

ORDINARY COUNCIL MEETING

ATTACHMENTS BOOKLET

Under Separate Cover

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SUBMISSION SYDNEY METRO WEST

Critical State Significant Infrastructure Application
Rail Infrastructure, Station, Precincts & Operations EIS
MAY 2022



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1. INTRODUCTION

This submission provides Council's response to the exhibition of the Critical State Significant Infrastructure (CSSI) application for:

- The rail infrastructure, stations, precincts and operations Environmental Impact Statement (released in March 2022)
- Supporting technical papers.

Sydney Metro West (Metro West) will be an underground rail line connecting Greater Parramatta and the Sydney central business district (CBD), doubling rail capacity between the two CBDs, linking new communities to rail services and supporting employment growth and housing supply.

Of the station locations between Westmead and The Bays, there are three stations within the City of Canada Bay Local Government Area at North Strathfield, Burwood North and Five Dock.

Council submitted comments on the Sydney Metro West Concept and Stage 1 EIS in June 2020.

About the City of Canada Bay

The City of Canada Bay is a vibrant and diverse city in the heart of Sydney's inner west. With many parks and reserves, our City is surrounded by river foreshore and is located only 7 kilometres from the Sydney CBD.

The traditional owners of our City are the Wangal clan of the Dharug people, who hold a deep connection to the land, river and foreshore.

Our City has many areas of unique character, including the suburbs of North Strathfield, Concord and Five Dock. Generally these suburbs have experienced little change and are characterised by established, low-density housing, including original Federation Bungalow and Inter-War Californian Bungalow dwelling houses.

In 2021, the estimated residential population of the City of Canada Bay was 95,919 (2021 ABS Estimated Residential Population), having grown rapidly from a population of nearly 54,000 in 1996. In recent years there has been an increase in apartment living, particularly in Rhodes, but also in local centres and areas close to Parramatta Road.

We also have significant commercial and retail areas that provide jobs for local residents and workers from the wider metropolitan area. Our Strategic and Local Centres include Concord, Drummoynes, Five Dock, North Strathfield and Rhodes/Concord Hospital, amongst others and provide lively hubs for work, dining, entertainment, health and other social and cultural activities.

Importance of Metro West to the Canada Bay Community

Metro West will be transformative for the residents of Canada Bay; providing increased access and connectivity for residents, business and visitors. In-principle, Council welcomes

this NSW government investment in public transport in the City and the benefits it will bring once operational.

A significant proportion of Canada Bay residents (79% in 2016) travel to work outside of the LGA. However, due to the current lack of transport choice and minimal public transport provision, the LGA has a high level of car ownership and at the 2016 census, 65% of all trips were made by private vehicle.

Metro West will increase the availability of alternate transport modes and will play an important role in achieving the *Canada Bay Local Strategic Planning Statement (LSPS)* priority to 'improve connectivity throughout Canada Bay by encouraging a modal shift to active and public transport.'

When complete, Metro West will connect the residents of Canada Bay with employment opportunities outside of the LGA and will also benefit local business by providing faster and more accessible public transport for employees and customers.

Increased connectivity will make the LGA a more attractive place to do business and is likely to benefit the local economy, through increasing patronage and local access to recreation facilities and events.

More widely, Metro West will provide new public transport links between Paramatta and the City, assisting in reducing carbon emissions and air pollution in the long-term, and improving socio-economic opportunities for communities serviced by the route.

2. EIS INTRODUCTION AND CONTEXT (CHAPTER 1)

The following issues have been identified in relation to Chapter 2 Introduction and Context.

Inadequate information

The Secretary's Environmental Assessment Requirements (SEARs) for the project require the level of assessment in the Environmental Impact Statement to be sufficient to ensure that government agencies are able to understand and assess impacts.

In general, the Figures provided within the EIS are inadequate and do not provide sufficient detail to understand or assess impacts. Information that is not provided but is fundamental to appreciate development outcomes include:

- building height in metres or RLs
- scales on plans
- dimensions of buildings (width and length)
- width of laneways and pedestrian links
- setback of buildings from boundaries.

It is not appropriate or reasonable to defer this information being provided to the detailed design phase. This basic information is fundamental where the Critical State Significant Infrastructure application is seeking approval for stations and precincts.

Impacts on the public domain, compliance with relevant planning standards and overshadowing are unable to be adequately assessed due to the lack of information provided.

Strategic plans

Our Community Strategic Plan, *Your Future 2030* is an overarching plan for the future of the City of Canada Bay. The Plan has 5 key vision areas that are aligned with the aspirations and priorities of our community. They are:

- Inclusive, involved and prosperous
- Environmentally responsible
- Easy to get around
- Engaged and future focussed
- Visionary, smart and accountable

The LSPS, completed earlier in 2020, is the core strategic planning document for the City of Canada Bay. It will guide the character of our centres and neighbourhoods into the future and implement the priorities and actions of the Eastern District Plan at a local level. The LSPS can be accessed at <https://www.canadabay.nsw.gov.au/localplanning>

The LSPS sets out our land use vision:

- Create great streets, places and buildings for people
- Plan for a diversity of housing types and affordability
- Protect and enhance local character
- Connect and strengthen neighbourhoods and centres
- Align growth with the delivery of infrastructure
- Ensure Sydney Metro West delivers “density done well”
- Improve access to the Parramatta River foreshore
- Facilitate sustainable development and renewal
- Increase biodiversity and the urban tree canopy.

The LSPS sets out 19 planning priorities and associated actions for the City of Canada Bay. Of particular relevance to Metro West is:

Priority 1: Planning for a city that is supported by Infrastructure, and

Priority 11: Identify land use opportunities and implications arising from Sydney Metro West.

Both *Your Future 2030* and the LSPS recognise the importance of **connectivity, inclusion, sustainability and local character** to the Canada Bay community. The LSPS envisages Metro West and its associated renewal, as “density done well”. The City’s LSPS vision and priorities should be referenced throughout the planning stages of Metro West as they provide, the outcomes that Council would like to see delivered by the project.

Recommendations

Council recommends the following relating to the introduction and strategic context:

- That *Your Future 2030* and the City of Canada Bay LSPS are used as a reference and guide to understand the land use vision and aspirations for the City of Canada Bay in the Stage 3 EIS and future applications for detailed design of the stations, ancillary buildings and precincts surrounding the station.
- That the Critical State Significant Infrastructure application and EIS be updated prior to consent being given to provide basic information where consent is sought for envelopes relating to metro station/services facilities and precinct related infrastructure:
 - Scale on all Figures
 - Building Height in metres/RLs
 - Dimensions illustrating the proposed setback of new buildings from boundaries
 - Dimensions illustrating the proposed upper-level setbacks of buildings
 - Dimensions illustrating the width of new service laneways, pedestrian links and new public space

3. NAMING OF STATION IN CONCORD

The following issue has been identified in relation to the naming of the proposed station in Concord.

Naming of the Station at Concord Oval

The new station on the corner of Burwood Road and Parramatta Road has been labelled by Sydney Metro as “Burwood North”. The station box is to be located on the northern side of Parramatta Road in the suburb of Concord. Sydney Metro has advised the City of Canada Bay that this station name is a working title without official status.

Parramatta Road forms the effective boundary between Concord and Burwood, with the station being located within the suburb of Concord. A number of businesses on the northern side of Parramatta Road include the word "Concord" in their names. Concord Oval stands some 200m from the new Metro Station site and as the largest landmark close to the station, offers an appropriate name for the new Metro station.

Council resolved on 15 March 2022 to strongly advocate for the official naming of this Metro Station as "Concord Oval" (with the current working title of "Burwood North").

Recommendations

Council recommends the following in regard to the naming of the station within Concord:

- That a suitable condition be imposed that requires Council and the community to be consulted on the name for the new station proposed in the suburb of Concord, prior to any application being made to the Geographical Names Board.

4. STAKEHOLDER ENGAGEMENT (CHAPTER 3)

The following issues have been identified in relation to Chapter 3 Stakeholder Engagement.

- The list of key local stakeholders is missing a number of stakeholder groups with an interest in the proposal, including:
 - Five Dock Chamber of Commerce
 - Concord Chamber of Commerce
 - Our Lady of the Assumption Catholic Primary School
 - Concord High School
 - St Marys Catholic Primary
 - Rosebank College
 - Domremy College
 - BayBUG (Canada Bay Bicycle User Group)
 - Canada Bay Access and Inclusion Committee
 - Co.As.It. Italian Association of Assistance

- Throughout the construction and post-construction of Sydney Metro West, Council will ensure all community feedback and recommendations are referred to the Sydney Metro West via Sydney Metro’s community information line on 1800 612 173 and/or via email to sydneymetrowest@transport.nsw.gov.au. The intent of the information line is to respond to emerging issues immediately, by having the issue referred to the relevant responsible teams within Sydney Metro.

Recommendations

- The Stakeholder Engagement Plan should be extended to include the above listed additional stakeholder groups.
- The NSW Government continue to implement and promote the availability of a Complaints Management System to address concerns experienced by community affected by the works associated with Sydney Metro West project.

5. METHODOLOGY (CHAPTER 4)

The following issues have been identified in relation to Chapter 4 Methodology.

Transport:

- The issue of parking is not given enough emphasis, particularly with respect to the anticipated increase in demand in parking in the surrounding precincts, as a result of park-and-ride customers using the stations. This will drive an increase in parking demand around the stations and therefore require additional detailed assessment by Sydney Metro West.
- There is already significant on-street parking demand from shoppers, residents and existing commuters. The impacts of construction workers parking in station precincts has not been addressed in the Construction Transport Assessment. Construction workers must not utilise carparking spots adjacent to construction sites nor occupy spots within 200 metres of local shops and services.

Landscape and visual amenity:

- The development of public domain associated with stations should interface seamlessly with Council's public domain and comply with relevant planning controls in each station precinct.

Recommendations

- Parking studies of each station precinct should be undertaken prior to approval of this application with the scope of these studies to be determined in consultation with Council.
- Parking arrangements for station construction workers should ensure that workers are not parking in and around town centres adjacent to the stations and exacerbating existing parking issues.
- Detailed public domain plans should be prepared for each station precinct to demonstrate how a seamless interface between Council's public domain and each station precinct will be achieved.
- That the detailed designs for station precincts be required to align with relevant planning controls (LEP, DCP and exhibited planning proposals).

6. PROPOSAL DESCRIPTION – OPERATION (CHAPTER 5)

The following issues have been identified in relation to Chapter 5 Proposal Description – Operation.

Heritage interpretation devices

- The recommendations for heritage interpretation devices are broadly specified across the three stations. Further consultation should occur with Council prior to approval and implementation of proposed heritage interpretation measures for each station location.

Residual land (land surplus to Metro needs)

- Sydney Metro West has acquired land for the purposes of this infrastructure project. The proposed uses for any residual land following completion of construction are not well-detailed for North Strathfield, Concord Oval/Burwood North or Five Dock and further work is required to ensure that development of residual land is considered strategically. In particular, Metro is requested to collaborate with Council in identifying where residual land can be put to relevant community uses and infrastructure, and long-term maintenance plans agreed to prior to the potential dedication of land to Council and/or other agencies.

Design processes

- The EIS document does not specifically mention the relevant local planning controls within City of Canada Bay or how these will be addressed in further design of the proposal. Given the interface with Council's assets and public domain in many areas of the proposal, designs need to be subject to Council approval, *prior* to consideration by the Sydney Metro Design Advisory Panel (also to be known as the Sydney Metro Design Review Panel, once planning consent for this application is granted).

Recommendations

- A condition of any approval for heritage interpretation devices should include a detailed interpretation plan to be prepared in partnership with Council.
- Council should be consulted in the investigation of appropriate uses for residual land, with a view to ensuring that uses are complementary to the area.
- All designs within Canada Bay Council area need to be subject to Council approval, *prior* to consideration by the Sydney Metro Design Advisory Panel (also to be known as the Sydney Metro Design Review Panel once planning consent is granted on this application).

7. PROPOSAL DESCRIPTION – CONSTRUCTION (CHAPTER 6)

The following issues have been identified in relation to Chapter 6 Proposal Description - Construction.

Environmental management framework

- Clarification is sought regarding the details of waste management plans for demolition and construction, as the waste management mitigation measures outlined in Appendix B and Appendix F lack detail in the areas of waste volumes, temporary storage arrangements, transport and destinations for waste. Large volumes of waste are generated from significant projects such as Sydney Metro West. It is critical that waste generated does not impact upon the health and wellbeing of the community within the immediate vicinity, as well as the wider geographical area in removal of waste. Ongoing monitoring is essential, as are detailed Waste Management and Mitigation measures.

Recommendations

- Waste management plans should be updated to include details on volumes, temporary storage, transport and destination to ensure impacts on the local community are minimised.
- Ongoing monitoring of waste management and mitigation need to be undertaken and clearly articulated through regular public reporting and updates.

8. NORTH STRATHFIELD METRO STATION (CHAPTER 10)

The following issues have been identified in relation to Chapter 10 North Strathfield Metro Station.

Design guidelines

- The proposed design guidelines show public space fronting Pomeroy Street as part of the station development, however the long-section provided in Chapter 10 of the EIS shows that the station function fronting this public domain will be station services, offering no activated frontage to the identified public domain. The activation of this public domain will lead to significantly better safety and amenity outcomes and provide passive surveillance of Pomeroy Street and the associated walkway into the station.
- The area to the west of the station is currently zoned for high-density residential development and subject to urban renewal in the coming decades; and the commercial and entertainment area (Bakehouse Quarter) will also access the station from the west, placing greater emphasis on the western entry than shown by the current design, which is primarily east-facing. Given the constraints of the western side of the station, careful consideration relating to activation needs to be part of the design guidelines for this important access point.

Landscape and visual amenity

Council has identified the following issues regarding landscape and visual amenity at North Strathfield Station (more general comments relating to landscape and visual amenity assessment are detailed in Section 15 of this submission):

- Figure 10-2 Indicative long-section for North Strathfield Station illustrates a three (3) storey structure at the northern end of the site. There is no scale, height of building in metres or dimensions shown on the plan. The proposed three storey structure contrasts with the following statement on page 10-43 of the EIS: *The building would be set back from the corner of Queen and Pomeroy Street, rising about six to seven storeys at the northern end of the buildings...*
A seven (7) storey building in this location is incompatible with the prevailing character of the immediately locality, which is characterised by one (1) to two (2) storey dwelling houses and residential flat buildings on the eastern side of Queen Street. The photo montages provided in Figures 10-17 and 10-19 do not effectively communicate the true scale of the proposed building in this location.
- The *City of Canada Bay Urban Tree Canopy Strategy and the City of Canada Bay Local Strategic Planning Statement* seek to increase the amount of tree canopy through the protection and planting of trees. These strategies are reinforced by the SEARs and condition for consent for the Stage 1 EIS that require an increase in tree numbers and

canopy within proximity of the impacted area in accordance with the concept approval.

The proposed works will result in the removal of:

- Certain trees along Queen Street adjacent to the northern construction site
- All vegetation along the western side of Queen Street from Wellbank Street to Pomeroy Street

The Critical State Significant infrastructure application does not provide any certainty that tree canopy will be increased in accordance with the requirements of the SEARs, the conditions of the original Concept Approval or the Canada Bay LSPS.

While figures are provided to illustrate the extent of tree removal under the Stage 1 EIS, there is no inventory or plan that illustrates all significant trees that are proposed to be removed or a plan that clearly illustrates new trees to be planted. As this application seeks approval for station precincts, it is imperative that sufficient detail be provided to ensure that objectives and requirements in relation to urban tree canopy are realised. It should also be recognised that replacement of removed trees, represents a loss in tree-canopy, as it will be decades before young trees grow.

- There are heritage-listed trees and the heritage listed Concord West Railway Station Park (Fan Garden) adjacent to the eastern boundary of North Strathfield station. Without a detailed site plan that clearly illustrates the impact on these trees, Council is unable to respond to the proposed station design, nor the precinct design.
- Design and proposed materials at this station need to be sympathetic to the heritage values of the station and better integrate with the heritage aspects, given the heritage listing of the railway station, and adjacent items.

Non-aboriginal heritage

- The removal of the existing fan garden at North Strathfield station represents a moderate heritage impact to this precinct and has not been mitigated in the proposal. It is Council's desire to retain this garden and protect it through the course of construction or reinstate it following the completion of construction.
- There are a number of significant heritage items in the station precinct that need to be protected from damage during construction and through mitigation measures that should be subject to Council approval.
- It is noted that Aboriginal Heritage has not been specifically addressed in the Stage 3 EIS. The justification provided is that during the stakeholder and community engagement, targeted consultation was undertaken with the local Aboriginal community and knowledge holders, including an Aboriginal Focus Group. There were no further requests by the community, including Registered Aboriginal Parties, in relation to aboriginal heritage. However, Sydney Metro West has indicated it will be piloting the Draft Connect with Country Framework published by the Office of Government Architect. Aboriginal cultural heritage interpretation will be undertaken through artworks, replicas of artefacts, native gardens and digital displays. The Draft

Heritage Interpretation Strategy (Appendix K) prepared for this application, will provide the interpretation of Aboriginal cultural heritage values.

Local Businesses

- The EIS shows the removal of all public parking outside of existing businesses on the eastern side of Queen Street. This loss of parking will have a significant impact on these businesses that have historically had a large number of time-restricted parking spaces available for their customers.

Transport

The following issues have been identified regarding transport at North Strathfield Station (more general comments relating to the transport assessment are detailed in Section 14):

- The kiss-and-ride provisions for North Strathfield station appear insufficient to meet the demand that is forecast for this station. The proposal shows the removal of two existing kiss-and-ride spaces on the eastern side of North Strathfield Station with no additional kiss-and-ride spaces to be provided to supplement this loss. Similarly, the proposed extension to kiss-and-ride spaces on the western side of the station in Hamilton Street East conflicts with existing 1/4P parking that is heavily utilised by the adjoining school and nearby childcare centre.
- The proposed cycle route indicated along Pomeroy Street and to the north of the station along Queen Street was previously displayed in Council's 2014 *Strategic Bike Plan Review*, however the route has been determined to no longer be viable within existing constraints (including the intersection of George Street and Pomeroy Street) and would not meet the current standards for cycling infrastructure. Detailed designs relating to active transport, to be prepared by Sydney Metro, must take this into consideration. Alternative routes and network designs require additional funding to eventuate, given the complex urban context of this area.
- The increase in pedestrian volumes on footpaths surrounding the station is likely to exceed the capacity of these footpaths when assessed on the basis of criteria provided in the *Walking Space Guide (Transport for NSW, 2022)*. Pedestrian access is the main mode of travel to be used in accessing the future station. It is essential for the pedestrian access plan to clearly articulate issue of pedestrian volume and how this will be served by adequate provision of pedestrian pathways.
- The existing footpath on the eastern side of Queen Street has severe crossfall (6-11%) which will need to be upgraded to improve accessibility to bus stops, kiss-and-ride points and to and from Sydney Metro West station
- No taxi rank has been provided for in the proposed station precinct design.
- Clarification is sought regarding whether cycle parking to the south of the station will be retained during construction and operation.

- The suitability of Pomeroy Street as a primary construction access route has been the subject of previous investigations due to the mass limit of the Powells Creek bridge which is only suitable for General Mass Limit vehicles.

Flooding and hydrology

Council has identified the following issues regarding flooding and hydrology at North Strathfield Station (additional comments relating to the flooding and hydrology assessment are detailed in Section 16):

- Flood model inputs for North Strathfield assume that the station box is blocked from floodwater as part of the baseline conditions. It is not clear why this assumption has been adopted or why a flood study on the existing condition was not undertaken. This assumption makes the assessment of the impacts of the station box with respect to flows, flow distribution and velocities difficult to compare to existing conditions.
- Council's Concord West Flood Study (Jacobs, 2015) shows that the station box is located in the 1% AEP flow path. The EIS assessment has not clearly shown the impact of the station box and associated civil works within the flood path area on flow distribution and flow diversion through the precinct.
- Existing hydrology description identifies the Powells Creek as a moderately sensitive receiving environment, however it is Council's view that these sedimentation levels are quite high and would warrant a higher level of sensitivity.
- Existing hydrology description identifies 0.3m of ponding at Queen Street; this is high enough to warrant more detailed description of baseline flooding conditions including flow velocities are associated with this increase.
- Flooding impacts for the construction scenario show that there will be a reduction in flood storage as a result of the proposal, however the mitigation for this reduction in flood storage has not been identified as part of the assessment.
- Flooding impacts for the construction scenario show that there is potential for the blocking of drainage in the precinct, however no contingencies for removing blockages in the drainage network have been identified as part of the assessment.

Recommendations

- The design guidelines for the station should include activation of the station frontage onto Pomeroy Street and the associated public domain.
- The design guidelines need to include more activation and surveillance to improve the safety and the amenity of the Hamilton Street entrance and improve wayfinding for customers entering the western side of the station.
- The Critical State Significant Infrastructure application and EIS should be updated to confirm the maximum building height for all above ground structures at North Strathfield prior to any consent being issued.
- A suitable planning condition should be imposed that requires:

- a plan to be prepared that illustrates the location and inventory of all trees proposed to be removed;
 - a plan to be prepared that illustrates the location and inventory of all replacement trees to be planted. This plan should demonstrate how the project will provide an increase in the number of mature trees to a ratio of 2:1 and result in a net increase in tree canopy coverage over a 9 or 10 year period; and
 - detailed precinct design plans to be prepared that demonstrate how heritage listed trees and landscaping will be protected and/or retained.
- Any removal of the fan garden at North Strathfield station needs to be re-evaluated to mitigate the heritage impact of the proposal with consideration given to how the garden could be reinstated as part of future public domain design.
 - Mitigation plans to protect heritage items need to be subject to Council consultation and approval.
 - Request for the design and proposed materials to be sympathetic to the heritage values of the station and integrate with the heritage aspects.
 - Prior to the consent being granted to this application, the EIS needs to be updated to demonstrate how it mitigates impact to customer car parking and phasing the loss of car parking until such time as the Metro is operational.
 - The location and provision of kiss-and-ride spaces need to be re-evaluated in light of the existing constraints around the station box.
 - The proposed cycle access needs to be reviewed in light of changes to Council's proposed cycle network as exhibited in Council's 2014 *Strategic Bike Plan Review*.
 - The adequacy of footpaths surrounding the station needs to be re-evaluated using the criteria set out in the *Walking Space Guide (Transport for NSW, 2022)* and upgraded where necessary.
 - The existing footpath on eastern side of Queen street has severe crossfall (6-11%), which will need to be upgraded to improve accessibility to bus stops, kiss-and-ride and to and from Sydney Metro West station.
 - A taxi rank needs to be provided within line-of-sight of the station entrances.
 - Construction routes needs to be reviewed further as part of the Construction Transport Management Plan to ensure that the routes are suitable for construction vehicles.
 - The suitability of Pomeroy Street as a construction route needs to be re-evaluated based on the mass limit of Powells Creek Bridge.
 - Baseline flood modelling needs to be updated to accurately reflect existing conditions and remove the assumption that the station box is blocked from floodwater as part of the baseline conditions prior to the issue of the consent.

- The existing hydrology description should be updated to accurately reflect sedimentation conditions at Powells Creek and ponding levels at Queen Street.

9. CONCORD OVAL (BURWOOD NORTH) STATION (CHAPTER 11)

The following issues have been identified in relation to Chapter 11 Concord Oval (Burwood North) Station.

Landscape and visual Amenity

The following issues have been identified regarding landscape and visual amenity at Concord Oval (Burwood North) Station (more general comments relating to landscape and visual amenity assessment are detailed in Section 15):

- The Stage 1 EIS for Sydney Metro West included the following Place and Design Principle:

Facilitate activation and urban renewal in accordance with the Parramatta Road Corridor Urban Transformation Strategy

The City of Canada Bay has prepared a planning proposal to implement the NSW Government's *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS). The EIS states the following in relation to structural elements for non-station uses and the services building:

The structures described above would be designed to align with future planning controls, zoning plans, and/or strategic plans including the Parramatta Road Corridor Urban Transformation Study and Canada Bay Planning Proposal (page 11-7).

The EIS states that the above ground infrastructure would "rise up to about ten (10) storeys above Burwood Road" (page 11-4). The structural elements for non-station uses located "between the northern station entry and services building (are proposed) to about the same height as the services building" (page 11-7). These statements are unable to be confirmed as none of the Figures have dimensions or RLs (Figures 11-2, 11-3 and 11-6).

Council welcomes the consistency of the proposed development outcome with PRCUTS and the draft planning framework for this site. As the EIS comprises the relevant application for station buildings, compliance with relevant development standards and controls should be shown as well as stated. It is necessary for the subject EIS to confirm the intended scale of buildings in metres above ground level or through the use of RLs to AHD. The use of generic references to "storeys" is unhelpful and creates uncertainty given floor to ceiling heights can vary considerably, particularly due to the unique needs of station buildings and services associated with the metro.

- Council is supportive of "generous setbacks to Parramatta Road" and "generous setbacks to Burwood Road" (page 11-12), however no information is provided in the EIS on the dimension of these setbacks. Other than notations identifying that the public domain around the station buildings will be used for "setback area" or

“landscaped area”, there is also no detail on the works proposed, in the form of plans or designs. As this EIS is the statutory process to obtain approval for “station precincts”, this information is fundamental to enable a proper assessment of the works and provide certainty as to what is being approved.

This issue is of particular importance given TfNSW has identified the potential need for land to be set aside for future road reserve. Any increase in road reserve for Parramatta Road should not be at the cost of providing a landscaped setback to Parramatta Road, that is consistent with the measurements and requirements outlined in the Parramatta Road Corridor Urban Transformation Strategy and Council’s planning proposal.

- There is considered significant opportunity to improve the public domain at the entrance of the Concord Oval (Burwood North) station. Whilst the ‘adjacent station development’ (refer to figure 11-1 and 11-4) is set back from Burwood Road, a better outcome could be achieved if the setback was increased further. An additional setback or an angled building line would improve the line-of-sight to and legibility of the station entrance.
- Access to the station entry and through the precinct (refer to figure 11-5) does not successfully integrate with Burton Lane and Burton Street. It is requested that Sydney metro explore opportunities to provide station entrances Burwood/Burton Lanes, in addition to the entrances marked on Burwood Road and Parramatta Road.
- Only select frontages to pedestrianised routes are proposed to be activated (refer to 11-4). To achieve better safety and passive surveillance, it would be necessary to increase the amount of active uses on the ground floor within the laneways and through site links.

Transport

The following issues have been identified regarding transport at Concord Oval (Burwood North) Station (more general comments relating to the transport assessment are detailed in Section 14):

- The location of the proposed kiss-and-ride area in Burton Street is remote from the station and is likely to lead to illegal or double-parking closer to the station on Paramatta Road and Burwood Road. This parking area is also adjacent to low-density residential properties and may result in driveway obstruction during peak periods.
- The location of the proposed kiss-and-ride area on Burwood Road north of Burton Street may impact on traffic flows, especially during morning peak periods once the intersection of Burwood Road and Burton Street is signalised. Parking on this approach is currently prohibited during the morning peak. Council’s preference would be for both southbound lanes on this approach to be continuous travel lanes.
- The proposed cycle infrastructure for Concord Oval (Burwood North) station is not integrated with Council’s most recent cycle planning. The most recent cycle routes proposed for the area were publicly exhibited in response to the PRCUTS, which show the new cycle routes identified through the station precinct, including a continuous

cycle route along the north side of Parramatta Road, currently not accommodated for in the station precinct plan.

- The existing pedestrian crossings at the intersection of Parramatta Road and Burwood Road currently do not meet the requirements of AS/NZS 1428.1, however the proposal does not identify the need for these crossing to be brought into compliance with current standards. Clarification is sought as to whether this is included in the retention of these crossings.
- Clarification is sought on the proposed locations of the entrances to Concord Oval (Burwood North) Station, as they are shown in different locations between Figure 11-1, Table 11-1 Section 11.22 and Figure 11-3.

Flooding and hydrology

The following issues have been identified regarding flooding and hydrology at Concord Oval (Burwood North) Station (more general comments relating to the flooding and hydrology assessment are detailed in Section 16):

- Flood model inputs for Burwood North assume that the station box is blocked from floodwater as part of the baseline conditions. It is not clear why this assumption has been adopted or why a flood study on the existing condition was not undertaken. This assumption makes the assessment of the impacts of the station box with respect to flows, flow distribution and velocities difficult to compare to existing conditions.
- The reported baseline flood hazard in the 5%AEP can reach H5, which will affect pedestrians and needs to be addressed as part of further design.
- Flooding impacts for the construction scenario show that there is potential for the blocking of drainage in the precinct, however no contingencies for removing blockages in the drainage network have been identified as part of the assessment.
- An evacuation strategy for high-hazard flood events has not been provided, this needs to be addressed as part of further design.

Recommendations

- The Critical State Significant Infrastructure application and EIS should be revised to include details of station buildings, service buildings and other related development, including building height in metres or RLs and ground level setbacks from boundaries and upper level setbacks where proposed.
- The Critical State Significant Infrastructure application be subject to an appropriate condition that requires all buildings to have a minimum landscaped set back of 6.0m to Parramatta Road, exclusive of land required for future road reserve.
- An additional setback or an angled building line for building with a frontage to Burwood Road is recommended to improve the line-of-sight to and legibility of the station entrance.
- Sydney Metro to explore station entrances from Burwood/Burton Lanes or in the absence of a new station entrance, ensure that there is a direct pedestrian

connection from the new lane and through site links to the station entrance on Burwood Road.

- Increase the amount of active uses on the ground floor within the laneways and through site links to improve safety and surveillance.
- The location of kiss-and-ride zones should be re-evaluated to be closer to the station and to ensure that they are located in streets that have sufficient width and mid-block capacity to accommodate the pick-up and drop-off demand.
- The proposed cycle access should be redesigned to integrate with the new cycle routes shown in Council's most recent cycle planning, including the provision of a continuous cycle route along the north side of Parramatta Road.
- The retention of existing pedestrian crossings at Parramatta Road and Burwood Road should include upgrade of these crossings to bring them into compliance with current design standards.
- Baseline flood modelling should be updated to accurately reflect existing conditions and remove the assumption that the station box is blocked from floodwater as part of the baseline conditions.
- Further mitigation detail should be provided for reductions in flood storage, blocking of drainage and evacuation of workers during flood events.
- Further design work needs to be undertaken to reduce the increase in flood levels around the precinct which current modelling indicates would have an adverse impact on residents in the precinct and reduce flood depth that would overtop existing kerbs.
- An evacuation strategy for high-hazard flood events is required and needs to be addressed in all designs.

10. FIVE DOCK STATION (CHAPTER 12)

The following issues have been identified in relation to Chapter 12 Five Dock Station.

Fred Kelly Place

- The application includes a proposed extension to Fred Kelly Place, an area that provides an important civic function for residents and visitors to the Five Dock Town Centre. The Fred Kelly Place extension was contemplated by Council's *Five Dock Town Centre Urban Design Study* and the land was identified for public acquisition and zoned RE1 Public Recreation under the *Canada Bay Local Environmental Plan 2013*. Council is strongly supportive of Sydney Metro realising the extension of Fred Kelly Place as part of the station development in Five Dock.
- It is important that the extension to Fred Kelly Place is undertaken in close liaison and cooperation with Council. Particular consideration will need to be given to the integration of the existing Fred Kelly Place with the proposed extension. This includes the location of public amenities (playground and public toilet), planting, finishes and materials, and the delivery of a space that avoids the use of steps or significant change in levels.

Local Businesses

Local businesses within Five Dock Town Centre have expressed concerns in relation to the viability of their businesses and ability to thrive throughout the construction of Sydney Metro West. In particular, the following are of concern:

- Construction noise
- Dust and traffic
- Decreasing visitor numbers to the centre
- Loss of customer confidence
- Decreased amenity of outdoor dining
- Poor customer access

Local businesses and the Chamber of Commerce requests that:

- Additional car parking be provided to replace those lost during and after construction
- Improved communications with the Metro West team to provide clear and timely advice to businesses so they can effectively plan and manage short term impacts
- Supporting businesses to grow new trade channels online, in the evening and extend trading windows
- Provision of effective and ongoing destination marketing to attract people to the centre through regular events and activations
- Enhancement of the centre's appearance through art lighting and hoarding programs, vacant shop, and site initiatives to create reasons to visit and explore the centre.

Five Dock library

As a critical community resource, the impacts of the proposal on Five Dock library need to be carefully managed during construction. The management of construction impacts to the library should include:

- Enhancing the presence of Five Dock Library during construction, through signage and hoarding artwork on the acoustic box, to direct the community towards the library.
- The signage and artwork need to point to safe access routes and clearly note that the library is still open and operating as usual.
- Ensuring noise impacts on the library do not disrupt its normal operation. The noise assessment currently does not separate noise impacts on the library from impacts on residents, and specific levels of noise to the library are not identified. This is not adequate, as library patrons often visit the library for peace and quiet, which are likely to be disrupted by Metro works during construction. As the library is a critical element of local community infrastructure, this impact needs to be considered in its own right.

The library is used for workshops and meetings, where acoustic disturbance will negatively affect the community sessions.

Noise and vibration

- Vibration intensive equipment is proposed to be used at the Five Dock station site during basement excavation and would result in human comfort vibration criteria being exceeded at the nearest receivers.
- The engagement of a Noise Advisor, Acoustic and Noise Program, and Construction Working Hours as specified within the Conditions of Consent issued for Stage 1, needs to continue to apply to all works associated with construction of stations, precincts and ancillary structure.

Landscape and visual amenity

The following issues have been identified regarding landscape and visual amenity at Five Dock Station (more general comments relating to landscape and visual amenity assessment are detailed in Section 15):

- It is difficult to reconcile the statements within the EIS relating to height of proposed buildings with the Figures contained within the EIS (Figures 12-2, 12-3 and 12-19). As these Figures do not include any dimensions or building heights in metres or RLs.
- Despite this EIS being the relevant application for metro station buildings, no certainty is provided in relation to the ultimate form and impact of the development on the land. The photomontage (Figure 12-19) that illustrates no upper-level setback fronting Great North Road is different to the built form diagram that illustrates an upper-level setback above level 2 (Figure 12-6).
- The *Canada Bay Local Environmental Plan 2013* (LEP) prescribes a maximum building height of 15.0m to 17.0m for the land on which the western station building is to be constructed and 17.0m for the eastern station building. The maximum height limit in the LEP is complemented by the *Canada Bay Development Control Plan* (DCP) that includes the following relevant objectives for the Five Dock Town Centre (Part F2.2):

Objective 02 To ensure areas of open space have access to adequate sunlight, especially in mid-winter between 12-2pm.

Objective 16 To reduce potential negative impacts of development such as overshadowing of streets and public open spaces.

Objective 33 To ensure adequate sunlight is available for all buildings, streets and public open spaces.

These objectives are reinforced by development controls in the form of building envelopes (heights and upper-level setbacks) that aim to ensure future development to the north of Fred Kelly Place protects solar access to this public open space (see Figure 1).

Control 46 For development sites to the north of Fred Kelly Place and the new town square, the maximum building height is to be in accordance with Figure F2.18 Secondary Setbacks and Figure F2.23 Maximum Building Height Zones; and no incursions (including plant, balcony rails etc) are to be permitted.

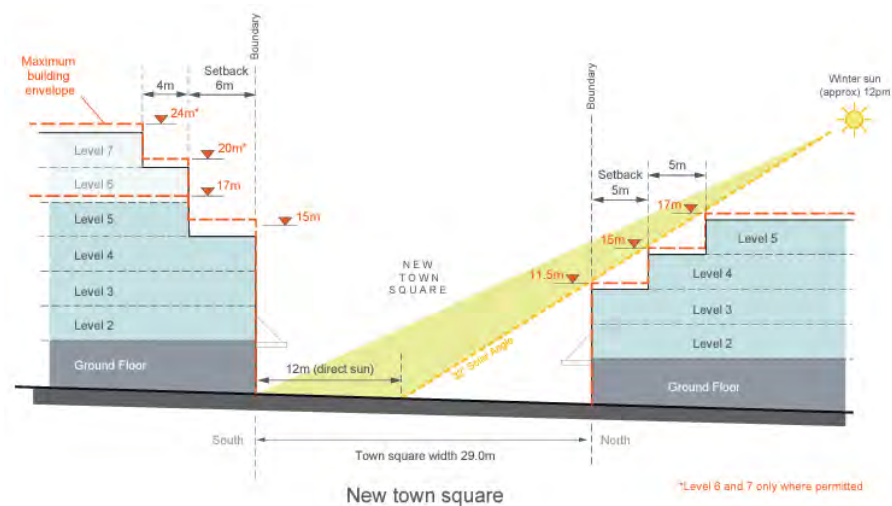


Figure 1: Section illustrating building envelope applicable to land to the north of new town square on eastern side of Great North Road and expanded Fred Kelly Place on western side of Great North Road (Part F, Section D, page F-157)

It is apparent that the building envelope contained within the EIS will result in more overshadowing of Fred Kelly Place than would occur with a development that was compliant with the applicable development controls. This impact appears to occur due to the overall height of the building and the lack of upper-level setbacks above the third and fourth floors.

- The nature of the active street frontage between the station and St Albans church is not adequately described in the EIS. Further clarification is sought to the nature of the proposed active street frontage facing into the St Albans church complex.

Non-Aboriginal heritage

Council has identified the following issues regarding non-Aboriginal heritage at Five Dock Station:

- The proposed bicycle parking adjacent to St Albans Church would negate some of the positive benefits of the proposed setback of the development from the church. The extent and appearance of the bicycle parking is also a concern for visual impact that it may have on the church.
- Only part of the interface of the station structure with the St Albans Church complex has been designated a sensitive interface. The sensitive interface should extend to the full façade of St Albans Church and its grounds.
- The proposed heritage interpretative devices at Five Dock station have the potential to visually dominate St Albans church as the primary visual element in the space. This is an unsatisfactory outcome and is not supported by Council. This issue requires reconsideration by Sydney Metro West.

Transport

The following issues have been identified regarding transport at Five Dock Station (more general comments relating to the transport assessment are detailed in Section 14):

- The *Canada Bay Development Control Plan* includes minimum car parking requirements for retail, office and other non-residential uses. No car parking is proposed to service non-station uses (i.e. retail premises) where these uses are to be co-located with the proposed stations. Whilst metro will play an important role in changing travel behaviour and the mode by which people move around, it is important to recognise the demand for parking generated by development.
- The City of Canada Bay is investigating opportunities to increase the amount of public parking in the Five Dock Town Centre. This initiative seeks to reduce impact of parking on local streets and meet the needs of visitors to the centre as opposed to commuters. Where car parking is unable to be provided on site for non-station uses, Sydney Metro should contribute towards the provision of public car parking elsewhere in the Five Dock Town Centre.
- The location of the proposed kiss-and-ride zones in Waterview Street and Second Avenue are inconsistent with the traffic conditions on these streets. These are both narrow streets which can only accommodate a single lane of traffic at a time when vehicles are parked on both sides of the road and would be generally unsuitable to high frequency pick-up and drop-off activity during peak periods. An assessment of the midblock capacity of these streets to accommodate the forecast pick-up and drop-off demand has not been undertaken to show that these streets can accommodate these functions once the station is built.
- Similarly, the proposed kiss-and-ride zone on the southern side of Second Avenue conflicts with existing private driveway access and planned future vehicle access to a north-south laneway shown in the station precinct site plan.

- The proposed taxi rank is also a significant distance from the station and not visible from station entry and exit points.
- Due to the proximity of East Street to the station box and the relative distance of the proposed kiss-and-ride zones from the station entry, it is likely that East Street will function as a *de facto* kiss-and-ride zone. The existing cul-de-sac at the end of East Street is inadequate to accommodate a standard sized vehicle performing a U-turn in a single manoeuvre and will likely result in significant congestion along East Street.
- The proposal indicates that the existing bus zone on the western side of Great North Road (between Garfield Street and the pedestrian crossing) will no longer be required, however it is unclear what the proposed function of this kerbside space will be.
- The proposed cycle route on East Street terminates at the frontage of the station box, however there is likely to be demand for this cycle route to continue past the station through to Henry Street. As currently shown in the station precinct plan, this cycle route is unconnected to the surrounding cycle network. East Street is also currently not wide enough to provide a bicycle path that is compliant with AS2890 and may compromise the safety and amenity of this cycle route.
- The use of Barnstaple Road as a secondary construction vehicle route is inappropriate as it uses roads that are narrow and residential, including Second Street, Waterview Street and Ingham Street.
- The construction route indicated along Lyons Road West and Harris Road is constrained by the size of the roundabout at the intersection of Lyons Road West and Harris Road. This requires Sydney Metro West to reconsider an alternate appropriate route for construction vehicles.
- The construction traffic management arrangements for services at St Albans church should be extended to cover the Sunshine childcare centre during weekday due to the equivalent levels of traffic congestion during weekday peaks.
- Council has recently completed Stage two of Five Dock streetscape upgrade along Great North Road in the vicinity of Metro station. Following the consultation with Sydney Metro, it was agreed that Council was to exclude the streetscape works fronting the station as well as intersection of Great North Road and Waterview Street and Sydney Metro would complete the streetscape works as part of the station public domain works. Council requests that Sydney Metro follow Council's streetscape design to complete the remaining streetscape works in these locations.

Flooding and hydrology

The following issues have been identified regarding flooding and hydrology at Five Dock Station (more general comments relating to the flooding and hydrology assessment are detailed in Section 16):

- Flood model inputs for Five Dock assume that the station box is blocked from floodwater as part of the baseline conditions. It is not clear why this assumption has

been adopted or why a flood study on the existing condition was not undertaken. Five Dock is generally low-lying which makes the flood impact difficult to interpret on the basis of the baseline scenario only, particularly with respect to diversion and concentrated flows.

- Five dock generally has a number of known hot-spot issues with regard to stormwater and flooding and would benefit from an existing conditions flood analysis to provide better context for the baseline and proposal scenarios.
- Hazard maps for Five Dock shows several locations where the hazard increases directly from H1 to H5. This would be characteristic of flood levels that would overtop existing kerbs in the precinct and should be identified as an impact.
- Flood mapping for Five Dock Station starts exactly at the station box boundary and does not appear to account for upstream flows.

Recommendations

- The Critical State Significant Infrastructure application should be subject to an appropriate condition that requires the detailed design of the Fred Kelly Place extension in Five Dock to be prepared in close liaison with the City of Canada Bay. Consideration should be required to be given to creating a seamless pedestrian experience that integrates with the existing Fred Kelly Place through the use of consistent levels, planting, seating, amenities (playground and public toilet) and type and detail of paving and other details of external areas.
- The Critical State Significant Infrastructure application and EIS should be revised to include detail of station buildings and service buildings, including building height in metres or RLs and ground level setbacks from boundaries and upper level setbacks where proposed.
- The Critical State Significant infrastructure application should be revised to ensure that the proposed building envelope to the north of Fred Kelly Place does not create any additional overshadowing to that contemplated by the *Canada Bay Development Control Plan*.
- Five Dock Library is an appropriate location for the promotion of Metro's 1800 phone number. Library Staff will refer the community to directly contact Sydney Metro about concerns and feedback relating to Sydney Metro. This way, issues are responded to immediately by Sydney Metro West, without requiring Council as an intermediary.
- The engagement of a Noise Advisor, Acoustic and Noise Program, and Construction Working Hours as specified within the Conditions of Consent issued for Stage 1, must continue to apply to all works associated with construction of stations, precincts and ancillary structure.
- A more suitable location for the bicycle parking should be identified that will not impact on the visual amenity of St Albans church.

- Heritage interpretation devices should be “low key” in the vicinity of St Albans church to ensure that they do not visually dominate the space, or St Albans Church.
- The “sensitive design interface” shown in per Figure 12-6 should be extended to cover the whole of the façade facing St Albans Church and its grounds.
- Sydney Metro should liaise with the City of Canada Bay Council with a view to making a contribution towards the provision of car parking in the Five Dock Town Centre to offset the lack of parking for non-station uses and the reduction in on-street parking.
- Suitable conditions should be imposed to ensure that space for loading/unloading and other service vehicles is provided for each metro station so as to minimise impact on the public domain and the operation of surrounding streets.
- The location of kiss-and-ride zones should be re-evaluated to be closer to the station and to ensure that they are located in streets that have sufficient width and mid-block capacity to accommodate the pick-up and drop-off demand. The opportunity to relocate some kiss-and-ride zones to the location of the existing bus zone on Great North Road between Garfield Street and the existing pedestrian crossing should be considered in further planning for the station precinct.
- The cross section of East Street should be re-evaluated in further planning of the station precinct to allow for a continuous cycle connection to Henry Street and to manage the likely demand for pick-up and drop-off activity at the end of East Street. A Road Safety Audit should be undertaken to determine the suitability of East Street for a cycle connection.
- The suitability of Second Street, Waterview Street and Ingham Road as construction vehicle routes should be re-evaluated due to their width and residential nature.
- The suitability of Lyons Road West and Harris Road as construction vehicle routes should be re-evaluated due to the geometric constraints of the roundabout at the intersection of these two roads.
- The Critical State Significant Infrastructure application be subject to an appropriate condition that requires the upgrade of the public domain immediately surrounding the metro station to be undertaken by Sydney Metro and the upgrade is to be consistent with the City of Canada Bay Council’s streetscape design.
- Baseline flood modelling need to be updated to accurately reflect existing conditions and remove the assumption that the station box is blocked from floodwater as part of the baseline conditions.
- Further mitigation detail should be provided for reductions in flood storage, blocking of drainage and evacuation of workers during flood events.
- Further design work should be undertaken to reduce the increase in flood levels around the precinct which current modelling indicates would have an adverse impact on residents in the precinct and reduce flood depth that would overtop existing kerbs.

11. PROPOSAL WIDE IMPACTS (CHAPTER 18)

The following issues have been identified in relation to Chapter 18 Proposal Wide Impacts.

Waste Management

- There is insufficient detail regarding the management of waste during the operation of the proposal, with the majority of the focus of waste management plans being on management of construction waste. Council's view is that the commitment to follow the waste hierarchy should be extended beyond construction phases to the operation of the proposal. This should include the preparation of operational waste management plans to show what waste will be generated by the proposal, where bins will be located and stored and how service access will be provided to collect them.

Recommendations

- The waste management plan should be extended to provide more details around waste generation, storage and collection during operation of the proposal.
- A more detailed breakdown of the waste generation totals should be provided to show the total amount of waste in each stream as well as details regarding the temporary storage transport and destination of construction waste to ensure that community impacts are minimised.

12. OVERARCHING COMMUNITY COMMUNICATIONS STRATEGY (APPENDIX C)

The following issues have been identified in relation to Appendix C Overarching Community Communications Strategy.

- The radius of 100m and 200m for day and night works notifications is considered too small for the community and should apply to any local road traffic impacts.
- The timeframe for issuing notification letter should factor in the time for delivery and should be received at least 7 days prior to works being undertaken.
- Further clarification is sought regarding the print distribution and timelines for the project newsletters.

Recommendations

- The overarching communication Strategy be updated to:
 - Extend the radius of notifications for works from 100m to 200m and from 200m to 400m for day and night works respectively.
 - Change the timeframe for notification letters from “sent at least 7 days prior to works” to “delivered 7 days prior to works”

13. ENVIRONMENTAL RISK ANALYSIS RESULTS (APPENDIX J)

The following issues have been identified in relation to Appendix J Environmental Risk Analysis.

- Whilst greenhouse gas emissions are considered in the environmental risk analysis, there are no specific references to relevant policies or quantified assessment of the carbon impact of the project during construction and operation compared to a Business as Usual scenario. No carbon accounting is provided in Appendix J risk analysis or in the specific chapters for each station. This contrasts with the assessment for other aspects of the proposal for which a baseline assessment is presented along with changes proposed.
- Specific climatic risks such as flooding are considered, however there is no comprehensive and strategic climate risk assessment in line with the guidance from Task Force on Climate Related Financial Disclosures (TCFD) and NSW Treasury.
- Only cementitious materials are specifically mentioned as source of emissions of greenhouse gases from embodied energy in construction materials. There is no quantification of the materials to be used in the proposal, and their embodied carbon and energy. A full assessment would typically include other key products and their embodied energy and carbon (e.g., steel, aluminium and other bulk materials).
- The assessment of the proposal omits risks associated with sourcing certain materials due to supply chain constraints. There is a significant opportunity for such a large-scale project to generate demand for locally sourced materials that generate demand for circular economy products and services that have not been accounted for in the assessment.
- The proposal does not provide any commitment to an Infrastructure Sustainability Council of Australia (ISCA) rating for the project nor to achieve a leading score for sustainability. This contrasts with other leading infrastructure projects including those in NSW that do have an ISCA rating. The ISCA rating sets out four criteria including Governance, Economic, Environment and Social. Within the Environment criteria, the ISCA requires projects to achieve resource efficiency, innovation, sustainable procurement, and the like.

Recommendations

- The assessment of the proposal should be revised to provide carbon assessment and accounting for baseline, business as usual (BAU) projection, construction phase and operation phase scenarios, in line with NSW Climate Change Policy Framework and Net Zero Plan Stage 1 2020-2030 Implementation Update.
- The proposal should commit to publishing statements on climate change impacts, risks and adaptation for the Metro every two years. These statements would identify and address the impacts, risks and opportunities at the proposal-wide level across the station precincts and ancillary facilities, although it is recognised there may be

differences in consequence and likelihood of potential risks at different locations. This should be consistent with the international Task Force on Climate-Related Financial Disclosures (TCFD) recommendations and other relevant international guidance or standards and should be peer reviewed by an appropriately qualified authority, such as an auditor.

- The assessment should include a quantified assessment of materials to be used in the project, their embodied energy and carbon and articulate how the sustainable procurement plan will deliver leading practice in low carbon, low embodied energy materials.
- The assessment of the proposal should be revised to include a quantified circular economy assessment of materials. This should identify risks and opportunities associated with BAU sourcing compared to circular economy sourcing, in line with the NSW Circular Economy Policy.
- The proposal should include a commitment to an ISCA rating for all stages of the project. This commitment to achieve a leading ISCA rating score should match or exceeding other ISCA certified projects, such as the Bexley North and Petersham station upgrades, which achieved scores in excess of 90.

14. TRANSPORT (TECHNICAL PAPER 1&2)

In addition to station specific comments regarding transport at each precinct, the following issues have been identified in relation to Technical Paper 1 and 2 Transport.

- The forecasting of passenger demand by arrival modes has been used as the basis for determining the infrastructure requirements at each station to ensure that the stations and their surrounds operate at a satisfactory Level of Service. These forecasts derived from PTPM indicate significant shares of patronage arriving and departing from stations via park and ride (between 7 and 11 per cent), which would amount to additional parking demand of some 200-400 vehicles in areas where parking is already heavily constrained.
- The assessment of parking impacts focuses solely on any loss of existing on-street parking and doesn't consider the additional impact of increased parking demand generated by park-and-ride trips to the stations nor intensification of development around the stations. This demand is likely to lead to increased illegal parking in station precincts where no mitigation to these demands has been provided beyond broad motherhood statements alluding to non-specific measures to address increased parking demand.
- Where parking demand is constrained (specifically around North Strathfield and Concord Oval (Burwood North) stations), it is likely that constrained parking conditions would push customers away from using park-and-ride and towards other transport options such as walking and cycling. This is likely to mean that the provisions shown for cycling and walking are inadequate.
- The Level of Service for pedestrians has been based on outdated performance standards (Fruin, 2971), while relevant for station platforms and concourse areas, are no longer appropriate for outdoor facilities such as footpaths and shared paths. *Walking Space Guide (Transport for NSW, 2020)* is the current guidance for the design of walking spaces on streets and provides the following commentary on the use of Fruin Levels of Service in NSW:

"Fruin supported development of local standards to suit local social norms (United States of America). This guide is calibrated to Australian urban norms which are different from those more recently developed for London for example. Relatively, Australians have a clear preference for more space."

Consequently, the pedestrian analysis presented in the EIS is likely to underestimate the impacts of the proposal on surrounding footpaths and walkways, particularly around stations within City of Canada Bay Council where footpath widths are generally in the region of 1m.

- Discussion of the integration of Sydney Metro West with the surrounding public transport network has been largely limited to the specification of bus stops, layover space and pedestrian crossings. The EIS document does not provide any documentation of how the frequency and coverage of bus services will change to

respond to the new public transport demand created by the stations and development uplift that accompanies them. This reconfiguration of bus services is fundamental to maximising the catchment of each station and supporting urban renewal that is occurring in and around the station precincts.

- As a general principle, it is Council's understanding that the proposal would use State Roads for construction haulage where possible, as these uses will cause damage to local road pavements. Inadequate information has been provided within the CSSI relating to this.
- Up to 100 existing local car parking spots will be lost across the local government area as result of Sydney Metro West. This loss represents significant disruption to local businesses and residents, if not mitigated. Car parking spots are an economic asset to local businesses, the community and Council and play a complementary role to other types of transport infrastructure. Financial compensation is requested from Sydney Metro West to alleviate the negative externalities of this loss. The compensation would be utilised by Council to provide alternate car parking arrangements and spaces.
- Council's *Five Dock Town Centre Urban Design Study 2013* identified the upgrade of the existing Kings Road Car Park into a three-storey car park for non-commuter purposes, in support of town centre visitor parking. This car park represents an opportunity within the immediate vicinity of the future Five Dock station in alleviating losses of local car parking.
- Council has instigated the potential provision of car parking stations within close proximity of Metro stations. However, any plans for such would be long term 10+ year eventuation. Therefore, interim transitional car parking plans need to be implemented in collaboration with Council.
- The Conditions of Consent to EIS stage 1 required the preparation of a Construction Parking Strategy. However, already at station box excavation stage, local businesses have experienced a reduction in available parking for customers within the vicinity of construction sites. It is pertinent that this issue be closely rectified as a matter of priority and be continually monitored.

Recommendations

- More detailed parking demand management plans are required to address the significant increase in parking demand, that is anticipated as a result of the increased park-and-ride travel demand as the station precincts already experience issues with constrained supply of on-street parking.
- The adequacy of footpaths surrounding the stations should be re-evaluated against the standards for footpath design as outlined in the *Walking Space Guide (Transport for NSW, 2020)* as Fruin Level of Service is no longer accepted for this purpose.
- More detailed documentation of the assumptions in bus network frequency and route changes required to realise the forecast patronage should be provided to ensure that these services are delivered upon opening of Sydney Metro West.

- Sydney Metro should undertake condition assessments for pavements and bridges on local roads used for construction haulage to determine their condition before and after construction and used as the basis for compensation to Council for any decline in the structural integrity of these assets.
- Construction parking by Sydney Metro West contractors has not adhered to the agreement made with Council in relation to management of weekday, weeknight and weekend car parking. This needs to be resolved as a matter of priority as businesses and community are experiencing parking issues. It is requested that the CSSI application associated with Stage 3 EIS continue to apply an appropriate condition that requires construction worked parking to be provided to limit impact on local streets.
- Financial contribution is sought from Sydney Metro West, in relation to the loss of local parking which services local businesses. The negative externality related to loss of parking is significant. It can be assumed that with a one-hour per car spot turnover of customers. It is equivalent to a loss of 7 customers per day per car spot. Over the course of 375 days per week, this is a matter for further planning and compensation provisions. It is requested that an agreement be put in place between Sydney Metro West and CCB in relation to a parking mitigation and compensation agreement.
- Where Sydney Metro West is unable to provide parking to meet the demands of non-station uses and where Metro West works will reduce the number of parking spaces on local streets, it is requested that Sydney Metro West make a financial contribution to Council for the purpose of providing car parking in the Five Dock town centre (the construction of Kings Road Car Park).
- A transitional car parking plan for local businesses should be prepared to ensure local businesses are supported through each phase of construction, and business viability will not be affected.
- That the CSSI be subject to a condition that requires the *Metro West Construction Parking Strategy* be updated to implement measures to mitigate impact on on-street parking for land within immediate vicinity of construction sites.
- It is requested that Sydney Metro West undertake further analysis identifying the future demand for active transport uses in getting to and from the station. In particular, the number of bicycle parking spaces undercover, the width of pedestrian paths and circulation space for pedestrian movements.

15. LANDSCAPE AND VISUAL AMENITY (TECHNICAL PAPER 6)

In addition to station specific comments regarding landscape and visual amenity at each precinct, the following issues have been identified in relation to Technical Paper 6 Landscape and Visual Amenity.

- The Sydney Metro West – Concepts and Stage 1 application was subject to the following conditions of approval:

C-B8 As many trees as practicable must be retained. In addition, within ten (10) years of the date of this approval or no later than the commencement of operation of the CSSI (whichever is earlier) there must be a net increase in the number of mature trees provided at a ratio of 2:1.

C-B9 The CSSI must result in an increase in tree canopy coverage.

Despite these conditions, it is apparent that the subject application will result in a significant reduction in trees in North Strathfield and there is no certainty that there will be an increase in tree canopy coverage in either the Concord Oval (Burwood North) or Five Dock station precincts. There is a general lack of detail provided as part of the station descriptions and the specifics of landscaping and visual amenity mitigation to be provided at each station.

Recommendations

- A suitable condition should be imposed that requires:
 - A plan to be prepared that illustrates the location and inventory of all trees proposed to be removed; and
 - A plan to be prepared that illustrates the location and inventory of all replacement trees to be planted. This plan should demonstrate how the project will provide an increase in the number of mature trees to a ratio of 2:1 and result in a net increase in tree canopy coverage over a 9 or 10 year period.
- Large canopy trees should be specified to replace lost canopy. Replacement street trees should be spaced 6-8 m apart depending on mature tree size. The specific tree species to be used as replacements should be discussed with Council
- Soil volumes should be provided for healthy trees; i.e., 30m³ of soil per medium size tree. If this soil volume cannot be met, designs are to include StrataVault and structural soil under roads and pavements.
- Station designs should take advantage of the opportunities to provide green wall and/or trellises with vines as greenery incorporated into station structures to break up the visual appearance and impacts of these building.

16. HYDROLOGY, FLOODING & WATER QUALITY (TECHNICAL PAPER 8)

In addition to station specific comments regarding flooding and hydrology at each precinct, the following issues have been identified in Technical Paper 8.

The hydrology and flooding assessment has not provided the flood risk hazard classification in accordance with Section C7.3, Control C7 of Part C – General Controls of the *Canada Bay Development Control Plan*, which used the following categories:

A “High Flood Risk” Precinct is an area of land that under 1%AEP conditions is either subject to a high hydraulic hazard or presents significant evaluation difficulties.

A “Medium Flood Risk Precinct is an area of land that under 1%AEP conditions is not subject to a high hydraulic hazard and presents less than significant evacuation difficulties.

A “Low Flood Risk” Precinct is an area above the 100 year flood and includes all area up to and including the “Propellable Maximum Flood (PMF)”

The current hazard classification used in the hydrology and flooding assessment does not clearly demonstrate the change in flooding risk from the proposal in terms that are meaningful to Council’s flood planning policy.

- The adopted modelling approach of combining hydrology and hydraulics within the same model (“rainfall on the grid”) is generally acceptable to Council, however the topography of City of Canada Bay Council is varied, particularly in Five Dock. Further clarification is sought regarding the decision not to use separate hydrological models to derive inflow hydrographs and how the rainfall on the grid or derived hydrographs are used in the flood modelling.
- There are several impacts identified throughout the assessment where increases in flood levels are above desirable levels but are treated as not significant or not adverse. The definition of acceptable level of impact has not been clearly defined; it is Council’s understanding that there should be no increase in flooding impact as a result of the proposal.
- The EIS does not provide sufficient information regarding the design of water quality and drainage infrastructure to adequately determine whether flooding impacts have been satisfactorily mitigated.
- It is unclear from the EIS whether water quality mitigation and monitoring plans have been developed in consultation with Water Quality Australia; it is Council’s expectation that this consultation would be undertaken prior to release of the EIS.
- Clarification is sought regarding the specific use of the following variables in sensitivity modelling:
 - Rainfall intensity and sea-level rise due to climate change: these should be modelled as separable variables

- Roughness sensitivity:
- Variation in drainage blockages: blockages as per ARR2019 should be considered in the specification of drainage infrastructure.
- Clarification is sought regarding:
 - the overall level used in AHD for sea-level rise.
 - the assumed rainfall uplift of 21.3%. It is unclear from the EIS why this specific value was selected and why a range of values was not used to test the sensitivity of flood outcomes to this variable.
 - whether the Concord West Flood Study (Jacobs, 2015) has been used as the basis for flood modelling assumptions, specifically for North Strathfield station.
 - Whether any streamflow data was used in the study.
- Groundwater impacts from the WestConnex project resulted in significant costs to Council and are likely to be repeated for this proposal if groundwater impacts are not well identified and mitigated. The first EIS have not addressed the groundwater impacts on Council's assets.
- Stormwater discharges to Council drainage system as a result of the proposal have not been identified.
- The discharge of groundwater into the Council's stormwater system will reduce the capacity of the system and increase the risks of flooding. Station box groundwater systems that are connected to the tunnel groundwater drainage would mitigate this risk.
- The following are hydrology and flooding matters specific to North Strathfield Station, in addition to those already addressed in Section 8 of this submission:
 - Regarding Part (d) of the SEARs requirements for construction flooding impacts, further clarity is required on what would constitute a significant variation on flood hazard, and what contingencies would be in place to allow workers to evacuate to a safe zone during a flood event.
 - For Part (b) of the SEARs requirements for operation flooding impacts, flood mitigation measures will be required as the increase would cause adverse impact on the affected residents and property owners. Also the minimum freeboard of 300mm is not met for Waratah Street and this location does not meet the requirements of the SEARs.
 - The flood report fails to provide flood velocity plots to verify the information shown in flood hazards map, Figure A-22 in the precinct. Additionally, this figure shows the flood extent as cut off from a known drainage warning area downstream of the precinct, whereas upstream works would have impacts on the flow distribution into this drainage warning area.
- The following are hydrology and flooding matters specific to Concord Oval (Burwood North) Station, in addition to those addressed in Section 9 of this submission:

- In accordance with the *Canada Bay Development Control Plan*, the properties fronting Burton Street will be required to obtain an easement over the Concord Oval (Burwood North) site to drain their surface stormwater flow to a legal point of stormwater discharge.
- The reported hazard levels only show the change in hazard from the baseline scenario to the proposal scenario and do not place these impacts in the context of existing flood conditions.
- Part (d) of the SEARs requirements for operational flooding impacts identifies flow depths that would be likely to overtop existing kerbs, however this has not been addressed in the assessment of flood impacts.

Recommendations

- Flood modelling and station precinct design should be reassessed on the basis of revised flood modelling that takes into account the following:
 - Existing flooding conditions in addition to the assumed baseline scenario
 - Rainfall intensity and sea-level rise due to climate change as separate variables
 - Roughness sensitivity
 - Variation in drainage blockages: blockages as per ARR2019 should be considered in the specification of drainage infrastructure.
 - Reports flood hazards in line with the *Canada Bay Development Control Plan* flood risk hazard levels
- The station precinct designs should be amended to eliminate any adverse impact (i.e., no rise in flood level as a result of the proposal).
- In cases where no flood information or previous flood study has been undertaken (e.g., Five Dock) a pre-flood analysis of existing conditions should be undertaken to validate the baseline scenario.
- The results of and revised modelling to address these factors, along with the modelling should be provided to Council for review prior to approval of construction.
- Further detail of flood levels around station precinct should be provided that include flow velocity plots and tabular $V*D$ values for areas of concern around each station box and also to extend further into flood risk areas than currently shown in the EIS.
- Council should be included in any groundwater investigations and act as an approval authority for any investigations and works that will impact groundwater.
- Further work is required to identify the stormwater drainage to Council's drainage system. A condition should be placed on the proposal for an approval under Section 68 of the *Local Government Act 1993* prior to the completion of stormwater drainage design.

- The station groundwater discharge should drain to the tunnel groundwater drainage system and not into Council's stormwater systems.
- Additional recommendations relating to hydrology and flooding at North Strathfield Station:
 - Further mitigation detail needs to be provided for reductions in flood storage, blocking of drainage and evacuation of workers and people during flood events.
 - Plots of 1%, and 5% AEP, PMF and flood velocity should extend to show more of Queen Street and Beronga Street north of the station box.
 - Further design work needs to be undertaken to reduce the increase in flood levels around the precinct which current modelling indicates would have an adverse impact on residents in the precinct and reduce the flood impact at the Wellbank Street- Queen Street intersection and Queen Street-Beronga Street intersections due to post development flow distribution.
 - A review of the existing public stormwater drainage system is to be evaluated and upgraded.
- Additional recommendations relating to hydrology and flooding at Concord Oval (Burwood Road) Station:
 - Properties along Burton Street will be required to obtain an easement over the Concord Oval (Burwood North) site to drain their surface stormwater flow to a legal point of stormwater discharge, in accordance with the Canada Bay DCP.
 - Information and data have not been provided in relation to existing flood conditions, and only show the change in hazard levels, in order to determine full flooding impacts
 - The assessment of flood levels have not been adequately undertaken despite flooding maps showing water levels to be above kerb levels.

17. SOCIAL IMPACTS (TECHNICAL PAPER 9)

The following issues have been identified in relation to Technical Paper 9 Social Impacts:

- The area around Concord Oval (North Burwood) station has approximately 16% of residents that are not fluent in English and would benefit from community engagement materials translated into relevant languages.

Recommendations

- Identify Concord Oval (North Burwood) as an area with linguistic diversity and ensure that community engagement materials are translated into the relevant languages.



Draft Plan of Management

for

CONCORD OVAL



May 2022

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1 INTRODUCTION

1.1 What is a Plan of Management?

A Plan of Management provides the framework for managing public land. It sets out how public land is intended to be used, managed, maintained and enhanced in the future.

The NSW *Local Government Act 1993* requires a Plan of Management to be prepared for all public land that is classified as community land under the Act. This requirement applies to community land owned by a Council, and Crown land for which Council is Crown Land Manager. The *Crown Land Management Act 2016* authorises local Councils appointed as Crown Land Manager to manage dedicated or reserved Crown land under the Local Government Act.

The review of the Plan of Management for Concord Oval reflects the upgrade to sporting and community facilities underway and proposed at Concord Oval, and meets the requirements of the *Crown Land Management Act 2016*. Upon adoption this Plan of Management will supersede all previous Plans of Management for the study area.

1.2 Background to this Plan of Management

Concord Oval was for many years a suburban sports ground. It was significantly upgraded with grandstand seating and player and spectator facilities in 1985 prior to its use as a match venue for the 1987 Rugby World Cup and use by the NSW Waratahs.

In recent years regular users of Concord Oval have been West Harbour Rugby Union first-grade Shute Shield team for home games, West Tigers Rugby League Club as their base for training and administration, and Inter Lions Football Club for state league football fixtures.

A Plan of Management for the Concord Oval Precinct, incorporating Concord Oval and the adjacent Cintra Hockey Field, was adopted by City of Canada Bay in November 2012. Since 2012 the Cintra Hockey Field was relocated within Cintra Park north-east of Concord Oval to make way for the construction of Westconnex.

Council has recognised that the current community, social and recreational infrastructure in Canada Bay, including facilities and services, will be inadequate to effectively support the increasing population, changing demographics and community aspirations into the future.

Concord Oval is ideally located to meet needs for sporting, recreational and social infrastructure due to existing and planned public transport networks. Council progressed plans for redevelopment of sporting and community facilities at Concord Oval in partnership with the Commonwealth and NSW governments and user groups. The new facility will deliver a range of community services including a new indoor recreation centre, open spaces for passive recreation, rooms for community use, new match day facilities for local sporting clubs, a new high-performance Centre for the Wests Tigers, and community access for informal recreation.

Construction started in 2020 and is expected to be completed in 2022.

This Plan of Management is written from the viewpoint that most of the redevelopment has been completed by the date of adoption of this plan, and that the remaining actions to be completed are listed in the Action Plan tables later in this plan.

1.3 Land to which this Plan of Management applies

This Plan of Management applies to Concord Oval, as shown in Figure 1.

Figure 1 Concord Oval study area



SITE LOCATION MAP

Key features of Concord Oval include:

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

- link to the Parramatta River via the open space of St Luke's and Cintra Parks
- proximity to Westconnex, the Parramatta Road transport corridor and the proposed Burwood North Metro Station.

1.4 Objectives of this Plan of Management

This Plan of Management will update the 2012 Plan of Management as it applies to the study area and provide a holistic framework for the ongoing management, use, improvement and maintenance of Concord Oval for the next 10 years. The objectives of this plan are to:

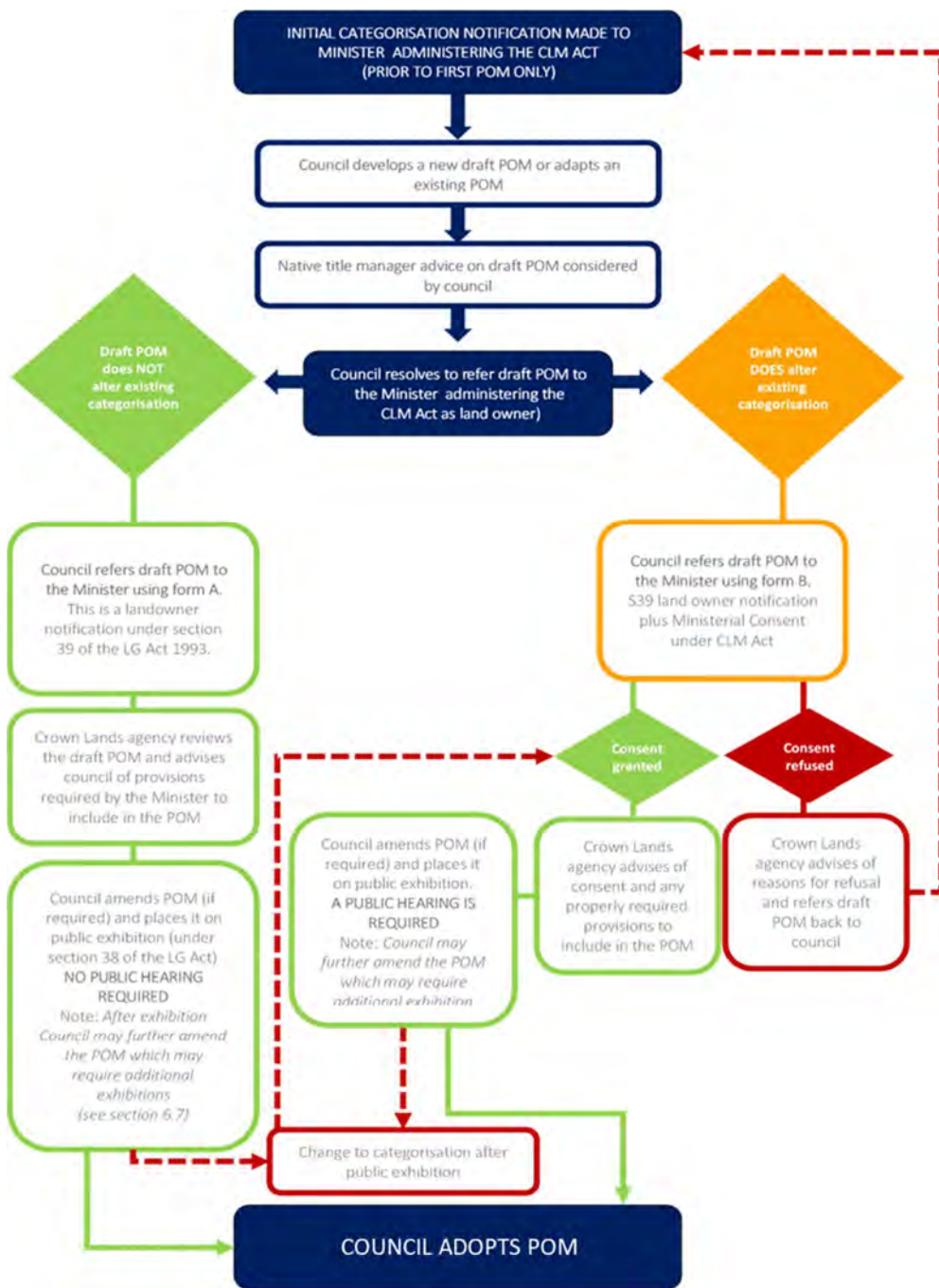
- provide a framework for the ongoing use, maintenance and management of Concord Oval
- comply with relevant legislation, particularly the Crown Land Management Act 2016, Native Title Act 1993, and the Local Government Act 1993
- be consistent with the City of Canada Bay's relevant strategies, plans and policies
- reflect the values and expectations of the community, user groups, local residents, and all other users who will use and enjoy Concord Oval
- protect, enhance and balance the recreational, community, cultural heritage, environmental and open space values
- guide future uses and developments of Concord Oval
- authorise leases, licences and other estates on the land with provision for the addition of a reserve purpose by the Minister administering the Crown Land Management Act to facilitate certain use agreements
- categorise areas of land within Concord Oval to reflect proposed uses
- include clear and achievable management strategies, actions and performance targets which reflects Council's corporate planning goals and plans
- identify priorities for the allocation of resources to inform future capital works and maintenance programs consistent with identified community needs.

1.5 Process of preparing this Plan of Management

1.5.1 Introduction

The process of preparing this Plan of Management is outlined below in Figure 2.

Figure 2 Process of preparing a Plan of Management for Crown Land



1.5.2 Community and stakeholder engagement

A community and stakeholder engagement program was undertaken by Council in late 2018 to enable the community to collaboratively inform the detailed design of the Redevelopment of Concord Oval (ROCO) in preparation for the Development Application process. The Redevelopment of Concord Oval (ROCO) – Community Engagement Outcomes report (City of Canada Bay, 2019) outlines the results of the community engagement process undertaken in late 2018. Elements of the proposed ROCO, including a new indoor recreation centre, open spaces for passive recreation, community meeting and program rooms, and on-site parking received strong community support.

After advice from the Native Title Manager was received the Draft Plan of Management was approved by Council to be referred to the Department of Planning and Environment – Crown Lands (DPE-CL), with provisions required by DPE-CL being included. The Draft Plan of Management was approved by the Minister administering the CLM Act as suitable and appropriate for Council adoption, subject to the outcomes of public exhibition.

The Crown Land Management Amendment (Plan of Management) Regulation 2021 exempts Council from the requirement to hold a public hearing into the proposed categorisation of Crown land in accordance with Section 40(A) of the *Local Government Act 1993*.

The Draft Plan of Management will be exhibited for public comment in accordance with Section 38 of the *Local Government Act 1993*. Submissions will be received, considered and appropriate amendments incorporated into the final Plan of Management.

1.6 Requirements for Crown and community land

Requirements for a Plan of Management for community land, and for Crown land managed by a Council, are as provided by the *Local Government Act 1993*. These requirements and where they can be found in this Plan, are listed in Table 1.

Table 1 Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
Categorisation of community land	Section 3
Core objectives for management of the land	Section 4
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Section 5
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Section 5
A description of the scale and intensity of any permitted use or development.	Section 5
Authorisation of leases, licences or other estates over community land.	Section 5
Objectives and performance targets.	Section 6
Means by which the plan's objectives and performance targets will be achieved.	Section 6
Means for assessing achievement of objectives and performance targets.	Section 6

This Plan of Management has also been prepared according to the requirements of the *Crown Land Management Act 2016*. A Plan of Management will satisfy the *Crown Land Management Act 2016* if the points in Table 2 are addressed.

Table 2 Contents of a Plan of Management required by the Crown Land Management Act 2016

A Plan of Management prepared by a Council crown land manager satisfies the Crown Land Management Act if:	How this plan satisfies the Act
It is consistent with the purposes the land has been reserved or dedicated. (Sections 3.13 and 2.12 of the Act)	This Plan has been prepared consistent with the purpose(s) of the reserves and dedications.
It has been prepared under the <i>Local Government Act 1993</i> and is classified community land that is either dedicated or reserved Crown land. (Sections 3.32 (1)(b) and Section 3.23 (6))	All Crown land that this Plan of Management has been prepared for is either dedicated or reserved Crown land under the management of City of Canada Bay Council, or is community land under the <i>Local Government Act 1993</i> and therefore required to have a Plan of Management.
Plans of Management for the land are to be prepared and adopted in accordance with the provisions of Division 2 or Part 2 of Chapter 6 of the <i>Local Government Act 1993</i> (Section 3.23 (7) (d))	This Plan has been prepared to satisfy the requirements of the <i>Local Government Act 1993</i>
If the draft Plan of Management alters the categories assigned as provided by this section, the council manager must obtain the written consent of the Minister to adopt the plan if the re-categorisation would require an addition to the purposes for which the land is dedicated or reserved	Written consent of the Minister will be obtained through the review of the draft Plan by the Crown.
Hold public hearing under section 40A of the <i>Local Government Act 1993</i> . (Section 3.23 (7) (d))	The Crown Land Management Amendment (Plan of Management) Regulation 2021 exempts Council from the requirement to hold a public hearing into the proposed categorisation of Crown land in accordance with Section 40(A) of the <i>Local Government Act 1993</i> .
Excepting where the relevant land is excluded land, the written advice of at least one Council's Native Title Manager that it complies with any applicable provisions of the native title legislation has been obtained. (Section 8.7 (1) (d))	Council has received the advice of a native title manager that the plan complies with the <i>Native Title Act 1993</i> (Cwth).
Council must comply with any requirements of the native title legislation in relation to the land (Section 8.10)	The Plan of Management has been prepared to ensure any impacts on native title will be appropriately addressed under the future act provisions of the <i>Native Title Act 1993</i> . Council shall meet the notification requirements of Section 24JB of the <i>Native Title Act 1993</i> in relation to the construction or establishment of a public work prior to further approval.

2 DESCRIPTION OF CONCORD OVAL

2.1 Location and context

Figure 3 shows the location and context of Concord Oval.

Figure 3 Location of Concord Oval



Concord Oval is located in the suburb of Concord within the Canada Bay local government area. The study area is approximately mid-way between Sydney 10 kilometres to the east and Parramatta in the west.

Concord Oval is bounded by Parramatta Road and commercial businesses across Parramatta Road to the south, Loftus Street and detached residential dwellings to the west, Gipps Street and St Luke's Park/Cintra Park to the north, and a Westconnex site to the east. Concord Oval is situated within the Crown Reserve for St Lukes and Cintra Parks, an extensive area of Crown land extending north to Canada Bay.

2.2 History and cultural heritage

2.2.1 History of Concord Oval site

A Heritage Interpretation Strategy was completed in 2021 including a detailed history of the Concord Oval site. This history has been separated into six distinct phases:

- The original environment
- Aboriginal cultural heritage and land use
- The Longbottom Farm

- The Longbottom Stockade
- St Luke's Park
- Concord Oval.

An excerpt from this report providing more detail on these six phases is included at Appendix A.

2.2.2 Heritage significance

The entry gates to St Lukes Park at Concord Oval are listed both in the Canada Bay Local Environmental Plan 2013 Schedule 5 (Item 308) and the State Heritage Inventory as having local heritage significance.

The State Heritage Inventory listing describes the "park entrance and mature fig tree from c.1920s period" as forming a "notable element in the streetscape" demonstrating aesthetic characteristics to the local area (NSW heritage assessment criteria c).

The entry gates have a special local association and are "an important memorial to former mayor of Concord, Daniel Zoeller" (NSW heritage assessment criteria b). The gate posts were reconstructed in 1931-32 and remodelled and relocated to Loftus Street in 1987. The heritage gates have been relocated to their original position as part of the ROCO.

2.3 Significance of Concord Oval

Concord Oval is a first-class sporting and leisure facility in Sydney, and is a premier sporting facility in the City of Canada Bay local government area. An excellent playing surface and proximity to public transport set Concord Oval apart from many first-class sporting grounds in Sydney.

Other significant features of Concord Oval are:

- prominent location on Parramatta Road including the local heritage listed Daniel Zoeller memorial gates at the Parramatta Road entry forecourt
- its position as the 'gateway' to the City of Canada Bay
- Centre of Excellence for the West Tigers featuring high performance training, education and administration facilities
- match day facilities for local sporting clubs
- Sydney Water stormwater channel
- water harvesting, recycling and reuse initiatives
- carparking areas
- linkages to adjoining parks, sporting fields, and walking and cycling paths.

2.4 Land ownership and management

2.4.1 Introduction

The ownership and management of the five parcels of land which comprise Concord Oval are shown in Figure 4 and detailed in Table 4.

2.4.2 Ownership and zoning

The land covered by this Plan of Management is legally known as:

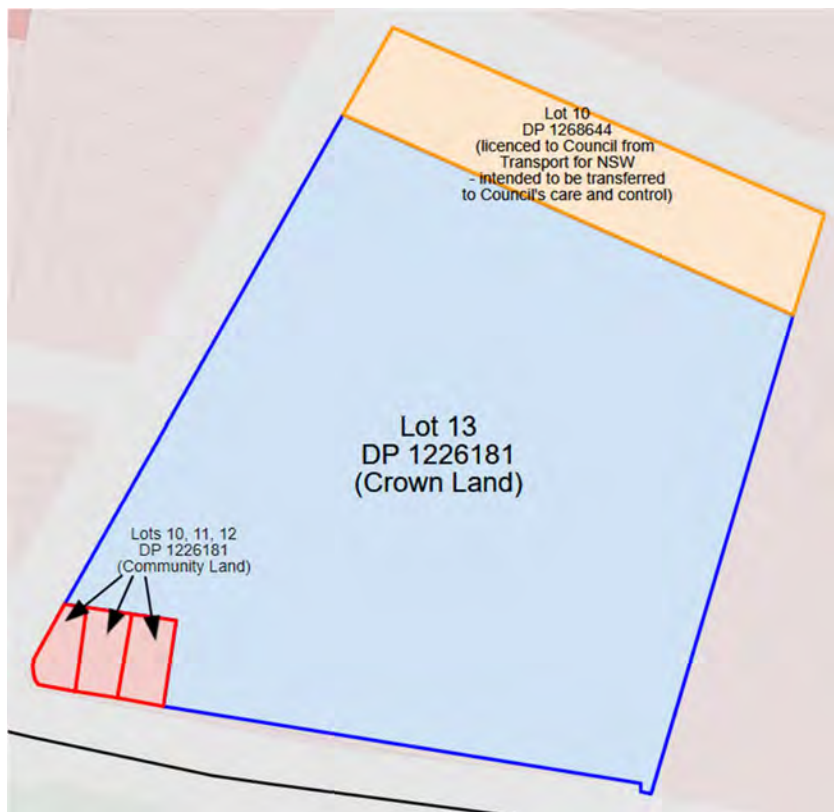
- Lots 10 - 13 in DP 1226181, Loftus Street
- Part Lot 10 DP 1268644, corner of Loftus Street and Gipps Street.

Concord Oval is comprised of Crown land and community land either managed or owned by City of Canada Bay Council as shown in Figure 4.

Part of the Crown land comprising Concord Oval has been acquired by Roads and Maritime Services (RMS) which then became Transport for NSW (TfNSW) as part of Westconnex related works. From discussions with Crown Lands, Council's understanding is that this land will be transferred back to Council's care and control soon after completion of Westconnex works.

The land is zoned RE1 Public Recreation.

Figure 4 Ownership of land in Concord Oval



Easements over Lot 10 DP 1268644 are for:

- stormwater: Sydney Water for gross pollutant trap and for maintenance
- land required for road purposes
- sewerage purposes (10 metres wide).

Table 3 Ownership and management of Concord Oval

Lot/DP	Features	Area (ha)	Owner	Manager	Public Purpose
Lot 13 DP 1226181	Concord Oval Building A Part of Concord Oval Recreation Centre Ancillary structures Sydney Water stormwater channel and ancillary structures.	3.5	Crown D.500466 dedicated for Public Park on 8 May 1886 under Section 105 of <i>Crown Lands Act 1884</i> .	City of Canada Bay is Crown Land Manager. Sydney Water Corporation has an 'interest' regarding the stormwater channel.	Public Park
Part Lot 10 DP 1268644	Part of Concord Oval Recreation Centre. Sydney Water stormwater channel and ancillary structures.	0.57	Formerly Crown land, part of D.500466. Held by Transport for NSW to be transferred back to Crown.	City of Canada Bay is Crown Land Manager. Sydney Water Corporation has an 'interest' regarding the stormwater channel.	Public Park
Lot 10 DP 1226181	Corner treatment, pedestrian entry, landscaping	0.038	City of Canada Bay	City of Canada Bay	-
Lot 11 DP 1226181	Pedestrian entry, landscaping	0.043	City of Canada Bay	City of Canada Bay	-
Lot 12 DP 1226181	Pedestrian entry, landscaping	0.043	City of Canada Bay	City of Canada Bay	-

The majority of the land subject to this Plan of Management is Crown land (R.500466), part of a larger area of Crown land comprising St Luke's Park and Cintra Park which is dedicated for Public Recreation.

Concord Oval is in the Parish of Concord, County of Cumberland.

The City of Canada Bay is Crown Land Manager.

The reserve purpose of R.500466 is Public Park. It is proposed that Community Purposes is added as a reserve purpose to reflect the community sporting facilities at Concord Oval. Refer to Appendix B for the material harm test for the addition of an additional purpose to Concord Oval.

Table 4 shows the native title status of Lot 13 DP 1226181 and Part Lot 10 DP 1268644 in R.500466 at 28 February 2022.

Table 4 Native title and Aboriginal land claims

Native title status as at 28 February 2022	
Subject land	R.500466 Lot 13 DP 1226181 Part Lot 10 DP 1268644
Current Native Title application (claim)?	No
Determination of Native Title?	No
Registered Indigenous Land Use Agreement?	No

Native title status as at 28 February 2022	
Acts likely to have extinguished native title?	No
Compulsory acquisitions of native title or future act protection determinations?	Yes (Part Lot 10 DP 1268644)
Native title certificates under CLMA issued?	No
Aboriginal land claims under the <i>Aboriginal Land Rights Act 1983</i>	No

Community land

Three small lots located at the corner of Parramatta Road and Loftus Street (Lots 10-12 DP 1226181) are owned by City of Canada Bay. This is land owned in fee simple by the City of Canada Bay and is classified as community land under the *Local Government Act 1993*.

Sydney Water land

Sydney Water do not own, but they have an interest in, the stormwater channel on the eastern edge of the site.

2.4.3 Management

Concord Oval is managed by City of Canada Bay Council, which is responsible for:

- development, maintenance and management of Concord Oval
- managing leases, licences and other use agreements liaising with user groups about wet weather arrangements, improvements to facilities
- allocation of resources (financial, human and physical) for park development and maintenance
- maintenance of relevant infrastructure and facilities including the maintenance obligations required of all lessees and licensees
- ensuring the site is managed in accordance with the Plan of Management

Council is also responsible for review of this Plan of Management when necessary to enable changing circumstances and community needs to be considered and incorporated.

2.4.4 Public access

Prior to the start of the current redevelopment works, Concord Oval was primarily used for organised sport. Public access to the sportsground and surrounding grandstands was limited to coming to watch organised sport. The exception to this was at the northern end of the study site which was available to the public for car parking.

With the completion of the redevelopment in 2022, Table 5 reflects the intended public access to various parts of the site.

Table 5 Public access to Concord Oval

Section of Concord Oval	Available Public Access	Total area m ²	Publicly Accessible m ²	Publicly Accessible Area %	Maximum time available (annual)	Publicly Accessible Hours (annual)	Publicly accessible hours %
Oval	Available when not in use for organised sport	8,000	8,000	100	4,471 ⁽¹⁾	4,083 ⁽²⁾	91
Building A (Centre of Excellence)	All non-leased/licenced areas other than service/utilities	8,847	4,286	48	3,267 ⁽³⁾	3,267 ⁽³⁾	100
Building B (Concord Oval Recreation Centre)	All areas other than services /utilities and administration	9,561	9,204	96	6,022 (5.30am to 10pm)	5,312	88
Outdoor informal recreation	Available outside of matchplay use	18,900	18,900	100	4,471 ⁽¹⁾	4,083 ⁽²⁾	91%
TOTAL		45,938	40,390	88%			

Public access to the site is available a minimum of 5,360 hours annually (16 hours/day weekdays and 12 hours/day weekends less 2 public holidays).

(1) Average hours between sunrise and sunset at December solstice is 14.5 hours. Average hours between sunrise and sunset at June solstice is 10 hours. Average daylight hours for use of the oval without lights and the outdoor informal recreation areas is taken to be 12.25 hours per day x 365 = 4,471 daylight hours.

(2) based on current draw – may change minimally based on subsequent season draws

(3) based on standard office hours 7 days per week.

2.4.5 Key stakeholders at Concord Oval

Stakeholders responsible for management of land and facilities at Concord Oval are listed in Table 6.

Table 6 Stakeholders in Concord Oval

Organisation	Responsibilities
Minister for Lands and Water Department of Planning and Environment – Crown Lands	Land owner/manager Use of the park according to public purpose Native title provisions Leases over Crown land
City of Canada Bay	Land owner Management Asset management Community and stakeholder engagement Community safety Bookings Maintenance Funding
Transport for NSW	Temporary land owner

Organisation	Responsibilities
Sydney Water	Capital works and maintenance of Sydney Water assets
Sporting groups <ul style="list-style-type: none"> West Harbour Rugby Union Club West Tigers Rugby League Club 	Meet requirements of use agreements as relevant.
Other lessees/licensees and users	Meet requirements of use agreements as relevant.
Local residents	Neighbours Users
NSW Police	Crime prevention

2.5 Physical characteristics

2.5.1 Landform and soils

The topography of Concord Oval is generally flat. The base of the stormwater channel is the lowest point of the study area.

The eastern section of Concord Oval is Class 2 acid sulfate soil, and the western section of Concord Oval is categorised as Class 5 as shown in Figure 5.

As a requirement of the Concord Oval redevelopment works, a Remediation Action Plan was prepared to govern the management of contaminated materials on site. At the completion of construction a Site Action Plan (SAP) will be implemented. Any future capital works at the site will need to be managed in accordance with the SAP.

Figure 5 Acid sulfate soils in Concord Oval



2.5.2 Hydrology and drainage

Stormwater flows north-south under Parramatta Road and Gipps Street via a concrete stormwater channel on the eastern side of Concord Oval.

A Gross Pollutant Trap and inspection pits for the stormwater channel are located adjacent to Gipps Street. Ongoing access is required by Sydney Water to service and maintain the facility.

The redevelopment of Concord Oval includes Water Sensitive Urban Design (WSUD) considerations to manage its stormwater discharge appropriately.

2.5.3 Flora

Mature trees, including heritage Moreton Bay Fig trees and Brush Box, have been retained on the Loftus Street boundary. Protection of the heritage fig trees was an important factor in the design of the entry plaza.

Substantial mature trees including a row of Melaleucas have been retained on the Gipps Street boundary.

The plant schedule for the redevelopment of Concord Oval includes feature trees (Norfolk Island Pine, Claret Ash and Southern Magnolia 'Little Gem'), and native trees (Red Bloodwood, Grey Ironbark and Water Gum).

The planting schedule also includes ornamental shrubs, screen planting between the oval and the Recreation Centre, ornamental grasses and groundcovers, rain garden planting and a rehabilitated riparian edge, and turf.

Sydney Water place constraints on planting within the 1:100 flood limit within 5 metres of the stormwater canal.

2.6 Access and circulation

Concord Oval is easily accessible by foot, bicycle, private and authorised vehicles, and public bus and rail services.

2.6.1 Pedestrian and cycle access

Footpaths are available along all adjoining streets.

Concord Oval is linked to St Luke's and Cintra Parks and walking tracks north to the Parramatta River by a footbridge from the north-west corner of the Oval across Gipps Street. A main pedestrian access connects to the Gipps Street pedestrian bridge from Loftus Street near the corner with Gipps Street.

A large pedestrian forecourt/entry plaza is on the Loftus Street frontage at the Gipps Street end which is adjacent to the pedestrian overbridge across Gipps Street. The plaza serves as a central plaza to the sports and recreation ground while also acting as the primary pedestrian entry to Concord Oval.

A pedestrian refuge island is provided in Gipps Street, east of the vehicle entrance to facilitate crossing movements of pedestrians and cyclists. This island links the proposed shared path on the eastern boundary of Concord Oval to the shared path in Cintra Park.

Other pedestrian entrances are at the eastern end of the oval in Loftus Street and from Parramatta Road. The southern boundary adjacent to Parramatta Road includes the control point/gates for match day access for spectators.

New accessible pedestrian pathways circulate around the site with landscaped gardens.

A bike lane along Gipps Street is part of a regional bike route Queens Road-Gipps Street-Patterson Street linking Sydney City and Sydney Olympic Park.

Bike parking is available under Building B.

2.6.2 Vehicle access

Three parking areas with a total of 326 parking spaces are provided within Concord Oval.

Vehicle access to the basement parking area under Building A (72 spaces) is available from Loftus Street. The vehicle driveway to the car park off Loftus Street is via a combined entry/exit driveway. The car park and driveway ramp to Loftus Street fully complies with ASS2890.1 requirements.

Vehicle access to the public car park below Building B (132 spaces) along the frontage of Gipps Street and the overflow parking area (122 spaces) is from a combined entry/exit driveway with two exit lanes and one (1) entry lane located in Gipps Street.

A service vehicle area for Sydney Water maintenance vehicles is provided on the eastern side of the Gipps Street vehicle entry, signposted for use by Sydney Water vehicles only.

2.6.3 Public transport access

Sydney Buses routes serve Concord Oval along Parramatta Road and Burwood railway station is 1.25 kilometres to the south.

Tunnelling for the Metro line is underway and the Burwood North Metro Station is scheduled for construction in 2025. Once completed, this station will further improve access by public transport to Concord Oval.

2.7 Built facilities

2.7.1 Introduction

The redevelopment of Concord Oval is intended to be completed in 2022. The key elements of the Concord Oval precinct are the oval, Building A (Centre of Excellence), Building B (Concord Oval Recreation Centre), and open green spaces for informal recreation and landscaping. The layout of Concord Oval after completion of construction is in Figure 6.

Figure 6 Concord Oval layout after construction



The Concord Oval precinct can be enclosed by fencing so the site can facilitate ticketed events.

2.7.2 Sportsfield

Concord Oval is a high quality turf sportsfield to accommodate first-class sports matchplay and training during daylight hours.

Covered seating for approximately 800 spectators is provided on the western side of the field. Grassed mounds for spectator seating are on the eastern and southern sides of the playing field.

2.7.3 Buildings

Building A (Centre of Excellence) is scheduled for completion in mid-2022. The Concord Oval Recreation Centre (Building B) is scheduled for completion and opening in the last quarter of 2022.

Elements of Buildings A and B are listed in Tables 7 and 8.

Table 7 Elements of Building A (Centre of Excellence) at Concord Oval

Elements	Building A
Professional sports facilities	<p><i>Each level of the building is accessed via lift</i></p> <p>Level 1:</p> <p>West Tigers</p> <p>Offices</p> <p>Staff/players lounge</p> <p>Media rooms</p> <p>Meeting rooms</p> <p>Board room</p> <p>Theatrette</p> <p>Balcony and external kitchenette</p> <p>Male and female toilets</p> <p>Ground Floor:</p> <p>West Tigers Centre of Excellence:</p> <ul style="list-style-type: none"> - reception and merchandise store - high performance office - sport science lab, player study, sleep room, recovery pool, steam and sauna, physiotherapy, icing, strapping areas - strength and conditioning, boxing and wrestling areas - male and female changing rooms - external training area - storage <p>West Harbour Rugby training and administration area:</p> <ul style="list-style-type: none"> - gymnasium - administration - breakout area - kiosk <p>Basement:</p> <p>Concourse and seating level to playing field</p> <p>Home and away team change rooms</p> <p>Referees change room</p> <p>Wests Tigers medical room</p> <p>West Harbour storage</p> <p>Wests Tigers storage</p>

Elements	Building A
Public/shared community accessible facilities and spaces	Level 1 Outdoor terrace Multi-purpose room Balcony Commercial kitchen and store Match viewing boxes Amenities for male and female attendees Ground floor Accessible amenities for male and female attendees
Tenancies	Ground floor Café Kitchen Food storage
Car parking	Basement 72 parking spaces accessed from Loftus Street Bike parking
Operational	Loading dock accessed from Loftus Street with manoeuvring area

Table 8 Elements of Building B (Concord Oval Recreation Centre) at Concord Oval

Elements	Building B
Professional sports facilities	n/a
Public/shared community accessible facilities and spaces	Level 1 Concord Oval Recreation Centre: <ul style="list-style-type: none"> - Foyer/reception area - Four netball/multi-purpose sports courts - 2 x studio rooms for group fitness - Spin room - Functional training gym - Creche - Family change room - Male/female and family change rooms/toilet amenities - First aid - Administration offices - Storage <p>The recreation centre will operate between 5.30am and 10.00pm.</p> Ground floor Accessible toilets and change facilities
Tenancies	No
Car parking	Ground floor/undercroft 132 parking spaces accessed from Gipps Street
Operational	Ground floor Storage areas Maintenance equipment storage rooms Fire systems pump room

2.7.4 Informal recreation facilities

An outdoor basketball/multi-purpose court and grassed area for informal community use is situated on the eastern side of the oval.

A mounded area with the inclusion of concrete terraces for spectator seating, together with barbecue shelter facilities, are on the eastern side of the playing field.

2.7.5 Condition of the land and built structures

Concord Oval was completely redeveloped between 2019 and 2022. As such, Concord Oval, Buildings A and B, informal recreation facilities and landscaped areas are in excellent condition.

The Daniel Zoeller Memorial Gates dating from 1913 are the oldest structures in the precinct. The gates are being relocated to the corner of Loftus Street and Parramatta Road to act as a key entrance to the site. The condition of the gates is rated 3 out of 5. The condition of the Sydney Water assets is in Table 9.

Table 9 Condition of Sydney Water assets

Structure	Description	Use	Condition
Stormwater channel	Fenced concrete channel Gross pollutant trap and inspection pits Stormwater Quality Improvement Device (SQID) Stormwater recycling facilities	Water drainage	Adequate
Bridge	Bridge with steps on both sides	Pedestrian access over channel	Very good

Concord Oval has access to connections to existing utility service infrastructure including water, sewer, gas, electricity, and telecommunications.

2.8 Use of Concord Oval

Concord Oval provides for multiple uses, including active field and court sport, informal recreation and games, and social/community activities and cultural events.

2.8.1 Sporting use

The primary focus of Concord Oval is sport, with the provision of first-class facilities for elite level grass field sports and indoor court sports.

Field sports

The oval and parts of Building A are used for training by the West Tigers Rugby League Club, who participate in the National Rugby League (NRL) competition, and by West Harbour Rugby Union Club for matchplay in the Shute Shield, the premier club rugby union football competition in New South Wales.

West Tigers use the oval for training mid-week during daylight hours subject to their lease agreement. West Harbour Rugby use the oval for their home games on Saturdays during daylight hours from March through to September.

Indoor sport

The Concord Oval Recreation Centre is expected to be used for:

- community indoor court sports including basketball, netball, badminton, and indoor soccer/futsal.
- school sports and other programs
- community and partnership programs.

2.8.2 Community uses

West Tigers undertake, and has indicated their intent to offer in the future, community programs and activities in their leased facility in Building A (the Centre of Excellence) as follows:

- Rugby League/Grassroots participation:
 - High School rugby league gala days involving use of the change rooms
 - Rugby League holiday activations and clinics including change room tours
 - NRL Referee and coaching accreditation courses
 - Wheelchair Rugby League engagement/presentations.
- School/Community programs:
 - Wests Tigers Unite Harmony program: social cohesion/multicultural program which targets local high school students in years 7-10. The program addresses themes such as goal-setting, respect, resilience, character development, teamwork and communication whilst delivering rugby league physical activity sessions
 - Wests Tigers Careers Seminars/workshops: delivering workshops to students about working in the sports industry today. the seminars encourage students wanting to work in sport avenues which they can undertake to achieve their desired destination in sport.
 - Harmony Evening workshop
 - NAIDOC/Indigenous Engagement programs and engagements.
- General community engagement: members of the community who are battling on-going health issues and/or disadvantaged backgrounds attend the Wests Tigers offices and training to meet the players and coaching staff.

West Tigers has indicated their intent to commence the following programs in the leased facility:

- Homework Club for local school students
- Community BBQ Breakfast
- hosting various community/school/university groups for excursions and learning opportunities to showcase and experience the new facility
- hosting local groups/charities to utilise suitable function spaces
- host Teacher Appreciation evenings for local schools participating in Rugby League events and programs
- autism friendly suitable locations.

2.8.3 Informal uses

In addition to the predominant sporting use of Concord Oval, it is used for other activities including informal outdoor recreation, walking, walking the dog, ball games on the grassed areas, and informal basketball practice and games.

2.8.4 Use agreements

Several use agreements apply to the use of land and facilities in Concord Oval.

Table 10 Use agreements at Concord Oval

	Concord Oval Part of Building A	Concord Oval Part of Building A	Part Lot 10 DP 1268644
Lessee/ licensee	West Tigers	West Harbour Rugby Union Football Club Ltd	City of Canada Bay
Lessor/ licensor	City of Canada Bay	City of Canada Bay as Cintra Park and St Lukes Park (R500466) Reserve Trust Manager	Transport for NSW
Type of agreement	Lease	Licence	Licence
Term	21 years	5 years from 1 January 2019 to 31 December 2023, then 2 x 5-year options	The licence will terminate on transfer of freehold interest in the land or part of the land from Transport for NSW to the Crown.
Permitted uses and areas used Area used	Use of Concord Oval on weekdays for training purposes during daylight hours. Use of areas in Building A for training uses (gym, change rooms, kitchen, toilets), staff offices Use of vehicle parking spaces. Council reserves the right to hire out the facility / grounds to maximise use of the grounds / facilities, subject to notification of West Tigers and no conflict with West Tigers' use of the ground for training.	Non-exclusive use of the playing surface for playing of competition games of rugby union (excluding training) Non-exclusive use of associated ground amenities including seating, changing rooms and toilets (within permitted times) Exclusive use of specific office, storage and canteen areas in Building A	Licence between Transport for NSW and City of Canada Bay to use 'Licensed Area A' (Part Lot 10 DP 1268644) for construction of and use as a recreation centre, health club with associated amenities, creche and carpark for 120 vehicles and ancillary purposes.

Conditions of use for casual and seasonal hirers are set by Council.

Fees and charges for use of Concord Oval are included in Council's Fees and Charges Schedule and are reviewed every year.

2.9 Maintenance

The Concord Oval playing field, buildings and facilities are maintained:

- by relevant Council staff
- by contractors for specialist tasks such as waste management and tree maintenance
- consistent with the responsibilities outlined in relevant lease and licence agreements.

Concord Oval is maintained to a high standard appropriate for professional sport.

The Concord Oval Recreation Centre will be maintained by Council as the facility operator.

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3 PLANNING CONTEXT

3.1 Introduction

This section describes the wider legislative and policy framework applying to Concord Oval.

Full versions of the legislation referred to below are found on-line at www.legislation.nsw.gov.au and www.austlii.edu.au. City of Canada Bay's website is www.canadabay.nsw.gov.au.

Table 11 outlines the national, state, regional and local planning context which influences the use, development and management of Concord Oval.

Table 11 Planning context of Concord Oval

	Land use planning and management	Open space / active and informal recreation	Community and culture	Environment
Common-wealth	<i>Native Title Act 1993</i>	Sport 2030	<i>Disability Discrimination Act 1992</i>	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
NSW	<i>Aboriginal Land Rights Act 1983</i> <i>Crown Land Management Act 2016</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2021</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Roads Act 1993</i> <i>Local Land Services Act 2013</i> SEPP (Infrastructure) 2007 Crown Lands State Strategic Plan – A Vision for Crown Land	NSW Premier's Priorities Draft NSW Public Spaces Charter Greener Places Policy Draft Greener Places Design Guide Better Placed Policy Her Sport Her Way: Women in Sports Future Sports Plans Delivering Sport and Active Recreation in NSW 'Everyone Can Play' Guidelines <i>Companion Animals Act 1998</i> and Regulation 2008	<i>National Parks and Wildlife Act 1974</i> <i>Heritage Act 1977</i>	<i>Biodiversity Conservation Act 2016</i> <i>Contaminated Land Management Act 1997</i> Five Million Trees for Greater Sydney (5MT)
Sydney	A Metropolis of Three Cities: Greater Sydney Region Plan	Draft 50-Year Vision for Greater Sydney's Open Space and Parklands Greater Sydney Green Grid		
Regional/District	Eastern City District Plan	Sydney Green Grid – Central District		

	Land use planning and management	Open space / active and informal recreation	Community and culture	Environment
Canada Bay LGA	Canada Bay Local Strategic Planning Statement Your Future 2030 Canada Bay Local Environmental Plan 2013 Canada Bay Development Control Plan Canada Bay Section 94 Contributions Plan	Social Infrastructure (Open Space and Recreation) Strategy Let's All Play Strategy Dogs in Public Places Strategy	Aboriginal and Cultural Heritage Study and Management Plan 2006 Community Safety and Crime Prevention Plan 2014-2018 Disability Inclusion Action Plan 2017-2021 Local Movement Strategy Pedestrian Access and Mobility Plan	Environmental Strategy 2014 Biodiversity Framework and Action Plan Urban Tree Canopy Strategy Greenhouse Action Plan Water Efficiency Plan

Key legislation and planning requirements are set out in this section. Other applicable legislation and plans are in Appendix C.

3.2 Commonwealth legislation

3.2.1 Native Title Act 1993

The Commonwealth *Native Title Act 1993* recognises and protects the traditional ownership and interest in land and waters that indigenous Australians hold according to their traditions, laws and customs. The objectives of the Native Title Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The Act describes the process for the recognition of native title rights, including mechanisms for Aboriginal and Torres Strait Islander People to establish the existence of native title, lodge native title claims, determine and validate the extinguishment of native title, and dealing with land and waters where native title persists.

All Crown land in NSW can be subject to a native title claim under the Native Title Act. A native title claim does not generally affect Crown land where native title has been extinguished or it is considered excluded land.

The Native Title Act may affect use of Crown land, particularly development and granting of tenure. Under the Crown Land Management Act it is mandatory for Council to nominate or engage a qualified Native Title Manager who provides advice regarding how Council's dealings and activities on Crown land can be valid or not valid in accordance with the Native Title Act. Council must obtain the written advice from a Native Title Manager that Council complies with any applicable provisions of the native title legislation when:

- granting leases, licences, permits, forestry rights, easements or rights of way over the land
- mortgaging the land or allowing it to be mortgaged

- imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to above.

The NSW *Crown Land Management Act 2016* requires that on Crown land (including where managed by a local council) native title rights/interests must be addressed (unless native title has been surrendered, extinguished or legally determined to no longer exist). Any dealings in land or water by a Crown land manager that affect (impair or extinguish) native title are classified as “future acts” and must comply with the Act. Examples of a “future act”, on Crown land, might include the granting of freehold title, or a lease or licence, or the construction of public works. The Native Title Act sets out procedures to follow before such “future acts” can be validly carried out.

3.2.2 Telecommunications Act 1997

The *Telecommunications Act 1997* (Cth) provides for telecommunication facilities being permitted on community land without authorisation in a Plan of Management.

3.3 NSW government legislation and plans

The NSW legislation most affecting use and management of Concord Oval is the *Crown Land Management Act 2016*, *Aboriginal Land Rights Act 1983*, *Local Government Act 1993*, and the *Environmental Planning and Assessment Act 1979*.

3.3.1 Crown Land Management Act 2016

Most of Concord Oval is Crown land as shown in Figure 4. Crown land in NSW is governed by the *Crown Land Management Act 2016*, which provides a framework for the state government, local Councils and members of the community to work together to provide care, control and management of Crown reserves. City of Canada Bay is Crown land manager under the CLM Act, and continues to have management responsibility for Concord Oval.

Under Section 1.4 of the CLM Act, Crown land is required to be managed according to the objects and principles of Crown land management (refer to Section 4 of this Plan).

Section 3.21 of the CLM Act authorises a local Council that has management responsibility for an area of dedicated or reserved Crown land (a “council manager”), as City of Canada Bay does for Concord Oval, to manage that land in accordance with the public land provisions of the *Local Government Act 1993*. With some exceptions, Section 3.22(1) of the CLM Act requires that a Council manager of dedicated or reserved Crown land “must manage the land as if it were community land under the *Local Government Act 1993*” and has “for that purpose all the functions that a local Council has under that Act in relation to community land (including in relation to the leasing and licensing of community land)”. Notwithstanding, Crown land must be managed in accordance with the purpose(s) of the land and cannot be used for an activity incompatible with its purpose(s).

Section 3.23 of the CLM Act requires a Council manager of dedicated or reserved Crown land to:

- categorise the land to one or more categories of community land referred to in Section 36(4) of the *Local Government Act 1993*. The assigned category(s) must be closely related to the purpose(s) for which the land is dedicated or reserved. The proposed multiple categorisations of Concord Oval which correspond with the current reserve purpose of Public Park and the proposed reserve purpose of Community Purposes, is in Figure 7.

- prepare and adopt a Plan of Management for the dedicated or reserved Crown land in accordance with the Plan of Management provisions of Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

The CLM Act provides that any existing lease, licence or permit issued under the *Crown Lands Act 1989* will continue for its agreed term. However from 1 July 2018 all new leases, licences and permits are issued under the new legislation.

Section 3.15 of the CLM Act also allows the Minister to make, and publish in the NSW Government Gazette, Crown land management rules “for or with respect to the management of dedicated or reserved Crown land by Crown land managers”.

The *Crown Land Management Regulation 2018* supports the new *Crown Land Management Act 2016*. Crown Land Managers must comply with Crown land regulations which prescribe principles and rules relating to the use and management of Crown land in NSW.

Crown land has significant spiritual, social, cultural and economic importance to the Aboriginal people of NSW. The Crown Land Management Act recognises and supports Aboriginal rights, interests and involvement in Crown land.

Crown Lands State Strategic Plan – A Vision for Crown Land

This 10-year vision will guide how Crown land in NSW will be used for the years to come.

The draft plan includes a roadmap of priorities, outcomes and enablers that are all steps in delivering a vision where Crown lands supports resilient, sustainable and prosperous communities across NSW.

The draft plan sets out an approach that will enable the use of Crown land to evolve to meet changing community needs.

3.3.2 Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) recognises the rights of Aboriginal people in NSW. The Act seeks to compensate Aboriginal peoples (who may or may not also be native title holders) for past dispossession, dislocation and removal of land in NSW.

Aboriginal land claims may be placed on any Crown land in NSW. The Department of Planning and Environment is responsible for investigating claims as defined in the ALR Act. If a claim is established, the land is transferred to the Aboriginal Land Council as freehold land.

At the time of preparing this Plan of Management none of the reserves subject to this Plan of Management are affected by an undetermined Aboriginal land claim.

3.3.3 Local Government Act 1993

Classification

Three parcels of land (Lots 10, 11, 12 in DP 1226181) in the south-west corner of Concord Oval are owned by City of Canada Bay Council and are classified as community land under the *Local Government Act 1993*. Council owned land which is classified as ‘community’ land must be managed and kept for the purposes of the community. Community land must be managed according to the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*.

Community land:

- must have a Plan of Management prepared for it, which sets out guidelines for use and management of the land. Until a Plan of Management is adopted, the nature and use of the land must not change.
- must be kept for the use of the general community, and must not be sold. Council has no power to sell, exchange or otherwise dispose of community land, except for the purpose of enabling that land to become, or be added to, a Crown Reserve or land reserved or dedicated under the *National Parks and Wildlife Act 1974*.
- cannot be leased or licensed for a period of more than 21 years, or for 30 years with consent from the Minister.

Categorisation

Community land must be categorised in accordance with the *Local Government Act 1993*. A category assigned to community land, using the guidelines for categorisation in the *Local Government (General) Regulation 2021*, reflects Council's intentions for future management and use of the land.

The CLMA 2016 requires categorisation of Crown land according to the *Local Government Act 1993* and consistent with the public purpose of the Crown reserve.

The initial categorisation of Concord Oval as Sportsground was approved by DPE-Crown Lands in 2021. Now that redevelopment of the precinct is about to be completed, the initial categorisations have been reviewed to also include General Community Use and Park to best reflect the future uses of Concord Oval. Refer to Section 4.3.3 for the categorisation map and core objectives.

Table 12 Guidelines for categories of Crown and community land at Concord Oval

Category	Guidelines ¹	Areas of Concord Oval	Area (ha)	% of land area
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	Outdoor basketball court Playground Informal grassed areas Garden beds and landscaped areas	2.54 ha	60%
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	Building A (Centre of Excellence), Building B (Concord Oval Recreation Centre)	0.86 ha	20%
Sports-ground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	Concord Oval	0.8 ha	20%
TOTAL			4.2 ha	100%

¹ *Local Government (General) Regulation 2021*

Use agreements

The requirements of the *Local Government Act 1993* regarding leases, licences and other estates are in Section 6.

3.3.4 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the statutory planning framework for environmental and land use planning in NSW through:

- State Environmental Planning Policies (SEPPs).
- Local Environmental Plans (LEPs). The Canada Bay Local Environmental Plan 2013 applies to Concord Oval.

State Environmental Planning Policy (Infrastructure) 2007

The SEPP (Infrastructure) assists local Councils and communities by simplifying the process for providing essential infrastructure and enabling greater flexibility in the location, development and maintenance of infrastructure and service facilities. It includes specific planning provisions and development controls for a range of infrastructure works or facilities including parks and other public reserves, roads, emergency services, electricity delivery, and telecommunications networks. The clauses relevant to permissible works at Concord Oval are in Section 5 of this plan.

3.4 City of Canada Bay plans

The local planning framework is governed by Local Strategic Planning Statement, Community Strategic Plan, Delivery Plan and Operational Plan, the Canada Bay Local Environmental Plan 2013, and Development Control Plan.

4 BASIS FOR MANAGEMENT OF CONCORD OVAL

4.1 Introduction

This section defines the specific roles and objectives for Concord Oval based on community values and management directions of City of Canada Bay and the Department of Environment and Planning-Crown Lands.

4.2 Community values

4.2.1 The local community

The Canada Bay community is growing rapidly, especially due to recent high and medium density residential development in the City.

The NSW Department of Planning and Environment forecast that the City of Canada Bay population will grow by 29% to 113,560 residents in 2031. These figures exclude the additional population increase in and around the Parramatta Road corridor. The most significant increase will be in people over 65 years of age (54% growth representing 18% of the community) and children aged 5-14 years (37% representing 11% of the community).

In the suburbs which straddle Concord Oval population densities in 2036 are expected to be Five Dock with 59.37 people per hectare (41.5% increase) and Concord with 38.08 people per hectare (25.8% increase).

This increase in local government area population and local density will place further strain on existing recreation and social infrastructure in City of Canada Bay.

Additionally, the City of Canada Bay is a robust multi-cultural community with many residents of Asian and Southern European descent.

4.2.2 Community engagement outcomes

Community engagement for the proposed redevelopment of Concord Oval was undertaken during the facility design process in October-November 2018. Through engagement with the community Council identified strong community support for an indoor recreation centre at Concord Oval with a particular focus on the provision of a stadium/sports courts, a health club and a café.

Further community engagement was undertaken as part of the Development Application process.

4.2.3 Values of Concord Oval

The Canada Bay community and site users value various aspects of Concord Oval for different reasons. By understanding the reasons why the community and users value Concord Oval, the role that the community expects the precinct to play in the future may be determined.

The community of Canada Bay places a high value on sportsgrounds, community facilities and parks which are an integral part of the area in which they live.

The values outlined below reflect the outcomes from the community engagement process that informed the redevelopment of Concord Oval.

Table 13 Values of community land in Canada Bay and of Concord Oval

Value	Value statement for community land in Canada Bay ⁽¹⁾	Values of Concord Oval
Access	The community places a high value on inclusive access to community land and recreational opportunities. There is a desire for a network of local paths to link with the foreshore walks.	Concord Oval is centrally located in Sydney and accessible for sporting and recreation activities. It is close to Parramatta Road and the M4 Motorway, Burwood Town Centre and is well serviced by public transport. Concord Oval is linked by walking and cycling paths to nearby open space and residential and commercial areas. The precinct is accessible by people of all abilities. Use of some parts of the buildings and the oval at times are restricted according to use agreements. Concord Oval is available to the general public, when not in use for organised sports.
Aesthetics	The community values community land as attractive places to visit and view, providing a sense of place, and character for nearby neighbourhoods.	The open space and plantings of Concord Oval pleasantly contrasts with the houses, buildings and traffic associated with the adjoining urban environment. Trees, shrubs, grass and landscaping are appreciated because they create a visually pleasing environment, provide shade, and screen buildings and development. The buildings are visual features and landmarks viewed from adjoining roads.
Maintenance	The community values community land that is well maintained.	Clean and well-maintained facilities and areas in Concord Oval are important to the people who use them. Maintenance of a quality playing surface is important to the sporting groups that use it.
Recreation	The community values the wide range of quality recreation and leisure opportunities offered on community land. There is a desire for park facilities and linkages to walking and bike tracks.	Concord Oval has a focus on catering for first-class field and community recreation. Community use of the precinct for informal outdoor recreation is provided for.
Culture and well-being	The community values community land as places to promote good health, and as venues for cultural activities, events and festivals.	The sporting facilities of the oval and surrounding spaces provide a sense of space, openness and freedom of movement to walk, run and exercise, leading to a sense of well-being. Concord Oval provides relief from the 'hustle and bustle' of urban living. Concord Oval reflects the sporting culture of the suburb of Concord and of the Canada Bay local government area.

Value	Value statement for community land in Canada Bay ⁽¹⁾	Values of Concord Oval
Ecology	The community values the natural environment, and there is a strong desire to rehabilitate natural areas. Trees are highly valued, and there is a general view that more trees be planted, but not at the expense of local views.	Valued ecological features are mature trees on edges of the precinct, and water harvesting and recycling initiatives.
Social	Parks are valued as places for people to meet. Well maintained, non-threatening parks are appreciated as venues for family gatherings.	Residents like to share time with their family and friends, and meet others in their local community with similar interests, outdoors in a pleasant and secure environment. New community facilities at Concord Oval offer social and community gathering opportunities. People involved in sporting activities value the social aspect of sport.
Partnerships	The community values an ability to have a say and be involved in the future of community land.	The community appreciate being consulted in the process of commenting on proposals and planning the precinct. Partnerships with sporting groups facilitate the development of sporting facilities for the benefit of sporting players and spectators.
Cultural heritage	Some parks are valued as places containing visual and social links to earlier times. There is a community desire to identify, conserve and interpret areas of heritage significance.	The Aboriginal Cultural Assessment identified cultural significance related to the creeks that were previously in the subject site. The creeks would have been used by Aboriginal elders in the past and were a "source of water and other resources, once a rich environment". Archaeological excavations uncovered multiple stone artefacts during the Section 140 excavations and subsequent test excavations. All artefacts were found in a secondary position and not in situ. The Concord area continues to be inhabited by Aboriginal peoples with a strong connection to country. Concord Oval has a rich post-settlement heritage, with direct links to an early convict stockade and government farm in the late 1700s, and dedication as Public Park in the late 1800s, and sporting activities occurring for over 100 years.
Education	Some parks are valued as places for learning about the ecology and history of the area.	The link with Aboriginal culture, early settlement days, water sensitive urban design, and sporting use are valuable themes that serve an educational function in an outdoor classroom.

Notes: (1) *Generic Plan of Management (City of Canada Bay, 2007).*

4.3 Vision and management objectives for Concord Oval

4.3.1 Vision

The vision for Concord Oval is consistent with the NSW government and City of Canada Bay's vision for open space and parkland (refer to Appendix D).

4.3.2 Principles of Crown land management

Concord Oval will be managed according to the principles of Crown land management embodied in the *Crown Land Management Act 2016* which are:

- (a) that environmental protection principles be observed in relation to the management and administration of Crown land, and
- (b) that the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible, and
- (c) that public use and enjoyment of appropriate Crown land be encouraged, and
- (d) that, where appropriate, multiple use of Crown land be encouraged, and
- (e) that, where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity, and
- (f) that Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

4.3.3 Core objectives for categories of community and Crown land

Concord Oval is categorised as Sportsground, Park and General Community Use as shown in Figure 7.

Figure 7 Categorisation of Concord Oval



Concord Oval will be managed according to the core objectives under the *Local Government Act 1993* for each relevant category for Crown and community land as set out below.

Sportsground

The core objectives for community land categorised as **Sportsground** are to:

- encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games.
- ensure that such activities are managed having regard to any adverse impact on nearby residences.

Park

The core objectives for community land categorised as **Park** are to:

- encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities
- provide for passive recreational activities or pastimes and for the casual playing of games
- improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

General Community Use

The core objectives for community land categorised as **General Community Use** are to:

- promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to:
 - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.
 - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

4.3.4 Reserve purposes

Concord Oval will be managed consistent with its purposes of Public Park and Community Purposes.

4.3.5 Zoning objectives

City of Canada Bay's objectives for the RE1 Public Recreation zone are to:

- enable land to be used for public open space or recreational purposes.
- provide a range of recreational settings and activities and compatible land uses.
- protect and enhance the natural environment for recreational purposes.
- facilitate public access to and along the foreshore.
- conserve public open space that enhances the scenic and environmental quality of Canada Bay.

4.3.6 Management objectives for Concord Oval

The management objectives for Concord Oval related to its values are set out below.

Table 14 Management objectives for Concord Oval

Value	Management objectives
Access	<p>Ensure equitable and easy access to and within the precinct for all members of the community, regardless of gender, age or physical ability.</p> <p>Enhance linkages to facilitate public transport access to the precinct.</p> <p>Establish links with other sporting and recreation areas, residential areas and retail areas within and outside Canada Bay.</p>
Aesthetics	<p>Ensure the design of new built facilities reflects the special character of Concord.</p> <p>Enhance the leafy and green visual character of the precinct.</p> <p>Provide shade for park visitors.</p>
Maintenance	<p>Manage and maintain open space, sporting and recreation facilities to the highest possible quality standards in an efficient and cost-effective manner.</p> <p>Maintain, and improve where possible, the current maintenance service levels of the oval.</p> <p>Ensure the precinct and the facilities and amenities in it are clean, tidy and well maintained.</p> <p>Avoid generation of waste where possible.</p>
Recreation	<p>Provide high quality, first-class facilities at Concord Oval for field sports.</p> <p>Provide high quality indoor active recreation facilities.</p> <p>Consider Concord Oval as precinct comprising a large parkland as well as a sport and active recreation facility.</p> <p>Broaden access to and use of the precinct for a range of sporting, informal recreation and community and social uses.</p> <p>Provide a range of opportunities for recreational activities for all age groups in a variety of settings.</p> <p>Monitor use of the precinct and its consistency with the carrying capacity of facilities and settings, and adjust visitation if required.</p>
Culture and wellbeing	<p>Provide and maintain opportunities to experience peace and quiet in the precinct.</p> <p>Encourage cultural activities and structures in the precinct.</p> <p>Adopt Crime Prevention Through Environmental Design and Safer By Design principles in managing the Precinct to minimise vandalism and increase personal safety of precinct users.</p> <p>Provide opportunities for physical fitness.</p>
Ecology	<p>Manage and maintain the Precinct in an ecologically sustainable manner.</p> <p>Ensure the principles of ecologically sustainable development are considered in every area of improvement to the Precinct.</p> <p>Encourage the use of ecologically sustainable development, water sensitive urban design, and other management approaches to minimise the use of non-renewable resources.</p> <p>Plant appropriate vegetation and ensure they are healthy.</p> <p>Manage trees, vegetation and landscaping.</p>
Social	<p>Increase opportunities for social and community interaction in the Precinct.</p> <p>Encourage private and community ceremonies and celebrations being held in the Precinct.</p> <p>Ensure safe enjoyment of the Precinct for the community.</p>
Partnerships	<p>Maintain partnerships with sporting and other user groups.</p> <p>Encourage community "ownership" and use of the precinct.</p> <p>Involve the community in planning, management and maintenance of the precinct.</p>
Cultural heritage	<p>Conserve, enhance and promote Aboriginal, European and non-European heritage values of the Precinct.</p> <p>Interpret heritage and historical values of Concord Oval for users and the community.</p>
Education	<p>Recognise the precinct has value as an outdoor classroom for local cultural heritage and water management.</p>

5 FUTURE USES AND DEVELOPMENTS

5.1 Permitted future uses and developments

5.1.1 Introduction

Concord Oval will continue to be developed and used for a broad range of permitted uses consistent with the categorisation and public purposes of the reserve.

5.1.2 Legislative requirements

Introduction

Permissible uses and developments at Concord Oval must be in accordance with relevant legislation, particularly:

- Crown Land Management Act 2016
- Native Title Act 1993
- Aboriginal Land Rights Act 1983
- Local Government Act 1993
- SEPP (Infrastructure) 2007
- Canada Bay Local Environmental Plan 2013
- uses for which leases, licences and other estates may be granted on community and Crown land under the Local Government Act 1993, Crown Land Management Act 2016, and the Crown Land Management Regulation 2018.
- Commonwealth legislation.
- any interests held on title.

Crown Land Management Act 2016

Use of Crown land must be consistent with:

- the principles of Crown land management
- the public purpose for Public Park, and for Community Purposes which has been added to the reserve under the *Crown Land Management Act 2016*
- any interests and rights granted under the *Crown Land Management Act 2016*.

Native Title Act 1993

Native title rights and interests must be considered on Crown land unless native title has been extinguished or surrendered, or determined by a court to no longer exist.

When proposing any act that may affect native title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the *Native Title Act 1993*.

Examples of acts which may affect native title on Crown land or reserves managed by Council include:

- construction of new buildings and other facilities such as toilet blocks, walking tracks, tennis courts, grandstands and barbecues
- construction of extensions to existing buildings
- construction of new roads or tracks
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- creation of an easement
- issue of a lease or licence
- undertaking of major earthworks.

The *Native Title Act 1993* also contains provisions regarding public works. The Act defines a public work as:

- (a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:
- (i) a building, or other structure (including a memorial), that is a fixture; or
 - (ii) a road, railway or bridge; or
 - (iia) where the expression is used in or for the purposes of Division 2 or A of Part 2--a stock-route; or
 - (iii) a well, or bore, for obtaining water; or
 - (iv) any major earthworks; or
- (b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as: earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

To undertake a future act (including the adoption of a Plan of Management) on Crown land, Council must comply with the future act provisions of the *Native Title Act 1993* and meet the requirements of Section 8.7 the *Crown Land Management Act 2016*. Generally, Section 24JA of the *Native Title Act 1993* allows most actions that a Council would want to undertake on Crown land. To utilise Section 24JA the reservation must have been validly created prior to 23 December 1996. Council will be able to utilise Section J for future acts over the part of Reserve 500466 comprising Concord Oval.

Where it is proposed to construct or establish a public work on reserved or dedicated Crown land, where native title is not extinguished, prior to approval Council will notify and give an opportunity to comment any representative Aboriginal/Torres Strait Islander bodies, registered native title bodies corporate and registered native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*.

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* provides land rights for Aboriginal people in NSW. The lodgement of an Aboriginal land claim by a Land Council creates an inchoate (unformed) interest in the land. The full extent of that interest is not known until the claim is investigated and a determination is made by the relevant Minister.

A Plan of Management must consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists.

Local Government Act 1993

According to the *Local Government Act 1993* and the *Local Government (General) Regulation 2021*, uses and developments on land classified as community land must be consistent with the guidelines for each relevant category and the core objectives of the relevant category. The guidelines and core objectives for the Sportsground, Park, and General Community Use categories which apply to Concord Oval are outlined above.

All activities which are consistent with the guidelines for categorisation as Sportsground, Park, and General Community Use which meet the core objectives of those categorisations, are expressly authorised by this Plan.

Canada Bay Local Environmental Plan 2013

The Canada Bay Local Environmental Plan 2013 sets out in general terms what types of developments are permissible within the RE1 zone, and provisions for conservation of heritage items.

All proposed uses, development and building works in this Plan of Management should be permissible under the applicable zoning in the Canada Bay Local Environmental Plan 2013, and assessed if required through a Development and Building Application process consistent with the *Environmental Planning and Assessment Act 1979*.

Works and activities permitted under the RE1 Public Recreation zone in City of Canada Bay are listed in Table 15.

Table 15 Permissible activities in the RE1 Public Recreation zone in Canada Bay

Permitted without consent	Permitted with consent	Prohibited	
Environmental protection works	Aquaculture Biosolids treatment facilities Boat sheds Business identification signs Car parks Centre-based child care facilities Community facilities Environmental facilities Information and education facilities Jetties Kiosks Marinas	Markets Mooring pens Recreation areas Recreation facilities (indoor) Recreation facilities (outdoor) Respite day care centres Restaurants or cafes Roads Take away food and drink premises Water recycling facilities	Any development not permitted without or with consent

Any Development Applications, proposed works and major management issues will be advertised to the community for information and to invite comment.

SEPP (Infrastructure) 2007

Division 12 of the *SEPP (Infrastructure) 2007* provides for development which is:

- permitted without consent on a Crown reserve if the development is to implement an adopted Plan of Management for the land (Clause 65 (2) (d)).
- for certain purposes by or on behalf of Council without consent on a public reserve under the control of or vested in Council (Clause 65 (3)).
- exempt from planning consent if it is carried out by or on behalf of a public authority on a public reserve (Clause 66).

Clause 66 of SEPP (Infrastructure) 2007 allows for certain construction or maintenance works to be undertaken as “exempt development”, subject to certain conditions and compliance requirements set out in Clause 20 in parks and other public reserves, including Crown land under a Crown land manager. Such exempt development must involve “no greater disturbance of native vegetation than necessary” and “not result in an increase in stormwater run-off or erosion”.

Clause 65 of the SEPP also permits specified works to be undertaken on community land or Crown land under a Crown land manager without consent “if the development is for the purposes of implementing a plan of management adopted for the land”.

Commonwealth legislation

Council recognises that under the *Telecommunications Act 1997* Concord Oval may be a desirable location for the location of a telecommunications installation. ‘Low impact’ telecommunications installations are permissible on community land without authorisation in a Plan of Management and without Council approval.

This Plan of Management authorises the granting of a lease or licence for the erection and use of telecommunications towers, provided the proposal is put on public exhibition prior to a Council resolution permitting the use. A rental fee will be payable to Council.

5.1.3 Authorised uses and development at Concord Oval

Introduction

Concord Oval is intended to be used for outdoor and indoor sport, active recreation, informal recreation, community/social/cultural activities, and other compatible activities. Developments and structures are limited to those which support the desired activities.

This Plan of Management expressly authorises development of new buildings and structures, and future redevelopment/refurbishment of buildings and structures, which support the desired uses of Concord Oval for outdoor and indoor sporting, recreation and community/social activities.

Permitted uses and developments must support and enhance the other values of Concord Oval including access, open space, sport, recreation, and the natural environment.

Any use or development that would further encroach on the open space of Concord Oval should be minimised, unless it can be shown that the proposed use or development is:

- a more efficient use of the space,
- has a community benefit, and
- is consistent with the objectives of this Plan of Management.

Authorised uses and developments

This Plan of Management authorises the following uses and developments at Concord Oval, including but not limited to those listed in Table 16. Some of the activities and developments listed below may require development consent.

The facilities on community land may change over time, reflecting the needs of the community.

Table 16 Future use and development of Concord Oval

Purpose / Use	Development to facilitate uses
Indoor and outdoor sporting and recreational activities compatible with the use of all facilities Organised and unstructured active and passive sporting and recreational activities and programs Community, special and cultural events, gatherings and ceremonies Commercial uses associated with sports facilities (physiotherapy, etc.) Sports administration Advertising - internally oriented Art, including painting, sculpture Ceremonies Classes (sport, leisure, recreation, training) Commercial activities Community events Concerts (music, outdoor theatre) Corporate promotions Cultural events Cycling – leisure, active transport/ transit Delivering a public address or speech Dog exercise (prohibited on sportsfield, and within 10 metres of the playground, cafe and picnic/ barbecue areas. On-leash only elsewhere) Earthworks Education Emergency purposes, including training Environmental management and monitoring Environmental protection works Filling, levelling or draining of land Filming and photography, subject to Council approval Flora, fauna and archaeological surveys Functions Habitat creation Helicopter take-off and landing (on Concord Oval in medical emergencies only) Informal ball games and recreation Interpretation (historical, environmental) Irrigation and drainage Landscaping, gardening Maintenance and emergency vehicle access Maintenance of all sporting and recreation facilities Markets and fairs Meetings Outdoor cinema Overflow parking Performances including concerts, film/outdoor cinema, stage	Temporary advertising structures which relate to approved uses/activities, are internally directed and approved by Council Access for people of all abilities Amenities Barbecues Bicycle related storage facilities/racks Broadcast structures Café / Kiosk Carparks Commercial development sympathetic to and supporting existing uses Community facilities for social, cultural and recreation purposes Complying and exempt development Drainage works: complementary to the natural drainage patterns on the land, and to protect roads, services, or other facilities on the land. Easements to private property: temporary or permanent access across Concord Oval where appropriate and in compliance with the requirements of the <i>Local Government Act 1993</i> and other relevant legislation and policy. Educational facilities Environmental facilities Environmental protection works Fencing Fitness/exercise equipment Flagpoles or smart poles Food and beverage outlet (mobile, temporary,) Food preparation and related facilities Hardstand for event structures Irrigation and drainage structures and systems Landscaping (hard and soft), including landscape structures or features Lighting: for public safety and the protection of assets Park furniture Park maintenance staff amenities Pathways Picnic tables, shelters and barbecues Play equipment, softfall, shade structures Public utilities Scoreboard and scoring infrastructure Seating Shelters and shade structures Signage – locational, directional, interpretive, regulatory Sport ancillary purposes Sporting facilities for conducting organised sport Sports courts (indoor, outdoor) Sports lighting – field lighting to Australian standards for relevant sporting activities

Personal and group fitness training, subject to Council approval	Stormwater storage tanks and pipes
Pest control (invertebrate and vertebrate)	Take away food or drink premises
Picnics and barbecues	Toilets
Play activities (all ages, abilities)	Utility installations
Revegetation	Vehicle access, parking and loading/unloading areas (emergency and authorised vehicles only)
Running / jogging	Vehicle barriers
Sporting activities including training, competition, tuition	Viewing area / platform
Stormwater treatment and/or retention	Walking tracks and paths, raised paths/boardwalks, ramps, stairs, gates
Vehicle parking, including overflow parking during large scale sporting and special events	Waste management
Walking	Water sensitive urban design structures such as rain gardens, swales
Weed management	Work sheds or storage required in connection with maintenance of Concord Oval

5.1.4 Restricted and prohibited activities

Activities that are prohibited or restricted at Concord Oval include, but are not limited to:

- breaking or leaving any bottle, glass, syringe or other objects likely to endanger the safety of any person
- camping or staying overnight
- depositing rubbish
- discharging of rifles or firearms
- dogs off leash
- dogs within 10 metres of playgrounds and food preparation areas
- fireworks without approval
- flying of model aeroplanes or drones
- any game or activity likely to damage property, injure, endanger or cause nuisance to any other person
- helicopter landings, except in emergencies
- horse riding
- interfering with or damaging any Council building, equipment, furniture, landscaping, tree, plant or flora
- leaving of dogs faeces (removal and proper disposal is required)
- lighting of fires, except in Council constructed fireplaces or portable barbecues
- practising of golf or archery
- remote control vehicles including model aeroplanes and cars
- taking of unauthorised motor vehicles or motorised bikes, except in constructed carparks and driveways.

Conduct which is prohibited in dedicated or reserved Crown land are listed in Clause 9 of the *Crown Land Management Regulation 2018*.

Activities that can be prohibited on Crown land by direction or notice under Part 9 of the *Crown Land Management Act 2016* are listed in Clause 13 of the Regulation.

Activities at Concord Oval must be consistent with the RE1 Public Recreation zoning.

Activities at Concord Oval may be prevented or restricted by public health orders such as during a pandemic.

5.1.5 Guidelines for buildings and other structures

This Plan of Management expressly authorises development of new buildings and structures, and redevelopment/refurbishment of existing buildings and structures, which support the desired uses of Concord Oval and are consistent with the reserve purposes of Public Park and Community Purposes and the categorisation.

The recent extensive redevelopment of Concord Oval means that additional development after adoption of this Plan of Management will be minimal.

The location, size and scale of future buildings and structures at Concord Oval will be consistent with:

- community needs
- physical site constraints
- best practice design standards including Australian Standards and NSW Better Places guidelines.

5.1.6 Scale and intensity of future uses and development

Introduction

In accordance with the *Local Government Act 1993* a Plan of Management for community land must set out the scale and intensity of proposed uses and developments.

The scale and intensity of future uses and development at Concord Oval is dependent on:

- the nature of the approved future uses and developments
- the carrying capacity of facilities and spaces at Concord Oval
- impact on adjoining residents and land uses in terms of noise, lighting, traffic and vehicle parking
- consistency with the reserve purposes and categorisation.

Any proposal to use buildings, structures and spaces at Concord Oval will be considered on merit and balanced against physical constraints and the amenity of adjoining residents and land uses.

The benchmarks for the scale and intensity of future uses and developments permissible at Concord Oval will be physical disturbance and damage to facilities and spaces. The physical impacts of activities and uses on facilities and spaces should be regularly monitored. Review of permissible activities and developments will occur if site monitoring shows any deterioration from the present condition of Concord Oval resulting from those activities or developments.

Activities at Concord Oval which may attract high numbers of people include sporting activities and community events. The intensity of use, multiple activities/uses, and real or perceived crowding/congestion or competition for space across open space at Concord Oval will be managed so as not to unreasonably compromise the amenity of users and the community.

Public health directives

At times, such as during the COVID-19 pandemic, Council is required to implement public health directives to ensure social distancing at public open spaces and facilities, which may involve temporarily preventing access to specific facilities.

Conversely, the response to a pandemic or similar situation would increase demand for walking, cycling and outdoor informal recreation opportunities. Concord Oval is ideally placed to offer such local outdoor open space and exercise opportunities.

5.2 Use agreements

5.2.1 What are use agreements?

Under Section 46(1)(b) of the *Local Government Act 1993* a lease, licence, other estate or easement (also referred to as use agreements) may be granted over all or part of community land as a way of formalising the use of community land. *The Crown Land Management Act 2016* contains similar provisions for Crown land managed by Council Crown Land Managers.

Leases and licences may be held by organisations such as sporting clubs and associations, community groups, schools, non-government organisations, charities, community welfare services, non-profit organisations and government authorities, or by private/commercial organisations or people providing facilities and/or services for public use.

A lease will be typically required where exclusive use or control of all or part of Concord Oval is desirable for effective management. A lease may also be required due to the scale of investment in facilities, the necessity for security measures, or where the relationship between a major user and facilities on community land justifies such security of tenure.

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of Concord Oval is proposed. A number of licences for different users can apply to the same area at the same time, provided there is no conflict of interest.

In accordance with Section 46A of the *Local Government Act 1993* a Plan of Management for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a Plan of Management. Under Section 46 of the Act, Council may lease or licence community land for purposes consistent with the categorisation and zoning of the land.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared and multiple use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management, and the capacity of the community land and the local area to support the activity.

5.2.2 Authorisation of current use agreements

Several use agreements (leases, licences or other estates) currently apply to Concord Oval as listed in Table 10. These agreements are authorised until the end of their current term before the exercising of any options.

5.2.3 Leases and licences over community land

The *Local Government (General) Regulation 2021* sets out requirements for issuing of leases, licences and short term/casual permits on community land.

The maximum period for leases and licences on community land allowable under the Local Government Act is 21 years, or 30 years if consent from the Minister is required (including any period for which the lease or licence could be renewed by the exercise of an option) for purposes consistent with the categorisation and core objectives of the particular area of community land. Community land may only be leased or licensed if public notice is given according to the requirements of the Local Government Act.

Under Section 47, Council may grant a lease, licence or other estate exceeding five years if it gives public notice of the proposal to the owner, the public and all stakeholders, and invites and considers public submissions. If an objection to the proposal is made, Council may not grant a lease, licence or other estate without consent of the Minister for Local Government.

For proposed leases, licences and other estates of five years or less, Council must publicly advertise the proposal in the same way as for leases, licences and other estates over 5 years. Final approval of the lease rests with Council, but the Minister for Local Government has the discretion to call in a proposed lease and determine the matter in place of Council. However, some short-term and other types of leases, licences and other estates, such as providing underground pipes and connections, are exempt from the need to advertise.

Any leases or licences for emergency services organisations, and not-for-profit and community groups after 30 June 2021 must be authorised by an adopted Plan of Management, or Ministers consent must be sought to manage the land as is it were operational land under the *Local Government Act 1993*.

5.2.4 Considerations for leases and licences over Crown land

Requirements for leases and licences over dedicated or reserved Crown land

The *Crown Land Management Act 2016* sets out requirements for granting leases, licences, permits, easements or right of way including secondary interests on dedicated or reserved Crown land.

Table 17 Leases and licences over dedicated or reserved Crown land

Section of Crown Land Management Act 2016	Lease and licence requirements
3.22 Functions of Council as Crown Land Manager	As Crown Land Manager, Council must manage the land as if it were community land under the <i>Local Government Act 1993</i> . Council as Crown Land Manager can exercise all the functions that a local Council has under that Act in relation to community land, including in relation to leasing and licensing of community land.
8.77 Advice of Native Title Manager required to grant interests	Where Council is Crown Land Manager, a native title report must be prepared prior to granting a lease, license or other permit, in accordance with Native Title legislation. This requirement also extends to capital works on Crown reserves.

Section of Crown Land Management Act 2016		Lease and licence requirements	
2.20 & 3.17 and <i>Crown Land Regulation 2018</i> Section 31 Short term licenses over dedicated or reserved Crown land	Council as Crown Land Manager may issue short term licences on Crown land as if it were community land under the <i>Local Government Act 1993</i> for uses including:	<ul style="list-style-type: none"> - Access through a reserve - Advertising - Camping using a tent, caravan or otherwise - Catering - Community, training or education - Emergency occupation - Entertainment - Environmental protection, conservation or restoration or environmental studies - Equestrian events - Exhibitions - Filming (as defined by the <i>Local Government Act 1993</i>) - Functions 	<ul style="list-style-type: none"> - Grazing - Hiring of equipment - Holiday accommodation - Markets - Meetings - Military exercises - Mooring of boats to wharves or other structures - Sales - Shows - Site investigations - Sporting and organised recreational activities - Stabling of horses - Storage.
2.19, 3.17 Secondary interests over dedicated or reserved Crown land	The Minister or Council may issue a secondary interest where they are satisfied it is in the public interest and would not be likely to materially harm use of the land for the purposes for which it is dedicated or reserved.		
2.18 Special provisions relating to Minister's powers over dedicated or reserved Crown land	<p>The Minister may grant a lease, licence, permit, easement or right of way over dedicated or reserved Crown land for a facility or infrastructure, or any other purpose the Minister thinks fit. Before doing so, the Minister must consult the Crown land manager or the relevant government agency if the land is used, occupied or administered by an agency or the Minister to whom that agency is responsible.</p> <p>If the land is to be used or occupied under the relevant interest for any purpose except a purpose for which it is currently dedicated or reserved, a notice is to be published specifying the purposes for which the land is to be used or occupied under the relevant interest, and be satisfied that it is in the public interest to grant the relevant interest.</p>		

Native title and Aboriginal land rights considerations in relation to leases, licences and other estates

A tenure (lease, licence), short term use agreement or easement on Crown land may impact native title rights and interests. Any such tenure or use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the *Crown Land Management Act 2016* unless native title is extinguished. For Crown land which is not excluded land, this will require written advice from Council's Native Title Manager that it complies with any applicable provisions of the native title legislation. The advice of an independent Native Title Manager was sought before this Plan of Management was adopted in relation to Lot 13 DP 1226181 which is not excluded land.

Subject to the *Native Title Act 1993*, any secondary interest or short term licence on Crown land described in Division 2.5 of the *Crown Land Management Act 2016* may be issued.

The granting of easements over Crown land will be subject to the provisions of the *Native Title Act 1993* and Division 8.7 of the *Crown Land Management Act 2016*.

5.2.5 Express authorisation of future use agreements

Authorisation of future use agreements

Use agreements over community and Crown land are dealt with in Sections 46, 46A and 47 of the *Local Government Act 1993*, Clauses 116 to 119 of the *Local Government (General) Regulation 2021*, Division 3.4 of the *Crown Land Management Act 2016*, and Clause 70 of the *Crown Land Management Regulation 2018*.

In accordance with Section 46A of the *Local Government Act 1993* a Plan of Management for community land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over community land during the life of a Plan of Management.

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land covered by this Plan of Management, provided that:

- the purpose is consistent with the purpose for which it was dedicated or reserved, and any purposes which have been added to the reserve
- the purpose is consistent with the guidelines and core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- the lease, licence or other estate is granted and notified in accordance with the provisions of the *Local Government Act 1993* or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Depending on the nature of the proposed lease or licence, Council would develop specific objectives and requirements tailored to the proposed use. Terms and conditions of a lease, licence or other estate should reflect the interest of the Council, protect the public, and ensure proper management and maintenance.

Use of Building A by West Tigers and West Harbour Rugby Union Club

The proposed lease of 52% of Building A by West Tigers and the West Harbour Rugby Union Club represents approximately 1.6% of the total area of Reserve D.500466.

The lease for use of Concord Oval by West Tigers and the licence to West Harbour Rugby Union Club for training and competition restricts public access to the Oval by 9%.

The proposed use of Concord Oval by these clubs has assisted in Council's ability to make significant upgrades to the facility.

The proposed leases and licences to West Tigers and the West Harbour Rugby Union Club include the following aspects which provide benefits to the public:

- Concord Oval must be available for public use for 91% of the time and the booking system is managed by Council.
- The lessees/licensees must maintain their leased/licensed areas.
- The community has the opportunity to use a first-class field as determined by Council.

- The community have the opportunity to enjoy recreational activities by watching and supporting two local sporting clubs in elite training and competition.
- West Tigers plan and run outreach and community programs.

Given the very small proportion of the Reserve which is subject to the lease and licence, the time limitation of the use of the licence area and the benefits to the public that the occupation delivers, Council considers the tenures are consistent with the reserve purpose as proposed.

This Plan of Management expressly authorises the issue of leases, licences and other estates over the land in Concord Oval categorised as Sportsground, Park and General Community Use as set out in Table 18 (below).

5.2.6 Short term licences

Short term licences and bookings will be issued in accordance with the *Local Government (General) Regulation 2021*.

5.2.7 Use agreements by tender

Section 46A of the *Local Government Act 1993* requires that Plans of Management must specify purposes for which a lease, licence or other estate may be granted only by tender. A lease or licence for a term exceeding five years may be granted only by tender, unless it is granted to a non-profit organisation. However, Council may apply a tender process in respect to granting any particular lease, licence or estate.

Leases, licences and other estates for the following purposes will be granted only after a public competitive tender process in accordance with the *Local Government Act 1993*:

- advertising
- commercial activities
- operation of the café
- a lease or licence for a term exceeding five years, unless granted to a non-profit organisation
- other leases/licences Council may want to tender.

If Council proposes to grant a lease, licence or other estate in respect of community land, it must follow certain notification procedures as outlined in Section 47 of the *Local Government Act 1993*.

5.2.8 Sub-leases

Where a lease arrangement has been entered into with Council over community land, sub-leasing of the land must be in accordance with the requirements of Section 47C of the *Local Government Act 1993* i.e. the purpose for which the land was to be used under the lease.

Community land that is the subject of a lease cannot be sublet for a purpose other than:

- the purpose for which the land was to be used under the lease; or
- a purpose prescribed by the Regulations.

Under Clause 119 of the *Local Government (General) Regulation 2021*, community land leased by a sporting club may be sub-let for refreshment kiosks, dances and private parties.

Table 18 Express authorisation of leases, licences and other estates at Concord Oval

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted		
		Park category	Sportsground category	General Community Use category
Lease	21 years, or 30 years with approval from the Minister	-	-	<ul style="list-style-type: none"> - use of indoor facilities and spaces in Building A for sport training and administration purposes by West Tigers - use of indoor facilities and spaces in Building A for sport training and administration purposes and on match days by West Harbour Rugby Club - commercial retail uses associated with the facility such as sale of merchandise and sale or hire of sports goods - commercial activities associated with and ancillary to Concord Oval and aligned with its values, function, scope and scale including: <ul style="list-style-type: none"> - management and maintenance of sporting and related infrastructure and the sporting field - health or sports medicine services (physiotherapy etc.) available to the public - indoor sports centre - café/kiosk for refreshment purposes, including outdoor seating and tables, with or without liquor licence - child care or vacation care - commercial activities associated with and ancillary to Concord Oval and aligned with its values in function, scope and scale - educational purposes, including classes, workshops

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted		
		Park category	Sportsground category	General Community Use category
Licence	<ul style="list-style-type: none"> - mobile food/beverage vans - advertising aligned with Concord Oval values and Council's policies - hire or sale of recreational equipment - sporting, community, recreational and related activities 	<ul style="list-style-type: none"> - use of Concord Oval for training by West Tigers - use of Concord Oval for training and competition matches by West Harbour Rugby Club - hire or sale of sporting equipment - mobile food/beverage vans - advertising aligned with Concord Oval's values and Council's policies - sporting activities fixtures and events including ticketed events - sporting, community, recreational and related activities - commercial activities associated with and ancillary to Concord Oval and aligned with its values in function, scope and scale including management and maintenance of sporting and related infrastructure and the sporting fields, and health or sports medicine services (physiotherapy etc.) available to the public 	<ul style="list-style-type: none"> - community services delivery and provision - arts and cultural purposes, including concerts, dramatic productions - recreational, community and leisure purposes, including fitness classes, dance classes, games - sporting uses developed/operated by a private operator 	<ul style="list-style-type: none"> - use of indoor facilities/spaces in Building A for sport training and administration purposes and on match days by West Harbour Rugby Club - café/kiosk for refreshment purposes, including outdoor seating and tables, with or without liquor licence - indoor sports centre - child care or vacation care - mobile food/beverage vans - advertising aligned with Concord Oval's values and Council's policies - commercial activities associated with and ancillary to Concord Oval and aligned with the values in function, scope and scale - educational purposes, including education classes, workshops - arts and cultural purposes, including concerts, dramatic productions - recreational, community and leisure purposes, including fitness classes - sporting, community, recreational and related activities

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted		
		Park category	Sportsground category	General Community Use category
Short-term licence	Depending on activity and agreement with Council	Including but not limited to: <ul style="list-style-type: none"> - Access through a reserve - Advertising - Catering - Coaching clinics for basketball, skating and the like - Community services and activities - Community events and festivals - Community training or education - Delivering a public address - Emergency occupation - Engaging in an appropriate trade or business - Entertainment - Environmental protection, conservation or restoration or environmental studies - Equestrian events - Exhibitions - Filming (as defined by the <i>Local Government Act 1993</i>), including for cinema/ television including temporary erection or use of buildings or structures necessary to enable a filming project to be carried out - Functions – community, corporate - Hiring of equipment - Markets, fairs 	Including but not limited to: <ul style="list-style-type: none"> - Access through a reserve - Advertising - Broadcasting or filming of sporting fixtures and still photography - Broadcasts associated with any event, concert, or public speech - Catering - Coaching clinics for sporting activities - Community events and festivals - Community services and activities - Community training or education - Delivering a public address - Emergency occupation - Engaging in an appropriate trade or business - Entertainment - Environmental protection, conservation or restoration or environmental studies - Equestrian events - Exhibitions - Filming (as defined by the <i>Local Government Act 1993</i>), including for cinema /television including temporary erection or use of buildings or structures necessary to enable a filming project to be carried out - Functions - community, corporate - Helicopter take-off/ landing 	Including but not limited to: <ul style="list-style-type: none"> - Access through a reserve - Advertising - Auctions and similar activities - Broadcasting or filming of sporting fixtures and still photography - Catering - Cinema - Coaching clinics for recreational, sporting activities - Community events and festivals - Community services and activities - Community training or education - Delivering a public address - Displays, exhibitions, fashion parades, shows - Emergency occupation - Engaging in an appropriate trade or business - Entertainment - Environmental protection, conservation or restoration or environmental studies - Exhibitions - Filming (as defined by the <i>Local Government Act 1993</i>), including for cinema/ television including temporary erection or use of buildings or structures necessary to enable a filming project to be carried out

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted		
		Park category	Sportsground category	General Community Use category
		<ul style="list-style-type: none"> - Meetings - Military exercises - Mobile food/beverage vans - Outdoor cinema - Performances, playing a musical instrument or singing for fee or reward - Photography (still, commercial) - Picnics - Private celebrations (weddings and family gatherings) - Sales - Scientific studies, surveys - Shows - Site investigations - Sporting and organised recreational activities - Storage 	<ul style="list-style-type: none"> - Hiring of equipment - Markets, fairs - Meetings - Military exercises - Mobile food/beverage vans - Outdoor cinema - Performances, playing a musical instrument or singing for fee or reward - Photography (still, commercial) - Private celebrations (weddings and family gatherings) - Promotion or enhancement of sporting groups, fixtures and events (e.g. 'guest' events for juniors, gala days, club meetings) - Sales - Scientific studies, surveys - Seminars and presentations, including educational programs - Shows - Site investigations - Sporting and organised recreational activities, fixtures and events including ticketed events - Sports ancillary ceremonies (for example, rehearsals, opening and closing ceremonies, cheer squads, etc.) - Sports and fitness training and classes - Storage 	<ul style="list-style-type: none"> - Functions - community, corporate (e.g. commemorative functions, book launches, film releases, similar activities) - Hiring of equipment - Markets, fairs - Meetings - Military exercises - Performances, playing a musical instrument or singing for fee or reward - Photography (still, commercial) - Private celebrations (weddings and family gatherings) - Promotion or enhancement of sporting groups, fixtures and events (for example 'guest' events for juniors, gala days, club meetings) - Sales - Scientific studies, surveys - Seminars and presentations, including educational programs - Shows - Site investigations - Sporting and organised recreational activities, including ticketed events - Storage

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted		
		Park category	Sportsground category	General Community Use category
Other estates		<p>This Plan of Management expressly authorises Council to grant ‘an estate’ over Crown and community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the <i>Local Government Act 1993</i>. The granting of easements of over Crown land will also be subject to the provisions of the <i>Native Title Act 1993</i>, Division 8.7 of the <i>Crown Land Management Act 2016</i>, and other applicable legislation.</p> <p>This Plan of Management authorises the construction of structures for the purposes of stormwater management, treatment and/or retention as prescribed in Section 28 of the <i>Local Government (General) Regulation 2021</i>. This Plan authorises the continued use of drains, channels and easements, and the creation of new drains, channels and easements.</p> <p>This Plan of Management expressly authorises the granting of easements over community land at Concord Oval for public utilities, providing pipes, conduits or other connections under the ground surface. This is limited to easements which connect premises adjoining community land to an existing water, sewer, drainage or electricity facility of Council or another public utility provider that is situated on the land. Such easements are authorised provided that:</p> <ul style="list-style-type: none"> • there is no feasible alternative to connecting to a facility on the community land • there is no significant impact on the condition or use of the community land • in all cases, the applicant is to be responsible for all costs incurred by Council in the creation of the easement. <p>Granting of easements for public utilities and stormwater management at Concord Oval is subject to conditions as required to ensure the protection of reserve assets, values and uses; and demonstration of a community and/or environmental benefit. Council will oppose the creation of any additional (foreign) services or utility installations, or easements, in or through Concord Oval unless there is an advantage for Concord Oval and its management, or an overriding community or environmental benefit.</p> <p>Granting of easements above or on the surface of community land is not within the authority of this Plan of Management. These easements include, but are not limited to, piping to a natural watercourse, piping from a facility on community land to a facility on private land, and private vehicular or pedestrian access.</p>		

5.2.9 Exclusive occupation and private purposes

Exclusive use of any area of community and Crown land is not desirable, as Concord Oval should be available for use by anyone in the community. An exception is a use where the exclusion of the public is desirable for security of assets and public safety.

The exclusive occupation or use of Concord Oval is only permitted for the purposes of any lease to which Sections 47 and 47A of the Act applies.

Section 46 of the *Local Government Act 1993* generally prevents Councils from granting leases, licences or other estates over community land for private purposes. However, the Act enables short-term casual licences to be issued by Councils for purposes prescribed by the Regulation. The purpose of the lease, licence or other estate must be consistent with the core objectives for the relevant category of community land.

6 ACTION PLAN

6.1 Introduction

The *Local Government Act 1993* requires Plans of Management for community and Crown land to:

- contain performance targets.
- specify the means of achieving objectives and performance targets.
- specify how achievement of the objectives and performance targets is to be assessed.

This section outlines the actions required to implement the management direction for Concord Oval, consistent with the six principles of the Canada Bay Open Space and Recreation Strategy 2019.

Across all of the six principles is the preparation of an Operational Management Plan that will be reviewed annually so adjustments can be made to meet the objectives of the Plan of Management.

Table 19 Structure of action plan tables

Principle

Heading	Explanation
Item	An issue or need to be addressed, or an opportunity.
Objectives/ performance targets	Targets/strategies to achieve vision and objectives for Concord Oval. They reflect the value of Concord Oval, and provide direction for the action.
Actions	Specific task or action required to address issues/needs, consistent with achieving the objectives/performance targets
Means of assessing performance	How Council intends to measure and assess its performance in implementing and achieving the action over time.
Resource	Capital or operational budget or external funding

6.2 Optimise Capacity

Address current and future gaps by realising the capacity of existing open space and recreation facilities.

Table 20 Actions to Optimise Capacity

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Leases / licences	Effective ongoing management of leases	Complete the lease agreement with West Tigers over part of Building A	Lease executed and managed	Operational Budget
		Manage lease agreement with West Harbour over part of Building A	Lease managed	Operational Budget
		Enter into a lease agreement for the management and operation of the cafe	Lease executed and managed	Operational Budget
Bookings - Venues	Optimise use of facilities	Set targets for regular and casual bookings	Quarterly reporting and monitoring Promotion	Operational Budget
Oval Use	Capacity is optimised	Ensure organised use of the oval does not exceed capacity	Inspections Turf quality assessment	Operational Budget
Concord Oval Recreation Centre	Optimise use of CORC facilities	Set targets for: <ul style="list-style-type: none"> health club membership sports court use and peak occupancy 	Quarterly reporting and monitoring Promotion	Operational Budget
Toilets and changerooms in Building A	Targeted use organised sport and events	Manage toilets and changerooms in Building A through CORC administration	Opening / closing schedule in place	Operational Budget
Informal Recreation	Encourage informal use of the informal recreation facilities	Ensure public access of the area when not in use for organised sport	Public access is available when not in use for organised sport	Operational Budget
		Consider improvements to lighting for the purposes of non-sporting and informal activities.	Lighting project considered	Capital Budget

6.3 Diversity

Deliver open space and recreation facilities, services and programs to cater for the informal and formal recreation needs of the diversity of age groups, cultures and genders.

Table 21 Actions for Diversity

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Precinct/ Oval use	Encourage use by a diverse range of users	Subject to capacity, consider use for other organisations and events	No. of casual hirers and events	Operational Budget
Informal recreation	Provide facilities for informal recreation and play	Complete the development of informal recreation facilities at Concord Oval	Informal recreation facilities are completed	Capital Budget
Community Venue and CORC	Provide a facility that caters for a diverse range of community and commercial needs	Monitor use by community and commercial organisations	Bookings Annual reporting	Operational Budget
Organised Sport	Maximise use of sporting facilities for diverse activities	Work with lessees to encourage and support elite organised sport and outreach programs	No. of programs offered	Operational Budget
Public Art	Celebrate Concord Oval precinct through creative endeavours	Integrate First Nations artwork into the building	First Nations artwork included in building	Capital Budget
		Include community based public art within the site	Community based public art	Operational Budget
		Seek art design ideas from artists, sculptors etc.	Public art installed	
		Deliver public art		
Heritage	Interpret the rich heritage of the Concord Oval site	Interpret heritage across the site	Heritage interpretive material produced	Capital budget

6.4 Accessibility and connectivity

Improve accessibility, connectivity to open space and recreation facilities, services and programs through green walkable streets, active transport links, affordable access, universal design, and equitable distribution.

Table 22 Actions for accessibility and connectivity

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Access	Users and general public can access the facility	Maintain facility access	Regular maintenance schedule undertaken	Operational Budget
Information in community languages	Facility information is readily accessible	Provide online information in community languages	Information available online	Operational budget
Fees and charges	Ensure affordable fees and charges	Review fees and charges regularly to ensure affordability	Fees and charges are reviewed annually	Operational budget
Public and active transport links	Encourage use of public and active transport links	Review provision of wayfinding and signage	Review undertaken	Operational budget
		Review provision and use of active transport infrastructure (i.e. bike racks)	Review undertaken	Operational budget
		Promote public and active transport links to user groups and the public	Promotion undertaken	Operational budget

6.5 Partnerships

Work in partnership and plan collaboratively with the private sector, government agencies, peak bodies and local sporting clubs to share space and deliver new open space and recreation facilities.

Table 23 Actions for partnerships

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Relationship with Crown Lands	Strong working relationship with Crown Lands	Continue to work in partnership with Crown Lands as the land owner of the majority of Concord Oval	Quarterly contact with Crown Lands	Operational Budget
Council responsibility for Concord Oval management	Council is responsible for the management of Concord Oval	Work closely with Transport for NSW and Crown Lands to place all land parcels in Concord Oval under Council's care, control and management	Land titles Council is manager of all land parcels in Concord Oval	Operational Budget
Concord Oval User Working Group	Frequent contact with all regular users	Establish a Concord Oval User Working Group comprising all regular users	Working Group formed Regular meeting schedule	Operational Budget
Identity of Concord Oval	Maintain the identity of Concord Oval Precinct as a community facility	Brand and maintain the identity of Concord Oval precinct as a multi-purpose community destination	Branding developed and in ongoing use	Operational Budget
Outreach and community programs	Assist West Tigers to deliver outreach and community programs to the community	Provide in-kind support for West Tigers to deliver outreach and community programs to the community	Number of programs and participants	Operational Budget
Existing partnerships	Development and strengthening of existing partnerships	Work with existing partners to facilitate facility improvements and programming which align with this Plan of Management	Improvements and programs identified	External and Operational Budget
New partnerships	Development of new partnerships	Identify future partnerships to facilitate facility improvements and programming that align with this Plan of Management	Improvements and programs identified	External and Operational Budget

6.6 Well-designed

Be adaptable and future-proof open space for growth through co-located, multipurpose, shared use, diverse and flexible spaces. Optimise recurrent asset management and maintenance costs.

Table 24 Actions for good design

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Fit for purpose	All facilities are fit for purpose	Undertake regular customer satisfaction and user surveys to accurately identify needs	Surveys undertaken	Operational Budget
		Monitor defect periods for all facilities	Monitoring program	Operational Budget
		Develop a comprehensive Defects Register	Defects Register is developed	Operational Budget
Asset Management	Manage assets consistent with Asset Management Plan	Prepare a precinct wide Asset Management Plan incorporating: <ul style="list-style-type: none"> • playing field • buildings • Concord Oval Recreation Centre • informal recreation • cycleway 	Asset Management Plan completed	Operational Budget

6.7 Sustainable

Be environmentally and financially sustainable through the provision of recreation facilities and programs that:

- protect and enhance connections to nature, biodiversity, ecology and mitigate the impacts of climate change;
- remain fit for purpose through quality maintenance and asset management.

Table 25 Actions for sustainability

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Contamination	Effective management of contamination	All contaminated materials on site are managed in accordance with the prepared Remediation Action Plan (RAP).	Review against RAP	Capital Budget
		Develop a Site Action Plan (SAP) which all future capital works will be required to comply with.	Completion of SAP All future works reviewed against SAP	Capital Budget Operational Budget
Waste	All waste is effectively and efficiently managed	Prepare a site-specific waste management plan	Waste management plan completed	Operational Budget
		Review the waste management plan	Review WMP annually	Operational Budget
Climate change	Net Zero emissions for the precinct by 2030	Undertake annual emissions audits	Emissions audit results	Operational Budget
		Achieve environmental certification of the precinct by 2025 (e.g. Green Star, ISO 14001 and/or Carbon Neutral)	Environmental certification by 2025	External and Operational Budget
	Climate resilient precinct	Prepare a precinct-wide Climate Change Management Plan addressing climate risk, resilience, net zero emissions, canopy cover and biodiversity and ecological values	Completed Climate Change Management Plan	Operational Budget
		Review and report publicly on the Climate Change Management Plan	Reports publicly available	Operational Budget
	Sporting licensees and organisations reduce impacts on climate	Develop partnerships with licensees and organisations advocating for climate action in sports	Partnerships established	External and Operational Budget

Item	Objectives/ performance targets	Actions	Means of assessing performance	Resource
Energy and resource consumption	Users reduce energy and resource consumption	Include utility and sustainability clauses in all lease and licences actions – separate metering, direct billing, requirement to monitor and report to Council.	All licences and leases include utility clauses Utility consumption monitored and publicly reported for the precinct from day 1	External and Operational Budget
Ecology	Improvement in ecological values of the precinct	Map ecological values (including canopy cover) of the precinct	Maps of ecological values complete	Operational Budget
		Include an ecological enhancement action plan in the Climate Change Management Plan	Climate Change Management Plan includes an ecological values enhancement action plan	Operational Budget
Financial sustainability	Ensure sufficient resources are available to operate and maintain facilities	Maintain all facilities to the required standard and level of service	Annual budget review	Operational Budget
		Allocate appropriate resources to manage the facility		Capital and Operational Budget

7 IMPLEMENTATION AND REVIEW

7.1 Management

The redevelopment of Concord Oval assets will continue to be managed by City of Canada Bay as Crown Land Manager in terms of facility management, use, improvements and maintenance.

Council will have oversight of any use agreements for activities on the site.

Day-to-day management of any leased and licensed areas will be the responsibility of any lease or licence holder according to the terms of the lease or licence agreement.

Allocation of staff for management, maintenance and capital works will be monitored by Council on an ongoing basis to ensure that standards are maintained. If new facilities or extensive works are required then the need for additional staff or contractors will be assessed.

Development of new facilities will be carried out only by Council staff or contractors engaged by Council. Council may also engage contractors to assist with the maintenance of Concord Oval.

7.2 Implementation

Once a Plan of Management for a Crown reserve has been approved and adopted by the Minister, the Crown Land Manager must carry out and give effect to the plan. Once City of Canada Bay adopts this Plan of Management it is Council's responsibility to implement this Plan of Management.

Implementation of actions in this Plan of Management according to their assigned priorities will be monitored through the preparation of annual performance reports, budgets, and capital works programs.

It should be recognised that commencement and completion of the actions in this Plan of Management depends on available Council resources, funding, and Council's priorities in its annual works program. The priority of each action should be reassessed annually to determine if the stated priority is still relevant.

Implementation of this Plan of Management will be monitored through the preparation of annual operational and capital works programs and budgets. Performance standards and works programs for administration, maintenance and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Resourcing Plan.

7.3 Funding

City of Canada Bay Council can take several approaches in funding the implementation of this Plan of Management, including:

- Council sources, including capital funds, developer contributions, fees and charges for use
- Partnerships with sporting and other user and community groups
- Applying for Commonwealth and state government grants, including Crown Reserves Improvement Fund, sports and recreation, heritage, and environmental.

7.4 Reporting

Council will report on the progress of implementing this Plan of Management in the following ways:

- within Council's Integrated Planning and Reporting framework
- including achieved and proposed actions in its quarterly and annual reports
- when preparing capital works and maintenance budgets
- Issuing media releases and information on its website
- providing information flyers and newsletters to adjoining residents and other stakeholders.

7.5 Change and review of this Plan of Management

This Plan of Management will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. Council has determined that it will review the Plan of Management within 5 to 10 years of its adoption. However, the performance of this Plan of Management as set out in the Action Plan will be reviewed on an annual basis to ensure that Concord Oval is being managed in accordance with the Plan of Management, is well maintained, and provides a safe environment for public enjoyment.

Council may continue to acquire or divest land for the benefit of the community. Land may also come into Council's ownership by dedication of land for open space.

The community will have the opportunity to participate in reviews of this Plan of Management.

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APPENDIX A

HISTORY OF CONCORD OVAL



SITE HISTORY

The history of the site has been separated into six distinct phases:

- The original environment
- Aboriginal cultural heritage and land use
- The Longbottom Farm
- The Longbottom Stockade
- St Luke's Park
- Concord Oval

Source: SixMaps



THE ORIGINAL ENVIRONMENT

Topography

It is apparent that the topography of the subject site has been heavily modified by historical activities, with at least part of the subject area being infilled for the reclamation of former swampland. This was confirmed during archaeological excavations at the subject site, which uncovered a dense fill layer of artefacts from the late 1800s and early 1900s.

The natural topography of the area was originally flat with a gentle slope down to the original water course which was located at the eastern boundary of the subject site.

Water courses

The subject site is bounded to the east by an open stormwater channel which flows north into Hen and Chicken Bay on the Parramatta River. Early plans of the village of Longbottom show that this was a natural creek line which was converted into the stormwater drains.

A second waterway running north through the middle of the subject site was also evident on earlier plans and was connected to the eastern stream. These streams would have been important and viable sources of fresh water and food for Aboriginal people within the area. Furthermore, consultation during the Aboriginal Cultural Heritage assessment identified cultural significance associated with the streams.

Vegetation

While there is no remnant vegetation present within the subject site due to historical land clearance, the subject site forms part of the Blacktown Soil Landscape. Vegetation typically associated with the Blacktown Soil Landscape included tall open-forest (wet sclerophyll forest) and open-woodland (dry sclerophyll forest). Common plant types would have included Sydney Blue Gum (*Eucalyptus saligna*), Blackbutt (*Eucalyptus pilaris*), Forest Red Gum (*Eucalyptus tereticornis*), narrow leaved ironbark (*Eucalyptus crebra*) and grey box (*Eucalyptus moluccana*).

As the area included wetland in low lying areas, marsh species such as mangroves would have also been present.

Source: State Library of New South Wales

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ABORIGINAL CULTURE AND LAND USE

Much of our understanding of Aboriginal life pre-colonisation is informed by the histories documented in the late 18th and early 19th century by European observers. These histories provide an inherently biased interpretation of Aboriginal life both from the perspective of the observer but also through the act of observation. The social functions, activities and rituals recorded by Europeans may have been impacted by the Observer Effect, which essentially states that individuals will modify their behaviour in response to their awareness of being observed.

Given the early contact with Aboriginal people in the Sydney region, more is known about these groups than those that inhabited regional areas. The Aboriginal population in the greater Sydney region is estimated to have been between around 4000 and 8000 people at the time of European contact. The area around Canada Bay and the present subject area was occupied by the Wangal group, belonging to the Darug (also spelt as Dharug or Daruk) people. It is believed that the Darug people inhabited areas from the Inner West of Sydney to mouth of the Hawkesbury River and west to Mount Victoria, taking in areas around Campbelltown, Liverpool, Camden, Penrith and Windsor.

The archaeological record is limited to materials and objects that were able to withstand degradation and decay. As a result, the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts. After European contact, Aboriginal people of the Sydney region continued to manufacture tools, sometimes with new materials such as bottle glass or ceramics.

Other materials, such as shell and bone, also survive in the archaeological record under certain conditions. The Darug have been described as a woodland people whose diet consisted primarily of hunted land animals, such as kangaroos and emus, and also yams and other roots. In describing his encounters with the Darug people living near the Hawkesbury River, Watkin Tench (1791) noted: "...they depend but little on fish, as the river yields only mullets, and that their principal support is derived from small animals which they kill, and some roots (a species of wild yam chiefly) which they dig out of the earth". However, there is significant evidence of reliance on river resources in the form of shell middens in the lands occupied by the Wangal people.

During community consultation as part of the Aboriginal Cultural Assessment identified cultural significance particularly related to the creeks that were previously in the subject site. The creeks would have been used by Aboriginal elders in the past and were a "source of water and other resources, once a rich environment".

Archaeological excavations uncovered multiple stone artefacts during the Section 140 excavations and subsequent test excavations. All artefacts were found in a secondary position and not in situ.

The Concord area continues to be inhabited by Aboriginal peoples with a strong connection to country.

EARLY SETTLEMENT AT CONCORD

Parramatta Road

Shortly after the establishment of the main European settlement at Sydney Cove, a secondary settlement was founded at Rose Hill in 1788. This later became Parramatta, with the major river that provided access to the settlement becoming known as the Parramatta River.

The River remained the major route of access for both travellers and trade between the two settlements. From 1791 however a rough track was developed, following an ancient Aboriginal route on the southern side of the swamplands.

In the early 1800s the route was cleared and widened by convict labour, eventually forming Parramatta Road and leading from the southern edge of Sydney (at Central Station) all the way to Parramatta.

Settlement at Concord

By 1793 a stockade was established at the halfway point between Sydney and Parramatta, at the subject site. This led to the establishment of Concord, one of Sydney's earliest municipalities.

Land grants were dedicated to free settlers shortly after, including Sarah and Isaac Nelson in 1794. Additional grants were made to James Brackenrigg, Denis Connor, James Eades, Lieutenant John Townson and Augustus Alt. A major grant of 250 acres was given to Captain Thomas Rowley in 1799.

This initial settlement saw the growth of two small villages on the north side of the Parramatta Road, Concord and Longbottom, established in 1837 and 1843 respectively.



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THE LONGBOTTOM FARM

Shortly after the establishment of the Longbottom Stockade in 1793, Governor Grose sent workmen and convicts there to create a timber yard. 60 acres of natural bushland were soon cleared, forming the Longbottom Government Farm. The Longbottom Farm comprised of over 700 acres of land, forming much of what is modern Concord.

At the Government Farm, nearby residents could house livestock and crops when their land grants were not large enough to sustain private crops or herds. Additionally, the Farm was used for timber getting, where timber was cut and sawn on site before being sent to Sydney on boats from the Parramatta River. The timber getting industry was crucial economic activity in the early colonial days, providing building materials and cleared farmland for cultivation.

From 1838, parts of the Longbottom Farm were gradually sold off for private ownership, with the size of the Farm reduced from 700 to 280 acres.

During the Section 140 archaeological excavations for the site, evidence of the Longbottom Farm including plough lines were uncovered within the historic soil layers, forming a rare archaeological find within well preserved soil deposits.



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THE LONGBOTTOM STOCKADE

In the 1790s Governor Philip selected a flat area along Parramatta Road approximately halfway between Sydney and Parramatta, which became an overnight detention centre for convicts travelling between the two settlements. Convicts at the stockade worked on the construction of Parramatta Road, or on the timber-getting industry in the area.

The first description of the area, from 1793, described the stockade as featuring "nine huts for labouring convicts...sixty acres of government ground cleared of timber." It also described a prison, police barracks, government farm, timber mill, detention centre and agistment land for police horses and oxen.

By 1820, the Longbottom Stockade was a permanent detention centre, with 110 labouring convicts working on the maintenance of Parramatta Road, shell collection for lime, manufacturing bricks, quarrying stone, or burning charcoal. A watch house and lockup were constructed at this time.

By 1828 there were only 6 convicts at the stockade, and it began to serve a second purpose as an overnight jail for drunks on Parramatta Road.

By 1838 the Stockade became repurposed as a mounted police barracks, with the surrounding farmland used for grazing paddocks for the horses.

In March 1840, 58 French-Canadian political exiles from Canada were held at the Stockade due to its isolation from Parramatta and Sydney. These rebels undertook the same work that earlier convicts had participated in.

The Canadians built a new barracks for their own accommodation while incarcerated at the site. Following a year of labour, the Canadians petitioned Governor Gipps for tickets-of-leave, which were granted. The rebels were released between November 1842 and February 1844, with almost all returning to Canada. Following the exit of the French-Canadians, the Stockade fell into disrepair.



Source: City of Canada Bay

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THE MOUNTED POLICE BARRACKS

The following information has been extracted from the s140 Application Addendum by Lantern Heritage:

Crown plans and other maps from the 1850s provide a combination of additional detail and improved mapping precision that enables a more confident comparison of former stockade. However, the size and locations of individual structures indicates a larger footprint and increased overlap with the current study area. Crown plans also indicate the existence of ruins of a 'round-house' situated on the southern boundary of the study area.

Additional descriptive details of individual buildings are provided on Crown Plans dating to the late 1870s and early 1880s. Crown Plan c.21-1252(1879) shows that many of the earlier stockade have been removed, although two brick houses are shown in the same general arrangement and location of structures that occupied the southeast corner of the former stockade. A brick kitchen is also indicated to the north of the eastern brick house. The location of the former four roomed structure now appears to be occupied by garden and "water closets".

A well is also shown within the yard occupied by the brick kitchen. Other features that appear to relate to the redevelopment of the complex for use by

the Mounted Police include new fence alignments and construction of a four-sided stable complex to the south of the former stockade, with the western stables parallel to and abutting the eastern margin of Stockade Street. The location of these stables corresponds to the north-western end of the Western Grandstand, with the current alignment of Loftus Street overlapping with the former western stable. The stables are all described as "wooden", with the stables in the north, west and south being "open" and those in the east "closed."

This layout is shown again on the Burwood Park Crown Plan c55.2603, which shows the realignment of Stockade Street that presumably coincided with the demolition of the Longbottom Complex. The 1883 Crown Plan also shows the existence of a pathway leading north off Parramatta Road to the Police Barracks. This feature appears to have existed in a similar location since at least the 1840s.

Additional modifications to water courses are also shown on the 1879 Crown Plan, where it can be seen that the dam now links into the broader drainage network through a channel to the north, and the former creek/channel feeding into it from the south may no longer be extant.



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ST LUKE'S PARK

The area surrounding the Longbottom Stockade was dedicated as St Luke's Park in 1886, with the last written records available of the stockade indicating that the buildings were still standing in 1890 when Henry Archer and his family moved in to occupy one or more of the buildings. By 1910 there were no above-ground features or buildings visible on site. The area contained about 25 acres of swampland, having been reclaimed by garbage deposits, with portions reserved for sports.

Organised sport began to be played at the Oval from 1895 when Western Suburbs District Cricket Club first played there, followed by Western Suburbs District Football Club from 1900.

In 1910 a grandstand was built for the oval, and in 1913 entry gates to St Luke's Park were built on the corner of Parramatta Road and Loftus Street at the then entrance to St Luke's Park on 31 December.

The oval was upgraded in 1931-32. Concord Oval was officially opened on Saturday 17th September 1932, situated on part of what was once the Longbottom Farm and the Longbottom Stockade.



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CONCORD OVAL

In 1963 a new pavilion was constructed at Concord Oval, which became separate from St Luke's Park at this time through the extension of Gipps Road to the east. From 1965 the oval was used for rugby union, rugby league, athletics, basketball and cricket. The oval was regraded, however by 1973 many of the facilities were in decline.

Major changes began at Concord Oval in 1984/5 when the original wooden grandstand was bulldozed and the ground re-structured with an aim to provide Sydney with a world-class Rugby stadium that could accommodate 20,000 people. During the construction of the new grandstand, foundations of a sandstone building were uncovered in the northern most section of the grandstand footprint. These archaeological remains are potentially representing the preserved remains of one of the Longbottom Stockade buildings. The new grandstand was opened in 1986.

In 2020 major works for the redevelopment of Concord Oval began, seeing the demolition of all existing structures and bulk earthworks for the construction of a new field and buildings, including offices for the Wests Tigers NRL club and community spaces.



Source: City of Canada Bay



Source: The Daily Telegraph



Source: NGH



Source: Wikimedia Commons



Source: NGH

APPENDIX B

MATERIAL HARM TEST FOR ADDITION OF PUBLIC PURPOSE

B.1 Additional purpose – Community Purposes

Section 2.14 of the *Crown Land Management Act 2016* allows the Minister to authorise dedicated or reserved Crown land to be used for one or more additional purposes by notice published in the Gazette, provided that the Minister is satisfied that the use of the land for each additional purpose would be in the public interest, and would not be likely to materially harm its use for the purposes for which the Crown land is dedicated or reserved.

Section 2.13 of the *Crown Land Management Act 2016* clarifies that dedicated or reserved Crown land that is dedicated or reserved for use for more than one purpose may be used for any one or more of those purposes. In the case of Concord Oval it is reserved for Public Park, with Community Purposes proposed to be added to the reserve.

Section 2.13 of the Act requires the Minister to be satisfied that the additional purposes would be in the public interest, and not be likely to materially harm the use of the land for any of the existing purposes for which it is dedicated or reserved.

The additional purpose of 'Community Purposes' enables the proposed leases to West Tigers, West Harbour Rugby Club and for a café; and use of part of the Centre of Excellence (Building A) by the community, and community use of the Concord Oval Recreation Centre (Building B).

Benefits to the public of the 'Community Purposes' purpose at Concord Oval include:

- public access to the oval when the oval is not in use for organised sport
- public access to part of Level 1 of Building A during matches - viewing spaces, multi-purpose room, balcony, outdoor terrace, kitchen and storeroom
- public access to some indoor areas on the ground floor of Building A, including a café, retail merchandise store to purchase West Tigers merchandise, West Harbour kiosk, and toilets
- public access to the carpark in Building A
- public access to the Concord Oval Recreation Centre (four indoor courts, functional training gym, two program studios, spin room, creche, change rooms, amenities) in Building B when the centre is in operation
- public access to the carpark under Building B
- invited access to the West Tigers leased area for outreach and community programs
- Council reserving the right to hire out Concord Oval to maximise use of the grounds / facilities, subject to notification of West Tigers and no conflict with West Tigers' use of the ground for training.

West Harbour Rugby Club (formerly Western Suburbs District Rugby Union Football Club (1900) and Concord Rugby Club (1886)) has a long-standing connection with Concord Oval, since Concord Rugby Club first used Concord Oval (then St Luke's Oval) in 1886.

Concord Oval has been used for rugby league since 1908 when Western Suburbs was a foundation club of the NSW Rugby Leagues. West Tigers have used Concord Oval for training since 2004.

A collaborative public-private partnership between federal and state government, Council, West Tigers and West Harbour has facilitated the development of the West Tigers Centre of Excellence and the Concord Oval Recreation Centre.

Section 2.14(3) of the *Crown Land Management Act 2016* lists six considerations which are relevant to the question of whether the use of dedicated or reserved Crown land for an additional purpose (Community Purposes) would not be likely to materially harm its use for an existing purpose for which it is dedicated or reserved (Public Park). Those considerations are addressed below.

**Considerations of material harm to Public Park purpose by an additional purpose
'Community Purposes' at Concord Oval**

Consideration	Comments
<p>The proportion of the area of the land that may be affected by the additional purpose</p>	<p>Prior to the completion of the redevelopment of Concord Oval in 2022, Concord Oval comprised:</p> <ul style="list-style-type: none"> - a rectangular playing field - eastern and western grandstands incorporating spectator seating and sporting club administration and training/competition facilities, and the Concord Room used by the community for education and functions - mounded viewing areas - carparks - informal parkland including mature trees and the 'Concord Oval' floral garden - toilet blocks - maintenance facilities - access and circulation areas. <p>All areas of Concord Oval prior to the redevelopment of Concord Oval were used for sporting, recreation, or ancillary purposes consistent with the Public Park purpose. The Concord Room was used by West Tigers for education, and the community could hire it for functions. The floor area of the Concord Room at say 200m²/4.2 hectares site area = 0.5% of 'community'/non-sport and recreation use of Concord Oval prior to ROCO.</p> <p>The building floorspace occupied by community-accessible facilities and spaces at Concord Oval resulting from the redevelopment of Concord Oval is approximately 48% of the Centre of Excellence (Building A) and 96% of the Concord Oval Recreation Centre (Building B).</p> <p>Community-accessible facilities and spaces categorised as General Community Use comprise 20% of the total reserve land area.</p> <p>ROCO has increased the provision of and public access to community facilities at Concord Oval, but not at the expense of sporting facilities and public parkland.</p> <p>Increasing public access to Crown land is a key principle of Crown land management. Community-accessible facilities such as the cafe, the multi-purpose room, balcony, outdoor terrace and kitchen in Building A are complementary to and enable the community to enjoy public parkland. The community also now has access to indoor sports courts and fitness facilities in the Concord Oval Recreation Centre.</p>
<p>If the activities to be conducted for the additional purpose will be intermittent, the frequency and duration of the impacts of those activities</p>	<p>Use by the community of community facilities and spaces at Concord Oval will take place intermittently, rather than continuously. The frequency and duration of such community use is:</p> <ul style="list-style-type: none"> - during opening hours of the Concord Oval Recreation Centre – 5.30am to 10pm every day - during matches played by West Harbour Rugby – 10 Saturdays per year for 8 hours - during the café opening hours - function room and balcony opening hours will depend on bookings - merchandise shop opening hours - invited community access to the West Tigers leased area for outreach and community programs. <p>The remaining part of the lease area(s) will be used exclusively by West Tigers and West Harbour Rugby.</p>

Consideration	Comments
The degree of permanence of likely harm and in particular whether that harm is irreversible	<p>The proposed lease consistent with the additional purpose is for a 21 year period, at which time the interests will expire.</p> <p>The new buildings A and B are new and are expected to exist for more than 21 years.</p> <p>The community uses facilitated by the new community-accessible facilities and spaces at Concord Oval will not conflict with uses consistent with public park. In fact community uses enjoyed at the Concord Oval Recreation Centre will complement the public park/recreation/sporting use of Concord Oval.</p> <p>The additional purpose will provide ongoing benefits to the local community and public.</p> <p>The leases and other use agreements enabled by Community Purposes are not irreversible.</p>
The current condition of the land	<p>The condition of the land prior to construction of Buildings A and B as part of the redevelopment of Concord Oval was the western grandstand in average condition (Building A) and the unsealed and uneven northern carpark with poor drainage (Building B). Both the western grandstand and northern carpark were not in a suitable condition which could be effectively used for a public park without extensive rehabilitation works.</p> <p>The new community facilities and spaces will not harm the land on which they stand.</p>
the geographical, environmental and social context of the land	<p>Concord Oval is one of the premier sporting facilities in City of Canada Bay, located on the southern border of Canada Bay adjoining Burwood local government area.</p> <p>The community facilities and spaces provided at Concord Oval have responded to long-standing community needs.</p> <p>The proposed increase in community use of Concord Oval makes more efficient use of the land for multiple activities in addition to sport.</p> <p>Four sports courts at Five Dock Leisure Centre have been used also for gymnastics, which limited use of the space for gymnastics and court sports. The four courts are being 'relocated' to Concord Oval Recreation Centre at Concord Oval which frees up Five Dock Leisure Centre to cater for the high local demand for gymnastics.</p>
any other considerations that may be prescribed by the regulations	-

APPENDIX C

RELEVANT LEGISLATION AND PLANS

C.1 NSW government legislation

Other NSW legislation may at times be relevant for the planning, development and management of Concord Oval, as follows:

- *Protection of the Environment Operations Act 1997* addresses environmental offences, air quality, water quality, pollution control and noise control
- *National Parks and Wildlife Act 1974* contains provisions to protect places, objects and features of significance to Aboriginal people as well as to protect and conserve habitats, ecosystems and wildlife, landforms/landscapes and natural features of significance
- *Heritage Act 1977* conserves the State's heritage i.e.. those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance
- *Disability Inclusion Act 2014* provides for the provision of services for, and inclusion of, people with a disability
- *Companion Animals Act 1998* requires environmental initiatives by councils to promote responsible animal ownership, provides for owners to have effective control of dogs and cats in public places, and prohibits dogs within 10 metres of a playground and food preparation/consumption areas and some recreation areas
- *Smoke-free Environment Act 2000* and *Smoke-free Environment Regulation 2016* prescribe controls regarding smoking tobacco (prohibited within 10 metres of a playground or a spectator area for/while watching an organised sporting event).

C.2 City of Canada Bay plans

C.2.1 Your Future 2030

YOUR Future 2030 is the City of Canada Bay's Community Strategic Plan. The purpose of the Plan is to identify the community's main priorities and aspirations for the future and to identify how to achieve these goals.

The Plan is based on Council's understanding of what the community has told Council as well as an analysis of metropolitan, district and local issues likely to impact on the City in coming decades. The consultation undertaken to inform this document built on the consultation for Council's Community Strategic Plan.

Community feedback indicates that green spaces, local parks and opportunities to be near the water should be protected and enhanced.

Key relevant themes of YOUR Future 2030 and their goals and strategies are:

Themes, goals and strategies of YOUR Future 2030

Themes	Goals
1 Inclusive, involved and prosperous	1.1 All residents have full access to high quality services that facilitate inclusion and participation in community life
	1.2 The community has a diverse range of opportunities to engage in recreation and lifelong learning that promotes health and wellbeing
2 Environmentally responsible	2.1 Working together, we adopt practices that sustain our environment
	2.2 Attractive, well maintained and accessible parks and open spaces provide for a range of active and passive recreation uses

Themes	Goals
3 Easy to get around	3.2 A connected network of quality active and public transport routes and services minimise traffic and make it easier to get around.
4 Engaged and future focused	4.1 The community participates in setting directions for the future
5 Visionary, smart and accountable	5.2 Leadership of the organisation inspires best practice in everything in which Council is involved

C.2.2 Local Strategic Planning Statement

Introduction

The Canada Bay Local Strategic Planning Statement (LSPS) is informed by Council's Community Strategic Plan. The LSPS provides the rationale for decisions about how we will use our land to achieve the aspirations of the community.

Vision, values and planning priorities

The vision/values and planning priorities of relevant themes of the LSPS are set out below.

Planning priorities of Canada Bay Local Strategic Planning Statement

Themes	Vision/values	Planning priorities
Liveability	- Create great streets, places and buildings for people	- Providing community services and facilities to meet people's changing needs
	- Protect and enhance local character	- Foster safe, healthy, creative, culturally rich and socially connected communities
Sustainability	- Improve access to Parramatta River foreshore	- Provide high quality planning and urban design outcomes for key sites and precincts
	- Facilitate sustainable development and renewal	- Create vibrant places that respect local heritage and character
	- Increase biodiversity and the urban tree canopy	- Protect and improve the health and enjoyment of the Parramatta River Catchment and waterways
		- Protect and enhance bushland and biodiversity
		- Protect and enhance scenic and cultural landscapes
		- Increase urban tree canopy and deliver Green Grid connections, including ensuring that Master Plans and Precinct Plans achieve a minimum of 25% canopy cover.
		- Deliver high quality open space and recreation facilities
		- Reduce carbon emissions and manage energy, water and waste efficiently
		- Adapt to the impacts of urban and natural hazards and climate change

Open space and recreation

Planning Priority 17 of the LSPS is to "Deliver high quality open space and recreation facilities".

Growth and change of Canada Bay's population is placing increased pressure on existing open space and recreation facilities and demand for increased provision and access to recreation services and programs. Demographic changes will require open space and recreation facilities to meet the needs of older people, children and families and young people.

Relevant open space priorities for Concord are an improved sports precinct, indoor recreation facilities, and walking opportunities.

C.2.3 Canada Bay Local Environmental Plan 2013

Concord Oval is zoned RE1 Public Recreation under the Canada Bay Local Environmental Plan 2013.

The zone objectives are in Section 5.1 and permissible land uses are in Section 5.2.

C.2.4 Open Space and Recreation Strategy

The Canada Bay Open Space and Recreation Strategy identified the priority needs to 2026 of:

- Green Grid recreation trails from Concord Oval through St Luke's Park to Barnwell Park Golf Course
- delivering four new indoor recreation courts through the redevelopment of Concord Oval.

C.2.5 Council Policies

Relevant City of Canada Bay Council policies are:

- Community Events Policy
- Mobile Food Vending
- Public Open Space Hire Policy
- Sports Field Allocation Policy
- Sustainable Event Management Policy

APPENDIX D

VISION AND OBJECTIVES FOR OPEN SPACE AND PARKLAND

D.1 Vision for open space and parkland in NSW

D.1.1 50-Year Vision for Greater Sydney's Open Space and Parklands

The Draft 50-Year Vision for Greater Sydney's Open Space and Parklands in the next 50 years is:

- a living and breathing city of parks for people to connect, exercise, reflect and celebrate
- a city of immense natural beauty, with incredible parklands, open spaces and waterways within its landscape
- a place where people are custodians and wholeheartedly embrace and care for open space and parklands
- cool, connected and community-focused through the Greater Sydney Green and Blue Grid
- a city where open spaces and parklands are accessible, meaningful and sustainable, reflecting the stories of the city's ancient and recent past, and enhancing unique landscapes for stories yet to be told
- a place where open spaces and parklands are fundamental to everyday life, nurturing people while supporting a vibrant ecology and providing a home for a rich diversity of flora and fauna in the city and its neighbourhoods
- as much a parkland city as it is a harbour and river city, where people share access to diverse types of open space and parklands.

Strategic directions underpinning the 50-year vision for Greater Sydney's open space and parklands are:

- Growing a city of parks for people
- Connecting neighbourhoods to parks
- Keeping Sydney green and captivating
- Being smart and resilient.

D.1.2 NSW Public Spaces Charter principles



Source: Department of Planning, Industry and Environment (2020)

D.2 City of Canada Bay vision and management objectives

D.2.1 Vision for Canada Bay

The vision for Canada Bay local government area is set out by themes in Your Future 2030. Collectively, Council's vision is:

Table 26 Vision for Canada Bay

Theme	Vision
1 Inclusive, involved and prosperous	Our diverse community enjoys a range of inclusive and accessible social, recreational and cultural opportunities and is actively involved in the life of our City. People have a sense of belonging, share strong relationships in friendly neighbourhoods and our local town centres are vibrant and prosperous.
2 Environmentally responsible	Our community shares a collective responsibility to protect our environment and actively participates in innovative programs to mitigate climate change. These programs, along with our well cared for and cherished active and passive open spaces and waterways, are sustaining our future.
3 Easy to get around	It is easy to get around our City and wider Sydney region via a network of well-functioning and connected public transport, pathways and roads.
4 Engaged and future focussed	With our population continuing to grow, our community is engaged in planning for our future. The planning results in services that support our enviable lifestyle, quality open spaces, a range of housing types, commercial centres and infrastructure and developments that enhance and complement existing suburbs.

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

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City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2022

It is my opinion that the Quarterly Budget Review Statement for City of Canada Bay for the quarter ended 31/03/22 indicates that Council's projected financial position at 30/6/22 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____**date:** 10/05/2022Evan Hutchings
Responsible accounting officer

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Income & expenses budget review statement

Budget review for the quarter ended 31 March 2022

Income & expenses - Council Consolidated

(\$000's)	Original budget 2021/22	Approved Changes		Revised budget 2021/22	Variations for this Mar Qtr		Notes	Projected year end result	Actual YTD figures
		Sep QBRS	Dec QBRS						
Income									
Rates and annual charges	58,763	282	(138)	58,907	(140)	1	58,767	58,758	
User charges and fees	18,882	(1,291)	252	17,843	(756)	2	17,087	12,743	
Interest and investment revenue	1,020	-	40	1,060	140	3	1,200	886	
Other revenues	6,669	(619)	(519)	5,531	(570)	4	4,961	3,369	
Rental income	3,436	(241)	(239)	2,956	(227)	5	2,729	2,212	
Grants and contributions - operating	5,226	747	61	6,034	409	6	6,443	3,719	
Grants and contributions - capital	51,712	1,832	2,984	56,528	(2,750)	7	53,778	32,999	
Net gain from disposal of assets				-			-	1,371	
Total income from continuing operations	145,709	709	2,441	148,859	(3,894)		144,965	116,057	
Expenses									
Employee benefits and on-costs	40,459	(873)	(701)	38,885	(654)	8	38,231	28,950	
Borrowing costs	79	-	-	79	-		79	63	
Materials and services	34,759	(258)	203	34,704	(340)	9	34,364	22,209	
Depreciation and amortisation	14,391	-	-	14,391	-		14,391	10,847	
Other expenses	6,227	(7)	(33)	6,188	15	10	6,203	3,990	
Net Loss from disposal of assets				-			-		
Total expenses from continuing operations	95,915	(1,138)	(530)	94,247	(979)		93,268	66,059	
Net operating result from continuing operations	49,794	1,847	2,971	54,612	(2,915)		51,697	49,998	
Discontinued operations - surplus/(deficit)				-			-		
Net operating result from all operations	49,794	1,847	2,971	54,612	(2,915)		51,697	49,998	
Net Operating Result before Capital Items	(1,918)	15	(13)	(1,916)	(165)		(2,081)	16,999	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRS report

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Income & expenses budget review statement
Recommended changes to revised budget

Budget Variation recommendations include the following material items:

Notes	Details
1	<p>Rates and annual charges \$140K DOWN Income from rates reduced from \$42.115M to \$41.975M. Revision resulting from 180 fewer than anticipated new rateable properties .</p>
2	<p>User charges and fees \$756K DOWN Golf course income less than anticipated due to wet weather impact. Budget revised from \$2.245M to \$2M. DOWN \$245K</p> <p>Five Dock Leisure Centre income less than anticipated, from \$2.279M to 2.039M, DOWN \$240K</p> <p>Childcare fees less than anticipated, from \$3.275M to \$3.121M, DOWN \$154K</p> <p>Hoarding fee income forecast to be less than anticipated, from \$450K to \$325K, DOWN \$125K</p> <p>Cost Compliance notice income is predicted to be less than anticipated, from \$100K to \$15K, DOWN \$85K</p> <p>Sport field hire income less than anticipated, from \$221K to \$186K, DOWN \$35K</p> <p>User fees for mobile café/coffee carts income less than anticipated, from \$32K to \$14K, DOWN \$18K</p> <p>Hall Hire revenue less than anticipated, from \$729K to \$714K, DOWN \$15K</p> <p>Library Fees and photocopying less than anticipated, from \$27K to \$15K, DOWN \$12K</p> <p>Lease back vehicle payments received from staff is anticipated to increase, from \$400K to \$410K, UP \$10K.</p> <p>Commercial Waste charge income greater than anticipated, from \$907K to \$917K, UP \$10K</p> <p>Food Shop inspections income greater than anticipated, from \$206K to \$237K, UP \$31K</p> <p>Building Certificates income forecast to be greater than anticipated, from \$33K to \$85K, UP \$52K</p> <p>Development Application fees and other statutory planning fees are anticipated to increase over the last quarter. Budget revised from \$970K to \$1.037M, UP \$67K</p>
3	<p>Interest and investment revenue \$140K UP</p> <p>Interest rate movements are expected to improve returns as maturing investments are reinvested at better rates. Income projected to increase from \$910K to \$1.05M. UP \$140K</p>
4	<p>Other revenues \$570K DOWN Infringement income reduced from \$3.526M to \$2.794M, despite an increase in infringement revenue over the past 3 months, inclement weather has impacted enforcement activities, DOWN \$732K</p> <p>Sponsorship opportunities - Place initiative. Anticipated income not realised. DOWN \$11K</p> <p>Income from sale of abandoned vehicles increased from \$60K to \$70K, UP \$10K</p>

Contribution relating to development consent. UP \$163K

5 Rental income \$227K DOWN

Rental income revised down for various properties in line with fee abatement support including Five Dock Park Community Building, Large Format Advertising Signs, Olivetos Restaurant, 21 Waterview Street, Rhodes Park Kiosk and Concord Library Coffee Shop, DOWN \$301K

Footpath dining income has increased from \$144K to \$218K, UP \$74K

6 Grants and contributions - operating \$409K UP

Financial Assistance Grant (FAG)- All councils to receive 75% of the 2022-23 allocation this financial year., In May 2023 Council received an additional advance of \$778K. These funds will be restricted in reserve for utilisation in 2022-23. FAG income revised up from \$2.747M to \$3.525K, UP \$778K

Contribution from Kokoda Track Memorial Walkway to support staff maintenance activities, UP \$30K

Parramatta River Private Property audit project, funding received in prior financial year, DOWN \$29K

Designing with Country - PRCG initiative, delays in project, funding rephased to future year, DOWN \$59K

State Cover WH&S contribution less than anticipated, DOWN \$105K

Greening our City Cooler - Round 3, delays in project, funding rephased to 2022-23. Expected grant for the current year revised down from \$219K to \$10K as a result. DOWN \$209K

Anticipated contribution for events at Drummoyne Oval less than anticipated. DOWN \$49K

7 Grants and contributions - capital \$2,750K DOWN

Redevelopment of Concord oval, additional funds to be utilised in 2021-22, UP \$1.710M

Uhrs Point recreational craft launch, additional funds secured and utilised, UP \$231K

A number of projects have been rephased to 2022-23. Revenue recognition of grants as a result has been deferred for the following:

Five Dock Basketball Court: DOWN \$20K

Livvi's Playground: DOWN \$28K

Howley Park East Upgrade: DOWN \$83K

Floodplains - Powells Creek Catchment: DOWN \$91K

Majors Bay Reserve - Precinct; DOWN \$100K

St Lukes Oval Rebuild: DOWN \$146K

New Cycle Connection QEP and Burwood Park: DOWN \$219K

Regional Cycleway Upgrade: DOWN \$300K

Drummoyne Shared Spaces: DOWN \$500K

Create a SwimSite at Bayview Park: DOWN \$625K

Mcllwaine Reserve - River Activation: DOWN \$2,579K

8 Employee benefits and on-costs \$654K DOWN

A net saving of \$654K from employee costs, including wages, superannuation, training, workers compensation premium, across the organisation. DOWN \$654K

9 Materials and services \$340K DOWN

Agency staff utilised and funded from employee savings UP \$274K

Expenditure allocations that have been adjusted in the following area:

Greening our City Cooler - Round 3; project to be re-phased to 2022-23: DOWN \$209K

Groundwater Management Plan - Rhodes : DOWN \$140K

Parramatta River Catchment Projects: DOWN \$134K

Building trades: DOWN \$90K

Library Programs: DOWN \$86K

Place and Civic Events (Ferragosto): DOWN \$83K

FDLC operations: DOWN \$65K

Fleet operations: DOWN \$41K

Recreation Planning Events: DOWN \$30K

Golf course management fees: DOWN \$30K

People and Culture: DOWN \$28K

Environmental Sustainability: DOWN \$22K

Infringement Processing: DOWN \$20K

City Assets Directorate Printing, Stationery and Catering: DOWN \$19K

Venue and Facilities: DOWN \$19K

Road Maintenance: DOWN \$13K

Recreation Planning Consultants: DOWN \$12K

Procurement: DOWN \$10K

Customer Services: DOWN \$6K

Information Systems: UP \$16K

Statutory Planning contractors: UP \$22K

Library Operations and Management: UP \$30K

Risk Management: UP \$33K

Strategic Planning Consultants: UP \$48K

Building and Property: UP \$59K

Resource Strategy consultants : UP \$60K

Greening our City Round 2: UP \$75K

Planning Legals: UP \$100K

10 Other expenses \$15K UP

Waste Levy anticipated expenditure, from \$3.076M to \$3.086M, UP \$10K

Heritage Support Payments to residents, UP \$5K

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Capital budget review statement

Budget review for the quarter ended 31 March 2022

Capital budget - Council Consolidated

(\$000's)	Original budget 2021/22	changes			Revised budget 2021/22	Variations for this Mar Qtr		Notes	Projected year end result	Actual YTD figures
		Carry forwards	Sep QBRs	Dec QBRs		Mar	Qtr			
Capital expenditure										
Buildings	43,396	153	39	15,687	59,274	8,731	1	68,005	38,602	
Drainage Works	1,314	186	(100)	46	1,445	(39)	2	1,406	618	
Furniture&Fittings	25	-	-	-	25	15	3	40	1	
Land(Improvements)	17,338	542	(180)	(4,027)	13,672	(5,329)	4	8,343	2,627	
Office Equipment	-	-	-	-	-	-		-	-	
Other Assets Heritage	0	13	-	-	13	-		13	15	
Other Assets(Library)	473	-	-	-	473	-		473	288	
Other Assets(Other)	475	-	(313)	60	222	60	5	282	207	
Other Structures	3,521	137	(47)	(70)	3,543	(376)	6	3,167	1,964	
Plant & Equipment	3,698	734	23	(2,894)	1,561	(300)	7	1,261	824	
Public Bridges	0	50	100	-	150	-		150	-	
Public Footpaths	4,663	820	939	(604)	5,817	467	8	6,284	5,462	
Public Roads	16,883	728	(400)	(4,709)	12,502	(1,593)	9	10,909	6,486	
Swimming Pool	275	18	-	-	293	-		293	201	
Land (Operational)	1,188	-	100	(938)	350	(80)	10	270	6	
Trees	250	336	400	(300)	686	(100)	11	586	151	
Investment Properties	-	-	333	(90)	243	30	12	273	31	
Intangible Assets	150	-	188	60	398	15	13	413	247	
Loan repayments (principal)	581	-	-	-	581	-		581	432	
Total capital expenditure	94,230	3,715	1,082	2,221	101,248	1,501		102,749	58,161	
Capital funding										
Rates & other untied funding	12,557	-	418	(1,453)	11,522	(1,012)		10,510	6,939	
Capital grants & contributions	48,213	675	(145)	(6,342)	42,401	(2,750)		39,651	26,278	
Reserves:										
- External restrictions/reserves	12,100	1,230	(255)	12,836	25,911	6,425		32,336	21,431	
- Internal restrictions/reserves	5,050	1,810	1,064	(2,820)	5,104	(256)		4,848	3,213	
New loans	15,000	-	-	-	15,000	-		15,000	-	
Receipts from sale of assets										
- Plant & equipment	1,310	-	-	-	1,310	(906)	14	405	299	
- Land & buildings	-	-	10,387	(4,600)	5,787	(2,300)	15	3,487	3,487	
Total capital funding	94,230	3,715	11,469	(2,379)	107,035	(799)		106,237	61,648	
Net capital funding - surplus/(deficit)	0	(0)	10,387	(4,600)	5,787	(2,300)		3,488	3,487	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRs report

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Capital budget review statement
Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details
1	<p>Buildings UP \$8,731K</p> <p>Buildings Renewal - allocation of \$380K to be repurposed to construction of Barnwell Park Building in 2022-23, with \$14K allocated to fit-out of Workshop and Store : DOWN \$394K</p> <p>Canada Bay Civic Centre-Refurbishment - allocation rephased to 2022-23: DOWN \$140K</p> <p>Redevelopment of Concord Oval - anticipated expenditure increased from \$40.290M to \$42M: UP \$1,710K</p> <p>Rhodes Recreation Centre - anticipated expenditure revised from \$15M to \$22.537M, UP \$7,537K</p> <p>Victoria Avenue Childcare Centre - Vinyl to Bathrooms - UP \$4K</p> <p>Depot Fit out for Workshop / Store UP \$14K</p>
2	<p>Drainage Works DOWN \$39K</p> <p>176 George Street raising and overland flow path, anticipated expenditure UP \$45K</p> <p>Drainage - Lower St Georges Cres UP \$7K</p> <p>Floodplains Study - Powells Creek East Catchment. Allocation rephased to 2022-23, DOWN \$91K</p>
3	<p>Furniture&Fittings UP \$15K</p> <p>Purchase of Concord Library Furniture and Fittings, increased from \$8K to \$27K, UP \$19K</p> <p>The Learning Space - Furniture and Fittings, allocated reduced from \$10K to \$7K, DOWN \$3K</p>
4	<p>Land(Improvements) DOWN \$5,329K</p> <p>Wangal Reserve and Punt Park POM Actions, rephased to 2022-23, DOWN \$105K</p> <p>Drummoyne Oval/ Taplin Stormwater re-use, anticipated expenditure, from \$100K to \$139K, UP \$39K</p> <p>Annual Shade Renewal Program DOWN \$25K</p> <p>Create a Swimsite at Bayview Park, project rephased to 2022-23, DOWN \$931K</p> <p>Mcllwaine Park - River Activation, project rephased to 2022-23, DOWN \$3,659K</p> <p>Goddard Park Crib Wall remediation works, project rephased to 2022-23, further funds will be required to complete project; DOWN \$270K</p> <p>Parks Renewal Program - Non - Playground Equipment UP \$16K</p> <p>St Lukes Oval Rebuild project effected by wet weather and COVID delays, rephased to 2022-23, DOWN \$270K</p> <p>Timbrell Park POM & Masterplan, project rephased to 2022-23, DOWN \$25K</p> <p>Bushcare Conservation Sites - Werrell Reserve, funds covered in operations, no required, DOWN \$17K</p> <p>Howley Park East Upgrade, project rephased to 2022-23, DOWN \$83K</p>
5	<p>Other Assets(Other) UP \$60K</p> <p>Seawalls-Remedial Works at Armitage Reserve, UP \$86K</p>

Punt Park Tree Replacement, project rephased to 2022-23, DOWN \$26K

6 Other Structures DOWN \$376K

Iron Cove Seawall Upgrade, repurposed to fund remedial works at Armitage Reserve, Sisters Bay, DOWN \$108K

Playground Accessibility Improvements, project rephased to 2022-23 DOWN \$78K

Water Meter installations, project complete, funds returned, DOWN \$9K

Livvi's Place - Playground Accessibility Improvements, project rephased to 2022-23 DOWN \$55K

Mill Park Half Basketball Court, project under review, and likely not to proceed, DOWN \$95K

Five Dock Basketball Court Upgrade, project rephased to 2022-23, DOWN \$40K

Cabarita Park Playground Fencing, funds not required, DOWN \$7K

Seawalls - Sisters Bay UP \$15K

7 Plant & Equipment DOWN \$300K

Purchase of new passenger vehicles delayed due to global supply chain issues: DOWN \$300K

8 Public Footpaths UP \$467K

Annual Footpath Renewal Program DOWN \$30K

Five Dock Public Domain Streetscape (Stage 2 - Southern End), project costs greater than allocation, UP \$730K

New Cycle Connection QEP and Burwood Park - UIAP, project rephased to 2022-23, DOWN \$219K

Canada Bay Bike Plan Implementation Program DOWN \$10K

Footpath Condition Data Collection DOWN \$4K

9 Public Roads DOWN \$1,593K

Cooper Street, Strathfield - Upgrade Works, costs greater than anticipated, UP \$150K

Annual Kerb/Gutter Renewal Program UP \$5K

The Terrace - Embankment Stabilisation DOWN \$10K

Traffic Committee Initiatives, allocation not required, DOWN \$40K

Regional Cycleway Upgrade - RMS Grant, project rephased to 2022-23, DOWN \$300K

Tennyson Road, Mortlake Pedestrian Crossing UP \$30K

Clermont Lane - Parking Barrier DOWN \$10K

Local Roads Heavy Patching Program UP \$13K

Cooper Street, Strathfield - Upgrade Design DOWN \$3K

Greenlees Avenue - Design parking treatment adjacent to park DOWN \$11K

Wellbank Street - Design car parking treatment DOWN \$10K

Phillip Street - Construct car parking treatment DOWN \$2K

Kings Road Carpark Upgrade - Design, project rephased to 2022-23, DOWN \$50K

Drummoyne Shared Spaces, project rephased to 2022-23, DOWN \$1,500K

Mortlake LATM, new project, UP \$45K

Five Dock Park - Car parking Upgrade - POM action item UP \$300K

LED upgrade to Council public domain lights, project rephased to 2022-23, DOWN \$160K

Pedestrian Crossing Safety Improvement Program, project rephased to 2022-23, DOWN \$40K

10 **Land (Operational) DOWN \$80K**

Majors Bay Reserve Recreation Precinct, funding rephased to 2022-23, DOWN \$100K

Cooper Street, Strathfield Triangle, funding required, UP \$20K

11 **Trees DOWN \$100K**

Greening our City 2020 Round 2, \$75K reclassified as operational expenditure, with \$25K to be rephased to 2022-23, DOWN \$100K

12 **Investment Properties UP \$30K**

Beaconsfield Ave Site, consultant costs UP \$40K

10 Thornleigh Avenue Concord Divestment, expenditure deferred to 2022-23, DOWN \$10K

13 **Intangible Assets UP \$15K**

Implementation Online Booking System UP \$15K

City of Canada Bay

Quarterly Budget Review Statement for the period 01/01/22 to 31/03/22

Cash & investments budget review statement

Budget review for the quarter ended 31 March 2022

Cash & investments - Council Consolidated

(\$000's)

Externally restricted ⁽¹⁾

	Original budget 2021/22	Approved changes		Revised budget 2021/22	Variations for this Mar Qtr	Notes	Projected year end result	Actual YTD figures
		Sep QBRs	Dec QBRs					
Unexpended Loans	2,608	70	-	2,678	(147)	1	2,531	2,897
Contract Liabilities	1,962	-	6,920	8,882	7,795	2	16,677	19,091
Section 7.4	39,978	922	(14,214)	26,686	(7,507)	3	19,179	33,635
Section 7.11 & 7.12	20,717	(710)	4,727	24,734	1,229	4	25,963	25,545
Community Enhancement Plan	19	-	-	19	-	-	19	19
Unexpended Grants	59	28	-	87	-	-	87	87
Domestic Waste Management	23,978	259	-	24,237	(4,926)	5	19,311	17,480
Stormwater Management Levy	167	(93)	9	83	-	-	83	499
Total externally restricted	89,488	476	(2,558)	87,406	(3,556)		83,850	99,253

(1) Funds that must be spent for a specific purpose

Internally restricted ⁽²⁾

Plant & Vehicle Replacement	1,174	(734)	2,893	3,333	(606)	6	2,727	2,496
Infrastructure Replacement	311	(30)	-	281	-	-	281	281
CEEP	58	(26)	-	32	-	-	32	52
Bonds and Deposits	11,053	-	-	11,053	-	-	11,053	11,660
Internal Loans	-	-	-	-	-	-	-	-
North Strathfield	-	-	-	-	-	-	-	-
Financial Sustainability	1,750	(340)	-	1,410	22	7	1,432	1,917
Employee Leave Entitlements	1,706	-	-	1,706	-	-	1,706	1,706
Strathfield Triangle Rates	-	-	-	-	-	-	-	-
Carry Over Works	2,480	(1,366)	1,688	2,802	1,504	8	4,306	5,268
Concord Oval	86	-	-	86	-	-	86	86
Drummoyne Oval	55	-	-	55	-	-	55	55
Investment Fund	3,534	9,976	(4,220)	9,290	(2,300)	9	6,990	7,342
Risk Management	-	-	-	-	-	-	-	-
Massey Park	25	-	-	25	-	-	25	25
Wellbank	789	(30)	-	759	(19)	10	740	754
Victoria Ave Childrens	66	-	-	66	(4)	11	62	83
Parking Meters	1,228	(68)	(48)	1,112	-	-	1,112	1,016
Workers Comp	147	-	-	147	-	-	147	147
Five Dock Leisure Centre	97	(10)	-	87	-	-	87	97
Water For Community	392	-	-	392	-	-	392	392
Election of Councillors	-	-	-	-	-	-	-	447
Affordable Housing	3,703	-	-	3,703	-	-	3,703	3,607
Parramatta River Catchment Group	235	(86)	-	149	122	12	271	206
Financial Assistance Grant Advance	1,408	-	-	1,408	727	13	2,135	1,408
Commercial Waste Reserve	-	-	-	-	4,926	14	4,926	4,926
Total internally restricted	30,297	7,286	313	37,896	4,372		42,268	43,971

(2) Funds that Council has earmarked for a specific purpose

Unrestricted (ie. available after the above Restrictions)

	18,501	99	(655)	17,945	(804)		17,141	2,012
Total Cash & investments	138,286	7,861	(2,900)	143,247	12		143,259	145,236

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBRs report

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22

Cash & investments budget review statement

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/22

Reconciliation status

The YTD cash & investment figure reconciles to the actual balances held as follows:	\$ 000's
Cash at bank (as per bank statements)	987
Investments on hand	144,249
Reconciled cash at bank & investments	145,236
Balance as per QBRS review statement:	145,236
Difference:	-

Recommended changes to revised budget

Budget variations being recommended include the following material items:

Notes	Details
1	Unexpended Loans DOWN \$147K Cooper Street, Strathfield - Upgrade Works reserve balance reduced by \$147K
2	Contract Liabilities UP \$7,795K Project expenditure has been deferred, and other grant milestone payments have been received, that will be treated as a Contract Liability Greening our City Cooler - Round 3, UP \$863K Five Dock Basketball Court: UP \$20K Howley Park East Upgrade: UP \$83K Majors Bay Reserve - Precinct; UP \$2,375K St Lukes Oval Rebuild: UP \$146K New Cycle Connection QEP and Burwood Park: UP \$219K Regional Cycleway Upgrade: UP \$300K Drummoyne Shared Spaces: UP \$500K Create a SwimSite at Bayview Park: UP \$625K McIlwaine Reserve - River Activation: UP \$2,579K Deakin Foreshore Access: UP \$35K Queen Elizabeth Park Playground Upgrade UP \$50K
3	Section 7.4 DOWN \$7,507K Canada Bay VPA UP \$30K Wangal Reserve and Punt Park POM Actions reserve balance increased UP \$105K Tennyson Road, Mortlake Pedestrian Crossing reserve balance reduced by \$30K

Mortlake LATM reserve balance reduced by \$45K

Rhodes VPA DOWN \$7,537K

Rhodes Recreation Centre reserve balance reduced by \$7,537K

4 Section 7.11 & 7.12 UP \$1,229K

Canada Bay S7.11 UP \$1,046K

Five Dock Public Domain Streetscape (Stage 2 - Southern End) reserve balance reduced by \$730K

Drummoyne Oval/ Taplin Stormwater re-use reserve balance reduced by \$39K

McIlwaine Park - River Activation reserve balance increased UP \$923K

St Lukes Oval Rebuild reserve balance increased UP \$95K

Greening our City 2020 Round 2 reserve balance increased UP \$7K

Drummoyne Shared Spaces reserve balance increased UP \$1,000K

Mill Park Half Basketball Court reserve balance increased UP \$95K

176 George Street raising and overland flow path reserve balance reduced by \$45K

Pedestrian Crossing Safety Improvement Program reserve balance increased UP \$40K

Five Dock Park - Car parking Upgrade - POM action item reserve balance reduced by \$300K

S7.12 UP \$183K

Uhrs Point recreational craft launch facility reserve balance increased UP \$148K

Canada Bay Bike Plan Implementation Program reserve balance increased UP \$10K

Timbrell Park POM & Masterplan reserve balance increased UP \$25K

5 Domestic Waste Management DOWN \$4,926K

Funds earned from Commercial waste transferred to new internal reserve for Commercial Waste, DOWN \$4,926K

6 Plant & Vehicle Replacement DOWN \$606K

Reserve utilised to offset the reduction in vehicle sales.

7 Financial Sustainability UP \$22K

Uhrs Point recreational craft launch facility reserve balance increased UP \$82K

Parramatta Road Corridor Strategy reserve balance reduced by \$60K

8 Carry Over Works UP \$1,504K

The Terrace - Embankment Stabilisation reserve balance increased UP \$10K

Canada Bay Civic Centre-Refurbishment reserve balance increased UP \$140K

Create a Swimsite at Bayview Park reserve balance increased UP \$306K

McIlwaine Park - River Activation reserve balance increased UP \$158K

Goddard Park Crib Wall remediation works reserve balance increased UP \$141K

St Lukes Oval Rebuild reserve balance increased UP \$29K

Clermont Lane - Parking Barrier reserve balance increased UP \$10K

Greenlees Avenue - Design parking treatment adjacent to park reserve balance increased UP \$11K

Wellbank Street - Design car parking treatment reserve balance increased UP \$10K

Phillip Street - Construct car parking treatment reserve balance increased UP \$2K

Footpath Condition Data Collection reserve balance increased UP \$4K

Cabarita Park Playground Fencing reserve balance increased UP \$7K

Local Character Review reserve balance increased UP \$11K

Greening our City 2020 Round 2 reserve balance increased UP \$9K

Buildings Renewal reserve balance increased UP \$380K

Annual Shade Renewal Program reserve balance increased UP \$25K

Goddard Park Crib Wall remediation works reserve balance increased UP \$129K

Punt Park Tree Replacement reserve balance increased UP \$26K

Playground Accessibility Improvements reserve balance increased UP \$78K

Five Dock Basketball Court Upgrade reserve balance increased UP \$20K

LED upgrade to Council public domain lights reserve balance increased UP \$160K

City of Canada Bay

for the period 01/01/22 to 31/03/22

Contracts budget review statement

Budget review for the quarter ended 31 March 2022

Part A - Contracts listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value
Tallai Project Group	Goddard Park Construction Contract	1,811,061
Stalene Asphalt Pty Ltd	Roads Program 21/22 - package 2	792,600
Waratah Group Services	Planting of Trees for Greening Our City 2 and 3	544,880
Stalene Asphalt Pty Ltd	Concrete Slab Repair - Hampden Road, Five Dock	375,865
Place Design Group Pty Ltd	Majors Bay Reserve - Consultancy for Tender Documentation, Final Master Plan, Sketch Concept Design, Final Concept Design, Inception Meeting	222,175
Urbis Pty Ltd	Archaeological Services at Concord Oval	213,636
ProLudic Pty Ltd	Queen Elizabeth Park - Playground supply and install	199,992
Optimal Stormwater Pty Ltd	Gross Pollutant Trap at Mepunga St, Concord West	165,000
Planet Civil Pty Ltd	St Luke's Oval- Field Works	145,455
The Trustee for A J Wilkie Trust (Anthony J Wilkie)	Change Management Consultant	144,000
NSW Kerbing Pty Ltd	Footpath connection along Ingham Ave	134,065
Innovor Solutions Pty Ltd	Project Management Framework Phase 2	113,636
Planet Civil Pty Ltd	Rawson Avenue ped crossing - Lighting, Rawson Avenue ped crossing upgrade, Project Contingencies	108,695
Ultra Building Works	Depot-Stores/Workshop fit out	100,385
VBuilt Construction Group Pty Ltd	Civic Centre - front Footpath renewal	99,544
Harvest Digital Planning	Collaborate Canada Bay contract from 3 years	92,340
Central Coast Council	Tipping at Woy Woy	86,001
Andreasens Green	Supply of Trees for Greening Our City 2 and 3	79,940
The Trustee for Polaris Marine Constructions Trust No. 1	Armitage Seawall Collapse-Make Safe wks, Armitage ATF Fencing Hire to make Safe	77,465
EC Sustainable Pty Ltd	Commercial Bin refresh	74,095
WMA Water Pty Ltd	Powells Creek FRMS&P - Canada Bay LGA	73,680
Avante Linemarking	Linemarking as per various quotes	70,660
Citywide Asphalt Pty Ltd (t/a Citywide Civil Works)	Footpath Renewals Package 2	63,482
Environmental Partnership NSW	Howley Park East Landscape consultancy for Design & Documentation	59,500
Adam Sampson	Consultant Planner	59,091
State Civil Pty Ltd	2022 - Utilities Resto Works Pkg 02	59,052
Generation-e Productivity Solutions Pty Ltd	CxOne Call Centre	58,299
NSW Kerbing Pty Ltd	Gipps St Concord Footpath	57,620
NSW Kerbing Pty Ltd	Additional Harris Rd Concrete Slab, Contingency for Additional Harris Rd slab	57,406
NSW Gymnastics Association Inc	2022 Gymnastics NSW Affiliation Fee	56,322
State Civil Pty Ltd	Thompson Street refuge crossing	52,287
Alveare Projects Pty Ltd	Consultancy and Project Management Concord oval and Charles Heath Reserve	50,000

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 31/03/2022 and should be read in conjunction with the total QBR report

City of Canada Bay

Quarterly Budget Review Statement
for the period 01/01/22 to 31/03/22**Consultancy & legal expenses budget review statement**

Consultancy & legal expenses overview

Expense	YTD expenditure (actual dollars)	Budgeted (Y/N)
Consultancies	1,801,610	Y
Legal Fees	490,085	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Legal costs in Planning and compliance, greater than anticipated, require a further \$100K

Capital Projects - City of Canada Bay Council: As at 31/03/2022									
Project No	Projects	CapexWebsiteReport Code	Original Budget	Carry Overs	Q1 Changes	Q2 Changes	Q3 Change	Revised Budget	Actuals
100725	Annual Parks Renewal Program - Playground Equipment	Parks and Recreation	\$0	\$47,153	\$10,266	(\$0)	\$0	\$57,419	\$57,221
100873	Annual Skateboard Park Renewal Program	Parks and Recreation	\$65,000	\$14,467	\$7,280	(\$86,747)	\$0	\$0	\$0
100914	Street Tree Replacement Program	Parks and Recreation	\$250,000	\$253,473	(\$30,650)	(\$50,620)	\$0	\$422,203	\$0
102041	Wangal Reserve and Punt Park POM Actions	Parks and Recreation	\$124,550	\$8,453	\$0	\$0	(\$104,503)	\$28,500	\$16,682
102326	Trees - 65 Alexandra Street	Parks and Recreation	\$0	\$0	\$0	\$16,500	\$0	\$16,500	\$16,157
102728	Drummoyne Oval/ Taplin Stormwater re-use	Parks and Recreation	\$292,000	\$129,019	\$0	(\$321,019)	\$39,000	\$139,000	\$138,986
102730	Annual Shade Renewal Program	Parks and Recreation	\$0	\$0	\$25,858	\$0	(\$25,257)	\$601	\$601
102745	Deakin St Foreshore Access	Parks and Recreation	\$96,890	\$0	\$0	(\$96,890)	\$0	\$0	\$0
102750	Create a Swimsite at Bayview Park	Parks and Recreation	\$342,680	\$0	\$0	\$713,380	(\$930,680)	\$125,380	\$2,000
102761	Urban Canopy Strategy	Parks and Recreation	\$220,000	\$0	(\$60,000)	(\$160,000)	\$0	\$0	\$0
102773	McIlwaine Park - River Activation	Parks and Recreation	\$6,579,643	\$24,376	\$0	(\$1,477,564)	(\$3,659,455)	\$1,467,000	\$262,525
102907	Urban Canopy Tree Planting	Parks and Recreation	\$440,000	\$0	(\$312,939)	\$0	\$0	\$127,061	\$59,969
102908	Park Signage Audit & Renewal	Parks and Recreation	\$125,000	\$0	\$0	(\$45,000)	\$0	\$80,000	\$23,486
102911	Parks Renewal Program - Non - Playground Equipment	Parks and Recreation	\$50,000	\$0	\$12,535	\$0	\$16,099	\$78,634	\$66,755
102912	St Lukes Oval Rebuild	Parks and Recreation	\$1,890,000	\$0	\$0	\$0	(\$270,000)	\$1,620,000	\$926,449
102913	Timbrell Park POM & Masterplan	Parks and Recreation	\$30,000	\$5,000	\$0	\$0	(\$25,000)	\$10,000	\$0
102918	Massey Park Golf Course Safety Screens (Alongside 2nd hole)	Parks and Recreation	\$0	\$0	\$0	\$0	\$0	\$0	\$0
103014	Punt Park Tree Replacement	Parks and Recreation	\$35,000	\$0	\$0	\$0	(\$25,709)	\$9,291	\$7,995
103016	Lysaght Park Path Lighting and Vegetation	Parks and Recreation	\$10,000	\$13,646	\$0	(\$18,446)	\$0	\$5,200	\$5,200
103020	Playground upgrade - Queen Elizabeth Park	Parks and Recreation	\$276,370	\$0	\$0	(\$249,720)	\$0	\$26,650	\$6,717
103021	Playground upgrade - Henley Park	Parks and Recreation	\$143,781	\$0	\$16,219	\$0	\$0	\$160,000	\$162,879
103022	DIAP - Parks & Playgrounds	Parks and Recreation	\$95,000	\$65,065	\$0	\$0	(\$77,707)	\$82,358	\$64,208
103041	Playground upgrade - Fred Kelly Place	Parks and Recreation	\$50,000	\$0	(\$10,000)	\$0	\$0	\$40,000	\$40,150
103095	Water Meter installations	Parks and Recreation	\$25,000	\$0	\$0	\$0	(\$9,000)	\$16,000	\$0
103096	Pedestrian Access Mobility Plan improvements	Parks and Recreation	\$20,000	\$0	\$0	(\$20,000)	\$0	\$0	\$0
103097	Urban Canopy - Tree Audit Consultant Report	Parks and Recreation	\$140,000	\$0	(\$40,000)	(\$100,000)	\$0	\$0	\$0
103098	Bushcare Conservation Sites - Werrell Reserve	Parks and Recreation	\$17,000	\$0	\$0	\$0	(\$17,000)	\$0	\$0
103116	Nield Park Sportsfield Lighting	Parks and Recreation	\$220,910	(\$28,155)	(\$77,755)	\$0	\$0	\$115,000	\$94,127
103146	Greening our City 2020 Round 2	Parks and Recreation	\$0	\$0	\$400,000	(\$300,000)	(\$100,000)	\$0	\$0
103179	Livvi's Place - Playground Accessibility Improvements	Parks and Recreation	\$110,000	\$0	\$0	(\$55,000)	(\$54,620)	\$380	\$380
103180	Mill Park Half Basketball Court	Parks and Recreation	\$100,000	\$0	\$0	\$0	(\$94,996)	\$5,004	\$5,004
103181	Five Dock Basketball Court Upgrade	Parks and Recreation	\$40,000	\$0	\$0	\$0	(\$40,000)	\$0	\$0
103184	Trees - 51 Tranmere St Drummoyne	Parks and Recreation	\$0	\$0	\$9,680	\$0	\$0	\$9,680	\$8,800
103185	Trees - 50 Janet Street, Drummoyne	Parks and Recreation	\$0	\$0	\$7,920	\$0	\$0	\$7,920	\$7,200

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Project No	Projects	CapexWebsiteReport Code	Original Budget	Carry Overs	Q1 Changes	Q2 Changes	Q3 Change	Revised Budget	Actuals
103191	Cabarita Park Playground Fencing	Parks and Recreation	\$0	\$7,280	\$0	\$0	(\$7,000)	\$280	\$8
103192	Majors Bay Reserve Recreation Precinct	Parks and Recreation	\$1,187,500	\$0	\$0	(\$887,500)	(\$100,000)	\$200,000	\$2,500
103200	Howley Park East park upgrade	Parks and Recreation	\$1,500,000	\$0	(\$136,364)	(\$1,213,636)	(\$83,000)	\$67,000	\$40,598
103207	Great North Road - Median strip Tree removal and re-Planting	Parks and Recreation	\$0	\$83,000	\$0	\$0	\$0	\$83,000	\$78,164
103217	Trees - 98 Burwood Road, Concord	Parks and Recreation	\$0	\$0	\$13,050	\$0	\$0	\$13,050	\$11,863
103219	Trees - 67 Alexandra Street, Drummoyne	Parks and Recreation	\$0	\$0	\$0	\$13,000	\$0	\$13,000	\$9,432
103221	Timbrell Park BMX Track Works	Parks and Recreation	\$0	\$0	\$25,000	\$0	\$0	\$25,000	\$24,930
103222	Trees - 169A Burwood Rd, Concord	Parks and Recreation	\$0	\$0	\$0	\$21,120	\$0	\$21,120	\$19,194
		Parks and Recreation Total	\$14,476,324	\$622,777	(\$139,900)	(\$4,318,141)	(\$5,568,828)	\$5,072,231	\$2,160,179
100290	Annual Accessibility Works Program (Bus Stop Upgrades etc)	Roads and Traffic	\$400,000	\$195,692	\$0	\$0	\$0	\$595,692	\$323,027
100322	Annual Capital Works Traffic Facilities Program	Roads and Traffic	\$200,000	\$57,292	(\$50,000)	\$0	\$0	\$207,292	\$116,882
100426	Cooper Street, Strathfield - Upgrade Works	Roads and Traffic	\$1,235,000	\$0	(\$335,000)	\$0	\$150,000	\$1,050,000	\$311,275
100523	Fleet - Vehicles (Trucks, Utes, Trailers, Mowers)	Roads and Traffic	\$1,070,000	\$733,657	\$0	(\$1,493,657)	\$0	\$310,000	\$156,343
100524	Fleet - Lease Back Vehicles (Sedans and Wagons)	Roads and Traffic	\$2,600,000	\$0	\$0	(\$1,400,000)	(\$300,000)	\$900,000	\$644,294
100529	Annual Footpaths Renewal Program	Roads and Traffic	\$609,600	\$0	(\$150,000)	\$0	(\$30,000)	\$429,600	\$96,424
100594	Annual Kerb/Gutter Renewal Program	Roads and Traffic	\$207,500	\$41,716	\$0	\$0	\$4,590	\$253,806	\$253,806
100796	Annual Regional Roads Program	Roads and Traffic	\$122,000	\$0	\$0	\$0	\$0	\$122,000	\$0
100832	Annual Road Pavement Renewal Program	Roads and Traffic	\$88,000	\$53,192	\$340,000	\$0	\$0	\$481,192	\$113,901
100835	Road Resurfacing Program	Roads and Traffic	\$2,068,500	\$0	(\$200,000)	\$0	\$0	\$1,868,500	\$1,465,106
100839	Roads To Recovery Program	Roads and Traffic	\$306,488	\$0	\$97,107	\$0	\$0	\$403,595	\$360,742
100875	Small Plant - Engineering	Roads and Traffic	\$14,000	\$0	\$0	\$0	\$0	\$14,000	\$0
100878	Small Plant - Parks & Gardens	Roads and Traffic	\$14,000	\$0	\$0	\$0	\$0	\$14,000	\$0
100941	The Terrace - Embankment Stabilisation	Roads and Traffic	\$900,000	\$0	(\$100,000)	(\$740,000)	(\$10,000)	\$50,000	\$12,577
100949	Traffic Committee Initiatives	Roads and Traffic	\$40,000	\$0	\$0	\$0	(\$40,000)	\$0	\$0
102421	Public Domain Plan Transport Interchange at Station Precinct	Roads and Traffic	\$70,000	\$0	\$0	(\$60,000)	\$0	\$10,000	\$8,168
102499	Victoria Road, Drummoyne - Public Domain Design	Roads and Traffic	\$270,000	\$9,000	\$0	(\$279,000)	(\$0)	\$0	\$0
102685	New Cycle Connection QEP and Burwood Park - UIAP	Roads and Traffic	\$250,000	\$38,961	\$0	\$0	(\$218,961)	\$70,000	\$63,579
102687	Regional Cycleway Implementation	Roads and Traffic	\$0	\$0	\$0	\$0	\$0	\$0	\$81
102731	Canada Bay Bike Plan	Roads and Traffic	\$0	\$19,679	(\$0)	(\$0)	\$0	\$19,679	\$6,126
102759	Annual Bridge Renewal Program	Roads and Traffic	\$0	\$50,000	\$100,000	(\$0)	\$0	\$150,000	\$0
102782	Kerb Ramp Design at Burwood Rd and Crane St Concord	Roads and Traffic	\$350,000	\$143,307	\$0	\$0	\$0	\$493,307	\$258,002
102877	Intersection Upgrade George and Pomeroy Street	Roads and Traffic	\$1,250,000	\$0	(\$900,000)	(\$294,682)	\$0	\$55,318	\$49,572
102879	Rhodes Station Public Domain Construction works	Roads and Traffic	\$0	\$0	\$0	\$230,000	\$0	\$230,000	\$134,725

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Project No	Projects	CapexWebsiteReport Code	Original Budget	Carry Overs	Q1 Changes	Q2 Changes	Q3 Change	Revised Budget	Actuals
102882	Regional Cycleway Upgrade - RMS Grant	Roads and Traffic	\$3,150,000	\$204,352	\$0	(\$2,000,000)	(\$300,000)	\$1,054,352	\$446,781
102883	Canada Bay Bike Plan Implementation Program	Roads and Traffic	\$300,000	\$119,801	\$0	(\$199,801)	(\$10,000)	\$210,000	\$208,983
102900	Pedestrian Access Mobility Plan (PAMP)	Roads and Traffic	\$0	\$13,183	\$0	(\$8,193)	\$0	\$4,990	\$4,990
102902	Tennyson Road, Mortlake Pedestrian Crossing	Roads and Traffic	\$0	\$91,998	\$48,002	\$0	\$30,000	\$170,000	\$90,105
102989	Homebush Bay Drive & Harrison Avenue Crossing Design	Roads and Traffic	\$57,000	\$0	\$0	(\$50,000)	\$0	\$7,000	\$5,530
102993	Clermont Lane - Parking Barrier	Roads and Traffic	\$115,000	\$0	\$0	(\$100,000)	(\$10,000)	\$5,000	\$0
102994	Local Roads Heavy Patching Program	Roads and Traffic	\$598,000	\$0	\$0	\$0	\$13,125	\$611,125	\$244,847
102995	Cooper Street, Strathfield - Upgrade Design	Roads and Traffic	\$0	\$0	\$50,000	\$0	(\$3,011)	\$46,989	\$43,053
102996	Park Avenue/Renwick Street - pedestrian refuges	Roads and Traffic	\$0	\$0	\$10,260	\$0	\$0	\$10,260	\$10,260
102998	Greenlees Avenue - Design parking treatment adjacent to park	Roads and Traffic	\$11,000	\$0	\$0	\$0	(\$11,000)	\$0	\$0
103000	Wellbank Street - Design car parking treatment	Roads and Traffic	\$10,000	\$0	\$0	\$0	(\$10,000)	\$0	\$0
103002	Phillip Street - Construct car parking treatment	Roads and Traffic	\$15,000	\$0	\$0	\$0	(\$2,000)	\$13,000	\$0
103009	Footpath Condition Data Collection	Roads and Traffic	\$13,322	\$0	\$50,000	\$0	(\$3,642)	\$59,680	\$0
103132	Local Roads and Community Infrastructure Program	Roads and Traffic	\$1,759,544	\$35,786	\$215,000	\$0	\$0	\$2,010,330	\$1,893,420
103162	Gale Street Pedestrian Crossing	Roads and Traffic	\$0	\$100,000	(\$25,000)	(\$4,207)	\$0	\$70,793	\$70,793
103194	Federal Stimulus Road Safety Program School Zones	Roads and Traffic	\$0	\$0	\$450,000	\$0	\$0	\$450,000	\$268,290
103196	Mobile CCTV trailer purchase	Roads and Traffic	\$0	\$0	\$23,000	\$60,250	\$0	\$83,250	\$83,245
103260	Mortlake LATM	Roads and Traffic	\$0	\$0	\$0	\$0	\$45,000	\$45,000	\$0
103334	Five Dock Park - Car parking Upgrade - POM action item	Roads and Traffic	\$0	\$0	\$0	\$0	\$300,000	\$300,000	\$0
		Roads and Traffic Total	\$18,093,954	\$1,907,616	(\$376,631)	(\$6,339,290)	(\$405,899)	\$12,879,750	\$7,744,927
102719	Timbrell Park midden - covering (protection) of midden	Place Management	\$0	\$12,593	\$0	\$0	\$0	\$12,593	\$14,726
103153	Timbrell Park midden interpretative signage	Place Management	\$0	\$29,150	\$0	\$0	\$0	\$29,150	\$21,460
		Place Management Total	\$0	\$41,743	\$0	\$0	\$0	\$41,743	\$36,186
100287	Buildings Renewal	Buildings and Property	\$1,000,000	\$0	\$85,000	(\$50,000)	(\$394,000)	\$641,000	\$360,789
101154	Canada Bay Civic Centre-Refurbishment	Buildings and Property	\$200,000	\$0	\$0	\$0	(\$140,000)	\$60,000	\$53,489
102029	Beaconsfield Ave Site	Buildings and Property	\$0	\$0	\$0	\$0	\$40,000	\$40,000	\$19,000
102209	The "Connection" - Fit Out	Buildings and Property	\$0	\$0	\$0	\$0	\$0	\$0	\$1,127

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Project No	Projects	CapexWebsiteReport Code	Original Budget	Carry Overs	Q1 Changes	Q2 Changes	Q3 Change	Revised Budget	Actuals
102381	FDLC Office Space Upgrade	Buildings and Property	\$0	\$10,344	\$0	\$0	\$0	\$10,344	\$10,352
102752	Cabarita Pool Shade Structure	Buildings and Property	\$0	\$0	\$0	\$0	(\$0)	\$0	\$0
102758	Drummoyne Pool Lighting Upgrade	Buildings and Property	\$95,000	\$17,900	\$0	(\$90,900)	\$0	\$22,000	\$21,873
102813	Annual Building and Facility Accessibility Works Program	Buildings and Property	\$123,000	\$0	\$0	\$0	\$0	\$123,000	\$21,897
102925	Solar Panel Installations at The Connection	Buildings and Property	\$0	\$0	\$6,060	\$0	\$0	\$6,060	\$6,060
102954	Compulsory Acquisition- 8A Hiltz Avenue, Strathfield	Buildings and Property	\$0	\$0	\$0	\$0	\$0	\$0	\$2,720
103032	Kokoda Track - Storage & car park lighting	Buildings and Property	\$0	\$62,839	\$0	\$20,000	\$0	\$82,839	\$73,088
103124	Depot Refurbishment	Buildings and Property	\$0	\$9,360	\$30,000	(\$8,360)	\$0	\$31,000	\$34,477
103134	Drummoyne Pool Renewals	Buildings and Property	\$90,000	\$0	(\$8,000)	\$45,450	\$0	\$127,450	\$81,644
103135	Cabarita Pool Renewals	Buildings and Property	\$90,000	\$0	\$8,000	\$45,450	\$0	\$143,450	\$97,218
103165	Works Depot - Emergency Exit onto Queens Road	Buildings and Property	\$165,000	\$0	(\$85,000)	\$0	\$0	\$80,000	\$19,449
103166	VACC- Installation Emergency Release Gate Locks	Buildings and Property	\$11,000	\$0	\$0	\$0	\$4,000	\$15,000	\$727
103167	Queen Elizabeth Park Toilet Block (Exeloo)	Buildings and Property	\$55,000	\$0	(\$55,000)	\$0	\$0	\$0	\$0
103168	Public toilet - Mcllwaine Park	Buildings and Property	\$82,500	\$0	(\$82,500)	\$0	\$0	\$0	\$0
103169	Wellbank Children Centre - Automated Blinds	Buildings and Property	\$11,000	\$0	\$10,000	\$0	\$0	\$21,000	\$19,645
103170	Wellbank Children Centre - Shade Sail in Baby Playground	Buildings and Property	\$8,800	\$0	\$0	\$0	\$0	\$8,800	\$5,876
103173	Kings Road Carpark - Design Phase	Buildings and Property	\$440,000	\$0	\$0	(\$240,000)	(\$50,000)	\$150,000	\$109,285
103195	Compulsory Sale of Second Ave Car Park to NSW Metro	Buildings and Property	\$0	\$0	\$0	\$0	\$0	\$0	\$1,015
103202	Wellbank Childrens Centre Minor Works	Buildings and Property	\$0	\$0	\$6,500	\$0	\$0	\$6,500	\$6,395
103209	Concord Library refinish the study room floors	Buildings and Property	\$0	\$0	\$8,500	\$0	\$0	\$8,500	\$7,543
103211	The Connection Fire Services Compliance	Buildings and Property	\$0	\$0	\$130,000	(\$25,000)	\$0	\$105,000	\$103,118
103212	10 Thornleigh Avenue Concord Divestment	Buildings and Property	\$0	\$0	\$150,000	(\$90,000)	(\$10,000)	\$50,000	\$5,100
103213	283 Concord Road Divestment	Buildings and Property	\$0	\$0	\$35,000	\$0	\$0	\$35,000	\$0
103215	Five Dock Town Centre	Buildings and Property	\$0	\$0	\$100,000	(\$50,000)	\$0	\$50,000	\$0

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Project No	Projects	CapexWebsiteReport Code	Original Budget	Carry Overs	Q1 Changes	Q2 Changes	Q3 Change	Revised Budget	Actuals
103216	LED Lighting Design Works	Buildings and Property	\$0	\$0	\$20,000	\$0	\$0	\$20,000	\$24,000
103218	Property Development	Buildings and Property	\$0	\$0	\$148,000	\$0	\$0	\$148,000	\$7,200
103249	Depot Fitout for Workshop/ Stores	Buildings and Property	\$0	\$0	\$0	\$170,000	\$14,000	\$184,000	\$143,170
103270	Strathfield Triangle - Cooper Street	Buildings and Property	\$0	\$0	\$0	\$0	\$20,000	\$20,000	\$0
		Buildings and Property Total	\$2,371,300	\$100,443	\$506,560	(\$273,360)	(\$516,000)	\$2,188,943	\$1,236,255
100384	Concord Library Furniture and Fittings	Library and Community Services	\$7,896	\$0	\$0	\$0	\$18,564	\$26,460	\$0
100512	Five Dock Library Furniture	Library and Community Services	\$6,580	\$0	\$0	\$0	\$49	\$6,629	\$1,989
100614	Library Audio/Visual	Library and Community Services	\$60,483	\$0	\$0	\$0	\$0	\$60,483	\$23,197
100615	Library Books	Library and Community Services	\$266,818	\$0	\$0	\$0	\$0	\$266,818	\$174,419
100619	Library Periodicals	Library and Community Services	\$37,246	\$0	\$0	\$0	\$0	\$37,246	\$21,379
102038	Library Cataloguing and Processing	Library and Community Services	\$107,987	\$0	\$0	\$0	\$0	\$107,987	\$68,864
102841	The Learning Space - Furniture and Fittings	Library and Community Services	\$10,408	\$0	\$0	\$0	(\$3,208)	\$7,200	\$700
		Library and Community Services Total	\$497,418	\$0	\$0	\$0	\$15,405	\$512,823	\$290,547
102481	Five Dock Public Domain Streetscape (Stage 2 - Southern End)	Major Projects	\$2,703,000	\$423,269	\$1,039,000	\$0	\$730,000	\$4,895,269	\$4,758,688
102493	Goddard Park Amenities Building Upgrade	Major Projects	\$1,100,000	\$60,290	\$0	\$600,000	\$0	\$1,760,290	\$454,806
102520	Halliday Park - Automatic Toilet Installation	Major Projects	\$350,000	\$37,779	\$0	\$0	\$0	\$387,779	\$318,158
102585	Redevelopment of Concord Oval	Major Projects	\$40,290,000	\$35,058	(\$35,058)	\$0	\$1,710,000	\$42,000,000	\$24,834,546
102686	Charles Heath Reserve Project	Major Projects	\$3,050,000	\$136,561	\$0	(\$1,593,281)	\$0	\$1,593,281	\$235,538
102732	Timbrell Park Fields and Amenities Upgrade	Major Projects	\$2,130,000	\$34,570	(\$29)	\$230,000	\$0	\$2,394,541	\$863,939
102781	Rhodes Recreation Centre	Major Projects	\$0	\$0	\$0	\$15,000,000	\$7,537,000	\$22,537,000	\$12,176,128
102869	Goddard Park Crib Wall remediation works	Major Projects	\$300,000	\$0	\$0	\$0	(\$270,000)	\$30,000	\$7,543
103024	Sportsfield Rebuild - Concord Oval	Major Projects	\$700,000	\$0	\$0	\$0	\$0	\$700,000	\$136,350
103175	Drummoyne Shared Spaces	Major Projects	\$3,000,000	\$0	\$0	(\$1,000,000)	(\$1,500,000)	\$500,000	\$201,514
		Major Projects Total	\$53,623,000	\$727,527	\$1,003,913	\$13,236,720	\$8,207,000	\$76,798,160	\$43,987,211
100448	Drainage Renewal and Relining Program	Strategic Assets and Innovation	\$282,132	\$0	\$0	\$0	\$0	\$282,132	\$0
100639	Exile Bay Flood Study	Strategic Assets and Innovation	\$100,000	\$0	(\$100,000)	\$0	\$6,000	\$6,000	\$1,658

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100864	Seawalls-Remedial Works	Strategic Assets and Innovation	\$0	\$0	\$0	\$0	\$86,000	\$86,000	\$74,835
100903	Annual Stormwater Management Program	Strategic Assets and Innovation	\$309,500	\$0	\$0	(\$36,378)	(\$6,000)	\$267,122	\$184,677
102707	176 George Street raising and overland flow path	Strategic Assets and Innovation	\$0	\$0	\$0	\$0	\$45,000	\$45,000	\$1,023
102717	Uhrs Point Reserve Passive Craft Launch facility	Strategic Assets and Innovation	\$0	\$0	\$0	\$0	\$36,000	\$36,000	\$31,136
102737	Rhodes Foreshore Lighting Replacement	Strategic Assets and Innovation	\$597,000	\$128,440	\$0	\$0	\$0	\$725,440	\$5,055
102851	Foreshore Structures - Iron Cove	Strategic Assets and Innovation	\$300,000	\$0	\$0	\$0	(\$107,600)	\$192,400	\$57,831
102856	Drainage - CCTV inspections condition rating and defects	Strategic Assets and Innovation	\$60,000	\$0	\$0	\$0	\$0	\$60,000	\$33,125
102860	Drainage - Lower St Georges Cres	Strategic Assets and Innovation	\$0	\$0	\$0	\$0	\$6,600	\$6,600	\$3,870
102861	Drainage - Polding St	Strategic Assets and Innovation	\$0	\$129,622	\$0	\$36,378	\$0	\$166,000	\$165,833
102865	Floodplains - Powells Creek East Catchment FS, FRMS, FRM	Strategic Assets and Innovation	\$192,500	\$8,979	\$0	\$0	(\$91,479)	\$110,000	\$31,840
102874	Uhrs Point recreational craft launch facility	Strategic Assets and Innovation	\$920,400	\$10,739	\$0	\$160,000	(\$36,000)	\$1,055,139	\$1,010,244
102876	Pedestrian Crossing Safety Improvement Program	Strategic Assets and Innovation	\$590,000	\$0	\$0	(\$350,000)	(\$40,000)	\$200,000	\$17,570
102923	Minor pit and lintel - Drainage Renewal	Strategic Assets and Innovation	\$150,000	\$25,533	\$0	\$0	\$0	\$175,533	\$43,462
102924	Drainage Renewal Ada Street Tonkin Pipe line Re-lining	Strategic Assets and Innovation	\$0	\$21,441	(\$0)	(\$9,441)	\$0	\$12,000	\$11,819
103005	Stormwater Pipe inlet safety program	Strategic Assets and Innovation	\$100,000	\$0	\$0	\$0	\$0	\$100,000	\$0
103006	Massey Park Landfill Protection Renewal	Strategic Assets and Innovation	\$350,000	\$0	\$0	\$0	\$0	\$350,000	\$194,625
103007	Moala Concord Hospital Culvert Renewal	Strategic Assets and Innovation	\$120,000	\$0	\$0	(\$110,000)	\$0	\$10,000	\$8,695
103011	Light Poles Condition Report & Priority Renewals	Strategic Assets and Innovation	\$65,000	(\$9,590)	\$0	\$100,000	\$0	\$155,410	\$2,000
103156	Annual Pole Renewal	Strategic Assets and Innovation	\$100,000	\$0	\$0	(\$100,000)	\$0	\$0	\$0
103157	LED upgrade to Council public domain lights	Strategic Assets and Innovation	\$200,000	\$0	\$0	\$0	(\$160,000)	\$40,000	\$0
103224	Drainage SPEL SVO360 GPTNullawarra Ave and Mepunga ST	Strategic Assets and Innovation	\$0	\$0	\$0	\$165,000	\$0	\$165,000	\$132,000
103242	Seawalls - Sisters Bay	Strategic Assets and Innovation	\$0	\$0	\$0	\$0	\$15,000	\$15,000	\$14,988
		Strategic Assets and Innovation Total	\$4,436,532	\$315,164	(\$100,000)	(\$144,441)	(\$246,479)	\$4,260,776	\$2,026,286
103151	GIS Improvement Action Plan	Information Systems	\$30,000	\$0	\$7,000	\$0	\$0	\$37,000	\$33,200
103159	Implementation Online Booking System	Information Systems	\$50,000	\$0	\$0	\$0	\$15,000	\$65,000	\$61,509

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<i>Project No</i>	<i>Projects</i>	<i>CapexWebsiteReport Code</i>	<i>Original Budget</i>	<i>Carry Overs</i>	<i>Q1 Changes</i>	<i>Q2 Changes</i>	<i>Q3 Change</i>	<i>Revised Budget</i>	<i>Actuals</i>
103177	Business Paper and Minute Software Implementation	Information Systems	\$70,000	\$0	\$0	\$0	\$0	\$70,000	\$0
103210	TechOne Cloud Migration	Information Systems	\$0	\$0	\$166,260	\$0	\$0	\$166,260	\$136,913
103220	IPR Model Upgrade - Performance Planning	Information Systems	\$0	\$0	\$15,000	\$0	\$0	\$15,000	\$15,235
103240	Canada Bay NICE inContact CXone Contact Centre	Information Systems	\$0	\$0	\$0	\$60,000	\$0	\$60,000	\$0
		Information Systems Total	\$150,000	\$0	\$188,260	\$60,000	\$15,000	\$413,260	\$246,856
		Grand Total	\$93,648,528	\$3,715,270	\$1,082,201	\$2,221,487	\$1,500,199	\$102,167,686	\$57,728,448



CITY OF
CANADA BAY

CODE OF CONDUCT

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Code of Conduct

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Code of Conduct

1. Introduction

This Model Code of Conduct for Local Councils in NSW (“the Model Code of Conduct”) is made under section 440 of the Local Government Act 1993 (“LGA”) and the Local Government (General) Regulation 2005 (“the Regulation”).

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s or joint organisation’s adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not “council officials” for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council’s or joint organisation’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s or joint organisation’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council’s adopted code of conduct applies to, must comply with the applicable provisions of their council’s code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council’s code of conduct may give rise to disciplinary action.

Note: References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

Note: In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms “board” for “council”, “chairperson” for “mayor”, “voting representative” for “councillor” and “executive officer” for “general manager”.

Note: In adopting the Model Code of Conduct, county councils should adapt it to substitute the term “chairperson” for “mayor” and “member” for “councillor”.

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2. Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council’s audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council’s audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in <i>the Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>

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mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

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3. General Conduct Obligations

General Conduct

- 3.1 You must not conduct yourself in a manner that:
- is likely to bring the council or other council officials into disrepute
 - is contrary to statutory requirements or the council's administrative requirements or policies
 - is improper or unethical
 - is an abuse of power
 - causes, comprises or involves intimidation or verbal abuse
 - involves the misuse of your position to obtain a private benefit
 - constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- is not wanted by the person
 - offends, humiliates or intimidates the person, and
 - creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
 - the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- aggressive, threatening or intimidating conduct
 - belittling or humiliating comments
 - spreading malicious rumours
 - teasing, practical jokes or 'initiation ceremonies'
 - exclusion from work-related events
 - unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - displaying offensive material
 - pressure to behave in an inappropriate manner.

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- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- performance management processes
 - disciplinary action for misconduct
 - informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - directing a worker to perform duties in keeping with their job
 - maintaining reasonable workplace goals and standards
 - legitimately exercising a regulatory function
 - legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- take reasonable care for your own health and safety
 - take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

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- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.

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4. Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- your interest, or
 - the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- Your "relative" is any of the following:
 - your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- your interest as an elector
 - your interest as a ratepayer or person liable to pay a charge
 - an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
 - an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

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- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (iv) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - (v) security for damage to footpaths or roads
 - (vi) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- a) the general manager
 - b) other senior staff of the council for the purposes of section 332 of the LGA
 - c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

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- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- must prepare and submit written returns of interests in accordance with clause 4.21, and
 - must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- becoming a councillor or designated person, and
 - 30 June of each year, and
 - the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- they made and lodged a return under that clause in the preceding 3 months, or
 - they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

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4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- at any time during which the matter is being considered or discussed by the council or committee, or
 - at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a member of, or in the employment of, a specified company or other body, or
 - a partner of, or in the employment of, a specified person.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- the matter is a proposal relating to:
 - the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

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5. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
 - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:

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- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

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- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
 - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - c) require them to work while on council duty
 - d) discredit or disadvantage the council
 - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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6. Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
 - b) a political donation for the purposes of the Electoral Funding Act 2018
 - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - d) a benefit or facility provided by the council to an employee or councillor
 - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - (i) the discussion of official business
 - (ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - (iii) conferences
 - (iv) council functions or events
 - (v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
 - b) the estimated monetary value of the gift or benefit
 - c) the name of the person who provided the gift or benefit, and
 - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

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Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
 - gifts of alcohol that do not exceed a value of \$100
 - ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - prizes or awards that do not exceed \$100 in value.
- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where a Councillor has accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

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7. Relationships Between Council Officials

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- give their attention to the business of the council while on duty
 - ensure that their work is carried out ethically, efficiently, economically and effectively
 - carry out reasonable and lawful directions given by any person having authority to give such directions
 - give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting

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- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

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8. Access to Information and Council Resources

Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:

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- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal Information

8.12 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.

8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:

- a) for the purpose of assisting your election campaign or the election campaign of others, or
- b) for other non-official purposes.

8.19 You must not covert any property of the council to your own use unless properly authorised.

Internet access

8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

Council record keeping

8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.

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- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

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9. Maintaining the Integrity of This Code

Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- to bully, intimidate or harass another council official
 - to damage another council official's reputation
 - to obtain a political advantage
 - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - to avoid disciplinary action under the Procedures
 - to take reprisal action against a person for making a complaint alleging a breach of this code
 - to take reprisal action against a person for exercising a function prescribed under the Procedures
 - to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

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Complaints alleging a breach of this Part

- 9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

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Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.2.1

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

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Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
 - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
 - b) was made by a relative of the traveller, or
 - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
 - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
 - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or

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- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
 - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
 - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
 - c) the nature of the interest, or the position held, in each of the corporations, and
 - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
 - b) required to apply its profits or other income in promoting its objects, and
 - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
 - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
 - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Code of Conduct

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
 - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
 - a description of the occupation, and
 - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - in relation to income from a trust, the name and address of the settlor and the trustee, or
 - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
 - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - the amounts to be paid exceeded, in the aggregate, \$500, or
 - the person was liable to pay the debt to a relative, or
 - in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - in the case of a debt arising from the supply of goods or services:
 - the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
 - the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
 - subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

Code of Conduct

Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]

Code of Conduct

A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest
--	--------------------

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)
---------------------------	--	--

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee
-----------------------------	-----------------------------

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor
---	---------------------------

D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken
---	--------------------------------------	---

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

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Code of Conduct

Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Revision History

Amended by (Name and Position)	Date	Change Description	Owner Approved	DocSetID

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

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INVESTMENT
REPORT
APRIL 2022

INVESTMENT REPORT APRIL 2022

Investment Report APRIL 2022

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Investment Report APRIL 2022

APRIL 2022 Investment Report

Statement of Cash Investments as of 30 APRIL 2022

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
04/05/22	AMP Bank	BBB	\$2,000,000.00	170	0.75%	15/11/21	Term Deposits
04/05/22	MyState Ltd	BBB+	\$2,000,000.00	365	0.50%	04/05/21	Term Deposits
12/05/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	365	0.39%	12/05/21	Term Deposits
27/05/22	National Australia Bank	AA-	\$2,500,000.00	269	0.30%	31/08/21	Term Deposits
30/05/22	Auswide Bank Ltd	BAA2	\$2,000,000.00	181	0.65%	30/11/21	Term Deposits
03/06/22	National Australia Bank	AA-	\$3,000,000.00	365	0.35%	03/06/21	Term Deposits
09/06/22	Members Equity Bank	BBB+	\$2,000,000.00	280	0.45%	02/09/21	Term Deposits
17/06/22	Commonwealth Bank of Australia	AA-	\$3,500,000.00	288	0.36%	02/09/21	Term Deposits
24/06/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	364	0.43%	25/06/21	Term Deposits
30/06/22	National Australia Bank	AA-	\$2,500,000.00	303	0.31%	31/08/21	Term Deposits
07/07/22	Members Equity Bank	BBB+	\$2,000,000.00	367	0.50%	05/07/21	Term Deposits
08/07/22	Commonwealth Bank of Australia	AA-	\$1,500,000.00	308	0.36%	03/09/21	Term Deposits
21/07/22	Bank of Queensland	BBB+	\$1,500,000.00	237	0.65%	26/11/21	Term Deposits
29/07/22	Bendigo and Adelaide Bank	BBB+	\$2,000,000.00	364	1.90%	30/07/21	Term Deposits
05/08/22	National Australia Bank	AA-	\$3,000,000.00	365	0.35%	05/08/21	Term Deposits
12/08/22	National Australia Bank	AA-	\$3,500,000.00	364	0.35%	13/08/21	Term Deposits
09/09/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	364	0.39%	10/09/21	Term Deposits
15/09/22	Bank of Queensland	BBB+	\$2,000,000.00	363	0.95%	17/09/21	Term Deposits
30/09/22	MyState Ltd	BBB+	\$2,000,000.00	364	0.45%	01/10/21	Term Deposits
03/10/22	Westpac Bank	AA-	\$3,000,000.00	367	0.80%	01/10/21	Term Deposits
10/10/22	AMP Bank	BBB	\$2,000,000.00	367	0.80%	08/10/21	Term Deposits
11/10/22	National Australia Bank	AA-	\$3,000,000.00	180	1.20%	14/04/22	Term Deposits
14/10/22	National Australia Bank	AA-	\$2,000,000.00	371	0.39%	08/10/21	Term Deposits
20/10/22	Westpac Bank	AA-	\$1,500,000.00	367	0.47%	18/10/21	ESG TD
08/11/22	National Australia Bank	AA-	\$2,000,000.00	270	0.70%	11/02/22	Term Deposits
10/11/22	Bank of Queensland	BBB+	\$3,000,000.00	210	1.50%	14/04/22	Term Deposits
18/11/22	Westpac Bank	AA-	\$2,000,000.00	364	0.54%	19/11/21	ESG TD
02/12/22	Westpac Bank	AA-	\$2,000,000.00	364	0.58%	03/12/21	ESG TD
16/03/23	Macquarie Bank	A+	\$2,000,000.00	365	1.20%	16/03/22	Term Deposits
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	Term Deposits
02/05/23	AMP Bank	BBB	\$2,000,000.00	545	1.00%	03/11/21	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	730	0.60%	23/06/21	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	562	0.60%	01/01/22	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	729	0.65%	29/07/21	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	734	0.65%	30/07/21	Term Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	732	1.11%	28/10/21	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	731	1.08%	18/02/22	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	731	1.68%	04/03/22	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	1004	1.62%	14/02/22	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	1005	1.62%	03/03/22	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	1095	2.02%	18/02/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	1095	2.10%	25/02/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1368	1.87%	21/02/22	ESG TD
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1461	1.04%	16/02/22	Term Deposits
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1460	2.24%	18/02/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1460	2.31%	25/02/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1460	2.22%	04/03/22	ESG TD
16/08/22	Suncorp Metway	A+	\$2,500,000.00	1390	1.05%	26/10/18	Floating Rate Notes
28/10/22	Teachers Mutual Bank	BBB	\$1,000,000.00	1096	1.61%	28/10/19	ESG FRN
03/02/23	Bank of Queensland	BBB+	\$2,000,000.00	1635	1.11%	13/08/18	Floating Rate Notes
06/02/23	Newcastle Permanent Building Society	BBB	\$2,000,000.00	1707	1.47%	05/06/18	Floating Rate Notes
24/02/23	RACQ Bank	BBB+	\$1,500,000.00	1096	1.01%	24/02/20	Floating Rate Notes
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	1.01%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	1.17%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	0.85%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	0.95%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	0.91%	12/02/20	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$1,996,240.00	1651	0.63%	02/06/21	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	0.83%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	A	\$500,000.00	1826	0.48%	19/08/21	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	0.61%	23/09/21	ESG FRN
15/12/22	NTTC	AA-	\$2,000,000.00	808	0.90%	28/09/20	Fixed Rate Bond
15/12/23	NTTC	AA-	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	AA-	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	AA-	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
24/08/26	Suncorp Metway	A+	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,001,582.32		0.55%		AMP 31Day Notice
	AMP Bank	BBB	\$4,601,693.15		0.50%		AMP Business Saver
	Macquarie Bank	A+	\$7,503,860.56		0.60%		Macquarie CMA
	30/04/22		\$150,953,376.03		0.93%		
	TOTAL INVESTMENTS at 31/3/22		\$144,249,433.25				
	Net Increase/(Decrease) in Investments		\$6,703,942.78				

Certificate of the Responsible Accounting Officer

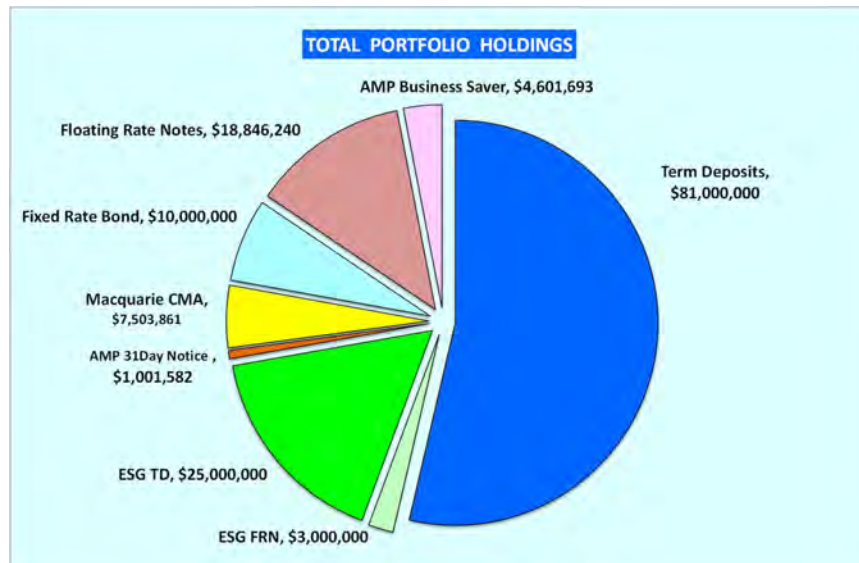
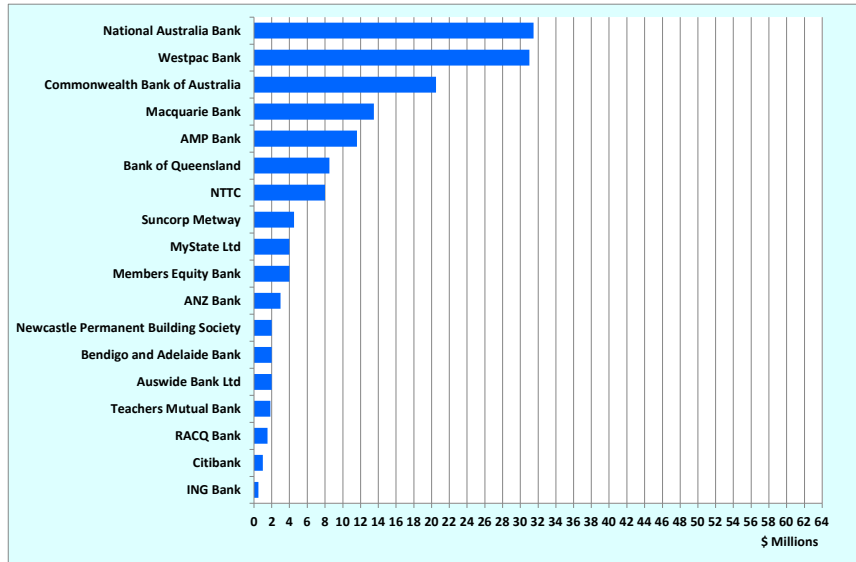
I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation.

Evan Hutchings

Date: 02 May 2022

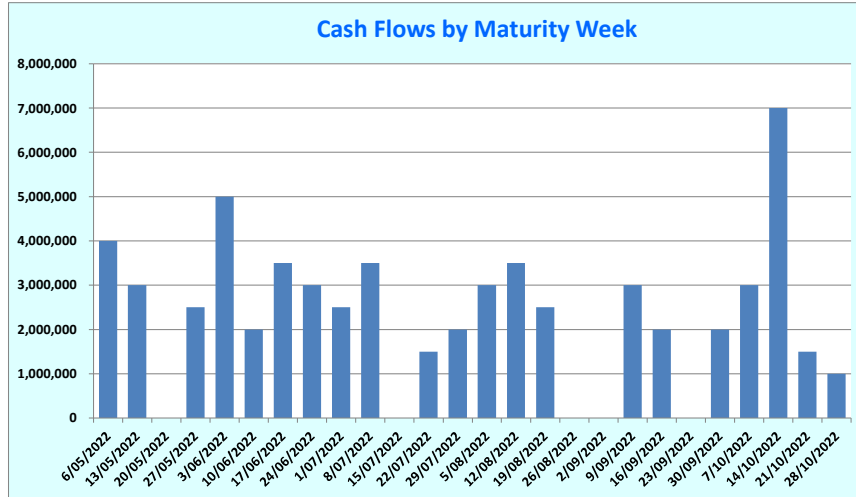
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Total Investment Deposits by Institution as of 30 April 2022



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Weekly cash flow forecast for 6 months as of 30 April 2022



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Individual Counterparty Limits for Term Deposits, Fixed Rate Notes, Floating Rate TDs, and FRNs as per Council Investment Policy

ST Ratings	ADI	Policy Limit	% of Portfolio
A-1+	ANZ Bank	45%	1.99%
	Commonwealth Bank of Australia	45%	13.58%
	NTTC	45%	5.30%
	National Australia Bank	45%	20.87%
	Westpac Bank	45%	20.54%
A-1	Macquarie Bank	30%	8.94%
	ING Bank	30%	0.33%
	Citibank	30%	0.66%
	Suncorp Metway	30%	2.98%
A-2	AMP Bank	10%	7.69%
	Bank of Queensland	10%	5.63%
	Bendigo and Adelaide Bank	10%	1.32%
	MyState Ltd	10%	2.65%
	Auswide Bank Ltd	10%	1.32%
	Teachers Mutual Bank	10%	1.23%
	Members Equity Bank	10%	2.65%
	RACQ Bank	10%	0.99%
Newcastle Permanent Building Society	10%	1.32%	
	Total Portfolio		100.00%

Counter Party Class Limits for Term Deposits, Fixed Rate Notes, Floating Rate TDs, and FRNs as per Council's Investment Policy (excluding At Call Deposits)

Type Long Term	Holdings	Policy Limit	% Portfolio
AA-	\$94,000,000.00	Unlimited	68.19%
A+	\$11,496,240.00	80%	8.34%
A	\$500,000.00	80%	0.36%
A-	\$0.00	80%	0.00%
BAA2	\$2,000,000.00	80%	1.45%
BBB+	\$20,000,000.00	30%	14.51%
BBB	\$9,850,000.00	30%	7.15%
BBB-	\$0.00	30%	0.00%
NR	\$0.00	15%	0.00%
Total	\$137,846,240.00		100.00%

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Investment Transactions during April 2022

Date	Transaction	Bank/Issuer	Type	Term	Int Rate	Amount	Interest Paid
31/03/2022	Balance	Investment Balance Fair Value				\$144,249,433.25	
1/04/2022	Maturity	National Australia Bank	Term Deposit	240	0.30%	(\$2,000,000.00)	\$3,945.21
8/04/2022	Maturity	Commonwealth Bank of Australia	Term Deposit	182	0.29%	(\$2,000,000.00)	\$2,892.05
14/04/2022	Maturity	Commonwealth Bank of Australia	Term Deposit	103	0.49%	(\$2,000,000.00)	\$2,765.48
14/04/2022	Purchase	Bank of Queensland	Term Deposit	210	1.50%	\$3,000,000.00	
14/04/2022	Purchase	National Australia Bank	Term Deposit	180	1.20%	\$3,000,000.00	
14/04/2022	Purchase	Westpac Bank	Term Deposit	364	1.89%	\$3,000,000.00	
20/04/2022	Purchase	Suncorp Metway	Fixed Rate Bond	1587	3.25%	\$2,000,000.00	\$20,100.00
28/04/2022	Reset	Teachers Mutual Bank	ESG FRN	1096	1.61%	\$1,000,000.00	
28/04/2022	Reset	Teachers Mutual Bank	ESG FRN	1096	0.98%	(\$1,000,000.00)	\$2,404.10
	Activity	AMP Bank 31Day Notice	At Call (AMP)		0.55%	(\$1,998,688.91)	\$1,311.09
	Activity	AMP Business Saver	At Call (AMP)		0.50%	\$1,001,693.15	\$1,693.15
	Activity	Macquarie Bank	At Call (CMA)		0.60%	\$2,700,938.54	\$3,860.56
30/04/2022		EOM Balance			Total	\$150,953,376.03	\$38,971.64

Total Interest Received during April 2022

Ledger Account	Type	April
102623-1465-40068	Investments	\$29,341.36
102623-1465-40067	At Call Accounts	\$6,864.80
102585-1465-40068	Investments-ROCO	\$2,765.48
102613-1465-40068	Investments-RRC	\$0.00
	Sub-Total	\$38,971.64
102623-1465-40066	General Bank Account	\$0.00
	Total	\$38,971.64

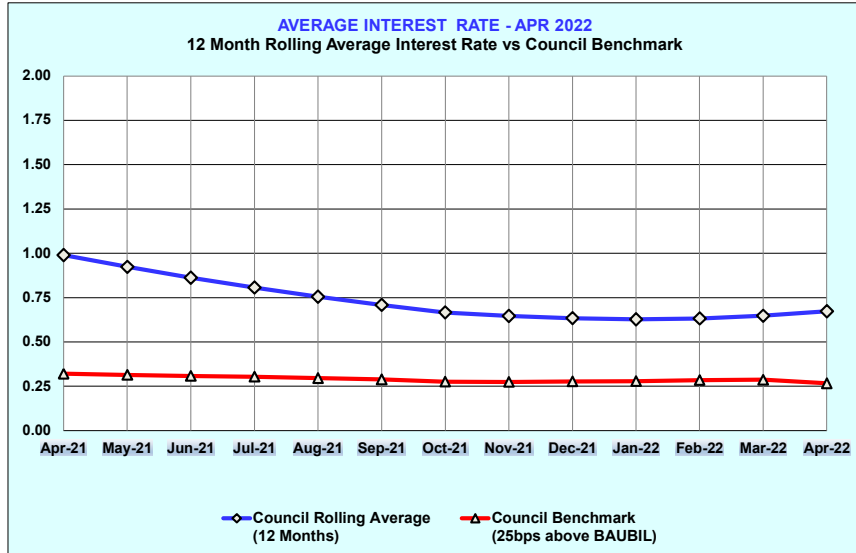
Investment Report APRIL 2022

Statement of Consolidated Cash and Investments as of 30 April 2022

Consolidated Cash & Investments			
Cash & Investments			
Cash At Bank as at 30 Apr 2022		\$1,807,121.54	
Investments at Fair Value		\$150,953,376.03	
Total Cash & Investments			\$152,760,497.57
The above cash and investments are comprised of:			
Externally Restricted Reserves			
Externally restricted reserves refer to funds received that are restricted by externally imposed requirements for expenditure on specific purposes. Externally restricted reserves include unexpended developer contributions under Sections 7.11 and 7.12.			
Total External Restrictions			\$92,359,588.44
Internally Restricted Reserves			
Internally restricted reserves are funds restricted in the use by resolution or policy of Council			
Total Internal Restrictions			\$39,082,609.12
Unrestricted Cash & Investments			
Total Unrestricted Cash & Investments			\$21,318,300.01
Total Cash & Investments			\$152,760,497.57
Note: At the time of this report, Council reserves have yet to be finalised for Apr 2022.			

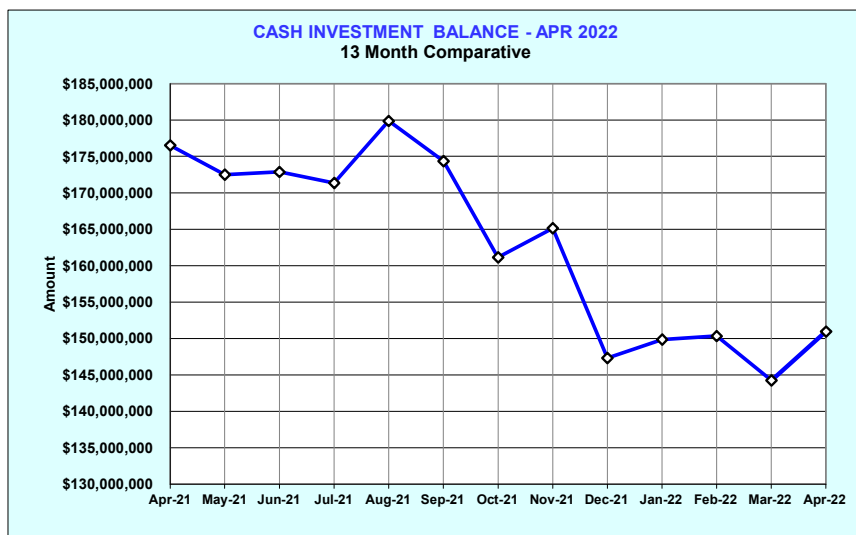
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Comparative Graphs

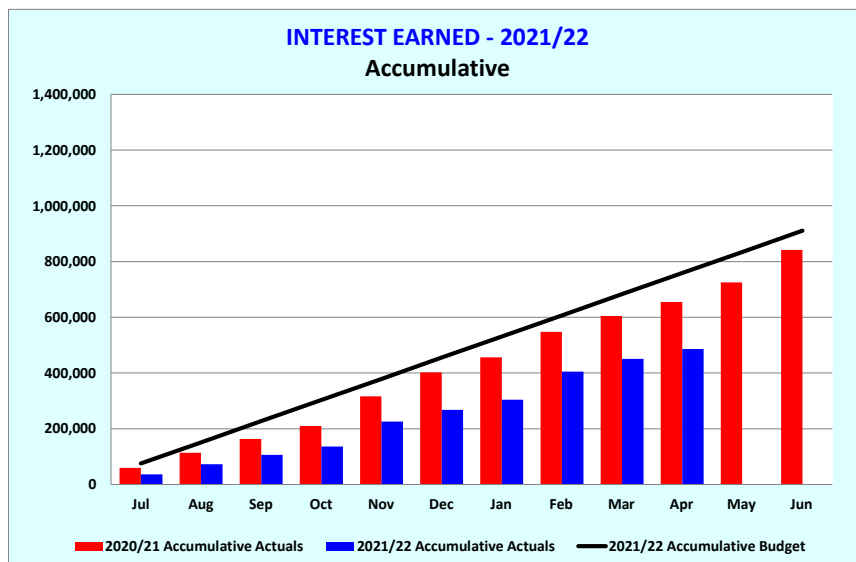
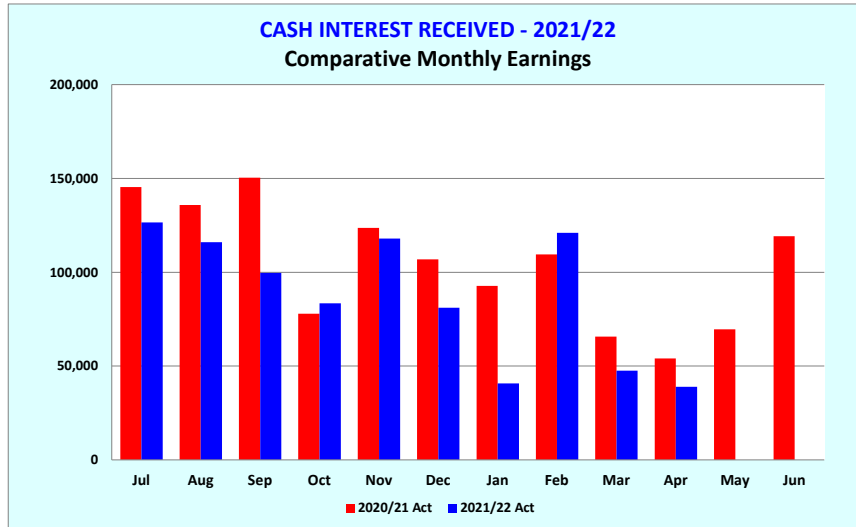


The BAUBIL (Bloomberg Ausbond Bank Bill) Index is engineered to measure the Australian money market by representing a passively-managed short term money market portfolio. This index is comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate, 1M BBSW, and 3M BBSW.

The Annual Average BAUBIL plus 25bps (a quarter of 1 percent) forms Council's benchmark rate against which Council's actual investment returns are compared.



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