

ORDINARY COUNCIL MEETING

AGENDA

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

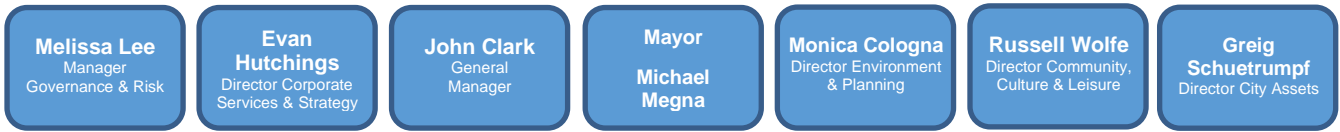
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 16 April 2024

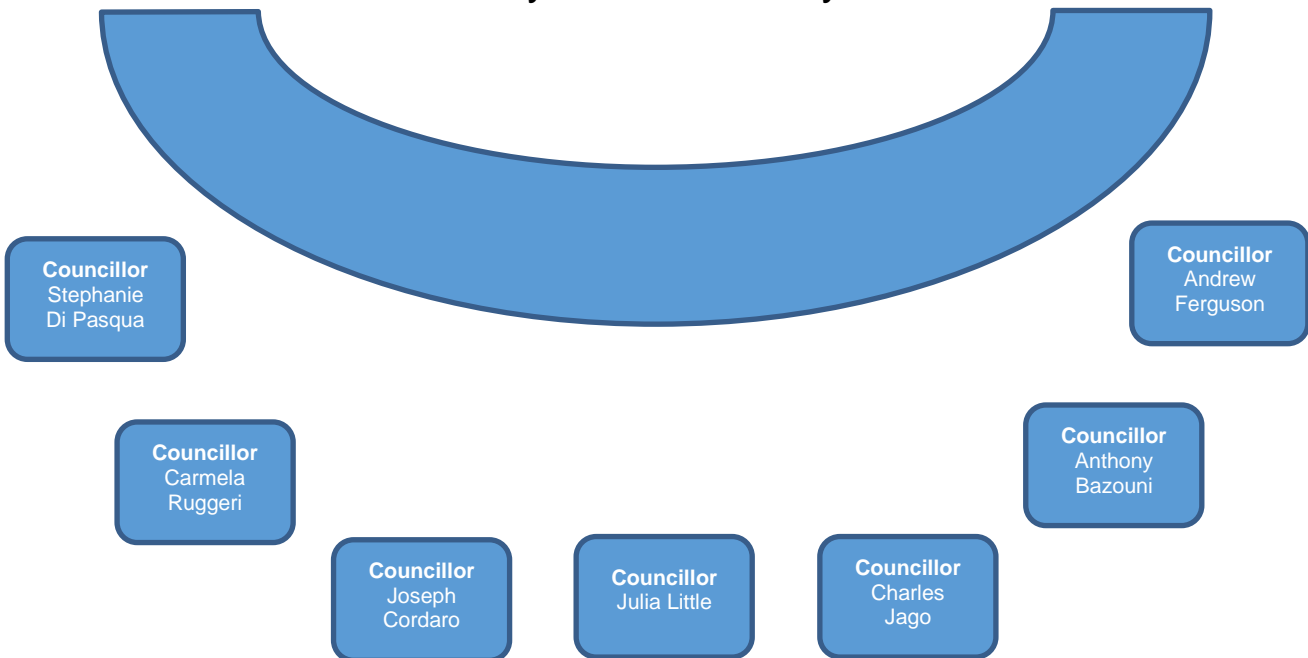
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



**Councillors
City of Canada Bay**



Statement of Ethical Obligations

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

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

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 16 April 2024
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6:00 PM**

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 19 MARCH 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 19 March 2024 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - AMENDMENTS TO WASTE TENDERING REQUIREMENTS UNDER THE LOCAL GOVERNMENT (GENERAL) REGULATION 2021 (NSW)

Attachments: 1. **Legal opinion by Arthur Moses Senior Counsel (*Provided in Attachment Booklet*)** [↗](#)

Submitted by: Councillor Michael Megna (Mayor)

MOTION

That Council writes to the NSW Minister for Industrial Relations, NSW Minister for Local Government, and local Member of Parliament:

- a. Expressing serious concerns about recent amendments to the *Local Government (General) Regulation 2021* made by the *Local Government (General) Amendment (Tendering) Regulation (No 2) 2023* (NSW) on 15 December 2023, as highlighted in a legal opinion by Arthur Moses (Senior Counsel) dated 26 February 2024, and
 - b. Calling on the NSW Government to reconsider the amendments as a matter of urgency and to engage in proper consultation with all relevant stakeholders on an appropriate way forward.
-

BACKGROUND

I am calling on Councillors to support representations to the NSW Government in response to recent amendments to the *Local Government (General) Regulation 2021* made by the *Local Government (General) Amendment (Tendering) Regulation (No 2) 2023* (NSW) on 15 December 2023.

The amendments introduce new requirements in relation to the tendering of domestic or other waste management services by councils, which are likely to have detrimental effects on NSW councils.

The attached legal opinion from Arthur Moses (Senior Counsel) highlights many problems with the amended Regulations. The Senior Counsel's opinion is that "the amended Regulations are ambiguous, unworkable and apt to produce adverse consequences for councils, tenderers, employees, ratepayers, and the general public...".

As highlighted in the legal opinion (summarised at paragraph 45), taken together the amended regulations:

- (a) are internally inconsistent and poorly drafted;
- (b) undermine relationships between incumbents and their employees;
- (c) affect a far broader range of services and service providers than may have been intended;
- (d) are unworkable in their application to service providers and employees who provide services to multiple clients;
- (e) substantially advantage incumbents and reduce competition in the market for waste services, with flow on adverse cost and service quality consequences for councils, their ratepayers and the broader community; and
- (f) provide unions with a broad and unreviewable veto power in respect of waste management arrangements, preventing or protecting tender processes with flow on adverse competition, cost and service quality consequences.

The amended regulations are also vulnerable to legal challenge creating uncertainty for councils, tenderers, and employees (see paragraphs 46–57 of the legal opinion).

Where a council wishes to change service providers, the new service provider must offer the employees of the existing service provider a job on at least the same terms and conditions of employment with continuity of service and no loss of entitlements, regardless of whether the new provider requires the employees to deliver the service. Furthermore, there is no requirement for the existing service provider to compensate the new service provider (or the council) for the cost of accrued entitlements that will become a liability for the new service provider. This effectively means councils may end up paying twice for accrued employee entitlements – they will have already compensated the existing service provider under the current contract, and then may need to compensate the new service provider for these same costs under a new contract.

Further, for a tender to be successful, the relevant industrial organisations must be consulted and satisfied. The registered industrial organisations who are required to be satisfied may include the Transport Workers Union, United Services Union, Local Government NSW and the Waste Contractors and Recyclers Association of NSW. There is no mechanism for dealing with a dispute where one of the relevant industrial organisations is satisfied and another of the relevant industrial organisations is not satisfied.

Local Government NSW has raised the abovementioned concerns with the NSW Government and is seeking the support of councils across NSW in amplifying this advocacy.



Michael Megna

MAYOR

ITEM 5.2 **MAYORAL MINUTE - ROZELLE INTERCHANGE UPDATE****Attachments:** **1. Rozelle Interchange - Letter to Minister for Roads** [↓](#)Submitted by: Councillor Michael Megna (Mayor)

MOTION

That Council:

1. Write to the NSW Minister for Roads, the Hon. John Graham MLC, requesting
 - a. A public meeting at Council's Civic Centre Chambers with the NSW Minister for Roads to address the issue of the Rozelle Interchange.
 - b. That any local traffic management resultant from the gridlock created by the opening of the Rozelle Interchange be funded by the NSW Government.
 2. Write to the NSW Minister for Transport, the Hon. Jo Haylen MP reiterating Council's request for an increase of ferry services to wharves in the City of Canada Bay LGA, and consideration of additional services that begin further east at Cabarita Wharf, and the resumption of services to Birkenhead Point Wharf, which would incentivise mode of transport shifts for residents.
 3. Continues to advocate for better outcomes for our local community on this matter.
-

BACKGROUND

Further to my Mayoral Minute last month about the Rozelle Interchange, I would like to provide Council with an update.

Following my request to the NSW Minister for Roads, the Hon. John Graham MLC, for a meeting to discuss the impact of the opening of the Rozelle Interchange on residents and businesses, the General Manager, the Director of City Assets and I met with senior Transport for NSW bureaucrats.

Councillors will find attached a letter dated 3 April 2024, that I wrote to the Minister outlining Council's frustration with what we learned in that meeting.

Effectively, it has been made clear to Council that there are no real solutions to the problems posed by the Rozelle Interchange.

The expectation from the Department is that these NSW Government problems will soon become City of Canada Bay Council problems. Their expectation is that we will come up with the solutions and divert our resources to local traffic management to solve the problems that arose from shockingly poor planning by Transport for NSW.

Furthermore, last week, I outlined these frustrations and advocated on behalf of our residents and businesses at the NSW Parliamentary Inquiry into the Impact of the Rozelle Interchange.

If Council is to be lumped with the burden of fixing the mess of our State Government, the very least we would expect is to have these problems and potential solutions explained to our residents at a public meeting hosted by Council at our Civic Centre, livestreamed to our community, and for the costs of these solutions to be met by the NSW Government.

It has been clear to Council for some time now that one possible solution for congestion in our LGA is a further investment in ferry services.

Council has consistently advocated for further investment in this mode of transport. The gridlock that has resulted from the Interchange opening once again makes it clear that, for residents to be incentivised to shift their mode of transport, more services along our LGA are required. A service

that begins further east at Cabarita Wharf should also be considered to ensure our local wharves are not 'skipped' by ferries that are at capacity.



Michael Megna

MAYOR

Office of Mayor
Michael MegnaCity of
Canada Bay

3 April 2024

The Hon. John Graham, MLC
Minster for Roads
52 Martin Place
SYDNEY NSW 2000

Dear Minister Graham,

Rozelle Interchange

At its meeting on 19 March 2024, Council considered my Mayoral Minute regarding the Rozelle Interchange and its impacts on the City of Canada Bay community, particularly in relation to our Drummoyne residents. Council resolved that:

1. The Mayor write again to the Minister for Roads, the Hon. John Graham MLC, reiterating Council's request for a meeting with the Mayor, Council's General Manager, and the Director City Assets to discuss the impact of the opening of the Rozelle Interchange on residents and businesses.
2. Council continues to advocate for better outcomes for our local community on this matter.

I have attached a copy of the full Mayoral Minute for your reference.

On 26 March Council's Executive team and I attended a meeting with TfNSW staff, where I reiterated the concerns of local residents and Council regarding the significant negative impact the Rozelle Interchange has had on our community.

Based on the discussion at this meeting it is apparent that, apart from tweaks to traffic light phasing and continued monitoring of the traffic, there are no options or plans being developed to properly fix the problems our community is experiencing.

Further, the expectation is that Council will need to implement local traffic management plans to address the congestion issues on Victoria Road being caused by the Rozelle Interchange.

In addition to the significant disruption to our community, it now appears inevitable that Council will also bear significant responsibility and cost, as well as the degradation of the amenity of our local streets, to alleviate the problems the interchange has caused.

T 02 9911 6555 **E** council@canadabay.nsw.gov.au **www.canadabay.nsw.gov.au**
Canada Bay Civic Centre 1A Marlborough Street, Drummoyne 2047
Locked Bag 1470, Drummoyne 1470 ABN 79 130 029 350

Last week the Premier effectively stated that the solution for our community is the Sydney Western Harbour tunnel, meaning our community is expected to put up with this mess for a further four years.

I therefore request that I have the opportunity to meet with you to discuss a way forward to address the issues being faced by the City of Canada Bay since the opening of the Rozelle Interchange.

Please contact my office on 9911 6503 or belinda.gibson@canadabay.nsw.gov.au to advise your earliest availability for this meeting to occur.

Yours sincerely,



Mayor Michael Megna
City of Canada Bay

ITEM 5.3 MAYORAL MINUTE - ROZELLE INTERCHANGE**Attachments: Nil**

Submitted by: Councillor Michael Megna (Mayor)

MOTION

1. That the Mayor write again to the Minister for Roads, the Hon. John Graham MLC, reiterating Council's request for a meeting with the Mayor, Council's General Manager, and the Director City Assets to discuss the impact of the opening of the Rozelle Interchange on residents and businesses.
2. That Council continues to advocate for better outcomes for our local community on this matter.

BACKGROUND

The Drummoyne community has suffered considerably from the failures surrounding the planning, construction and recently, the opening of the Rozelle Interchange.

Unfortunately, it seems Council's concerns about this project's impact on our community were not heard in the planning phase, and we were ignored during construction when road closures led to a standstill on Drummoyne's roads.

Now the Interchange has opened, and the problems have been compounded.

In addition to the standstill on our main roads, rat-running has resulted in bumper-to-bumper traffic on streets north and south of Victoria Road, and east and west of Lyons Road.

The band-aid solution after outcry from the Rozelle-Balmain Peninsula was to amend the light sequencing for eastbound traffic onto the Iron Cove Bridge, holding back traffic on Victoria Road to ease congestion further east.

As the Department would have understood, this change has merely exacerbated the problem in our area and shifted traffic further west.

What were once 10-minute journeys around our LGA have become odysseys. The Department and the State Government must identify and roll out immediate fixes and look to invest in long-term solutions.

Last month, a NSW Parliamentary Inquiry was established to inquire into and report on the impact of the Rozelle Interchange.

Recently, I wrote to the local community, advising them of the inquiry and calling on individuals who have been impacted by these changes to make a submission.

In addition to working closely with Transport for NSW on this matter, Council has also made a public submission to the inquiry.

Our local community does not want anyone playing party politics over this matter, they do not care who is responsible – they just want to be able to get to work, to take their children to school and for the gridlock to be alleviated from local roads that have never experienced traffic like this before.

Michael Megna

MAYOR

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 March 2024 and 31 March 2024.

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 27 March 2024

The following applications were listed for consideration at the CBLPP meeting on 27 March 2024:

- DA2023/0295 – 1D Homebush Bay Drive, Rhodes – alterations and additions to Building D in Rhodes Corporate Park, involving the enclosure of two (2) currently underutilised terrace spaces – *approved subject to conditions*.
- MOD2023/0165 – The Concord Club – 1 Nullawarra Avenue, Concord – Section 4.55(2) to DA2022/0223 including minor internal changes to the layout, as noted on the plans: replacing the existing front sign with a new sign – *approved subject to conditions*. *Note the request to extend the trading hours was withdrawn by the applicant.*

Items for CBLPP Meeting on 24 April 2024

The following applications are listed for consideration at the CBLPP meeting on 24 April 2024:

- DA2023/0243 - 8 Thompson Street, Drummoyne - Partial demolition of existing detached structure to rear. New rear single storey studio.
- DA2023/0088 - 161 Thompson Street, Drummoyne - Partial demolition and construction of alterations and additions to the existing dwelling including a new attached garage and new swimming pool.
- DA2024/0020 - 18/162F Burwood Road, Concord - Installation of vergola louvered roof system to top floor terrace area of multi-level strata unit.

Development Applications - Determined

The following Development Applications have been determined by staff under delegation between 1 March 2024 and 31 March 2024:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0316	23.11.2022	56 Ramsay Road, Five Dock	Demolition of existing structures and construction of a new shop top housing development containing two basement levels, ground level commercial tenancies, 4 levels of residential apartments, and related landscaping	Approved – Court 01.03.2024
DA2023/0253	23.11.2023	213-217 Great North Road, Five Dock	Change of use of the subject premises (Shop B) as a shop/retail premises (TGL Tobacconist)	Approved 07.03.2024
DA2023/0271	12.12.2023	25 George Street, North Strathfield	New business identification signage attached to two cranes for duration of construction	Approved 07.03.2024
DA2023/0169	09.08.2023	River Quays Marina, 140 Tennyson Road, Mortlake	Proposed alterations and additions to, and a general reconfiguration of, the approved basement levels of the residential flat building approved on the subject property to ensure that the basement geometry is capable of accommodating car parking associated with	Approved 07.03.2024

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			any existing and proposed commercial marina (separate application)	
DA2024/0005	18.01.2024	26 Carrington Street, North Strathfield	Proposed single storey secondary dwelling	Approved 08.03.2024
DA2022/0240	23.08.2022	13 Hezlet Street, Chiswick	Construction of a dwelling house over basement parking with associated landscaping and swimming pool, cabana as well as the replacement of an existing boat shed and construction of sea wall	Approved – Deferred Commencement 12.03.2024
DA2024/0033	26.02.2024	24 Edwin Street, Drummoyne	Removal of 1 Red Flowing Gum from front yard of a property within a conservation area and planting of a replacement tree	Approved 13.03.2024
DA2024/0036	04.03.2024	8/1-5 Abbotsford Parade, Abbotsford	Strata subdivision of existing Strata lot – Transfer storage area from Lot 8 to Lot 1	Approved 14.03.2024
DA2024/0040	06.03.2024	19-19A Roseby Street, Drummoyne	Internal minor fitout works to existing tenancy (Coach Shop 55) within Birkenhead Point Outlet Shopping Centre. LED digital screen and internal fitting room additions	Approved 14.03.2024
DA2024/0045	13.03.2024	19-19A Roseby Street, Drummoyne	Proposed fitout for Shop 9 for David Lawrence	Approved 14.03.2024
DA2023/0260	04.12.2023	67 Formosa Street, Drummoyne	Alterations and additions to semi-detached dwelling	Approved 15.03.2024
DA2023/0268	13.12.2023	94 Great North Road, Five Dock	Internal refurbishment, shopfront alterations, and signage for NAB Five Dock	Approved 21.03.2024
DA2023/0278	14.12.2023	Suite 1/104A William Street, Five Dock	Change of use - existing commercial suite to residential 1	Approved 21.03.2024

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			bedroom apartment and associated minor building works	
DA2022/0247	02.09.2022	1 South Street, Drummoyne	Addition of a basement to a dwelling approved under complying development	Approved 22.03.2024
DA2023/0114	12.06.2023	18 Deakin Street, Concord	Demolition of dwelling house and swimming pool; removal of trees; construction of a new two storey dwelling house, swimming pool, pergola, and associated landscape works	Approved 22.03.2024
DA2023/0151	24.07.2023	16 Dorking Road, Cabarita	Demolition of existing dwelling and construction of a two storey dwelling with basement parking, swimming pool and fire pit	Approved 22.03.2024
DA2022/0295	28.10.2022	13 George Street, North Strathfield	Use and fitout of the approved commercial tenancy on the lower ground floor of Building M to create a food and drink premise, specifically, dark kitchens	Refused 25.03.2024
DA2023/0014	06.02.2023	297 Concord Road, Concord West	Torrens title subdivision into two allotments and removal of select trees	Refused 27.03.2024
DA2023/0295	17.01.2024	1D Homebush Bay Drive, Rhodes	Alterations and additions to Building D in Rhodes Corporate Park, involving the enclosure of two (2) currently underutilised terrace spaces.	Approved – LPP 27.03.2024
DA2024/0053	26.03.2024	19-19A Roseby Street, Drummoyne	Tenancy fitout works to Shop 52-54 for Tommy Bahama	Approved 28.03.2024
DA2024/0055	26.03.2024	19-19A Roseby Street, Drummoyne	Internal refurbishment works to the Michael	Approved 28.03.2024

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			Kors store at Tenancy 35	

Total Number of DAs Determined = 21

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 March 2024 and 31 March 2024:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2024/0037	01.03.2024	62 Mepunga Street, Concord West	Dual Occupancy (attached, Strata Title Subdivision (1 into 2 lots), 2 swimming pools (1 for each dwelling) and associated works
DA2024/0034	04.03.2024	82-84 Ramsay Road, Five Dock	Internal refurbishment to existing Gelato shop to incorporate Pizza and Pasta and proposed awning signage
DA2024/0036	04.03.2024	8/1-5 Abbotsford Parade, Abbotsford	Strata subdivision of existing Strata lot – Transfer storage area from Lot 8 to Lot 1
DA2024/0038	06.03.2024	95 Cabarita Road, Cabarita	Demolition of small portion of external wall on level 1 and construction of a balcony attaching to the existing master bedroom
DA2024/0040	06.03.2024	19-19A Roseby Street, Drummoyne	Internal minor fitout works to existing tenancy (Coach Shop 55) within Birkenhead Point Outlet Shopping Centre. LED digital screen and internal fitting room additions
DA2024/0039	07.03.2024	76 Myall Street, Concord West	Removal of 2 trees in rear yard and pruning of 2 trees in rear yard from a heritage listed property
DA2024/0044	11.03.2024	54 McGrath Avenue, Five Dock	Demolition of existing structures and selected on-site trees, a new construction of two storey dwelling with swimming pool
DA2024/0042	12.03.2024	4 Florey Place, Abbotsford	Demolition of existing dwelling and construction of new 2 storey dwelling house with basement and pool
DA2024/0046	12.03.2024	6 Nirranda Street, Concord West	Construction of a new double storey dwelling with an attached double garage
DA2024/0041	12.03.2024	65 Thompson Street, Drummoyne	Alterations and additions to an existing dwelling house within a heritage conservation area
DA2024/0043	13.03.2024	6 Rodd Road, Five Dock	Secondary dwelling and carport

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2024/0045	13.03.2024	19-19A Roseby Street, Drummoyne	Proposed fitout for Shop 9 for David Lawrence
DA2024/0049	14.03.2024	61 Byrne Avenue, Russell Lea	Demolition of existing structures, construction of proposed 2 storey dwelling with inground pool and front fence with associated landscaping
DA2024/0048	18.03.2024	34 Thompson Street, Drummoyne	Alterations and additions to dwelling house
DA2024/0050	19.03.2024	1 Duke Avenue, Rodd Point	Alteration of front gate and construction of new concrete driveway
DA2024/0051	20.03.2024	2 Lyons Road, Drummoyne	Alterations and additions to existing dwelling
DA2024/0047	21.03.2024	122 Correys Avenue, Concord	Alteration and additions including removal of existing structure, construction of a sunroom and deck at rear of the house and carport at side of house
DA2024/0053	26.03.2024	19-19A Roseby Street, Drummoyne	Proposed tenancy fitout works to Shop 52-54 for Tommy Bahama
DA2024/0055	26.03.2024	19-19A Roseby Street, Drummoyne	Proposed internal refurbishment works to the Michael Kors store at Tenancy 35

Total Number of DAs Lodged = 19

Variations to development standards

There were two variations made to development standards (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 March 2024 and 31 March 2024.

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0316	52-56 Ramsay Road, Five Dock	Height of Buildings, Clause 4.3	The breach in the Height arises partly from the fall of the land, and partly from the desired outcome to provide an active street frontage at ground level to Ramsay Road	1.978m (13.1%)	01.03.2024

		Dwelling Mix, Clause 6.11	The proposed development achieves the objectives of the mix of dwelling sizes development standard.	1 Dwelling (16.6%)	01.03.2024
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Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 31 March 2024:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2023/0064	30-34 Leicester Avenue, Strathfield	Class 1 appeal against the deemed refusal of development application for alterations and additions to existing DA2021/0089, comprising amendments to the unit mix, and addition of 3 levels to result in an 8-storey building comprising 58 residential apartments.	No agreement reached at s34 conciliation conference. Matter listed for hearing 16-17 April 2024.
DA2023/0168	53 Burnell Street, Russell Lea	Demolition of existing dwelling and vegetation, and construction of a new dwelling house with associated landscaping.	Matter listed for a s34AA conciliation conference on 22 and 23 April 2024.
DA2023/0241	5 The Esplanade, Drummoyne	Integrated development (Water NSW) for the construction of an attached dual-occupancy and strata subdivision	Matter listed for a s34AA conciliation conference on 2 and 3 September 2024.

There are three active appeals before the Land and Environment Court.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 28 MARCH 2024

Reporting Manager Manager Roads and Traffic

Attachments: 1. **Traffic Committee Minutes - 28 March 2024** (*Provided in Attachment Booklet*) [↗](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 28 March 2024, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 28 March 2024 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 28 March 2024 for Council's adoption.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 DRAFT DELIVERY PROGRAM 2022-2026 AND DRAFT OPERATIONAL PLAN INCLUDING REVENUE POLICY, BUDGET AND FEES AND CHARGES FOR 2024-25 - PUBLIC EXHIBITION

Reporting Manager Chief Financial Officer

Attachments:

1. **Delivery Program 2022-26 and Operational Plan 2024-25 (Provided in Attachment Booklet)** [⇒](#)
2. **Draft Fees and Charges 2024-25 (Provided in Attachment Booklet)** [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The draft Delivery Program 2022-26, and draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2024-25, attached to the report, be placed on public exhibition for a period of not less than 28 days in accordance with the requirements in the Local Government Act 1993.
 2. The period of exhibition be from 19 April to 19 May 2024.
 3. A further report be prepared and submitted to Council following the exhibition period.
-

PURPOSE

To seek Council approval for public exhibition of the:

- Draft Delivery Program 2022-2026 (Year 3)
- Draft Operational Plan 2024-25
- Statement of Revenue Policy which includes the draft Budget, and proposed Schedule of Fees and Charges 2024-25

EXECUTIVE SUMMARY

The draft Operational Plan proposes the actions Council will undertake during the 2024-25 financial year to progress the strategies within the Delivery Program 2022-26. The draft Delivery Program and Operational Plan are presented in one volume, which includes the draft Statement of Revenue Policy and draft Budget. The proposed Schedule of Fees and Charges 2024-25 comprises a separate volume. Both documents, attached to this report, have been prepared following several months of planning, as well as a Councillor workshop held on 9 April 2024.

The documents are submitted to Council for approval to place them on public exhibition, in accordance with the requirements of the Local Government Act 1993.

The 2024-25 budget accounts for the second year of IPART determination with respect to the minimum rate. The overall rate income is increasing in line with IPART's rate peg determined for Council at 5.3%.

The expanded level of service that commenced for 2023-24 being funded by the special rate variation (SRV) continues in a program amounting to \$5.4M. The year two SRV uplift of \$1.1M identified for infrastructure renewal has not been realised for 2024-25 as a consequence of inflation being higher than forecast.

In accordance with the *Local Government Act 1993* the draft Operational Plan, including the draft Statement of Revenue Policy incorporating the draft Budget and draft Schedule of Fees and Charges for 2024-25 are to be exhibited for a minimum of 28 days. The outcomes of this exhibition will be reported back to Council for consideration in adopting the documents.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

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

BACKGROUND/DISCUSSION

Introduction

In reviewing its Integrated Planning and Reporting framework in the first year of its term, Council adopted the *Community Strategic Plan: Our Future 2036* and the *Delivery Program 2022-2026* at its meeting of 28 June 2022. With long term directions and strategies in place for 15 years and the duration of the term, respectively, Council is now required to consider an annual Operational Plan and Budget for 2024-25, the third year of Delivery Program implementation.

The draft Operational Plan, including the draft Statement of Revenue Policy, which incorporates a draft Budget and Schedule of Fees and Charges, attached to this report, have been prepared following several months of planning. The documents incorporate the second year of IPART determination with respect to the minimum rate and overall rate income increasing in line with IPART's rate peg determined for Council at 5.3%.

The expanded level of service that commenced for 2023-24 being funded by the special rate variation (SRV) continues in a program amounting to \$5.4M. The year two SRV uplift of \$1.1M identified for infrastructure renewal has not been realised for 2024-25 as a consequence of inflation being higher than forecast.

Draft Delivery Program 2022-2026

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

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

Draft Operational Plan 2024-25

The draft Operational Plan for 2024-25 contains the projects that will be delivered in the next financial year, with highlights including:

- Development of a corporate Customer Experience Strategy
- Delivering programs and projects to protect and enhance native species and local biodiversity
- Development of background studies to inform land use change around the Five Dock metro station
- Conducting business and economic development programs
- Delivering Ferragosto at Five Dock for its 27th year
- Parramatta to Sydney Foreshore Link in partnership with Transport for NSW

- Timbrell Park playing surface upgrade
- Majors Bay Reserve foreshore viewing deck
- Howley Park East Upgrade, including improved pedestrian access, lawn terrace with seating steps, park benches and additional parking
- Upgrading sections of Sisters Bay seawall in Drummoyne

Statement of Revenue Policy – draft Budget 2024-25

The Statement of Revenue Policy for the 2024-25 draft budget is as follows:

Statement of Revenue Policy – draft Budget 2024-25	2024-25 Forecast
<u>OPERATIONAL BUDGET</u>	\$
Operating Income	
Rates and Annual Charges	71,109,067
User Fees and Charges	21,645,210
Other Revenue	6,747,581
Other Income	4,445,619
Grants and Contributions-Operational	6,525,446
Interest	7,058,000
Total Operating Income	117,530,923
Operating Expenses	
Employee Costs	50,545,078
Borrowings	587,337
Materials & Services	41,407,437
Depreciation	17,527,678
Other Expenses	7,462,245
Total Operating Expenses	117,529,775
OPERATIONAL RESULT - SURPLUS/(DEFICIT)	1,148
<u>CAPITAL BUDGET</u>	\$
Capital Income	
Grants And Contributions-Capital	11,419,743
New Loan	0
Proceeds From The Disposal Of Assets	501,000
Total Capital Income	11,920,743
Capital Expenses	
Capital Expenditure	54,247,322

Statement of Revenue Policy – draft Budget 2024-25	2024-25 Forecast
Capital Expenditure - Principal Loan	791,543
Capital Expenditure – Other	100,000
Total Capital Expenses	55,138,865
CAPITAL RESULT - SURPLUS/(DEFICIT)	(43,218,121)
<u>FUNDING MOVEMENTS</u>	
Add Back Depreciation & Amortisation - Non Cash Item	17,527,678
+Transfer From Reserve	34,634,436
-Transfer To Reserve	8,945,141
TOTAL FUNDING MOVEMENTS	43,216,973
NET WORKING CAPITAL RESULT - SURPLUS/(DEFICIT)	0
Operating Ratio	0.0%

Rating structure and Special Rate Variation determination

Council's SRV approval for 2024-25 was determined by the Independent Pricing and Regulatory Tribunal (IPART) at 4.81%. This approval was based on forecast inflation of 2.5%. For the 2024-25 financial year the cap set by IPART has been determined for Council at 5.3%. The rate cap of 5.3% reflects the higher than anticipated inflationary impacts on Council's costs along with adjustments for additional costs imposed on Council to fund Emergency Services and compulsory superannuation contributions. The 2024-25 Budget has incorporated the 5.3% rate peg.

The minimum amount for ordinary, residential and business rates will increase from \$879.70 in 2023-24 to \$953.95 in 2024-25 as approved by IPART.

Fees and Charges

The proposed Fees and Charges for 2024-25 (Attachment 2) have been reviewed and increased by the CPI or by an amount which has regard to market conditions and the appropriate cost recovery level. For 2024-25, most fees and charges have been increased by a CPI forecast of an average of 5.6%. In respect to the Domestic Waste Management charge, an increase of 4.8% was applied despite contractual cost increases for waste collection and disposal increasing by 7%. This initiative was made possible by utilising the Waste Reserve to fund approximately \$586K of costs in order to reduce the overall rates and charges levy payable.

Capital Expenditure

The draft capital works program for 2024-25 allows for over \$54M of projects to be delivered across the following asset classes:

Asset Category	Total
Buildings	\$29,608,378
Bridges, Roads, Footpaths	\$6,604,324
Open Space	\$6,195,177
Seawalls and Marine Structures	\$4,150,000
Plant and Equipment	\$2,080,000
Drainage	\$1,248,500
Library	\$561,680

A detailed schedule of the proposed expenditure is included in the Statement of Revenue Policy.

Program highlights include:

Project	Budget Allocation
Rhodes Recreation Centre	\$23,000,000
Road Renewal Program	\$5,588,324
Iron Cove Seawall Renewal – Sisters Bay to Birkenhead Point	\$2,000,000
Deakin Street Foreshore Access	\$1,958,000
Bayview Park Toilet	\$675,000
Playground Upgrades and Accessibility Improvements	\$525,000
Golf Course Improvements and Safety Screens	\$420,000
Queen Elizabeth Park Commemorative Garden Restoration	\$300,000
Urban Canopy Tree Planting	\$200,000

Revisions to the program to reflect projects being carried forward from the current year will be included post exhibition.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

This report is submitted in accordance with the requirements of section 406 of the *Local Government Act 1993* and *Local Government (General) Regulation 2021*. The Act and the Regulation require that Council prepares and exhibits a draft Operational Plan, including draft Statement of Revenue Policy incorporating a draft Budget and proposed Schedule of Fees and Charges each year. The exhibition period which allows for a minimum 28 day exhibition period and reporting on the findings is proposed to be between 19 April and 19 May 2024.

Council is exposed to legislative compliance risk and reputational risk if the draft documents are not exhibited at the times specified in this report, as this may not provide Council with sufficient time to review and consider community submissions before adopting the documents in June 2024.

FINANCIAL CONSIDERATIONS

The draft Operational Plan, including the draft Statement of Revenue Policy, which incorporates a draft Budget and Schedule of Fees and Charges, attached to this report, have been prepared following several months of planning. The documents incorporate the second year of IPART determination with respect to the minimum rate and overall rate income increasing in line with IPART's rate peg determined for Council at 5.3%. The expanded level of service that commenced for 2023-24 being funded by the special rate variation (SRV) continues in a program amounting to \$5.4M.

Council is optimistic that inflationary pressures will improve towards the end 2024-25 to be back in line with its 2.5% forecast used by IPART in determining the SRV for the following two years. This will enable an anticipated \$1.1M rate income per year to be realised and allocated to asset renewal.

Overall, the operating result for 2024-25 is a surplus of \$1,148 with Council's general fund operating results forecast to remain in surplus throughout the ten-year Long Term Financial Plan (LTFFP).

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

ITEM 12.2 CASH AND INVESTMENTS REPORT FOR MARCH 2024
Reporting Manager Chief Financial Officer
Attachments: 1. **March 2024 Investment Report (*Provided in Attachment Booklet*)**
[⇒](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Report for March 2024, attached to the report, be received and noted.

PURPOSE

To present Council's Investment portfolio performance for March 2024.

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

This report incorporates the March 2024 Cash and Investments Reports, for Council's consideration.

Certification - Responsible Accounting Officer

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS
Summary position as at 31 March 2024

The Cash at Bank and Cash Investments are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
31 March 2024	\$1,165,363.31	\$145,213,439.33	\$146,378,802.64

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

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
02/04/24	ING Bank	A	\$2,000,000.00	22	5.00%	09/03/23	Term Deposits
11/04/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	252	5.46%	03/08/23	Term Deposits
18/04/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	252	5.47%	10/08/23	Term Deposits
24/04/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	237	5.19%	31/08/23	Term Deposits
02/05/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	244	5.19%	01/09/23	Term Deposits
09/05/24	National Australia Bank	AA-	\$2,000,000.00	244	5.15%	08/09/23	Term Deposits
16/05/24	National Australia Bank	AA-	\$2,000,000.00	251	5.15%	08/09/23	Term Deposits
23/05/24	National Australia Bank	AA-	\$2,000,000.00	231	5.14%	05/10/23	Term Deposits
29/05/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	366	5.03%	29/05/23	Term Deposits
06/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	244	5.01%	06/10/23	Term Deposits
13/06/24	Bank of Queensland	BBB+	\$2,000,000.00	266	5.25%	21/09/23	Term Deposits
20/06/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	266	5.25%	28/09/23	Term Deposits
27/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	258	5.07%	13/10/23	Term Deposits
27/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	223	5.23%	17/11/23	Term Deposits
27/06/24	National Australia Bank	AA-	\$2,000,000.00	112	5.07%	07/03/24	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$1,000,000.00	279	5.28%	29/09/23	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	259	5.19%	19/10/23	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	174	4.88%	12/01/24	Term Deposits
11/07/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	252	5.31%	02/11/23	Term Deposits
11/07/24	National Australia Bank	AA-	\$1,000,000.00	118	5.07%	15/03/24	Term Deposits
18/07/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	252	5.30%	09/11/23	Term Deposits
25/07/24	National Australia Bank	AA-	\$2,000,000.00	196	5.10%	11/01/24	Term Deposits
01/08/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	195	4.91%	19/01/24	Term Deposits
08/08/24	National Australia Bank	AA-	\$2,000,000.00	196	5.15%	25/01/24	Term Deposits
15/08/24	National Australia Bank	AA-	\$2,000,000.00	196	5.08%	01/02/24	Term Deposits
22/08/24	ING Bank	A	\$3,000,000.00	365	5.37%	23/08/23	Term Deposits
29/08/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	241	4.99%	29/05/23	Term Deposits
05/09/24	Bank of Queensland	BBB+	\$2,000,000.00	274	5.39%	06/12/23	Term Deposits
12/09/24	Bank of Queensland	BBB+	\$3,000,000.00	287	5.40%	30/11/23	Term Deposits
19/09/24	National Australia Bank	AA-	\$2,000,000.00	223	5.20%	09/02/24	Term Deposits
26/09/24	National Australia Bank	AA-	\$2,000,000.00	217	5.13%	22/02/24	Term Deposits
03/10/24	National Australia Bank	AA-	\$3,000,000.00	217	5.11%	29/02/24	Term Deposits
10/10/24	Suncorp Metway	A+	\$2,000,000.00	219	5.16%	05/03/24	Term Deposits
17/10/24	Suncorp Metway	A+	\$2,000,000.00	224	5.14%	07/03/24	Term Deposits
07/11/24	National Australia Bank	AA-	\$2,000,000.00	230	5.08%	22/03/24	Term Deposits
21/11/24	Commonwealth Bank of Australia	AA-	\$1,500,000.00	363	5.39%	24/11/23	Term Deposits
29/11/24	Auswide Bank	BBB	\$2,000,000.00	366	5.67%	29/11/23	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	731	1.04%	16/02/21	Term Deposits
21/10/24	Westpac Bank	AA-	\$1,500,000.00	638	5.25%	20/10/23	ESG TD
30/10/24	Westpac Bank	AA-	\$1,000,000.00	274	5.41%	30/10/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	276	1.62%	12/11/21	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	273	1.62%	03/12/21	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	364	2.02%	18/02/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	364	2.10%	25/02/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	640	1.87%	19/11/21	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	729	2.24%	18/02/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	729	2.31%	25/02/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	729	2.22%	04/03/22	ESG TD
29/08/24	ANZ Bank	AA-	\$1,500,000.00	182	5.11%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	274	5.22%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	366	5.19%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	455	5.05%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Covered	AAA	\$1,000,000.00	639	5.23%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	638	4.83%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	729	5.25%	13/01/23	Floating Rate Notes
24/02/26	RACQ Bank	BBB+	\$2,300,000.00	729	5.84%	24/02/23	Floating Rate Notes
15/05/26	Bendigo and Adelaide Bank	BBB+	\$1,000,000.00	820	5.60%	15/05/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	819	5.03%	16/06/21	Floating Rate Notes
19/08/26	ING Bank Covered	AAA	\$500,000.00	912	4.74%	19/08/21	Floating Rate Notes
14/09/26	Macquarie Bank	A+	\$1,600,000.00	914	5.19%	14/09/23	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1003	4.76%	23/09/21	ESG FRN
22/03/27	ING Bank	A	\$1,000,000.00	1095	5.30%	22/03/24	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1276	5.36%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1459	5.50%	13/01/23	Floating Rate Notes
19/01/28	Rabobank	A+	\$1,000,000.00	1461	5.52%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1461	5.32%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland Covered	AAA	\$1,250,000.00	1551	5.54%	09/05/23	Floating Rate Notes
17/08/28	Commonwealth Bank of Australia	AA-	\$1,250,000.00	1641	5.29%	17/08/23	Floating Rate Notes
15/12/24	NTTC	AA-	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	AA-	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Covered	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$4,000,000.00		5.20%		AMP
	AMP Bank	BBB	\$1,000.00		3.30%		AMP
	Macquarie Bank	A+	\$2,007,109.70		4.65%		Macquarie CMA
	Macquarie Bank	A+	\$1,505,410.42		4.15%		Macquarie CMA
	Commonwealth Bank of Australia	AA-	\$1,849,919.21		4.35%		CBA BOS
	31/03/24		\$145,213,439.33				
	TOTAL INVESTMENTS at 29/02/2024		\$145,707,737.14				
	Net Increase/(Decrease) in Investments		(\$494,297.81)				

FINANCIAL CONSIDERATIONS

Council's revised Budget for 2023-24 anticipates investment earnings of \$6.2M and is based on current interest rates being maintained for the remainder of the financial year.

The Reserve Bank, will meet on the 7 May 2024. There is mixed opinion as to whether it will change the cash rate, which is currently set at 4.35 per cent. While there are encouraging signs, the economic outlook is uncertain and the Board remains highly attentive to inflation risks.

While recent data indicates that inflation has moderated, it remains high. At its last meeting, the Board indicated that it will be some time yet before inflation is sustainably in the target range. The path of interest rates that will best ensure that inflation returns to target in a reasonable timeframe will depend upon the data and the evolving assessment of risks, and a further increase in interest rates cannot be ruled out.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

ITEM 12.3 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - CONFERENCE 2024**Reporting Manager** Manager Governance and Risk**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Councillor Megna (Mayor) and one other Councillor be nominated as Council's delegate and alternate delegate respectively, to attend the National General Assembly of Local Government with the General Manager, in Canberra from 2-4 July 2024.

PURPOSE

The purpose of this report is for Council to determine the delegates to attend the National General Assembly of Local Government in Canberra on 2-4 July 2024 with the General Manager.

REPORT

Council has received an invitation to the Australian Local Government Association National General Assembly (NGA), to be held in the National Convention Centre in Canberra from 2-4 July 2024.

The NGA of Local Government is the peak annual event for Local Government, from a national perspective, with in excess of 800 Mayors and Councillors attending each year. The theme of the 2024 conference is "Building Community Trust", with the aim of conveying the critical importance of trust in governments, between governments, its institutions, and its citizens.

Registrations are now open for both onsite and virtual attendees. Costings per person are as follows:

Attendance

Registration (early bird – pay before 7 June 2024): \$ 945 per person

Registration (virtual): \$ 739 per person

Accommodation approx. per night: \$ 360 per person/ per night

(Crown Plaza, 1 Binara Street Canberra)

It has been traditional in previous years for the Council to nominate one delegate and one alternate delegate to attend the Assembly with the General Manager.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

FINANCIAL CONSIDERATIONS

Registration, accommodation, and transport costs for Councillor attendance at the National General Assembly can be funded from the Councillor - Conferences budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - CHILDRENS' PLAYGROUNDS IN RHODES**Submitted by: Councillor Andrew Ferguson

MOTION

That:

1. Council officers undertake a review of the usage of Shoreline Park Children's Playground.
 2. Following the review referred to in 1 above, a report be prepared and submitted to Council on the outcomes and consideration of options of consulting with the community on enhancing and/or expanding children's play facilities in Rhodes.
 3. The report referred to in 2 above also consider the suitability of existing facilities for older children.
-

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

Housing development in Rhodes over the past twenty years has resulted in a substantial increase in the number of residents living in Rhodes. This increase is projected to continue in future years through the development of Rhodes East. As at the 2021 census the population of Rhodes was 11,550, with future development, principally in Rhodes East expected to result in the population of Rhodes being 22,549 by 2041. At the date of the 2021 census the population of nearby Liberty Grove was 2,060.

Rhodes is already a 'destination' for families from all over Sydney with thousands coming on weekends for shopping at Rhodes Central and Rhodes waterside.

Also, many come to enjoy the spectacular foreshore walk in Rhodes. According to the 2021 census there were 1,623 children under the age of 12 living in Rhodes and Liberty Grove.

From my observations it appears that the largest of Council's children playground on Shoreline Drive (adjacent to The Connection) is overcrowded. This playground inevitably attracts high usage due to its prominence on the largest road in Rhodes and location adjacent to the foreshore. It also appears from my observations that this usage includes children and families who reside outside of the LGA.

Similarly, the children's playgrounds in Phoenix Park and Peg Patterson are very crowded. There is a very small set of swings in Liberty Grove which are not managed by Council.

These three parks seem to overwhelmingly cater for very young children.

**ITEM 13.2 NOTICE OF MOTION - CR FERGUSON - YARALLA ESTATE
FORESHORE PATHWAY**Submitted by: Councillor Andrew Ferguson

MOTION

That Council reaffirms the Yaralla Estate foreshore pathway as a priority and urges the NSW Minister of Health to assist in expediting this important project.

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

In 2017 Council resolved to give priority to working with NSW Health to deliver many kilometres of a foreshore pathway through the Yaralla Estate connecting Mortlake to Rhodes. The delivery of this pathway was recognised as one of the most significant projects that would deliver many kilometres of foreshore access and connectivity for the City of Canada Bay, our community and more broadly the people of Sydney.

In conjunction with the adoption of the Canada Bay Foreshore Access Strategy in 2020 Council resolved to commence discussions with all relevant stakeholders to encourage them to significantly enhance and expand a shared pathway along the foreshore of the Yaralla Estate and Concord Hospital for our community and accordingly write to the Local Member, Health Minister, Concord Hospital and the Trustees of Yaralla Estate.

Unfortunately, this project has only been partly delivered and has not progressed for a number of years. It also appears that NSW Health has failed to provide any explanation for the failed delivery.

ITEM 13.3 **NOTICE OF MOTION - CR FERGUSON - PEDESTRIAN CROSSING - NULLAWARRA AVENUE, CONCORD CLOSE TO INTERSECTION BORONIA STREET, CONCORD WEST**

Submitted by: Councillor Andrew Ferguson

MOTION

That:

1. The action taken by Council officers regarding pedestrian safety on Nullawarra Avenue, Concord near the intersection with Boronia Street Concord West, be noted.
 2. A briefing be provided to a future Councillor workshop on the outcome of the investigations.
-

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

Representations have been received by Councillors from local residents and essential health care workers, hospital patients, parents and families for a pedestrian crossing on Nullawarra Avenue, Concord near the intersection with Boronia Street. I believe that the absence of a crossing poses serious safety issues for our community. I note that investigations are currently being undertaken to determine the best measure(s) to increase safety for the community at this location and that any proposed solution would be submitted to the traffic committee for consideration.

**ITEM 13.4 NOTICE OF MOTION - CR DI PASQUA - PEDESTRIAN CROSSING AT
NULLAWARRA AVENUE, CONCORD WEST**

Submitted by: Councillor Stephanie Di Pasqua

MOTION

That Council officers prepare a report for consideration of the Traffic Committee on options to make the crossing at Nullawarra Avenue and Hospital Roads at Concord West safer for pedestrians.

BACKGROUND FROM COUNCILLOR STEPHANIE DI PASQUA

Councillors have received correspondence and a petition from the community about the need to introduce a pedestrian crossing at the intersection of Nullawarra and Hospital Roads, Concord West.

**ITEM 13.5 NOTICE OF MOTION - CR DI PASQUA - CABARITA PARK SHELTERS -
ACCESSIBILITY**

Submitted by: Councillor Stephanie Di Pasqua

MOTION

That Council officers investigate, and prepare and submit a report to Council on the feasibility of making the existing shelters in Cabarita Park accessible for all with the provision of pathways.

BACKGROUND FROM COUNCILLOR STEPHANIE DI PASQUA

This motion considers feedback raised by the community on proposed upgrades in the park.

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RECOMMENDATION

That

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

ITEM 17.1 10 THORNLEIGH AVENUE CONCORD

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

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

ITEM 17.2 LEASE - SIENELLA PTY LTD T/AS NIELD PARK CAFE

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

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

ITEM 17.3 STRATEGIC PROPERTY UPDATE

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

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

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

BACKGROUND/DISCUSSION

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

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

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

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

18 CONFIDENTIAL RESOLUTIONS

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