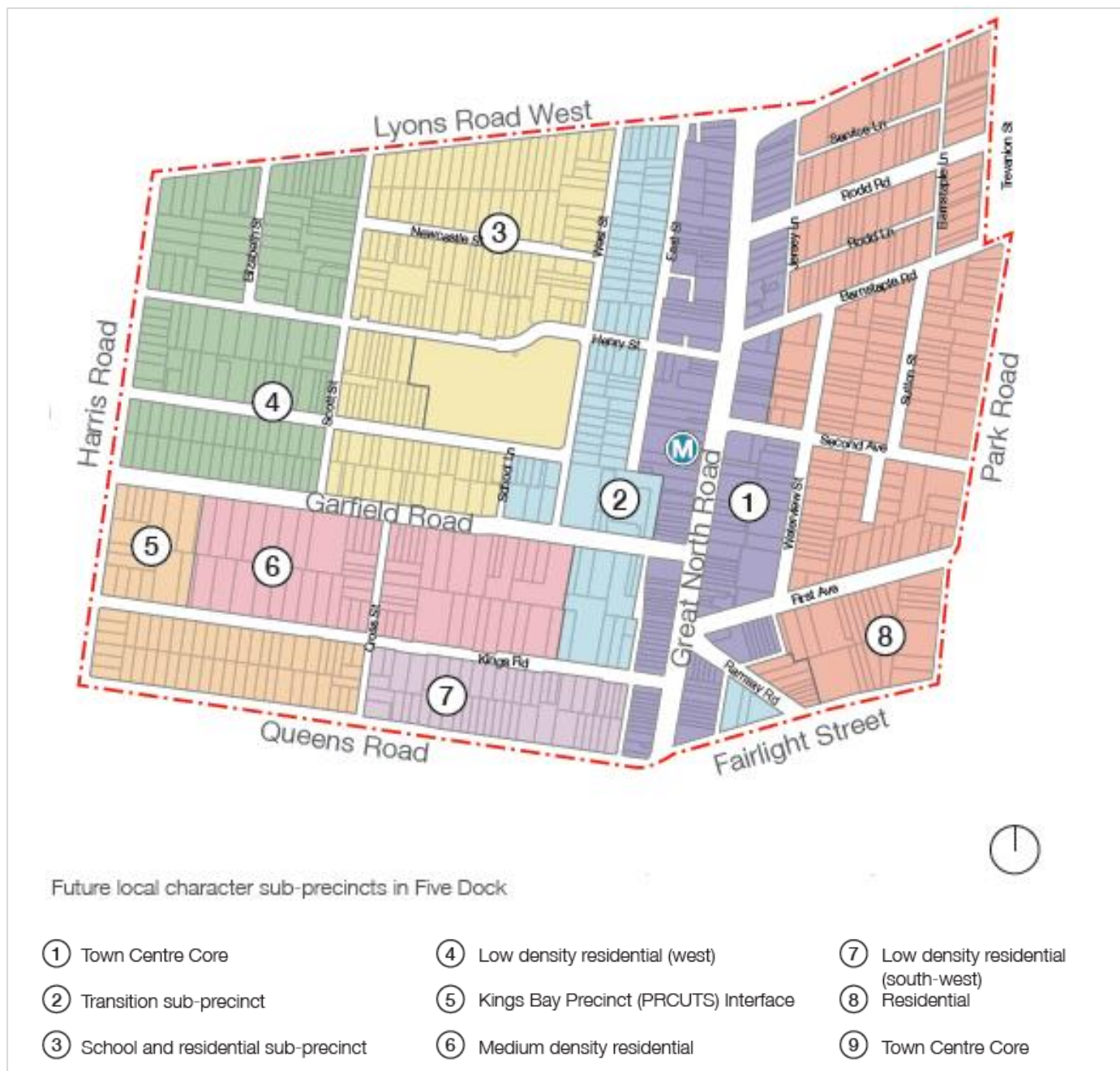


Figure 1 – Five Dock

Concord Oval/Burwood North (Figure 2)

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



Future local character sub-precincts in Concord

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

Figure 2 - Concord Oval/Burwood North

North Strathfield (Figure 3)

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

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

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



Figure 3 – North Strathfield

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

Status of Local Character Statements

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

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

Conclusion

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

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

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

TIMING AND RISK CONSIDERATIONS

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

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

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

FINANCIAL CONSIDERATIONS

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

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

ITEM 9.4 LOCAL CHARACTER AREAS - UPDATE**Reporting Manager** Manager Strategic Planning**Attachments:** 1. **DPE Letter to Council – SEPP (Exempt and Complying) 2008 - 27 Feb 2023** [↓](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council note advice received from the Department of Planning and Environment, provided at Attachment 1, advising that a planning proposal seeking to amend *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* to protect local character would not be supported.

PURPOSE

To provide advice received from the Department of Planning and Environment (DPE) that an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* to protect local character in the City of Canada Bay would not be supported.

EXECUTIVE SUMMARY

In August of 2022, Council's Planning Proposal to introduce local character areas was refused as DPE was no longer supportive of the protection of local character through Local Environmental Plans.

Council resolved to investigate alternative options to protect the character of local places via an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008*, referred to as the Codes SEPP. Council Officers met with Department staff to discuss potential amendments to the Codes SEPP. DPE has confirmed that a planning proposal seeking to amend the Codes SEPP would not be supported.

Given the position of DPE, there is limited ability for Council to influence the character or streetscape of low-density precincts throughout the City of Canada Bay, other than through the creation of heritage conservation areas.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION*Background*

Council submitted two planning proposals to DPE, seeking to amend the Canada Bay LEP to introduce Local Character Areas. The Local Character Areas planning proposal established principles that new development would need to address to complement the local character of identified localities. Once finalised, it was intended that an exclusion from *State Environmental Planning Policy (Exempt and Complying Development) 2008* would then be sought for the Local Character Areas.

The first planning proposal was submitted to DPE for a Gateway determination on 28 October 2020. On 23 December 2020, Council received a letter from DPE advising that the planning proposal needed an up-to-date local character assessment in accordance with the NSW Government's *Local Character & Place Guideline 2019*.

Council undertook the additional assessment and, on 22 February 2022, submitted a new Planning Proposal to DPE. On 24 August 2022, Council received a Gateway determination advising that the planning proposal should not proceed, as consensus could not be reached within the NSW Government regarding the introduction of a model clause for Local Character to the standard instrument LEP.

On 18 October 2022, Council considered options available to progress the protection of local character and resolved:

An investigation be undertaken to determine whether an amendment to State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 is possible to respond to local circumstances relevant to the City of Canada Bay.

Discussion

Council Officers met with staff from DPE to discuss variations to the Codes SEPP for Complying Development undertaken in the City of Canada Bay. The amendments would seek to update Schedule 3 of the SEPP to introduce certain design requirements that would apply to Complying Development (dwelling houses and dual occupancies) in select areas of the LGA. The requirements would be minor in nature and were not intended to impact on the development potential of the land. They could include, for example, a requirement for pitched roofs or the use of certain materials.

This approach would ensure new development in certain areas in the LGA that was undertaken as Complying Development is compatible with the Californian and Inter-War Bungalow character of those areas, as many of the features of these areas are being eroded under the application of the SEPP. There was no intention to conserve existing buildings, but to ensure that new development undertaken as Complying Development met the identified standards and was therefore sympathetic to the character of the area.

On 27 February 2023, Council received a letter from DPE advising that a planning proposal seeking to amend the Codes SEPP would not be supported as “local variations in different LGAs across the state for design elements ... is likely to put the Codes policy objectives at risk”. A copy of the letter provided by DPE is provided as Attachment 1.

DPE has offered “to work with Council on ways in which a Development Control Plan can incorporate the aspects of local character that involve the interplay between public and private domains, street tree canopies and density and height controls that are appropriate to street layouts so that these matters may be considered in the assessment of development applications.” However, these outcomes cannot be achieved via strengthening controls in the Development Control Plan, as Complying Development is assessed against the provisions of the SEPP, not against controls in the Development Control Plan.

The letter from DPE also reiterates that the Codes SEPP does not apply in Heritage Conservation Areas. Council could, therefore, pursue an option of creating Heritage Conservation Areas as a way of protecting the character of certain areas. However, it should be noted that the number of properties and areas that meet the requirements for heritage protection would be significantly lower than the number of properties and areas identified in the draft local character areas. A study would be required prior to pursuing a Heritage Conservation Areas option to confirm that the identified precincts or streets meet the necessary threshold for heritage listing.

Given the position of the DPE in relation to local character areas and variations to the Codes SEPP, there are limited alternative statutory pathways available to Council to protect local character, other than Heritage Conservation Areas.

FINANCIAL CONSIDERATIONS

Should Council seek to prepare a heritage study, the cost of this work is estimated to be approximately \$150,000 to \$200,000. There is currently no budget allocation for a heritage study in Council’s forward work program.

LEGISLATIVE AND POLICY CONSIDERATIONS

Should Council continue to pursue a planning proposal to amend *State Environmental Planning Policy (Exempt and Complying Development) 2008*, it is unlikely to be supported by the Department of Planning and Environment. Council could seek a review of a Gateway determination by the Independent Planning Commission (IPC). However, this is also unlikely to result in a different outcome given the SEPP is a policy prepared by the State, and the DPE has confirmed that they are not supportive of local variations.

Should Council decide to pursue Heritage Conservation Areas as a way of protecting the character of certain areas, a study would first be required to confirm that identified precincts or streets meet the threshold for listing. A planning proposal and further community engagement would then occur prior to the *Canada Bay Local Environmental Plan 2013* being updated.

Department of Planning and Environment



Our ref: IRF23/496

Paul Dewar
Manager Strategic Planning
City of Canada Bay
Locked Bag 1470
Drummoyne NSW 1470

By email: paul.dewar@canadabay.nsw.gov.au; helen.wilkins@canadabay.nsw.gov.au

27 February 2023

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Dear Mr Dewar

Thank you for your letter dated 11 November 2022 and our meeting on 8 February 2023 regarding a potential new planning proposal to introduce local design requirements for complying development in mapped parts of the Canada Bay Local Government Area.

I note that the Department has previously written to Council on the subject matter of local character requirements for complying development. In our previous correspondence dated 10 June 2022 and 24 August 2022, we advised that a consensus could not be reached with stakeholders on the introduction of a model clause for local character into the standard instrument.

The complying development scheme allows faster approvals against pre-set and unambiguous development standards. Speed, consistency and certainty are key features of the scheme, and this helps to reduce the cost of homes, improves home supply by reducing approval delays, and helps industry make supply chain investment decisions.

The Codes development standards are intended to balance the rights of landowners to build and renovate their homes in ways that meet the needs of their families, with the need to protect neighbour's amenity and the character of local areas. The Codes are not available in heritage conservation areas where additional design and character considerations are necessary.

The development standards and the heritage exclusions were developed in close consultation with community, councils and industry stakeholders to ensure they appropriately meet these policy objectives in all local government areas of NSW.

I acknowledge Council's intended planning proposal for additional local design controls for complying development homes. However, the potential for once-off local variations in different local government areas across the state for design elements such as roof pitch, brick and tile construction, single car parking, masonry front fences and additional front landscaping, is likely to put the Codes policy objectives at risk. Consequently, the Department is unable to support Council's intended planning proposal at this time.

As previously advised, the Department would be happy to work with Council on ways in which a Development Control Plan can incorporate the aspects of local character that involve the interplay

Department of Planning and Environment



between public and private domains, street tree canopies and density and height controls that are appropriate to street layouts so that these matters may be considered in the assessment of development applications.

Our previous invitation to provide advice and financial assistance on this matter stands. I would encourage Council's planning director to contact Katie Joyner, Director Eastern District at the Department on 9585 6083 to discuss options to take this matter forward.

Yours sincerely,

A handwritten signature in black ink, appearing to read "David Mooney".

David Mooney

**Director Codes
Housing and Economic Policy**

**ITEM 9.5 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE 23
FEBRUARY 2023 MEETING MINUTES****Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. **EAC Meeting Minutes - 23 February 2023** [↓](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 23 February 2023, attached to the report, be received and noted.

PURPOSE

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

REPORT

This report provides Council with the minutes of the City of Canada Bay Environment Advisory Committee from the meeting held on 23 February 2023.

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Direction 5: Civic Leadership

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

Goal STE 2: Increase urban tree canopy

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

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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



Environment Advisory Committee Agenda

Thursday 23 February 2023 6.30pm – 8.15pm

Drummoyne Civic Centre - Halliday Room

Dinner Provided at (from 6.30pm)

DISTRIBUTION LIST: Kylie Tang (KT), David Mansford (DM), Sally Ash (SA), Rolf Muller (RM), Robyn Ann Lindner (RL), Tailoi Ling (TL), Sahar Khalili (SK), Mavis Clements (MC), Christina Rojas (CR),

APOLOGIES: Alyssa Brown (AB), Kate Egan (KE), Robert Adamson (RA), Danny Ruspandini (DR)

COUNCIL COMMITTEE STAFF: Councillor Joseph Cordaro (JC)Belinda Koytz (BK), Petrina Nelson (PN), Monica Cologna (MC), Ju'eta Amir (JA), Peter Sheehan (PS), Tony Pavlovic (TP)

CHAIR: Councillor Charles Jago (CJ)

ITEMS:

6.30pm	Acknowledgement of Country	Clr Jago
6.32pm	Announcements and Introductions	Clr Jago
6.35pm	Trees Discussion - What is the outcome and next steps?	Peter Sheehan

PS Council's Operations Manager for Open Space, gave a presentation on the process Council takes to manage and retain trees on private land. The presentation covered Council's Tree Preservation Order process, when a Tree Pruning and Removal Permit is not required and list of exempt species that are not subject to the Tree Preservation Order. The Committee asked questions about how Council identify when trees are intentionally poisoned, how species get selected for the exempt list and how many applications Council approve in a financial year. PS advised poisoning is difficult to identify unless the person responsible is caught in the act and species exempt list is put together by State Government.

- TP, Council's Health and Building Compliance Manager, presented on the implications of unauthorised removal of trees, approval pathways, challenges of enforcement for tree removal on private land and difference between private and council certifiers. Council has issued 12 infringement for trees.

The committee was asked about what action they would like to take. Suggestions proposed by the Committee:

- Love Your Place program to be pushed for street corners
- Public relation and education campaign to improve community perspective of trees and information on invasive species
- Council to promote their certification service

ACTION: RA to send a link to Private Tree Management Manual to Committee members.



7.15pm Council Update Belinda Koytz

- Concord Carnival
- Clean Up Australia Day
- Godwit Count Program
- MUD Energy Program
- Home Cycle

- BK provided an update on the Cities Race to Zero, MUD energy program and the new Home Recycling service that will be replacing RecycleSmart.

- JA provided an update on Concord Carnival's Sustainable Saturday event, upcoming Clean Up Australia Day Council sites, the Godwit Count (over 80 entries) and Coastal Saltmarsh protection program.

ACTION: RA to attach report for Cities Race to Zero

7.45pm General Business Belinda Koytz

- Creation of Group Messaging Chat

- BK informed the committee that a group WhatsApp will be created for the Committee and all members will need to send an email authorising them to be added into the WhatsApp group as their phone numbers will then be shared with the whole group.

- Next meeting topics was discussed and suggested topics include:

- Food waste management in CCBC
- PRCG & Stormwater
- Inner West Community Energy

8.15pm Meeting Closed

1. Meeting dates for 2022/2023
 - Thursday 27th April
 - Thursday 29th June
 - Thursday 31st August

Standing Items

Next Meeting – Thursday 27th April 2023

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 BEACONSFIELD LANE, CONCORD - GREEN CORRIDOR SITE REMEDIATION

Reporting Manager Manager Building Asset Services

Attachments: 1. Notice of Motion - Beaconsfield Site - 20 July 2021 [↓](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That Council approves the remediation of Community Land (Lots 2 and 3 DP 1161664) adjacent to the Beaconsfield Lane, Concord site (former Depot) allowing public access and opening of a green corridor.

PURPOSE

The purpose of this report is to seek Council's approval to remediate Community Land (Lots 2 and 3 DP 1161664) adjoining the former Concord Council works depot site at Beaconsfield Lane, Concord. Upon remediation a publicly accessible green corridor will be opened, linking Rothwell Park and Jessie Stuart Reserve.

EXECUTIVE SUMMARY

On 20 July 2021 Council resolved to investigate opening the Community Land at Beaconsfield Lane, Concord to the public and to report back with a way forward. In response, an internal review of the site has been undertaken to determine the best way forward to remediate the land and provide public access to the green corridor linking Rothwell Park and Jessie Stuart Reserve.

Site investigations by qualified consultants have classified the existing stockpile of spoil on the land as contaminated waste and deemed unsuitable for reuse as excavated material in recreational areas or in this case the community green corridor space. Flood modelling of the land was also undertaken which indicated the removal of the existing stockpile of spoil will have minimal to no impact on the existing flooding patterns in the area. As a result, it is proposed to remediate the land by removing the contaminated spoil off-site and undertake landscaping work to control soil erosion on the land.

Planning pathway approval documents are being finalised with the preparation of a Remediation Action Plan (RAP), which will enable the remediation to be undertaken through submitting a Review of Environmental Factors (REF) in line with Division 5.1 (Part 5) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

This report seeks approval from Council to proceed with the remediation of the Community Land allowing public access and opening of a green corridor.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

Direction 1: Connected Community

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

BACKGROUND/DISCUSSION

The Beaconsfield Lane, Concord site is bound by medium and low-density residential properties, Rothwell Park and Jessie Stuart Reserve. This site was originally the former Concord Council works depot which was demolished and cleared following the amalgamation of Concord and Drummoyne Councils in the year 2000.

In 2013, the site was rezoned from SP2 Infrastructure to part RE1 Public Recreation and part R2 Low Density Residential, pursuant to the Canada Bay Local Environmental Plan 2013. The boundary of the rezoning was chosen to create a green corridor between Rothwell Park and Jesse Stewart Reserve. The lots zoned R2 Low Density Residential were classified as Operational Land at the same time as the rezoning. The site is comprised of four lots, as shown at Figure 1 and described in Table 1 below.



Figure 1- Location Plan

DP	Lot	Approximate Size (m ²)	Land Classification	Zoning
DP 984914	2	437	Council Operational Land	Low Density Residential (R2)
DP 1161664	1	5387	Council Operational Land	Low Density Residential (R2)
DP 1161664	2	1213	Council Community Land	Public Recreation (RE1)
DP 1161664	3	1719	Council Community Land	Public Recreation (RE1)

Table 1- Land Classification and Zoning

In 2015 the lots zoned R2 Low Density Residential were remediated and cleared of contamination. Contaminated soil captured through this remediation was stockpiled within Lot 3 in DP1161664, at the North-West portion of the site zoned RE1 and classified as Community Land. This stockpile (Figure 2.) spans an approximate area of 450 m² and approximate 3.8m in height. This stockpile has since been covered with vegetation which has provided a natural capping of the contaminated material.



Figure 2. – The Mound Contaminated Soil Stockpile situated on 3 / DP1161664

Between 2019 and 2022 further site investigations have been conducted to assess the composition of material embedded within the stockpile, its impact on the floodplain and site survey work.

The soil testing conducted by a qualified specialist consultant classified the existing stockpile of spoil held in by a natural vegetation cap on the land as contaminated waste and deemed unsuitable for reuse as excavated material in recreational areas.

The flood study investigation demonstrated minimal to no impact on the floodplain if the stockpile is removed.

The site survey work has been undertaken to identify the lot boundaries and the precise location of underground assets, namely Council's stormwater assets which are critical to the flood management of that area.

In consideration of the above it is proposed that the contaminated portion of the Community Land be remediated to allow public access and opening of the green corridor. Should Council support this proposal the next steps are as follows, noting that some steps have already commenced:

- Detailed site investigation of the Community Land – undertake further detailed investigations to validate the accuracy, scope and methodology for the remediation of the land and in particular the contaminated stockpile This step is in progress and expected to be completed by the end of May 2023.
- Remediation Action Plan – Following the detailed site investigation above, the generation of a remediation action plan (RAP). It is expected that the RAP will be completed in June 2023.
- Planning Approvals – The Remediation Action Plan will form the basis of a planning application for the remediation of the Community Land through a Review of Environmental Factors (REF). It is anticipated that the planning process would be completed by July 2023.
- Site Remediation Works – Subject to planning approval being granted by the anticipated date, Council would appoint a suitably qualified contractor through a tender process. Site remediation works would be projected to commence in October 2023 and completed with landscaping by April 2024.



Figure 3. – Proposed Green Corridor

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Risk

The following risks will remain if land remediation does not proceed:

- Community / Park land will remain closed to the public.
- Contamination may spread over site, which will require additional remediation in the future.
- Deferring works will come at a greater cost to Council, given the market rate escalations.
- The existence of the contaminated stockpile may impact the strategic property options for the adjacent Depot site.

Timing

The proposed project delivery would be staged as follows:

- Stage 1 - Detailed Investigation & Planning Approvals – Completed by July 2023.
- Stage 2 - Land Remediation and Landscaping – Completed by April 2024.

FINANCIAL CONSIDERATIONS

The estimated total project costs are:

- Detailed Investigation & Planning Approvals - \$60,000 2022/23
- Land Remediation and establishment of green corridor - \$2,500,000 2023/24

Funding for the project is provided from Council's Investment Reserve. Sufficient budget is available for the works being undertaken in 2022/23 and in the reserve for the total project spend.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Local Government Act 1993 governs the management of community classified land.

Division 5.1 (Part 5) of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

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Agenda Report

Meeting Date: Tuesday, 20 July 2021

COUNCIL MEETING ACTION ITEM-25

**ITEM NOTICE OF MOTION - CR DI PASQUA -
BEACONSFIELD SITE**

RESOLVED

(Crs Di Pasqua/Yap)

1. THAT Council endorse the removal of the fencing around the Beaconsfield Lane site, provided there are no security, safety or other reasons preventing this.
2. THAT Council staff prepare a report outlining the process and timeline involved in allowing public access to the site. This report must address issues including but not limited to the remediation of the site, potential costs involved and any opportunities for State and Federal grant funding.
3. THAT the report with all available information be brought back to a Council meeting before the end of 2021.

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 DRAFT RECONCILIATION ACTION PLAN - PUBLIC EXHIBITION

Reporting Manager Manager Place Management

Attachments: 1. **Reflect Reconciliation Action Plan** (*Provided in Attachment Booklet*)
[⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The draft Reflect Reconciliation Action Plan, provided as Attachment 1, be placed on public exhibition.
 2. Following the public exhibition period, a further report be prepared and submitted to Council.
-

PURPOSE

This report presents Council's draft Reflect Reconciliation Action Plan and recommends that it be placed on public exhibition.

Executive Summary

In line with Our Future 2036 goal to celebrate, recognise and honour Aboriginal and Torres Strait Islander cultures, the City of Canada Bay is preparing its first Reconciliation Action Plan (RAP). RAPs enable organisations to sustainably and strategically take meaningful action to advance reconciliation. All RAPs are required to be reviewed and endorsed by Reconciliation Australia.

Based around the core pillars of relationships, respect and opportunities, RAPs provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination.

Council officers have undertaken consultation to draft the RAP, seeking input from internal teams, our First Nations community, stakeholders and organisations and bordering Council representatives to develop the draft. Reconciliation Australia has reviewed the draft and provided conditional endorsement (to place it on public exhibition) and the draft RAP is now ready for public exhibition.

REPORT

The City of Canada Bay is developing a Reconciliation Action Plan (RAP) to prioritise and progress reconciliation in our local area. The RAP will provide a strong foundation for Council teams to promote reconciliation internally, create a safe environment for First Nations People, and celebrate First Nations cultures in our work.

Reconciliation Australia's RAP Framework provides organisations with a structured approach to advance reconciliation. There are four different types of RAP that an organisation can develop: Reflect, Innovate, Stretch & Elevate. Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey and reflects a process that is not linear in nature.

The City of Canada Bay has decided to start our RAP journey with a Reflect RAP, giving us time to build relationships, listen to our community and establish solid foundations for growth and increasing ambition. The RAP establishes all the work Council already does to progress reconciliation and includes 15 actions for teams across the organisation to deliver in the 12-month term of this first RAP.

Our RAP Working Group (RWG) comprises 18 staff who will lead the implementation of the RAP for 12-months, at which point our next RAP will be drafted and submitted for adoption. Our RWG will

help to deliver this RAP across the 8 sites our Council staff work across, leading the many teams who will play key roles in its implementation.

We have met with local Aboriginal and Torres Strait Islander people to foster connection and trust, to share information, and seek feedback on how Council can support local First Nations communities within our sphere of influence. Their input has helped shape our goals for this RAP. Their ongoing participation and collaboration with us are central to achieving these goals.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 2: Celebrate, recognise, and honour Aboriginal and Torres Strait Islander Cultures

FINANCIAL CONSIDERATIONS

There are currently no financial implications as actions for this RAP will be undertaken using existing budgets. However, there is a mandatory action to develop a business case for increasing understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge, and rights within our organisation. This will be presented at the close of this RAP term and any financial considerations will need to be considered when developing the next RAP.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 11.2 EVALUATION REPORT - REIMAGINED RHODES LUNAR NEW YEAR PROGRAM 2023**Reporting Manager Manager Place Management****Attachments: Nil**

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the evaluation report on the 2023 Reimagined Rhodes Lunar New Year Program be received and noted.

PURPOSE

This report evaluates the delivery of the 2023 Reimagined Rhodes Lunar New Year Program.

REPORT

Since the introduction of a Chinese New Year 'Cinema in the Park' event in Rhodes in 2015, the event evolved into an annual Rhodes Lunar New Year 'Cinema in the Park' event, to reflect the diverse cultures in Rhodes who observe the lunar calendar. This annual event had been hosted by Communities for Communities in previous years and sponsored by Council.

In 2020, the annual event experienced significant disruption due to COVID-19, and the opportunity to review and reimagine Lunar New Year with the current community of Rhodes was identified. On 15 November 2022, Council endorsed the proposed Reimagined 2023 Lunar New Year program, which responded to the community aspiration for this significant cultural festival to include a diverse authentic cultural program across the 15-day festival period (22 January to 5 February 2023). At this meeting, Council further resolved that:

"The 2023 Lunar New Year Program in Rhodes be evaluated following its delivery, and recommendations regarding future event programming be submitted to Council for consideration by June 2023."

This report provides an overview of what was delivered, how it was received and future recommendations for Council supported Lunar New Year celebrations in Rhodes.

The 2023 Reimagined Lunar New Year program delivered on the community aspirations for a diverse cultural program. The program was designed to:

- be inclusive and welcoming
- reflect many cultures who observe the Lunar calendar (through food, cultural dance, music and performance)
- create opportunities for reunion dinners
- connect as a community
- expand the experience of celebration and cultural exchange previously presented.

The 2023 program featured:

- Council's Lunar New Year Storytime in Vietnamese, Mandarin and Korean
- Taste of Rhodes Food Tour
- Sense Asia – one day Lunar New Year festival managed by ACBC and Blueonline
- Rabbit by the River – 2.5 day/night festival managed by Rhodes Multicultural Community Association

- Shopping centre based programs presented by both Rhodes Central and Rhodes Waterside
- Library stories programs.

Presenting the Rhodes Lunar New Year program via different entities enabled a diversity of choices and experiences. The extent of collaboration on this event meant there was greater awareness, visibility and appeal, which resulted in the highest levels of attendance, engagement and participation to date, across all activities. A particular highlight was the sold-out Taste of Rhodes food tour delivered by the social enterprise, TASTE cultural food tours, which was subsidised by Council.

Promotional activities were coordinated between Council, community event organisers, TASTE, Rhodes Central and Rhodes Waterside. Media interest in Rhodes as a Lunar New Year event destination grew significantly and included coverage by Chinese media, Korean media and Japanese media outlets. *Rabbit by the River* was featured on 7TWO Travel Oz.

Both outdoor community events experienced extreme weather with *Sense Asia* being impacted by rain and *Rabbit by the River* being impacted by the heat. Despite these challenges, both events delivered an authentic Lunar New Year program which expanded on the cultural exchange and multi-cultural celebration experience.

Feedback from the Rhodes community to date has been overwhelmingly positive and supportive of continuing the 2023 Reimagined Lunar New Year program approach. Some residents have reported that having more than one outdoor festival event on Foreshore Park during the same period was challenging and impactful on their daily life. Future consideration is recommended for spacing between outdoor festival events in the same location. Lessons were also learnt about logistics and programming by both main event organisers: Sense Asia and Rhodes Multicultural Community Association.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

Direction 3: Vibrant Urban Living

Goal VUL 3: Promote the City as an attractive, welcoming place to do business

FINANCIAL CONSIDERATIONS

The Reimagined Lunar New Year program was delivered within the existing operational budget.

The costs to Council included:

Program Element	Cost	Team in Council
Taste Tours	\$4,400	Place Management
Themed programs	\$1,000	Library & Community Services
Food waste education	\$1,500	Sustainability & Waste
Publicity	In kind promotion	Media & Communications
Fee support *	\$9,962 uncharged fees /in kind support value	Finance
	Total: \$16,862	

*The additional Council support given to both community run Lunar New Year events included the use of Foreshore Park, The Connection and Amphitheatre venues.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 11.3 DRAFT PLACE MANAGEMENT FRAMEWORK**Reporting Manager Manager Place Management****Attachments:** 1. **Draft Place Management Framework (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The draft Place Management Framework, attached to the report, be placed on public exhibition.
 2. Following the exhibition period, a further report be prepared and submitted to Council, including details of any submissions received.
-

PURPOSE

This report presents a draft Place Management Framework to guide the work of Council across the City of Canada Bay. The purpose of this framework is to address the Council resolution from July 2021 that resolved:

1. *That a report be brought back to Council following the Community Strategic Plan engagement process, on the community feedback received in regards to future priorities for refreshing our local town centres.*
2. *That feedback from the Community Strategic Plan was reviewed and proposed to be incorporated into a draft Place Management Framework guiding the works of Council in Place Management across the City of Canada Bay.*

REPORT

The City of Canada Bay is home to a diverse community which is set to grow over the next twenty years by approximately 37,000 people. To ensure Council continues to provide places and facilities where people love to work, learn and live, the attached draft Place Management Framework has been created. The approach and direction of the Framework derives from Council's 12 years of experience in Place Management and seeks to guide future approaches to ensure our local village centres and community hubs remain vibrant and vital.

The Framework provides background on Place Management and the approach taken at the City of Canada Bay Council, the opportunities in our public spaces across the City and the current Place Making across our areas.

It is proposed that Council uses the following 9 principles when creating place plans:

1. Create a shared vision.
2. Agree actionable outcomes.
3. Address problem solving holistically.
4. Value a systems approach which recognises the interactions and how change impacts the culture in a place.
5. Collaborate across the community to lead the place approach.
6. Own the decisions.
7. Respond rapidly and follow through on commitments made.
8. Create value for the community by pooling public and private resources.

9. Iterate, evaluate and engage in local strategies and solutions.

All Place Plans and smaller Action Plans investigate the area they cover and embed the five directions from the Community Strategic Plan. Place Management generally address the following themes:

1. Empower local stakeholders to deliver projects and programs that improve the place.
2. Enhance community connection, cohesion and inclusiveness.
3. Create a vibrant place.
4. Be future focused and provide smart solutions.
5. Support attractive and sustainable public space.
6. Lead village centre design to support residents, business and visitors.

This Framework allows for an agile approach to our work, with its application shaped by the current needs of a place and the people within it, allowing places to grow, change and withstand changes both locally and nationally.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

FINANCIAL CONSIDERATIONS

The place management program will continue to be funded as part of the annual operating plan. In addition to this, the program will seek grant funding and partnership opportunities to add value to the existing program.

LEGISLATIVE AND POLICY CONSIDERATIONS

This relates to the NSW Government's, *NSW Public Spaces Charter* which Council became a signatory to in 2022.

ITEM 11.4 THE CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE**Reporting Manager** Manager Place Management**Attachments:** 1. **Draft Arts and Culture Committee Charter** [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The draft Arts and Culture Committee Charter attached to the report (Attachment 1) be adopted.
 2. Subject to adoption of the Charter, expressions of interest for membership of the Committee be sought from community members.
 3. Subject to adoption of the Charter, a report be prepared and submitted to Council regarding the outcome of the expressions of interest.
-

PURPOSE

In November 2021, Council resolved to support the formation of a City of Canada Bay Arts and Culture Committee (A&CC), with representation from local arts community groups such as the Drummoyne Arts Society and local artists.

The City of Canada Bay Arts and Culture Committee will be established to strengthen communication and engagement between the arts community and Council for the strategic development and improved delivery of arts and cultural development across the City of Canada Bay.

This report presents the draft Arts and Culture Committee Charter (Attachment 1) and recommends that the Charter be adopted to formally establish the Committee. Subject to Council's approval, expressions of interest will be sought from the community for membership of the Committee. A further report will be presented to Council on the outcome of the expressions of interest. Councillor membership (being two Councillors, one of which is the Mayor or Councillor nominee) will be called for at that time.

REPORT

One of Council's goals in YOUR Future 2036 is to improve access to local art, culture and creative activities. Through the formation of an Arts and Culture Committee, Council will engage local artists and community groups to provide arts advocacy and contribute to the implementation of various supporting strategies and directions that will achieve this goal, including the Cultural Plan, Art Collection Policy, Creative Hoarding Policy, and Community Event Strategy and Policy (all of which are currently being prepared). The community's aspirations for cultural investment and activity in the City have driven the review of the plans and policies, and the A&CC Committee will drive their implementation.

The need for a committee

This committee has emerged in response to a Council resolution at its meeting on 1 November 2021:

That:

1. *That Council support the formation of a City of Canada Bay Arts and Culture Committee, with representations from local arts community groups such as the Drummoyne Arts Society and local artists.*
2. *That Council request staff prepare a report for the next term of Council in respect of ideas and initiatives that can strengthen Council's arts and culture program and assist local artists.*

3. *That Council report on the establishment of an appropriate council creative arts centre, and sources of potential state and or federal government funding.*

The formation of the Committee will allow Council to collaborate with the community on the implementation of arts and cultural programming throughout the City.

The Committee's core objectives are:

1. To provide dynamic arts advocacy for the sector and around strategic matters affecting the program.
2. To encourage arts quality and innovation in the implementation of Council's strategies.
3. To engage local communities and visitors in arts and cultural activities.

Members of the committee

The A&CC Committee will comprise of:

- Two Councillors, one being the Mayor or their Councillor nominee
- Two First Nations cultural representatives or art professionals
- Two artists
- Four community organisation representatives or community members

The role of committee members

The main role of Committee members is to provide advice and represent community matters to Council which relate to arts and cultural development. The A&CC is not a decision-making body of Council, however, it provides an instrumental role in encouraging arts quality and innovation in the implementation of Council's strategies. It is also an advocate for the sector on behalf of the City and will help engage local communities and visitors in arts and cultural activities.

Community representatives must have a demonstrated connection to the sector and/or community. Paid members must have relevant experience, expertise or cultural knowledge.

The Charter

A draft Arts and Culture Committee Charter has been prepared to support the establishment and ongoing framework for the Arts and Cultural Committee. The draft Charter is provided as Attachment 1.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

FINANCIAL CONSIDERATIONS

Administration of the Arts and Cultural Committee is provided for in the Place Management operational budget. Payment for the four paid membership positions (being the two First Nations cultural representatives or art professionals, and two artists) will be as per the recommendations and rates outlined in the National Association for the Visual Arts' (NAVA) Code of Practice, which was endorsed by the Australian Government in its 2023 Cultural Policy, *Revive*.

LEGISLATIVE AND POLICY CONSIDERATIONS

- Australian Government, Cultural Policy *Revive*, 2023
- City of Canada Bay Draft City Art Collection Policy (currently under development)
- City of Canada Bay Draft Cultural Plan 2033 (currently under development)



CHARTER

ARTS AND CULTURE COMMITTEE

Arts and Culture Committee Charter

Introduction

This charter has been prepared for adoption by Council.

The Arts and Culture Committee (A&CC) is a committee of Council which has been established to strengthen communication and engagement between the arts community and Council for the strategic development and improved delivery of arts and culture activities across the City of Canada Bay. The A&CC is not a decision-making body of Council, however it provides an instrumental role in representing and raising issues direct with Council to inform strategic planning and development. It is also an advocate for the sector on behalf of the City.

Background

This Committee has emerged in response to a Council resolution at its meeting on 1 November 2021, relating to the delivery of culture including:

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

The role and function of the Committee was subject to extensive community and sector consultation as part of the delivery of the 2023-2032 Cultural Development Plan 2022-2023. The Arts and Culture Committee (A&CC) was established in (tbc).

Core Objectives

The A&CC has been established:

1. To provide dynamic arts advocacy for the sector and around strategic matters affecting the program.
2. To encourage arts quality and innovation in the implementation of Council's strategies.
3. To engage local communities and visitors in arts and cultural activities.

Membership

- Two Councillors, one of which shall be the Mayor or nominee.
- The Mayor or nominee will chair the meetings.
- Two professional artists, art managers or equivalent will be appointed to provide sector expertise and meet skill sets identified by Council.
- Two First Nations artists, arts managers, cultural representatives.
- Two community arts members will be appointed.
- Upon Council's adoption of Committees at the start of a new term of Council, membership for the A&CC will be for the duration of the Council term.
- Each term of membership shall be a maximum of four-year period aligned with the elected term of Councillors.
- Nominations for membership of the Committee will be publicly called from the community and business representatives, and representation will be determined by Council.
- The Chair can invite observers to the meeting when an item they have requested be discussed is listed on the agenda (observers are not members of the Committee).

The following table outlines the membership and representative positions available on the Rhodes Community Committee:

Representation	Committee members	Position
Councillors	2	Unpaid
First Nations Cultural representatives or art professionals	2	Paid
Artists	2	Paid
Community Organisation Representatives or community members	4	Unpaid

Arts and Culture Committee Charter

Member's Roles and Skills

- All representatives must live in or operate a business or organisation in the City of Canada Bay
- All community representatives must have a demonstrated connection to the sector and/or community.
- Paid members must have relevant experience, expertise or cultural knowledge.
- All members must contribute the time needed to understand the papers provided and apply good analytical skills, objectivity and judgment to the business of the Committee.
- Exceptional communications and advocacy skills are essential.
- Members must demonstrate leadership and advocacy skills.
- All community representatives must agree to their contact details being made publicly available to the areas they represent to assist members and stakeholders within the community to contact them and provide matters they would like their representative to bring to meeting agendas.

Participation of Council staff

Other Council Executive and/or staff may attend meetings as required.

Council support for the Committee

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 Committee will be the Manager, Place Management. They will initiate communication on behalf of Council, maintain a record of matters requiring documentation, prepare an update for each meeting and be responsible for the minutes of the meeting.

Media Protocol

Members of the Committee are not to speak to the media in their capacity as Committee members. The Mayor or the Chairperson of the Committee is the only person permitted to speak to the media on behalf of the Committee.

Declarations of Pecuniary Interest

A Committee member who has a pecuniary or significant non-pecuniary interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.

Declarations of less than significant non-pecuniary conflict of interests and participation in meetings.

A member of the Committee who has a less than significant non-pecuniary conflict of interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered will disclose the interest to the meeting as soon as practicable.

Code of Meeting Practice and Code of Conduct

All Committee members shall be required to act in accordance with the requirements of Council's Code of Meeting Practice and Code of Conduct.

The Chairperson may require a Committee member to retract and apologise without reservation for such an act of disorderly conduct.

A member of the Committee may, as provided by Council's Code of Conduct, Code of Meeting Practice and this Charter, be expelled from a meeting of the Committee for engaging in or having engaged in disorderly conduct at the meeting.

If disorder occurs at a meeting of the Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Committee, on reassembling must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not.

Arts and Culture Committee Charter

Members must read and abide by Council's Code of Conduct, Code of Meeting Practise and this Charter. A copy can be found at www.canadabay.nsw.gov.au/council/about-council/council-meetings

Ceasing to be a member

A person will cease to be a member of the Committee if:

- The member resigns in writing to the Committee and Council;
- The member becomes bankrupt;
- The member is absent for more than 6 months without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Local Government Act 1993;
- A member fails to abide by Council's Code of Conduct, Code of Meeting Practice and this Charter.
- The member while holding that office is convicted of an offence referred to part 4 of the Crimes Act 1900 (offences relating to property);
- The member becomes a mentally incapacitated person; or
- The four-year period of membership has expired.

Meeting Timelines

- The Committee will meet quarterly.
- There may be occasions where additional meetings are called to discuss special or urgent issues or projects.

Decision Making

- The Committee is not a decision-making body of Council. The main purpose is to provide advice and represent community matters to Council which relate to arts and cultural development.
- A quorum of the Committee will be half of total membership plus one in attendance, one of whom must be a current City of Canada Bay Councillor.
- Voting at Committee meetings is to be by show of hands or on the voices, and the recommendation will be based on a majority of votes.
- Recommendations supported by a majority of Committee members at which a quorum is present is a recommendation of the Committee and will be reported to Council.
- Should the Committee, with endorsement by the Chair elect to recommend new projects, programs or policies that are outside the current operational and delivery plans of Council, then the Chair will have the option to submit a written notice of motion for Council consideration at the next available meeting of Council. Resourcing and funding will need to be identified for Council to be able to consider any new initiatives.

Agenda/ Minutes

- Members must submit requests for agenda items at least one week prior to the next meeting.
- The meeting agenda will clearly identify matters for discussion in the four areas of Information, Consultation, Collaboration and Proposed Initiatives.
- The agenda will be circulated to all Committee 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 a draft circulated following the meeting.
- Once confirmed by the Committee members, minutes will be reported to the next available Council meeting.
- The outcome of the council meeting will be distributed to all Committee members.
- The minutes as adopted by Council will be placed on Council's website.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 DRAFT DELIVERY PROGRAM 2022-2026 AND DRAFT OPERATIONAL PLAN INCLUDING REVENUE POLICY, BUDGET AND FEES AND CHARGES FOR 2023-24 - PUBLIC EXHIBITION

Reporting Manager Manager Finance

Attachments:

1. **Draft final Operational Plan 2023-24** (*Provided in Attachment Booklet*) [⇒](#)
2. **Proposed Fees and Charges Report** (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The draft Delivery Program 2022-26, and draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2023-24, attached to the report, be placed on public exhibition for a period of not less than 28 days in accordance with the requirements in the Local Government Act 1993.
 2. The period of exhibition be from 21 April – 21 May 2023.
 3. A further report be prepared and submitted to Council following the exhibition period.
-

PURPOSE

To seek Council approval for public exhibition of the:

- Draft Delivery Program 2022-2026 (Year 2)
- Draft Operational Plan 2023-24
- Statement of Revenue Policy which includes the draft Budget, and proposed Schedule of Fees and Charges 2023-24

EXECUTIVE SUMMARY

The draft Operational Plan and Statement of Revenue Policy which includes the draft Budget, and proposed Schedule of Fees and Charges, attached to this report, have been prepared following several months of planning, as well as a Councillor workshop held on 14 March 2023. The documents include two scenarios for consideration, a base case scenario that is based on the minimum rate rise prescribed by the Independent Pricing and Regulatory Tribunal (IPART), as well as an expanded level of service that is based on an application for a proposed special rate variation (SRV) made to IPART in February 2023.

It is anticipated that the outcome of the IPART application will be made available to Council during the exhibition period and that it will be considered by Council at the June meeting, in conjunction with consideration of the Operational Plan and Budget for 2023-24.

In accordance with the *Local Government Act 1993* the draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2023-24 are to be exhibited for a minimum of 28 days. The outcomes of this exhibition will be reported back to Council for consideration in adopting the documents.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

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

BACKGROUND/DISCUSSION

Introduction

In reviewing its Integrated Planning and Reporting framework in the first year of its term, Council adopted the *Community Strategic Plan: Our Future 2036* and the *Delivery Program 2022-2026* at its meeting of 28 June 2022. With long term directions and strategies in place for 15 years and the duration of the term, respectively, Council is now required to consider an annual Operational Plan and Budget for 2023-24, the second year of Delivery Program implementation.

The draft Operational Plan, including the draft Statement of Revenue Policy, which incorporates a draft Budget and Schedule of Fees and Charges, attached to this report, have been prepared following several months of planning. They include two scenarios for consideration, a base case scenario that is based on the minimum rate rise prescribed by the Independent Pricing and Regulatory Tribunal (IPART), as well as an expanded level of service that is based on an application for a proposed special rate variation (SRV) made to IPART in February 2023.

Draft Delivery Program 2022-2026

Following its election, Council adopted the *Delivery Program 2022-2026*, capturing the strategies that would be put in place to deliver the *Community Strategic Plan: Our Future 2036* goals for the community.

The draft Delivery Program 2022-2026, attached to this report for approval to exhibit, has been refreshed with current population figures and forecasts, and more detail is provided in relation to Council's services, however the strategies are unchanged since its adoption.

Draft Operational Plan 2023-24

The draft Operational Plan for 2023-24 contains the highlighted operational projects planned for the coming year, including:

- Completion of the Social Sustainability Strategy
- Implementation and review of the Urban Canopy Strategy
- Delivery of emission reduction initiatives
- Deliver the "Canada Bay Makes" festival for artists and creatives
- Ferragosto at Five Dock, back for its 26th year

The draft Operational Plan is formatted to show the projects that can be undertaken without the SRV and those that will be accomplished in the event that IPART approves, and Council subsequently adopts an SRV.

Statement of Revenue Policy – draft Budget 2023-2024

	2023-24	2023-24
	Forecast	Forecast
<u>OPERATIONAL BUDGET</u>	Without SRV Approval	With SRV Approval
Operating Income		
<i>Rates and Annual Charges</i>	62,377,647	67,471,043
<i>User Fees and Charges</i>	20,532,055	20,532,055
<i>Other Revenue</i>	6,973,442	6,973,442
<i>Other Income</i>	3,989,904	3,989,904
<i>Grants and Contributions-Operational</i>	7,338,937	7,338,937
<i>Interest</i>	4,715,000	4,715,000
Total Operating Income	105,926,985	111,020,381
Operating Expenses		
<i>Employee Costs</i>	45,255,574	47,230,512
<i>Borrowings</i>	632,084	632,084
<i>Materials & Services</i>	38,447,150	40,552,213
<i>Depreciation</i>	16,251,301	16,251,301
<i>Other Expenses</i>	6,340,945	6,340,945
Total Operating Expenses	106,927,054	111,007,054
OPERATIONAL RESULT - SURPLUS/(DEFICIT)	(1,000,070)	13,326
<u>CAPITAL BUDGET</u>		
Capital Income		
Grants And Contributions-Capital	27,178,518	27,178,518
New Loan	0	0
Proceeds From The Disposal Of Assets	501,000	501,000
Total Capital Income	27,679,518	27,679,518
Capital Expenses		
Capital Expenditure	59,767,000	59,917,000
Capital Expenditure - Principal Loan	1,173,605	1,173,605
Capital Expenditure – Other	150,000	150,000
Total Capital Expenses	61,090,605	61,240,605
CAPITAL RESULT - SURPLUS/(DEFICIT)	(33,411,087)	(33,561,087)
<u>FUNDING MOVEMENTS</u>		
Add Back Depreciation & Amortisation - Non Cash Item	16,251,301	16,251,301
Transfer From Reserve	27,075,259	27,075,259
Transfer To Reserve	8,915,403	9,778,799
TOTAL FUNDING MOVEMENTS	34,411,157	33,547,761
NET WORKING CAPITAL RESULT - SURPLUS/(DEFICIT)	(0)	(0)
Operating Ratio	-0.94%	0.01%

Rating structure and Special Rate Variation application

The total income that can be raised from levying rates is typically capped by the State Government based on a determination by the Independent Pricing and Regulatory Tribunal (IPART). For the 2023-2024 financial year the cap has been set at 3.7%. Council's base case Operational Plan and Budget for 2023-2024 has been established on the basis of that determination.

The Valuer General supplied Council with new land values for properties across the Local Government Area (LGA) as at 1 July 2022. These values will be used for the first time for the 2023-24 financial year and will continue to be used for the 2024-25 and 2025-26 financial years. Two sets of rating information have been disclosed within the Operational Plan to provide for the 3.7% increase approved by IPART for 2023-24 and for a 15.49% increase as sought in Council's Special Variation Application to IPART. The minimum amount for ordinary, residential and business rates will increase from \$761.71 in 2022-23 to \$789.89 in 2023-24 if a 3.7% increase is applied. The minimum amounts will increase to \$879.70 in 2023-24 if the 15.49% increase is approved and adopted.

Fees and Charges

The proposed Fees and Charges for 2023-24 (Attachment 2) have been reviewed and increased by the CPI or by an amount which has regard to market conditions and the appropriate cost recovery level. For 2023-24, most fees and charges have been increased by a CPI forecast of an average of 5.0%. In respect to the Domestic Waste Management charge, an increase of 2% was applied despite contractual cost increases for waste collection and disposal increasing by 7%. This initiative was made possible by utilising the waste reserve to fund approximately \$1.5M of costs in order to reduce the overall rates and charges levy payable.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

This report is submitted in accordance with the requirements of section 406 of the *Local Government Act 1993* and *Local Government (General) Regulation 2021*. The Act and the Regulation require that Council prepares and exhibits a draft Operational Plan and draft Operational Plan, including draft Statement of Revenue Policy incorporating a draft Budget and proposed Schedule of Fees and Charges each year. The exhibition period which allows for a minimum 28 day exhibition period and reporting on the findings is proposed to be between 22 April and 21 May 2023.

Council is exposed to legislative compliance risk and reputational risk if the draft documents are not exhibited at the times specified in this report, as this will not give Council time to review and consider community submissions before adopting the documents in June 2023.

It is anticipated that the outcome of the IPART application will be made available to Council during the exhibition period and that it will be considered by Council at the June meeting, along with the outcomes of the public exhibition, prior to the adoption of the Operational Plan and Budget for 2023-24.

FINANCIAL CONSIDERATIONS

The 2023-24 Operational Plan includes two Budget Scenarios. The Base Case Scenario works within the rate peg. IPART has determined that for 2023-24 a rate peg of 3.7% will apply. Council's forecast rate peg for the remaining nine years of the LTFP are for rate increases of 2.5% per annum. Under this scenario, the operating result for 2023-24 is a deficit of \$1,070,000. Council's general fund operating results are forecast to remain in deficit throughout the ten year Long Term Financial Plan (LTFP).

The Base Case Scenario of operating deficits for ten years is financially unsustainable. The challenge of ensuring financial sustainability, of delivering enhanced and new services to cater for our increasing population, whilst also managing the renewal and replacement of infrastructure assets as required is not achievable whilst working within rate peg.

An alternate LTFP Growth Scenario was prepared and consulted on with the community. This scenario models a Special Rate Variation (SRV) which would be required to fund additional services and increased asset renewal to meet the expectations of the growing community.

To fund the identified increase in services and improvement to asset conditions, an additional 11.79% rate increase above the 3.70% rate peg (being SRV of 15.49%) for 2023-24 would be required. Further increases beyond the rate peg for the following three years of 2.31%, 2.19% and 2.08% were also proposed in the SRV application to IPART.

Under this scenario, the operating result for 2023-24 is a surplus of \$13,326. Council's general fund operating results are forecast to remain in surplus throughout the ten year Long Term Financial Plan (LTFP).

LEGISLATIVE AND POLICY CONSIDERATIONS

This report provides the pathway for timely adherence to the legislated exhibition timeframes for Council's draft Operational Plan, including the draft Statement of Revenue Policy, which incorporates a draft Budget and Schedule of Fees and Charges

Public exhibition of these draft documents for 28 days prior to adoption, and consideration of community submissions, is a requirement of the Local Government Act 1993.

ITEM 12.2 CASH AND INVESTMENTS REPORT FOR MARCH 2023
Reporting Manager **Manager Finance**
Attachments: **1. Investment Report March 2023 (Provided in Attachment Booklet) ⇨**
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

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

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

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

Certification - Responsible Accounting Officer

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS
Summary position as at 31 March 2023

The Cash at Bank and Cash Investments as at 31 March 2023 are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
March 2023	\$1,566,202.16	\$139,516,135.22	\$141,082,337.38

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

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
06/04/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	169	3.83%	19/10/22	Term Deposits
20/04/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	182	3.94%	20/10/22	Term Deposits
21/04/23	Commonwealth Bank of Australia	AA-	\$1,000,000.00	133	3.95%	09/12/22	Term Deposits
26/04/23	Westpac Bank	AA-	\$2,000,000.00	180	4.00%	28/10/22	Term Deposits
27/04/23	National Australia Bank	AA-	\$1,000,000.00	181	4.00%	28/10/22	Term Deposits
02/05/23	AMP Bank	BBB	\$2,000,000.00	180	1.00%	03/11/22	Term Deposits
04/05/23	MyState Ltd	Baa2	\$2,000,000.00	365	2.93%	04/05/22	Term Deposits
04/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	363	3.18%	06/05/22	Term Deposits
11/05/23	MyState Ltd	Baa2	\$2,000,000.00	188	4.30%	04/11/22	Term Deposits
18/05/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	146	4.18%	23/12/22	Term Deposits
25/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	125	4.12%	20/01/23	Term Deposits
31/05/23	Commonwealth Bank of Australia	AA-	\$1,000,000.00	159	4.22%	23/12/22	Term Deposits
31/05/23	AMP Bank	BBB	\$1,000,000.00	180	4.35%	02/12/22	Term Deposits
08/06/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	307	3.69%	05/08/22	Term Deposits
15/06/23	Auswide Bank Ltd	Baa2	\$2,000,000.00	190	4.45%	07/12/22	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	365	0.60%	23/06/22	Term Deposits
29/06/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	188	4.31%	23/12/22	Term Deposits
29/06/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	133	4.37%	16/02/23	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	335	3.74%	05/08/22	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	160	4.36%	27/01/23	Term Deposits
13/07/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	188	4.41%	06/01/23	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	197	0.60%	01/01/23	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	364	0.65%	29/07/22	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	367	0.65%	01/08/22	Term Deposits
10/08/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	202	4.25%	20/01/23	Term Deposits
07/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	216	4.39%	03/02/23	Term Deposits
14/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	197	4.75%	01/03/23	Term Deposits
21/09/23	Bank of Queensland	BBB+	\$2,000,000.00	203	4.63%	02/03/23	Term Deposits
28/09/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	209	4.63%	03/03/23	Term Deposits
05/10/23	National Australia Bank	AA-	\$2,000,000.00	210	4.65%	09/03/23	Term Deposits
07/12/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	349	4.62%	23/12/22	Term Deposits
14/03/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	379	5.05%	01/03/23	Term Deposits
02/04/24	ING Bank	AAA	\$2,000,000.00	390	5.00%	09/03/23	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1096	1.04%	16/02/23	Term Deposits
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	Tailored Deposits
20/10/23	Westpac Bank	AA-	\$1,500,000.00	273	4.53%	20/01/23	Tailored Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	367	1.11%	28/10/22	ESG TD
01/12/23	Westpac Bank	AA-	\$2,000,000.00	274	4.20%	02/03/23	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	364	4.47%	20/02/23	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	364	1.68%	06/03/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	640	1.62%	13/02/23	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	640	1.62%	03/03/23	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	728	2.02%	20/02/23	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	728	2.10%	27/02/23	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1004	1.87%	20/02/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1093	2.24%	20/02/23	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1093	2.31%	27/02/23	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1096	2.22%	03/03/23	ESG TD
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.40%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	4.55%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	4.33%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	4.37%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	4.34%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	4.06%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Metway	AAA	\$1,000,000.00	1096	4.20%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	4.12%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.21%	13/01/23	Floating Rate Notes
24/02/26	Members Banking (RACQ Bank)	BBB+	\$2,300,000.00	1096	5.05%	24/02/23	Floating Rate Notes
16/03/26	The Toronto-Dominion Bank	AAA	\$2,000,000.00	1096	4.36%	16/03/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	4.34%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	AAA	\$500,000.00	1826	3.87%	19/08/21	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	4.10%	23/09/21	ESG FRN
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	4.49%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.46%	13/01/23	Floating Rate Notes
19/01/28	Cooperative RABOBANK	A+	\$1,000,000.00	1826	4.49%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1826	4.47%	16/02/23	Floating Rate Notes
15/12/23	NTTC	Aa3	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	Aa3	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	Aa3	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,015,226.81		4.05%		AMP At Call
	AMP Bank	BBB	\$3,876.67		1.50%		AMP At Call
	Macquarie Bank	A+	\$2,005,586.80		3.55%		Macquarie CMA
	Macquarie Bank	A+	\$2,741,444.94		3.35%		Macquarie CMA
31/03/23			\$139,516,135.22				
TOTAL INVESTMENTS at 28/02/2023			\$140,987,543.93				
Net Increase/(Decrease) in Investments			(\$1,471,408.71)				

FINANCIAL CONSIDERATIONS

Interest rates have increased by 3.50% since May 2022, to 3.60%. The RBA last met on 4 April 2023, and rates remain unchanged. The return on Council's investment Portfolio for the current Financial Year has been revised up from \$1.883m to \$3.906m reflecting the current interest rate settings.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - SUPPORT FOR CROHN'S AND COLITIS AWARENESS**

At its meeting of 28 March 2023, Council resolved that consideration of this Notice of Motion be deferred to the next meeting. Accordingly, it is resubmitted as follows.

Submitted by: Councillor Andrew Ferguson

MOTION

That Council officers prepare a report on ways in which the City of Canada Bay Council could support, on an annual basis, World IBD Day for sufferers of Crohn's and Colitis commemorated on 19 May each year, including the lighting up of one or more buildings and or town centre(s) or appropriate local site/street in purple, the international colour of IBD awareness, and submit to the report to the next Council meeting.

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

Crohn's and Colitis are the two most common types of inflammatory bowel disease (IBD) and there are no cures for these diseases; they are serious lifelong chronic illnesses. 643 of every 100,000 NSW residents are currently living with these diseases and Australia has one of the highest rates of prevalence and incidence in the world, with each year more and more young people are being diagnosed. IBD costs Australia more than \$3.1 billion each year in hospital costs, productivity losses and economic costs.

World IBD Day is the Global Day of Recognition of people living with Crohn's and Colitis. Crohn's and Colitis Australia aim to raise awareness of these incurable diseases and help remove the stigma many people living with IBD experience every day. This is through having landmarks and buildings light up purple in recognition of the IBD community, which in turn encourages conversations and improves awareness and understanding of these diseases in the broader community. I believe that this cause is worthy of Council's support on an ongoing basis which could be achieved through the provision of purple lighting on the day on an annual basis, in addition social media posts.

ITEM 13.2 NOTICE OF MOTION - COUNCILLOR FERGUSON - SUPPORT FOR CROHN'S AND COLITIS AWARENESS AND FUTURE CITY OF CANADA BAY PUBLIC HEALTH COMMEMORATIONSSubmitted by: Councillor Andrew Ferguson

MOTION

That:

1. Council officers devise and implement lighting of one or more buildings and/or town centres and/or appropriate local sites and streets, in purple, on 19 May the international colour of IBD awareness, at an incidental cost, to demonstrate the City of Canada Bay's support of the International Day of IBD Awareness.
 2. With a view to enabling a more strategic approach to this and other public health commemorations, Council officers investigate available grants from NSW Health (Population Health Research and Evaluation) for the promotion of awareness of diseases with high economic and non-economic morbidity burdens on NSW residents (such as Sleep Apnoea, Endometriosis, Prostrate Cancer and Crohn's Disease etc.).
 3. The outcomes of the investigations referred to in 2 above, and opportunities for potential appropriate health promotion strategies by the City of Canada Bay Council, be presented to a Councillor Workshop.
-

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

Crohn's and Colitis are the two most common types of inflammatory bowel disease (IBD) and there are no cures for these diseases; they are serious lifelong chronic illnesses. 643 of every 100,000 NSW residents are currently living with these diseases and Australia has one of the highest rates of prevalence and incidence in the world, with each year more and more young people are being diagnosed. IBD costs Australia more than \$3.1 billion each year in hospital costs, productivity losses and economic costs. World IBD Day is the Global Day of Recognition of people living with Crohn's and Colitis. Crohn's and Colitis Australia aim to raise awareness of these incurable diseases and help remove the stigma many people living with IBD experience every day. This is through having landmarks and buildings light up purple in recognition of the IBD community, which in turn encourages conversations and improves awareness and understanding of these diseases in the broader community. A number of municipal councils in NSW have endorsed the lighting up one or more buildings and or town centres or appropriate local site/streets in purple – the international colour of IBD awareness.

I believe that this cause is worthy of Council's support on an ongoing basis which could be achieved through the provision of purple lighting on the day on an annual basis, in addition social media posts.

ITEM 13.3 NOTICE OF MOTION - COUNCILLOR FERGUSON - THE VOICESubmitted by: Councillor Andrew Ferguson

MOTION

That Council:

1. Endorses the Uluru Statement from the Heart and supports constitutional recognition for Aboriginal and Torres Strait Islander people through a Voice to Parliament.
 2. Supports a dissemination of information to our community at the planned Support for The Voice Public Meeting to be held at the Connection Rhodes on the evening of 15 May 2023.
 3. Promotes resident attendance at the public meeting through Council's communication channels.
-

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

I believe that as local municipal leaders it is within our role to build awareness in our communities about the upcoming referendum. This includes contributing to informing our citizens about what constitutional recognition through a Voice to Parliament will mean for Indigenous people and Australian society as a whole. It is my view that local government must play an important role in hosting civic forums, promoting dialogue, and providing a platform for Indigenous voices to be heard in the debate. A successful referendum can be a unifying achievement for Australia and I also believe that Council should be prepared to work with all levels of government to educate and inform our communities about why this referendum is such an important moment for our nation.

A Support for The Voice Public Meeting is being planned to be held at the Connection Rhodes on the evening of 15 May 2023. I welcome the invitation of ANTaR to the Mayor of the City of Canada Bay Council or nominee to speak.

I propose that our support should also be provided by Council promoting resident attendance at this public meeting through Council communication channels.

ITEM 13.4 NOTICE OF MOTION - COUNCILLOR JAGO - COMMUNITY BATTERIES TO BENEFIT THE COMMUNITYSubmitted by: Councillor Charles Jago

MOTION

That:

1. Council notes with concern the request for a "community battery" in Kendall Reserve Cabarita, on the basis that:
 - a) the proposal does not provide specific community benefits beyond those intrinsic to the functioning of the electricity grid, and
 - b) any such battery must be appropriately located in regard to use of Council land.
 2. A policy in regard to community batteries be developed and submitted to a future Council meeting, with Policy to be designed to ensure maximum community benefits.
 3. This matter be brought to a Councillor workshop as soon as practicable.
-

BACKGROUND FROM COUNCILLOR CHARLES JAGO

After visiting the Ausgrid drop-in session for a "community battery" in Kendall Reserve Cabarita on Wednesday afternoon, I must say that it looks to me like an Ausgrid battery, not a community battery. Ausgrid is getting the government to subsidise their infrastructure costs, and apparently the great opportunity to put it in a public park.

I heard community members asking for how this would benefit members of the community, but they got vague responses about how it would help the electricity grid, without differentiating between utility and community benefits.

I think we need to explore the definition of a "community battery", along the lines of:

1. owned or operated by a community organisation, and/or
2. enabling specific community members who join up to store their solar power for night-time use, and/or
3. creating financial savings that benefit specific members of the community, or community organisations.

Yes, members of the community ought to benefit in general from any new infrastructure installed by Ausgrid, but a community battery should do more than that. I suggest that any real community battery will be "behind the meter" so that resident's solar power (probably from a community organisation or a strata) can connect directly to the battery.

Accordingly, I propose that to address issues relating to "community batteries", such as the one proposed Kendall Reserve in Cabarita, a policy designed to maximise community benefits developed and submitted to a future Council Meeting.

The reference below offers a critique of the approach to utilities controlling "community batteries".

Reference/Links

<https://reneweconomy.com.au/why-networks-should-not-be-left-in-charge-of-labors-community-battery-plans/>

ITEM 13.5 NOTICE OF MOTION - COUNCILLOR CORDARO - HEALTH PROMOTION AND AWARENESSSubmitted by: Councillor Joseph Cordaro

MOTION

That Council officers investigate available grants from NSW Health (Population Health Research and Evaluation), for the promotion of awareness of diseases with high economic and non economic morbidity burdens on NSW residents (such as Sleep apnoea, Endometriosis, Prostate cancer and Crohn's Disease), and that the outcomes of the investigation be presented at a Councillor workshop for further discussion regarding potential appropriate Health Promotion strategies in the City of Canada Bay.

BACKGROUND FROM COUNCILLOR JOSEPH CORDARO

A number of chronic and long term health conditions that affect the residents of the City of Canada can have a profound effect on their wellbeing throughout their lives. Raising community awareness of these conditions can lead to earlier diagnosis and treatments which can assist in reducing suffering and stigma, and economic costs to individuals affected, and Australian society at large.

One high priority condition is sleep apnoea. The Medical Journal of Australia quantified the economic impact of sleep apnoea at \$5.3 billion (2013) with \$4.3 billion being direct productivity losses, and approximately \$1B in direct medical costs additional indirect medical costs arising from the effects of sleep apnoea, namely, heart disease, stroke, obesity, diabetes and depression. The Sleep Health Foundation of Australia estimate the combined direct and indirect costs of sleep apnoea and inadequate sleep in Australia, to be in the order of \$26.1 billion It has a 20-30% prevalence in the Australian population.

Endometriosis (often misunderstood) affects more than 11% of Australian women, girls and gender diverse adults, with an average delay in diagnosis of 6.5 years. An Australian Government report has estimated that the current cost to Australian society is \$9.7 billion.

The March edition of the Australian Journal of general Practice has reported that prostate cancer is now the most diagnosed cancer in Australia with 24,000 cases reported annually. Every male has a 17% chance of being diagnosed with prostate cancer before the age of 85. This equates to an astounding 1:6 chance. The current prevalence is 684 per 100,000 men with 1 in 25 diagnosed dying within 5 years of diagnosis.

The Australian Government Department of Health and Aged care and NSW Health (Population Health Research and Evaluation) have been charged with the public sector responsibility of formulating strategies for the broadcasting, raising awareness and encouraging preventative health strategies in the NSW population, including early recognition and treatment of conditions such as sleep apnoea, endometriosis, prostate cancer and inflammatory bowel disease. Local government can assist State and Federal Government instrumentalities in deploying formulated strategies.

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RECOMMENDATION

That

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

ITEM 17.1 PROCUREMENT OF WASTE SERVICES UPDATE

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

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

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

BACKGROUND/DISCUSSION

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

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

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

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

18 CONFIDENTIAL RESOLUTIONS

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