

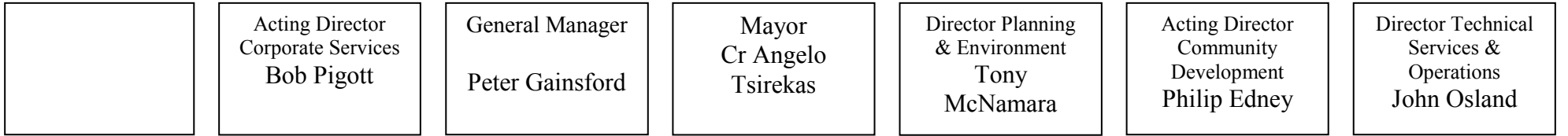


COUNCIL MEETING

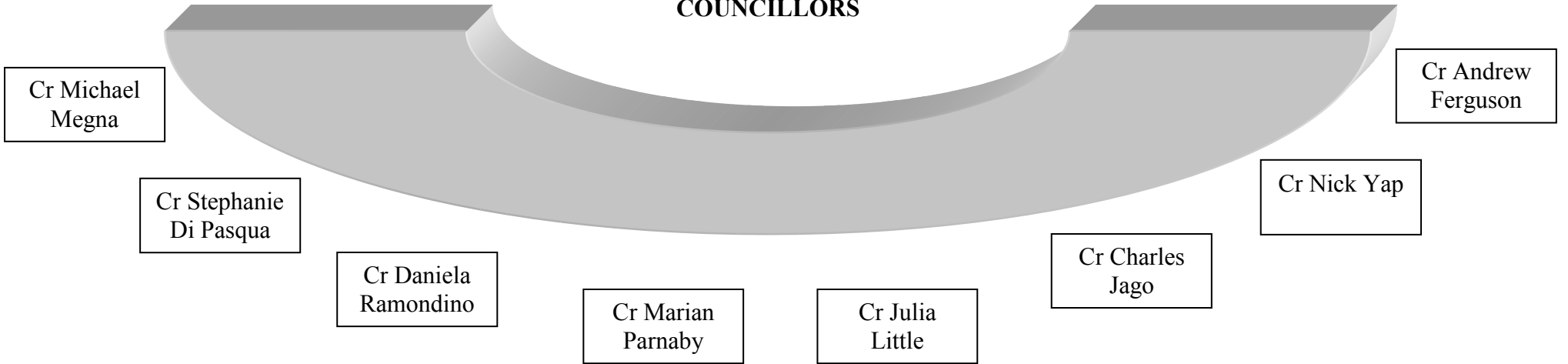
AGENDA

*Council Chambers
Canada Bay Civic Centre
1a Marlborough Street
Drummoyne*

*Tuesday, 6 February 2018
Commencing at 6.00 pm*



**CITY OF CANADA BAY
COUNCILLORS**



Dear Councillor,

An ordinary meeting of the Council will be held in the Council Chambers, Canada Bay Civic Centre, Drummoyne, on Tuesday, 6 February 2018 at 6.00pm.

AGENDA

1. Welcome to Country
2. Apologies
3. Disclosures of Pecuniary and Non-Pecuniary Interest
4. Confirmation of Minutes
 - Council Meeting – 5 December 2017
5. Public Forum
6. General Manager's Reports
7. Notices of Motion



Peter Gainsford
General Manager

1 February 2018

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Council Meeting 06 February 2018

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Please Note:

The use of private tape recorders or other electronic devices, including mobile phones, is not permitted.

**ITEM-1 6/356 - 362 VICTORIA PLACE, DRUMMOYNE
(MOD2017/0155); EXTENSION OF UNIT 6 TO CREATE
THREE ADDITIONAL BEDROOMS, COMBINED
LIVING AREA AND KITCHENETTE**

Department Planning and Environment

Author Initials: External Consultant – Kerry Gordon

EXECUTIVE SUMMARY

Owner

Mrs A Assaf & Mr J Assaf

Applicant

Mr Joseph Assaf and Mrs Angela Assaf

Zoning

This property is zoned R3 which permits residential flat buildings with consent.

Modification Sought


Extension of unit 6 to create three additional bedrooms, combined living area and kitchenette.

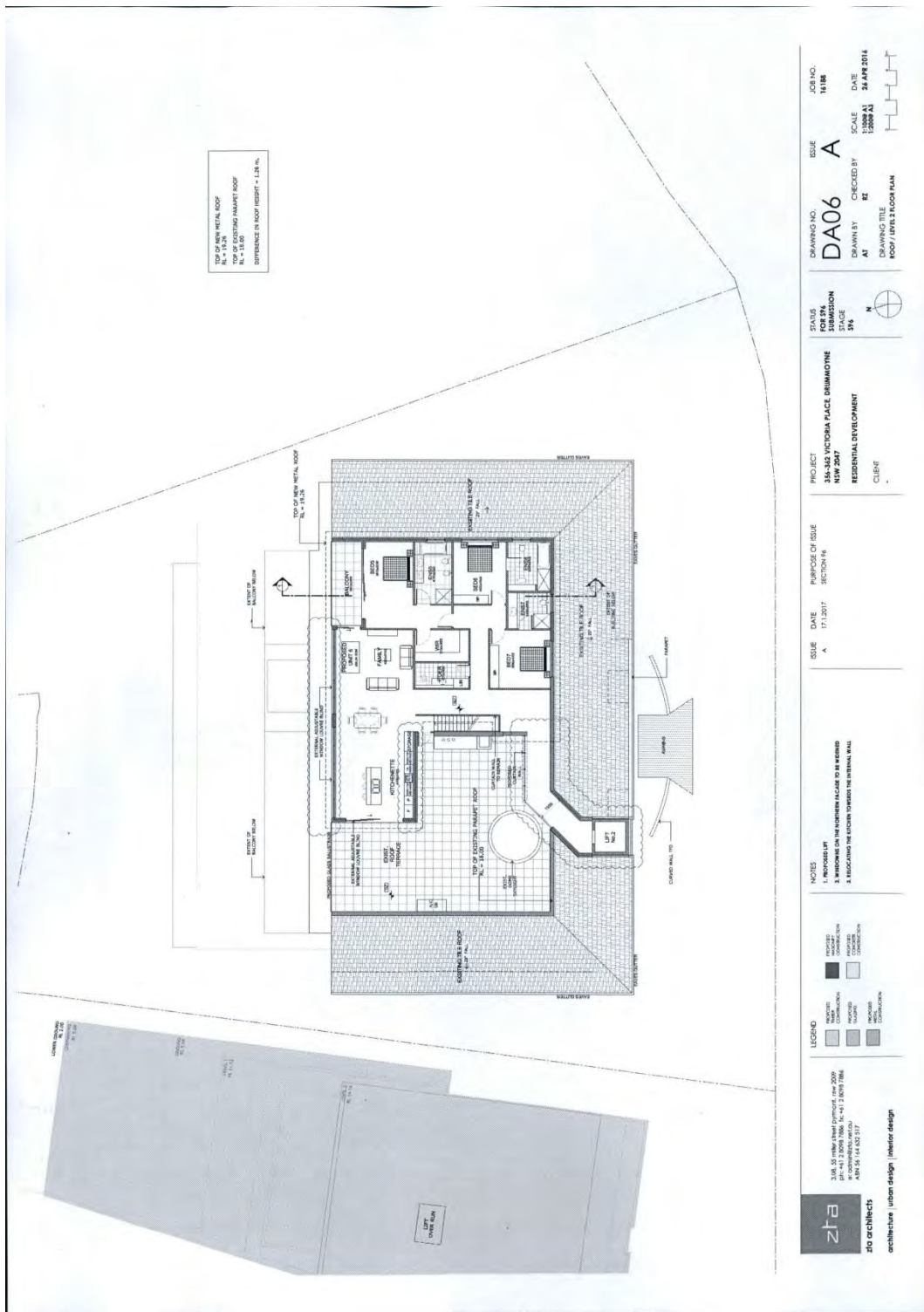
Issues, including those matters raised by objectors

Not substantially the same development, streetscape, capable of separate habitation, loss of water views and property values, access alternatives not considered.

Location



<i>Subject Site</i>		<i>Properties Notified</i>		<i>Submitters</i>		 North
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TOP OF NEW METAL ROOF
 RL = 15.100
 TOP OF EXISTING SHAPET ROOF
 RL = 15.000
 DIFFERENCE IN ROOF HEIGHT = 1.00 m.

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 AHS: 52 14 822 217

zta architects
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LEGEND

EXISTING	PROPOSED
CONCRETE	CONCRETE
GLAZING	GLAZING
ROOF	ROOF
MECHANICAL	MECHANICAL
CLADDING	CLADDING

NOTES

1. PROPOSED UP TO THE EXISTING FLOOR OF THE EXISTING BUILDING.
2. PROPOSED UP TO THE EXISTING FLOOR OF THE EXISTING BUILDING.
3. PROPOSED UP TO THE EXISTING FLOOR OF THE EXISTING BUILDING.

PROJECT
 33A-34S VICTORIA PLACE BRIMMINGHAM
 NEW 2017
 RESIDENTIAL DEVELOPMENT

CLIENT
 CLERE

STATUS
 SUBMISSION

DATE
 26 APR 2014

SCALE
 1:2000 A1

ISSUE NO.
 18 108

ISSUE
 A

DATE
 17/12/17

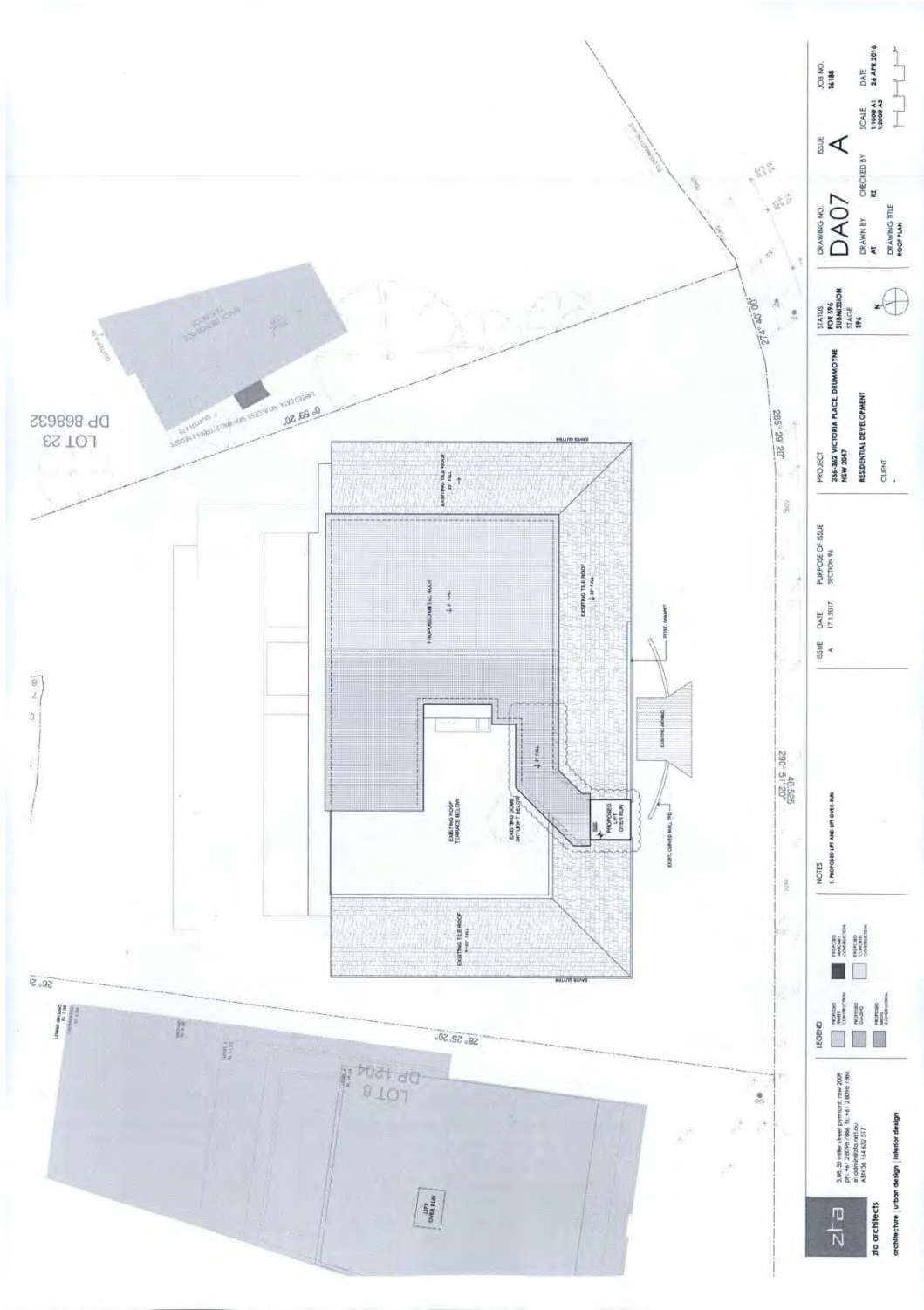
PURPOSE OF ISSUE
 SECTION 1/6

DRAWING NO.
 DA06

DRAWN BY
 AE

CHECKED BY
 RE

DRAWING TITLE
 ROOF DEVELOPMENT PLAN



STATUS
 FOR 5% SUBMISSION
3%

PROJECT
 344-345 VICTORIA PLACE DRUMMOYNE
 NSW 2047
RESIDENTIAL DEVELOPMENT
 CLIENT

ISSUE A
DATE 24 APR 2014
SCALE 1:1500 A1
 1:2000 A3

NOTES
 1. REVISIONS SET OUT IN OTHER SHEETS

ISSUE A
DATE 17.1.2017
PURPOSE OF ISSUE SECTION 7%

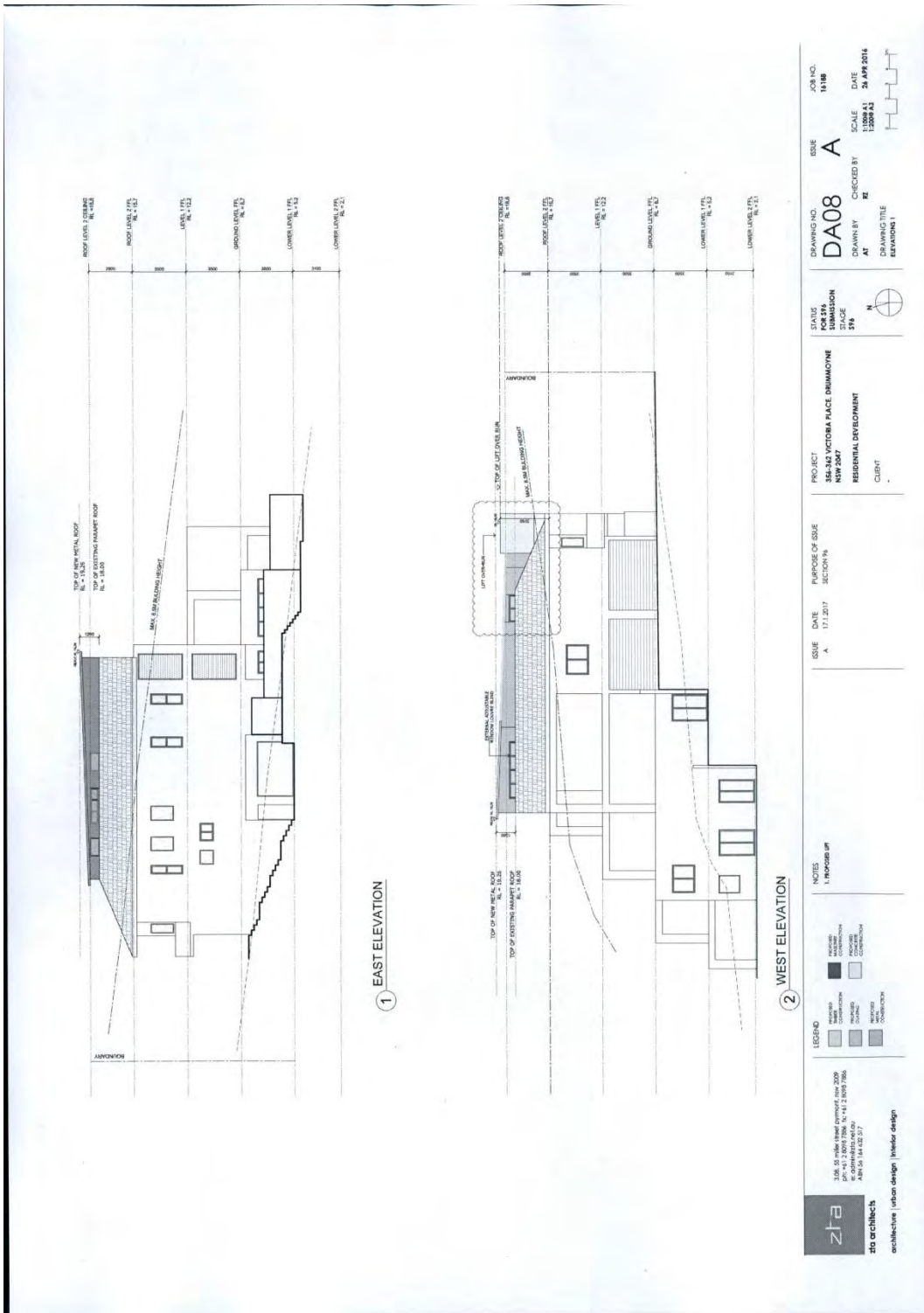
LEGEND
 PROPOSED CONSTRUCTION
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 PROPOSED CONSTRUCTION
 EXISTING CONSTRUCTION

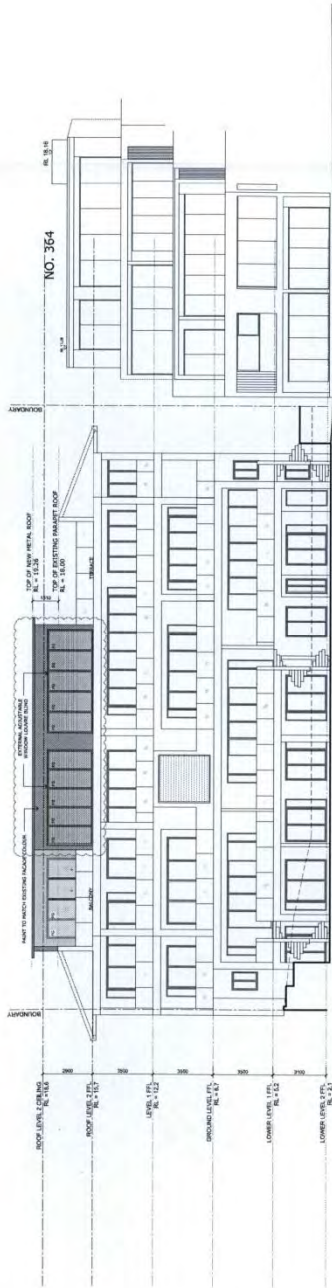
DRAWING NO. DA07
ISSUE A
DATE 24 APR 2014
SCALE 1:1500 A1
 1:2000 A3

LEGEND
 PROPOSED CONSTRUCTION
 EXISTING CONSTRUCTION
 PROPOSED CONSTRUCTION
 EXISTING CONSTRUCTION

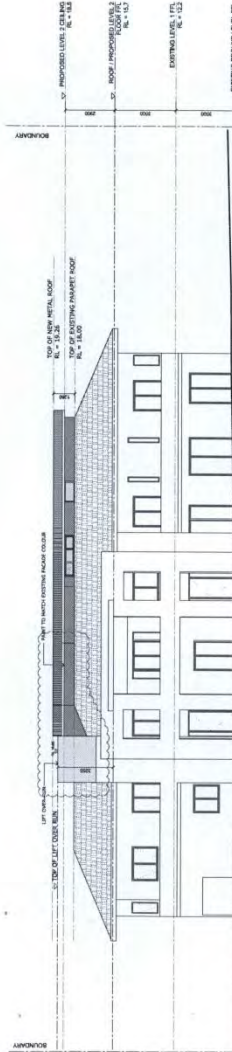
zha
zao architects
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100/100 STURGEON STREET, SYDNEY NSW 2000
 100/100 STURGEON STREET, SYDNEY NSW 2000
 100/100 STURGEON STREET, SYDNEY NSW 2000





1 NORTH ELEVATION



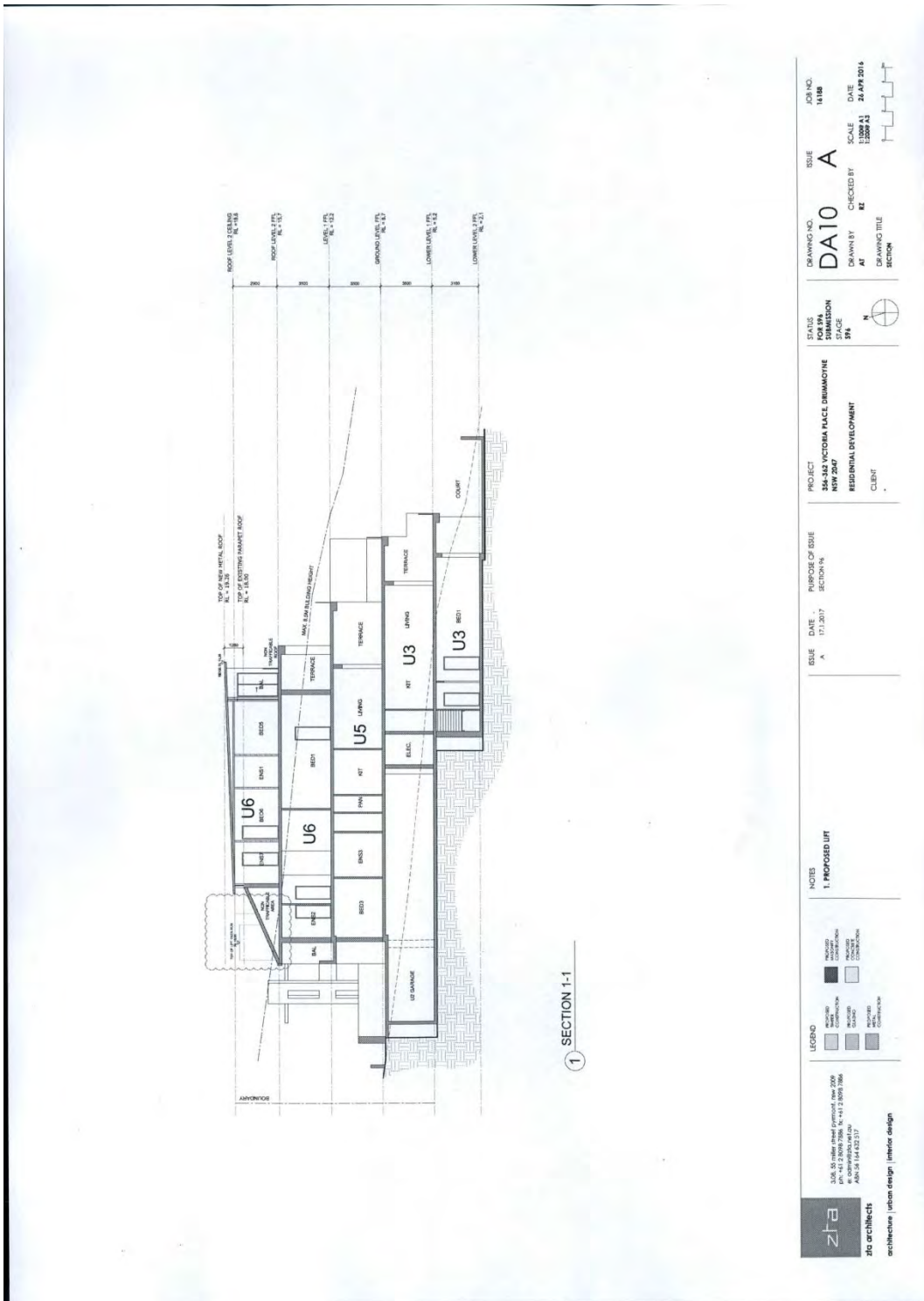
2 SOUTH ELEVATION

 zia architects architecte urban design interior design	1100, 1110, 1120, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1310, 1320, 1330, 1340, 1350, 1360, 1370, 1380, 1390, 1400, 1410, 1420, 1430, 1440, 1450, 1460, 1470, 1480, 1490, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570, 1580, 1590, 1600, 1610, 1620, 1630, 1640, 1650, 1660, 1670, 1680, 1690, 1700, 1710, 1720, 1730, 1740, 1750, 1760, 1770, 1780, 1790, 1800, 1810, 1820, 1830, 1840, 1850, 1860, 1870, 1880, 1890, 1900, 1910, 1920, 1930, 1940, 1950, 1960, 1970, 1980, 1990, 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, 2080, 2090, 2100, 2110, 2120, 2130, 2140, 2150, 2160, 2170, 2180, 2190, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2280, 2290, 2300, 2310, 2320, 2330, 2340, 2350, 2360, 2370, 2380, 2390, 2400, 2410, 2420, 2430, 2440, 2450, 2460, 2470, 2480, 2490, 2500, 2510, 2520, 2530, 2540, 2550, 2560, 2570, 2580, 2590, 2600, 2610, 2620, 2630, 2640, 2650, 2660, 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DA09	ISSUE A	JOB NO. 16186
	ISSUE DATE A 17.1.2017	PURPOSE OF ISSUE SECTION 5%	CHECKED BY RT	DRAWN BY AT	SCALE 1:1000 A1 1:2000 A3	DATE 24 APR 2014

NOTES
 1. PROPOSED LIFT
 2. MATCHING ON THE EXISTING FACADE TO BE REPEATED.

LEGEND
 EXISTING CONSTRUCTION
 PROPOSED CONSTRUCTION
 EXISTING ROOF/COURT YARD
 PROPOSED ROOF/COURT YARD

BOUNDARY



ISSUE NO. 14/18
 ISSUE A
 DRAWING NO. DA10
 DRAWN BY AT
 CHECKED BY RZ
 DATE 24 APR 2014
 SCALE 1:200 A1
 1:200 A1
 DRAWING TITLE SECTION

STATE OF NEW SOUTH WALES
 LOCAL GOVERNMENT ACT 1995
 LOCAL GOVERNMENT (GENERAL) REGULATIONS 2007
 LOCAL GOVERNMENT (GENERAL) REGULATIONS 2007
 LOCAL GOVERNMENT (GENERAL) REGULATIONS 2007

PROJECT: 144-200 VICTORIA PLACE DIMMONTHE
 144-200 VICTORIA PLACE DIMMONTHE
 RESIDENTIAL DEVELOPMENT
 CLIENT

PURPOSE OF ISSUE: SECTION 1-1

ISSUE DATE: 17/12/17
 ISSUE A

NOTES:
 1. PROPOSED LIFT

LEGEND:
 EXISTING CONSTRUCTION
 PROPOSED CONSTRUCTION
 EXISTING CONSTRUCTION
 PROPOSED CONSTRUCTION

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RECOMMENDATION

Pursuant to Section 96 of the Environmental Planning and Assessment Act 1979 (as amended)

THAT Council, as the determining authority, refuse to modify Development Consent DA2016/0254 to extend Unit 6 to create three additional bedrooms, a combined living area and kitchenette on land at 6/356-362 Victoria Place DRUMMOYNE, NSW 2047, for the following reasons:-

1. The works proposed will result in an unacceptable impact upon the streetscape of Victoria Place due to the visual dominance of the lift shaft and corridor. As such the modified development has an environmental impact that is not minimal and does not satisfy the requirements of Section 96(1A)(a) of the Environmental Planning and Assessment Act.
2. The proposed works would constitute the creation of two dwellings rather than additions to an existing dwelling and as such the modified development is not substantially the same as the development granted consent as required by Section 96(1A)(b) of the Environmental Planning and Assessment Act.
3. The works proposed will result in an unacceptable impact upon the streetscape of Victoria Place due to the visual dominance of the lift shaft and corridor. The detrimental impact upon the streetscape is inconsistent with design quality principles in relation to context and neighbourhood character, built form and scale and aesthetics under the provisions of State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development).
4. The modification would result in a significant breach of the height control pursuant to Clause 4.3 of Canada Bay Local Environmental Plan 2013 and is inconsistent with Objective (a) of the height control which is *to ensure that buildings are compatible with the desired future character in terms of building height and roof forms*
5. The modification is inconsistent with the design guidance for roof design under Part 4N Roof Design of the Apartment Design Guide which requires service elements (such as the lift shaft) to be integrated in the roof design.
6. Under Part D1.2 of the Building Code of Australia, as the proposed works would constitute the creation of two dwellings rather than additions to an existing dwelling, the proposal would involve the creation of a separate domicile and would, therefore, require the provision of a separate fire exit arrangement from the proposed domicile. The proposal does not provide such separate fire exit arrangements and is therefore not compliant with the provisions of the Building Code of Australia.

REPORT

1. BACKGROUND

Development Application DA 2016/0254 was lodged on 28 June 2016 for alterations and additions to Apartment 6 by creation of an additional floor, to contain three additional bedrooms, a combined living area and a kitchenette. Access to the additional floor was provided by an internal staircase and an external lift, providing direct access to a ground floor entry from the street.

The applicant was advised that the proposal was unlikely to be supported in its current form and that a redesign was required. Issues raised included the non-compliant building height and bulk and scale associated with the extended lift shaft.

Council staff met with the applicant and owners and their architect on a number of occasions to discuss the proposal. Amended plans were submitted showing the removal of the lift shaft extension and corridor servicing the proposed new upper level. Subsequent to the removal of the lift, which provided separate access to the proposed new floor and had unacceptable streetscape implications, the application was granted consent on 27 June 2017.

2. THE SITE AND ITS CONTEXT

The subject site is located at 356-362 Victoria Place, Drummoyne. The site is irregular in shape with a frontage to Victoria Place of 40.525m and a site area of 2,167m². The site has a fall of approximately 7m from the front boundary down to the waterfront at the rear of the site.

Currently situated on the site is a residential flat building that comprises 6 apartments over four levels with both at grade and basement parking. This building was approved under DA618/2003.

Apartment 6 currently occupies the entirety of Level 1 and comprises a kitchen, combined dining/living area, sitting room, gym, study, laundry and four bedrooms with four bathrooms. The apartment has an extensive series of terraces facing the waterfront with a swimming pool. Pedestrian access to the apartment is from a private foyer at ground level which has connection to a four car garage. Access to the apartment is via a set of stairs and a separate lift.

The approved addition to Apartment 6 occupies the entirety of proposed Level 2 and comprises an open plan dining/living/kitchenette area, WC, study, and three bedrooms with three bathrooms. This level of the apartment also includes an extensive roof terrace to the western side of the floor.

The combined approved apartment comprises a kitchen, two dining/living areas, a kitchenette, sitting room, gym, two studies, laundry and seven bedrooms with seven bathrooms. The apartment has a swimming pool and a series of large terraces over two levels as well as a four car garage.

Given the layout of the approved alterations and additions to the apartment, the only thing that prevents the development from being two dwellings (as it would be capable of habitation as two separate domiciles) is the fact that there is no separate external access to the second level, with access only via an internal entry stair from the first floor level.

The site is zoned R3 medium density residential. Surrounding development comprises of a mix of single dwellings houses, dual occupancy developments and residential flat buildings. Gladesville Bridge Marina is located at the north-western end of Victoria Place.

3. PROPOSED MODIFICATION

The application seeks to amend the consent by the reinstatement of the originally proposed (but subsequently deleted) external access to the second floor of Apartment 6, albeit in a different configuration. Lift access to this floor is proposed via an extension, by approximately 2.2m, of the existing lift shaft which provides access to the first floor of the building and existing level of Apartment 6.

A corridor connecting the enlarged lift shaft with the approved internal hallway of the second floor is also proposed along the southern side of the approved roof terrace at the second floor.

Finally, it is proposed to relocate the approved kitchenette at the second floor level to the southern side of the open plan living/dining area and provide an elongation of the glazing to the northern side of the room.

Effectively, the proposed modifications change the nature of the development approved in Development Consent DA 2016/0254 from an addition to Apartment 6 to the creation of a new apartment which is provided with separate pedestrian entry from the street.

4. ASSESSMENT

Given the proposal involves impacts external to the site (ie streetscape and view impacts) only, and the existence of the approved floor plans for the building, an internal site inspection was not necessary and only an external site inspection was carried out for the assessment of the application.

Section 96(1A) of the Environmental Planning and Assessment Act allows council to modify consent if:

- (a) It is satisfied that the proposed modification is of minimal environmental impact**

The proposed modifications to the kitchenette, and external glazing to the north are considered to have minimal environmental impact and would satisfy the requirements of Section 96(1A)(a). However, the extension of the lift shaft and provision of the corridor connecting the lift to the second level of Apartment 6 are works that are visible in the streetscape and would detract from the visual amenity of the streetscape.

In this regard, following is a photograph of the existing streetscape presentation of the apartment building and following that is the proposed elevation of the works as viewed from the street and the western elevation which shows the relationship of the lift shaft to the existing pitched roof.



The lift shaft extension and corridor connecting it to the approved level 2 of the building will be visible and dominant in the streetscape and is an inappropriate element in that streetscape which cannot be supported.

In most residential flat buildings the lift shaft is centred and thus setback from the street frontage, minimising its visual impact notwithstanding it extends above the remainder of the building. In this case, the secondary lift shaft (ie the one that accessed Apartment 6 only) is located at the front of the building and currently extends above the gutter level of the roof but not above the ridge. The proposed 2.2m extension will result in the lift shaft extending above the ridge of the existing building, and, as can be seen in the elevations following, will be visually dominant due to its location at the front of the building, its height and its projection forward in relation to the existing and approved roof forms. The lift shaft and connecting hallway would be incongruous in the streetscape and breach the height control and cannot be supported.

According to the original assessment report, Council advised the applicant of this concern in relation to DA 2016/0254 and the application was only approved after the lift shaft and connecting hallway were deleted by way of amended plans. The amendment to remove this element of the original

proposal was fundamental to gaining the existing consent due to its visual impact and as it effectively would create a new dwelling.

As such, these works are not works that would have minimal environmental impact and do not satisfy the requirements of Section 96(1A)(a). As such, the application cannot legally be granted approval pursuant to the provisions of Section 96(1A).



Streetscape elevation with extended lift shaft shown in green



West elevation with extended lift shaft shown in green and connecting corridor behind, both of which will be visible in the streetscape

Whilst the applicant could have been requested to convert the application to a s96(2) application, given the unacceptable impact upon the streetscape, this was not pursued.

(b) It is satisfied that the development to which the consent as modified relates is substantially the same development,

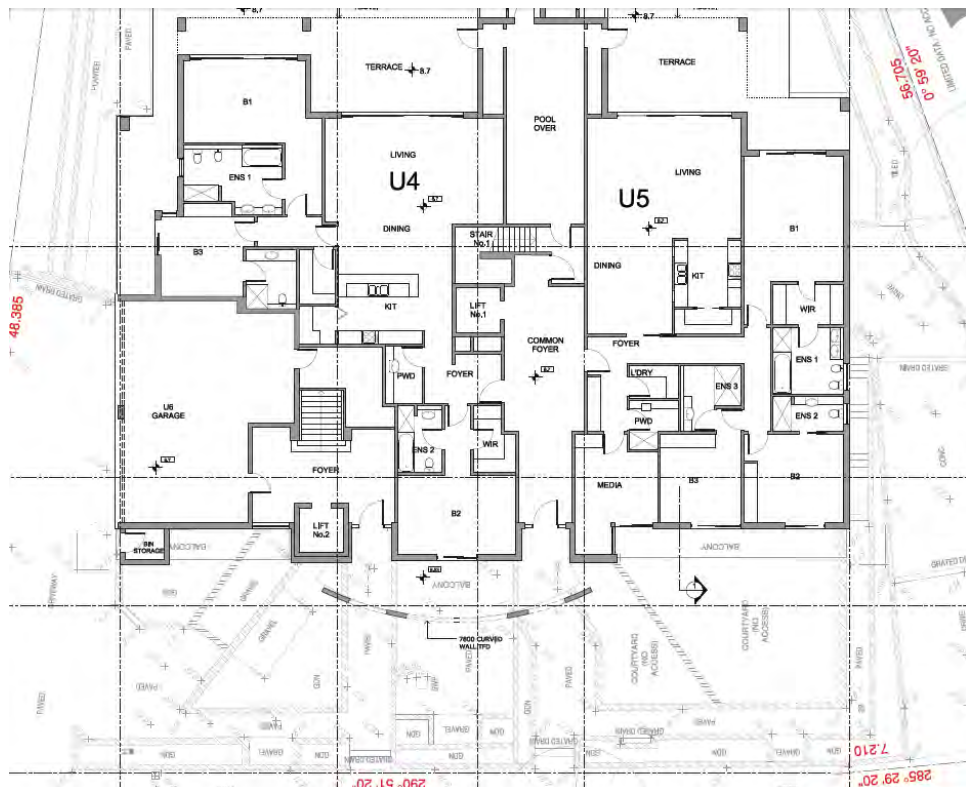
Development consent DA 2016/0254 was granted for a full floor addition to Apartment 6. The approval only had internal connection between the two floors of the apartment and as such the apartment was not capable of habitation as more than one dwelling.

This application as proposed includes separate external access to the approved second floor of Apartment 6 via an external lift.

Pursuant to the following definition of dwelling, the modifications change the use from the approved alterations and additions to an apartment, to addition of a new level to create a 7th apartment within the apartment building.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile

The floor plan shown below is for the ground floor of the residential flat building, showing that Apartment 6 has a separate lobby and lift access (Lift 2 – identified by red arrow) from the main lobby and lift (Lift 1), which has a direct access path to the street. As such, an extension of Lift 2 to the upper level of Apartment 6 would provide a separate direct entrance from the street to the level.

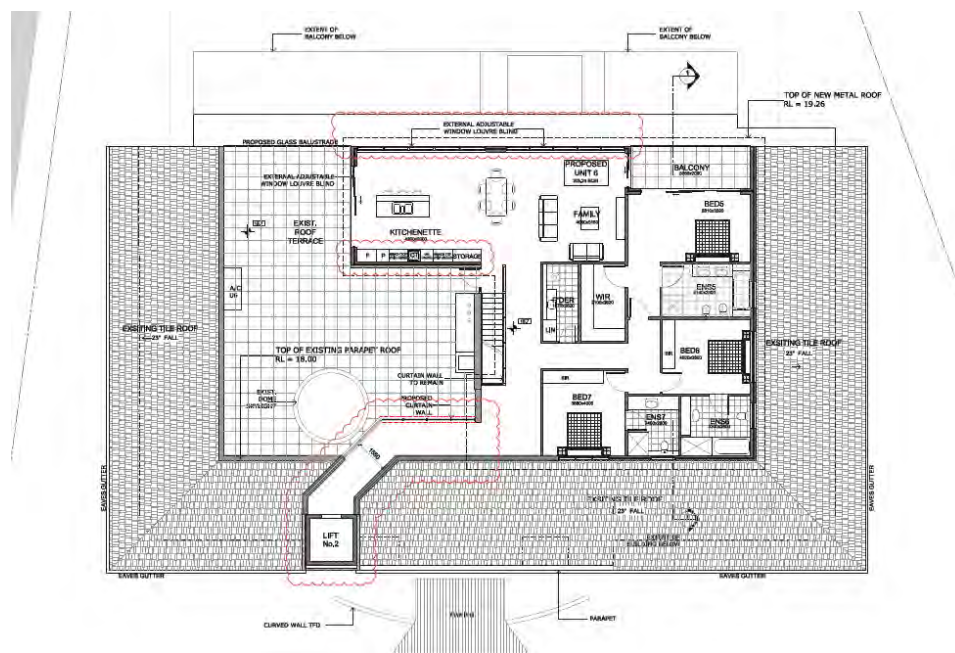


The plan also shows that Apartment 6 has a four car garage (identified by green arrow) which is accessed separately from the parking area of the remainder of the apartments. The garage has direct access to the ground floor lobby for Lift 2 and as such the second level of Apartment 6 could have direct access from the garage to the lobby.

It is also noted that physical separation between the spaces in the garage could be provided by a simple dividing wall and second access door to the

lobby. Such internal works could be carried out without any knowledge by Council.

The following floor plan shows the proposed modifications to the upper level of Apartment 6. The changes show there is no need to use the stair connecting the two levels of the apartments to access the upper level of the apartment and that the upper level is a self-contained apartment. A simple blocking of the staircase by a door (see red arrow) at each level would allow the upper level to function fully separately from the lower level. Such internal works could be carried out without any knowledge by Council.



It is noted the definition of dwelling includes one where the suite of rooms is “capable of being occupied or used as a separate domicile”. With the introduction of the separate external access to the building, it is clear that the suite of rooms is capable of being used as a separate domicile.

Whilst the applicant claims the upper floor is for the use of elderly parents, the approval of the works can in no way be tied to a specific user and there is every capability that the upper level could be used as a separate domicile. What is critical in planning assessment terms is not the intention of the applicant, but rather whether the floor is “capable of being occupied or used as a separate domicile” and with the proposed works it clearly would be.

As the use of the development is proposed to be changed with the modification, the modification is not for substantially the same development as that which has been granted consent and Council has no power to approve the application.

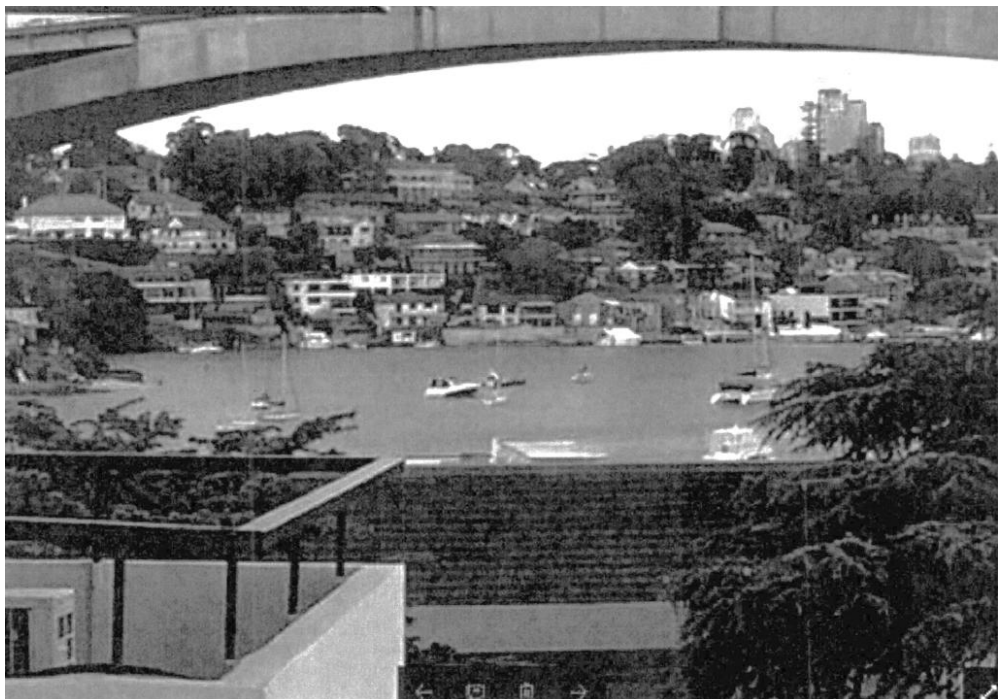
- (c) **Has notified the application in accordance with the Regulations and Council's Development control Plan for Notification, and**
- (d) **Has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the Development Control Plan.**

In accordance with Council's Notification Development Control Plan, adjoining and nearby property owners and occupiers were advised of the proposed modification and were invited to make submission. The notification generated two (2) submissions objecting to the proposal from the following:-

- Mr G D Ryan, 19/347 Victoria Place, Drummoyne; and
- Mr V Young, 25/347 Victoria Place, Drummoyne.

The issues raised in the objections are summarised below:-

- Loss of water view from 19/347 Victoria Place, Drummoyne and adjoining apartments.



View from 19/347 Victoria Place, Drummoyne over the roof of the building on the subject site

Comment: The submission includes the photograph shown on the previous page of the existing view which is enjoyed over the central portion of the building on the subject site. The approved addition will reduce this view given the increased building height due to the additional floor proposed.

The view will be further reduced by the provision of the lift shaft now proposed (as can be seen clouded in the following elevation).



Streetscape elevation with extended lift shaft shown in green

Given the already significant view loss due to the approval and the further breach of the height control now proposed, the additional view loss is not considered to constitute reasonable view sharing. The design has not attempted to reduce view loss and is not considered to be a skilful design in that regard. Alternative methods of providing disabled access within the approved envelope of the apartment have not been adequately considered. As such the proposal is considered to be unacceptable due to the view impacts upon 19/347 Victoria Place, Drummoyne and adjoining apartments.

- Loss of property value

Comment: The impact of a proposal upon the market value of adjoining properties is not a matter that can be considered in the assessment of the application.

- Loss of water view from 25/347 Victoria Place, Drummoyne.

Comment: Whilst the submission did not include any photographs of the view from this property, an external inspection together with the photograph provided for apartment 17 within that building makes it clear that the proposed lift will result in view loss from other apartments in that building. Such impacts are unacceptable for the reasons discussed previously.

- Lift extension is unnecessary as the existing lift already accesses the dwelling's front door.

Comment: This submission is concurred with as detailed in the report.

- If separate lift access is provided to the top floor it will allow its use as a separate apartment

Comment: This submission is concurred with as detailed in the report.

- As the proposal will result in the creation of a separate apartment the proposal would be non-compliant with the BCA in respect of fire safety as the apartment would not have access to a fire stair.

Comment: This submission is concurred with. The creation of a suite of rooms capable of habitation as a separate domicile, with a separate access to the street, cannot occur in accordance with the BCA unless access is provided to a fire stair and the two domiciles are appropriately fire separated. The proposal does not connect the upper floor of Apartment 6 to a fire stair and no information is provided in relation to fire separation.

- There are other alternatives to allow disabled access to the top floor of the apartment internally such as stairlifts.

Comment: This submission is concurred with. Given the extent of works proposed to create the upper floor of Apartment 6, there are ample opportunities to provide alternative disabled access if this is the intent of the applicant. The applicant has provided limited information in this regard which is not conclusive.

Such internal access points would eliminate the impacts upon the streetscape and remove the potential for the upper level to be used as a separate domicile. Whilst the alternatives may require changes to the layout of both levels of the apartment and additional expense, given the expense and extent of the proposed works, the alternative approach is not unreasonable in the context of the proposal and the impacts upon the streetscape and views of other properties.

5. ASSESSMENT UNDER SECTION 79C OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

5.1 State or Regional Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies.

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP No. 55)

According to clause 7 of SEPP No. 55 Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out.

The proposed modification is for the extension of a lift shaft and construction of building works above ground level and will not involve any excavation or soil movement. As such the proposal is acceptable and requires no further assessment under the provisions of SEPP No. 55.

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP No. 65)

The provisions of SEPP No. 65 are applicable to development for the purpose of a residential flat building, including substantial redevelopment or refurbishment of an existing building where the building is at least 3 storeys and contains at least 4 dwellings. As such the application, which involves modification of an application to which SEPP No. 65 would apply, requires assessment under SEPP No. 65.

Currently there is no Urban Design Review Panel constituted for Council under the provisions of SEPP No. 65.

Clause 30 provides standards which cannot be used as grounds to refuse the modification of a development consent if they are satisfied. The standards relate to car parking, the internal area of an apartment and ceiling heights and the modification proposed does not seek to alter the approved development in any way which alters the compliance of these features with the relevant standards.

Clause 30(2) of SEPP No. 65 requires that consent cannot be granted for the modification of development to which the SEPP applies unless adequate regard has been given to the design quality principles in Schedule 1 and the objectives of the Apartment Design Guide.

The majority of the design quality principles are not relevant to the assessment of the application given the limited changes proposed with the modification. In this regard the proposal does not alter the suitability of the development in relation to density, sustainability, landscape, amenity, safety or housing diversity and social interaction.

The design quality principles that require further assessment relate to context and neighbourhood character, built form and scale and aesthetics. The proposal is considered to be unacceptable when assessed against all three of these principles given the visual dominance of the extension of the lift shaft and connecting corridor in the streetscape as has been discussed previously.

Assessment against the Apartment Design Guide in relation to the application is also limited given the scale of works involved in the modification and the only applicable provisions relate to common circulation and spaces and roof design.

The proposal is consistent with the design criteria for common circulation of no more than 8 apartments of a single circulation core.

The proposal is inconsistent with the design guidance of roof design which requires service elements (such as the lift shaft) to be integrated in the roof design.

State Environmental Planning Policy - Building Sustainability Index (2004)

To encourage sustainable residential development, all new dwellings and substantial alterations to dwellings must comply with the provisions of State Environmental Planning Policy – Building Sustainability Index (BASIX).

The application for the proposed modified development alters the extent of glazing to the northern façade which would trigger the need for a new BASIX Certificate. The application is not accompanied by a new BASIX Certificate and as such is not consistent with the requirements of the SEPP.

However, as the application is not considered to be one that Council has the legal power to grant approval to, as it is not for substantially the same development as that granted consent, the additional information was not requested from the applicant.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The site falls within the map area shown edged heavy black and hence is affected by SREP (Sydney Harbour Catchment) 2005.

The proposed modifications are minor in the scheme of the overall existing flat building and the approved works and are not considered to have any adverse impact on the waterways and foreshore in relation to either water quality/sedimentation or visual impact and is in this regard considered acceptable in terms of the matters in Division 2 in the SEPP 2005.

5.2 Local Environmental Planning Instruments

The proposed development, defined as residential flat building is permissible with the consent of Council, within a medium density residential R3 zone under Canada Bay Local Environmental Plan 2013 (“the LEP”).

The modified proposal is consistent with the relevant objectives of the R3 zone, providing for the housing needs of the community and providing for a variety of housing types within a medium density residential environment.

Following is a summary table indicating the performance of the proposal against relevant statutory standards.

Statutory Standards (LEPs, PSO, IDOs)

<i>Control</i>	<i>Standard</i>	<i>Existing</i>	<i>Proposed</i>	<i>Compliance</i>
Building Height	8.5m	11.5m	10.25m	No

The height of the proposed lift shaft, at 10.25m, exceeds the maximum height control by 1.75m or 20.6%. The variation to the height control is not supported in this instance as the proposed lift shaft is visually dominant in the streetscape and in relation to the roof form and as such is inconsistent with Objective (a) of the height control which is *“to ensure that buildings are compatible with the desired future character in terms of building height and roof forms”*.

Further, the lift shaft will result in the loss of water views from apartments in 347 Victoria Place, Drummoyne, with the view impacts being wholly due to the breach of the height control. The loss of views is inconsistent with Objective (b) of the height control which is *“to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development”*.

The site is located within the vicinity of a number of items of heritage at Nos 348 and 352 Victoria Place (boatshed and house) and 339-343 Victoria Place (three houses). The works proposed in the modification are not considered to impact detrimentally upon the heritage significance of the items and as such the proposal is satisfactory when assessed against the requirements of clause 5.10 of the LEP.

The site is located within a Class 5 area under the Acid Sulfate Soils Map, however as the works do not involve disturbance of the soil, no further assessment in relation to the potential impact upon Acid Sulfate Soils is required.

The site is located within an area of terrestrial biodiversity, however the proposed works are located outside the area identified and involve only works on top of the roof of an existing building as such are assessed as being satisfactory in relation to the provisions of clause 6.3 of the LEP.

The site is the subject of a foreshore building line, however the proposed works are located behind the line and as such no assessment in relation to the provisions of clause 6.4 of the LEP is required.

As indicated in the compliance table, the proposed development does not comply with the building height standard of the Environmental Planning Instrument.

- 5.3 **Draft Environmental Planning Instruments (Section 79C (1)(a)(ii))**
There are no draft Environmental Planning Instruments that apply to the site.
- 5.4 **Development Control Plans, Council Policies or Codes (Section 79C(1)(a)(iii))**
The proposed development is affected by the provisions of the Canada Bay Development Control Plan (“the DCP”). Given the nature of the modifications proposed, the DCP does not contain any controls that are specifically relevant to the assessment of the application.
- 5.5 **Likely Impacts of the Development (Section 79C(b))**
The likely impacts of the proposed development upon the surrounding area is limited to the streetscape and view loss impacts, which have been discussed previously in this report and are considered to be unacceptable.
- 5.6 **Suitability of the Site for the Development Proposed (Section 79(c))**
Having regard to the above assessment of the application and the unacceptable impact upon the streetscape, it is not considered that the land is suitable for the intended development.
- 5.7 **The Public Interest (Section 79C(e))**
The proposed development is not considered to be in the public interest due to the unacceptable impacts upon the streetscape.

6. CONCLUSION

The proposed modified development is permissible within a medium density residential R3 zone under the provisions of the Canada Bay Local Environmental Plan 2013 however a variation is sought to the height control for the proposed lift shaft and access corridor. The variation is numerically significant and cannot be supported due to the unacceptable impact upon the streetscape resultant from the visual dominance of the elongated lift shaft and access corridor and view impacts upon apartments within 347 Victoria Place, Drummoyne.

The application was made under S96(1A) of the EP&A Act, however Council has no legal power to approve the application as the modifications result in more than minimal environmental impact due to the unacceptable streetscape outcome.

Further, Council has no legal power to approve the modification under S96(1A) of the EP&A Act as the modification effectively changes the use of the approved development from additions to Apartment 6 to the creation of a seventh apartment due to the provision of a separate entrance directly connected to the street. Given the change of use, the modified development would not be substantially the same as the development granted consent.

It is noted that as outlined in this report it is my opinion that Council cannot legally approve the application in its current form and that if it did so, the approval would be open to legal challenge by third parties (such as the objectors).

It is noted the applicant gave reasons for the modification, including the need to make the new level of Apartment 6 accessible given the age of the residents and their family members. This reason does not justify the application for the reasons previously provided. Should such access be sought it should be provided in a manner that does not impact the streetscape or change the nature of the approved use (such as by a chair lift on the internal stairs or other means). Whilst this may result in the need for internal changes to the approved layout, given the extent of works proposed, the additional expense is not unreasonable. Such alternative design would internalise the impacts of the works, rather than externalising them and would not result in additional unacceptable view loss and streetscape impact.

For these reasons the modification application is recommended for refusal.

Attachments:

1. G Ryan, 19/347 Victoria Place, Drummoyne
2. V Young, 25/347 Victoria Place, Drummoyne

[REDACTED]

From: Glenn Ryan <[REDACTED]>
Sent: Friday, 8 December 2017 12:20 PM
To: council
Subject: RE: Concerns/ Objection to works for unit6/356 Victoria Place DRUMMOYNE, NSW 2047 - DA 2016/0254 & MOD2017/0155

Date: 8th December 2017
From: Glenn Ryan
Address: Unit 19/347 Victoria Place DRUMMOYNE, NSW 2047

TO: Canada Bay Council
RE: Concerns/ Objection to works for unit6/356 Victoria Place DRUMMOYNE, NSW 2047
DA 2016/0254 & **MOD2017/0155**

To Whom It May Concern,

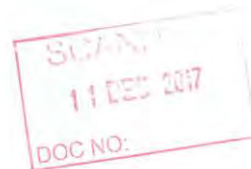
I have recently received from council a letter advising of works related **MOD2017/0155** and to comment back of any concerns or objections by COB today 8/12/17.

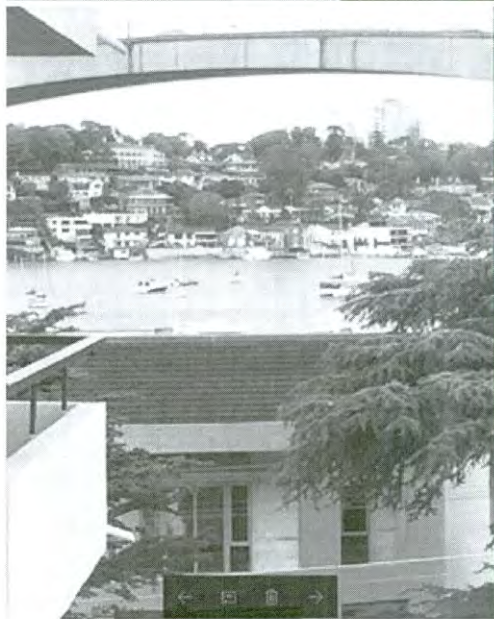
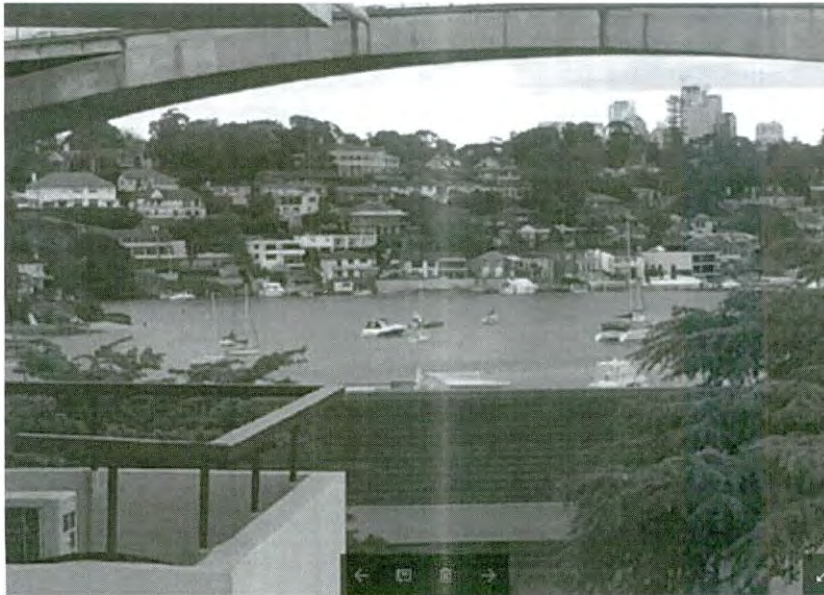
I wish to lodge my concern and objection of these works being carried out.

If I have read the report and interpreted it correctly this means the roof line of this building will increase by 1.26 meters.

My Concern and objection as per the photos below means this will:

- impact my current water views which means I will have no water views remaining
- this will impact and decrease the market value of my apartment
- the same impact to water views & market value for the 6 front facing apartments of my block (4units above,2 same level).
- impact the enjoyment and lifestyle I currently hold today of living by the water and its views





As this is the first time I have made a submission to council and do not understand the process kindly advise me of any thing else needed on my part to voice my concerns.

I would appreciate confirmation reply of this email – thank you.

Regards,

Glenn Ryan



This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender.

Views expressed in this message are those of the individual sender, and are not necessarily the views of [redacted] or any of its entities.





[REDACTED]

From: Victor [REDACTED]
Sent: Thursday, 7 December 2017 3:38 PM
To: council
Subject: MOD2017/0155 Objection to Section 96 Application.
Attachments: MOD20170155 Objection V Young.pdf

To Canada Bay Council
Att Narelle Butler - Manager, Statutory Planning Services
Re MOD2017/0155

Please find attached a letter of objection to the Section 96 lodged for 6/356-362 Victoria Place Drummoyne.
I was sent a letter by Council inviting me to comment.
Thank you for providing me with the opportunity to comment.
Refer PDF attachment.

Regards Victor Young
25/347 Victoria Place Drummoyne NSW Australia 2047



TO
City of Canada Bay
1a Marlborough Street
Drummoyne NSW 2047
email council@canadabay.nsw.gov.au

FROM
Mr V. Young
25/347 Victoria Place
Drummoyne NSW 2047
07th December 2017

Ref: **MOD2017/0155**
S96 Application no. MOD2017/0155 Related DA: DA2016/0254
Property 6/356-362 Victoria Place Drummoyne NSW 2047
Re **OBJECTION TO SECTION 96 APPLICATION**
Att: Narelle Butler - Manager Satutory Planning services

Dear Sir or Madam,

1
I live in a unit at 347 Victoria Place, directly facing the subject development site, 356-362 Victoria Place Drummoyne. I will have substantial views blocked by the proposed development.
The approved development is already 1.5 stories above the allowable height in the L.E.P.
I am shocked to learn that Council gave DA approval.

2
The Section 96 makes the situation worse and blocks out more views from 347 Victoria Place Drummoyne.

3
The lift shaft extension is completely unnecessary to the development, because the existing lift inside the building already serves the front door of the unit being extended.

4
Why must the neighbourhood suffer, for an extension that is completely unnecessary?

5
If the lift is extended to serve the top floor, then it gives the top floor unit its own front door, allowing it to operate as an independent dwelling.

6
Note the proposed top floor will then, effectively, have its own front door, bathroom, kitchen and bedrooms. This meets the requirements and definition of a "sole occupancy unit" or dwelling in the Building Code of Australia.

7
The Section 96 proposal is therefore **non-compliant with the Building Code of Australia** in respect of fire safety, because the BCA requires every dwelling to have access to a fire stair from that storey. See attached excerpt from the BCA.

8
Persons residing on the top floor, will enter their unit via the lift. They need not use the front door of the unit below. Therefore in event of a fire or other emergency, these persons have no idea of how to find the "real" front door. This is against the fundamental principles of fire egress in the BCA. It creates a deathtrap.

9
The situation is particularly bad if fire breaks out at night, persons are sleeping and they dont know where to go. In event of a fire you are not allowed to use the lift, lest the lift breaks down and traps you.
Therefore if a fire breaks out in the unit below there is no way of escape.

10.
I remind Canada Bay Council of the recent Grenfell Tower Fire in North Kensington, Greater London. 71 people died because Council refused to listen to safety complaints from residents and neighbours. By approving lift access to the top floor of the development, Canada Bay Council is placing itself in exactly the same position. I am a Canada Bay ratepayer and totally object to my own Council placing persons' lives at risk.

11
Council is naive in the extreme if it believes the developer's story that Grandma needs the lift. What happens in a few years time when "Granma" passes away and the unit gets sold. The development will certainly be used as two units, housing unrelated occupants. **Council will be liable for creation of a fire trap.**

12
If "Grandma" needs access to the top floor there are plenty of other devices on the market which allow a wheelchair to travel up the already DA approved, internal stair. For example, the "Acorn 130 Stairlift" see attached. <http://www.acornstairlifts.com.au> It only costs \$5000.00 which is far simpler than extending the existing lift.

Thank you for giving me the opportunity to comment. I declare I have never made any political donations or gifts.
Refer 2 attachments - BCA excerpt and stair-lift info.
Regards Mr V. Young



ACCESS AND EGRESS

PART D1 PROVISION FOR ESCAPE

Deemed-to-Satisfy Provisions

D1.0 Deemed-to-Satisfy Provisions

- (a) Where a *Deemed-to-Satisfy Solution* is proposed, *Performance Requirements* DP1 to DP6, DP8 and DP9 are satisfied by complying with—
- (i) D1.1 to D1.17, D2.1 to D2.25 and D3.1 to D3.12; and
 - (ii) in a building containing an *atrium*, Part G3; and
 - (iii) in a building in an *alpine area*, Part G4; and
 - (iv) for additional requirements for Class 9b buildings, Part H1; and
 - (v) for public transport buildings, Part H2; and
 - (vi) for *farm sheds*, Part H3.
- (b) Where a *Performance Solution* is proposed, the relevant *Performance Requirements* must be determined in accordance with A0.7.
- (c) *Performance Requirement* DP7 must be complied with if lifts are to be used to assist occupants to evacuate a building.

There are no *Deemed-to-Satisfy Provisions* for this *Performance Requirement* in respect of using lifts.

D1.1 Application of Part

The *Deemed-to-Satisfy Provisions* of this Part do not apply to the internal parts of a *sole-occupancy unit* in a Class 2 or 3 building or a Class 4 part of a building.

D1.2 Number of exits required

7/12/2017 Canada Bay Council
to note: Clause D1.2 (a)

- (a) **All buildings** — Every building must have at least one exit from each storey.
- (b) **Class 2 to 8 buildings** — In addition to any *horizontal exit*, not less than 2 *exits* must be provided from the following:
- (i) Each *storey* if the building has an *effective height* of more than 25 m.
 - (ii) A Class 2 or 3 building subject to C1.5.
- (c) **Basements** — In addition to any *horizontal exit*, not less than 2 *exits* must be provided from any *storey* if egress from that *storey* involves a vertical rise within the building of more than 1.5 m, unless—
- (i) the *floor area* of the *storey* is not more than 50 m²; and
 - (ii) the distance of travel from any point on the floor to a single *exit* is not more than 20 m.
- (d) **Class 9 buildings** — In addition to any *horizontal exit*, not less than 2 *exits* must be provided from the following:



Freephone
 1800-300-812
 Call our Australian call centre



Get **FREE** local expert advice

Do you have a question on prices or installation? We can help.

FREE QUOTE (/why-a-stairlift)

Are you interested in a stairlift?
 We'll call you for free quote

Straight Stairs



[Find out more \(/stairlifts/straight-stair-lifts\)](/stairlifts/straight-stair-lifts)

Curved Stairs



[Find out more \(/stairlifts/curved-stair-lifts\)](/stairlifts/curved-stair-lifts)

Outdoor Stairs



[Find out more \(/stairlifts/outdoor-stair-lifts\)](/stairlifts/outdoor-stair-lifts)

Awards



Acorn Stairlifts are the world's only stairlift manufacturer to earn the Arthritis Foundation's Ease-of-Use Commendation

What our customers say

All installed we are so happy with everything, cannot complain about the service, we are just so happy, you guys have made our Christmas.

M. Chadwick - Broadbeach, QLD

We would like to thank all representatives involved in the recent installation of our stairlift. We found them to be most courteous and efficient and we are extremely happy with the end result of the installation.

J & J Solomon - Newport, NSW

Your Technicians were fabulous today. They got straight into installing the chair stair lift and made sure we knew how to operate it. My Husband is delighted tonight he will be able to sleep in his own bed and have a shower in the morning.

Installing the chair stair lift also means we can stay in our Home for many more years to come. Many thanks to everyone at Acorn Stairlifts for their kindness and consideration. It is greatly appreciated.

G Whiting - Patterson Lakes, Victoria

[Further Testimonials \(/why-acorn/testimonials\)](/why-acorn/testimonials)



Blog (/blog)

Upcoming Exhibitions (/blog/post/245/News/Upcoming-Exhibitions)

2017 is well underway, and to close out the first quarter of the year March will see Acorn Stairlifts attending two fantastic events. We are proud to formally announce our participation in...

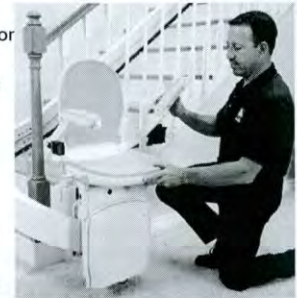
Read More...

[\(/blog/post/245/News/Upcoming-Exhibitions\)](/blog/post/245/News/Upcoming-Exhibitions)

Top 5 Holiday Tips to keep your Stairlift Safe and Sound (/blog/post/226/Tips-and-Advice/Top-5-Holiday-Tips-to-keep-your-Stairlift-Safe-and-Sound)

The silly season is upon us and through the madness of vacations, Christmas lunches and New Years Eve it's important to ensure that your trusty stairlift is properly looked after. Below is our top 5 tips to make sure your stairlift survives and is ready to use when you need it.

Support and Service



[Find out more \(/about-acorn/acorn-aftercare\)](/about-acorn/acorn-aftercare)

**ITEM-2 PLANNING PROPOSAL (PP2017/0006) -
HOUSEKEEPING AMENDMENTS**

Department Planning and Environment

Author Initials: AW

EXECUTIVE SUMMARY

A Planning Proposal for minor amendments to the Canada Bay Local Environmental Plan (LEP) 2013 was exhibited in October/November 2017.

During the exhibition period, 4 submissions were received. The primary issues raised in submissions related to Amendment (h) to change the zoning and permissible use at 355-359 Lyons Road Five Dock, and Amendments (i) – (l) relating to the delisting of heritage items.

This report discusses the key issues raised in the submissions and recommends that the Planning Proposal be endorsed and forwarded to Parliamentary Counsel for finalisation.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

My city is well managed and my needs are met through high quality services and well maintained facilities and infrastructure.

REPORT

Background

On 4 July 2017 Council resolved:

1. *THAT a Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination for the following amendments to the Canada Bay Local Environmental Plan 2013:*
 - a) *provide a Floor Space Ratio of 1.0:1 to 296, 290 – 294 and 282 Lyons Road Russell Lea to reflect the intended Floor Space Ratio for these sites.*
 - b) *provide height of building label ~~1~~” to 64 – 92 Majors Bay Road, Concord to reflect the current height of these sites.*
 - c) *amend Schedule 1, 10 use of certain land at 380 Victoria Place to include Lot 1 DP 430123.*

- d) *replace ~~“Terrestrial Biodiversity”~~ in Clause 6.3 2(b) to ~~“Environmentally Sensitive Land.”~~ and make subsequent changes to the associated maps.*
 - e) *apply height of building label ~~“H”~~ be applied to certain land located on the corner of Bevin Avenue and Harris Road, Five Dock to illustrate the correct height of building permitted on the land.*
 - f) *rezone 545 – 551 Great North Road from R3 Medium Density residential to B1 Neighbourhood Centre to reflect the current and preferred use of the site.*
 - g) *remove ~~“residential flat buildings”~~ from the B4 Mixed Use zone;*
 - h) *residential flat buildings be added as an additional permitted use to Schedule 1, of the Canada Bay Local Environmental Plan for land at 355 – 359 Lyons Road, Five Dock (Lot 1 DP 319424 and Lot 40 & 41 DP 9978) and rezone the lots from B4 Mixed use zone to B1 Neighbourhood Centre.*
 - i) *amend the Canada Bay LEP to omit (Lot 27 DP 4855) 6 Rodd Road, Five Dock (item I408) from Schedule 5 Environmental Heritage.*
 - j) *amend the Canada Bay LEP to omit (Lot 101 DP 1002884), Concord West Railway Station and Railway Station Park (item I394 and I395) from Schedule 5 Environmental Heritage.*
 - k) *amend the Canada Bay LEP to omit (Lot 14 Sec 3 DP 6949) St Ambrose School (item I392) from Schedule 5 Environmental Heritage.*
 - l) *amend the Canada Bay LEP to omit (Lot 95 DP 6743) 32 Wymston Parade, Wareemba from schedule 5 Environmental Heritage.*
2. *THAT following receipt of the Gateway Determination, the planning proposal be publicly exhibited.*
 3. *THAT following the public exhibition period a report be provided to Council on the outcome and any further action to be taken.*
 4. *THAT Council request delegation from the Department of Planning and Environment to manage the process.*

Gateway Determination

On 22 September 2017 the 2017 the Department of Planning and Environment issued delegation of the making of the plan to Council and a Gateway Determination with conditions (see Attachment 2).

Prior to public exhibition the Gateway Determination required the following to be prepared/undertaken:

- The planning proposal is to be updated to:
 - Address and justify the minor inconsistency with Section 117 Direction 3.1 Residential Zones as the proposal seeks to rezone

- land at 545-551 Great North Road from R3 Medium Density Residential to B1 Neighbourhood Centre (see Attachment 1)
- Update the project timeline to clearly state the anticipated dates and timeframes of the planning proposal (see Attachment 1)
- Consultation is required with the Office of Environment and Heritage (see Attachment 4)

Public Exhibition

The Planning Proposal and relevant documentation was exhibited in accordance with the requirements of the Gateway Determination from 31 October 2017 to 28 November 2017 and involved the following:

- An advertisement placed in the Inner West Courier on 31 October 2017.
- Letters sent to land owners of the following sites:
 - 282-296 Lyons Road, Russell Lea
 - 380 Victoria Place, Drummoyne
 - 545-551 Great North Road, Five Dock
 - 355-359 Lyons Road, Five Dock
- Letter sent to:
 - Office of Environment and Heritage
- All relevant documentation was provided on Council's website and a hard copy was placed in Council's Civic Centre, Five Dock Library and Concord Library.

Council has received a total of 4 submissions in relation to this Planning Proposal. The submissions have been discussed separately below.

Planning Proposal

The Planning Proposal seeks to address twelve (12) miscellaneous drafting anomalies related to Clause 3.3 and Clause 6.3, additional permitted uses, incorrect heritage listings, and mapping errors related to height of buildings, floor space ratio and zoning.

The proposed amendments to the Canada Bay Local Environmental Plan 2013 are described below:

- a) Floor Space Ratio – 282, 290 – 294 and 296 Lyons Road, Russell Lea
The site comprises 5 properties, 296, 290 – 294 and 282 Lyons Road, Russell Lea and is located on the corner of Lyons Road and Russell Street (Figure 1). The sites are part of a small cluster of shops that are surrounded predominantly by residential uses.

The properties are legally identified as:

- 282 Lyons Road, Russell Lea (SP 15263)
- 290 – 294 Lyons Road, Russell Lea (Lot 7 DP 10516) & (Lot 8 DP 10516)
- 296 Lyons Road, Russell Lea (Lot 6 DP 10516)



Figure 1: Subject site 296, 290 – 294 & 282 Lyons Road, Russell Lea

The site comprises 3 commercial tenancies used for the retail sale of paint, a food and drink premises and a veterinary clinic.

The Canada Bay LEP 2008 allocated a Floor Space Ratio (FSR) of 1.0:1 to these properties, however, maps associated with the Canada Bay LEP 2013 did not include an FSR for the land (Figure 2). The absence of an FSR on this site is a mapping error and is inconsistent with the prevailing FSR applied to the B1 Neighbourhood centres zones on Lyons Road.



Figure 2: Floor Space Ratio Map - 296, 290 – 294 & 282 Lyons Road, Russell Lea

It is recommended that an FSR of 1.0:1 be applied to these properties to reflect the intended Floor Space Ratio standards for these sites. The Floor Space Ratio Map is provided as Attachment 6.

b) Height of Building – 64- 92 Majors Bay Road, Concord

The land comprises one to two storey shop top housing developments along 64 – 92 Majors Bay Road (Figure 3). The Canada Bay LEP 2013 allocated an 11m building height to these properties. The colour on the Height of building is correct, however an incorrect label was shown on the LEP map (“I” instead of “L”) (Figure 4).

The properties are legally identified as:

- 64 Majors Bay Road, Concord (Lot 26 Section B DP 6538)
- 68 Majors Bay Road, Concord (Lot 25 Section B DP 6538)
- 70 Majors Bay Road, Concord (Lot 117 DP 630843)
- 78 Majors Bay Road, Concord (Lot 114 DP 628450)
- 80 Majors Bay Road, Concord (Lot 113 DP 628450)
- 82 Majors Bay Road, Concord (Lot 111 DP 628452)
- 84 Majors Bay Road, Concord (Lot 109 DP 628451)
- 86 Majors Bay Road, Concord (Lot 107 DP 630406)
- 88 Majors Bay Road, Concord (Lot 105 DP 628449)
- 90 Majors Bay Road, Concord (Lot 103 DP 628564)
- 92 Majors Bay Road, Concord (Lot 100 DP 1170357)



Figure 3: Subject site 64 – 92 Majors Bay Road, Concord



Figure 4: Height of Building Map - 64 – 92 Majors Bay Road, Concord

It is recommended that the correct height of building label “L” be applied to illustrate the correct height of building permitted on the land. The Height of Building map is provided as Attachment 7.

c) Additional permitted use – 380 Victoria Place, Drummoyne

The following provision currently applies to land located at 380 Victoria Place, Drummoyne under Schedule 1 – Additional Permitted Uses of the Canada Bay LEP 2013:

Clause 10 - Use of certain land at 380 Victoria Place, Drummoyne

- (1) *This clause applies to land at 380 Victoria Place, Drummoyne, being Lot B, DP 401843 and Lot 1, DP 549352.*

- (2) *Development for the purpose of marinas is permitted with development consent.*

The land at 380 Victoria Place, Drummoyne is legally identified as:

- Lot B DP 401843
- Lot 1 DP 549352
- Lot 1 DP 430123.

Lot 1 DP 430123, identified in Figure 5 is currently omitted from Clause 10 above.

All land at 380 Victoria Place, Drummoyne is currently zoned R3 Medium Density Residential which prohibits Marinas, although Marinas are made permissible under Schedule 1 Additional Permitted Uses and the land is currently used for the purpose of a Marina.

As part of the preparation of the Canada Bay LEP 2013, *Clause 10 - Use of certain land at 380 Victoria Place, Drummoyne* only included 2 of the abovementioned 3 lots. One lot known as Lot 1 DP 430123 was not included within Clause 10, despite the fact that this land is used for a Marina. The omission of this lot from Schedule 1 is considered to be an anomaly.

It is recommended that Lot 1 DP 430123 be added to Schedule 1 (Additional permitted use) of the LEP to ensure the use of the site is permissible in the LEP.



Figure 5: Subject site – 380 Victoria Place, Drummoyne

Outcome of public exhibition

- Gladesville Bridge Marina
380 Victoria Place DRUMMOYNE NSW 2047

Submission in relation to amendments at 380 Victoria Place.

No objection raised to proposed amendments.

d) Terrestrial Biodiversity

State Environmental Planning Policy (Exempt and Complying Development) identifies specific land-based exclusions under Clause 1.19 – Land on which complying development may not be carried out, that restrict complying development being carried out on that land.

In particular, clause 1.19 states that development must not be carried out on land under the General Housing Code, Rural Housing Code, Commercial & Industrial (New Buildings and Additions) Code if the land is identified by an Environmental Planning Instrument (Canada Bay LEP 2013) as being „Environmentally Sensitive Land“.

Within the Canada Bay LEP 2013, properties considered to be Environmentally Sensitive Land are currently labelled on a map titled „Terrestrial Biodiversity Map“, being land containing (or within the vicinity of land containing) threatened species or endangered ecological communities. There is a reference to “Terrestrial Biodiversity” and the “Terrestrial Biodiversity Map” in Clause 3.3 of the Canada Bay LEP and there is a requirement to address Clause 6.3 “Terrestrial Biodiversity” within the Canada Bay LEP.

As both the wording for the map and the clause within the LEP refers to Terrestrial Biodiversity rather than Environmentally Sensitive Land, confusion is created with respect to whether the SEPP (Exempt and Complying) 2008 is a land based exclusion.

In this regard, there is a discrepancy between the wording used in the LEP and the wording used in the SEPP.

It is recommended that Clause 3.3, Clause 6.3 and the map be amended to replace the term “Terrestrial Biodiversity” with the term “Environmentally Sensitive Land” to maintain consistency with the SEPP. The Biodiversity Maps are provided as Attachments 8-14.

e) Height of Building – Certain land located at Bevin Avenue and Harris Road, Five Dock

The Canada Bay LEP 2013 has allocated an 8.5m building height to the properties located on the corner of Bevin Avenue and Harris Road, Five Dock

(Figure 6). The colour on the Height of Building Map is correct, however no label is shown (Figure 7).

The properties are legally identified as:

- 7 Bevin Avenue, Five Dock (Lot 14 & 15 DP 4846)
- 5 Bevin Avenue, Five Dock (Lot 13 DP 4846)
- 3 Bevin Avenue, Five Dock (Lot 11 & 12 DP 4846)
- 1 Bevin Avenue, Five Dock (Lot 9 & 10 DP 4846)
- 43 Harris Road, Five Dock (Lot 7 & 8 DP 456939)
- 41 Harris Road, Five Dock (Lot 1 DP 214060)
- 39 Harris Road, Five Dock (Lot 2 DP 214060)
- 37 Harris Road, Five Dock (Lot 3 & 4 DP 136163)
- 35 Harris Road, Five Dock (Lot 1 & 2 DP 455676)



Figure 6: Subject site – Bevin Avenue, Five Dock



Figure 7: Height of building Map – Bevin Avenue, Five Dock

It is recommended that a height of building label “T” be applied to illustrate the correct height of building permitted on the land. The Height of Building Map is provided as Attachment 15.

f) Zoning – 545 – 551 Great North Road, Five Dock

The site comprises 4 properties, 551, 549, 547 and 545 Great North Road, Five Dock (Figure 8) and is located on the corner of Altona Street and Great North Road. The sites form a small cluster of shops, surrounded by residential uses.

The properties are legally identified as:

- 545 Great North Road, Five Dock (Lot A DP 329317)
- 547 Great North Road, Five Dock (Lot 3 DP 217926)
- 549 Great North Road, Five Dock (Lot 2 DP 217926)
- 551 Great North Road, Five Dock (Lot 1 DP 217926)



Figure 8: Subject site – 545 – 551 Great North Road, Five Dock

The sites are zoned as R3 Medium Density Residential under the Canada Bay LEP 2013 (Figure 9). However, the sites comprise 1 and 2 storey “shop top” housing and to the north, along Great North Road are properties zoned B1 Neighbourhood Centre with commercial tenancies.



Figure 9: Zoning Map – 545 – 551 Great North Road, Five Dock

The zoning of 545 – 551 Great North Road, Five Dock as R3 Medium Density Residential is considered to be an anomaly given the existing neighbourhood shops on the site.

It is recommended that the land be rezoned to B1 Neighbourhood Centre to reflect the current and preferred use of the site. The Zoning Map is provided as Attachment 16.

g) Residential flat buildings in B4 Mixed Use zone

The Canada Bay LEP 2013 introduced residential flat buildings into the B4 Mixed Use zone.

A review was recently undertaken of approved buildings in the Five Dock and Drummoyne B4 Mixed Use zones and it was found that some developments had minimised commercial uses (retail/office and other non-residential floor space) to an extent that the commercial component comprised less than 20% of gross floor area on the ground floor.

Examples identified include:

Address	% of ground floor used for commercial	% of GFA (Gross Floor Area) used for commercial
189 – 193 Great North Road, Five Dock	10.51%	3.83%
227 Great North Road, Five Dock	9.54%	4.94%
77 – 79 Victoria Road, Drummoyne	22.71%	7.59%

The only requirement for commercial uses to be included within the B4 Mixed Use zone is the Active Frontage Clause of the LEP that requires non-residential uses directly adjacent to the main street frontage. Often spaces that are designed to meet the Active Street Frontage requirement are too small to enable a flexible variety of retail, office or other non-residential uses to be accommodated over the life a building. Where buildings are not designed to accommodate ground floor commercial uses or are strata subdivided, it is often difficult to convert residential floor space back to commercial floor space in the future.

The B4 Mixed Use zones in Canada Bay provide important local services for the growing Canada Bay community. It is important to ensure that as the community grows, there continues to be sufficient commercial floor space to provide for the needs of the growing resident population. As a minimum, the ground floor of all new development in B4 Mixed use zones should be protected for the purpose of commercial uses.

It is apparent that the inclusion of residential flat buildings in the B4 Mixed Use zone has seen commercial and retail uses being minimised and residential

floor space being maximised. It is recommended that the term “residential flat buildings” be removed from the B4 Mixed Use zone and listed as a prohibited use. Shop top housing will continue to be permitted. This use will enable the residential component of a building to be located above ground floor commercial uses.

In addition to the abovementioned change to the LEP minor amendments will also be required to be made to the City of Canada Bay DCP to remove controls relating to residential uses on the ground floor. A new report will be prepared in due course for Council to consider these matters separately.

- h) Zoning and Additional permitted use – 355 – 359 Lyons Road, Five Dock
Due to the proposed B4 Mixed Use zone change in relation to residential flat buildings identified above, it is important to ensure that recent land uses changes made in relation to the property at 355-359 Lyons Road are not unduly affected.

The site comprises 3 properties, 355, 357 and 359 Lyons Road, Five Dock (Figure 10) and is located on the corner of Lyons Road and Ingham Avenue. The sites form a small cluster of shops, surrounded by residential uses.

The properties are legally identified as:

- 355 Lyons Road, Five Dock (Lot 1 DP 319424)
- 357 Lyons Road, Five Dock (Lot 41 DP 9978)
- 359 Lyons Road, Five Dock (Lot 40 DP 9978)



Figure 10: Subject Site – 355 – 359 Lyons Road, Five Dock

355 and 357 Lyons Road are currently each occupied by a single dwelling and 359 Lyons Road comprises 1 and 2 storey “shop top” housing. The ground floor of 359 Lyons Road has been used for many years for the retail sale of paint and associated equipment in the corner tenancy, with the second tenancy occupied by an upholstery business.

On the 10th of February 2015 a Planning proposal was lodged to rezone 355, 357 and 359 Lyons Road from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use. The applicant provided a development concept for the site that illustrates a development with both commercial and residential uses on the ground floor. The rezoning of the subject sites to B4 Mixed Use permitted residential flat buildings on the ground and the intended development outcome was for residential uses to be located partly on the ground floor. The proposal was adopted and gazetted on the 5th of August 2016.

This Planning Proposal was prepared on the assumption that residential uses would be permitted on the ground floor due to the narrow nature of the site frontage to Lyons Road and to enable residential uses to addresses Ingham Avenue to the rear of the site. To ensure that residential uses remain permissible on the ground floor following the removal of residential flat buildings from the B4 Mixed Use zone, it is recommended that this site be rezoned to B1 Neighbourhood Centre (Figure 11) with an additional permitted use to permit residential flat buildings. The zoning map for this site is provided as Attachment 17.

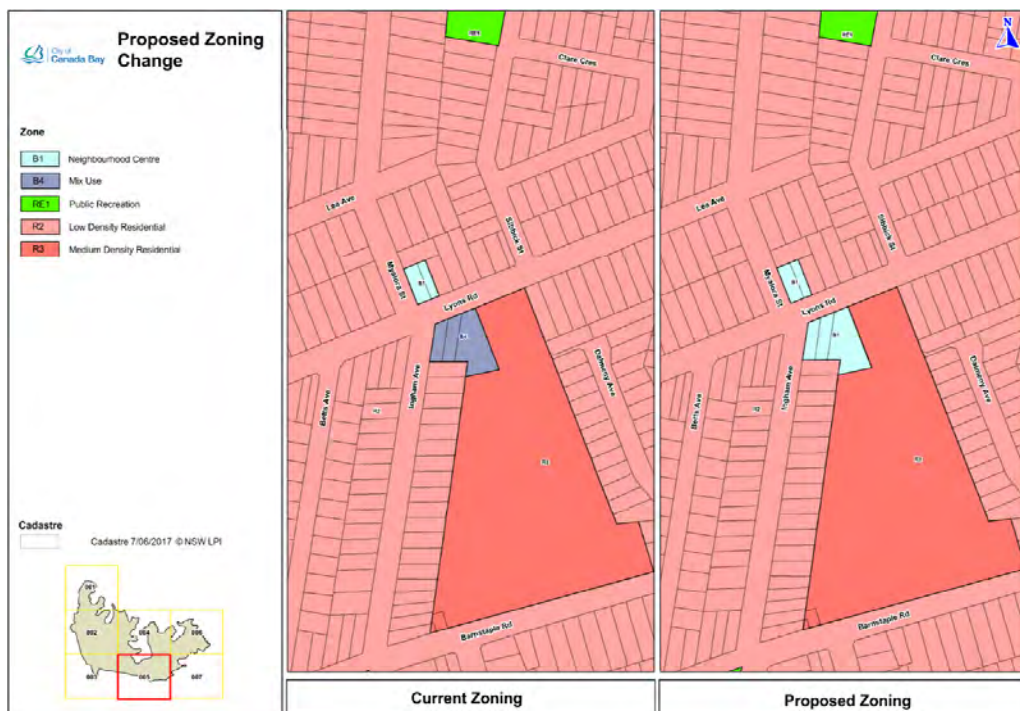


Figure 11: Zoning – 355 – 359 Lyons Road, Five Dock

Outcome of public exhibition

- Jascom International Pty Ltd (c/- Plan Urban Services Pty Ltd)
357-359 Lyons Road FIVE DOCK NSW 2046

Submission in relation to Amendment h at 355-359 Lyons Road Five Dock.

No objection raised to proposed amendments.

- Donna LoSurdo
355 Lyons Road FIVE DOCK NSW 2046

Submission in relation to Amendment h at 355-359 Lyons Road Five Dock.

- Planning Proposal (PP2015/0008) changed zoning from R2 to B4 to facilitate redevelopment.
- The above Planning Proposal was assessed and approved concurrently with PP2015/0001 which facilitated the rezoning of 357-359 Lyons Road from B1 to B4.
- B4 zoning is more attractive to potential purchasers than B1.
- Wish to remain as B4.

Council Response

The two Planning Proposals provided a development concept for the sites that illustrated a development with both commercial and residential uses on the ground floor.

The rezoning through PP2015/0001 and PP2015/0008 of the sites at 355-359 Lyons Road from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use resulted in a zone that would permit residential flat buildings on the ground floor.

The Planning Proposal seeks to remove residential flat buildings as a permissible use within all B4 zones in the City of Canada Bay. Therefore the original intended outcome for this site to have part residential on the ground floor will no longer be permissible (it must all be commercial).

To overcome this Council has proposed to add an additional permitted use for this specific site only to allow residential flat buildings on the ground floor of the B1 zone. This will mean that a development with a residential use on the ground floor will still be permitted.

It is not recommended to keep the existing B4 zone and add an additional permitted use for residential on the ground floor as it creates a new precedent which contradicts the intent of the proposed amendment to the LEP.

Council staff met with the objector and discussed this matter prior to the exhibition this Planning Proposal.

In summary of the above:

- Remove residential flat buildings as a permissible use from the B4 zone as proposed by this Planning Proposal.
- Change the zoning of 355-359 Lyons Road from B4 to B1 and create an additional permitted use for this specific site as proposed by this Planning Proposal.
- Write to the objector and explain the above and also that the development concept envisaged by PP2015/001 and PP2015/0008 would no longer be permissible if this change does not occur.

i) Heritage – 6 Rodd Road, Five Dock

The land at 6 Rodd Road, Five Dock, legally identified as Lot 27 DP 4855 (Figure 12) is a heritage item (known as item I408) listed in Schedule 5 of the Canada Bay LEP.



Figure 12: Subject site –6 Rodd Road, Five Dock

The statement of significance describes the property as

—rare and interesting Edwardian house in timber using an unusual roof form extending over the front verandah. Single gable anticipates later bungalows. Timber houses remained popular at Five Dock into the 1920s and this house is a rare surviving intact example.”

However, the house that was the subject of the above description has been demolished and a new building erected.



Figure 13: Heritage Map – 6 Rodd Road, Five Dock

Outcome of public exhibition

- Heritage Council (Office of Environment and Heritage)
Locked Bag 5020 PARRAMATTA NSW 2124

The Planning Proposal was referred to the Heritage Council for comment as required by Condition 3 of the Gateway Determination.

The Heritage Council has expressed concern that changes that have already occurred to these properties (prompting the proposed delistings) without consent from City of Canada Bay Council despite the protection afforded by the heritage listing on these properties in the Canada Bay LEP.

The Heritage Council is seeking information on:

- What investigations Council has undertaken (including compliance investigations) to determine how development has occurred without the knowledge of the Council (particularly in relation to 6 Rodd Road).
- Processes Council has put in place to prevent a similar occurrence and to ensure ongoing protection of locally listed items.

Council Response

Council engaged a heritage consultant to prepare an independent report on the proposed heritage delistings. Research undertaken by the consultant and further investigation by Council has revealed the following:

- The Drummoyne Heritage Study was undertaken by Perumal Murphy Pty Ltd in 1988. In 1996 the Drummoyne Heritage Study Review was undertaken by Paul Davies and Associates.
- At the Council meeting of 16 February 1999 Council resolved to adopt Draft Amended LEP No 44 – Heritage. This Draft included 6 Rodd Road as a Heritage Item but noted that further assessment was needed.
- It does not appear that the Drummoyne Heritage Study Review undertaken in 1996 had thoroughly reviewed all of the Items identified in the original 1988 Drummoyne Heritage Study by the time the Draft LEP was adopted.
- On 4 May 1988 Building Application 168/88 was approved. This application gave consent for the demolition of the existing dwelling and construction of a new dwelling.
- Unfortunately the approval for the new dwelling at 6 Rodd Road occurred prior to the original dwelling being identified as a heritage item in the LEP in 1999/2000. It appears that no check was done prior to the new LEP heritage listing and no applications have since been lodged to highlight the error for correction.

It is recommended that the heritage listing be removed from 6 Rodd Road, Five Dock Lot 27 DP 4855 including the map and Schedule 5 of the Canada Bay LEP (Figure 13). The heritage map for this site is provided as Attachment 18.

j) Heritage - Concord West Railway Station and Railway Station Park

The Concord West Railway Station and Concord West Station Park, legally identified as Lot 101 DP 1002884 (Figure 14) are heritage items listed in Schedule 5 of the Canada Bay LEP (known as item I394 and I395).

The statement of significance describes the Concord West Railway Station as *—original platform and more recent station buildings. Small skillion roofed weatherboard buildings probably dates from 1920s or 30s—*

The statement of significance describes the Concord West Railway Station Park as:

—small narrow rectangular shaped park laid out on flattish land beside railway. Park presents a fine row of mature brush box. Long asphalt (or bitumen) dividing path through centre with rough sandstone flag edging lined on both sides with border planting of low shrubs and agapanthus. Timber and concrete frame seats, some set in lawn. Also clipped phontinia, broom, ochna and two macadamias and one holly oak.”

Works to upgrade Concord West Station to improve station facilities and access for commuters have included modification to the platform and the landscape elements of the railway station park. Council’s heritage advisor has indicated that all historical elements have been removed.

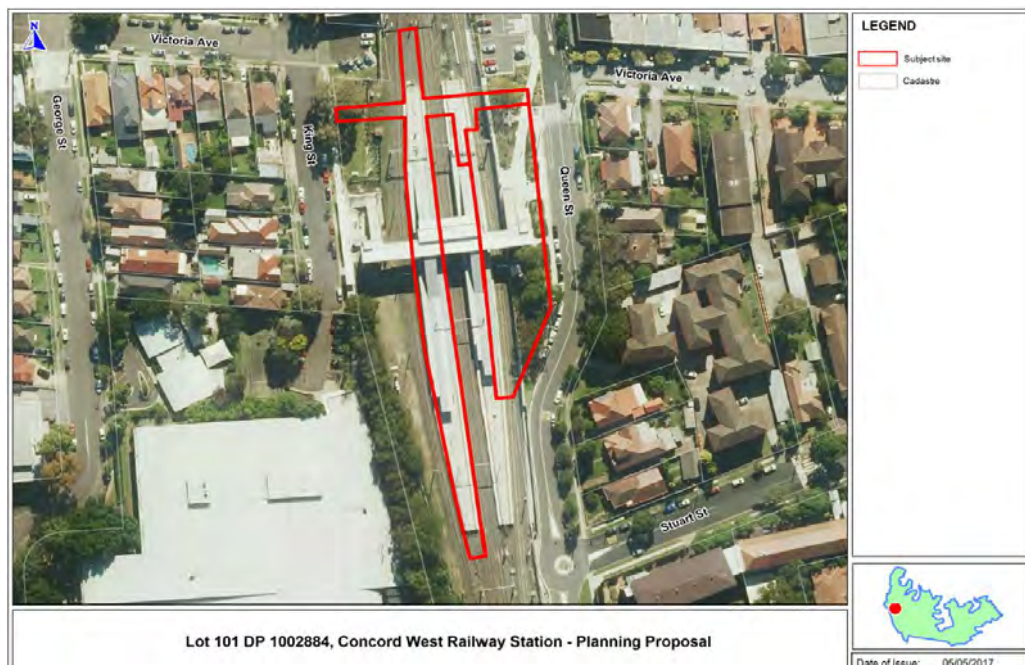


Figure 14: Subject Site – Concord West Railway Station and Railway Station Park



Figure 15: Heritage Map – Concord West Railway Station and Railway Station Park

Outcome of public exhibition

- Heritage Council (Office of Environment and Heritage)
Locked Bag 5020 PARRAMATTA NSW 2124

The Planning Proposal was referred to the Heritage Council for comment as required by Condition 3 of the Gateway Determination.

The Heritage Council has expressed concern that changes that have already occurred to these properties (prompting the proposed delistings) without consent from City of Canada Bay Council despite the protection afforded by the heritage listing on these properties in the Canada Bay LEP.

The Heritage Council is seeking information on:

- What investigations Council has undertaken (including compliance investigations) to determine how development has occurred without the knowledge of the Council (particularly in relation to 6 Rodd Road).
- Processes Council has put in place to prevent a similar occurrence and to ensure ongoing protection of locally listed items.

Council response

Works to the station and park were part of the federally funded Northern Sydney Freight Corridor Program implemented by Transport for NSW in 2014.

Changes to the park occurred in association with works to relocate the Timber Waiting Shed to the NSW Rail Transport Museum at Buxton and the demolition of the former footbridge.

The Heritage Impact Assessment for the North Strathfield Rail Underpass recommended that provision of an interpretative installation may provide some mitigation for the loss of the heritage value arising as a consequence of the State led works to the Concord West Railway station precinct. An interpretation of the heritage values of the Timber Waiting Shed and footbridge were incorporated into the redeveloped Concord West Railway Station.

The independent report prepared by Council's Heritage Consultant advised that:

- Concord West Railway Station (I394) has insufficient heritage significance to warrant remaining as a Heritage Item.
- Concord West Railway Station Park (I395) has sufficient significance to warrant remaining as a Heritage Item.

It is recommended that the heritage listing be removed from Concord West Railway Station (I394) and the heritage listing retained for Concord West Station Park (I395) including updating the map and Schedule 5 of the Canada Bay LEP (Figure 15). The heritage map for this site is provided as Attachment 19.

k) Heritage – St Ambrose School

St Ambrose School at 227 Queen Street, Concord West, legally identified as Lot 14 Sec 3 DP 6949 (Figure 16), is listed in Schedule 5 of the Canada Bay LEP (known as heritage item I392).



Figure 16: Subject Site – St Ambrose School 227 Queen Street, Concord West

The statement of heritage significance describes the school as an example of an:

—inter-war Romanesque style ecclesiastic building. Located on an important corner site, it is a notable element in the streetscape. The building is important in the development of Catholic education in the Concord West community and served as the focal point of Catholic worship in the area from 1924 to 1965.”

The buildings have been extensively modified to accommodate the increase in student population. Council’s heritage advisor has undertaken an assessment of the school in relation to heritage significance and concludes that over the years the historical built elements have been demolished and replaced with new elements.

Outcome of public exhibition

- Heritage Council (Office of Environment and Heritage)
Locked Bag 5020 PARRAMATTA NSW 2124

The Planning Proposal was referred to the Heritage Council for comment as required by Condition 3 of the Gateway Determination.

The Heritage Council has expressed concern that changes that have already occurred to these properties (prompting the proposed delistings) without consent from City of Canada Bay Council despite the protection afforded by the heritage listing on these properties in the Canada Bay LEP.

The Heritage Council is seeking information on:

- What investigations Council has undertaken (including compliance investigations) to determine how development has occurred without the knowledge of the Council (particularly in relation to 6 Rodd Road).
- Processes Council has put in place to prevent a similar occurrence and to ensure ongoing protection of locally listed items.



Figure 17: Heritage Map – St Ambrose School 227 Queen Street, Concord West

Council response

In November 2009 the school lodged an application with the Nation Building Taskforce to demolish the existing 1923/1924 church/school building (heritage item) to construct alterations and additions.

In accordance with the Planning Approvals Guide issued by the Taskforce, the school was required to consult with Council prior to the lodgement of their application. Council advised that it was unlikely that Council would support the proposal.

Council also advised the Taskforce that it did not consider the Statement of Heritage Impact provided sufficient justification for the demolition of the building but that if the Taskforce considered it appropriate to allow the demolition of the heritage item, that a condition be imposed on their approval requiring an archival recording of the item to be carried out prior to demolition works commencing.

The decision to permit the demolition of the existing heritage item was with the NSW Infrastructure Co-ordinator General and the Nation Building Taskforce and not Council as the proposed works were exempt from the development consent provisions of the Environmental Planning and Assessment Act 1979 under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009.

The Nation Building Jobs Plan Taskforce issued a Notice of Development Authorisation for Infrastructure Project Application Number: 10/058EC (Council reference: DA10.2010.335.1) on 20 May 2010.

An archival record was submitted to Council in June 2010 and demolition/construction works began soon after.

It is recommended that the heritage listing be removed from St Ambrose School at 227 Queen Street, Concord West Lot 14 Sec 3 DP 6949 (known as heritage item I392), including updating the map and Schedule 5 of the Canada Bay LEP (Figure 17). The heritage map for this site is provided as Attachment 19.

1) Heritage - 32 Wymston Parade, Wareemba

The land located on 32 Wymston Parade, Wareemba, legally identified as Lot 95 DP 6743 (Figure 18) is listed in Schedule 5 of the Canada Bay LEP (known as heritage item I519).



Figure 18: Subject site – 32 Wymston Parade, Wareemba

The statement of significance describes the property as:

—A small sewer pumping station, part of a group of structures spread throughout the Council area, all of different periods and styles, each reflecting the growth of suburbanisation and the stylistic features of those periods. The buildings are well designed using motifs from the period and are designed to sit into the surrounding domestic development.

The building is well detailed of face brick with a tiled roof, located on a large site that has now been affected by security fencing and use of the grounds for storage. The building forms part of a significant group of service buildings in the Council area that demonstrate service infrastructure, the growth of suburban development and illustrate the changes in design of service buildings throughout the century.”

Lot 95 consists of a disused depot building, as well as few small concrete storage bays and picnic tables. Council’s heritage advisor has undertaken an assessment of the property in relation to heritage significance and recommended that the building is not part of significance of the adjoining historical pumping station.

Outcome of public exhibition

- Heritage Council (Office of Environment and Heritage)
Locked Bag 5020 PARRAMATTA NSW 2124

The Planning Proposal was referred to the Heritage Council for comment as required by Condition 3 of the Gateway Determination.

The Heritage Council has expressed concern that changes that have already occurred to these properties (prompting the proposed delistings) without consent from City of Canada Bay Council despite the protection afforded by the heritage listing on these properties in the Canada Bay LEP.

The Heritage Council is seeking information on:

- What investigations Council has undertaken (including compliance investigations) to determine how development has occurred without the knowledge of the Council (particularly in relation to 6 Rodd Road).
- Processes Council has put in place to prevent a similar occurrence and to ensure ongoing protection of locally listed items.

Council response

During the final stages of the preparation of the Planning Proposal Sydney Water proceeded with the demolition of the buildings located on Lot 95 that

were proposed to be delisted. This work was undertaken without consultation with or consent from Council.

The site is now a vacant allotment and was recently sold at auction.

As previously advised this matter is currently under investigation by City of Canada Bay Councils Building Compliance Team (RM-BC2018/0068). Council does not have any authority over the actions of a public authority, however a letter has been sent to Sydney Water advising of Council's concerns regarding their actions and requesting an explanation.

It is recommended that the heritage listing be removed from 32 Wymston Parade Lot 95 DP 6743 (known as heritage item I519) including updating the map and Schedule 5 of the Canada Bay LEP (Figure 19). The heritage map for this site is provided as Attachment 20.



Figure 19: Heritage Map – 32 Wymston Parade, Waremba

In summary of the above:

- Write to Heritage Council and advise of the additional history of all items as per above discussion.
- Remove heritage status of 6 Rodd Road (I408).
- Remove heritage status of 227 Queen Street (I392).
- Remove heritage status of Concord West Railway Station (I394).
- Retain heritage status of Concord West Railway Station Park (I395).
- Remove heritage status of 32 Wymston Parade (I519) from Lot 95 and continue to investigate the unauthorised demolition.

Conclusion

The Planning Proposal has been prepared to address twelve (12) miscellaneous drafting anomalies related to Clause 3.3 and Clause 6.3, additional permitted uses, incorrect heritage listings, and mapping errors related to height of buildings, floor space ratio and zoning contained within the Canada Bay Local Environmental Plan 2013.

It is recommended that the Planning Proposal proceed as proposed and a further report be provided to Council on consequential minor changes to the City of Canada Bay Development Control Plan.

RECOMMENDATION

1. THAT Council note the outcome of the public exhibition period.
2. THAT the Planning Proposal be submitted to Parliamentary Counsel for finalisation.
3. THAT authority be granted to the General Manager to make any minor changes to the Planning Proposal (if required) prior to finalisation of the Local Environmental Plan.
4. THAT the submitters be advised of Council's determination.

Attachments:

1. Planning Proposal
2. Gateway Determination (22 July 2017)
3. Review of Heritage Listings for Five Heritage Items – Final report – 14 September 2017
4. Correspondence from Office of Environment and Heritage (1 December 2017)
5. Correspondence from D. LoSurdo (19 November 2017)
6. Floor Space Ratio Map Sheet, FSR_006 (relates to proposed amendment „a“)
7. Height of Building Map Sheet, HOB_002 (relates to proposed amendment „b“)
8. Environmentally Sensitive Land Map Sheet, ESL_001 (relates to proposed amendment „d“)
9. Environmentally Sensitive Land Map Sheet, ESL_002 (relates to proposed amendment „d“)
10. Environmentally Sensitive Land Map Sheet, ESL_003 (relates to proposed amendment „d“)
11. Environmentally Sensitive Land Map Sheet, ESL_004 (relates to proposed amendment „d“)
12. Environmentally Sensitive Land Map Sheet, ESL_005 (relates to proposed amendment „d“)

13. Environmentally Sensitive Land Map Sheet, ESL_006 (relates to proposed amendment „d“)
14. Environmentally Sensitive Land Map Sheet, ESL_007 (relates to proposed amendment „d“)
15. Height of Building Map Sheet, HOB_005 (relates to proposed amendment „e“)
16. Land Zoning Map Sheet, LZN_004 (relates to proposed amendment „f“)
17. Land Zoning Map Sheet LZN_005 (relates to proposed amendment „h“)
18. Heritage Map Sheet, HER_005 (relates to proposed amendment „i“)
19. Heritage Map Sheet, HER_002 (relates to proposed amendment „j“ & „k“)
20. Heritage Map Sheet, HER_004 (relates to proposed amendment „l“)

Note: Attachments will be circulated separately from the agenda. A copy of all attachments will be available for viewing on Council's website and at the Canada Bay Civic Centre, Drummoyne.

**ITEM-3 POST EXHIBITION OUTCOMES - WATERVIEW
STREET FIVE DOCK**

Department Strategic Planning

Author Initials: AW

EXECUTIVE SUMMARY

Please Note: This matter was deferred from the Meeting of Tuesday 5 December 2017 as discussed in the Background – Notification of Council Meeting section of this report.

The following notification has occurred for this Item:

- **Letters posted to all residents previously notified of the proposal (east of Great North Road) 3 weeks prior to meeting.**
- **Letters posted to all objectors not captured by the above, 3 weeks prior to meeting.**
- **Letters emailed to all objectors (where email contact details were known) 3 weeks prior to meeting.**

A Planning Proposal including draft planning controls for the land on the western side of Waterview Street between Second Avenue and Barnstaple Road was exhibited in August/September 2017.

During the exhibition period, 15 submissions were received. The primary issues raised in submissions related to the height facilitated by the proposed building controls, the bulk and scale and associated impacts including solar access and privacy that this may create, traffic and parking, heritage, feasibility and the impact of the additional development on the established community and character of the area.

An Exhibition Outcomes Report has been prepared and recommends that the Planning Proposal should proceed in its current form. This recommendation seeks to strike an appropriate balance between facilitating development whilst reducing impacts on the amenity of existing and future residents.

This report discusses the key issues raised in the submissions and recommends that the Planning Proposal be endorsed and forwarded to Parliamentary Counsel for finalisation. It is also recommended that the draft Development Control Plan (subject to minor amendments) be adopted and come into effect upon gazettal of the Local Environmental Plan.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome areas:

We will enhance our local shopping centres, community spaces and residential streets and the infrastructure required to service them.

We will encourage and support the provision of a diverse range of housing stock which responds to changing needs.

This report also relates to the Five Dock Urban Design Study.

REPORT

Subject site

This area is located at the eastern edge of the Five Dock Town Centre boundary and lies between Second Avenue and Barnstaple Road on the western side of Waterview Street. It comprises nine properties, one of which (39 Waterview Street) is listed as local heritage item (I486) in the Canada Bay LEP 2013.

The map below (Figure 1) illustrates the location of the sites in relation to the Five Dock Town Centre.



Figure 1: Planning Proposal area in the context of the Five Dock Town Centre

The aerial map below (Figure 2) identifies the location of the specific properties within the Planning Proposal site area.



Figure 2: Aerial map identifying properties within the Planning Proposal area.

Background – Notification of Council Meeting

This Planning Proposal was listed as Item 9 on the agenda for the Council meeting on Tuesday 5 December 2017. At that meeting concerns were raised by objectors that not all objectors had been notified that the matter was scheduled to be considered at that meeting. Consequently, it was resolved that the Item be deferred to the next meeting and all objectors be notified.

Following a review it was determined that all objectors had been notified via email (where possible) or via letter of the abovementioned meeting as per normal meeting notification process. To avoid a similar issue being raised at the next meeting, notification was undertaken as discussed in the Executive Summary section of this report.

Background – History of Proposal

The Five Dock Town Centre Urban Design Study (the Study) was prepared throughout 2013 and adopted by Council in June 2014. One of the key objectives of the Study was to ensure that any potential changes to the existing planning controls such as building scale, density and height were carefully considered.

To implement the recommendations of the Urban Design Study, Council prepared a Planning Proposal, draft Development Control Plan (DCP) and draft Development Contributions Plan. Following the exhibition of the draft plans, certain submissions were received that requested that the boundaries of the centre be extended to include the area of land being rezoned to the northern end of Waterview Street.

The northern part of Waterview Street (between Second Avenue and Barnstaple Road) had not been identified for rezoning previously as it:

- Is located outside the central core of the centre;
- Contains a few constrained sites, including a heritage item and existing strata development; and
- Would necessitate the extension of the proposed Waterview Lane to facilitate improved access.

On 3 November 2015, Council endorsed the draft plans for the Five Dock Town Centre and also resolved that a separate report should be prepared to investigate the zoning, heritage and development controls for the land between Second Avenue and Barnstaple Road on the western side of Waterview Street, Five Dock.

To assist council in its consideration of this matter, an Urban Design Report and Feasibility Analysis were undertaken. The Urban Design report identified various options for the redevelopment of land on Waterview Street with each option being informed by principles associated with heritage integration, interface impacts, solar access, street proportions and street character. The Feasibility Analysis confirmed that much of the land would be unviable for redevelopment in the current market.

At the meeting of 2 August 2016, Council considered the outcome of these investigations and was presented with two potential options for the redevelopment of the subject sites on the western side of Waterview Street. The first option involved retention of the heritage item and lower proposed building heights around the item to minimise future impact on the setting and significance of the item. The second option involved removal of the heritage item. Council resolved to proceed with option two and place the preferred option on public exhibition prior to being reported back to Council.

The draft planning controls were exhibited in August/September 2016 and reported back to Council on 7 February 2017. At this time, Council considered the outcome of the public exhibition and resolved:

1. *THAT a Planning Proposal and associated Development Control Plan be prepared to implement the recommendations of the Exhibition Outcomes Report, prepared by Studio GL, dated 26 November 2016.*

2. *THAT the Planning Proposal include the removal of heritage item no. I486, being the dwelling the house at 39 Waterview Street, Five Dock from Schedule 5 of the Canada Bay Local Environmental Plan 2013.*
3. *THAT the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.*
4. *THAT should the Planning Proposal pass through Gateway, that it be placed on public exhibition, together with the draft Development Control Plan and draft Contributions Plan.*
5. *THAT authority be granted to the General Manager to make any minor changes to the Planning Proposal and draft Development Control Plan prior to finalisation of the Local Environmental Plan.*
6. *THAT if the owners of property in the area believe there is a better planning outcome to be achieved than the recommendation, they lodge a planning proposal in the normal way.*

Proposed Development Controls

The option that Council resolved to proceed with comprises four storey (14.0m) development to the western side of the site, stepping down to three storeys (10.5m) along Waterview Street and Barnstaple Road. This height will enable a transition to occur between the established low rise residential buildings (2 storey, 8.5m height) on the eastern side of Waterview Street and future development on Great North Road to the west of the site (5-7 storeys, 17m). It is also proposed that the existing FSR of 0.5:1 be increased to 1.0:1.

A landscape buffer is proposed along Waterview Street and Barnstaple Road to widen the visual appearance of the street and create an improved interface with the lower density development on the eastern side of Waterview Street and the northern side of Barnstaple Road.

The proposal also includes the removal of the heritage item located at 39 Waterview Street, Five Dock.

A summary of proposed controls is shown in the table and Figure 3 and 4 below:

Development Control	Current	Planning Proposal
Zoning	R3 Medium Density Residential	R3 Medium Density Residential
Building Height	8.5m (2 storeys)	10.5m (3 storeys) to 14.0m (4 storeys)
Floor Space Ratio	0.5:1	1.0:1
Front Setback	Minimum of 4.5m or no less than Prevailing Street Setback.	6.0m



Figure 3: Existing and proposed Height of Building Map



Figure 4: Existing and proposed Floor Space Ratio Map

Gateway Determination

On 9 May 2017 the Department of Planning and Environment issued delegation of the making of the plan to Council and a Gateway Determination with conditions (see attached).

Prior to public exhibition the Gateway Determination required the following to be prepared/undertaken:

- Heritage Impact Assessment (see attached)
- Traffic and Parking Assessment (see attached)
- Consultation with the Office of Environment and Heritage (see attached)

Public Exhibition

The Planning Proposal and relevant documentation was exhibited in accordance with the requirements of the Gateway Determination from 8 August 2017 to 5 September 2017 and involved the following:

- Letters sent to land owners and occupiers of the subject sites
- Letters sent to land owners and occupiers in the immediate vicinity of the subject sites.
- Letters sent to:
 - Ausgrid
 - Jemena Gas South
 - Department of Health
 - Department of Education and Training
 - Transport for NSW
 - Transport for NSW – Roads and Maritime Services
 - Sydney Water Corporation
 - Telstra
 - Optus
- All relevant documentation was provided on Council's website and a hard copy was placed in Council's Civic Centre and Five Dock Library.

Council has received a total of 15 submissions in relation to this Planning Proposal. Two submissions resulted from referrals to external agencies and are excluded from the calculation below to provide a better gauge of community opinion only:

- 8 of 13 (61.54%) did not support changing the controls.
- 4 of 13 (30.77%) supported changing the controls
- 1 of 13 (7.69%) did not support changing the controls due to heritage impacts however if Council was to support the proposal then they requested increased development

It should be noted that the submissions in support of changing the controls do not support the controls that are proposed. All of these submissions were seeking an increase in development capacity.

Submissions that did not support changing the controls raised common issues relating to traffic, parking and public transport, height of buildings, heritage and other concerns such as laneway access, staged development and future character.

An Exhibition Outcomes report (see attached) has been prepared by StudioGL (21 November 2017). This report discusses the submissions received in relation to the proposal.

The key issues raised in the submissions are discussed below:

Height/FSR/Bulk and scale

Concerns regarding building heights were raised in eight submissions and the increase to four storeys stepping down to three storeys along Waterview Street and Barnstaple Road was not supported due to concerns regarding a loss of privacy, overshadowing and change in character.

There were five (5) submissions that considered the proposed heights (maximum of 14m/4 storeys) would be insufficient. One submission proposed a building height of 15m (potentially allowing a 5 storey development), and another submission proposed 24m along Great North Road (not within the area of this Planning Proposal) transitioning down to 10.5/3 storeys along Waterview Street.

It is recommended that the proposed heights along Waterview Street and Barnstaple Road remain as proposed at 10.5m (3 storeys), stepping up to a maximum 14m (4 storeys) building height. These proposed and exhibited plans minimise the scale of the proposal and establish the right balance between height, FSR, setbacks, landscaping, and articulation to minimise impacts and to transition towards the lower scale development on the eastern side of Waterview Street and the northern side of Barnstaple Avenue.

Any future development applications will be assessed against the DCP and the Apartment Design Guide to ensure impacts are sufficiently minimised.

Traffic and parking

Council received seven submissions that raised concerns over the expected increase in traffic (and parking issues that may ensue) resulting from the increased development/density. A number of objectors were also of the opinion that the proposed laneway will also result in increased traffic and parking issues as they believe it will likely be used as a thoroughfare.

The laneway will be quite narrow, thus reducing/eliminating its use for on street parking, and the likelihood of incurring regular vehicular use by drivers other than those living in the associated buildings. The laneway itself is not expected to generate additional traffic. The new developments will generate additional traffic and will be required to use the laneway for access.

A condition of the Gateway Determination required Council to undertake a Traffic and Parking Impact Assessment. This report focused on the potential

increase to traffic volumes on the locality and potential associated impacts. It found that additional dwellings would only result in relatively minor additional delays.

The report recommends that new development be required to comply with Canada Bay DCP parking rates and requirements. The current parking rates are considered to provide sufficient parking as the area is readily serviced by public transport services and Council improvements to cycle and pedestrian facilities are proposed, with the regional cycle network route along Gipps Street/Queens Road due to commence construction in the next 12 months.

Solar access

Impacts of overshadowing were given detailed consideration during the development of the draft development controls. The report, Five Dock Town Centre – Proposed Development Controls, dated 25/08/16, included shadow diagrams based on the maximum built form that could be achieved under the proposed development controls. The drawings can only be in concept form, as no specific built form is proposed, and a thorough solar access assessment will be carried out during assessment of a DA when more detail is known.

Nevertheless, it is known that Waterview Street generally has a north-south orientation and as such, there is not expected to be any overshadowing to Waterview Street until after 12pm, and even then, the shadow diagrams indicate that at 3pm the extent of the shadows falling to the east will generally be limited to the front setback area of the properties on the eastern side of Waterview Street.

The proposed front setback and height limit controls are expected to sufficiently minimise overshadowing impacts to properties on the eastern side of Waterview Street.

The east-west orientation will result in overshadowing to the south of any redeveloped site. Overshadowing from any future development will be given consideration during assessment of a development application in accordance with the DCP and Apartment Design Guide which provide recommended separation distances and solar access requirements.

Established community/character

The existing character of the western side of Waterview Street is quite mixed and comprises detached and semi-detached dwellings and multi-dwelling housing up to a height of two storeys. The eastern side predominantly has detached dwellings to a maximum height of two storeys, however the lot widths and dwelling colours, styles and materials are varied. Lots on the western side have a front setback of between 4m to 7m and on the eastern side this is 2m to 4m. With the exception of 34 Waterview Street, lot widths on the eastern side of Waterview Street, between 28 and 40 Waterview Street, are very narrow (around 7m wide). Lot widths on the western side of Waterview Street are wider and range from around 12m to 30m.

A number of submissions stated that they considered that the part of Waterview Street, north of Second Avenue, to be “identical” to the part of Waterview Street south of Second Avenue and therefore believed that the two areas should be treated the same and have the same height and FSR controls (greater than what is currently proposed). This directly conflicts with other submissions which are concerned that the proposal will detrimentally impact upon the existing character of the street.

A key concern when considering redevelopment and urban renewal is the streetscape character of a place and the creation of DCP controls that support this character. The character of a street is established by a range of factors including front setbacks, street wall heights, active frontages and building details. Careful consideration was given to these factors including provision of a generous landscape setback to Waterview Street and Barnstaple Road, transitional building heights, maximum length of straight walls without articulation, and the requirement for ground floor apartments to face the street and have direct pedestrian access. The draft controls provide an opportunity for redevelopment whilst minimising impacts upon the existing character.

Privacy

Some submissions raised concerns about privacy impacts from future development. These concerns are noted, however the Planning Proposal and associated DCP simply prescribe building envelope and development controls to which any future residential development will be required to comply, in addition to the Apartment Design Guide. These policies establish setback/separation and design requirements to ensure privacy impacts are minimised. A detailed assessment in relation to privacy will be possible when detailed architectural plans are submitted as part of the preparation of a development application.

Heritage

The heritage status of 39 Waterview Street is proposed to be removed. The removal of the listing was questioned in eight of the submissions received.

The house is described as:

An interesting individual styled house with some good, unusual detailing that indicates the range of housing types used in the early years of the century. It has survived in an area that has been largely redeveloped and is a good representative example of the period.

On 2 August 2016 Council was presented with two potential options for the redevelopment of the subject sites on the western side of Waterview Street. The first option involved retention of the heritage item and lowering of proposed building heights around the item to minimise future impact on the setting and significance of the item. The second option involved removal of the item. Council resolved to proceed with option two and the preparation of this Planning Proposal is consistent with this decision.

On 9 May 2017 the Department of Planning and Environment issued a Gateway Determination for the Planning Proposal. The Department of Planning and Environment imposed a condition requiring Council to consult with the Office of Environment and Heritage (OEH) prior to the public exhibition of the Planning Proposal. The OEH raised no objection to the removal of the item however they recommended that prior to demolition an archival record should be prepared, and following demolition, that a Baseline Archaeological Assessment be undertaken.

If this Planning Proposal is endorsed by Council and changes to the LEP are gazetted, this will remove the heritage status of the item. To satisfy the requirements of the OEH, it is recommended that two new controls be added to the DCP.

C55. Prior to the demolition of the former heritage item at 39 Waterview Street, Five Dock (Lot 11 DP 869673), an archival record is to be prepared and submitted to Council.

C56. Once demolition has been completed, a Baseline Archaeological Assessment on the entire site is to be submitted.

Consolidation of sites

Council received some submissions that were of the view that a better urban form would be created if the laneway was not required and sites along Waterview Street could be consolidated with sites along Great North Road.

Whilst it is likely that some sites could be developed without a laneway it does not seem likely that this would be the case for all of the 18 individual sites in this block without further impacting upon both the Waterview Street and Great North Road frontages.

The planning controls consider the appropriate potential future development of the entire block and the impact of development on surrounding sites. In addition, it is preferred (as demonstrated by the proposed controls) that all vehicular access be relocated from Waterview Street to the laneway.

Feasibility

As previously discussed, a number of submissions were in favour of increased heights, stating that the development, and delivery of the laneway, would not be feasible without this. Some of the submissions that supported increased height and FSR were also in support of revising the zoning to B4 Mixed Use (which enables commercial and retail uses on the ground floor) and removing the requirement for the laneway. Given the residential interface on Waterview Street and Barnstaple Road, commercial and retail uses at street level is not recommended. In addition, it is not desirable to increase commercial development away from Great North Road and the Town Centre Core.

One of the submitters engaged a consultant to prepare an Economic Evaluation to comment on the economic aspects of the proposal. The conclusion of the

Economic Evaluation is that the draft controls will make redevelopment unviable. The evaluation suggested that this in turn would prevent realisation of the laneway and the public benefit that this provides and will harm the entire Town Centre strategy.

It is strongly recommended that heights or densities should not be increased further than the recommended urban design advice in order to facilitate viable outcomes. This would create new impacts on surrounding properties and be contrary to the urban design principles underpinning the draft controls.

From an urban design perspective, the Planning Proposal represents the scale of development that is appropriate for this location.

Laneway

As previously discussed, a number of submissions were concerned about the laneway.

Requiring all vehicular access to be from the laneway is considered to be beneficial in terms of traffic flow and noise impacts on Waterview Street. Laneways can be an effective way of reducing pedestrian and vehicular conflicts as they concentrate vehicular activity away from pedestrian priority areas and away from local streets. The lots along Great North Road adjoining this area are one of the only places within the Five Dock Town Centre without laneway or secondary road access.

Future development will create opportunities for visual surveillance of the laneway which should discourage problematic behaviours.

The planning controls consider the orderly potential future development of individual sites in this block and the impact of this development on surrounding sites. Sites along the western side of Waterview Street that wish to develop and sites along Great North Road that currently do not have access to Barnstaple Road and Second Avenue obtain the most benefit from the laneway.

The laneway would ensure that vehicular access will not be required from surrounding streets including Great North Road or Waterview Street. Over time, driveways to Waterview Street will be removed providing additional on-street parking. In this regard a further amendment is proposed to the existing and draft DCP controls to stipulate that future development within the subject site and along Great North Road adjacent to the subject site must provide vehicular access and servicing via the proposed laneway only.

C8. New development between Barnstaple Road and Second Avenue is not permitted to provide vehicular access and servicing off Great North Road, Waterview Street, Barnstaple Road or Second Avenue. All vehicular access and servicing must be provided off the proposed laneway.

The proposal was also referred to Council's Traffic Engineers for review. Concerns were raised in relation to the potential minimum 6m width as it is considered to be inadequate to separate pedestrians from vehicles in a two-way traffic arrangement and may result in conflicts and safety issues. It is noted that all laneways in the existing and proposed Five Dock Town Centre DCP controls have been proposed to have a minimum width of 6m in the controls and are indicated to have a width of 6-9m in the Figures. A number of recommendations were proposed which will need to be considered when the construction of the laneway comes to fruition.

To enable Council to consider future options it is recommended that the existing control for new laneways is amended to read:

C7. All laneways are to be a minimum of six (6) to nine (9) metres wide. Where a laneway is less than nine (9) metres, the design of the laneway must demonstrate how vehicular and pedestrian traffic can be managed to avoid conflicts and safety issues.

Draft Development Control Plan

During the exhibition period a number of minor edits and inconsistencies were identified within the Draft DCP. The following minor amendments to the Draft DCP are also recommended:

- Update the grey „location diagrams“ which show the location of all sections to include the proposed laneway.
- Clarify Section E on page F-155 relates to the area to the west of the laneway only and not the sites contained within this Planning Proposal.
- Include an additional section next to Section E on page F-155 to reflect the setbacks and height relevant to the section of Barnstaple Road (north and south) to the east of the proposed laneway.
- Update Section J on page F-161 so that the laneway is shown as 6-9m wide and the style is consistent with other sections including indicating the front setback on the eastern side of Waterview Street.
- Update the legend of Figure 2.15 Maximum Building Height Zones on page F-160 to remove reference to the laneway (as this is addressed in Figure F2.7 Access Network Hierarchy on page F-147).
- Update the legend of Figure 2.15 Maximum Building Height Zones on page F-160 to remove reference to the Investigation Area as this is no longer relevant.

Conclusion

Draft planning controls have been exhibited for land on the western side of Waterview Street between Barnstaple Road and Second Avenue in Five Dock. Submissions received have been reviewed and addressed in the Exhibition Outcomes Report.

This Planning Proposal has taken an urban design led approach which aims to balance increased densities and development potential whilst minimising impacts

on neighbouring sites. It doubles the FSR and number of storeys permitted in this area and, in addition, proposes a laneway which will benefit both development along Great North Road and Waterview Street.

Given the constraints to development in the area due to the high cost of land, strata buildings and small allotments, many of the sites will be unattractive for redevelopment at the present time. This will likely result in some sites developing to the maximum permissible density whilst others remaining unchanged. This does not mean however, that the Proposal should not go ahead and establish the controls that will guide future development for when market conditions do change. In addition, it is acknowledged that the Proposal will bring about changes to the area, and in particular Waterview Street. These changes have been considered and are found to be acceptable in the context of the Five Dock Town Centre.

This review recognises that there is opportunity to increase density in the area and the Proposal represents a logical next step approach to increasing the density and provision of housing in Five Dock through the delivery of an appropriate scale of built form which will transition from the existing approved higher density areas to the north, west and south, to the existing approved lower density areas to the north and east.

It is recommended that buildings on Waterview Street be limited (as proposed) to a maximum of three to four storeys with the existing five storey limit being retained on land with a frontage to Great North Road. The laneway connecting Barnstaple Road and Second Avenue should also be retained as proposed.

RECOMMENDATION

1. THAT Council note the outcome of the public exhibition period.
2. THAT the Planning Proposal be submitted to Parliamentary Counsel for finalisation.
3. THAT the draft amendments to the Canada Bay Development Control Plan be adopted, subject to minor amendments as outlined in this report.
4. THAT authority be granted to the General Manager to make any minor changes to the Planning Proposal and draft Development Control Plan prior to finalisation of the Local Environmental Plan.
5. THAT the submitters be advised of Council's determination.

Attachments:

1. Planning Proposal
2. Gateway Determination (9 May 2017)

3. Heritage Advice
4. Advice from Office of Environment and Heritage (4 July 2017)
5. Assessment of Traffic and Parking Implications (July 2017)
6. LEP Height of Buildings map
7. LEP Floor Space Ratio map
8. LEP Heritage map
9. Draft Development Control Plan F2.2 Five Dock Town Centre
10. Exhibition Outcomes report (November 2017)

(Note: Attachments will be circulated separately from the agenda. A copy of all attachments will be available for viewing on Council's website and at the Canada Bay Civic Centre, Drummoyne)

ITEM-4 LOCAL PLANNING PANELS (ALSO KNOWN AS INDEPENDENT HEARING AND ASSESSMENT PANELS) APPOINTMENT OF EXPERT MEMBERS AND COMMUNITY MEMBERS

Department Planning & Environment

Author Initials: General Manager

EXECUTIVE SUMMARY

This report seeks Council's approval for the appointment of two (2) independent experts and three (3) alternate independent expert members and a community member and alternate community member to sit on the Canada Bay Independent Hearing and Assessment Panel (IHAPs - also referred to as Local Planning Panels (LPPs). Support is also sought for administration assistance with the operation of the Panel.

REPORT

On 8 August 2017, the Minister for Planning, the Hon. Anthony Roberts, (the Minister) released a media statement advising that IHAPs would become mandatory for all Councils within the Greater Sydney Region and for Wollongong Council. The Environmental Planning and Assessment Act 1979 (the Act) was amended on 10 August 2017 to create a new Division (Division 4) within the Act entitled "Local Planning Panels (IHAPs) and Council Delegates". All affected Councils are required to have a Local Planning Panel (LPP) (herein referred to as the Canada Bay Independent Hearing and Assessment Panel or CBIHAP or IHAP) in place and operational by 1 March 2018. Council is required to notify the Department of Planning and Environment (herein referred to as DPE) of its nominated independent expert and community members of the Panel by 14 February 2018.

A report on the introduction of the IHAP was considered by Council at its meeting of 5 December 2017. Council resolved as follows:-

1. *THAT Council notes the contents of this report.*
2. *THAT Council commence the process of recruiting a community member, plus an alternate community member, for its Local Planning Panel.*
3. *THAT Council contact Burwood and Strathfield Councils to gauge their interest in forming a Local Planning Panel to undertake the consent authority functions.*
4. *THAT Council amend the existing Register of Delegations for the General Manager to allow the General Manager to determine development, and*

related applications, where up to nine (9) objections have been received from 9 or less different households.

Functions of the Independent Hearing and Assessment Panel

The CBIHAP will commence operation on 1 March 2018 and will comprise a Panel of independent experts that determine development applications on behalf of Council and provide other advice to Council on planning matters. The Panel has been introduced by the State Government to „reduce the risk of conflict of interest and corruption, achieve better planning outcomes and elevate the role of the elected Council to focus on strategic planning and policy matters rather than the determination of development applications“.

Once the CBIHAP commences, the consent authority functions of Council with respect to the following matters can only be exercised by the Panel:-

- Development Applications (DAs) valued at more than \$5million but less than \$30million. Any DA valued at greater than \$30million will be determined by the Sydney Eastern City Planning Panel. DAs for minor works such as internal alterations and additions to retail/office premises, advertising signage etc are excluded from this requirement.
- DAs relating to development previously determined by the Panel.
- DAs where the owner or applicant is the Council or a Councillor, a member of a Councillor’s family, a member of Council staff who is involved in exercising Council’s functions under the Act, or a State or Federal Member of Parliament, a relative within the meaning of the Local Government Act 1993 of any such person/s. DAs for minor works such as internal alterations and additions to retail/office premises, advertising signage etc are excluded from this requirement.
- DAs that receive 10 or more objections from 10 or more different households.
- DAs seeking to depart by more than 10% from the development standards contained within the relevant Local Environmental Plan, but not where the Secretary of the Department of Planning and Environment has given concurrence to the contravention of the development standards or where the concurrence has been assumed.
- DAs associated with sensitive developments such as designated developments, residential flat buildings assessed under State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, demolition of heritage items, licensed places of public entertainment (eg., clubs, hotels etc), sex services premises or restricted premises, and DAs accompanied by a Voluntary Planning Agreement under Section 93F of the Act.
- Modifications of existing development consents under Section 96 and Reviews of Determinations under Section 82A of the Act that meet the abovementioned criteria. Note: Any Section 82A Review of a Determination arising from an application previously determined by the

Panel shall be determined by different members of the Panel to those who made the original decision.

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

Under Section 23I of the Act, any Development Application which has a value of \$5million or less and which falls outside the remainder of the above criteria will be determined by staff under delegation. Note: Council resolved at its meeting of 5 December 2017 to amend the General Manager's delegation to deal with up to nine (9) objections.

Based on current DA statistics, it is likely that the IHAP will be responsible for determining approximately 20 – 30 applications in its first year of operation. Secondly, there are currently nine (9) Planning Proposals lodged with Council that will need to be referred to the Panel for advice.

Membership of the LPPs

The DPE commenced the recruitment process for the appointment of expert members to the IHAP on 12 August 2017 and has now approved a pool of experts to sit on the Panel. Council was notified of the pool on 22 December 2017. The pool comprises 218 experts from a variety of professions including planners, architects (including heritage architects), urban designers, engineers, lawyers, local and state government administrators etc. Four (4) of the experts have disqualified themselves from the Canada Bay Local Government Area due to no interest in being on the CBIHAP or a conflict of interest, leaving 214 experts for Council to nominate experts from.

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

- Councillors
- Property Developers
- Real Estate Agents

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

A Code of Conduct which all members of the Panel will be required to adhere to and Operational Procedures for the Panel will be set by the Minister and are currently being formulated. The expert and community members of the Panel are appointed by Council and hold office for a period of up to three (3) years. No member of a Panel can hold office as a member for more than six (6) years in total.

The CBIHAP will have a minimum of four (4) members comprising the following:-

- A Chairperson – DPE has now advised that Ms Alison McCabe has been appointed as the Chair of the Panel. Ms McCabe is a qualified planner who has had an extensive career in Local and State Government and in private practice. Mr Grant Christmas has been appointed as an alternate Chairperson. Mr Christmas is a qualified lawyer who has had many years of experience in planning, local government and environmental law and has worked in both Local Government and private practice. Mr Peter Wells has also been appointed as an alternate Chairperson. Mr Wells has an environmental science background and has had an extensive career in State Government.
- A minimum of two (2) independent members who must be qualified in at least one of the following areas - planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration. These experts now need to be selected by Council from the pool of experts recruited by DPE. At least one (1) alternate expert member should also be appointed to the Panel, in the case of any of the other experts being unable to attend Panel meetings due to leave or a conflict of interest etc, however, in order to ensure that such instances are minimised or avoided, it is recommended that two (2) alternate members be appointed. The recommended experts are discussed in further detail below.
- A community member nominated by Council. The community member does not have to be an expert in one of the fields referred to above but should be chosen to enhance the Panel's knowledge of local matters.

Recommended Community Members

In accordance with Council's resolution of 17 October 2017, an Expression of Interest process has now been completed for the community member and an alternate.

Six (6) applications were received. Of the 6 applicants, 2 have qualifications and work experience related to real estate and the property development industry and/or are not residents of Canada Bay, and are therefore inappropriate community members of the panel, one has not cited any community activities or relevant experience/qualifications in any area that would provide assistance and input to the Panel, and one is Mr Tony McNamara who is the current Director Planning and Environment who is a current Council employee and is going to leave Council shortly. It should be noted that Mr McNamara has had no involvement in the nomination of the community members for the Panel.

In view of the above, it is considered that Ms Helen McCaffrey and Mr Geoff Mossemear be appointed as community member of the Panel with Council determining who should be the permanent community member

and who should be the alternate member. It is also considered that Mr Tony McNamara's application as an alternate community member be reviewed in 12 months time. The candidates are long-standing residents of the Canada Bay Local Government Area and Ms McCaffrey is well known within the local community as she was an elected representative of Canada Bay for over 13 years and most recently served as the Mayor of Canada Bay up until the Local Government elections in September 2017. Mr Mossemeneer is a qualified town planner and has many years of senior level experience as a planner in Local Government and is currently working at North Sydney Council.

It is recommended that Ms McCaffrey and Mr Mossemeneer be appointed to the Panel as community members for a period of twelve (12) months, with Mr McNamara's appointment ending by 1 June 2019.

Alternate expert members and community members are required to ensure the efficient and timely operation of the Panel where other members may have a conflict of interest, are unable to attend on the day of the Panel meeting and to allow for the rotation of the members of the Panel. Alternate members are also necessary when, as noted above, the Panel is considering Section 82A Reviews of Determination for applications previously dealt with by the Panel, as the same Panel members that determined the original development application should then not consider a Section 82A Review of the determination of that development application.

Panels can be Constituted for Two or More Council Areas

Under Section 23J of the Act, Council has the ability to constitute a single IHAP for 2 or more Council areas. The Minister can also direct 2 or more affected Councils to constitute a single IHAP.

As the Minister has not directed that Canada Bay constitute its Panel with any other Council, it is considered that Council's previous resolution to approach Burwood and Strathfield Councils with respect to a potential joint IHAP should be placed on hold at present until such time as the CBIHAP has been constituted and becomes operational. Once the initial meetings of the Panel have been held, the cost benefits and resource sharing savings/capabilities or otherwise of a joint Panel with other Councils will be able to be more readily identified and assessed. Should it become apparent that a joint Panel would be beneficial, a further report on such a proposal will be brought back to Council for consideration.

Recommended Expert Members

As noted above, the Department of Planning has now provided Council with its list of approved expert members for IHAPs and 218 individuals have been identified on the list, and of those, four (4) have disqualified themselves, and three (3) have already been appointed to the Chair or alternate chair positions on the CBIHAP by the Department of Planning, ie., Ms McCabe, Mr Christmas and Mr

Wells. This leaves 211 candidates. The list has been further reviewed to also exclude experts (a total of three (3) candidates) who have already been appointed to Council's Design Review Panel and/or who are already expert members or community members on the Sydney Eastern City Planning Panel, thereby reducing the total number to 208 candidates.

It has also been considered appropriate to exclude candidates (a total of sixteen (16) candidates) who have regularly engaged with Council regarding development applications they have been involved with on behalf of clients, or have been previous members of Council's legal panel.

This reduces the final number of suitable candidates to 192. Of these 192, a shortlist of ten (10) has been selected and are listed in alphabetical order by surname as follows:-

1. Mr Lewis Adey – is a qualified town planner with qualifications in conservation policy and urban studies who has been working in Local Government and private practice both in Australia and the United Kingdom since 1986.
2. Mr David Broyd – is a qualified town planner with qualifications in archaeology and theology who has over 31 years of experience in NSW Local Government with over 20 years at executive management level.
3. Mr John Brunton – is a qualified town planner who has over 40 years experience in State and Local Government and private practice with over 20 years at management level.
4. Ms Karla Castellanos – is a qualified architect and urban designer who has over 16 years experience in private practice in architectural and urban design projects in the Sydney metro area and regional NSW.
5. Mr James Colman – has qualifications in architecture and town planning political science and geography and has over 45 years experience in State and Local Government. Mr Colman is currently a lecturer with the University of Technology in Sydney and has been lecturing with UTS since 1995.
6. Ms Lindsey Dey – is a qualified town planner with over 30 years experience in State and Local Government and in private practice.
7. Mr Lindsay Fletcher – is a qualified town planner with over 40 years experience in Local Government and private practice.
8. Ms Deborah Laidlaw – is a qualified town planner with over 40 years experience in private practice.

9. Mr David Logan – has qualifications in architecture, heritage conservation and town planning and has over 30 years experience in private practice.
10. Ms Julie Savet Ward – has qualifications in physical geography and landscape planning and has over 30 years management experience in planning, design, construction and delivery of property, infrastructure and natural resource projects.

Whilst it is acknowledged that the majority of those on the shortlist above are town planners, it should be noted that planners dominated the approved pool of 218 experts selected by DPE. Secondly, Council has already constituted a Design Review Panel made up architects and urban designers and a landscape architect and this Panel will complement the IHAP and will also be providing expertise in the assessment of development applications and planning proposals going forward.

30 expert candidates indicated City of Canada Bay as a personal preference. Of the thirty, a number have been included in the recommended list of candidates, or excluded for reasons listed above. Thus in addition to the 10 candidates listed above, Councillors may wish to consider possible candidates from the following list. Detailed CVs are available if required.

1. Mr Mark Carleton, - Planner and former Commissioner Land and Environment Court.
2. Mr Michael Clarke – Academic and member of Cumberland IHAP.
3. Mr Kim Crestani – Architect and Design review Panel member for Metro projects
4. Mr Peter Debnam – Former politician
5. Ms Marcia Doheny – Planning Lawyer
6. Mr Ron Edgar - Architect
7. Mr John Evenden – Civil Engineer. Member Strathfield IHAP
8. Ms Jane Fielding – Planner, working in consultancy
9. Mr Robert Furolo – Mediator, former Mayor and MLA
10. Ms Linda Gosling – Architect and Planner, member Sutherland Design review Panel
11. Mr Lloyd Graham – Planner, former member Canterbury IHAP. Current member Northern Beaches IHAP
12. Ms Juliet Grant –Planner, working in consultancy
13. Ms Suzanne Little – public service adviser on policy and governance
14. Ms Carol Marra - Architect
15. Mr Michael Neustein – Architect, planner, urban design
16. Mr Russell Olsson – Planner, member Liverpool and Fairfield IHAPs
17. Ms Larissa Ozog – Planner, member Sutherland IHAP
18. Mr Jason Perica – Planner, Sutherland and North Sydney IHAPS, Central Coast JRPP

19. Mr Jeffrey Smith – lawyer and academic
20. Mr Ian Stapleton – Architect and Engineer. Property Director Parramatta Council
21. Ms Elaine Treglown – Planner, Shellharbour IHAP
22. Ms Julie Walsh - lawyer
23. Ms Heather Warton – Planner, Community member Inner West Panel.

Of the above shortlisted candidates, the following five (5) are recommended as expert panel members and alternates. Although only two (2) experts are required for a panel meeting, five (5) have been recommended to ensure that there is a sufficient pool of alternates should issues arise with conflicts, leave periods, illness etc:-

- Mr David Broyd
- Ms Deborah Laidlaw
- Ms Karla Castellanos (alternate)
- Ms Julie Savet Ward (alternate)
- Mr Lindsay Fletcher (alternate)

In addition, Council may wish to appoint one or more names from the additional 23 candidates who have listed CCBC as a preference.

Administration and Coordination Support

The efficient operation of the IHAP is likely to require administration support to organise the following:-

- Site Inspections for each development proposal and/or planning proposal and transport to and from sites as these inspections are required to be held on the same day as the Panel meets to determine applications.
- Finalisation of Assessment Reports and Compilation of agendas.
- Publishing of agendas on Council's web page and publicly notifying the upcoming Panel meeting.
- Co-ordinating registration of speakers at meetings, ie., those who may have objected to a proposal who wish to address the Panel, and communicating with submitters, answering their enquiries etc.
- Minute taking and audio recording of the Panel meetings
- Catering for lunch for the Panel for each meeting
- Publication of Minutes on Council's web page
- Answering enquiries from Panel Members regarding meetings and procedures etc.
- General administration duties associated with the operation of the Panel.

At present, the above activities for the co-ordination of Council meeting reports, agendas and minutes, catering etc. are undertaken by several staff members from different departments within Council. In order to ensure the ongoing and efficient

operation of the Panel, it is considered appropriate to recruit a part-time administrative assistant to undertake all of the above responsibilities.

Future Reporting

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

FINANCIAL IMPACT

There are no statutory fees proposed to be included in the Environmental Planning and Assessment Regulations 2000 enabling Council to recover any of the financial costs associated with the operation of the Panel.

The Department of Planning has now advised that all costs associated with the members of the LPPs and the administration costs for the Panel will be covered by individual councils from development application fees as councils will be responsible for appointing the expert and community members of the Panel.

The Department has now determined that remuneration rates for IHAP members will be as follows:-

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

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

Analysis of development applications lodged over the past two (2) years has been undertaken, and it is likely that, at this stage, the CBIHAP will meet once per month or less.

As noted above, it is also considered essential to have all necessary administrative support functions for the Panel centralised in one (1) administration assistant position. Given the level of work involved, it is likely that this position would only be required on a part-time basis initially. However, there is also potential to grow this position to include administrative support for the Canada Bay Design Review Panel if necessary and to provide general support where required within the Planning and Environment Department for other existing administrative roles.

In view of the above, it is likely that at least \$120,000 per annum will be required from Council's budget to fund the operation of the IHAP, its administration support and any administrative support required for the Design Review Panel.

RECOMMENDATION

1. THAT Council approve the appointment of Mr David Broyd and Ms Deborah Laidlaw as the permanent and Ms Karla Castellanos, Ms Julie Savet Ward and Mr Lindsay Fletcher as the alternate members to the Canada Bay Independent Hearing and Assessment Panel (CBIHAP) as independent expert members.
2. THAT Council approve the appointment of Ms Helen McCaffrey and Mr Geoff Mossemeanear as the Canada Bay IHAP community members with Council to determine the community member and the alternate community member. The appointment of community members to be reviewed after 12 months with Mr Tony McNamara's application to be included at that time.
3. THAT \$50,000 be allocated from General Revenue to finance the Panel's operations for the remainder of the 2018/2019 financial year and that Council include an amount of \$120,000 be allocated in the 2018/2019 budget and future budgets for the administrative costs of the CBIHAP.
4. THAT a monthly report be submitted to Council detailing all applications and other matters considered and determined by the Canada Bay Independent Hearing and Assessment Panel and all development applications determined by staff under delegated authority.

ITEM-5 INNER SYDNEY BIKE SHARING GUIDELINES

Department Technical Services & Operations

Author Initials: GEK

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:
TC2 We will develop, enhance and promote walking and cycling facilities in the area.

REPORT

Dockless bike share is a new business model that allows people to access a fleet of bikes through a smartphone app. Bikes can be used for return or 1-way trips and don't have to be returned to a designated location.

With an increasing number of bike share bikes on Sydney streets and an increase in resident enquiries regarding the scheme a number of Inner Sydney Councils began discussing how to best approach the situation. The increasing number of bike share providers towards the end of 2017 also meant that more bikes could be placed on Council's roads, footpaths and parks.

In December 2017, 6 Sydney councils (namely Canada Bay, the City of Sydney, Inner West, Randwick, Waverley and Woollahra councils) devised the Inner Sydney Bike Share Guidelines. These guidelines were devised in consultation with bike share operators and Transport for NSW.

The guidelines aim to set minimum standards and expectations for Dockless bike share operations in Sydney. They acknowledge that Councils, public landholders and bike share operators are committed to working together to establish a balanced position that achieves transport, environment, health and other related goals as well as the fair use of public space. The operation of the Bike Share Schemes will be monitored and the guidelines will be reviewed after three months.

RECOMMENDATION

THAT the Inner Sydney Bike Share Guidelines be noted

Attachments:

1. Inner Sydney Bike Share Guidelines

Guidelines for Dockless Bike Share Operators

Bike share has an important role to play in Sydney's transport future.

Councils, public landholders and bike share operators are committed to working together to establish a balanced position that achieves transport, environment, health and other related goals as well as the fair use of public space.

These guidelines set out minimum standards and expectations for dockless bike share operations in Sydney.

These guidelines will be in operation from 22 December 2017; Councils and relevant authorities will review operations every three months.

These guidelines apply across the six municipalities of: Canada Bay, City of Sydney, Inner West, Randwick, Waverley, and Woollahra.

1. Customer safety and conduct

- a. Operators must inform their customers through their apps about correct bike parking, bike safety checks and responsible riding.
- b. All operators and their customers must obey NSW road rules and consider the safety and comfort of other people on the road and footpaths.
- c. Operators must promote legal and responsible riding when customers join, and regularly afterwards. Riders are to be made aware that they can incur heavy penalties for offences such as not wearing helmets, unauthorised riding on footpaths, reckless riding and riding through red lights.
- d. Bicycles must comply with Australian Standards. When deployed all bicycles must have bells or other warning devices, helmets, front and rear lights, and a rear reflector as per Australian Standards. All bicycles must also have sturdy kickstands. Operators will make reasonable efforts to ensure bicycles are always equipped with helmets.
- e. Operators must encourage customers to reposition poorly located bikes.

2. Safe bike placement

- a. Bikes must be parked in an upright position and not placed on footpaths that are narrow, or where they could pose a safety hazard.
- b. Bike placement must not interfere with pedestrian access or amenity. Bikes should be placed kerbside away from the building. Operators will educate customers on the impacts of bike placement to mobility and vision impaired.
- c. Bikes may be placed near public bike racks but rack space should be left free for regular bicycles that need to be locked to a fixed point.
- d. Operators must have geo-fencing capability for preferred parking and exclusion zones in high traffic areas, such as sections of waterfront or for large events where public safety is an issue.

3. Distribution and redistribution of bikes

- a. All bikes should be equipped with GPS tracking.
- b. Operators must monitor the location of bikes at least daily.
- c. Operators must be proactive in the redistribution of bikes according to demand to avoid excessive build-up in an area.
- d. Operators must liaise with councils and other public landholders regarding bike deployment and preferred parking areas on an area by area basis. Councils and public landholders may nominate preferred parking areas in high demand locations.

4. Faulty, damaged or misplaced bikes

- a. Faulty or damaged bikes must be removed or repaired within the timeframe set out below (see Part 9).
- b. Operators must enable easy reporting of faulty or damaged bikes, missing helmets or bikes parked in inappropriate locations, through their app, website, email and a fully dedicated phone number available 24/7. For out of hours phone calls, (outside 6am to 9pm seven days a week,) customers will have their enquiry followed up within the next day. Operators must work toward providing a phone service between 6am-9pm seven days a week.
- c. Operators must adhere to customer requests consistent with the timeframe set out below. Operators must work toward providing customers with a reference number that can be cited for ease of follow up on the phone, in email and in app.
- d. Operators must work toward having contact information clearly displayed and fixed on all bikes.
- e. Bikes must be easily identifiable at all times.
- f. Operators must provide a central point of contact to councils and other public landholders.

5. Legal and insurance

- a. Operators must have public liability insurance which names and indemnifies councils and other public landholders.
- b. Operators must seek legal advice with regard to ensuring their business complies with road rules, consumer protection (including privacy), insurance and road safety.
- c. Operators must advise customers of risks and insurances applicable to users.

6. Data sharing

- a. Operators must cooperate with councils and public landholders to share relevant data for the purposes of transport and urban planning.
- b. This data will be confidentially held unless authorised for public release by the bike share operator.
- c. This commercial-in-confidence data may include:
 - i. The number of registered users
 - ii. The total number of trips
 - iii. Trip origins and destinations, and trip duration (time and distance)
 - iv. The number of bicycles deployed and deployment locations
 - v. Bike redistribution numbers and patterns
 - vi. Data regarding damaged or lost bikes, and helmets replaced
 - vii. Customer service contacts and response times

- d. This non-identifiable information may be aggregated for external promotion of bike share by landholders.
- e. Operators will work together with councils and/or public landholders to survey customers about share bike usage. The results will be used to promote bike share and inform transport planning.
- f. Operators will work towards live data portals to facilitate information sharing with public landholders.

7. Council staff access to bikes

- a. When requested, operators must access to bikes for council/landholder staff to unlock and move bikes (for example for park maintenance or event management).

8. Fees

- a. Councils and public landholders reserve the right to evaluate whether a fee or levy structure may be implemented so that operators make a financial contribution toward bike share infrastructure.

9. Collection and relocation of faulty or damaged bikes

If a member of the public or public landholder reports damaged, faulty, abandoned or inappropriately parked bikes the following timeframes apply.

Incident	Timeframe	Action
a. Dangerously placed	3 hours	Where a bike is causing an unreasonable hazard (i.e. parked across a road, carriageway etc.) the operator will relocate the bike within two hours. Council/public landholder may remove and impound the bike at any time to make area safe. The operator will be contacted at the time of any such action.
b. Bike reported as unsafe	Immediate (upon verification)	Upon verification of unsafe bike, operator will immediately deactivate bike.
	1-7 days (depending on severity)	Operator will check for safety/damage/faults and remove the bike from the public area.
c. Significantly damaged	Immediate (upon verification)	Upon verification of damaged bike, operator will immediately deactivate bike.
	1-7 days	Operator will check for

Dockless Bike Share Guidelines

	(depending on severity)	safety/damage/faults and remove the bike from the public area
d. Inappropriate bike density	1-7 days (depending on severity)	Operator will be proactive in the redistribution of bikes
e. Illegally parked	1-7 days (unless escalated by council or public landholders)	Dependent on location of bike. (For e.g. private property, motorcycle or disabled parking)

10. Unused bikes

The following timeframes will help keep bikes moving and not left in one location for too long.

Timeframe	Action
1-7 days	No action. It is expected that bikes may not be used for a period of up to 7 days, particularly bikes left in quiet streets.
7-10 Days	The operator must relocate the bike or offer customer incentives to ride the bike to another destination.
11-14 days	If the bike has not been moved at the end of 11 days, a council/public landholder may instruct the operator to relocate the bike.
15+ days	The bike may be retrieved and impounded by council/public landholder. A fee may be payable for the release of the bike.
28 days after impoundment	The bike may be recycled by the local council.

11. Ceasing of operations

In the event that a dockless bike share operator ceases trading, the operator is obliged to remove all of their bikes from public places within 15 days.

12. Review of Guidelines

Councils and public landholders reserve the right to amend, expand and or alter these guidelines provided they give operators 14 days' notice prior to implementing the change(s).

**ITEM-6 CANADA BAY LOCAL TRAFFIC COMMITTEE
MINUTES - 14 DECEMBER 2017**

Department Technical Services and Operations

Author Initials: GEK

REPORT

This report contains the minutes for the Canada Bay Local Traffic Committee meeting held on 14 December 2017 for Council's resolution

RECOMMENDATION

THAT the minutes and recommendations of the Canada Bay Local Traffic Committee meeting of 14 December 2017, as mentioned above, be adopted.

Attachments:

1. Minutes of the Canada Bay Local Traffic Committee Meeting – 14 December 2017



TRAFFIC COMMITTEE

Held at Phoenix Rhodes,
on Thursday, 14 December 2017
commencing at 12pm

MINUTES

Committee Members:

Cr M Megna	Chair
Sergeant T Crowther	NSW Police
Kathryn Hawkins	Roads & Maritime Services
Mr J Biniaries	Representing Local Member of Parliament

Advisory Members:

Mr J Osland	CCB Council
Mr G El Kazzi	CCB Council
Mr B MacGillicuddy	CCB Council
Nancy Puliafico	CCB Council
Mr P Whitney	State Transit Authority, Sydney Buses
Mr B Dawson	Access Committee
Mr G Purves	Bay Bug – Canada Bay Bicycle Users Group

Minute Taker:	Ms Ivette Delgado	CCB Council
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APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST

Nil

CONFIRMATION OF MINUTES

Traffic Committee Meeting – 16 November 2017

COMMITTEE RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting of 16 November 2017 be confirmed.

ITEM-1 CHURCH STREET, DRUMMOYNE - INSTALLATION OF MIPPS

REPORT

Council has received a request for the installation of an additional Mobility Impaired Person Parking Space (MIPPS) on Church Street, Drummoyne, near Victoria Road.

There is an existing MIPPS on Church Street; however, due to the high demand for this space, an additional MIPPS has been requested to cater for the increasing amount of MIPPS users in the area.

It is proposed to convert an existing 2P parking space and install an additional MIPPS on the eastern side of Church Street, as per the drawing attached. The statutory 10m 'No Stopping' zones will be retained.

Consultation has been undertaken with business and property owners, and the proposed location has been agreed to.

STAFF RECOMMENDATION

That a Mobility Impaired Person Parking Space (MIPPS) be installed on the eastern side of Church, immediately following the statutory 'No Stopping' zone, near Victoria Road.

DISCUSSION

Item is in order

COMMITTEE RECOMMENDATION

That a Mobility Impaired Person Parking Space (MIPPS) be installed on the eastern side of Church, immediately following the statutory 'No Stopping' zone, near Victoria Road.

ITEM-2 BARNSTAPLE ROAD, RODD POINT- INTERSECTION TREATMENT AT AURTHUR STREET AND DALMENY AVENUE

REPORT

Due to a spike in serious crash frequency in 2012, additional signage and line marking were installed in Barnstaple Road, Five Dock around its intersection with Arthur Street and Dalmeny Avenue in 2013.

The most recently available data from the RMS indicates that there has been only one further recorded serious crash since the works were completed. However, it is noted that with changes to Police reporting requirements the proportion of crashes that go unreported may have increased. Correspondence from residents indicates that a follow up review of the intersection and potential enhancements to safety is appropriate.

Preliminary consideration has previously been given to a roundabout at this intersection and it was noted that amongst other challenges, the change in traffic priority would decrease delays to north-south through traffic. In this sense it is an undesirable outcome as it may further encourage drivers to use this route via local roads as opposed utilising the state and regional road network which is designed to accommodate through traffic.

On-site observations indicate that drivers are currently treating the northbound movement from Arthur Street into Dalmeny Avenue as a single manoeuvre despite the roads being offset slightly where they intersect Barnstaple Road. This manoeuvre in particular is overrepresented in available crash history information where they are recorded to collide with a vehicle travelling along Barnstaple Road.

To enhance safety at the intersection, it is proposed that painted islands be installed as per the attached plan to effectively create two separate 'T' intersections as opposed to drivers treating it as a single cross intersection.

Whilst it would be desirable to construct physical traffic islands or realign the kerb, the ability to do so is limited due to the need to accommodate bus movements. If the proposed works are approved and implemented, the intersection will be monitored to determine if and what further action may be required to reinforce the arrangement.

Consultation has been carried out with surrounding residences and one response was received suggesting that long 'No Stopping' zones be installed in Barnstaple Road on the approaches to the intersection. Whilst generally vehicles are observed to be legally parked outside of the statutory 10m 'No Stopping' zones, it is noted that the existing edgeline marking does not make it clear where it is and is not illegal to park. In consideration of this, the installation of chevron linemarking within the statutory 10m 'No Stopping' zones has been added to the proposed works.

STAFF RECOMMENDATION

1. THAT painted islands be installed in Arthur Street and Dalmeny Avenue at their intersection with Barnstaple Road as detailed in the locality plan along with corresponding changes to double centreline marking in Barnstaple Road.
2. THAT chevron linemarking be installed in Barnstaple Road within the statutory 10m 'No Stopping' zones at its intersection with Arthur Street and Dalmeny Avenue.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

1. THAT painted islands be installed in Arthur Street and Dalmeny Avenue at their intersection with Barnstaple Road as detailed in the locality plan along with corresponding changes to double centreline marking in Barnstaple Road.
2. THAT chevron linemarking be installed in Barnstaple Road within the statutory 10m 'No Stopping' zones at its intersection with Arthur Street and Dalmeny Avenue.

ITEM-3 SYDNEY STREET CONCORD - WORK ZONE

REPORT

Council has received an application for a construction works zone outside 44 Sydney Street, Concord to facilitate construction works at this site.

The works zone is 12.5m in length between the driveways to Nos. 44 & 46 and operates from 7am-5pm Monday to Saturday, with an initial approval period from 27 November 2017 to 27 April 2018. The existing kerbside at this location is unrestricted parking.

STAFF RECOMMENDATION

THAT the installation of the Works Zone outside 44 Sydney Street, Concord be approved.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT the installation of the Works Zone outside 44 Sydney Street, Concord be approved.

ITEM-4 EDGEWOOD ESTATE PARKING MANAGEMENT

REPORT

At its meeting on 20 April 2017 the Traffic Committee considered a report into parking restrictions in Edgewood Estate. The streets within Edgewood Estate are privately owned and maintained, however given that they are publicly accessible, Council is the roads authority from which approval is required for changes to the management of traffic and parking.

The Edgewood Estate was subsequently approved by Council to be a 'Restricted Parking Area, Park in Mark Bays Only' which would allow Council to enter into an agreement with the Edgewood Estate Community Association for Council to undertake parking enforcement.

Following the installation of signage and formalising of parking bay line marking, a particular area at the end of Regatta Way has been identified as potentially confusing for motorists. At present it is regularly utilised for parking however they are technically illegally doing so as they are not within marked parking bays.

The Edgewood Estate Community Association has advised it is not intended for parking to be permitted in this area. To assist drivers in parking in a legal manner, it is proposed to signpost 'No Parking' restrictions as detailed in the attachment. This signage has already been approved in other locations within the Estate to address similar issues.

STAFF RECOMMENDATION

THAT 'No Parking' restrictions be installed in Regatta Way within the Edgewood Estate development as detailed in the locality plan and all associated costs bore by the Edgewood Estate Community Association

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT 'No Parking' restrictions be installed in Regatta Way within the Edgewood Estate development as detailed in the locality plan and all associated costs bore by the Edgewood Estate Community Association.

ITEM-5 MORTLAKE STREET, CONCORD - REMOVAL OF NO STOPPING

REPORT

Council has received correspondence regarding the removal of the existing 'No Stopping' zone on Mortlake Street adjacent to 28 Albion Street between the statutory 10m 'No Stopping' zone and driveway of 28 Albion Street, approximately three (3) car spaces in length.

The proposal would increase the availability of unrestricted parking and not have an impact on safety.

The owner of 28 Albion Street, Concord has been consulted and no objections have been received.

STAFF RECOMMENDATION

THAT the existing 'No Stopping' zone on Mortlake Street, Concord adjacent to 28 Albion Street between the statutory 10m 'No Stopping' zone and driveway of 28 Albion Street be removed.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT the existing 'No Stopping' zone on Mortlake Street, Concord adjacent to 28 Albion Street between the statutory 10m 'No Stopping' zone and driveway of 28 Albion Street be removed.

ITEM-6 ALLEN STREET, NORTH STRATHFIELD - ROUNABOUT UPGRADE

REPORT

At its meeting on the 21 July 2017 the Traffic Committee considered a report into changes to George Street, North Strathfield. The recommendations of the Traffic Committee were subsequently adopted by Council at its meeting on 2 August 2017. This included various works to help accommodate increasing student numbers associated with a Development Application (DA) under consideration for Our Lady of Assumption (OLA) primary school.

As part of these works, the roundabout where George Street and Allen Street intersect is to be upgraded to facilitate U turn movements. This was subsequently included as a condition of consent in the approval of the DA for OLA.

At present the roundabout is of insufficient diameter for a passenger vehicle to perform a U turn and there are limited alternative opportunities in the area for a southbound vehicle to safely turn around and head back north. This was however identified as a desirable movement for drivers after they had utilised an on-street pick-up/drop-off zone that is to be located on the east side of George Street outside the school.

The Catholic Education Office, in consultation with Council staff, has had plans prepared for the upgrade of the roundabout at the intersection of George Street and Allen Street.

As per attached plans, it is proposed to increase the diameter of the roundabout by expanding it to the west. This will enable passenger vehicles to perform U-turn movements from all approaches as shown in the turning manoeuvre diagrams.

Whilst they make do in the existing arrangement, the roundabout has also been designed to better facilitate larger vehicle movements within the site constraints. The plans include turning manoeuvre diagrams for left/right turns movements for the waste collection vehicles used in the Council area which are slightly larger than a standard service vehicle.

STAFF RECOMMENDATION

THAT the roundabout at the intersection of George Street and Allen Street, North Strathfield be upgraded in accordance with attached plans.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT the roundabout at the intersection of George Street and Allen Street, North Strathfield be upgraded in accordance with attached plans.

ITEM-7 CABARITA PARK, CABARITA - NEW YEARS EVE ROAD CLOSURE

REPORT

NSW Police have requested additional measures be put in place to manage vehicles in Cabarita Park on New Year's Eve 2017. They have advised that last year vehicles were being illegally parked in a manner that obstructed emergency vehicle access.

To minimise illegal parking and reduce vehicular movements within the park, it is proposed to progressively close sections of the park to vehicular entry from the early evening onwards as detailed in the attached Traffic Management Plan. No restriction will be imposed on vehicles leaving the park and it is anticipated they will do so progressively over the course of the evening.

STAFF RECOMMENDATION

THAT traffic management measures be implemented on New Year's Eve at Cabarita Park as detailed in the Traffic Management Plan.

DISCUSSION

Item is in order

COMMITTEE RECOMMENDATION

THAT traffic management measures be implemented on New Year's Eve at Cabarita Park as detailed in the Traffic Management Plan.

ITEM-8 DUKE AVENUE, RODD POINT - STREET CHRISTMAS PARTIES

REPORT

At the Traffic Committee meeting held on 16 November 2017 consideration was given to a number of temporary road closures to facilitate Christmas parties in various local streets.

In addition to the closures considered at this meeting, a late application has been received for a street Christmas party in Duke Avenue, Rodd Point, to be held on 17 December 2017 from 5:00pm to 10:00pm.

Duke Avenue has been closed for this purpose in previous years, the most recent being 2015.

STAFF RECOMMENDATION

THAT the temporary closure of Duke Avenue be approved for a street Christmas party on 17 December 2017 from 5:00pm to 10:00pm.

DISCUSSION

Item is in order

COMMITTEE RECOMMENDATION

THAT the temporary closure of Duke Avenue be approved for a street Christmas party on 17 December 2017 from 5:00pm to 10:00pm.

**ITEM-9 BREAKFAST POINT PARKING MANAGEMENT -
 FAIRWATER DRIVE**

REPORT

At its meeting on 18 February 2016, the Traffic Committee considered a report into making the streets within Breakfast Point a 'Restricted Parking Area, Park in Mark Bays Only'. This was subsequently approved by Council and in combination with an enforcement agreement allowed Councils Parking Patrol Officers to carry out enforcement against vehicles parked outside of marked bays.

During early negotiations regarding the proposed restrictions, the Spring Park Community Association opted to not have the streets within their area of Breakfast Point included.

However, it has subsequently been identified that the plans submitted by the overarching Breakfast Point Community Association did not accurately reflect the boundaries of the Spring Park Community Association. As a result, Fairwater Drive was inadvertently included in extents of the approved 'Restricted Parking Area'.

As per the attached plan, the signage is to be adjusted to exclude Fairwater Drive from the 'Restricted Parking Area'. The Spring Park Community Association has advised that the changes as detailed are satisfactory.

STAFF RECOMMENDATION

THAT the extents of the Breakfast Point 'Restricted Parking Area' be amended to exclude Fairwater Drive as detailed in the locality plan.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT the extents of the Breakfast Point 'Restricted Parking Area' be amended to exclude Fairwater Drive as detailed in the locality plan.

ITEM-10 BRENT STREET, RUSSELL LEA - INSTALLATION OF MIPPS

REPORT

Council has received correspondence from a resident requesting the installation of a Mobility Impaired Persons Parking Space (MIPPS) in Brent Street, Russell Lea, near Lyons Road.

At present parking in the area is unrestricted and at times it is difficult to find vacant parking immediately near the business on Lyons Road. There is however parking available within a short distance for more mobile people.

As such, it is proposed that a MIPPS be installed on the north-east side of Brent Street in the first space closet to Lyons Road.

It is noted that this is within the same area as a current proposal by RMS for the installation of two '1/2P' spaces. These spaces are intended to offset the proposed removal of parking on Lyons Road as a result 'Clearway' and 'No Stopping' restrictions.

Following the completion of community consultation, the RMS can further investigate appropriate restrictions in this area to complement the MIPPS that is currently proposed.

STAFF RECOMMENDATION

THAT a MIPPS be installed on the north-east side of Brent Street in the first space closet to Lyons Road.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

THAT a MIPPS be installed on the north-east side of Brent Street in the first space closet to Lyons Road.

**ITEM-7 SIX MONTHLY REPORT ON PROGRESS - JULY TO
DECEMBER 2017**

Department Community Development

Author Initials: SAD

EXECUTIVE SUMMARY

This report presents the six-monthly Report on Progress of the implementation of the 2013-2017 Delivery Program and 2017-2018 Operating Plan. This report fulfils the reporting requirements of the Local Government Act 1993.

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:
IE4 We will be innovative and apply good governance to meet community expectations and legislative obligations.

REPORT

The Local Government Act requires the General Manager to *ensure that progress reports are provided to the council, with respect to the principal activities detailed in the Delivery Program, at least every six months*". The way in which this happens is at the discretion of the Council.

The Report on Progress reports on strategic progress of the principle activities detailed in the 2013-2017 Delivery Program and 2017-18 Operating Plan with reference to the Themes of FuturesPlan20. This ensures that both the Council and the Community are kept informed on progress being made towards achieving the directions of FuturesPlan20.

The Report on Progress includes:

- Highlights of key activities
- Highlights on programs and projects relating to the four Themes of FuturePlan20.

The report will be made available on Council's website and a limited number of hard copy documents will be distributed to the Customer Service Centre and Libraries.

A copy of the report has been circulated to Councillors under separate cover.

FINANCIAL IMPACT

Council's financial position against the Operating Plan will be reported on a quarterly basis and will be the subject of a separate report.

RECOMMENDATION

THAT the Council receives and notes the July to December 2017 six-monthly Report on Progress relating to the 2013-17 Delivery Program and 2017-2018 Operating Plan.

**ITEM-8 COMMUNITY/INDEPENDANT MEMBER
 APPOINTMENTS TO COUNCIL COMMITTEES**

Department Corporate Services

Author Initials: BP

EXECUTIVE SUMMARY

At its meeting on 26 September 2017, Council resolved to confirm the appointment of delegates to council committees, external organisations and external bodies.

Committee membership on Council Committees is also re-established following each Council election, and it is now proposed to appoint community and independent members to various committees following the receipt of submissions from interested community members.

REPORT

Access Committee

The purpose of the Access Committee is to assist Council in the following areas:

- Identify and remove barriers to participation for people with a disability
- Provide advice and input on the implementation, monitoring and review of strategies and actions to improve access and inclusion for people with a disability
- Provide feedback on development applications received by Council for public facilities.

Membership to the Committee is voluntary with a commitment to ensuring that membership is diverse and balanced so as to provide a high level of advice to Council.

Membership of the Committee is guided by the Access Committee Charter which recommends a minimum of 6 and maximum of 12 representatives from the following five categories:

1. Elected members of the City of Canada Bay Council
2. Residents with a disability and people with a disability working or studying in the LGA
3. Family members/carers of people with a disability
4. Service providers that support people with a disability

5. People living in the LGA who have a specific area of interest or skill that could provide valuable input to the Committee.

An Expression of Interest (EOI) for community members was conducted for a period of 28 days from Wednesday, 11 October 2017 to Tuesday, 7 November 2017. The EOI process was advertised in the Inner West Courier, via Council's Facebook page, website and through Council's community stakeholder database. Previous committee members were also invited to reapply.

Council received a total of 14 nominations. The following are members who re-nominated for membership:

1. Jack Nolan
2. Jeanette O'Hara
3. John Smith
4. Coral Arnold
5. Jill Hodder
6. Bill Dawson
7. George Bulcock

The following are new community members seeking membership:

8. Joy Kay
9. Justine Perkins
10. Charlotte Vann
11. Phillip McCarthy
12. Veronica Dharma
13. Sue Robins
14. Roman Deguchi

All nominated members demonstrated a genuine interest in the purpose of the Committee and it is considered that they would provide Council with a high level of advice.

Although the total number of members recommended within the Committee Charter is 12, it is considered that each of the nominated 14 community members would add value to the Committee and it is proposed that the Charter be amended and all nominees be appointed to the Committee for the Council term, taking the total number of members on the Access Committee to 15, including the elected member.

Rhodes Community Committee

The purpose of the Rhodes Community Committee is to:

- Focus on strategic matters affecting the Rhodes Peninsula community

- Assist Council in the communication and engagement of the Rhodes Peninsula community
- Provide an avenue for two way communication regarding strategic matters between community representatives and Council
- Enable residents, businesses and other stakeholders who live, work and operate businesses within the Rhodes Peninsula to work together to enhance the liveability of the Rhodes area.

Council called for nominations to the Committee from 20 October to 16 November 2017.

The call for nominations was promoted widely through print and online mediums, at local Council events and through Council community facilities.

Council received a total of 22 nominations. The following 13 representatives provide a good mix of age, cultural background, location, leadership and communication skills representing the Rhodes Peninsula Community:

1. Ms Jenny Nicholls
2. Ms Jennifer Dixon
3. Mr Geoff Coffill
4. Mr James Yuan
5. Ms Uma Srinivasan
6. Mr Robert Henry Eastham
7. Ms Leisa Crowe
8. Mr Trevor Oates
9. Mr Matthew Abi-Arrage
10. Mr Harvey Baden
11. Mr Mark Boyle
12. Ms Carol Kendall
13. Ms Jing Hong

Environmental Advisory Committee

The Environmental Advisory Committee, formerly known as the Sustainable City Committee has been a committee of Council since its inception in 2003. The purpose of the Committee is to:

- Provide Council with independent advice and assistance on broad sustainability issues
- Promote awareness of sustainability issues in the community.

The Committee has evolved over the years, taking a more active role in the last five years implementing projects such as the coffee cup project and Bagless in the Bay.

Council opened nominations for a new committee in late 2017 and received 19 applications through this process. The goal is to have a spread of nominees from suburbs within the City as well as a range of business and resident members. It is also important to have a youth voice, and this year a student nomination has been received.

Below is a list of the proposed candidates for the 2018 Environmental Advisory Committee:

1. Mitchel Alexander
2. Amira Hashemi
3. Antonina Fieni
4. Belinda Wilson Chartres
5. Ellen Luo
6. Jessi Towns
7. Roslyn Bean
8. Toni Beauchamp
9. Zoe Kapetangiannis
10. Tailoi Ling
11. Stephanie McCann
12. Grace Kiefer

If Council accepts these proposals, it is recommended that a supplementary list is created for the Committee due to the overwhelming number of excellent candidates. This list could be drawn upon if a member leaves the committee. This list includes the following candidates:

1. Anna Richardson
2. Corinne Gaston
3. Norbert Brenner
4. Shu-fang Wei
5. Will Hegarty
6. Gina Rizakos
7. Anup Shah

Audit Risk and Improvement Committee

Council's Audit Risk and Improvement Committee membership currently consists of two Councillors and two independent members, one of which is the Chair of the Committee.

The Committee meets on a quarterly basis and its purpose is to:

- Improve the effectiveness of internal controls, governance and risk management
- Assist in instilling public confidence in Council operational effectiveness.

Following the resignation of the 2 independent members and the election of a new Council, an advertisement was placed in the Sydney Morning Herald, Inner West Courier and on Council's website in November 2017.

The following four submissions were received:

1. Lina Bavaro
2. Michael Ellacot
3. Peter Lucas
4. Dennis Vacher

All applicants were interviewed by the Acting Director Corporate Services and the Manager Finance. Each applicant was assessed against set criteria including evidence of a high level of financial literacy and experience in audit, compliance, governance and risk management.

Of the four applicants interviewed, it was agreed that Michael Ellacot and Dennis Vacher should proceed to reference checks. Both Mr Ellacot and Mr Vacher have significant experience in the financial, audit and risk management areas and reference checks confirmed their suitability for a role as independent members of Council's Audit Risk and Improvement Committee.

It is recommended that Michael Ellacot and Dennis Vacher be appointed as independent members of Council's Audit Risk and Improvement Committee.

FINANCIAL IMPACT

Administration of these Committees is provided in the 2017/18 operating plan and budget. There is no additional financial impact relating to this report.

RECOMMENDATION

1. THAT Council receive and approve the nominated community/independent members for membership of each of the Committees outlined in the report.
2. THAT Council write to nominees advising them of the outcome of the process.

**ITEM-9 CITY OF CANADA BAY - FEES AND CHARGES
AMENDMENT - EXHIBITION OUTCOME**

Department Planning and Environment

Author Initials: AW

STRATEGIC CONNECTION

This report supports FuturesPlan20 Outcome area:

My City has attractive streets, village centres and public spaces

My City has attractive landscapes with sustainable development and where heritage is conserved

This report also relates to the Canada Bay Local Planning Strategy and the Canada Bay Local Environmental Plan 2013.

REPORT

In December of 2016, Council resolved to support the appointment of a Design Review Panel.

On 15 August 2017 Council further resolved:

1. *THAT the Terms of Reference - City of Canada Bay Design Review Panel be endorsed.*
2. *THAT an Expression of Interest be issued for members of the Design Review Panel.*
3. *THAT authority be delegated to the General Manager to:*
 - (a) *appoint three (3) permanent Panel members and two (2) alternate panel members for an initial term of two years; and*
 - (b) *appoint any new Panel members of the Design Review Panel within the two year term.*
4. *THAT a quarterly report be provided to Council to advise of the applications that were referred to the Panel.*

A Draft Fees and Charges 2017-18 schedule relating to the adoption of a new fee for referrals to the Design Review Panel was exhibited from 17 October 2017 to 14 November 2017.

The purpose of the Design Review Panel is to provide Council with high level independent expert advice and expertise on architecture, landscape architecture and urban design. The Panel will be referred development applications, pre-lodgement applications, Planning Proposals and amended plans that require assessment under the State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development).

The Panel will also review development that involves commercial and retail buildings that are 3 or more storeys in height or contain 4 or more dwellings, or any other applications or planning documents which are considered by Council to warrant referral.

Clause 248 of the *Environmental Planning and Assessment Regulation 2000* allows Council to charge a fee to applicants for referrals to the Design Review Panel as specified below:

*248 Additional fee — residential apartment development
An additional fee, not exceeding \$3,000, is payable for development involving an application for development consent, or an application for the modification of the development consent, that is referred to a design review panel for advice.*

The Draft Fees and Charges 2017-18 schedule prescribes the following fees:

Fee Description	Fee (excl.)	GST	Fee (incl.)
Referral of Development Applications to the Design Review Panel	\$3,000	\$0	\$3,000
Referral of Pre-lodgement Applications to the Design Review Panel	\$3,000	\$0	\$3,000
Referral of amended plans to the Design Review Panel	\$1,500	\$0	\$1,500

No submissions were received in relation to the draft fees.

It is recommended that the draft fees be adopted to allow Council to charge a fee for all referrals to the Design Review Panel to enable some of the associated costs of running the Panel to be recovered.

FINANCIAL IMPACT

Panel members are entitled to remuneration and payment of expenses and Councils are responsible for the funding and remuneration of the Panel.

A budget of \$30,000 has been provided in the 2017/2018 financial year to cover initial costs associated with the establishment of the Panel.

The *Environmental Planning and Assessment Regulation 2000* permits Councils with a Design Review Panel to charge a fee as previously discussed. To ensure

some costs are recovered over the long term, a fee is proposed to be charged for future applications referred to the Panel.

RECOMMENDATION

1. THAT Council note the outcome of the public exhibition period.
2. THAT Council adopt the draft fees relating to the Design Review Panel.

ITEM-10 PECUNIARY INTEREST RETURN

Department Corporate Services

Author Initials: BP

REPORT

Section 449(1) of the Local Government Act (the Act) requires a Councillor to lodge and complete, within three (3) months of becoming a Councillor, a pecuniary interest return.

Section 449(3) of the Act states that a person need not lodge a return within a 3 month period of becoming a Councillor if the person lodged a return in that year or the previous year.

Having regard to the above, Councillors Di Pasqua, Ferguson, Jago, Little, Ramondino, Tsirekas and Yap were required to lodge a return following the 2017 Local Government Elections, and copies of these returns are tabled.

The General Manager, as a designated person in accordance with Section 449 of the Act, has also completed a return which is tabled at this meeting.

RECOMMENDATION

THAT the report be received and noted.

ITEM-11 DELEGATIONS REVIEW

Department Corporate Services

Author Initials: BP

REPORT

Under Section 380 of the Local Government Act 1993, a review of Council's delegations is required during the first 12 months of each term of office.

Council's general power to delegate certain functions is covered under Section 377 of the Act. Such delegations can be made by Council to the General Manager, with the General Manager then having the ability under Section 378(2) to sub delegate functions to other staff members.

The delegations register is reviewed on an ongoing basis to ensure updates to any changed legislation and sub delegations are appropriate for staff to allow them to fulfil their functions within the legislative framework under which they are employed.

The delegations of the General Manager are the basis for the delegations register which covers all other relevant positions. The delegations associated with the General Manager's position therefore require consideration and adoption in order to comply with the provisions of the Act, and are outlined below for consideration by Council.

RECOMMENDATION

1. THAT subject to the Local Government Act: to the direction and control of the Mayor and Council, and any resolution made from time to time by the council Peter Gainsford, General Manager, be hereby authorised to exercise the following powers, authorities, duties and functions, namely –
 - (a) to carry on the regular services and operations of the Council within the sums voted by the Council or expenditure thereon, and in accordance with the resolutions of the Council;
 - (b) to control and direct the servants of the Council.
 - (c) to terminate any servant of the Council other than Senior Staff and appoint some person to carry on the work until the next meeting of the Council. In the case of Senior Staff, to consult with Council prior to the suspension of such servant.
 - (d) to authorise the payment of the salaries and wages of the servants of the Council within the sums voted by the Council for expenditure thereon;

- (e) to give effect to the provisions made by or under the Act and any other Act conferring powers or imposing duties on the Council, and to any resolution, minute report, or policy which has been passed or adopted by the Council;
 - (f) to take such actions and do such acts or things (not inconsistent with the Act or any Act conferring powers or imposing duties on the Council or with any resolution, minute, report, or policy which has been passed or adopted by the Council) as the General Manager deems necessary to generally manage, control and administer the affairs of the Council.
 - (g) To approve tenders other than tenders to provide services currently provided by members of staff.
2. THAT the authorities conferred by this resolution be unlimited as to the period during which they may be exercised.
3. THAT, in the absence from duty of the General Manager (which absence shall be notified in writing to the Mayor, all members of the Council and Senior Staff) the powers, authorities, duties and functions herein authorised to be exercised by the General Manager will be exercised by the Council officer nominated by the General Manager and approved by the Mayor from time to time.”

**ITEM-12 DELEGATION - CHRISTMAS/NEW YEAR PERIOD
2017/18**

Department Corporate Services

Author Initials: BP

REPORT

Council at its meeting of 5 December 2017 resolved, in part, that a report on the exercise of delegations over the 2017/18 Christmas/New Year period by the General Manager, acting in consultation with the Mayor, be submitted to the first scheduled meeting of the Council in 2018.

There were no matters that required the Mayor and General Manager to use their delegation over the 2017/18 Christmas/New Year period.

RECOMMENDATION

THAT the report be received and noted.

**ITEM-13 NOTICE OF MOTION - CR FERGUSON - REVIEW OF
COUNCIL'S BULK WASTE COLLECTION SERVICE**

Department Executive Services

Author Initials: AF

REPORT

A Notice of Motion has been received from Councillor Andrew Ferguson.

RECOMMENDATION

1. THAT Council endorses a full review of Council's bulk waste collection service to enhance efficiency, recycling and ensure best practice. Such review should give attention to a better process for high density suburbs such as Rhodes so as to avoid Work Health and Safety (WHS) risks and the blocking of footpaths as occurred recently in Rhodes.
2. THAT to ensure Council is best equipped to benefit, from this review, the review should include an appropriate examination of policies and procedures adopted in an appropriate cross section of other Local Government Areas in Sydney.

COUNCIL IN CLOSED SESSION

ITEM-14 EXTERNAL LEGAL PANEL

REASON FOR CONFIDENTIALITY

In accordance with Section 10A(2)(d) of the Local Government Act 1993, the Council is permitted to close the meeting to the public for business relating to the following:

Commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.