

ORDINARY COUNCIL MEETING

AGENDA

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

Council Chambers, City of Canada Bay Civic Centre, Drummoyne

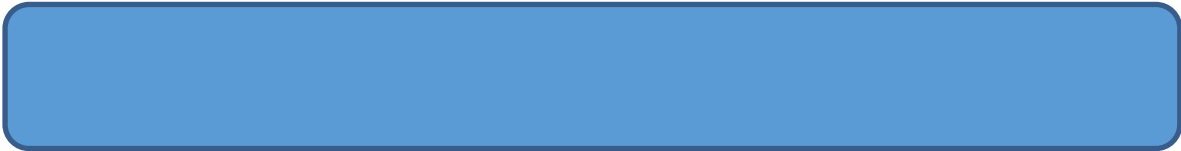
Tuesday, 18 October 2022

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

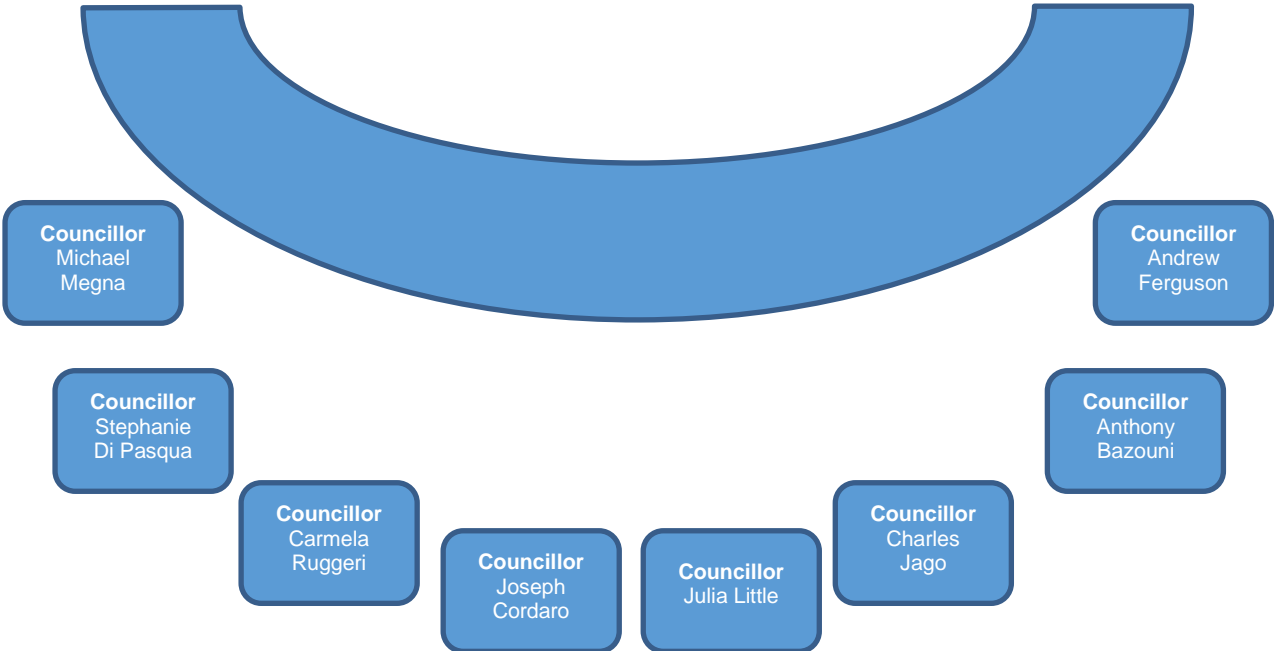


John Clark
General Manager

- Melissa Lee**
 Manager
 Governance &
 Customer Services
- Evan Hutchings**
 Director Corporate
 Services & Strategy
- John Clark**
 General
 Manager
- Mayor Angelo Tsirekas**
- Monica Cologna**
 Director Community
 & Environmental
 Services
- Russell Wolfe**
 A/ Director City
 Services & Assets



Councillors
City of Canada Bay



Statement of Ethical Obligations

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

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

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 18 October 2022
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6.00pm**

Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY.....	5
2	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....	5
3	CONFIRMATION OF MINUTES	5
4	DISCLOSURES OF INTERESTS	5
5	MAYORAL MINUTE(S)	5
6	PUBLIC FORUM	6
7	ITEMS RESOLVED BY EXCEPTION	6
8	EXECUTIVE SERVICES DIRECTORATE REPORTS	6
9	COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS	7
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation	7
	Item 9.2 Planning Proposal - Parramatta Road Corridor Urban Transformation Strategy (Stage 1) - Post-Exhibition.....	15
	Item 9.3 Planning Proposal (PP2022/0003) - Recreation Facilities (Indoor) in R1 General Residential Zone	25
	Item 9.4 Post Exhibition - Planning Proposal - 1-7 Ramsay Road and 5 and 7 Harrabrook Ave Five Dock.....	28
	Item 9.5 Planning Proposal - Local Character Areas	39
	Item 9.6 Amendements to 2022-23 Schedule of Fees and Charges	45
	Item 9.7 Christmas Celebrations	47
10	CITY SERVICES AND ASSETS DIRECTORATE REPORTS	51
	Item 10.1 Transport for NSW - Transfer of Land in Concord West.....	51
	Item 10.2 Proposed Naming of Concord Oval Community Venues for Hire	56
	Item 10.3 City of Canada Bay Local Traffic Committee Minutes - 29 September 2022	62
11	CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....	64
	Item 11.1 Annual Pecuniary Interest Returns for Councillors and Designated Persons - 2021-2022	64
	Item 11.2 Cash and Investments Report for September 2022	66
12	NOTICES OF MOTION.....	69
13	NOTICES OF MOTION OF RESCISSION	69
14	MATTERS OF URGENCY.....	69
15	QUESTIONS WITH NOTICE	69

16	CONFIDENTIAL MATTERS	70
	Item 16.1 Footway Dining Fee Waiver- Sydney Metro Works- Great North Road	70
17	CONFIDENTIAL RESOLUTIONS.....	72

1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 20 SEPTEMBER 2022

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 20 September 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 September 2022 and 30 September 2022.

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 28 September 2022

There were no applications identified for referral to the CBLPP meeting on 28 September 2022.

Items for next CBLPP Meeting on 26 October 2022

The following applications are listed for consideration at the CBLPP meeting to be held on 26 October 2022:

- DA2022/0100 – 340 Victoria Place Drummoyne - Alterations and additions to existing dwelling including new pool and alfresco area within the harbour foreshore area.

Development Applications – Determined

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0181	20.07.2022	13 Bevin Avenue, Five Dock	Remove existing Car Park signage. Construct new signage walls with new Car Park signage	Approved 01.09.2022
DA2022/0137	11.05.2022	16 Chiswick Street, Chiswick	Install new balustrades under an approved roof form within an approved dual occupancy to create a new rear first floor balcony	Approved 01.09.2022
DA2022/0022	28.01.2022	9 King Street, Concord West	Demolition of existing single storey brick dwelling and construction of a two-storey dwelling house	Approved 02.09.2022
DA2022/0023	28.01.2022	9 King Street, Concord West	Demolition of existing single storey brick dwelling and construction of a two-storey dwelling house	Approved 02.09.2022
DA2022/0203	21.07.2022	25 Links Avenue, Concord	Alterations and additions including new external stair, enclosure of existing balcony, alterations to existing window openings and associated works	Approved 06.09.2022
DA2022/0104	06.04.2022	1 Merville Street, Concord West	Demolition of existing structures and construction of a two storey dual occupancy with pools, front fence and Torrens title subdivision	Approved 06.09.2022
DA2021/0372	17.12.2021	5 Janet Street, Russell Lea	Alterations and additions to existing dwelling	Approved 08.09.2022
DA2022/0196	28.07.2022	37 Nirranda Street, Concord West	Construction of a carport attached to right side of the main existing dwelling	Approved 08.09.2022
DA2022/0221	04.08.2022	511 Great North Road, Abbotsford	Construction of a pool, landscaping and demolition and reconstruction of rear deck and stairs	Approved 09.09.2022
DA2021/0376	04.01.2022	16 Kingston Avenue, Concord	Demolition of existing structures and construction of dwelling with basement, swimming pool, cabana, front fence and associated landscaping	Approved 12.09.2022
DA2021/0374	07.02.2022	98 Queen Street, Concord West	Demolition of existing structures and construction of a two storey dwelling with garage and associated site works	Approved 13.09.2022

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2021/0322	17.12.2021	28 Marceau Drive, Concord	Demolition of the existing structures and the construction of a two-storey dwelling	Approved 15.09.2022
DA2021/0195	02.08.2021	41 Janet Street, Russell Lea	Demolish existing structures and construction of new 2 storey dual occupancy over individual basement parking	Approved 16.09.2022
DA2022/0037	22.02.2022	20 Pomeroy Street, North Strathfield	Demolition of the existing structures and construction of a two-storey attached dual occupancies with strata title subdivision	Approved 16.09.2022
DA2022/0233	18.08.2022	55 Tranmere Street, Drummoyne	Removal of a <i>Ficus Benjamina</i> tree from the rear yard and suitable replacement planting	Approved 16.09.2022
DA2022/0263	16.09.2022	19-19A Roseby Street, Drummoyne	Demolition of inter-tenancy wall between 184 and 185 to create single tenancy at Birkenhead Point Shopping Centre	Approved 23.09.2022
DA2021/0355	08.12.2021	3 Lansdowne Street, Concord	Alterations and first floor additions to existing dwelling with a new swimming pool, studio, carport and landscaping	Approved 23.09.2022
DA2022/0232	18.08.2022	6/37 Drummoyne Avenue, Drummoyne	Construction of a louvre pergola	Approved 30.09.2022
DA2022/0234	23.08.2022	34 Mackenzie Street, Concord West	Addition of a first floor to existing garage for storage / studio	Approved 30.09.2022
DA2022/0044	15.02.2022	23 Great North Road, Five Dock	Alterations and additions to existing dwelling	Approved 30.09.2022
DA2022/0255	08.09.2022	335 Queen Street, Concord West	Strata subdivision of an attached dual-occupancy	Approved 30.09.2022

Total Number of DAs Determined = 21

Development Applications - Lodged

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0245	01.09.2022	8 Campbell Street, Abbotsford	Demolition of existing structures and construction of a two storey dwelling house with basement

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0247	02.09.2022	1 South Street, Drummoyne	Addition of a basement to a dwelling approved under complying development
DA2022/0246	07.09.2022	14 Kentwell Avenue, Concord	Ground floor alterations and first floor addition to existing semi-detached dwelling
DA2022/0254	07.09.2022	52 College Street, Drummoyne	Remove two branches of a Jacaranda for increased property clearance and damaged branch
DA2022/0253	07.09.2022	19 Warsaw Street, North Strathfield	Demolition of the existing structures, and construction of a dual occupancy
DA2022/0255	08.09.2022	335 Queen Street, Concord West	Strata subdivision of an attached dual-occupancy
DA2022/0237	13.09.2022	42 Colane Street, Concord West	Demolition of existing garage and construction of garage with first floor secondary dwelling
DA2022/0248	13.09.2022	116 Lower St Georges Crescent, Drummoyne	Alterations and Additions to Existing Dwelling
DA2022/0256	13.09.2022	43 Bouvardia Street, Russell Lea	Construction of a boundary/pool fence
DA2022/0257	13.09.2022	14 Lenore Street, Russell Lea	Alterations and first floor addition to existing dwelling
DA2022/0250	13.09.2022	4 Tremere Street, Concord	Demolition of existing structures and construction of a two storey dwelling house with basement and associated landscape works
DA2022/0251	16.09.2022	37 Burnell Street, Russell Lea	Demolition of the existing dwelling, the construction of two storey dwelling house with basement, boat shed, swimming pool and associated landscaping
DA2022/0252	16.09.2022	1 Connecticut Avenue, Five Dock	New crossover and carport to front of dwelling
DA2022/0258	16.09.2022	28 Sanders Parade, Concord	Demolition of existing structures and construction of a two storey dwelling with basement parking
DA2022/0261	16.09.2022	2 Church Street, Drummoyne	Alterations and additions to the existing dwelling including rear addition, carport and storage, and related landscape works
DA2022/0263	16.09.2022	19-19A Roseby Street, Drummoyne	Demolition of inter-tenancy wall between 184 and 185 to create single tenancy at Birkenhead Point Shopping Centre
DA2022/0262	19.09.2022	41 Majors Bay Road, Concord	Proposed restaurant fit-out based on the approved restaurant
DA2022/0260	21.09.2022	12 Coronation Avenue, Five Dock	Alterations and first floor additions to existing dwelling
DA2022/0264	21.09.2022	35 Noble Street, Five Dock	Alterations and first floor additions to existing dwelling

DA2022/0265	21.09.2022	7A Melbourne Street, Concord	Construction of two storey dwelling
DA2022/0266	23.09.2022	24 Fitzroy Street, Abbotsford	Demolition of existing structures and construction of a new two storey dwelling with basement, cabana, pool and landscaping
DA2022/0268	23.09.2022	6 landra Street, Concord West	Pruning of a Lilly Pilly
DA2022/0271	29.09.2022	75 Llewellyn Street, Rhodes	Demolition of the Existing structures and construction of a Part Two (2), Part Three (3) Storey Dwelling and Landscaping Site Works
DA2022/0272	29.09.2022	51 Broughton Street, Concord	Alterations and first floor additions to existing dwelling
DA2022/0249	30.09.2022	80 Lyons Road, Drummoyne	Demolish existing attached communal laundry that is in disrepair, construct 4 new sheds alongside of existing building as laundries for individual lot use, construct 4 new balconies for individual lot use, construct new common deck in common rear yard, construct accessible bin storage along property boundary
DA2022/0270	30.09.2022	14 Alexandra Street, Drummoyne	Alterations and additions to existing semi detached dwelling including extending the rear of the lower ground floor, in ground swimming pool, extending the rear ground floor deck and a dormer window to the attic
DA2022/0275	30.09.2022	12 Bayswater Street, Drummoyne	Alterations to existing dwelling and the construction of a studio at rear
DA2022/0276	30.09.2022	6 Mitchell Street, Five Dock	Removal of two trees

Total Number of DAs Lodged = 28

Variations to development standards

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

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0037	20 Pomeroy Street, North Strathfield	Clause 4.4, Maximum Floor Space Ratio	Proposal is compliant with building envelope controls. The dwelling is consistent with the emerging infill developments in the street.	23m ² (6%)	16.09.2022

Land and Environment Court Appeals

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

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0167	34 Bayview Road, Canada Bay	Class 1 Appeal against the deemed refusal of the Demolition of existing structures and construction of a 48-place childcare facility, basement parking for 12 vehicles	Matter relisted for hearing on 13 and 14 December 2022. Previous September dates vacated due to Public Holiday.
DA2021/0290	25 Abbotsford Parade, Abbotsford	Class 1 Appeal against the deemed refusal of the development application for Major alterations and additions existing dwelling	Agreement reached between the parties on a revised development scheme. Awaiting judgement by the Commissioner.
DA2021/0082	71-75 Victoria Road, Drummoyne	Class 1 Appeal against the deemed refusal of the development application for: Demolition of existing structures, site consolidation and construction of a new mixed use development comprising basement carparking, two (2) retail tenancies, four (4) live/work tenancies and twenty-nine (29) residential apartments. The proposal incorporates the removal of three (3) existing driveways and construction of a new driveway accessing the site from Day Street, and approval will be required pursuant to S138 of the Roads Act 1993	Agreement reached between the parties on a revised development scheme. Awaiting judgement by the Commissioner.
DA2021/0179	2 Swan Avenue Strathfield	Class 1 Appeal against the deemed refusal of the development application for: Demolition of the existing dwelling house and associated structures and construction of a three (3) storey x eighteen (18) room boarding house (incl. Manager's room) with parking for one (1) car, four (4) motorcycles and four (4) bicycles under <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	Council awaiting submission of amended plans following recent conciliation conference.

DA2022/0065	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Change of use external area and extension of opening hours at the Illinois Hotel	Council awaiting submission of amended plans following recent conciliation conference.
DA2022/0095	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Alterations and Additions to existing Pub "The Illinois Hotel"	Council awaiting submission of amended plans following recent conciliation conference.
DA2021/0218	41 St Georges Crescent, Drummoyne	Class 1 Appeal against the refusal of the development application for alterations and additions to a heritage listed dwelling	Matter listed for conciliation conference 6 and 7 October 2022
DA2021/0254	33 Dorking Road, Cabarita	Class 1 Appeal against the deemed refusal of the development application for alterations and additions to a dwelling house	Matter listed for conciliation conference 14 and 15 November 2022
DA2022/0039	53 Davidson Avenue, Concord	Class 1 Appeal against the deemed refusal of the development application for the construction of a new two-storey dwelling	Matter listed for conciliation conference 24 and 25 November 2022
DA2022/0129	19/203-211 Great North Road, Five Dock	Class 1 Appeal to the deemed refusal of development application for the alterations and additions including demolition, for the purpose of a childcare centre, for ninety-six (96) children with sixteen (16) staff, to operate 7:00am and 6:00pm Monday to Friday, and thirty-four (34) car spaces	Matter listed for conciliation conference 8 November 2022
DA2022/0016	13 Collingwood Street, Drummoyne	Class 1 appeal against the deemed refusal of development application for alterations and additions to a contributory dwelling in a heritage conservation area	Matter listed for conciliation conference 17 and 18 November 2022
DA2021/0260	15-17 Cooper Street, Strathfield	Class 1 appeal against the refusal of development application for demolition of existing dwelling houses, Consolidation of two lots and proposed new boarding house with 29 rooms and a manager's room	Matter listed for conciliation conference 3 February 2023

DA2021/0266	29 Lenore Street, Russell Lea	Class 1 appeal against the refusal of development application for demolition of structures and construction of a two storey dwelling with basement parking and swimming pool	Matter listed for conciliation conference 1 and 2 February 2023
DA2022/0116	134-140 Tennyson Road, Mortlake	Class1 appeal against the deemed refusal of development application for demolition of the existing site structures including tree removal, construction of a 4-storey residential flat building of 20 x 3-bedroom apartments, basement carparking for 44 vehicles (40 residential and 4 visitor spaces) access via a ramp to Palace Lane. concurrently with the application is a voluntary planning agreement for the creation of 8metre wide public foreshore access.	Matter listed conciliation conference 19 December 2022
DA2021/0096	7 Burnell Street, Drummoyne	Class1 appeal against the refusal of development application for alteration and extension to existing residential dwelling	Matter listed for conciliation conference 16 and 17 February 2023

Of the above 15 listed matters before the Land and Environment Court, there are currently 13 active appeals.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2**PLANNING PROPOSAL - PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (STAGE 1) - POST-EXHIBITION****Reporting Manager** Manager Strategic Planning**Attachments:**

1. Planning Proposal_PRCUTS (Stage 1) - Post-exhibition (*Provided in Attachment Booklet*)
2. LEP Maps (*Provided in Attachment Booklet*) [⇒](#)
3. Kings Bay Precinct Masterplan_Sept 2022 (*Provided in Attachment Booklet*) [⇒](#)
4. Burwood Precinct Masterplan_Sept 2022 (*Provided in Attachment Booklet*) [⇒](#)
5. Homebush North Precinct Masterplan 2022 (*Provided in Attachment Booklet*) [⇒](#)
6. Public Domain Plan_Sept 2022 (*Provided in Attachment Booklet*) [⇒](#)
7. Kings Bay Precinct DCP_Sept 2022 (*Provided in Attachment Booklet*) [⇒](#)
8. Burwood Precinct DCP_Sept 2022 (*Provided in Attachment Booklet*) [⇒](#)
9. Homebush North Precinct DCP 2022 (*Provided in Attachment Booklet*) [⇒](#)
10. Infrastructure Strategy - PRCUTS Stage 1 Precinct_2022 (More than 10 pgs) [⇒](#)
11. Sustainable Precincts Strategy 2020 (*Provided in Attachment Booklet*) [⇒](#)
12. Parramatta Road Corridor Flood Risk Assessment - Burwood and Kings Bay Precincts 2020 (*Provided in Attachment Booklet*) [⇒](#)
13. Canada Bay Concord West Precinct Master Plan Flood Study_August 2016 (*Provided in Attachment Booklet*) [⇒](#)
14. Canada Bay Urban Tree Canopy Strategy_August 2019 (*Provided in Attachment Booklet*) [⇒](#)
15. Canada Bay Local Housing Strategy_Minister endorsed 1 May 2021 (*Provided in Attachment Booklet*) [⇒](#)
16. Canada Bay Local Strategic Planning Statement (LSPS)_GSC endorsed 25 March 2020 (*Provided in Attachment Booklet*) [⇒](#)
17. Traffic and Transport Study and Action Plan_Oct 2022 (*Provided in Attachment Booklet*) [⇒](#)
18. PRCUTS Stage 1 Urban Canopy Assessment Report 2022 (*Provided in Attachment Booklet*) [⇒](#)
19. PRCUTS Infrastructure Strategy Feasibility Analysis – Burwood and Kings Bay_2022 (*Provided in Attachment Booklet*) [⇒](#)
20. Landowner Submissions Review (*Provided in Attachment Booklet*) [⇒](#)
21. Report on submissions (*Provided in Attachment Booklet*) [⇒](#)
22. PRCUTS - Combined submissions_Redacted (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. Council note the Report on Submissions at Attachment 21 and the Landowner Submissions Review at Attachment 20.

-
2. The Planning Proposal – Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) - Stage 1 at Attachment 1, be submitted to the Department of Planning and Environment for making as a Local Environmental Plan.
 3. The draft Development Control Plan at Attachments 7-9 (Kings Bay, Burwood and Homebush North Precincts respectively), be adopted and come into effect upon the gazettal of the Local Environmental Plan.
 4. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal and draft Development Control Plan prior to finalisation.
-

PURPOSE

To report on the outcome of the public exhibition of the Planning Proposal for Stage 1 (2016-2023 release areas) of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) and to seek endorsement to submit the Planning Proposal to the Department of Planning and Environment (DPE) for finalisation.

EXECUTIVE SUMMARY

The *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) is the NSW Government's 30-year plan to drive and inform land use planning and development decisions along the Parramatta Road Corridor.

A Planning Proposal has been prepared to commence the implementation of PRCUTS by amending the *Canada Bay Local Environmental Plan 2013* (LEP) for Stage 1 (also known as the 2016-2023 release areas). The planning proposal is seeking to introduce amended planning controls, community infrastructure requirements and sustainability incentives for the three Stage 1 precincts of Kings Bay, Burwood-Concord and Homebush North in the Canada Bay LGA.

The PRCUTS Planning Proposal was publicly exhibited from 15 February 2022 to 15 March 2022 (28 days), in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Gateway Determination dated 24 November 2021.

Issues raised in submissions have been comprehensively assessed, including 13 submissions that posed significant urban design implications. These submissions were independently peer-reviewed to determine their site-specific and holistic/precinct-wide merit. The assessment of submissions and the recommendations of the peer-review have informed revisions to the PRCUTS Stage 1 Masterplans, Public Domain Plan, Infrastructure Strategy and draft Development Control Plan, which in turn, have informed revisions to the Planning Proposal.

To comply with the conditions of the Gateway determination, the Planning Proposal now needs to be submitted to DPE to be finalised before 24 November 2022.

This report recommends that the Planning Proposal be submitted to DPE and for the draft Development Control Plan to be adopted.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

In November 2016, Urban Growth NSW released the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) together with a package of implementation and reference documents. PRCUTS aims to renew Parramatta Road and adjacent communities through

investment in homes, jobs, transport, open spaces and public amenity. It presents significant urban renewal opportunities for land within defined development precincts.

The PRCUTS is given statutory weight under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, which allows the Minister for Planning to issue Directions. *Direction 7.3 - Parramatta Road Corridor Urban Transformation Strategy* requires that planning proposals for land within the Parramatta Road Corridor are consistent with the PRCUTS, including the staging of the release areas.

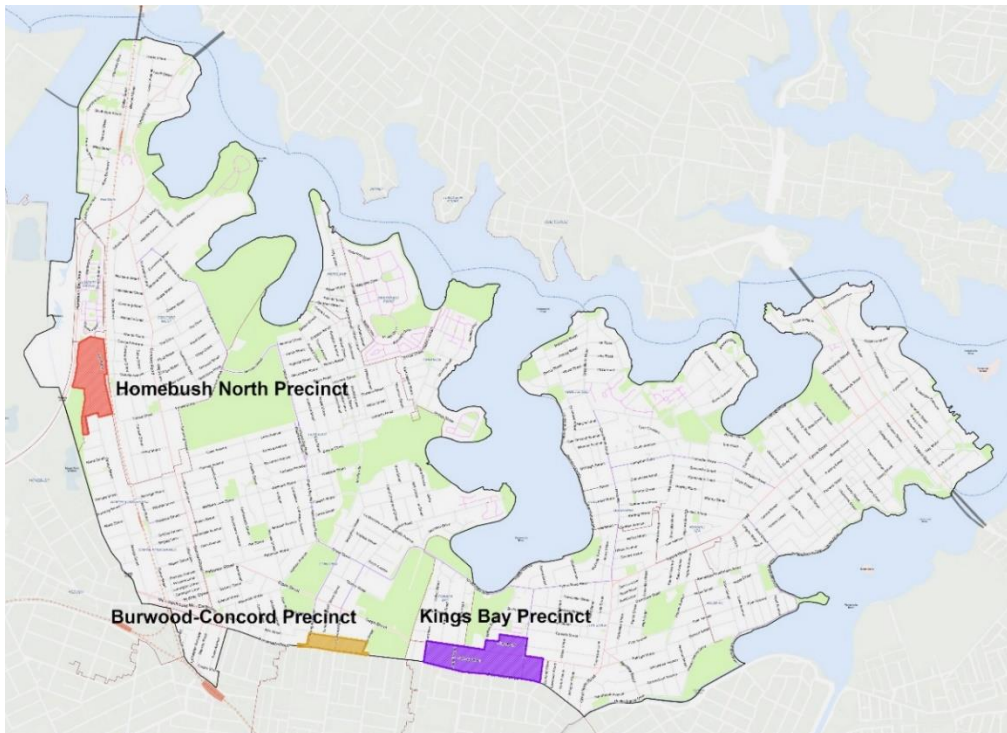


Figure 1: Land within Stage 1 of PRCUTS within the Canada Bay LGA



Figure 2: Land within Stage 1 of the Kings Bay Precinct



Figure 3: Land within Stage 1 of the Burwood-Concord Precinct



Figure 4: Land within Stage 1 of the Homebush North Precinct

The Planning Proposal

The planning proposal is seeking to implement PRCUTS by making the following amendments to the *Canada Bay Local Environmental Plan 2013*:

- *Land zoning* - proposed zoning is generally consistent with PRCUTS with minor variations.
- *Maximum building height* - new building heights are proposed that are generally consistent with PRCUTS, with minor variations, that will only be possible if the development forms part of a specified lot amalgamation and/or deliver identified community infrastructure.
- *Maximum Floor Space Ratio (FSR)* - new FSRs are proposed that will only be possible if the development forms part of a specified lot amalgamation and/or deliver identified community infrastructure.
- *Active street frontages* - certain land that is proposed to be re-zoned to B4 Mixed Use or that fronts onto Parramatta Road, will be required to provide active frontages and commercial uses.
- *Design Excellence* - the planning proposal is seeking to introduce Design Excellence requirements that require design quality criteria to be addressed, and for development to be referred to either the Canada Bay Design Review Panel or be subject to an architectural design competition, where the development proposed is over 28 metres or 8 storeys.
- *Sustainability* - incentives are proposed that allow additional density where development exceeds BASIX energy and water efficiency standards.

Supporting Studies

A range of background studies have been prepared on behalf of Council to support the implementation of Stage 1 of the PRCUTS. The suite of studies include:

- *Public Domain Plan that identifies the public domain needs that will be required to support future development and makes detailed recommendations to deliver the needed passive and active recreational spaces and networks, and to achieve an activated and attractive public domain.*
- *Community Infrastructure Strategy identifies the infrastructure that is required, describes the nexus between the infrastructure and future development and the method by which it will be delivered.*
- *Sustainable Precincts Strategy makes recommendations that can achieve a zero-carbon outcome for the precincts by 2050, lower water usage, lower car usage, and a greener, cooler community.*
- *Flood Risk Assessment that identifies the nature and extent of flooding for both existing and proposed development. It makes recommendations to achieve the development proposed in PRCUTS so as not to create flooding risks for downstream properties.*
- *Preliminary Site Investigation (Contamination) assessed the potential extent of contamination within the three PRCUTS Precincts.*

The Masterplans synthesise the above studies with PRCUTS into three detailed reports. The Masterplans are generally consistent with PRCUTS, however where minor variations are proposed, they are recommended to achieve better urban design and public domain outcomes.

Development Control Plan

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

Gateway determination

On 18 May 2021, Council endorsed the Planning Proposal for submission to DPE for a Gateway determination. On 24 November 2021, DPE issued a Gateway determination, which approved the Planning Proposal to proceed to public exhibition with conditions, including that prior to exhibition, it was to be revised to:

- clarify that future development will be subject to state/regional infrastructure contributions;

- remove proposed remediation provisions, draft Remediation Map and draft Flood Planning Map;
- remove the provisions relating to rooftop shading and rooftop greening;
- remove references to a DPE-led amendment to BASIX and confirm the proposed incentive to support the proposed increased BASIX targets;
- confirm that the PRCUTS car parking rates will be included in Council's DCP;
- confirm the proposed additional permitted uses in the Kings Bay Precinct; and
- various administrative amendments and clarifications.

The Gateway also requires that prior to finalisation the Planning Proposal is to be revised to:

- ensure it aligns with any State Government transport or infrastructure plan for Sydney Metro West;
- address the recommendations and outcomes of the Precinct-wide traffic study;
- demonstrate how the PRCUTS tree canopy target of 25% can be achieved; and
- provide feasibility analysis considering the proposed zoning, height and FSR, design excellence competitions, affordable housing contributions, state or local contributions, dual reticulation requirements and BASIX targets etc.

Public Exhibition

The Planning Proposal was publicly exhibited on the NSW Planning Portal, Council's website and community engagement platform *Collaborate* from 15 February 2022 to 15 March 2022 (28 days), in accordance with the requirements of the EP&A Act and the Gateway determination (for PP-2021-3619) dated 24 November 2021.

Public notifications were also placed on Facebook (2 posts) and Instagram (2 posts), in email newsletters, and in City of Canada Bay News Online February and March (Online newsletter). A notification letter was also sent to 2,386 landowners and residents.

A total of 49 submissions were received during the exhibition period, including 7 from government agencies.

Review of submissions

The primary issues raised in submissions related to:

- FSR and height of buildings
- Site amalgamation and precinct boundaries
- Increase in population impacting on infrastructure, amenity and open space
- Public transport and Sydney Metro West
- Traffic and car parking
- Cycling infrastructure
- Local character
- Design Excellence
- Flooding
- Public domain.

All issues raised in submissions have been comprehensively assessed. Refer to [Attachment 21 Report on Submissions](#) for a summary of issues raised and response.

The review of submissions also included an independent peer-review of 13 submissions that had significant urban design implications, 5 which proposed alternative urban design schemes for their land. Refer to Attachment 20 Landowner Submissions Review for a summary of the submissions and response.

The review recommended that:

- 4 proposals be supported, with amendments;
- 7 proposals not be supported;
- 2 proposals for land in Stage 2 of PRCUTS be investigated as part of Stage 2.

Revised Planning Proposal

The planning proposal has been amended to address a range of issues raised in submissions and to incorporate the recommendations of the peer-review of the 13 submissions that had significant urban design implications.

The key changes to the planning proposal are:

- A proposed local clause to limit floor plates above the level of the podiums to 750sqm Gross Floor Area to ensure compliance with PRCUTS and realise slender tower forms that deliver a high level of amenity for future occupants.
- A proposed local clause to require car parking to be provided in accordance with PRCUTS and to limit trip generation and local traffic impacts.
- Amendments in response to submissions, where supported by the independent peer-review of submissions and Council Officer assessment:
 - Parramatta Road frontage – Amended development standards for the Key Sites that front Parramatta Road to accommodate a future dedicated bus lane.
 - 92-96 Kings Road and 1-9 Harris Road, Five Dock – Subdivision of Key Site 23 into two Key Sites, to facilitate redevelopment of 1-9 Harris Road without reducing the potential of the strata property at 92-96 Kings Road to be redeveloped in the future to the PRCUTS heights and densities.
 - 155-167 Parramatta Road and 7 Spencer Street, Five Dock – Amended maximum building heights to deliver the PRCUTS FSR, feasible commercial floor space and an activated publicly accessible space fronting Spencer Street, whilst minimising overshadowing impacts.
 - 2-16 Burton Street, Concord – Boundary realignment between two Key Sites to enable the delivery of a proposed laneway and new public park and improve the functionality of these spaces. The relocation of the proposed Burton Street Plaza will deliver a public open space that has an improved relationship with the new Metro Station in Burwood North.

Submissions that were not supported are discussed further in Attachment 20 Landowner Submissions Review and Attachment 21 Report on Submissions.

- Other refinements to the Height of Building and Floor Space Ratio standards applied to certain land to limit overshadowing, manage building scale at sensitive interfaces and address feasibility recommendations.

Supporting documents have been amended to reflect changes to the planning proposal. This includes updates to the PRCUTS Stage 1 Masterplans, Public Domain Plan, Infrastructure Strategy and draft Development Control Plan.



Figure 5: Homebush North Precinct Stage 1 Master Plan



Figure 6: Burwood-Concord Precinct Stage 1 Master Plan

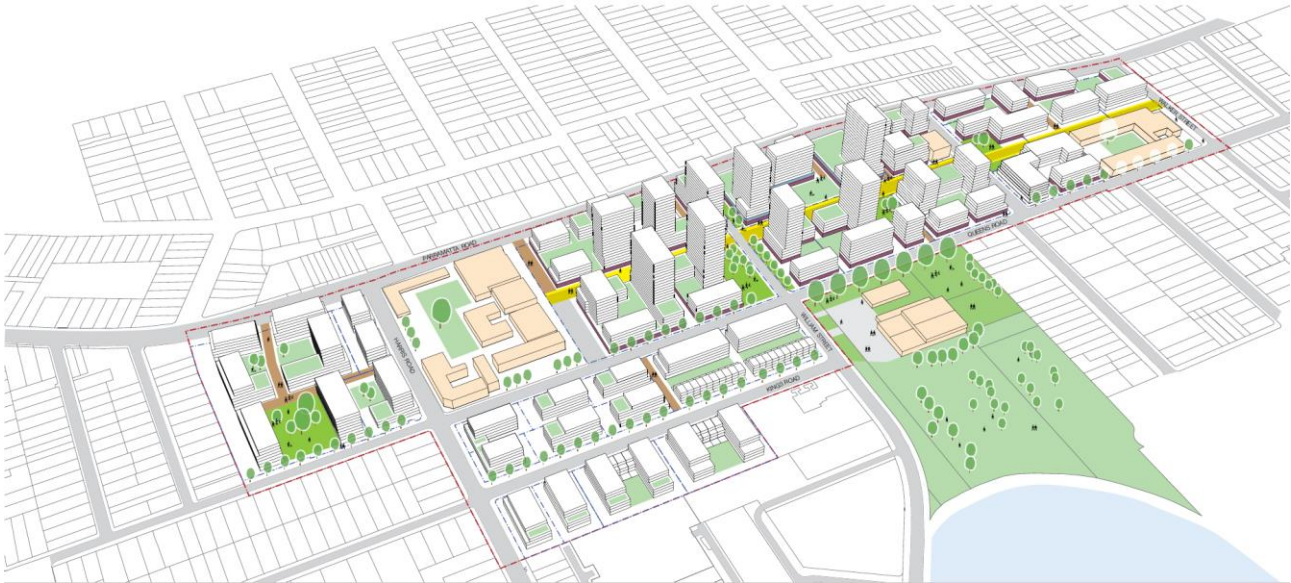


Figure 7: King Bay Precinct Stage 1 Master Plan

Conclusion

The planning proposal for Stage 1 (2016-2023 release areas) of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) was publicly exhibited and submissions received have been assessed, including via an independent peer-review of submissions that had urban design implications.

The Planning Proposal and supporting plans, studies and draft DCP have been revised to address issues raised in submissions. It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment for finalisation and the draft DCP be adopted.

TIMING AND RISK CONSIDERATIONS

The Gateway Determination requires that the Planning Proposal to be reported to a Council meeting for determination before 24 August 2022 and finalised before 24 November 2022. The time delay in reporting the Planning Proposal to Council was due to the complexity of issues raised in submissions, which required detailed assessment, including engagement of consultants to undertake an independent peer-review of submissions that proposed amendments that had significant urban design implications.

Council is not the local plan-making authority to make the LEP. The Department of Planning and Environment will therefore be responsible for making the final LEP.

DPE has advised that the finalisation of the Planning Proposal is an important priority to deliver housing contemplated by an endorsed NSW Government Strategy. Council should therefore be cognisant of the deadline to finalise the LEP and the need to submit the Planning Proposal to DPE.

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

FINANCIAL CONSIDERATIONS

The realisation of the NSW Government's Strategy for Parramatta Road is dependent on the provision of local infrastructure.

The planning proposal seeks to include a local clause within the *Canada Bay Local Environmental Plan* to facilitate the delivery of the community infrastructure (refer to [Attachment 1 Planning Proposal](#) and [Attachment 10 Infrastructure Strategy](#)). The proposed LEP clause will permit development to exceed the current maximum permissible building height and Floor Space Ratio

(FSR) up to the building heights and densities recommended by the PRCUTS Masterplans, but only if the development delivers identified community infrastructure.

Future development will also be subject to the *Canada Bay Local Infrastructure Contribution Plan* and the *Canada Bay Affordable Housing Contribution Scheme*.

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

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal implements the NSW Government's 9.1 Planning Direction for the Parramatta Road Corridor and gives effect to the *PRCUTS Implementation Plan, Eastern City District Plan*, the *Canada Bay Local Strategic Planning Statement (LSPS)* and the *Canada Bay Local Housing Strategy (LHS)*.

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

ITEM 9.3 PLANNING PROPOSAL (PP2022/0003) - RECREATION FACILITIES (INDOOR) IN R1 GENERAL RESIDENTIAL ZONE**Reporting Manager Manager Strategic Planning****Attachments:** 1. **Planning Proposal (PP2022-0003) - Recreation Facilities (Indoor) in R1 Zone (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. The Planning Proposal – Recreation Facilities (Indoor) in the R1 General Residential Zone at Attachment 1, be submitted to the Department of Planning and Environment for a Gateway Determination.
 2. Delegation be requested from the Department of Planning and Environment to manage the plan making process.
 3. Authority be delegated to the General Manager to make any minor modifications to the Planning Proposal.
-

PURPOSE

This report puts forth a Planning Proposal to amend the *Canada Bay Local Environmental Plan 2013* to permit Recreation Facilities (Indoor) with consent within the R1 General Residential zone, in response to a Council resolution.

EXECUTIVE SUMMARY

This report outlines a proposed amendment to *Canada Bay Local Environmental Plan 2013* (LEP) to permit a Recreation Facilities (Indoor), with consent, in the R1 General Residential zone. It responds to the resolution of Council [207/22, August 2022]:

That Council prepare a planning proposal to amend the Canada Bay Local Environmental Plan 2013 to permit Recreation Facilities Indoor with consent within the R1 General Residential zone.

The proposal will complement other uses within the R1 zone and may be appropriate, subject to the outcome of the public exhibition process. It should be noted that once the use is permitted with consent, Complying Development Certificates may be issued by private certifiers.

It is recommended that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination. Should a Gateway Determination be received, the draft planning documents will be placed on public exhibition for community feedback. Following the exhibition period, a further report will be provided to Council on the outcome of the exhibition.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 4: Promote a community where residents feel safe and enjoy good health

BACKGROUND/DISCUSSION

In recent years, several private gyms in Mortlake obtained Complying Development Certificates through Private Certifiers. As this use is currently prohibited in the R1 General Residential zone within the Mortlake area under the *Canada Bay Local Environmental Plan 2013*, a number of these gyms are unable to expand their hours of operation (via a development application).

Council resolved at its meeting of 16 August 2022 to investigate the suitability of gyms within the R1 General Residential zone. A Mayoral Minute was tabled at the Council meeting which recognised that gyms and local fitness facilities are important local infrastructure which bring the community together for exercise, health, and wellbeing. Council subsequently resolved to investigate the potential of the subject use to be included as permitted with consent, in the R1 General Residential zone. This resolution does not foreshadow the outcomes of a Planning Proposal, but rather it sets in train a community consultation process with local residents, businesses, landowners and relevant stakeholders.

A Planning Proposal has been prepared to amend the *Canada Bay Local Environmental Plan 2013* (LEP) to permit Recreation Facilities (Indoor) with consent within the R1 General Residential zone. A copy of this Planning Proposal is at **Attachment 1**.

The R1 General Residential zone in Mortlake currently permits a range of land uses. These include residential flat buildings, commercial premises, light industries, vehicle repair stations, amongst others. Recreation Facilities (Indoor) will support the increasing resident population in Mortlake and Breakfast Point and would complement the existing uses permitted in the R1 Zone.

TIMING AND CONSULTATION CONSIDERATIONS

Should this Planning Proposal receive Gateway Approval, subsequent to Council endorsement of submission to the Department of Planning and Environment, the Planning Proposal will be placed on public exhibition for a period of 28 days.

Submissions received during the public exhibition period will be reviewed and a summary of submissions with recommendations will be reported back to Council for consideration.

RISK CONSIDERATIONS

Should Recreation Facilities (Indoor) be permitted with consent, Private Certifiers will be able to issue Complying Development Certificates for this use anywhere within the R1 General Residential zone in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Approval via a private certifier process avoids the need to obtain development consent through a development application. Complying Development Certificates are not subject to public notification and the community cannot make submissions on the merit or impact of a proposed use. Similarly, Complying Development Certificates are subject to standard conditions of consent and there is no ability to impose conditions to manage impacts specific to an individual site or location.

In cases where a Recreation Facility (Indoor) proposes to change the standard conditions of consent, for example, seeking hours of operation beyond the standard conditions (i.e., outside 7am – 7pm), a development application will be required. Where a development application is required, neighbours will be notified of the proposal, and Council officers will assess the proposal, particularly traffic, parking and acoustic impacts.

Council should therefore be aware that, once Recreation Facilities (Indoor) are permitted within the R1 General Residential zone, some operators may be able to set up gyms via the complying development pathway, without the detailed assessment and consultation that the development assessment process requires. However, the desire of many gyms to operate before 7am and/or after 7pm, will assist in mitigating this risk, and potential impacts on the community.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and follows the NSW Department of Planning and Environment's 'Local Environmental Plan Making Guideline'.

Should the planning proposal proceed, the *Canada Bay Local Environmental Plan 2013* will be amended to permit Recreation Facilities (Indoor), with consent, within the R1 General Residential zone.

ITEM 9.4 POST EXHIBITION - PLANNING PROPOSAL - 1-7 RAMSAY ROAD AND 5 AND 7 HARRABROOK AVE FIVE DOCK**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Attachment A - Summary of Submissions (*Provided in Attachment Booklet*) [⇒](#)
 2. Attachment B - Planning Proposal - 1 Ramsay Road and 5 and 7 Harrabrook Ave Five Dock (*Provided in Attachment Booklet*) [⇒](#)
 3. Attachment B1 - Planning Proposal Maps - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
 4. Attachment C - draft Development Control Plan - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
 5. Attachment D - draft Affordable Housing Contribution Scheme - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
-

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. Council note the matters raised in response to the public exhibition of the Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Ave, Five Dock at Attachment A.
 2. Council endorse the Planning Proposal at Attachment B to the report, subject to a maximum floor space ratio of 1.65:1 applied to that part of the land to be zoned B1 Neighbourhood Centre and a maximum building height of 14.5 metres on the part of the land fronting Ramsay Road.
 3. Council adopt the draft *Canada Bay Development Control Plan (DCP)* at Attachment C to the report, with the plan coming into effect on the date of publication of the Local Environmental Plan.
 4. Council adopt the draft *Affordable Housing Contribution Scheme* at Attachment D to the report, with the Scheme to come into effect on the date of the publication of the Local Environmental Plan.
 5. Authority be delegated to the General Manager to make minor amendment to the Planning Proposal to correct any drafting errors prior to finalisation of the Local Environmental Plan.
 6. Authority be delegated to the General Manager to make the Local Environmental Plan on behalf of Council, being nominated as the local plan making authority.
-

PURPOSE

This report details the outcome of the public exhibition of the Planning Proposal for land at 1-7 Ramsay Road and 5 and 7 Harrabrook Ave in Five Dock.

Note that at its meeting on 16 August 2002 and 20 September 2022, Council resolved to defer this matter. The report submitted below is an amended version of the report provided to Council on 16 August 2022 and presented to Council on 20 September 2022.

EXECUTIVE SUMMARY

On 16 March 2021, Council resolved to revise and submit a landowner-initiated Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock (PP2020/0005) to the (then) Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

A Gateway Determination was issued, and the Planning Proposal was exhibited. The Planning Proposal seeks to facilitate redevelopment of the site which could allow, with development consent,

a part 3 and 4 storey mixed use development, with part ground floor retail and apartments on the upper levels.

Twelve submissions were received from members of the community and public authorities.

The report recommends that the Planning Proposal be endorsed for finalisation, with a reduction of the maximum FSR on part of the site from 1.71:1 to 1.65:1, to address amenity concerns. The report also recommends that Council adopt the draft *Development Control Plan* and draft *Affordable Housing Contribution Scheme*.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

On 11 December 2020, the subject Planning Proposal was lodged with Council for the redevelopment of 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue, Five Dock.

On 18 February 2021, the Planning Proposal was reviewed by the Local Planning Panel (LPP). The LPP supported recommendations to revise the Planning Proposal, namely to reduce the height of the development and ensure suitable setbacks from adjoining low density residences to the north.

On 16 March 2021, Council resolved to revise and submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination. The revisions were to reduce the maximum height of part of the building to 10m and 14m, revise the maximum floor space ratio as a result of the height revision, further investigate the retention and protection of a significant Lilly Pilli, introduce an active frontage to Ramsay Road and extending 20m along Henley Marine Drive; and include a Detailed Environmental Site Investigation. Council also resolved to amend the Canada Bay DCP and the Affordable Housing Contribution Scheme to support proposed changes to the LEP.

On 3 May 2021, an assessment of the condition of the Lilly Pilli was undertaken by an independent Arborist engaged by Council. The review concluded that the tree has a high risk of failure but low risk of harm. Any development of this site was considered to increase the risk of harm caused by the failure of the tree to unacceptable levels and lead to further deterioration in the condition and health of the tree. The independent Arborist recommended that the tree be removed.

On 24 November 2021, the revised Planning Proposal package was submitted to the DPE seeking a Gateway Determination.

On 3 March 2022, a Gateway Determination was issued allowing community and public authority consultation subject to minor revisions to the Planning Proposal.

Council meeting of 16 August 2022 and 20 September 2022

On 16 August 2022, the planning proposal was reported to Council seeking endorsement to proceed and be made into a local environmental plan. The proposal seeks to allow for a three and four storey residential flat building with ground floor retail along Ramsay Road. Council resolved to defer the matter to the next Council meeting to enable the applicant to further discuss a number of aspects with Council officers.

In response to the applicant's request and Council's resolution to defer the matter, Council planning officers met with the applicant, and a subsequent written request was received from applicant, requesting variations the planning controls recommended by Council officers, including:

- an increase the maximum height from 10m to 11m (on part of the site), and from 14m to 15m (on the part of the site fronting Ramsay Road) to accommodate a lift overrun and floorspace;

- clarification of the rear setback control requiring a minimum of 9m radius setback from the boundary; and
- an increase the Floor Space Ratio (FSR) control from 1.65:1 to 1.8:1 to accommodate new indicative floor space that could possibly be achieved through detailed design.

This request is discussed under the *Key Issues Raised* section of this report.

On 20 September 2022, the planning proposal was reported to Council seeking endorsement to proceed and be made into a local environmental plan. Council resolved to defer the matter to be considered at the October meeting.

THE SITE

The site is located on the southern boundary of the Canada Bay Local Government Area and comprises seven lots known as 1 and 7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock, with a total combined site area of approximately 3,300m². The land has frontages to both Ramsay Road and Henley Marine Drive (see Figure 1).



Figure 1: Subject site shown with red outline

The site contains the former Roads and Maritime Services building and workshop at 1 Ramsay Road, a neighbourhood shop at 7 Ramsay Road, and two single storey detached dwellings at 5 and 7 Harrabrook Avenue.

To the north of the site are one and two storey residential houses along Harrabrook Avenue and five commercial terraces fronting Ramsay Road. The Five Dock Town Centre is located approximately 500-600m to the north. To the east the site is bounded by Ramsay Road, a four lane road connecting the suburbs of Five Dock and Haberfield. To the south, the site is bounded by Henley Marine Drive and the suburb of Haberfield in the Inner West Local Government Area. To the west, land comprises one and two storey dwelling houses along Henley Marine Drive and Harrabrook Avenue.

The Planning Proposal

The Planning Proposal, as exhibited, seeks to amend the *Canada Bay Local Environmental Plan (LEP) 2013* to facilitate redevelopment of the site, which could allow with development consent, a part 3 and 4 storey mixed use development, with part ground floor retail and apartments on the upper levels.

The Planning Proposal, as exhibited, seeks to amend the *Canada Bay Local Environment Plan 2013* (LEP) by:

- rezoning part of the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increasing the maximum building height on part of the site from 8.5m to 10m and 14m;
- increasing the floor space ratio (FSR) on part of the site from 0.5:1 and 1:1 to 1.71:1;
- reducing the minimum lot size map for 5 and 7 Harrabrook Avenue from 450m² to 360m²;
- introducing an Active Street Frontage on land with frontage to Ramsay Road and extending 20m along Henley Marine Drive;
- amending Clause 6.12 to introduce an affordable housing contribution of 5% for the site; and
- amending Schedule 1 Additional Permitted uses to allow residential flat buildings on part of the site zoned B1 Neighbourhood Centre.

Amendments are proposed to the *Canada Bay Development Control Plan* (DCP) by incorporating site specific controls, diagrams, and figures to facilitate a desirable development outcome, including controls for:

- building envelope;
- ground and upper level setbacks; and
- tree and landscaping controls.

The *draft Canada Bay Affordable Housing Contribution Scheme* requires future development to provide a contribution towards affordable housing.



VIEW FROM CORNER OF RAMSAY ROAD & HENLEY MARINE DRIVE

Figure 2: Photomontage of indicative built form, 2020 (Source: Squillace Architects 2020)

Public Exhibition

The Planning Proposal and supporting documentation was publicly exhibited on Council's website, community engagement platform, Collaborate, and the NSW planning portal for 31 days, from 5 April 2022 to 17 May 2022.

Notification letters were sent to people who made submissions prior to the public exhibition and to owners and residents within 100m radius of the site.

Twelve submissions were received, including one from Transport for NSW.

The submissions from landowners and residents included a number of form letters from residents expressing concern about the planning proposal prior to public exhibition. The issues raised in these submissions have been addressed in this report.

Key issues raised in public exhibition are discussed below. All matters raised in submissions are addressed in detail in Attachment A.

Amendments requested by the applicant following the Council meeting on 16 August 2022 are also addressed in the Key Issues section below.

Key Issues Raised

Traffic

There are a number of concerns raised in the submissions related to traffic. They include:

- that traffic generated from future development would add to the traffic congestion experienced in the area and the cumulative effect has not been considered;
- an increase to the amount of commercial activity on the right of way, safety risks and hazards associated with the current uses and lack of parking will impact congestion on Harrabrook Avenue; and
- the location of the basement car park on a blind bend and a choke point of the road.

Response:

Reference to the traffic generation rates nominated in the RMS Guide to Traffic Generating Developments indicate that the development envisaged by the Planning Proposal could be expected to generate up to 15 vehicles per hour during peak periods.

The projected level of traffic activity expected to be generated by the Planning Proposal is relatively minor when compared with the previous use of the site as a Motor Registry. Future traffic generated by the site will not have any unacceptable traffic implications in terms of road network capacity.

Further assessment of traffic will be undertaken at the development assessment stage when the type and intensity of development is known (number and mix of dwellings). Planning controls set the upper limit of development that may be acceptable. If the proposed development creates unacceptable traffic impacts, the maximum yield may not be realised.

The Right of Way (ROW) is wide enough to accommodate two-way traffic provided no vehicles or items obstruct vehicle movements. Photos submitted show a combination of illegally parked vehicles as well as rubbish and skip bins located in the right of way. *The Conveyancing Act 1919* stipulates that the responsibility to maintain access rests with the parties providing the benefit. This is not a compliance issue that Council is able to enforce and is a civil matter. The draft DCP requires future development to adhere to the terms of the ROW and ensure that all parking that is generated to be provided on site.

Transport for NSW has requested the proposed vehicular access be located as far from Ramsay Road as possible at the detailed design stage. The draft DCP identifies a preferred driveway location from Henley Marine Drive, which is located at the lowest point of the site and at the furthest distance from Ramsay Road.

Parking:

- A submitter has noted that the use of on-street parking to accommodate retail parking is an inadequate response and fails to consider the detrimental impact to local residents and existing commercial premises.

Response:

Parking for the proposed retail tenancy is required to be contained within the development site at rates set out in the *Canada Bay Development Control Plan*. As this planning proposal is seeking to

intensify the use of the land, it is appropriate that future development not be permitted to rely on on-street parking to satisfy private demand for parking.

Concept plans submitted with the planning proposal indicate that sufficient parking can be provided on site to comply with relevant car parking controls. The number and allocation of parking spaces (retail, visitor and residential) will be further assessed and determined when a development application is prepared and assessed.

Height and Character

- The submissions suggest that a development of 14m does not respond to the scale of the existing low-density residences on Harrabrook Avenue and that the substation building on the eastern side of Ramsay Road should not be used as a height reference. There is concern that the height of the building will create new impacts and the low-density residential character of the locality will be diminished.

Response:

It is acknowledged that the character of the area surrounding the neighbourhood centre comprises low density residences. The planning proposal provides for a maximum height of 10m (three storeys) where the rear boundary of dwelling houses adjoins the subject site and 14m (four storeys) for that part of the land with a frontage to Ramsay Road. These building heights combined with the envelope outlined in the draft DCP seek to respond to the character of the area, with a transition in height from the proposed development to the low-density residences to the west.

Whilst the substation building on Ramsay Road is not a residential building, it is a building that sets the scale of development in the neighbourhood centre. The part of the site with a maximum 14m height would front Ramsay Road and be considered as part of the neighbourhood centre. It is important to note that the proposed DCP provisions require a three storey street frontage height (approx. 10.6m) on Ramsay Road with the fourth storey set back.

The proposed maximum building height of 14m is considered acceptable given the location of the site within a neighbourhood centre and due to the size of the land being sufficient to accommodate a range of building heights.

Amenity Impacts

There are a number of concerns raised in the submissions related to amenity impacts. They include:

- loss of privacy, ability for overlooking and decrease of ambient light; and
- neighbouring residents on Harrabrook Avenue will endure additional noise disruption and odours emanating from garbage and/or grease traps from commercial activity.

Response:

The building envelope has been established to reduce amenity impacts for existing dwelling houses to the north and west of the site. To address potential privacy and amenity issues, the proposed DCP requires deep soil areas and landscaping to be provided along the boundary of existing residential properties. The draft DCP will require a minimum of 20% of the site area to be landscaped and the building will be required to be set back a minimum 9m from the northern boundary, consistent with the *Apartment Design Guide*.

Further changes are recommended to the proposed building envelope to remove the cantilever on the Ramsay Road frontage and to reduce the footprint of the building to improve the amount of landscaping/deep soil planting area and ensure a 9m setback is provided along all site and rear boundaries to low density zones. These amendments result in a minor reduction to the proposed floor space ratio from 1.71:1 to 1.65:1.

As the site is located within a neighbourhood centre, it is not unreasonable for business uses to occur, provided they do not unreasonably impact the amenity of the surrounding residents. The initial use of the proposed commercial/business floor space will be the subject of a development

application and will be approved through a development assessment process. Noise and other amenity impacts will need to be addressed depending on the nature of the use proposed.

Public Interest

- Three submitters believe that the planning proposal is not in the public interest and that the proposal serves the financial gain of the developer and there is no benefit for the current owners and occupiers.

Response:

Council must assess planning proposals in accordance with the *Environmental Planning and Assessment Act 1979* and State Government guidelines to determine whether the proposal exhibits strategic and site-specific merit. The proposal will provide for the orderly development of the land where future development proceeds in accordance with the maximum recommended floor space ratio, building height and the development controls outlined in the draft DCP.

Further amendments requested by the applicant

Following the deferral of the planning proposal at the Council meeting on 16 August 2022, the applicant has requested the following changes to the planning controls:

- increasing the maximum height from 10m to 11m (part of the site), and from 14m to 15m (part of the site fronting Ramsay Road), to accommodate a lift overrun and floorspace;

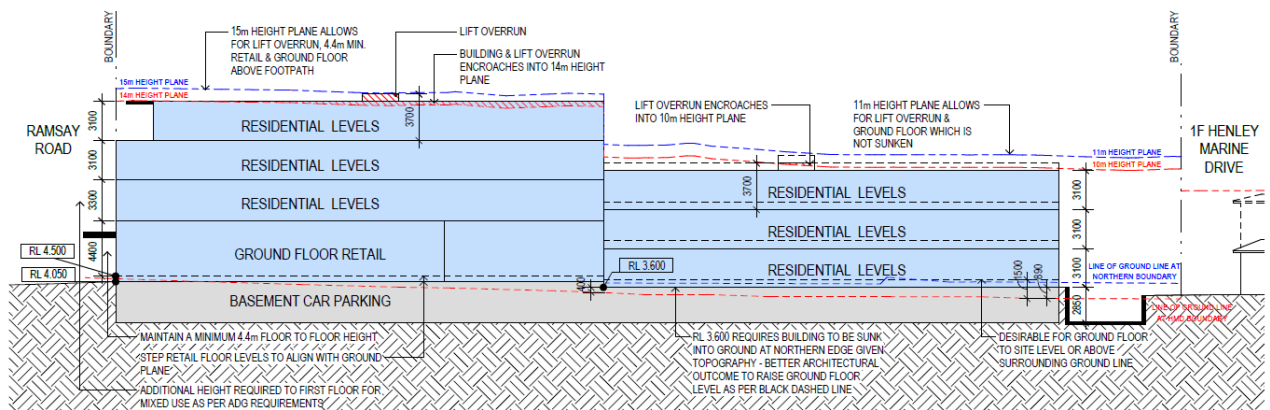


Figure 3: Section showing indicative height, 2022 (Source: Squillace Architects 2022)

- clarification of the rear setback control requiring a minimum of 9m radius setback from the boundary; and
- increasing the Floor Space Ratio (FSR) control from the recommended 1.65:1 to 1.8:1 for the part of the site to be zoned B1 Neighbourhood Centre, to potentially accommodate new indicative floor space.

Response:

i. Building height

Exhibited	Requested by applicant post-exhibition	Recommendation
14m (part of site fronting Ramsay Road)	15m (part of site fronting Ramsay Road)	14.5m (part of site fronting Ramsay Road)
10m (remainder of site)	11m (remainder of site)	10m (remainder of site)

It is acknowledged that given the slope of the land, some flexibility on the maximum height may be required to accommodate the building, including lift overrun, depending on its the location. As such

the applicant has requested that the maximum building heights for the site be increased from 14m and 10m to 15m and 11m respectively.

For the part of the site fronting Ramsay Road, the applicant has indicatively conceived the first floor level as having a 3.3m floor-to-floor height, which is greater than that required by the draft Development Control Plan (DCP). As this site is located in a small neighbourhood centre, it is unlikely that there will be demand for commercial uses on the first floor, and thus a maximum building height of 15m for this part of the site is not considered necessary. However, a maximum building height of 14.5m would likely accommodate all or most of any lift overrun as well as accommodating more generous floor to ceiling heights for non-residential uses at ground floor level. Additionally, a maximum building height of 14.5m would also ensure an appropriate 4 storey built form outcome, as exhibited.

It is therefore recommended that the maximum building height for the part of the site fronting Ramsay Road be increased from 14m (as exhibited) to 14.5m. to 14.5m.

No change to maximum building height is recommended for the remainder of the site, as the remainder of the site is anticipated to be fully residential. Any lift overruns in this portion of the site would result in a minor variation in building height; and could be resolved at the DA stage. Retaining the 10m maximum building height, as exhibited, ensures as appropriate 3 storey built form outcome in this part of the site.

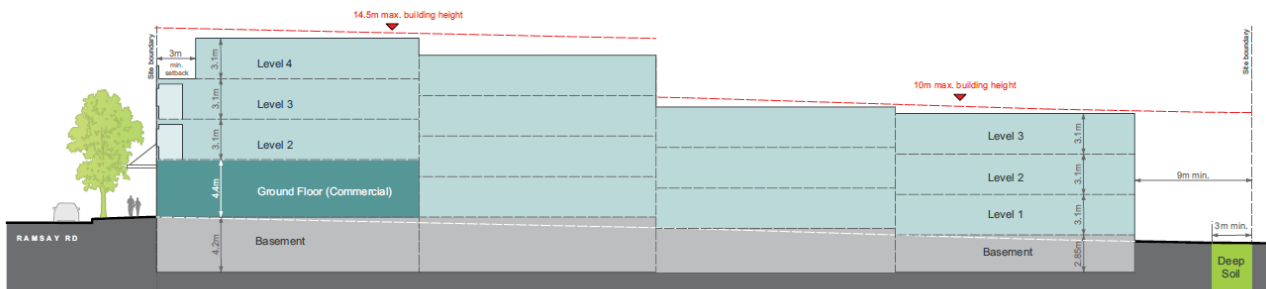


Fig G3.68 Building Envelope Section A-A

Figure 4: Section showing indicative height control in draft DCP, 2020 (Source: Studio GL 2022)

ii. Rear setback

Following exhibition, the applicant has requested that the 9m rear setbacks be clarified to allow it to be measured as a radius from the boundary. Whilst this was the intent of the exhibited draft DCP, this feedback from the applicant has been incorporated, and the DCP drawings have subsequently been amended to clarify this intent.

iii. FSR

Exhibited	Requested by applicant post-exhibition	Recommendation
1.7:1	1.8:1	1.65:1

The draft planning proposal was exhibited with a maximum FSR of 1.7:1 across the site. Following exhibition, Council officers, recommended an FSR of 1.65:1 for the site in the report to Council on 16 August 2022. This recommendation was based on recommended setback requirements to address amenity impacts via separation between the site and existing low density residential to the north (fronting Harrabrook Avenue), and revised DCP controls to improve building presentation to Henley Marine Drive and to facilitate deep soil planting and landscaping.

The applicant has subsequently requested that the maximum FSR control be increased to 1.8:1, based on an amended indicative concept and their potential floorspace recalculations.



Figure 5: Indicative conceptual plans showing recalculation of floor space, 2022 by the applicant (Source: Squillace Architects 2022). Note that the planning proposal in no way gives approval to any conceptual drawings, and detailed design for the site is not considered until DA stage.

An increased FSR of 1.8:1 would add to the bulk of the building. As an FSR of 1.8:1 is greater than the exhibited FSR of 1.7:1, this is not considered to be a minor alteration, and re-exhibition of the planning proposal would be required if this were pursued.

Concerns are raised regarding increases to building bulk associated with an increased FSR of 1.8:1, particularly in terms provision of the amount of private open space within the subject site, and relationship of the future development to the low density residential development immediately adjoining the site. As such, the recommendation of a maximum FSR of 1.65:1 of the 16 August 2022 Council report remains unchanged.

Recommended changes Planning Proposal and DCP

As a result of the public consultation and further consideration, the following amendments are recommended to:

- the *Canada Bay Local Environment Plan 2013 (LEP)* and map by:
 - reducing the maximum floor space ratio (FSR) on part of the site from 1.71:1 to 1.65:1. This represents a recalculation of the maximum FSR taking into account setback requirements to address amenity impacts, controls to improve building presentation to Henley Marine Drive and a building footprint that facilitates deep soil planting and landscaping.
 - Increasing the maximum building height from 14 metres to 14.5 metres for part of the site fronting Ramsay Road to allow for the slope of the land and to accommodate a four storey building as intended.

- the *Canada Bay Development Control Plan (DCP)* by new or amended provisions:
 - to ensure the removal of trees on site will be offset by replacement planting;
 - to require the use roof colours and materials that minimise the heat island effect;
 - to require all parking generated by the development to be provided on site;
 - to require any use of the laneway to be consistent with the terms of the right of carriageway applying to the land;
 - to clarify the minimum amount of commercial floor space to be provided; and
 - to clarify and support recommended maximum height and setback requirements.

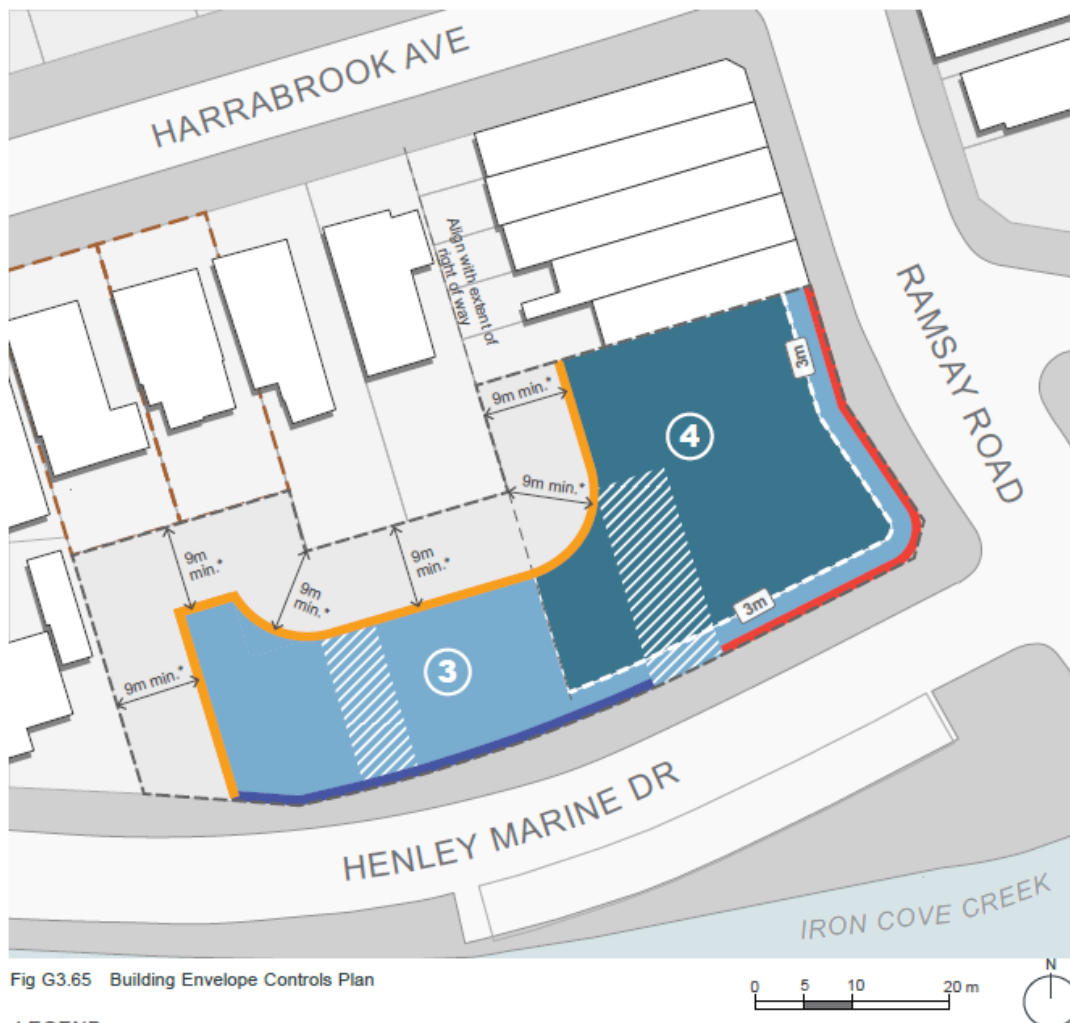


Figure 6: Recommended Building Envelope Plan (Source: Draft DCP)

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The Gateway Determination allows Council to be the local plan making authority for this Planning Proposal. Should Council resolve for the Planning Proposal to proceed, Council officers will work with the Department of Planning and Environment and the Parliamentary Counsel Office to finalise the LEP.

The Gateway Determination requires Council to make the LEP by 3 December 2022. Council has met the exhibition and reporting milestones for this Planning Proposal and is on track to complete the LEP by December 2022. However, any re-exhibition of the planning proposal would mean that Council would not be able to meet this timeframe requirement.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal seeks to amend the *Canada Bay LEP 2013*, *Canada Bay DCP* and *Canada Bay Affordable Housing Contribution Scheme*. It has been prepared in accordance with the following legislation and plans:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulations 2000*;
- *Eastern City District Plan*, released by the Greater Sydney Commission;
- *Canada Bay Local Strategic Planning Statement* assured by the Greater Sydney Commission on 25 March 2020; and
- *Canada Bay Local Housing Strategy*, adopted by Council on 15 October 2019.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 9.5 PLANNING PROPOSAL - LOCAL CHARACTER AREAS**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. **DPE Letter to Council - Planning Proposal - Local Character Areas**
[↓](#)
 2. **Gateway Determination - Planning Proposal - Local Character Areas** [↓](#)
 3. **DPE letter regarding request for extension October 2022** [↓](#)
-

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. Council note the Department of Planning and Environment's Gateway determination for the Local Character Area Planning Proposal (attached to the report) advising that the proposal should not proceed.
 2. An investigation be undertaken to determine whether an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* is possible to respond to local circumstances relevant to the City of Canada Bay.
-

PURPOSE

To confirm the status of Council's Local Character Area Planning Proposal following the receipt of a Gateway determination from the Department of Planning and Environment, and to outline options available to Council following this decision.

EXECUTIVE SUMMARY

The Department of Planning and Environment has advised Council via a Gateway Determination (Attachment 1 and 2) that the Planning Proposal to introduce Local Character Areas should not proceed (i.e. refusal). The timeframe to submit a review of the Gateway Determination originally expired on 5 October 2022; and was subsequently extended to 24 October 2022.

Alternative options may be explored to protect the character of local places. It is recommended that, rather than requesting a Review of the Gateway determination, an investigation be undertaken to determine whether an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008* is possible. Such an amendment could require Complying Development Certificates for dwelling houses and dual occupancies to respond to local circumstances relevant to the City of Canada Bay.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

A report on the outcome of a planning proposal to introduce Local Character Areas was considered at a meeting of Council on 20 September 2022. At that meeting, Council resolved to defer the matter to enable Council to consider its options in relation to the planning proposal:

That:

1. *This item be deferred and considered at the next Councillor Briefing.*

2. *Council requests an extension from the Department of Planning and Environment to make a submission in relation to the Gateway determination.*
3. *An Extraordinary Council Meeting be held if required to determine Council's position on the matter.*

A written request for an extension was sent to the Department of Planning and Environment on 22 September, and a response was received on 10 October, granting an extension until 24 October 2022 (Attachment 3). A Councillor Workshop was subsequently held on 27 September 2022, to further understand the NSW Government's changing position in relation to the protection of local character, the reasons for refusal outlined in the Gateway Determination, the timeframes for an appeal of the decision and options available to Council to protect the character of identified low density precincts.

Options available to Council in relation to the determination of the Planning Proposal are to:

- accept the determination of the planning proposal and take no further action.
- seek a review of the Gateway determination from the Independent Planning Commission, noting that a review must now be submitted by 24 October 2022.

Council may also investigate alternative options to protect the character of local places. This may be achieved by:

- Undertaking a Heritage Study to identify properties that meet the threshold for inclusion in a Heritage Conservation Area.
- The number of properties that meet the relevant requirements for heritage protection would be different and limited in comparison to the precincts identified in the draft local character statements. This is due to the need to demonstrate heritage significance and the expectation that heritage listed places should be conserved/protected.
- Investigating whether an amendment to Complying Development Certificate standards for dwelling houses and dual occupancies can be pursued through an amendment to *State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 (SEPP)*. These standards could relate to requirements for landscaped front yards, materials and finishes or roof pitch etc.

This approach would require an appreciation of the Complying Development standards that should be changed to reflect local circumstances and would require agreement by the Minister for Planning.

Should Council be able to amend Complying Development standards for dwelling houses and dual occupancies, the Canada Bay Development Control Plan should also be updated to ensure a consistent approach to local character is applied in identified precincts.

TIMING AND RISK CONSIDERATIONS

A request for a Review of the Gateway determination is now required to be submitted to the Department of Environment and Planning by 24 October 2022. Notwithstanding this extension, it is recommended that Council not request a Review of the Gateway determination due to the unlikely prospect of success. Instead, it is recommended that Council investigate alternative options to protect local character, such as an amendment to the relevant SEPP.

Potential amendments to the SEPP will require the endorsement of the Minister or his delegate. There is a risk that the Minister may not agree to amending the SEPP. Should Council resolve to investigate an amendment to the SEPP, a dialogue with the Department of Planning and Environment is recommended to confirm their acceptance of such an approach.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Department of Planning and Environment has issued a Gateway determination that the planning proposal to introduce local character areas should not proceed (refusal). This determination was made under the *Environmental Planning and Assessment Act 1979* in accordance with the Department's *Local Environmental Plan Making Guideline*.



Department of Planning and Environment

IRF22/2666

Mr John Clark
General Manager
City of Canada Bay Council
Locked Bag 1470
Drummoyne NSW 1470
Via email: council@canadabay.nsw.gov.au

Dear Mr Clark,

Planning proposal PP-2022-564 to amend Canada Bay Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) received on 23 February 2022 in respect of the planning proposal to introduce a local character areas clause and associated maps.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should not proceed, consistent with correspondence dated 10 June 2022 from Marcus Ray, Deputy Secretary NSW Planning. The correspondence advised that consensus could not be reached on the introduction of a model clause into the standard instrument LEP. As such, the best way forward is for each council to use its Development Control Plan (DCP) to ensure local character is considered in development applications.

I acknowledge the detailed work that has gone into the development of the planning proposal. As one of the leading exponents of local character, the Department would be pleased to work with Council to pilot how the inter-play between the public and private domain in the local character areas that council has identified could be incorporated into council's DCP.

Should you have any enquiries about this matter or wish to commence discussions on how the Department can assist council in the preparation of a DCP, I have arranged for Laura Locke, Director Eastern and South Districts, to assist you. Ms Locke can be contacted on (02) 9875 1307.

Yours sincerely



Amanda Harvey
Executive Director
Metro East and South
24 August 2022

Encl: Gateway determination



Department of Planning and Environment

Gateway Determination

Planning proposal (Department Ref: PP-2022-564): to introduce a local character areas clause and associated maps

I, the Executive Director Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Canada Bay Local Environmental Plan 2013* to introduce a local character areas clause and associated maps should not proceed for the following reasons:

1. There is no Department-endorsed statutory pathway or policy to include local character in LEPs.
2. The Independent Planning Commission has previously concurred with the Department's position that there is no Department-endorsed statutory pathway or policy to include local character in LEPs.
3. Issuing a Gateway determination would be inconsistent with the Department's endorsement of the Canada Bay Local Housing Strategy.
4. Council is seeking to introduce the LCAs into the LEP with the intention of applying for an exemption from the Low Rise Housing Diversity Code in the future. The Department does not support local character as a basis for any future exclusion of areas from the application of the Codes SEPP.
5. A Development Control Plan can adequately provide for local character controls in the Canada Bay LGA without an amendment to the LEP. A Development Control Plan also allows greater flexibility for proponents and Council in applying appropriate local character provisions for specific development types.

Dated 24th day of August 2022.



Amanda Harvey
Executive Director
Metro East and South
Department of Planning and Environment

Delegate of the Minister for Planning and Homes

IRF22/2666



Department of Planning and Environment

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

IRF22/3463

via email: pagm@canadabay.nsw.gov.au

Cc: Monica.Cologna@canadabay.nsw.gov.au

Dear Mr Clark

Re: Canada Bay Council's planning proposal to introduce Local Character Areas

Thank you for your letter dated 21 September 2022 regarding the Department's Gateway determination that the City of Canada Bay Council's (Council's) planning proposal to introduce a local character areas clause and associated maps (PP-2022-564) should not proceed.

We acknowledge your request for an extension of time to submit a Gateway review request to the Department to enable Council to deliberate on options. I can advise an extension is granted to 24 October 2022.

We recommend and reiterate our previous offers to meet with Council on this matter to discuss a way forward to address Council's concerns about implementing local character.

The Department would be pleased to work with Council to examine how the inter-play between the public and private domain could be incorporated into Council's development control plan to support local character.

Should you have any questions on the above or wish to arrange a meeting, please contact Mr Alexander Galea, Manager, Place and Infrastructure, at the Department on 8289 6793.

Yours sincerely



10 October 2022

Amanda Harvey
Executive Director
Metro East and South

ITEM 9.6 AMENDMENTS TO 2022-23 SCHEDULE OF FEES AND CHARGES**Reporting Manager** Manager Sustainability and Waste**Attachments:** Nil

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. In accordance with section 610F of the Local Government Act 1993, the proposed new fees for additional 660L and 1100L recycling bins for multi-unit dwellings of \$260 and \$360 respectively, be placed on public exhibition for a 28 day period.
 2. A report be prepared on submissions received in response to the public exhibition and submitted to Council for consideration.
 3. In the event that no submissions are received in response to the public exhibition, the new fees be determined as having been adopted and be included in the 2022/23 Schedule of Fees and Charges.
-

PURPOSE

This report proposes the creation of additional waste charges that multi-unit dwellings (MUDs) can apply for to provide for larger 660L and 1100L recycling bins on site, to enable these buildings to better manage their waste, and contribute towards increased resource recovery rates and reduce illegal dumping in the LGA.

REPORT

All properties within the City of Canada Bay have a weekly allocation of 120L for recycling. Recycling bins in MUDs are serviced weekly. Council already has a fee for additional 120L recycling bins that residents can apply for if they have excess recycling. This bin size is suitable for single unit dwellings, but often not appropriate for MUDs where there are larger waste volumes and often space constraints, creating a need for larger bins.

By creating a fee for additional 660L and 1100L recycling bins for MUDs, buildings can apply for these bins (which will be serviced weekly in line with the existing recycling collection schedule for MUDs) to address the following issues:

- excess cardboard generated when new residents move in and purchase new household items;
- excess cardboard generated from home shopping deliveries;
- prevent cardboard taking up the already limited space in bulk household storage areas;
- prevent cardboard being presented in bulk household collections, where it is collected and disposed of in landfill instead of being recycled; and
- prevent cardboard being illegally dumped in situations where recycling bins and bulk household storage areas are full.

On 16 August 2022, Council resolved to cease phase 1 of the additional bulk household trial in Rhodes and Liberty Grove MUDs. Phase 2 of the additional bulk household trial will include a range of initiatives to assist MUDs in managing their waste, in particular bulky items. Feedback from building managers of MUDs in Rhodes and Liberty Grove highlighted that move ins/move outs generated the majority of bulk household items. Offering the option of additional, large recycling bins for MUDs will be one of a number of options offered to all MUDs in the LGA to assist them in managing their waste.

The two proposed additional fees are:

New Service	Year 2022/23 fee incl
Residential MUD extra recycling: 1 x 660L (weekly)	\$260.00
Residential MUD extra recycling: 1 x 1100L (weekly)	\$360.00

It is proposed that these fees be placed on public exhibition for 28 days. If submissions are received, a report on content of submissions will be provided to Council, however, should no submissions be received, this report recommends that the fees be incorporated directly into Council's 2022/23 Schedule of Fees and Charges at the close of the exhibition period.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

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

FINANCIAL CONSIDERATIONS

The proposed new fees relate to the option of additional recycling bins, which would be offered to MUDS. These additional bins are optional (i.e., over and above the allocated 120L recycling bin capacity already supplied to each MUD), enabling the owner's corporation of each MUD the ability to decide whether they wish to opt in or retain the status quo. The proposed pricing of the optional additional recycling bins has been set at a cost recovery rate.

LEGISLATIVE AND POLICY CONSIDERATIONS

There are no legislative considerations associated with this report, however Council's *Resource Recovery and Waste Strategy 2021* includes the following targets:

- increasing diversion from landfill from 38% to 60% by 2027
- reduce illegal dumping incidences from 2019-20 baseline of 1,180

Providing the option of additional large recycling bins and incorporating the associated new fees into Council's Schedule of Fees and Charges will contribute positively to both of these targets.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 9.7 CHRISTMAS CELEBRATIONS**Reporting Manager** Manager Place Management**Attachments:** Nil

RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING

That:

1. Council respond to the requests this year from Concord West shopping village and Rodd Point village by planting a permanent, sustainable living Christmas tree in each centre, as well as loaning Christmas wreath decorations to local businesses which provide a cohesive decoration theme to visually celebrate the festive season.
 2. Christmas wreaths also be installed in appropriate locations in the public domain at Concord West Shopping Village.
 3. Council invest in a rolling program of planting appropriate Christmas trees in shopping centres across the City, to provide a long term, sustainable decoration, and celebration site in each village shopping centre.
-

PURPOSE

This report responds to Council's resolution on 16 August 2022 regarding Christmas celebrations across the City of Canada Bay.

EXECUTIVE SUMMARY

This report describes the current Christmas program for the City of Canada Bay, detailing confirmed Christmas decorations sites, events and programs. On 6 August 2022 Council resolved:

That:

1. *A Councillor workshop be conducted on additional initiatives Council could take to celebrate Christmas across our LGA.*
2. *A report on the feasibility of the proposals formulated at the Councillor Workshop, including costs and logistics, be prepared, and submitted to Council.*
3. *Council supports in principle the installation of a Christmas tree at Concord West, preferably adjacent to or nearby concord West Railway Station.*

The report provides three options for delivering a Christmas decorations program in Concord West shopping village and possible funding pathways; and recommends that options one and two be combined to meet current and future aspirations.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

The City of Canada Bay Council provides an annual program of Christmas decorations, events, and business support programs to celebrate the festive season. Like local governments worldwide, Council uses the opportunity to encourage community spirit, charitable giving, and local shopping to support businesses at the most significant retail event of the year.

Council invests over \$150,000 in Christmas programs across the City, with most of the funding driven by the Council's Economic Development and Community event programs. These programs include on-street decorations and promotions, economic development incentives and community events.

Decorations

Council installs Christmas trees and commercial decorations in the City's four largest retail centres: Majors Bay Road, Concord; Great North Road, Five Dock; Union Square, Rhodes; and Victoria Road, Drummoyne. These centres were identified as they have over 100 local retailers clustered together. Street banner flags and bin wraps are also installed and extended to many of the smaller centres where the appropriate infrastructure exists. Place-based support for shop decorations (wreaths and decals) has also been provided in some centres where such programs are identified in adopted place plans.

An economic development program to incentivise businesses to invest in Christmas decorations is also hosted. Council hosts a competition for residents to nominate and vote for the best Christmas business windows, encouraging residents to look at local shops and their Christmas offer. The winning business receives a business development prize and all participants are promoted on Council's website. A second city-wide competition engages families to visit all our local centres and "Find the Elf" to win a locally sourced prize. There is one prize for each of the 16-shopping village across the City.

The events program includes:

Date	Event	Location	Delivery and Partners
1 December	Majors Bay Chambers Christmas Event	Jellicoe Street, Concord	Majors Bay Chambers
1 December	Volunteers Morning Tea	The Connection, Rhodes	Council
4 December	Santa Tour	City Wide	Council
8 December	Fred Kelly Place Carols	Fred Kelly Place, Five Dock	Council
8 December	Christmas Market Stalls and Twilight Evening	St Patrick's Parish, Mortlake	St Patrick's Parish Mortlake
11 December	Christmas Jazz on the Lawn	St Alban's Anglican Church, Five Dock	St Albans Church
14 December	Carols, Halliday Park Five Dock	Halliday Park, Five Dock	Communities for Communities
16 December	Union Square Carols	Union Square, Rhodes	Place Management
16 December	Fred Kelly Carols,	Fred Kelly Place, Five Dock	Place Management

Concord West

In response to the Council resolution, three potential options have been developed to provide more Christmas decorations in Concord West shopping village around Victoria Avenue and Queens Road and are summarised as follows:

Option 1 - Reuse existing Christmas wreaths

This involves the reuse and installation of existing festive Christmas wreaths in the public domain and to partner with local businesses to display them in local shops. The program consists of capital investment in some additional wreaths that can be installed on fences around the shopping centre, and these would be installed by Council staff and provided to local business owners to display. Up to 26 wreaths may be needed to support this, and the cost of these can be absorbed into the Place Management operating budget as it is under \$1,000.

Option 2 - Sustainable living tree approach

This proposal involves planting a real tree in the public domain, which can provide a long-term, sustainable decoration and celebration site in the centre. It recognises that this living tree requires an establishment period but would become a place that can be decorated with fairy lights and other decorations annually. Living trees are less prone to vandalism and theft than general Christmas decorations. They do not require engineering certificates. Essentially, the costs associated with this option are the purchase and maintenance of the tree. The benefit of this proposal is that it can be rolled out to other smaller centres, and so other areas that have requested a Christmas tree can affordably, safely and sustainably be included in this program.

Option 3 - Commercial Approach

Council can extend the current Christmas decoration contract to provide an additional solar panelled tree. The cost of providing a tree would be approximately \$10k for a 4 metre installation. Such a tree in Concord West would need to be solar-powered. This option is only available if Transport for NSW permits Council and its contractor to install a structure (Christmas tree) on their land. Funding for this option has been identified from additional interest revenue realised in the first quarter of this financial year. This is likely to become an ongoing operating cost.

Hybrid approach – combination of Option 1 and 2

A hybrid approach, being the combination of Options 1 and 2 is also an option. This approach is recommended as it responds to the immediate need for Christmas decorations through the installation of wreaths in the centre; while planting a living Christmas tree this year, would see it able to be decorated, once established. This option has the multiple benefits of being able to be progressively delivered to smaller centres across the City, as well as being highly sustainable both immediately, and in the long term.

TIMING AND RISK CONSIDERATIONS

A decision on the preferred decoration option is required at this Council meeting as the Christmas decorations program is scheduled to be delivered by 20 November 2022.

All Christmas decoration installations involve a risk consideration as Council's contractors are creating unattended temporary structures. Council mitigates these risks by appointing suitably qualified contractors and certified products.

FINANCIAL CONSIDERATIONS

Council invests \$151,000 in the Christmas program annually. The breakdown of this expenditure is broadly:

Christmas Program	Cost (exclude GST)
Commercial Christmas Decoration Program	\$60,000
Banners, bin wraps, elves and posters	\$31,000
Events	\$60,000

This report recommends that Option 1 and 2 are combined to meet the aspirations of the Concord West community.

The financial impacts of this can be met from existing team operational budget.

Option	Cost	Possible funding source	Recommended
Option 1 - Reuse Christmas wreaths	\$1,000	Place Management Operating cost	Yes
Option 2 Sustainable living tree	\$3,000	Place Management and Parks Team Operating costs	Yes
Option 3 Commercial decorations	\$10,000	Allocation of unbudgeted revenue interest	No

Option 3 can be funded through the additional interest revenue that has been realised in the first quarter of the year. It should be noted that an overall review of the budget for the first quarter has not been finalised at the time of writing this report. An allocation of \$10k is considered low risk but any further distribution of additional interest revenue is not recommended at this point in time.

Further, as highlighted earlier in this report, Council's existing budget for Christmas programs across the City is \$150,000 with this amount used to fund Christmas trees and commercial decorations in the City's four largest retail centres: Majors Bay Road, Concord; Great North Road, Five Dock; Union Square, Rhodes; and Victoria Road, Drummoyne. Potential Christmas decorations at Concord West introduces a location to the program that is outside of the current criteria for the provision of Christmas decorations by Council. Whilst these costs are manageable for this location in the current financial year (with the combination of options 1 and 2 able to be absorbed within the budget on an ongoing basis), the duplication of such decorations at other comparable locations would require a significant increase in the related budget in the future.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS**ITEM 10.1 TRANSPORT FOR NSW - TRANSFER OF LAND IN CONCORD WEST****Reporting Manager** Manager Buildings and Property**Attachments:** 1. [Location of Compulsory Acquired Council Land](#) 

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That:

1. Council approve the cancellation of the erroneous Certificates of Title, being Lot 101 in DP 573047, Lot 102 in DP 573047 and Lot 103 in DP 573047.
 2. Council approve the registration of the Restriction on the Use of Land for Lot 1 in DP1223255.
 3. Council approve transfer of Lot 1 in DP 1223255 to Council as a carpark.
 4. The General Manager be authorised to execute the related documents and finalise any matters in relation to the corrective actions contained within the body of the report.
-

PURPOSE

To correct an administrative error made when enacting land transfers associated with a Deed of Acquisition between Council and Transport for NSW for land in Concord West.

EXECUTIVE SUMMARY

On 15 May 2018, Council resolved to undertake the land transfers associated with a Deed of Acquisition (Deed) with Transport for NSW (TfNSW). The Deed agreed to transfer four (4) Council owned parcels of land in Concord West in exchange for the transfer of a carpark lot to Council. The carpark lot is located in Concord West, approximately seventy (70) metres north of Concord West station. The land is bound by Queen Street to the east, Victoria Avenue to the south and the railway line to the west, as shown on Figure 1 below.

These Council land transfers have subsequently been undertaken by TfNSW. An administrative error in the land transfer for the carpark has recently been identified, whereby three (3) lots have been transferred to Council in error instead of just the carpark lot, as shown at Figure 2 below.

This report seeks Council approval to cancel the Certificates of Title issued erroneously, create a Restriction on the Use of Land for Lot 1 (the carpark - figure 1 below) in DP1223255 and subsequently transfer Lot 1 in DP 1223255 (the carpark) to Council, to align with the Deed.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

BACKGROUND/DISCUSSION

The Council report of 15 May 2018 sought approval to enter into a Deed of Acquisition (Deed) between Council and TfNSW to undertake the Compulsory Acquisition of four (4) Council Lots in and around Concord West in exchange for a Council carpark lot, as shown shaded pink at Figure 1 below (note: the other Lots in Figure 1, being Lots 2 and 3, will be owned by TfNSW).

Deed of Acquisition between Council and TfNSW (Deed)

On 12 October 2018, Council and TfNSW entered into the Deed to compulsorily acquire four (4) Lots in Concord West in exchange for a new carpark lot (as shown in Attachment 1). The carpark lot was to be restricted to car parking only through registration of a Restriction on Use of land.

The carpark lot is located in Concord West, approximately seventy (70) metres north of Concord West station. The land is bound by Queen Street to the east, Victoria Avenue to the south and the railway line to the west, as shown on Figure 1 below.



Figure 1- Carpark lot, shaded pink

Subsequent Land Transfers

Upon execution of the Deed, the documentation was executed by both parties and lodged with the Land Registry Service (LRS) for registration to enact the land transfers in accordance with the Deed.

An error was made in the wording of the transfer documentation, resulting in the three (3) lots being transferred to Council, as shown edged in yellow on Figure 2 below, instead of just the carpark lot, shown shaded pink at Figure 1 above.

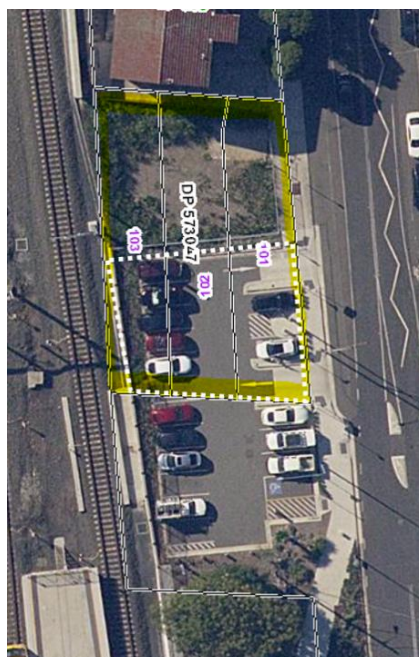


Figure 2- Lots transferred to Council in error

In consideration of the erroneous land transfer, this report recommends that the below corrective actions are undertaken to align with the Deed:

- cancellation of the erroneous Certificates of Title for Lots 101, 102 and 103 in DP 573047, as shown edged yellow in Figure 2;
- the creation of Certificates of Title for Lots 1, 2 & 3 in DP1223255, as shown on Figure 1;
- the registration of the Restriction on Use of land upon Lot 1 in DP1223255 (carpark);
- the transfer of Lot 1 in DP1223255 (carpark) to Council, as shown shaded pink at Figure 1 above.

Next Steps - Transfer Land

The following steps are required:

- Execution of a Section 11R Request Form, to enact the relevant corrective actions as outlined in this report.
- Lodgement of 11R Request Form with LRS.
- Issue of Certificates of Title.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

In order to complete the transfer of land as originally agreed to by both parties, the next steps (identified above) need to be completed.

FINANCIAL CONSIDERATIONS

TfNSW will pay all costs associated with this transfer.

LEGISLATIVE AND POLICY CONSIDERATIONS

Under Section 377 (h) of the NSW Local Government Act (1993), a Council may, by resolution, delegate to the General Manager or any person or body (not including another employee of the council) any functions of the council under this or any other Act other than the following:- The compulsory acquisition, purchase, sale, exchange or surrender if any land or other property (but not including the sale of items of plant or equipment).

Lot 1 DP1221431



Lot 1 DP1217528



Lot 1 DP1221611



Lot 4 DP1178644



ITEM 10.2 PROPOSED NAMING OF CONCORD OVAL COMMUNITY VENUES FOR HIRE**Reporting Manager Manager Buildings and Property****Attachments:** 1. **Concord Oval Community and Recreation Precinct - Venues** [↓](#)
 2. **Canadian Exiles Fact Sheet** [↓](#)

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That the naming of Event Space and Meeting Rooms within the Concord Oval Community and Sports Precinct be considered by Council, including suggestions presented in the report.

PURPOSE

The purpose of this report is to propose names for the Event Space and Meeting Rooms within the Concord Oval Community and Sports Precinct, Concord.

REPORT

The Concord Oval Community and Sports Precinct is located on Loftus Street, Concord and is bound by Gipps Street to the north, Loftus Street to the west, Parramatta Road to the south and residential Cintra Park South to the east.

The redevelopment of the Concord Oval Community and Sports Precinct has created a multi-use indoor and outdoor sport and community destination, equally for males and females, a precinct for elite sports players to fitness enthusiasts, for community groups to playing children. The Concord Oval Community and Sports Precinct contain an event space and three meeting rooms for hire, each overlooking the historic Concord Oval, as shown at Attachment 1.

A well known historical fact relating to the Canada Bay local government area, and its eventual naming, is that of Canadian prisoners who were transported from their homeland to New South Wales. These people became known as the 'Canadian Exiles'. The following provides a brief historical perspective of these events, in addition to both the relationship to Concord Oval and relevance for consideration of commemoration through the naming of the event space and three meeting rooms at Concord Oval.

Canadian Exiles

As mentioned above, consideration has been given to naming these rooms based on historic events and people related to the Canadian exiles that were imprisoned in Longbottom Stockade between 1840 and 1842. Longbottom Stockade was located on the same site as Concord Oval with remains of the stockade found when the original grandstand was built in 1984.

In 1840 the ship HMS Buffalo transported 91 English speaking rebels to Tasmania and 58 French speaking Canadians to New South Wales. Originally, the French Canadians were destined for Norfolk Island however due to representations to the Governor Sir George Gipps by the Roman Catholic Bishop, Dr John Bede Polding, they were sent to the Longbottom Stockade, a less severe prison. Further information on the Canadian Exiles may be found in Attachment 2 The Canadian Exiles Fact Sheet.

Other Historical Information

Another little known historical fact is that the suburb of Canada Bay was known as Sunnyside in the early 1900's. Little information is available on this although there is a map indicating this suburb name in the libraries Local Studies collection.

From the research and available relevant historical information, the following options are proposed for consideration:

- *Canadian Exiles Room*
- *HMS Buffalo Room* (after the ship that transported the convicts)
- *Marceau Room* (the only exile to remain in Australia)
- *Polding Room* (after the bishop who advocated for the convicts to stay in Longbottom Stockade rather than sending them to Norfolk Island as originally intended)
- *Gipps Room* (after the Governor during that period who agreed to let the convicts stay at Longbottom Stockade)
- *Patriots Room* (the convicts are known as Patriots in Canada)
- *Sunnyside* (original name of the suburb of Canada Bay)

Consideration

Should Council wish to select names from the above list, it is considered that one name be allocated to the Event Space. In relation to the three meeting rooms, in view of their relatively smaller size, it is suggested that an 'umbrella' name could be selected for the rooms from the above list, and they be further identified through secondary numbering of 1, 2 and 3.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

FINANCIAL CONSIDERATIONS

The costs associated with renaming the venues will involve the purchasing of signage which can be covered from the existing budgets.

LEGISLATIVE AND POLICY CONSIDERATIONS

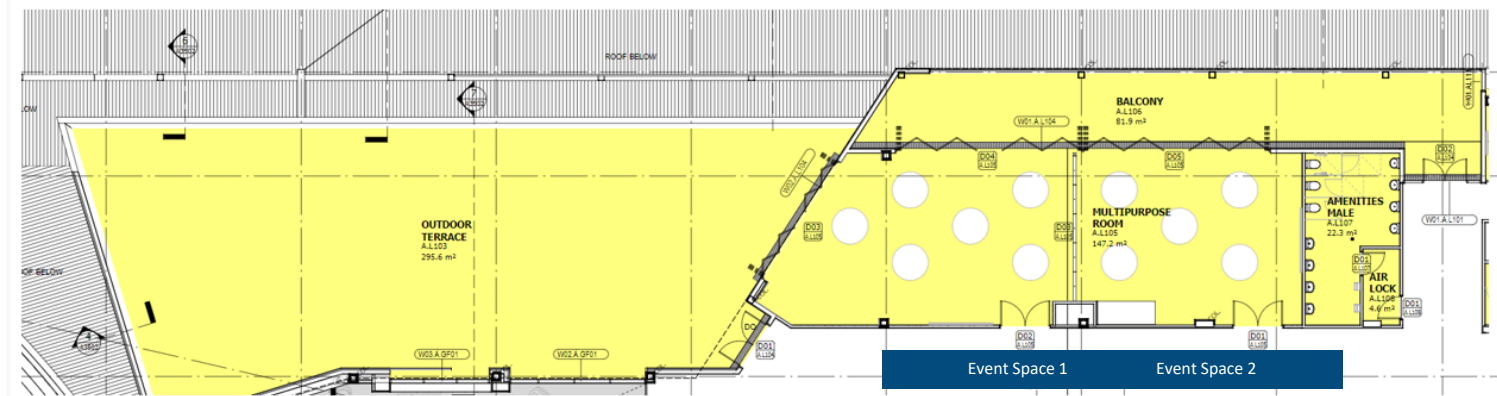
There are no legislative or policy considerations associated with this report.

RISK CONSIDERATIONS

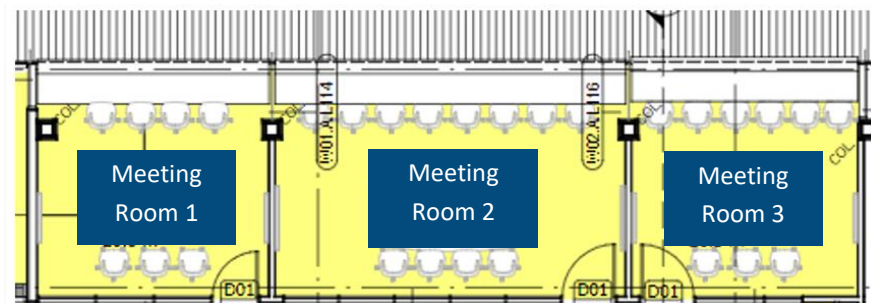
There are no risk considerations associated with this report.

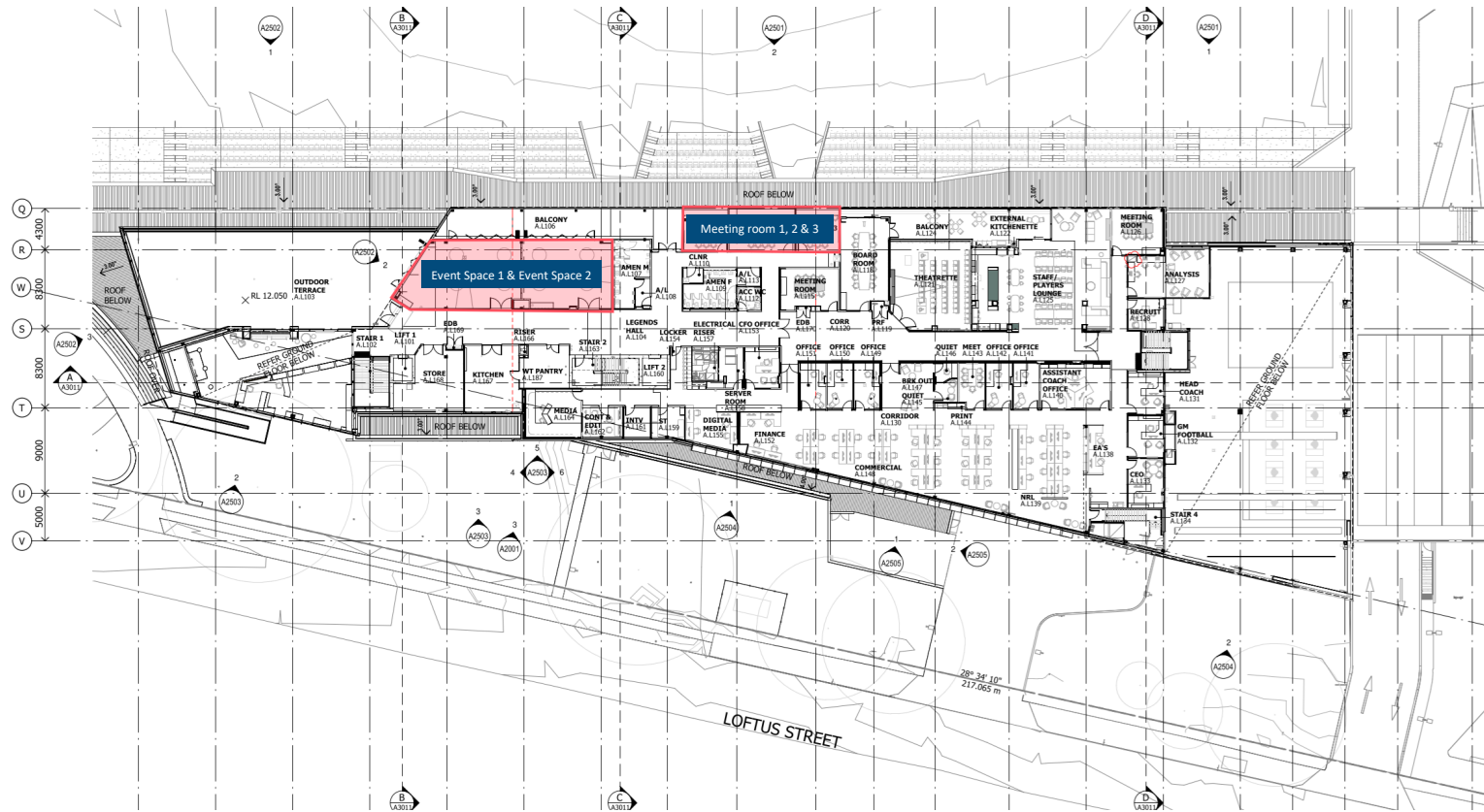
Attachment 1

Concord Oval Community and Recreation Precinct – Event Space



Concord Oval Community and Recreation Precinct – Meeting Rooms





THE CANADIAN EXILES

FACT SHEET



Francois Xavier Prieur

In 1840, 58 French Canadians were exiled for their part in the uprising in Lower Canada (now Quebec). Their presence in the Parramatta River area is recalled by the names of Exile Bay, France Bay and Canada Bay, with the latter chosen as the name of our city.

The 1837-8 revolts in Lower Canada

In 1837 and 1838 there were revolts in Lower Canada (now known as Quebec) by French Canadian Patriotes who held a number of grievances against British government rule, most notably the need for greater participation in government and an increase in the legislative power of the lower house. Following the crushing of the revolts some of the rebels were executed while others were sentenced to transportation. Later, Lord Durham (John George Lambton), Governor General and Lord High Commissioner to Canada, recommended that responsible self government should be granted to the Union of Upper and Lower Canada. This same principle of self government was later applied to the Australian colonies in the 1850s, thus establishing parliamentary democracy.

Canada Bay and the Canadian Exiles

In 1840 the ship *Buffalo* transported 91 English speaking rebels to Tasmania and 58 French speaking Canadians to New South Wales. Originally, the French Canadians were destined for Norfolk Island however due to representations to the Governor Sir George Gipps by the Roman Catholic Bishop, Dr John Bede Polding, they were sent to the Longbottom Stockade, a less severe prison. Nevertheless conditions were still harsh for the convicts. At first there was no bedding while food and clothing was of poor quality. Work included breaking stones for the construction of Parramatta Road.

Many of them collected oyster shells along the shores of Parramatta River to be made into lime, a commodity then in high demand for building purposes. Most were Catholic and found some consolation in visits from Bishop Polding and his Secretary Fr John Brady, both of whom spoke French. Despite the harsh conditions the convicts found some time for relaxation and one prisoner fashioned a set of bowls, the first recorded instance of the game being played in the Canada Bay area.

In 1842 the good behaviour of the French Canadians led to their being granted a ticket-of-leave which allowed them to work outside the Stockade. They found work in the colony as clerks, gardeners, builders and in saw milling. Some worked in the construction of the Victoria Barracks in Paddington. Free pardons were granted to the French Canadians between November 1843 and February 1844. Eventually all but three of the Canadian Exiles returned to Canada: two died while one, Joseph Marceau, married a local woman and settled at Dapto.

The Longbottom Stockade

Longbottom Stockade was located in the vicinity of present day Concord Oval, St Luke's Park and Cintra Park. It was established by Governor Phillip in 1792, about half way between Sydney and Parramatta on a track, which later became Paramatta Road and used as a detention house for ironed convicts proceeding between the two communities. Remains of the Stockade were identified when foundations were laid for the new grand stand at Concord Oval in 1984. Several place names in the area reflect a link with the story of the French Canadian Exiles. A plaque was unveiled in Cabarita Park by Canadian Prime Minister Pierre Trudeau in 1970 to honour the Exiles and their role in the political history of Canada. In 1984 the monument was relocated in Bayview Park as this was where the Canadian Exiles disembarked in 1840 on their way to the Longbottom Stockade.

FACT SHEET

Further information

City of Canada Bay Library Service has more information available in its Local History collection. Sources of information include:

Boissery, Beverley *A Deep sense of wrong : the treason, trials, and transportation to New South Wales of Lower Canadian rebels after the 1838 rebellion*. St Leonards, NSW : Allen & Unwin, 1996. (Includes a list of the French Canadians who were transported.)

Cahill, Jack *Forgotten Patriots : Canadian rebels on Australian shores*. Toronto, Ontario : Robin Brass Studio, 1999. (Includes a list of the French Canadians who were transported.)

Coupe, Sheena *Concord, a centenary history*. Concord, NSW : Council of the Municipality of Concord, 1983. (Chapter 4 'Longbottom and the Canadian Exiles' provides an overview.)

Ducharme, Leandre *Journal of a political exile in Australia*. translated by George Mackaness. Sydney : D.S. Ford, 1944. (reprinted Dubbo, NSW : Review Publications, 1976.) Originally published as *Journal d'un exilé politique aux terres australes*. (Experiences of one of the French Canadian Exiles.)

Image Canada : Canadian Exiles of 1840. Sydney : Canadian Consulate General, 1970.

Lepailleur, Francois-Maurice *Land of a thousand sorrows; the Australian prison journal, 1840-1842*. Carlton, Vic.: Melbourne University Press, 1980. (A journal kept by one of the French Canadian Exiles.)

Marceau, Kevin *All but one went home*. Mona Vale, NSW : K. Marceau, 1987. (The story of Joseph Marceau and his descendants in Australia. It includes a list of the French Canadians who were transported, details of the Buffalo and Pierre Trudeau's speech at the unveiling of the memorial.)

Prieur, Francois Xavier *Notes of a convict of 1838*. translated by George Mackaness. Sydney : D.S. Ford, 1949. (reprinted Dubbo, NSW : Review Publications, 1976. Based on experiences of one of the French Canadian Exiles.) There is also an entry for Prieur in the *Australian Dictionary of Biography* vol 2 pp. 352-353.)

Contact

The Local Studies Librarian Tel 9911 6310 or e-mail
david.sansome@canadabay.nsw.gov.au



Original Longbottom Stockade with horses

Concord Library, 60 Flavelle St, Concord NSW 2137,
Five Dock Library, Level 1, 4-12 Garfield St, Five Dock NSW 2046
Tel 9911 6210 (Concord) or 9911 6310 (Five Dock) Fax 9911 6550
www.canadabay.nsw.gov.au

ITEM 10.3 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 29 SEPTEMBER 2022**Reporting Manager** Manager Roads and Traffic

- Attachments:**
1. **Traffic Committee Minutes 29 September 2022** (*Provided in Attachment Booklet*) [⇨](#)
 2. **Barnstaple Road Pedestrian Crossing** (*Provided in Attachment Booklet*) [⇨](#)
 3. **Brent Street Pedestrian Crossing** (*Provided in Attachment Booklet*) [⇨](#)
 4. **Edwin Street Halloween** (*Provided in Attachment Booklet*) [⇨](#)
 5. **George Lane** (*Provided in Attachment Booklet*) [⇨](#)
 6. **Five Dock PPS - Consultation report** (*Provided in Attachment Booklet*) [⇨](#)
 7. **Five Dock PPS - Parking restriction map** (*Provided in Attachment Booklet*) [⇨](#)
 8. **Kendall Inlet** (*Provided in Attachment Booklet*) [⇨](#)
 9. **Links Avenue Halloween** (*Provided in Attachment Booklet*) [⇨](#)
 10. **Marquet Street Crossing** (*Provided in Attachment Booklet*) [⇨](#)
 11. **Mortlake Cabarita Peninsula Traffic Study - Consultation Report** (*Provided in Attachment Booklet*) [⇨](#)
 12. **Mortlake Cabarita Peninsula Traffic Study - Report** (*Provided in Attachment Booklet*) [⇨](#)
 13. **Removal of MIPPS- various locations** (*Provided in Attachment Booklet*) [⇨](#)
 14. **Russell Lea pedestrian crossings - Consultation report** (*Provided in Attachment Booklet*) [⇨](#)
-

RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That:

1. The minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 29 September 2022, attached to the report, be adopted.
 2. Council staff continue to consult with the Peninsulas Action Group on traffic, parking and road safety matters within the Mortlake Cabarita Peninsula.
 3. A report be prepared and reported back to Council on the operation of the Five Dock Permit Parking Scheme and any refinements required, within 12 months of implementation of the Scheme.
-

PURPOSE

To report the City of Canada Bay Local Traffic Committee Minutes of 29 September 2022 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 29 September 2022 for Council's adoption.

In relation to the Mortlake Cabarita Peninsula Traffic Study, staff have consulted with the Peninsulas Action Group. Staff have committed to continue to consult with them on traffic, parking and road safety matters within the Mortlake Cabarita Peninsula.

The Five Dock Permit Parking Scheme represents a significant change for the area. Accordingly, a report will be prepared and reported back to Council on the operation of the Scheme and any refinements required, within 12 months of implementation of the Scheme.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

Goal IT 2: Manage traffic and parking to minimise congestion and increase road safety

FINANCIAL CONSIDERATIONS

The 2022/23 capital works program is currently the subject of a review which will be reported to the November Council meeting. Under the current capital current works program:

- \$450,000 is allocated to the pedestrian facilities around Russell Lea Public School
- \$300,000 is allocated to implement the recommendations of the Mortlake Cabarita Peninsula Traffic Study in 2022/23 (additional funding will need to be allocated in the 2023/24 financial year).

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

- Five Dock Permit Parking Scheme
- Edwin Street road closure for Halloween
- Links Avenue closure for Halloween
- George Lane parking management
- Removal of MIPPS.

Separately, the Marquet Street Crossing is covered under a Voluntary Planning Agreement and will be funded by the developer and Kendall Inlet signage changes will be funded by the respective Community Association.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 11.1 ANNUAL PECUNIARY INTEREST RETURNS FOR COUNCILLORS AND DESIGNATED PERSONS - 2021-2022

Reporting Manager Manager Governance and Customer Services

Attachments: Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the tabling of the annual pecuniary interest returns for Councillors and designated persons for 2021/ 2022 be noted.

PURPOSE

The purpose of this report is to table the register of annual pecuniary interest returns.

REPORT

Clause 4.21 of Council's Code of Conduct, based on the Model Code of Conduct for Local Councils in NSW requires that Councillors and those staff members deemed to be 'designated persons', annually lodge with the General Manager, within 3 months after 30 June, a return disclosing interests, in the form prescribed by Schedule 2 of the Code.

Clause 4.8 of the City of Canada Bay Code of Conduct defines designated persons to 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.*

Further, that the General Manager keep a register of the returns received and that this be tabled at an appropriate meeting of Council.

In accordance with the Legislation, the Register is hereby tabled.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Clause 4.21 and clause 4.8 of Council's Code of Conduct, based on the Model Code of Conduct for Local Councils in NSW.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 11.2 CASH AND INVESTMENTS REPORT FOR SEPTEMBER 2022
Reporting Manager Manager Finance

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

That the Cash and Investments Report for September 2022 attached to the report be received and noted.

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

This report incorporates the end of September Cash and Investments Report for Council's consideration.

Certification - Responsible Accounting Officer

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS
Summary position as at end September 2022

The Cash at Bank and Cash Investments are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
September 2022	\$619,103.03	\$142,871,887.70	\$143,490,990.73

The detailed Schedule of Investments held as of 30 September 2022 are also provided over the page.

Statement of Investments September 2022

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
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	Commonwealth Bank of Australia	AA-	\$2,000,000.00	49	2.37%	01/09/22	Term Deposits
27/10/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	62	2.43%	26/08/22	Term Deposits
03/11/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	64	2.54%	31/08/22	Term Deposits
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
25/11/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	78	2.87%	08/09/22	Term Deposits
30/11/22	National Australia Bank	AA-	\$2,000,000.00	89	3.00%	02/09/22	Term Deposits
08/12/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	216	2.43%	06/05/22	Term Deposits
23/12/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	88	3.50%	26/09/22	Term Deposits
05/01/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	244	2.62%	06/05/22	Term Deposits
12/01/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	216	3.06%	10/06/22	Term Deposits
20/01/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	133	3.31%	09/09/22	Term Deposits
02/03/23	Bank of Queensland	BBB+	\$2,000,000.00	216	3.50%	29/07/22	Term Deposits
09/03/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	223	3.45%	29/07/22	Term Deposits
16/03/23	Macquarie Bank	A+	\$2,000,000.00	365	1.20%	16/03/22	Term Deposits
21/03/23	AMP Bank	BBB	\$1,000,000.00	210	3.70%	23/08/22	Term Deposits
30/03/23	MyState Ltd	BBB+	\$2,000,000.00	181	4.10%	30/09/22	Term Deposits
02/05/23	AMP Bank	BBB	\$2,000,000.00	545	1.00%	03/11/21	Term Deposits
04/05/23	MyState Ltd	BBB+	\$2,000,000.00	365	2.93%	04/05/22	Term Deposits
04/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	363	3.18%	06/05/22	Term Deposits
08/06/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	307	3.69%	05/08/22	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	365	0.60%	23/06/22	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	335	3.74%	05/08/22	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	381	0.60%	01/07/22	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	364	0.65%	29/07/22	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	367	0.65%	01/08/22	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1461	1.04%	16/02/22	Term Deposits
20/10/22	Westpac Bank	AA-	\$1,500,000.00	367	0.47%	18/10/21	ESG TD
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
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	ESG TD
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	550	2.32%	18/08/22	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	637	1.68%	05/09/22	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	825	1.62%	12/08/22	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	913	1.62%	05/09/22	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	914	2.02%	18/08/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	914	2.10%	25/08/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1189	1.87%	19/08/22	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1279	2.24%	18/08/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1279	2.31%	25/08/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1369	2.22%	05/09/22	ESG TD
28/10/22	Teachers Mutual Bank	BBB	\$1,000,000.00	1096	3.05%	28/10/19	ESG FRN
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	3.32%	23/09/21	ESG FRN
03/02/23	Bank of Queensland	BBB+	\$2,000,000.00	1635	3.23%	13/08/18	Floating Rate Notes
06/02/23	Newcastle Permanent Building Society	BBB	\$2,000,000.00	1707	3.66%	05/06/18	Floating Rate Notes
24/02/23	RACQ Bank	BBB+	\$1,500,000.00	1096	3.32%	24/02/20	Floating Rate Notes
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	3.23%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	3.36%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	3.20%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	3.20%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	3.14%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AA-	\$1,000,000.00	1096	2.96%	06/05/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	3.09%	02/06/21	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	3.48%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	A	\$500,000.00	1826	2.73%	19/08/21	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	3.30%	18/08/22	Floating Rate Notes
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
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	A+	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,004,471.03		2.80%		AMP 31Day Notice
	AMP Bank	BBB	\$192.35		0.50%		AMP Business Saver
	Commonwealth Bank of Australia	AA-	\$0.00		0.20%		CBA At Call
	Macquarie Bank	A+	\$2,289.25		1.00%		Macquarie CMA
	Macquarie Bank	A+	\$7,914,935.07		1.85%		Macquarie CMA
	30/09/22		\$142,871,887.70		2.17%		
	TOTAL INVESTMENTS at 31/08/2022		\$145,871,887.70				
	Net Increase/(Decrease) in Investments		(\$3,000,000.00)				

FINANCIAL CONSIDERATIONS

The RBA has continued to increase the cash rates, the latest rise occurred on 04th October 2022, to 2.60%

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

12 NOTICES OF MOTION

Nil

13 NOTICES OF MOTION OF RESCISSION

NIL

14 MATTERS OF URGENCY

Nil

15 QUESTIONS WITH NOTICE

Nil

16 CONFIDENTIAL MATTERS

RECOMMENDATION

That:

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

ITEM 16.1 FOOTWAY DINING FEE WAIVER- SYDNEY METRO WORKS- GREAT NORTH ROAD

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

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

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

BACKGROUND/DISCUSSION

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

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

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

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

17 CONFIDENTIAL RESOLUTIONS

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