

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, 21 November 2023

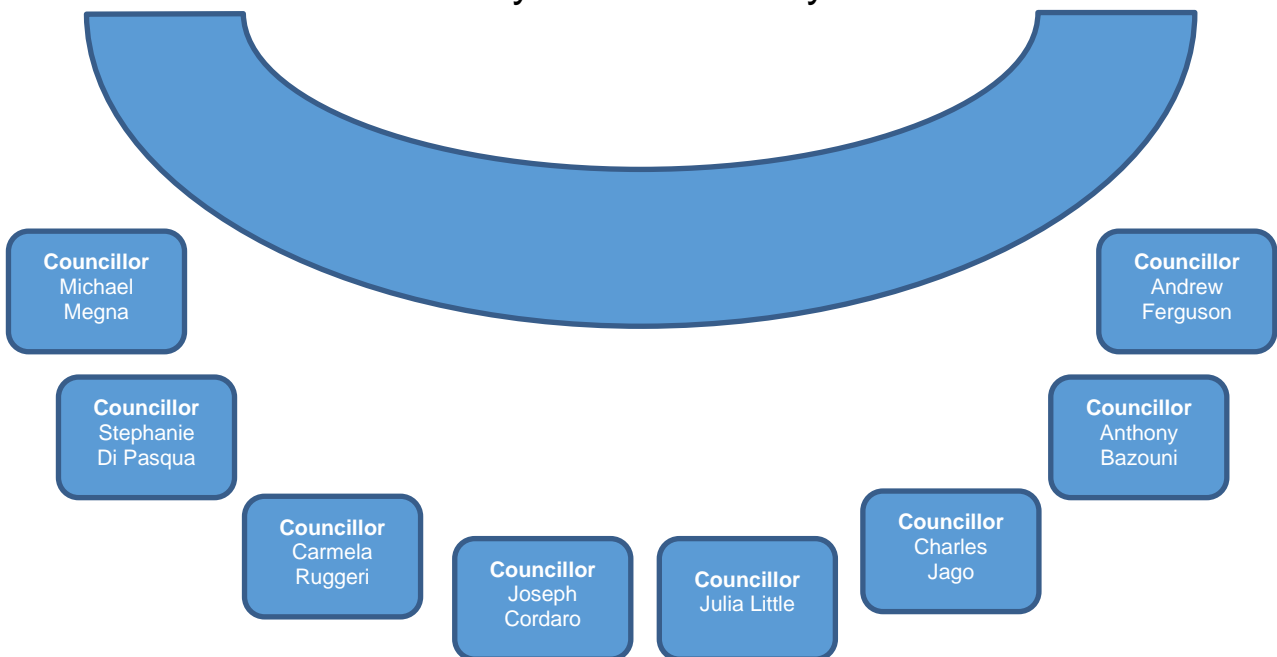
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



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 21 November 2023
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6.00pm**

Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY.....	4
2	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....	4
3	CONFIRMATION OF MINUTES	4
4	DISCLOSURES OF INTERESTS	4
5	MAYORAL MINUTE(S)	4
6	PUBLIC FORUM	4
7	ITEMS RESOLVED BY EXCEPTION.....	5
8	EXECUTIVE SERVICES DIRECTORATE REPORTS	5
9	ENVIRONMENT AND PLANNING DIRECTORATE REPORTS.....	6
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation	6
	Item 9.2 Environment Advisory Committee Minutes - 26 October 2023	14
10	CITY ASSETS DIRECTORATE REPORTS.....	17
	Item 10.1 City of Canada Bay Local Traffic Committee Minutes - 26 October 2023.....	17
11	COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS	18
	Item 11.1 City of Canada Bay Access and Inclusion Committee Meeting Minutes - 19 October 2023.....	18
12	CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....	25
	Item 12.1 City of Canada Bay Council Meeting Schedule for 2024.....	25
	Item 12.2 Annual Report 2022-23.....	27
	Item 12.3 First Quarter Budget Review - July to September 2023	29
	Item 12.4 Review of Debt Recovery Policy	34
	Item 12.5 General Purpose Financial Statements for the Year Ended 30 June 2023.....	36
	Item 12.6 Cash and Investments Report for October 2023	40
	Item 12.7 Licence - Dragon Sports Association Incorporated INC9884721 - Part of Uhrs Point Reserve, 484P Concord Road, Rhodes	43
13	NOTICES OF MOTION.....	46
14	NOTICES OF MOTION OF RESCISSION	46
15	MATTERS OF URGENCY	46
16	QUESTIONS WITH NOTICE	46
17	CONFIDENTIAL MATTERS	47
	Item 17.1 Lease Debtor Write-offs.....	47
	Item 17.2 Lease of the Rhodes Park Cafe,.....	47
18	CONFIDENTIAL RESOLUTIONS.....	48

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 17 OCTOBER 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 17 October 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

Nil

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

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

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 25 October 2023

The Panel meeting was cancelled as there were no delegated items for the CBLPP meeting on 25 October 2023.

Items for CBLPP Meeting on 29 November 2023

The following applications are listed for consideration at the CBLPP meeting on 29 November 2023:

- DA2023/0116 – 3A Averill Street, Rhodes - Alterations and additions to an existing self storage facility for 3 x flooring infills between existing mezzanines forming a first floor, upgraded accessibility including a new accessible ramp and accessible toilet facility. Fire egress is also proposed to be upgraded providing 2 fully enclosed fire stairs and egress corridors to open space.
- DA2022/0189 – 43 Walton Crescent, Abbotsford - Demolition of existing structures and construction of a multi unit residential flat building consisting of 9 apartments and 3 basement levels of parking.

- MOD2023/0070 - 6 Walker Street, Rhodes McDonalds - Amendment of condition 6 with respect to external tables and litter patrols.
- MOD2023/0107 – 134A-140 Tennyson Road, Mortlake - Section 4.56 Modification to DA2022/0116 including modification to the layouts of LG.02, G.05, 1.05 and 2.05 with the south facing balcony being enclosed and designed as an ensuite and the floor plate reconfigured accordingly. Extension of the private open space area of apartment 3.03 partly over the alignment of the roof to the north.

Development Applications - Determined

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0097	17.05.2023	115 St Georges Crescent, Drummoyne	Alterations and additions to existing dwelling including partial demolition, basement excavation, relocation of lift, stairs and new entry foyer, extension of balcony to the east at lower ground and ground floor in area of former lift, changes to external colours and materials and associated landscaping works	Approved 04.10.2023
DA2023/0166	03.08.2023	22 Excelsior Street, Concord	Removal of deck and proposed inground swimming pool	Approved 04.10.2023
DA2022/0337	08.12.2022	13-15 Lyons Road, Drummoyne	Alterations and additions to connect 13-15 Lyons Road to the Oxford Hotel including Change of use from an exercise studio and office to pub. Extension of trading hours between 6am and 4am the following day Monday to Saturday and 10am and 12 midnight Sunday to match the Oxford Hotel's trading hours	Approved – LPP Deferred Determination 04.10.2023
DA2023/0160	31.07.2023	2 South Street, Drummoyne	Proposed minor demolition of front façade and creation of a hardstand tandem driveway and replacement of fencing	Approved 06.10.2023
DA2023/0095	16.05.2023	36 Plunkett Street, Drummoyne	Alterations and additions to existing dwelling house including partial demolition of the rear of dwelling and a first floor addition	Approved 11.10.2023
DA2023/0105	01.06.2023	283 Concord Road, Concord	Demolition of existing dwelling and construction of two dual	Approved 13.10.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			occupancies and Torrens Title Subdivision	
DA2023/0197	14.09.2023	12 Victoria Avenue, Concord West	Installation of a swimming pool, pool coping tiles and pool fencing at the rear of the subject site and removal of small tree to the rear	Approved 13.10.2023
DA2023/0028	15.02.2023	13 Margaret Street, Abbotsford	Construction of a Single Dwelling with Basement and Swimming pool	Approved 13.10.2023
DA2023/0134	29.06.2023	11 Excelsior Street, Concord	Proposed alterations and additions to the rear including an outbuilding	Approved 18.10.2023
DA2023/0182	28.08.2023	52 Thompson Street, Drummoyne	Installation of a sign with an electronic LED screen for Drummoyne Public School	Approved 18.10.2023
DA2023/0210	28.09.2023	67 Ramsay Road, Five Dock	Strata subdivision into 12 lots	Approved 18.10.2023
DA2023/0175	21.08.2023	118 Ingham Avenue, Five Dock	Alterations to an existing dwelling including first floor addition and rear ground floor extension	Approved 18.10.2023
DA2023/0195	14.09.2023	19 Drummoyne Avenue, Drummoyne	Alterations and additions including a ground floor extension	Approved 20.10.2023
DA2023/0129	27.06.2023	26 Gears Avenue, Drummoyne	Demolition of existing buildings, construction of a two storey dwelling and related landscaping	Approved 20.10.2023
DA2022/0209	26.07.2022	433 Lyons Road, Five Dock	Demolition of the existing structures and construction of a 72 place two storey childcare centre with basement car parking	Approved 27.10.2023
DA2023/0176	22.08.2023	3 Creewood Street, Concord	Construction of an in ground swimming pool	Approved 27.10.2023
DA2023/0190	07.09.2023	7 Alice Avenue, Russell Lea	Alterations and Additions to an existing dwelling including a new ensuite and associated works to the ground floor master bedroom at the rear	Approved 27.10.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0144	12.07.2023	303 Great North Road, Five Dock	Alterations and additions to the existing single dwelling including rear single storey addition	Approved 27.10.2023

Total Number of DAs Determined = 18

Development Applications - Lodged

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0211	03.10.2023	10 Ellis Street, Concord	Demolition of existing dwelling and construction of a new two storey dwelling
DA2023/0212	04.10.2023	115 Henley Marine Drive, Drummoyne	Minor alterations and additions to existing dwelling
DA2023/0213	04.10.2023	32 King Street, Concord West	Proposed rear addition
DA2023/0209	04.10.2023	4 Udall Avenue, Five Dock	Installation of a fibreglass pool and landscaping
DA2023/0219	05.10.2023	131 Henley Marine Drive, Drummoyne	Demolition of the existing dwelling and associated structures, construction of a new part 2- part 3-storey dwelling with basement parking for 2 car spaces, a swimming pool, spa and associated landscaping
DA2023/0214	05.10.2023	7 The Esplanade, Drummoyne	Integrated development including demolition of the existing dwelling and subsequent construction of a two storey dwelling over a basement which incorporates vehicular parking and circulation, storage and utility areas
DA2023/0218	09.10.2023	36 Kingston Avenue, Concord	Construction of a single vehicle carport
DA2023/0215	10.10.2023	14 Salt Street, Concord	New carport
DA2023/0220	10.10.2023	14 Wareemba Street, Wareemba	Demolition of the existing detached garage and shed. Proposed new detached double garage with Basement and Gym above
DA2023/0221	11.10.2023	17 Rosemeadow Drive, Cabarita	Alterations and additions including construction of a first floor bedroom above an existing double garage

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0222	12.10.2023	9 Blaxland Road, Rhodes	Integrated development including construction of a new shop top housing development inclusive of commercial tenancies from ground to level 3, 244 residential units on levels 3-37, communal and private open space, 9 levels of basement parking, demolition (of existing structures), site excavation, and landscape works
DA2023/0223	13.10.2023	20 Mons Street, Russell Lea	Ground floor and first floor alterations and additions
DA2023/0226	18.10.2023	33-41 Blaxland Road, Rhodes	Integrated development consisting of early works development application for earth works, tree removal, rock anchors and excavation is submitted separate to the recently made application for the mixed-use development (PAN-335023 DA2023/0158 Mixed Use Development)
DA2023/0224	18.10.2023	1 Feilberg Place, Abbotsford	Construction of a new swimming pool and related landscaping for lot 1a on Subject Site
DA2023/0228	20.10.2023	20 Llewellyn Street, Rhodes	Pruning of two trees within a heritage property
DA2023/0227	23.10.2023	3 Hinkler Court, Drummoyne	Addition and alteration to the existing dwelling for creation of extended habitable space and attached carport
DA2023/0230	24.10.2023	72 St Georges Crescent, Drummoyne	Demolition of the existing cabana and construction of a new cabana, toilets, and pool pump room
DA2023/0216	25.10.2023	27 Broughton Street, Concord	Demolition of existing structure and construction of a semi-detached dual occupancy with a basement garage, front fence and Strata subdivision
DA2023/0233	25.10.2023	44 Clements Street, Russell Lea	Proposed construction of a new swimming pool, retaining walls and landscape works
DA2023/0232	27.10.2023	103 Thompson Street, Drummoyne	Minor extension to existing outbuilding under existing roof structure
DA2023/0235	31.10.2023	27 Leeds Street, Rhodes	Integrated development including demolition of the existing structures on the site and site preparation; excavation for 2 basement levels with vehicular access via Blaxland Road; construction of a mixed-use development containing six (6) buildings ranging from 9 to 13 storeys and comprising: 7 retail premises, 249 apartments, landscape works including tree removal, through site links, communal and private open space and a foreshore park

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0236	31.10.2023	Cintra Park, 2 Gipps Street, Concord	Continuation of temporary use of land as a training facility for a further five years to allow for the continued use by the Wests Tigers Rugby League Club, Wests Tigers National Women's Rugby League (NRLW) team, and the Junior Wests Tigers teams including use of existing temporary structures and associated temporary office facility

Total Number of DAs Lodged = 22

Variations to development standards

There were three (3) variations made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 October 2023 and 31 October 2023:

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0209	433 Lyons Road, Five Dock	Building Height, Clause 4.3	The breach occurs from a centralised lift overrun which will not be readily visible from surrounding development. The breach will not result in any environmental impacts upon neighbouring dwellings and occupiers.	0.38m (4.47%)	27/10/2023
DA2023/0097	115 St Georges Crescent, Drummoyne	Floor Space Ratio, Clause 4.4	Proposal reduces the existing dwellings exceedance with the FSR control. Built form will be commensurate with surrounding developments and will not result in any detrimental environmental impacts.	21.1sqm (9.98%)	4/10/2023
DA2023/0175	118 Ingham Avenue, Five Dock	Height of Buildings, Clause 4.3	The departure is isolated to a small central peak of a traditional roof form, which complements the character of the dwelling and	625mm (7.35%)	18/10/2023

			surrounding streetscape. The departure will not result in any environmental impacts.		
--	--	--	--	--	--

Land and Environment Court Appeals

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

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0132	8 Drummoyne Avenue, Drummoyne	Class 1 appeal against the refusal of development application for alterations to an existing dwelling in a heritage conservation area including: upper storey addition, lower storey alterations, internal remodelling, alterations to garaging and associated works	No agreement reached at the conciliation conference. Applicant is considering proposal and possible revisions.
DA2023/0064	30-34 Leicester Avenue, Strathfield	Class 1 appeal against the 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.
DA2022/0316	52-56 Ramsay Rad, Five Dock	Class 1 appeal against the deemed refusal of development application for the 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.	No agreement reached at s34 conciliation conference convened on 5 October 2023. Hearing dates vacated and re-listed to allow applicant to consider further revisions.
DA2022/0351	37 Llewellyn Street, Rhodes	Class 1 appeal against the deemed refusal of development application to demolish a locally listed heritage item and remove select trees from the site.	Matter listed for s34 conciliation hearing 13 November 2023.
DA2023/0004	43 Dorking Road, Cabarita	Class 1 appeal against the deemed refusal of development application for the construction of a retaining wall and boundary fence	Matter listed for s34 conciliation 12 and 13 December 2023.

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		between 43 and 45 Dorking Road.	
DA2023/0031	56 Bowman Street, Drummoyne	Class 1 appeal against the actual refusal of development application for alterations and additions to a dwelling and the construction of a new dwelling resulting in attached dual occupancy.	Matter listed for a s34 conciliation conference on 1 February 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 s34 conciliation conference on 22 and 23 April 2024.

Of the above 7 listed matters before the Land and Environment Court, there are currently 7 active appeals.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2 ENVIRONMENT ADVISORY COMMITTEE MINUTES - 26 OCTOBER 2023**Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. **Environment Advisory Committee Minutes - 26 October 2023** [↓](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That the Minutes of the Environment Advisory Committee held on 26 October 2023, attached to the report, be received and the recommendations therein be adopted.

PURPOSE

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

REPORT

This report provides Council with the minutes of the City of Canada Bay Environment Advisory Committee from the meeting held on 26 October 2023.

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Goal STE 2: Increase urban tree canopy

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

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

Direction 5: Civic Leadership

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

There are no timing/consultation and/or risk considerations associated with this report.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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



Environment Advisory Committee Agenda

Thursday 26 October 2023 6.30pm – 8.15pm

Drummoyne Civic Centre - Halliday Room

Dinner Provided at (from 6.30pm)

DISTRIBUTION LIST: David Mansford (DM), Sally Ash (SA), Rolf Muller (RM), Tailoi Ling (TL), Sahar Khalili (SK), Robyn Lindner (RL), Kate Egan (KE), Mavis Clements (MC), Danny Ruspandini (DR), Christina Rojas (CR), Alyssa Brown (AB)

APOLOGIES: Robyn Lindner (RL), Sahar Khalili (SK), Mavis Clements (MD), Danny Ruspandini (DR), Councillor Joseph Cordaro (JC), Alyssa Brown (AB), Monica Cologna (MC)

COUNCIL COMMITTEE STAFF: Belinda Koytz (BK), Ilona Islam (II)

CHAIR: Councillor Charles Jago (CJ)

ITEMS:

6.50pm Acknowledgement of Country Clr Jago

6.52pm Announcements and Introductions Clr Jago
BK – Announced staffing changes for the EAC and Sustainability and Waste department

6.55pm Presentation Jasmine Payget
Parramatta River Catchment Group
JP presented on PRCG's activities in Parramatta River.

Pollution of the river: DM asked about pollution sources in the river. JP and BK clarified that about 100 tonnes per year of built-up sediment and dust pollute the river. Prevention is the primary strategy to improve the situation. Builders receive fines for allowing sediment to enter river and can be taken to court. JP suggested having better technology than sandbags. BK noted that the Sydney Water website has information on water quality.

Chiswick Baths: TL expressed that Chiswick Baths have not been upgraded in decades and is very underutilised, with no parking. BK stated that studies didn't support investment at the time.

Rowing course: TL expressed concern that building a swimming area in Lilyfield will block the sculling course and stop competitive rowing in the river.

Antifouling: RM asked about antifouling and CJ suggested doing a water sensitive design talk.

ACTION: BK to consideration talk with education programming

River biodiversity: SA asked about river biodiversity. JP expressed that she hasn't focused on it, but the Institute of Marine Sciences are doing research on blue algae. PRCG are working on preventing material from going down stormwater drains and expressed the importance of focusing on biodiversity in the next 10 years. BK clarified rivers are not under Council authority.



Signage: CJ expressed interest in in PRCG highlighting which fish species are in the river. RM and DM discussed strategically placed signs with a QR code to provide information.

Public art: TL shared that Drummoyne Rotary met about arts in Drummoyne and the initiative of sculptures by the river which could attract people.

ACTION: BK to refer idea to Place team for consideration

8.10pm Council Update

Belinda Koytz

BK gave an update on new sustainability and waste roles and objectives of the teams. Team members will come to the next meeting to share about their projects. BK gave an update on events, including the opening of Mcllwaine Park on the 18th of November and the Building Network Meeting on the 22nd of November. This session will focus on bulk waste service change, the Apartment Recycling Program, Homecycle Program and energy efficiency in apartments. Building Network Meeting: <https://www.collaborate.canadabay.nsw.gov.au/buildingsnetwork>

ACTION: BK to advise DM asked if they could volunteer at the Mcllwaine Park opening.

8.25pm General Business

All

Carparking size: Size of cars and carpark spaces was discussed. Concerns about the amount and size of cars which cause pollution. DM suggested that in a few years emissions from cars will reduce. RM expressed concerns about damage to roads caused by large cars. BK added that weather and other factors also contribute to road damage and that there is mixed funding for road maintenance. TL and CJ expressed a need for spaces for small cars and a fine for large cars parked in small spaces.

ACTION: DM to write a half page statement about what committee is asking for, their position and the benefit.

Watering trees: SA expressed concern about the water regime for newly planted trees. CJ suggested SA sending email about the position of trees that need watering.

ACTION: BK to refer comment to Urban Forester.

8.46pm Meeting Closed

1. Meeting dates for 2023/2024
 - **Thursday 14th December 2023**
 - **Thursday 29th February 2024**
 - **Thursday 18th April 2024**
 - **Thursday 27th June 2024**
 - **Thursday 29th August 2024**
 - **Thursday 31st October 2024**
 - **Thursday 12th December 2024**

Standing Items

Next Meeting – Thursday 14th December 2023

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 26 OCTOBER 2023

Reporting Manager Manager Roads and Traffic

Attachments: 1. **City of Canada Bay Local Traffic Committee Minutes - 26 October 2023 (Provided in Attachment Booklet)** [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Local Traffic Committee Meeting held on 26 October 2023, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 26 October 2023 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 26 October 2023 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 consideration 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**ITEM 11.1 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 19 OCTOBER 2023****Reporting Manager** Manager Library and Community Services**Attachments:** 1. **Minutes of the City of Canada Bay Access and Inclusion Committee Meeting - 19 October 2023** [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held on 19 October 2023, attached to the report, be received and noted.

PURPOSE

To present the minutes of the City of Canada Bay Access and Inclusion Committee, so that they may be noted.

REPORT

This report provides Council with the minutes of the City of Canada Bay Access and Inclusion Committee from the meeting held on 19 October 2023.

The Committee's role is to advise and make recommendations on access and inclusion issues as they relate to Council's operations, with a focus on the implementation and achievement of targets in Council's Disability Inclusion Action Plan.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The City of Canada Bay Access and Inclusion Committee Charter was endorsed by Council at the ordinary meeting held on 19 April 2022.

CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING

MINUTES

Held at Concord Library, Concord.

Thursday, 19 October 2023



**Minutes of a City of Canada Bay Access and Inclusion Committee Meeting
Held on Thursday 19 October 2023
At the Concord Library, Concord.
Commencing at 10:00 AM**

Present:

Mayor Angelo Tsirekas	Chairperson	
Jeanette O'Hara	Life Member	
Nicole Bradshaw	Community Member	(Teams)
Jill Hodder	Community Member	
Nehmet Houssami	Community Member	(Teams)

Officers in attendance:

Nick Brown	Senior Landscape Architect
Philip Edney	Manager - Library and Community Services
Karen Judd	Senior Social Planner
Isha Kariavasam	PA to Director, Community Culture and Leisure
Anselm McManus	Town Planner – Statutory Planning
Petrina Nelson	Manager - Open Space

NOTES

The meeting commenced at 10:10am and concluded at 11:00am.



Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY	4
2	APOLOGIES	4
3	DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST	4
4	CONFIRMATION OF MINUTES	4
5	REPORTS	5
	Item 5.1 Howley Park Upgrade.....	5
	Item 5.2 DIAP Action 4.7 - Include DIAP Guiding Principles within the Organisation Values	5
6	GENERAL BUSINESS	6
	Item 6.1 Wheelchair Access issues - Concord.....	6
	Item 6.2 Feedback Raised by Kim Becherand – Community Member	6
	Item 6.3 Dates of the Access and Inclusion Committee Meeting	6

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

Cr Julia Little	Councillor
Jack Nolan	Life Member
Coral Arnold	Community Member
Kim Becherand	Community Organisation - Touched by Olivia Foundation
Min Jung Cha	Community Organisation - Ebenezer Mission
Adam Clark	Community Member
Robyn Ryan	Community Member

LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 CONFIRMATION OF MINUTES

4.1 Minutes of City of Canada Bay Access and Inclusion Committee Meeting held 17 August 2023

RESOLVED

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting of 17 August 2023, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

Note: The minutes were acknowledged and adopted.

5 REPORTS**ITEM 5.1 HOWLEY PARK UPGRADE**

RESOLVED

1. That the City of Canada Bay Access and Inclusion Committee members note the draft Masterplan prepared for the upgrade and provide feedback to Council.
-

Note: Nick Brown – Senior Landscape Architect presented the revised draft Masterplan for the whole of Howley Park.

The following revisions were discussed:

- *Improved and widened pedestrian access throughout the park*
- *Accessible ramp*
- *Lawn and sandstone sitting terraces with seating steps*
- *A gathering circle*
- *10 x 90 degree off-street parking spaces, including 1 x accessible parking space*
- *Park furniture and seating*
- *Revegetation, new tree planting and the retention of existing tree canopy.*

The committee members made the following suggestions:

- *Requested more accessible parking or drop off zones as that particular car park is constantly full of vehicles.*
- *Requested the car park be restricted to 2-4 hour parking to enable more residents to access it.*

The draft Masterplan is on Collaborate for community consultation until 1 November (subsequently extended until 16 November 2023).

ITEM 5.2 DIAP ACTION 4.7 - INCLUDE DIAP GUIDING PRINCIPLES WITHIN THE ORGANISATION VALUES

RESOLUTION

The item be deferred to the next meeting

6 GENERAL BUSINESS**ITEM 6.1 WHEELCHAIR ACCESS ISSUES - CONCORD**

Note: Jill Hodder – Committee Member shared feedback regarding wheelchair access issues in Concord. There are no footpaths around the entire perimeter of the Concord Golf Club. The roads surrounding the Club lack safe crossing areas. There are issues for people reliant on wheelchairs to access local places of interest, facilities and destinations – these include Concord Golf Club, Majors Bay Reserve, Concord Hospital and the Yaralla Estate.

A member of Council's Roads and Traffic Team will be requested to present on the Pedestrian Access Management Plan (PAMP) at the next meeting.

ITEM 6.2 FEEDBACK RAISED BY KIM BECHERAND – COMMUNITY MEMBER

Note: Russell Wolfe – Director Community, Culture and Leisure to meet with Kim Becherand – Committee Member. An update will be provided at the next meeting.

ITEM 6.3 DATES OF THE ACCESS AND INCLUSION COMMITTEE MEETING

*Note: 7 December 2023 - Concord Library
(Christmas Lunch)*

CHAIRMAN

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 CITY OF CANADA BAY COUNCIL MEETING SCHEDULE FOR 2024

Reporting Manager Manager Governance and Customer Services

Attachments: Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the ordinary Council Meeting schedule for 2024 as contained in the report be adopted.

PURPOSE

Council is required to adopt a schedule of its Council meetings.

REPORT

Under Council's Code of Meeting Practice, Clause 4.1 requires Council to adopt a schedule of its council meetings.

This report recommends a meeting schedule for 2024 whereby ordinary meetings are held on the third Tuesday of the month, with some exceptions as per the table below, commencing at 6.00pm, unless otherwise advertised.

The meetings proposed are as follows:

Meeting Type	Meeting Day	Meeting Date (2024)	Meeting Time	Location	Reason for exception
Ordinary	Tuesday	20 February	6.00pm	Drummoyne	
Ordinary	Tuesday	19 March	6.00pm	Drummoyne	
Ordinary	Tuesday	16 April	6.00pm	Drummoyne	
Ordinary	Tuesday	21 May	6.00pm	Drummoyne	
Ordinary	Tuesday	18 June	6.00pm	Drummoyne	
Ordinary	Tuesday	16 July	6.00pm	Drummoyne	
Ordinary	Tuesday	20 August	6.00pm	Drummoyne	
Ordinary	Tuesday	15 October	6.00pm	Drummoyne	
Ordinary	Tuesday	19 November	6.00pm	Drummoyne	
Ordinary	Tuesday	*3 December (1 st Tuesday)	6.00pm	Drummoyne	Christmas break

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Under Council's Code of Meeting Practice, Clause 4.1 requires Council to adopt a schedule of its council meetings.

ITEM 12.2 ANNUAL REPORT 2022-23**Reporting Manager** Manager Finance**Attachments:** 1. **Annual Report 2022-23 (Provided in Attachment Booklet)** [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGYThat the Annual Report for 2022-23, attached to the report, be endorsed.

PURPOSE

To present the Annual Report for 2022-23 for Council endorsement.

REPORT

Council's Annual Report for 2022-23 is presented for endorsement in accordance with the Local Government Act 1993 (the Act), the Local Government (General) Regulation 2021 (the Regulation), and the Integrated Planning and Reporting Guidelines for Local Government in NSW, issued in September 2021 by the Office of Local Government.

This report is the first annual report of progress towards achievement of the strategic directions contained in the community strategic plan Our Future 2036. It has been prepared in seven sections as outlined below:

1. **Introduction** – Provides the context for annual reporting and contains an introduction from the Mayor and General Manager.
2. **Our City** – Provides context for the City, including key facts about the area's population and environment.
3. **Year in review** – Contains a high-level summary of Council's achievements for the reporting year 2022-2023.
4. **Delivering our services** – Outlines the Integrated Planning and Reporting framework that is used to guide Council planning and reporting, and Council's Community Engagement Strategy.
5. **Our performance** - Tracks and measures Council's operational performance to achieve the goals of the Delivery Program 2022-2026 and Operational Plan 2022-23. These goals are aligned with the five strategic directions of the Community Strategic Plan: Our Future 2036.
6. **Governance** – Provides details about the Mayor, the Councillors and the organisation that serve the community.
7. **Statutory reporting** – Addresses the reporting requirements of various Acts of legislation in NSW.
8. **Audited Financial Report and Special Schedules** - provides a copy of Council's audited financial reports prepared in accordance with the Local Government Code of Accounting Practice and Financial Reporting.

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

In accordance with the requirements of the Local Government Act 1993, the Annual Report must be endorsed by Council before 30 November 2022. The endorsed Annual Report must also be published on Council's website with a link to the report provided to the Office of Local Government prior to that date.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

In accordance with the requirements of the Local Government Act 1993, the Annual Report is presented for endorsement at the November 2022 Council meeting.

ITEM 12.3 FIRST QUARTER BUDGET REVIEW - JULY TO SEPTEMBER 2023**Reporting Manager** Manager Finance

- Attachments:**
1. **2023-24 Financial Assistance Grants (Provided in Attachment Booklet)** [⇒](#)
 2. **Quarter Budget Review Statement - September 2023 (Provided in Attachment Booklet)** [⇒](#)
 3. **Capital Works - September 2023 (Provided in Attachment Booklet)** [⇒](#)
-

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the first Quarter Review Budget for 2023/24, including the variations as identified in the report and attachments be adopted.

PURPOSE

To inform Council on the results of the first quarter budget review and what material changes to the annual budget have occurred from July to September 2023. Revised year end forecasts are based on financial performance and trends over the period 1 July 2023 to 30 September 2023.

EXECUTIVE SUMMARY

As at the end of Quarter 1, Council is forecasting an operating budget surplus of \$255k.

The impact of high inflation on other goods and services will be monitored and adjusted, if necessary, in future quarters. Where possible, savings will be identified to cover cost increases.

The Quarterly Budget Review Statement, compiled for information of Council and the community, provides a summary of Council's financial position at the end of each quarter as to its progress against both the original Operational Plan and the last revised budget, as well as any recommended revisions identified as part of the budget review process. The Operating Budget deficit has improved from the adopted budget deficit of \$928k to a surplus of \$255k, excluding capital income and reserves movements. Overall, the consolidated budget position incorporating the Capital Budget has changed from the approved deficit of \$941k to a revised deficit of \$425k.

Significant material Operational Plan revisions arising in the September 2023 quarter forecast are as follows:

Reduction in income:

- Forecast decrease in Rates and Annual Charges of \$69k due to reduction in supplementary rates from anticipated growth in rateable properties of \$122k and increase in domestic waste charges of \$53K.
- Forecast decrease in User Charges of \$227k was mainly attributable to driveway application and construction fees down (\$250k), with offset income improvement for the hire of Concord Community Centre of \$30k.
- Forecast decrease in Other Revenues of \$420k was mainly attributable to Infringement income being revised down by \$447k to \$4.6m.
- Forecast increase in Grants and Contributions – Operating of \$521k due to funding received from Dept of Planning for the Edwards Park Biodiversity Project (\$235k), Rhodes East Precinct Contribution (\$200k), Greening our City Grant (\$97k) and an increased grant under the "Grow our Canopy program (\$40k). A reduction to anticipated funding under the Financial Assistance Grant (\$68k) has also been accounted for.

Increases in Expenditure:

- Forecast Materials & Services have increased by \$229k. Increases are mainly attributable to costs associated with the Edwards Park Biodiversity project (\$185k) offset by grant funding and funds allocated to undertake a Cyber Security Framework Review (\$100k).

Budget improvement:

- Forecast increase in Interest and Investment Revenue of \$1.135M, resulting from favourable market conditions and more funds available to invest than anticipated. The Investment portfolio held \$155.5m at the end of September with reinvestment rates of between 4.5% and 5.5% being achieved.
- StateCover, Council's workers compensation insurer, has advised that the premium for 2023/24 will be \$887k. The current budget provisioned for a premium of \$1.296m approximately 7% up on last year's premium. The budget saving of \$409k is an outstanding outcome and reflects on the work of People and Culture staff and Managers and Supervisors overall.

Budget adjustments proposed in this review will positively impact the forecast operating result (excluding capital items) by \$1.183m. Operating income has been revised up by \$958k with Operating Expenditure decreases of \$225k being brought to account. Details relating to material revisions are provided in the report attachments.

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

The quarterly review of the 2023/24 Budget for the period July to September 2023 has been completed. Actual results for the first quarter are assessed to determine the need for revisions to the original budget. Explanations are included for recommended changes and any impact on Council's original Operational Plan, Delivery Program or Long Term Financial Plan.

The Budget is comprised of two components:

- Continuing Operations Budget
- Capital Budget

A copy of the Quarterly Report is attached to this report.

Council's Original Budget for 2023/24, provided for an Operational Deficit of \$928k.

The First Quarter Review of Council's 2023/24 Budget forecasted a projected year end result of a surplus of \$255k.

A summary of the Budget along with variations associated with the "Proposed September Variations" recommended as part of this review are included in the report attachment.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Not later than 2 months after the end of each quarter, the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the management plan that the council has adopted for the relevant year, a revised estimate of the income and expenditure for that year.

FINANCIAL CONSIDERATIONS

The consolidated budget summarised below incorporates the Operational Budget and Capital Budgets. The Funding movements section details transfers to and from Cash Reserves.

		Original Budget	QBR1 - September Changes	September Quarter Budget
Operational				
Income	<i>Rates and Annual Charges</i>	67,471,043	(69,085)	67,401,958
	<i>User Fees and Charges</i>	20,532,055	(227,139)	20,304,915
	<i>Other Revenue</i>	6,973,442	(420,068)	6,553,374
	<i>Other Income/Rental Income</i>	3,989,904	0	3,989,904
	<i>Grants and Contributions-Operational</i>	6,888,937	521,146	7,410,083
	<i>Interest</i>	4,715,000	1,153,000	5,868,000
	Total operating income	110,570,381	957,854	111,528,234
Expense	<i>Employee Costs</i>	47,230,512	(454,134)	46,776,378
	<i>Borrowings</i>	632,084	0	632,084
	<i>Materials & Services</i>	40,552,213	229,485	40,781,698
	<i>Depreciation</i>	16,251,301	(0)	16,251,301
	<i>Other Expenses</i>	6,832,468	(423)	6,832,045
	<i>Net Loss from disposal of assets</i>	0	0	0
	Total operating expenditure	111,498,577	(225,071)	111,273,506
Operational result - surplus/(deficit)		(928,197)	1,182,925	254,728
Capital				
Income	<i>Grants And Contributions-Capital</i>	27,748,215	685,415	28,433,630
	<i>New Loans</i>	0	0	0
	<i>Proceeds From The Disposal Of Assets</i>	501,000	0	501,000
Total Capital Income		28,249,215	685,415	28,934,630
Expense	<i>Capital Expenditure</i>	63,457,752	3,036,736	66,494,488
	<i>Capital Expenditure - Principal Loan</i>	1,173,605	0	1,173,605
	<i>Capital Expenditure - Other</i>	150,000	340,500	490,500
Total capital expenditure		64,781,357	3,377,236	68,158,593
Capital result - surplus/(deficit)		(36,532,142)	(2,691,820)	(39,223,963)
Funding Movements				
<i>Add Back Depreciation & Amortisation -</i>		16,251,301	(0)	16,251,301
<i>Transfer From Reserve</i>		30,046,313	2,057,390	32,103,703
<i>Transfer To Reserve</i>		9,778,799	32,000	9,810,799
Total Funding Movements		36,518,815	2,025,390	38,544,205
Net result - surplus/(deficit)		(941,524)	516,495	(425,030)

This review recommends a number of changes to the Continuing Operations Budget and provides revised estimates for the full year. In some cases, the recommended changes to the budget are movements of funds across functions or activities of Council. The overall consolidated budget movement over the first quarter of a positive \$516k has resulted in a reduction in the draw down on unrestricted cash reserves to \$425k.

Material variations highlighted during the quarter are detailed in the Quarterly Budget Review Statement attachment.

Capital Works Program

The Capital Budget includes the Capital Works Program comprising new and renewal infrastructure projects, planned purchases and disposals of major equipment, loan repayments and allocations to reserves. The capital expenditure program is funded from developer contributions, grants, funds drawn down from reserves and specific purpose income such as the Stormwater Management Charge.

The following table summarises variances to the original budget for Capital Expenditure:

Type	Original Budget	Carry Overs	September Variations	Proposed Budget
Capital Expenditure	\$63,607,752	\$4,299,716	-\$922,479	\$66,984,988
Loans	\$1,173,605	0	0	\$1,173,605
Total Capital	\$64,781,357	\$4,299,716	-\$922,479	\$68,158,593

The above table shows the net movement in the Capital Expenditure Program, with an increase of \$3.377m. This includes bringing forward budget allocations unspent last financial year of \$4.299m and the rephasing of projects funded in 2023/24 to future years.

Full details of the recommended variations to forecast budgets are shown in the first Quarter Budget Review Capital Works Program in Attachment 2 to the report.

Cash & Investments

The Statement of Investments as at 30 September 2023 was presented at the Council Meeting of 17 October 2023. At the end of the first quarter, Council's Cash and Investments amounted to \$155,475,131.35. By comparison, at the end of the first quarter in September 2022, Cash and Investments amounted to \$143,490,990.73. These funds are invested in accordance with Council's Investment Policy.

A detailed Statement of Cash and Investments is incorporated in Attachment 1 to the report.

Cash flows from rate collections over the first three months of the 2023/24 financial year amount to approximately \$26 million of the \$67 million rate debtor. This represents 38% of the total collectible compared to 37% for the same period last year.

Financial Assistance Grant

The NSW Local Government Grants Commission has recently written to all councils advising of the estimated entitlements for 2023/24. A copy of the correspondence is included in Attachment 3.

Council has been advised that the total allocation is expected to be \$3,041,196 which is \$9,763 more than that received for 2022/23 (refer page 2 of Attachment 3). The current year's budget made provision for an increase of \$47,710 to the General Purpose Component of the grant and an increase of \$20,434 for the Local Roads Component.

Adjusting the budget to reflect the Grants Commission's advice results in income being revised down by \$68,144.

A message of caution was also included in the Grants Commission correspondence regarding there being no guarantee that future allocations will increase year on year.

The budget also accounts on the ongoing payment in advance of the Financial Assistance Grant. The advance payment of Financial Assistance Grant would usually be paid in June 2024.

Failure to receive this grant will result in the forecast result being unachievable.

Financial Impact

The first quarter review forecasts a revised operating budget surplus of \$255k.

The capital program has been updated to reflect funding brought forward from the previous financial year of \$4.3m. This review has also identified projects that will now be undertaken in 2023/24. The impact of these combined funding movements results in the revised capital works program being adjusted up from \$64.8m to \$68.2m.

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021.

It is my opinion that the Quarterly Budget Review Statement for City of Canada Bay Council for the quarter ended 30/09/2023 indicates that Council's projected financial position as at 30 June 2024 will be satisfactory at the year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. This opinion focuses on Council's projected short-term liquidity position at year end. It does not extend to an opinion relating to Council's long-term financial position.

Evan Hutchings - Responsible Accounting Officer.

LEGISLATIVE AND POLICY CONSIDERATIONS

Clause 203(2) of the Local Government (General) Regulation 2021 requires that at the end of each quarter, a Budget Review Statement be prepared and submitted to Council that provides the latest estimate of Income and Expenditure for the current financial year.

ITEM 12.4 REVIEW OF DEBT RECOVERY POLICY**Reporting Manager Manager Finance****Attachments:** 1. **Rates, Charges and Other Debts Recovery and Hardship Assistance Policy (*Provided in Attachment Booklet*)** [↔](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The Debt Recovery Policy (2009) and the Hardship Policy (2009) be rescinded.
 2. The Rates, Charges and Other Debts Recovery and Hardship Policy be placed on public exhibition for a period of 28 days.
 3. In the event that no submissions are received in response to the public exhibition referred to in 2 above, the Policy be adopted.
 4. In the event of submission(s) being received in response to the public exhibition referred to in 2 above, a further report, including details of such submissions, be prepared, and submitted to Council.
-

PURPOSE

To present a Rates, Charges and Other Debts Recovery and Hardship Policy to Council for consideration for adoption.

REPORT

In the course of the Audit of the Financial Statements for the year ending 30 June 2023, the Auditors noted that the Debt Recovery Policy was overdue for review. The Policy was last updated in 2009. The recommendation is for all policies to be reviewed at least every three years.

The 2009 Policy focussed specifically on Rates and Charges. The Draft has been updated to include processes currently in place with regard to the recovery of all fees and charges.

The objective of this Policy is to ensure the efficient and effective collection of Council rates, charges and sundry debts, while being fair and equitable to all ratepayers and other debtors.

The Policy covers:

- Assistance in paying rates and charges;
- Assistance by periodic payment arrangements;
- Assistance by writing off accrued interest;
- Assistance due to Land Valuation changes;
- Sundry Debtors Debt Recovery.

It also includes updated provisions for hardship assistance included in a separate policy titled 'Hardship Policy' (2009).

It is recommended that subject to the adoption of the draft Rates, Charges and Other Debts Recovery and Hardship Policy, the existing Debt Recovery Policy and Hardship Policy be rescinded.

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

This Policy has been drafted to manage debt collection from outstanding rates, charges and other non-rates debts and limit that risk of non-collection of debt from these charges.

Although it is not a statutory requirement, it is proposed to place Rates, Charges and Other Debts Recovery and Hardship Policy on public exhibition for 28 days.

FINANCIAL CONSIDERATIONS

This Policy aims to ensure an efficient and effective collection and recovery of outstanding debts and secure Council's income from rates, charges and other sundry debts.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Local Government Act provides for the legal framework for how councils set and levy rates and charges each year and recover debt from overdue rates and charges.

The implementation of the Draft Rates, Charges and Other Debts Recovery and Hardship Policy seeks to comply with all legislative requirements including the Local Government Act and Local Government Regulation 2021.

ITEM 12.5 GENERAL PURPOSE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023**Reporting Manager Manager Finance****Attachments: 1. Financial Statements 2022-23 (*Provided in Attachment Booklet*) [↔](#)**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council receive the audited Financial Statements for the year ended 30 June 2023 and the auditor's report from the Audit Office of NSW.

PURPOSE

To present to Council the Annual Financial Statements for the year ended 30 June 2023 and audit reports from the Audit Office of NSW and to provide a summary of Council's financial performance and financial position as at 30 June 2023.

EXECUTIVE SUMMARY

At its meeting on 19 September 2023 Council resolved to receive and certify the Draft Financial Statements for the 30 June 2023 and to refer them to the external auditor. Council also resolved to fix 21 November 2023 as the date for the public meeting to present the statements and audit reports in accordance with Section 419(1) and 419(2) of the Local Government Act.

The Financial Statements show an operating surplus of \$2.433m.

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

In accordance with Section 413(2)(C) of the Local Government Act 1993, Council must prepare a statement on the General Purpose Financial Reports as to its opinion on the reports prior to referring them to audit.

At its meeting on 19 September 2023, Council resolved to receive and certify the Draft Financial Statements for 2022/23 and to refer them to the external auditor. The following certifications were made by the Mayor, Deputy Mayor, the General Manager and Responsible Accounting Officer:

That Council's General Purpose Financial Statements have been prepared in accordance with:

- The Local Government Act 1993 (as amended) and Regulations made thereunder.
- The Australian Accounting Standards and professional pronouncements.
- The Local Government Code of Accounting Practice and Financial Reporting.

And that to the best of Council's knowledge and belief that the statements:

- present fairly the Council's operating result and financial position for the year; and
- are in accordance with Council's accounting and other records.

Council's external auditor, the Audit Office of NSW has expressed an opinion on the financial statements based on their audit. The Auditor's letter forms part of the Annual Financial Statements and includes the following opinion:



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

City of Canada Bay Council

To the Councillors of City of Canada Bay Council

Opinion

I have audited the accompanying financial statements of City of Canada Bay Council (the Council), which comprise the Statement by Councillors and Management, the Income Statement and Statement of Comprehensive Income for the year ended 30 June 2023, the Statement of Financial Position as at 30 June 2023, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion:

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been prepared, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2023, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

The Annual financial statements were placed on public exhibition following the receipt of the Auditor's reports. Written submissions were invited, but at the time of writing this report none were received. Submissions received up to 4.30pm on 21 November 2023 will be circulated to Councillors on the night of the meeting. Section 420 of the Act requires that all submissions in respect of the audited Financial Statements must be in writing and must be lodged with the Council within 7 days after this meeting. Copies of all submissions received must be referred to Council's external auditor.

This is the final stage of the process of adopting the Financial Statements for 2022/23. The audited financial statements, together with the audited reports for the year ended 30 June 2023 are hereby presented to Council.

Financial Performance and Position of Council as at 30 June 2023

Income Statement \$'000	Actual 2023	Actual 2022
Income from Continuing Operations	145,340	148,510
Expenses from Continuing Operations	104,687	94,582
Net Operating Result for the Year	40,653	53,928
Net Operating Result for the year before grants and contributions provided for capital purposes	2,433	(1,367)
Statement of Financial Position \$'000	Actual 2023	Actual 2022
Current Assets	109,927	120,846
Non-Current Assets	2,790,152	2,411,769
Total Assets	2,900,079	2,532,615
Current Liabilities	48,728	54,034
Non-Current Liabilities	19,034	19,747
Total Liabilities	67,762	73,781
Net Assets	2,832,317	2,458,834
Total Equity	2,832,317	2,458,834
Statement of Cash Flows \$'000	Actual 2023	Actual 2022
Net Cash Flow from Operating Activities	56,570	45,809
Net Cash Flow from Investing Activities	(33,157)	(53,519)
Net Cash Flow from Financing Activities	(1,381)	14,255
Net increase in Cash	22,032	6,545
Plus: Cash at the beginning of the year	18,824	12,279
Cash at end of year	40,856	18,824
Plus: Investments on hand at end of year	108,500	133,350
Total Cash and Investments	149,356	152,174

RESULTS FOR THE YEAR
Operating Result

Council's operating result from continuing operations (\$40.7 million including depreciation and amortisation and impairment of non-financial assets expense of \$15.5 million) was \$13.2 million lower than the 2021/22 result. Further, the net operating result before capital grants and contributions (\$2.4million) was \$3.8 million higher than the 2021/22 result.

The net operating result before capital grants and contributions includes an increase in rates and annual charges (\$1.5 million), an increase in user charges and fees (\$1.0 million), an increase in other income (\$6.9 million), an increase in other revenue (\$1.2 million), an increase in interest and

investment income (\$2.8 million) which was offset by a decrease in grants and contribution revenue (\$16.7 million) and an increase in total expenses from continuing operations (\$10.1 million).

The operating surplus excluding revenue from capital grants and contributions of \$2.433m compared to a \$1.367m deficit in the previous year (2020/21). However, the operating performance ratio requires adjustments to exclude fair value increments of \$6.4 million on investment properties and the loss from disposal of assets of \$2.4 million means that Council's expenditure on running its day-to-day operations together with the cost of depreciation of its assets exceeds operating income by \$1.5 million.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The Financial Statements are audited by the external auditors who, amongst other things, form an opinion on the Financial Statements as to whether:

- the Council's accounting records have been kept in accordance with the requirements of the Local Government Act 1993, Chapter 13 part 3 Division 2; and
- the Financial Statements:
 - have been presented in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly the Council's financial position, the results of its operations and its cash flows; and
 - are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia.
- all information relevant to the conduct of the audit has been obtained; and
- there are no material deficiencies in the accounting records or financial statements that the auditors have become aware of during the course of the audit.

FINANCIAL CONSIDERATIONS

Council's performance against the performance measures and performance benchmarks set by the Office of Local Government (OLG) within the Department of Planning and Environment were generally better than target. For details refer to the Financial Statements attached to this Report – Note F4 – Statement of Performance Measures - pages 76-78.

LEGISLATIVE AND POLICY CONSIDERATIONS

The general purpose financial statements of the City of Canada Bay Council for the year ended 30 June 2023 have been audited as required by section 415 of the Local Government Act 1993.

ITEM 12.6 CASH AND INVESTMENTS REPORT FOR OCTOBER 2023
Reporting Manager Manager Finance

Attachments: 1. **Investment Report October 2023 (Provided in Attachment Booklet)** [⇒](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Report for October 2023, attached to the report, be received and noted.

PURPOSE

To present Council's Investment portfolio performance for 31 October 2023.

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

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

Certification - Responsible Accounting Officer

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

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

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

Month	Cash At Bank	Cash Investments	Total Cash
October 23	\$2,944,759.79	\$151,754,706.63	\$154,699,466.42

The detailed Schedule of Investments held for 31 October 2023 are also provided over the page.

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
02/11/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	115	5.23%	10/07/23	Term Deposits
09/11/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	122	5.26%	10/07/23	Term Deposits
16/11/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	126	4.97%	13/07/23	Term Deposits
23/11/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	127	4.97%	19/07/23	Term Deposits
30/11/23	Bank of Queensland	BBB+	\$3,000,000.00	184	4.95%	30/05/23	Term Deposits
07/12/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	349	4.62%	23/12/22	Term Deposits
14/12/23	National Australia Bank	AA-	\$2,000,000.00	106	4.97%	30/08/23	Term Deposits
11/01/24	National Australia Bank	AA-	\$2,000,000.00	153	5.10%	11/08/23	Term Deposits
18/01/24	National Australia Bank	AA-	\$3,000,000.00	182	5.40%	20/07/23	Term Deposits
24/01/24	National Australia Bank	AA-	\$2,000,000.00	188	5.40%	20/07/23	Term Deposits
01/02/24	National Australia Bank	AA-	\$2,000,000.00	195	5.45%	21/07/23	Term Deposits
08/02/24	Commonwealth Bank of Australia	AA-	\$1,000,000.00	167	5.21%	25/08/23	Term Deposits
15/02/24	National Australia Bank	AA-	\$3,000,000.00	210	5.40%	20/07/23	Term Deposits
22/02/24	Commonwealth Bank of Australia	AA-	\$1,000,000.00	181	5.37%	25/08/23	Term Deposits
29/02/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	276	5.00%	29/05/23	Term Deposits
14/03/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	257	5.05%	01/07/23	Term Deposits
21/03/24	National Australia Bank	AA-	\$3,000,000.00	237	5.35%	28/07/23	Term Deposits
28/03/24	National Australia Bank	AA-	\$3,000,000.00	239	5.20%	02/08/23	Term Deposits
02/04/24	ING Bank	AAA	\$2,000,000.00	390	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
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
22/08/24	ING Bank	AAA	\$3,000,000.00	365	5.37%	23/08/23	Term Deposits
29/08/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	425	4.99%	01/07/23	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1096	1.04%	16/02/23	Term Deposits
01/12/23	Westpac Bank	AA-	\$2,000,000.00	88	4.20%	04/09/23	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	185	5.15%	18/08/23	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	182	1.68%	04/09/23	ESG TD
21/10/24	Westpac Bank	AA-	\$1,500,000.00	367	5.25%	20/10/23	ESG TD
30/10/24	Westpac Bank	AA-	\$1,000,000.00	366	5.41%	30/10/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	458	1.62%	14/08/23	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	455	1.62%	04/09/23	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	549	2.02%	18/08/23	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	549	2.10%	25/08/23	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	822	1.87%	21/08/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	914	2.24%	18/08/23	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	914	2.31%	25/08/23	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	911	2.22%	04/09/23	ESG TD
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	5.28%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	4.91%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	5.05%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	5.01%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	4.88%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Metway	AAA	\$1,000,000.00	1096	5.03%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	4.61%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	5.04%	13/01/23	Floating Rate Notes
24/02/26	Members Banking (RACQ Bank)	BBB+	\$2,300,000.00	1096	5.63%	24/02/23	Floating Rate Notes
15/05/26	Bendigo and Adelaide Bank	BBB+	\$1,000,000.00	1096	5.42%	15/05/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	4.80%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	AAA	\$500,000.00	1826	4.54%	19/08/21	Floating Rate Notes
14/09/26	Macquarie Bank	A+	\$1,600,000.00	1096	4.97%	14/09/23	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	4.55%	23/09/21	ESG FRN
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	5.17%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	5.29%	13/01/23	Floating Rate Notes
19/01/28	Cooperative RABOBank	A+	\$1,000,000.00	1826	5.40%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1826	5.14%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland	AAA	\$1,250,000.00	1827	5.38%	09/05/23	Floating Rate Notes
17/08/28	Commonwealth Bank of Australia	AA-	\$1,250,000.00	1827	5.12%	17/08/23	Floating Rate Notes
15/12/23	NTTC	Aa3	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	Aa3	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	Aa3	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,005,894.40		4.95%		AMP
	AMP Bank	BBB	\$1,008.80		3.05%		AMP
	Commonwealth Bank of Australia	AA-	\$1,817,036.86		4.20%		CBA BOS
	Macquarie Bank	A+	\$2,007,890.41		4.50%		Macquarie CMA
	Macquarie Bank	A+	\$3,072,876.16		3.90%		Macquarie CMA
	31/10/23		\$151,754,706.63				
	TOTAL INVESTMENTS at 30/09/2023		\$154,224,191.22				
	Net Increase/(Decrease) in Investments		(\$2,469,484.59)				

FINANCIAL CONSIDERATIONS

Council's adopted Budget for 2023-24 anticipated investment earnings of \$4.565M. Investment earnings are now forecast to be \$5.7M due to favourable market interest rates and more funds than expected being available to invest. The additional \$1.1M will be brought to account in the first quarter budget review.

The RBA met on 7 November 2023, and decided to raise the cash rate by 0.25% to 4.35%. If inflation remains higher than the RBA target range of between 2-3%, and unemployment remains too low, then we may see further cash rate increases.

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 12.7 LICENCE - DRAGON SPORTS ASSOCIATION INCORPORATED
INC9884721 - PART OF UHRS POINT RESERVE, 484P CONCORD
ROAD, RHODES**

Reporting Manager Manager Property Strategy and Leasing

Attachments: Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Pursuant to s47A of the Local Government Act 1993, Council enter a Licence agreement with Dragon Sports Association Incorporated for a period of 5 years commencing 31 January 2024, including the terms and conditions contained in the body of the report and subject to compliance with the public notice provisions of s47 of the Local Government Act 1993.
 2. In the event that no submissions are received in response to the public notice process referred to in (1) above, the General Manager be delegated authority to finalise any matters contained within the body of the report and execute the licence on behalf of Council.
 3. In the event of submissions being received in response to the public notice process referred to in (1) above, a further report, including details of such submissions, be prepared, and submitted to a future meeting of Council.
-

PURPOSE

For Council to consider granting approval for the issuing of a licence over a portion of Crown Land within Uhers Park (R59906) Reserve, described as Lot 7051 in DP 1059395 and Lot 504 DP 752023, to Dragon Sports Association Incorporated (DSA) for a period of 5 years.

EXECUTIVE SUMMARY

DSA has been licensing a portion of Crown land within Uhers Point Reserve being described as Lot 7051 in DP1059395, for the use of the amenities block and existing storage building on the land for the purpose of running a boating club.

The previous agreement commenced on 1 January 2019 and expired on 31 December 2021 and the club has remained in occupation on a month-to-month basis under the licence hold over provision. DSA has approached Council seeking consent to install a new boat rack in the reserve and to enter into a new licence arrangement.

This report seeks Council approval to grant a new 5-year licence to DSA for part of Uhers Point Reserve for the purpose of operating their boating club and storage of equipment.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

Council is appointed under the Crown Land Management Act 2016 as the Crown Land Manager for:

- Uhrs Park Reserve (R59906) notified in the Government Gazette for the purpose of public recreation on 19 April, 1996

In November 2015, Council negotiated a Licence with DSA pursuant to section 102 of the Crown Lands Act 1989 for the use of an amenities block and existing brick storage building at UHRS Park (R59906) Reserve Trust for three (3) years, commencing 1 November 2015 and expiring on 31 October 2018.

Upon expiry, a new three (3) year agreement was subsequently negotiated and signed from 1 January 2019 to 31 December 2021. DSA has continued its occupation of the area after the expiration of this agreement under the licence's hold over provisions (which have now ended).

In April 2023, DSA approached Council requesting consent to install a new boat rack in Uhrs Park and requesting a new Licence covering the previous licensed areas as well as the section of the park the proposed boat rack was to be installed on. It should be noted that the boat rack is proposed to be constructed on a portion of the land covered under the existing licence, Lot 7051 in DP 1059395 and a portion of the adjoining land at Lot 504 in DP 752023. As a result, any new licence will need to include both Lots & DP's.

Council's Strategic Planning, Statutory Planning and Recreation Planning divisions have assessed DSA's proposal and have advised it would be acceptable for DSA to install their boat rack as a permanent structure in the park, with the understanding that it would only be for a period of 5 years to allow for the possible redevelopment of the foreshore.

To align with the above it is proposed Council enters into a new agreement with DSA based on the below key terms.

Key Licence Terms

The key terms of the Licence include:

Premises	Part Lot 7051 DP 1059395 & Part Lot 504 DP 752023 as shown on lease plan
Commencement Date	31 st January 2024
Expiry date	31 st December 2028
Market Rent	\$579 plus GST per annum (Crown Land Minimum)
Term	5 years
Option	Nil
Rent Reviews	Annual CPI reviews
Tenant permitted works	Licensor gives permission for the Licensee to build a boat rack within the leased area. All work to be conducted by a licenced tradesman
Make good	Licensee is to completely remove the boat rack, including any concrete slab, and make good any damage. Licensee also to remove all items from amenities block/storage building and thoroughly clean all areas.
Permitted use	Use of amenities block and existing brick storage building and use of proposed boat rack to be installed by Licensee
Repairs and maintenance	Licensee is solely responsible for any repairs to the boat rack. Licensee responsible for all repairs to amenities building, excluding any structural works.

Table 4. Key Lease Terms



Licence Plan – Areas in blue to be included in the licence

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Prior to entering into any agreement, Council will be required to give public notice of the intention to enter a licence under Section 47 of the Local Government Act 1993.

FINANCIAL CONSIDERATIONS

The proposed rental amount of \$579 (ex. GST) is in line with the Crown Land rent structure.

An annual escalation of CPI has been applied to the Licence.

DSA will fully fund the installation and ongoing maintenance of the storage structure.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 47A of the Local Government Act 1993 allows Council to lease Community Land for a period of 5 years or lease without going to tender.

13 NOTICES OF MOTION

Nil

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 LEASE DEBTOR WRITE-OFFS

This matter is considered to be confidential under Section 10A(2) - (b) and (c) of the Local Government Act, as it deals with discussion in relation to the personal hardship of a resident or ratepayer and 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 OF THE RHODES PARK CAFE, "KOKODA CAFE" TO KOKODA BAY PTY LTD

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.
