

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, 5 December 2023

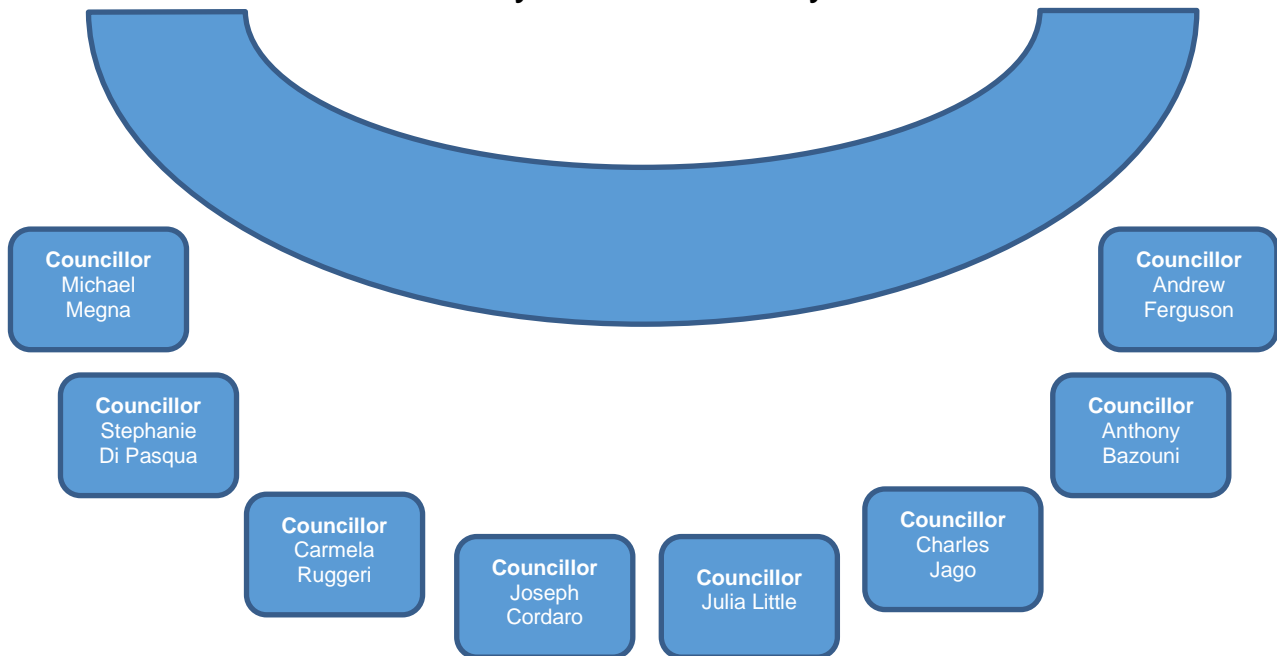
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



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

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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 21 NOVEMBER 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 21 November 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)**ITEM 5.1 MAYORAL MINUTE - PAPUA NEW GUINEA TOURISM AUTHORITY -
MEMORANDUM OF UNDERSTANDING****Reporting Manager Councillor Cordaro**

Mayoral Minute not available at time of publishing the agenda however will be provided prior to the meeting.

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 November 2023 and 24 November 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 29 November 2023

The following applications were 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 – 134-140 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.

Items for CBLPP Meeting on 13 December 2023

The Panel meeting was cancelled as there were no delegated items for the CBLPP meeting on 13 December 2023.

Development Applications - Determined

The following Development Applications have been determined by staff under delegation between 1 November 2023 and 24 November 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0206	25.09.2023	9 Blaxland Road, Rhodes	Demolition of existing buildings	Approved 07.11.2023
DA2023/0240	06.11.2023	49 Walton Crescent, Abbotsford	Strata Subdivision of attached dual occupancy	Approved 08.11.2023
DA2023/0118	20.06.2023	19 Ingham Avenue, Five Dock	First floor addition, minor ground floor alterations and rear awning, carport and associated driveway	Approved 10.11.2023
DA2023/0228	20.10.2023	20 Llewellyn Street, Rhodes	Pruning of two trees within a heritage property	Approved 15.11.2023
DA2023/0192	12.09.2023	207 Lyons Road, Russell Lea	Change of use to a restaurant, including an on-premises liquor licence, with associated hours of operation, external alterations, internal alterations, ancillary development, and provision of twelve (12) business identification signs	Approved 15.11.2023
DA2023/0149	17.07.2023	11 Stanley Street, Concord	Demolition of existing dwelling with retention of existing pool. Construction of two storey dwelling with	Approved 16.11.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			basement and related landscaping	
DA2023/0201	20.09.2023	57 Russell Street, Russell Lea	Alterations and additions to dwelling including an addition of an ensuite to front of the dwelling, select new windows and internal changes	Approved 16.11.2023
DA2023/0102	30.05.2023	4 Drummoyne Avenue, Drummoyne	Proposed rear alfresco	Approved 16.11.2023
DA2023/0246	15.11.2023	40 Currawang Street, Concord West	Proposed strata subdivision of dual occupancy	Approved 21.11.2023
DA2023/0170	15.08.2023	9 Durham Street, Concord	Alterations and additions to existing dwelling including partial demolition, external walls changes, new attached garage and above open space, and additional rooms	Approved 21.11.2023
DA2023/0115	12.06.2023	116 Correys Avenue, Concord	Demolition of part existing dwelling-house, carport and shed. Additions to dwelling, a new garage and a swimming pool at the rear	Approved 24.11.2023
DA2023/0164	02.08.2023	69 Kings Road, Five Dock	Demolition of existing dwelling and garage and proposal of a two-storey dwelling with associated landscaping	Approved 24.11.2023

Total Number of DAs Determined = 12

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 November 2023 and 24 November 2023:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0231	01.11.2023	7 Tennyson Road, Concord	Demolition of existing buildings, construction of a two storey dwelling house, and basement garage, swimming pool and related landscape works
DA2023/0238	02.11.2023	31 Great North Road, Five Dock	Construction of a concrete swimming pool
DA2023/0239	02.11.2023	34 Henley Street, Drummoyne	Removal of one box elder tree from rear of property within a heritage conservation area
DA2023/0225	03.11.2023	16 Lamrock Avenue, Russell Lea	Proposed Alterations and Additions to Existing dwelling with carport structure
DA2023/0240	06.11.2023	49 Walton Crescent, Abbotsford	Strata Subdivision of attached dual occupancy
DA2023/0234	07.11.2023	43 Walker Street, Canada Bay	Demolition of existing buildings on site and construction of a double storey dwelling with swimming pool
DA2023/0237	10.11.2023	85 Llewellyn Street, Rhodes	Proposed demolition of existing dwelling, and construction of new 2 storey dwelling with basement parking and in-ground swimming pool
DA2023/0242	13.11.2023	1-11 George Street, North Strathfield	Expansion of the Cookies Bar and Lounge, located within the Bakehouse Quarter
DA2023/0245	14.11.2023	47 Dening Street, Drummoyne	Demolition of existing dwelling and detached garage, construction of a new two storey dwelling with basement level car-parking, an inground swimming pool, front fence and associated landscaping
DA2023/0243	14.11.2023	8 Thompson Street, Drummoyne	Partial demolition of existing detached structure to rear. New rear single storey studio
DA2023/0246	15.11.2023	40 Currawang Street, Concord West	Proposed strata subdivision of dual occupancy
DA2023/0244	17.11.2023	22 Sutton Street, Five Dock	Proposed new carport to existing single dwelling
DA2023/0248	20.11.2023	48 Burwood Road, Concord	Replacement of current signage at the front of veterinary practice
DA2023/0247	21.11.2023	8 Wallace Street, Concord	Conversion of an existing studio to a secondary dwelling with an attic
DA2023/0254	22.11.2023	1 Alice Avenue, Russell Lea	Alterations and additions to existing dwelling

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0255	22.11.2023	33 Alexandra Street, Drummoyne	Alterations to existing dwelling including new rear and first floor addition, pergola and landscaping works
DA2023/0251	23.11.2023	57 Nirranda Street, Concord West	Installation of vergola louvered roof system (awning) to existing rear terrace area of residential dwelling
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)
DA2023/0250	23.11.2023	104 Cabarita Road, Cabarita	Strata Subdivision of existing dual occupancy
DA2023/0256	24.11.2023	105 St Georges Crescent, Drummoyne	Removal and pruning of 23 trees that are dead or dying on a property within a heritage conservation area
DA2023/0258	24.11.2023	13 Barnstaple Road, Five Dock	New double garage to replace existing carport
DA2023/0249	24.11.2023	81 Gipps Street, Drummoyne	New carport and associated landscaping to front of property, minor demolition and alterations to existing dwelling

Total Number of DAs Lodged = 22

Variations to development standards

There were no 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 November 2023 and 24 November 2023

Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 24 November 2023:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0132	8 Drummoyne Avenue, Drummoyne	Class 1 appeal against the actual 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 deemed refusal of development application for alterations and additions to existing DA2021/0089,	No agreement reached at s34 conciliation conference. Matter listed for hearing 16-17 April 2024.

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		comprising amendments to the unit mix, and addition of 3 levels to result in an 8-storey building comprising 58 residential apartments.	
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. Amended plans submitted to the Court and are on neighbour notification until 14 December. Matter will be considered further by the Courts after the notification period.
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.	Section 34AA conciliation hearing held 13 November 2023. Applicant considering draft conditions. Further date yet to be set by the Court.
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 between 43 and 45 Dorking Road.	Matter listed for s34 conciliation 12 and 13 December 2023.
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 UPDATED DRAFT CITY OF CANADA BAY COMMUNITY PARTICIPATION PLAN**Reporting Manager Manager Strategic Planning****Attachments:** 1. **Draft Community Participation Plan (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. The draft City of Canada Bay Community Participation Plan, provided at Attachment 1, be placed on public exhibition for 28 days.
 2. Following the public exhibition period, a further report be provided to Council advising of the outcome of the public exhibition and any submissions received.
-

PURPOSE

To seek endorsement to place the draft City of Canada Bay Community Participation Plan on public exhibition.

EXECUTIVE SUMMARY

The City of Canada Bay Community Participation Plan sets out Council's approach to encourage community participation and engagement on land use planning matters.

A draft City of Canada Bay Community Participation Plan has been prepared that includes amendments arising from statutory changes and to implement recommendations arising from the Faster Local Assessment Grant Program (FLAG).

It is recommended that the draft City of Canada Bay Community Participation Plan be placed on public exhibition.

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

BACKGROUND/DISCUSSION

The City of Canada Bay Community Participation Plan (the Plan) was adopted on 19 November 2019 and sets out how and when Council will engage with the community on the planning functions it performs. These planning functions include:

- Local Strategic Planning Statements;
- Planning Proposals;
- Development Control Plans;
- Contribution Plans;
- Planning Agreements;
- Development Applications;
- Modifications to Development Applications;
- Reviews of decisions; and
- Land Use Strategies prepared to inform planning decisions.

There has been a number of regulatory changes and recommendations made in relation to internal process improvement that have prompted an update to the Plan. The draft City of Canada Bay Community Participation Plan, provided at Attachment 1 includes the following amendments:

- Updated references to Council's Community Strategic Plan and remove references to the Greater Cities Commission.
- Removal of reference to advertisements in a local newspaper.

The *Environmental Planning and Assessment Regulation* was amended in 2020 to require various notices to be published online instead of in a local newspaper. This change was made following a reduction in the publication of local newspapers throughout New South Wales and the growing access to information online.

Council will continue to notify landowners and residents directly by mail, place draft Plans on the "Items on Public Exhibition" page on the City of Canada Bay website and use the dedicated engagement platform, Collaborate. An online tracking tool is also available for development applications lodged with Council.

- Revision to the notification period for development applications to introduce a range of developments that will be subject to a 21 day notification period, with all other applications (other than Council related development and designated development) being subject to a 14 days exhibition period.

The City of Canada Bay participated in the "Faster Local Government Assessment Grant Program" that required Council to accelerate the assessment of development applications. In order to achieve a reduction in assessment times, various process improvements were identified. The project also included a recommendation to reduce the notification period for certain development applications from 21 days to 14 days.

It is recommended that the following developments which are typically larger in scale, or which may have a greater potential impact on adjoining neighbours, or which involve more sensitive land uses, will continue to be notified for 21 days:

- Residential Flat Buildings
- Multi Dwelling housing
- Shop top housing
- Boarding Houses
- New business/commercial/industrial development with a gross floor area of greater than 500sqm
- New function centre
- Alterations and additions and/or extension of late-night trading hours for licensed premises
- 24 hour trading
- Childcare centres/ schools/ community centres
- Change of use for non-residential uses in residential zone
- Sex services and restricted premises
- Applications involving Voluntary Planning Agreements
- Hospitals
- Residential Aged Care Facilities
- New Place of Public Worship

- Marinas

The proposed notification periods align with statutory requirements and will continue to provide ample opportunity for landowners and residents to provide feedback on development applications.

- Introduction of a minimum notification timeframe of 28 days for a Council related development.

The *Environmental Planning and Assessment Act, 1979* was amended to require Council-related development applications to be exhibited for a minimum of 28 days to ensure transparency during the assessment process.

TIMING AND CONSULTATION CONSIDERATIONS

The draft City of Canada Bay Community Participation Plan is required to be exhibited for a minimum period of 28 days. It is proposed that these changes be placed on exhibition commencing in early February 2024, following the December-January holiday period.

Following the exhibition period, a further report will be provided to Council to advise of the outcome of the public exhibition.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The draft Community Participation Plan has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation, 2021*.

ITEM 9.3**1 KING STREET, CONCORD WEST - PROPONENT PLANNING PROPOSAL****Reporting Manager** Manager Strategic Planning**Attachments:**

1. Attachment A - Planning Proposal Report PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
2. Attachment B - Visual Impact Assessment PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
3. Attachment C - Social Impact6 & Needs Assessment PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
4. Attachment D - Economic Impact Assessment PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
5. Attachment E - Arch & Design Concept Plans PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
6. Attachment F - Urban Design Report PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
7. Attachment G - Design for Country Scoping Report PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
8. Attachment H - Aboriginal Heritage Due Dill PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
9. Attachment I - Transport Study Report PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
10. Attachment J - Civil Design Report PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
11. Attachment K - George Street Re-grading Civil Design PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
12. Attachment L - Intersection Upgrade - Cost Estimate PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
13. Attachment M - Infrastructure Management Plan PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
14. Attachment N - Market Potential Assessment PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
15. Attachment O - Heritage Impact Statement PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
16. Attachment P - Biodiversity Assessment PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
17. Attachment Q - Preliminary Site Investigation PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
18. Attachment R - Acoustic Statement PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
19. Attachment S - Sustainability Statement PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
20. Attachment T - Letter of Offer & Contributions Plan-Schedule PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
21. Attachment U - Urban Design Peer Review plus Addendum PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
22. Attachment V - Transport Study and SIDRA mod PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
23. Attachment W - Social and Economic Report Hill PDA PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
24. Attachment X - Recommended Draft CBLEP Map Amendments PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)
25. Attachment Y - CB Local Planning Panel Advice PP2023-0003 (*Provided in Attachment Booklet*) [⇨](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. Council endorse Planning Proposal – 1 King Street, Concord West, as shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendments:
 - a) Application of a R4 High Density Residential Zone consistent with the draft Land Zoning Map at Attachment X
 - b) The maximum Floor Space Ratio be reduced to 2.23:1, consistent with the draft Floor Space Ratio Map, provided at Attachment X
 - c) The maximum height of buildings be reduced, consistent with the draft Height of Buildings Map, provided at Attachment X
 - d) Application of Active Street Frontages, consistent with the draft Active Street Frontages Map, provided at Attachment X
 - e) Identification of reservation for local road widening, consistent with the draft Land Reservation Acquisition Map, provided at Attachment X
 - f) Inclusion of the land on the Key Sites Map at Attachment X
 - g) Inclusion of new clause that requires the total gross floor area of all buildings on the land, other than residential accommodation, to be a minimum of 3,500m² and a maximum of 5,000m².
 - h) The proposed 'Exception to height of buildings' clause, 'Balconies on certain residential buildings' clause and the proposed 'Additional Permitted Use' be removed.
 2. The following information be provided prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination:
 - a) a 'Better Outcomes Study' that clearly demonstrates better outcomes are delivered than identified in the *Parramatta Road Corridor Urban Transformation Strategy* and the *Parramatta Road Corridor Implementation Plan* as required by Local Planning Direction 1.5;
 - b) an Arborist Report that identifies the Safe Useful Life Expectancy (SULE) Rating of all existing trees and confirms the significance of trees to be retained, trees to be removed and strategies to ensure the health of retained and new trees;
 - c) an updated Economic Impact Assessment that addresses the inconsistency with Local Planning Direction 7.1 Employment Zones;
 - d) an updated Flood Assessment that demonstrates consistency with Local Planning Direction 4.1 Flooding and considers the preferred mitigation strategy for George Street; and
 - e) an updated Traffic Report that addresses the Peer Review prepared by Stantec on behalf of Council, provided at Attachment V and assesses the proposed upgrade to the intersection of George and Pomeroy Streets.
 3. The following information be provided prior to public exhibition:
 - a) a Detailed Environmental Site Investigation (DESI)
 - b) a preliminary assessment carried out in accordance with the ASSMAC Acid Sulphate Soil Manual
 4. Council prepare a draft Development Control Plan for the site.
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5. Council prepare a draft amendment to the Canada Bay Local Infrastructure Contribution Plan to include the upgrade to the intersection of George Street and Pomeroy Street.
 6. Authority be delegated to the General Manager to negotiate a draft planning agreement.
 7. Authority be delegated to the General Manager to make any minor variations to the Planning Proposal to correct any drafting errors or ensure it is consistent with the Planning Proposal following the receipt of a Gateway Determination.
 8. The updated Planning Proposal – 1 King Street, Concord West, the draft Development Control Plan, draft Local Infrastructure Contribution Plan and draft Planning Agreement be endorsed for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination.
-

PURPOSE

To provide Council with the outcome of the assessment of a Planning Proposal relating to 1 King Street, Concord West and seek Council endorsement to submit the Planning Proposal to the Department of Planning and Environment (DPE) seeking a Gateway Determination.

EXECUTIVE SUMMARY

Council has received a Proponent-initiated Planning Proposal for land within the Homebush North Precinct of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS).

The Proponent, Concord West Property Pty Ltd, landowner of 1 King Street, Concord West, is a joint venture between Billbergia and Metric Invest. The Planning Proposal is seeking to redevelop the site through an amendment to *Canada Bay Local Environmental Plan 2013* to:

- rezone the land from Zone E4 General Industrial to Zone R3 Medium Density Residential with an additional permitted use for commercial uses;
- increase the maximum building height from 8.5m to a maximum of 47m (12 storeys), including various building heights across a total of 10 buildings ranging from 6 to 12 storeys;
- increase the maximum Floor Space Ratio from 1.0:1 to 2.65:1 (approximately 83,050m² gross floor area, including 75,461m² of residential with 716 dwellings and 7,589m² of commercial space;
- include the site on the CBLEP Design Excellence Map; and
- introduce new local clauses that enable development on the site to exceed the maximum permitted building height and exclude Gross Floor Area under certain conditions.

The proponent also made an offer to enter into a planning agreement. The letter of offer includes a commitment to:

- the design, funding and construction of road upgrades to the intersection of George Street and Pomeroy Street, North Strathfield, including land acquisition;
- a monetary contribution towards stormwater drainage upgrades to George Street; and
- the design, funding and construction of the proposed King Street extension to George Street.

An assessment of the Planning Proposal has been undertaken, including consideration of economic, traffic/transport, flooding and urban design matters within the context of relevant state and local government strategies.

The Site is not located within a Strategic Centre and the recent departure of the Westpac Call Centre from the site represents a change in circumstances that have informed the proposed rezoning. The Planning Proposal is an opportunity to provide a mixed-used development located close to public transport that contributes to the desired future character of the locality.

The critical issue for the Planning Proposal is inconsistency with the *Parramatta Road Corridor Urban Transformation Strategy*, the scale and density proposed and the availability of infrastructure to support the proposed development, particularly the upgrade of the George and Pomeroy Street intersection.

This report recommends that the Planning Proposal be approved for submission to the Department of Planning and Environment (DPE) seeking a Gateway Determination, subject to a range of amendments, including a reduction to the proposed maximum density and building height. Further information is also required to enable the proposal to proceed to DPE prior to public exhibition.

It is also recommended that Council Officers work with the landowner to draft a planning agreement prior to the submission of the Planning Proposal to DPE.

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

This report also relates to the *Eastern City District Plan*, the *Parramatta Road Corridor Urban Transformation Strategy*, and the *City of Canada Bay Local Strategic Planning Statement*.

BACKGROUND/DISCUSSION

Site details

The property known as 1 King Street, Concord West (the Site) is approximately 31,390m² in area (approximately 3.14ha) and is irregular in shape.

George Street runs along the western site boundary and the T9 Northern Rail Line runs along the eastern boundary. The Site is accessed off George Street to the west and King Street, which terminates at the north-eastern corner of the Site. Concord West train station is located to the immediate north-east.

The Site is occupied by a large 1.6ha office building built in 1987 that was previously occupied by Westpac as its call centre. The Site also includes a multi-storey carpark ancillary to the primary building, a childcare centre still in use, and a tennis court.

The Site is situated on a relatively narrow strip of land located between the railway line, Homebush Bay Drive (A3) and Powells Creek. Only one point of vehicular access is provided to this 'peninsula' area, which is located approximately 800m to the south of the site at the intersection of George and Pomeroy Street.

A property, known as 88 George Street, North Strathfield is impacted by the proposed upgrade to the George and Pomeroy Streets intersection (See Figure 2 below).



Figure 1: The Site shown outlined in red on aerial photograph (Source: Council mapping)



Figure 2: The Site and land at 88 George Street, North Strathfield – aerial photograph (Source: Council mapping)

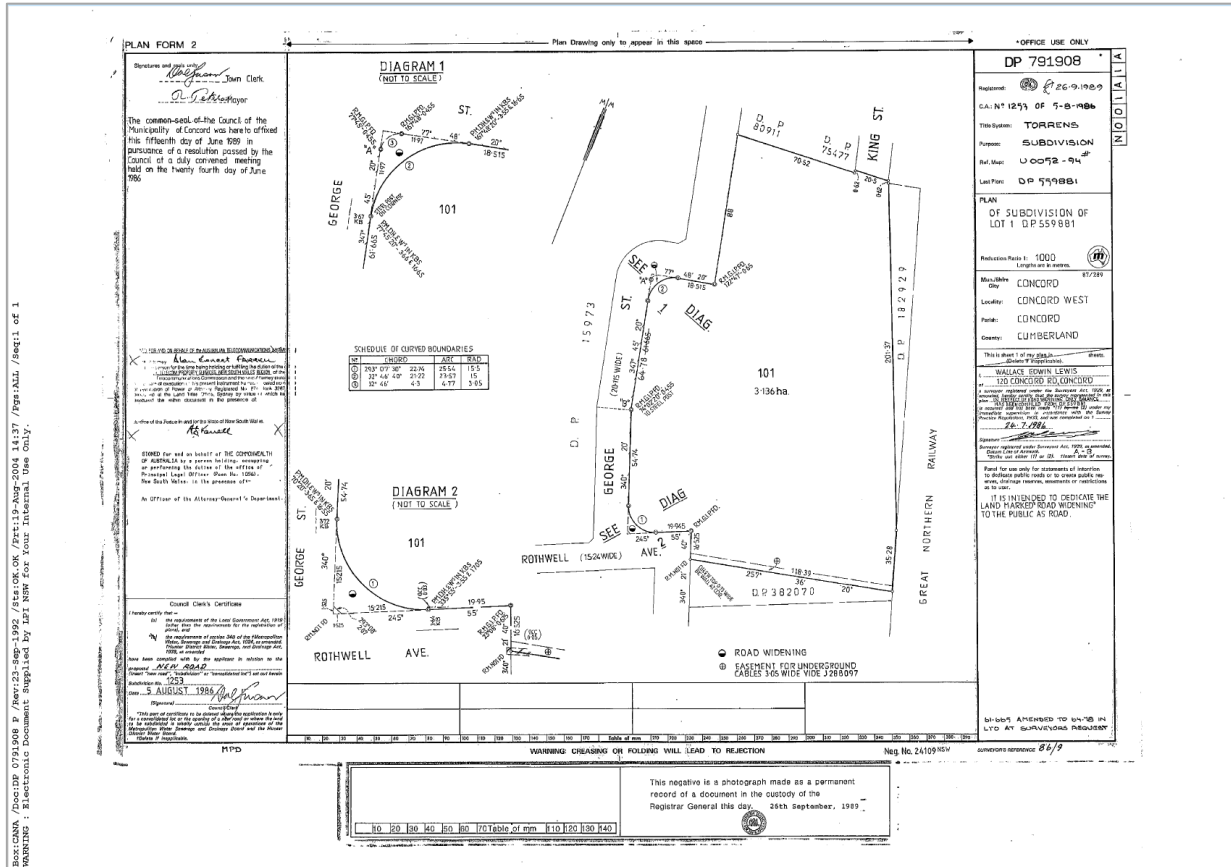


Figure 3: Existing Torrens Title Subdivision Plan Lot 101 DP 791908 (Source: NSW Land Registry Services)



Figure 4: Existing development on site – looking south (Source: Proponent Planning Proposal)

Adjoining development

The area surrounding the Site is in transition and is characterised by a variety of uses that include residential, mixed use and urban services.

To the east of the Site is the T9 Northern Line and Concord West train station. To the east of the Site on the other side of the railway line, there are a mix of low rise multi-dwelling housing and detached dwellings. Much of the Site is visible from Queen Street, which is parallel to the railway line.

To the west of the Site, along George Street are currently industrial uses that back onto Powells Creek, however this is expected to change as these sites have recently been rezoned to R3 Medium Density Residential.

Land to the south of the Site, on the eastern side of George Street, is zoned R3 Medium Density Residential, with a substation and four to seven storey apartment buildings, some of which have ground floor retail. Land to the south of the site, on the western side of George Street, is zoned R2 Low Density Residential and is predominantly single storey detached houses.

To the north of the Site, the land is predominantly zoned R3 Medium Density Residential, however this has only recently occurred and so currently the dominant built form is single storey detached houses.

Current Planning Controls

The key planning controls that apply to the Site in the *Canada Bay Local Environmental Plan 2013* (see Figures 5, 6 and 7 below), include:

- a) E4 General Industrial, which allows for a range of industrial and warehouse uses;
- b) a maximum building height of 8.5 metres; and
- c) a maximum floor space ratio (FSR) of 1.0:1.



Figure 5: Extract from Current CBLEP Land Use Zone Map (Source: Council mapping)



Figure 6: Extract from Current CBLEP Height of Buildings Map (Source: Council mapping)



Figure 7: Extract from Current CBLEP Floor Space Ratio Map (Source: Council mapping)

PLANNING PROPOSAL

The Planning Proposal seeks to amend the *Canada Bay Local Environmental Plan 2013* to:

- a) rezone the land from Zone E4 General Industrial to Zone R3 Medium Density Residential;
- b) amend Schedule 1 to include 'Commercial premises' and 'Shop top housing' as Additional Permitted Uses;
- c) increase the maximum building height from 8.5m to a maximum of 47m (12 storeys);
- d) increase the maximum Floor Space Ratio from 1.0:1 to 2.65:1
- e) include the site on the Design Excellence Map;
- f) introduce new clauses into the Canada Bay LEP to permit:
 - i. exceptions to the maximum building height for roof top plant or equipment, lift overruns and associated structures; and
 - ii. enclosed balconies to be excluded from the calculation of Gross Floor Area where they are adversely affected by rail noise or vibration and meet other criteria.



Figure 8: Proponent Proposed Zoning – R3 Medium Density Res with additional commercial uses
(Source: Proponent Planning Proposal)



Figure 9: Proponent Proposed Height of Buildings
(Source: Proponent Planning Proposal)



Figure 10: Proponent Proposed Floor Space Ratio
(Source: Proponent Planning Proposal)

Illustrative masterplan

The concept for the proposed development of the site is to facilitate a new neighbourhood that includes a mix of retail, commercial and residential uses. The key elements of the development include:

- 10 buildings, ranging from 4 to 12 storeys accommodating approximately 716 dwellings. Taller buildings are located towards the railway line and the centre of the site, with lower buildings at the perimeter,
- new loop road through the site connecting King Street and George Street,
- a total of approximately 83,050m² of gross floor area which equates to a Floor Space Ratio of 2.65:1. The Gross Floor Area comprises approximately:
 - 75,461m² residential floor area
 - 7,589m² non-residential floor area
- a north-south through-site link of approximately 2,500m² to provide pedestrian and cycle access through the site,
- an east-west through site link, connecting the new loop road with George Street.



Figure 11: Proponent's Masterplan Sketch Plan (Source: Group GSA)



Figure 12: Proponent's Masterplan Vision 3D Sketch (Source: Group GSA)



Figure 13: Indicative Ground Floor Plans (Source: Group GSA)

Independent peer review

To assist with the assessment of the planning proposal, Council commissioned independent peer reviews in relation to:

- Urban Design by Studio GL, at Attachment U
- Traffic by Stantec, at Attachment V

These reviews have informed the assessment and recommendations within this report.

STRATEGIC ALIGNMENT

Planning Proposals are required to be assessed for *strategic merit* against plans and strategies prepared by the NSW and local government. Relevant strategies and Local Planning Directions are addressed below.

Greater Sydney Metropolitan Plan – A Metropolis of Three Cities and the Eastern City District Plan

The *Greater Sydney Region Plan* (Region Plan) and *Eastern City District Plan* (District Plan) prepared by the former Greater Cities Commission shape strategic planning and infrastructure across metropolitan Sydney and align planning at the broad regional scale, down to the local area.

The *Region* and *District Plan* recognise the importance of the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) in providing for a diversity of jobs and housing supported by infrastructure and amenity. In recognising the importance of the Strategy and the extensive process undertaken to deliver it, land within the PRCUTS Precincts is not subject to the industrial land 'maintain and protect' strategies and actions of the District Plan.

The Region and District Plans identify opportunity for urban renewal around transport and strategic centres where links for walking and cycling promote a healthy lifestyle. Concord West is not a strategic centre, however is located in close proximity to a heavy rail station.

The Planning Proposal aims to deliver a Transit Oriented Development (TOD) by facilitating an increase in density in a location with good access to public transport. In this way, the proposal is consistent with priorities in relation to providing housing supply in a location near to transport.

The Planning Proposal is inconsistent with priorities in the Region and City Plans relating to affordable housing and tree canopy:

- *Affordable Housing* - The provision of affordable housing is a requirement of the Region Plan, the District Plan, the PRCUTS, the *Canada Bay Local Strategic Planning Statement (LSPS)* and the *Canada Bay Local Housing Strategy*.

PRCUTS states that a minimum of 5% of new housing is to be provided as Affordable Housing or in-line with the Government policy of the day. The Region Plan, District Plan and LSPS require between 5-10% affordable housing, subject to feasibility.

The *Canada Bay Local Environmental Plan 2013* currently imposes a requirement for a minimum of 4% of approved Gross Floor Area (or an equivalent monetary contribution) to be provided for the purpose of affordable housing on the Site. This requirement is reflected in the adopted Canada Bay Affordable Housing Contribution Scheme (AHCS).

The Planning Proposal states '*The Proponent agrees that affordable housing is an important consideration. In the circumstances where the proposal to design and deliver the road upgrade is, on balance, considered a preferred response*'.

The proposal has been reviewed in relation to feasibility and there is limited margin for the development to provide additional affordable housing in addition to other state and local contributions. For this reason, it is not recommended that additional affordable housing be required. The requirement for 4% affordable housing will continue to apply to the site.

- *Tree Canopy* – Discussion in relation to tree canopy is provided under the heading 'Landscaping and Tree Canopy'.

Parramatta Road Corridor Urban Transformation Strategy November 2016 (PRCUTS)

PRCUTS is the NSW Government's 30-year plan for the Parramatta Road Corridor that aims '*to renew Parramatta Road and adjacent communities through investment in homes, jobs, transport, open spaces and public amenity*'.

The Strategy is afforded statutory force by a Local Planning Direction under section 9.1 of the *Environmental Planning and Assessment Act 1979*. The *Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021 July 2021* supplements PRCUTS 2016 with updated actions.

The *PRCUTS Planning and Design Guidelines* recommend the following zoning and development standards for the Site:

- *B7 Business Park*
- *Maximum height of 8.5m (two stories)*
- *Maximum Floor Space Ratio of 1.0:1*

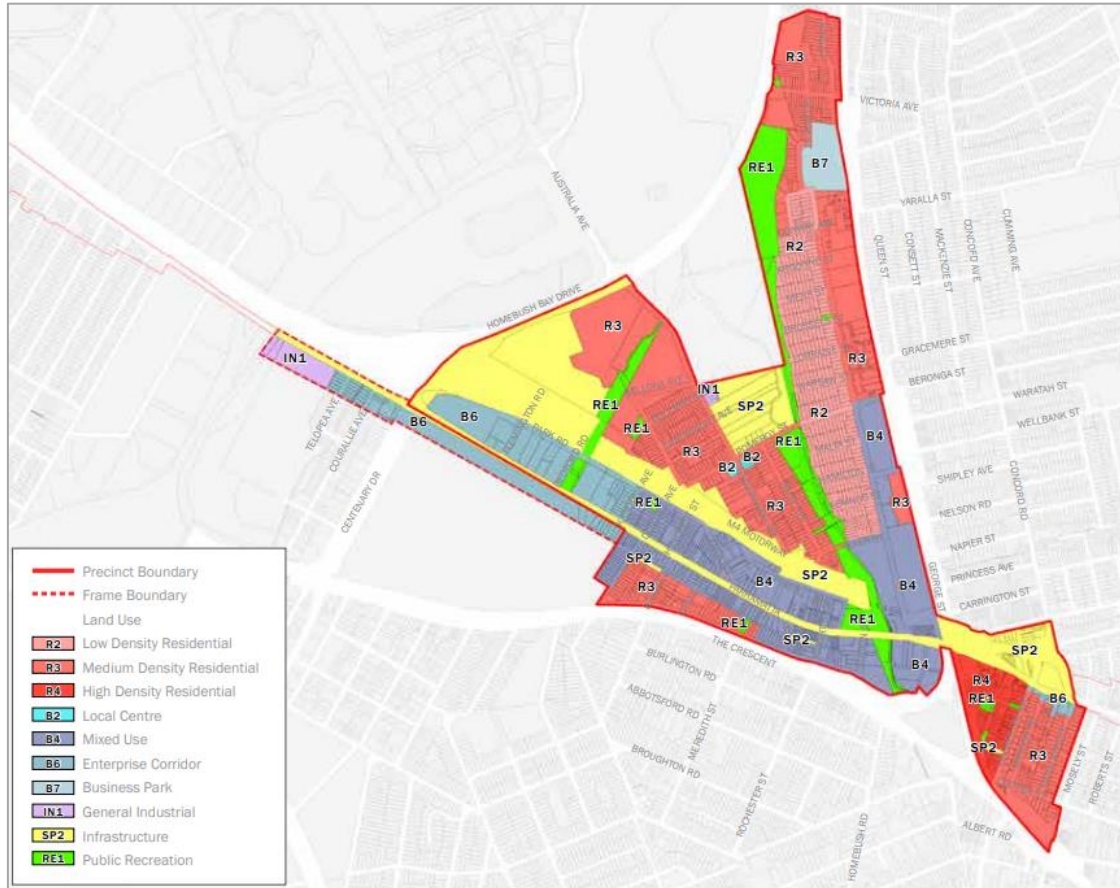


Figure 14: PRCUTS Recommended Land Use Zone (Source: PRCUTS Planning and Design Guide)

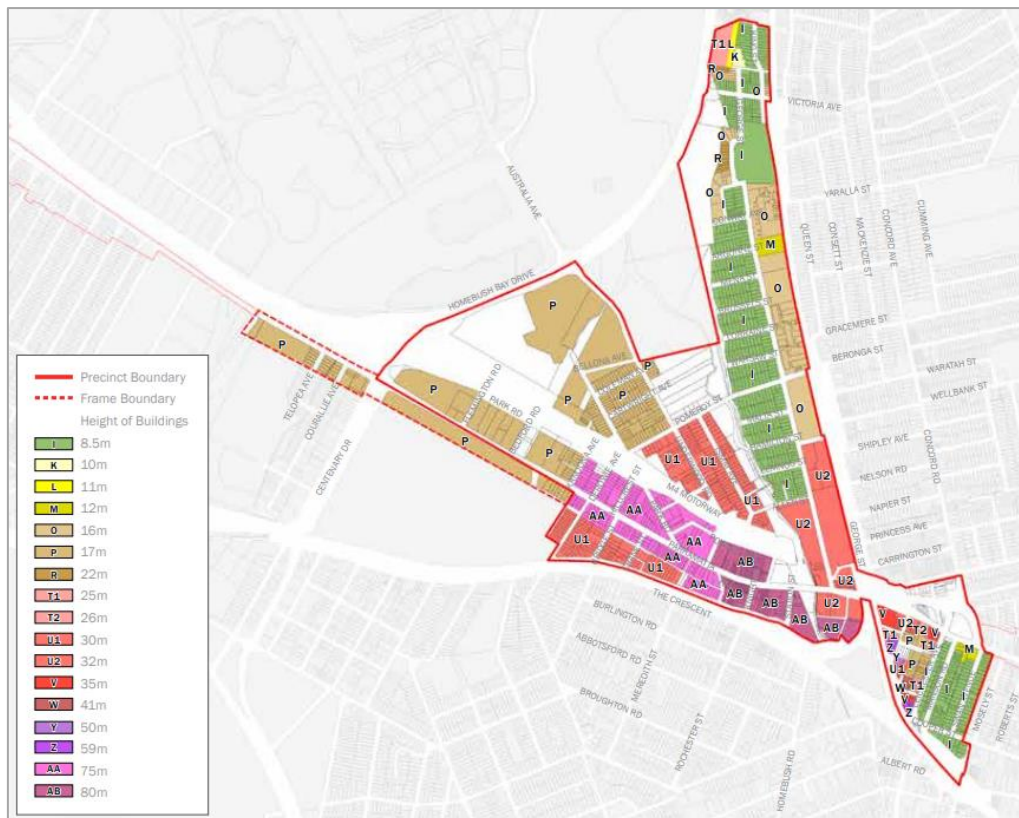


Figure 15: PRCUTS Recommended Height of Buildings (Source: PRCUTS Planning and Design Guide)

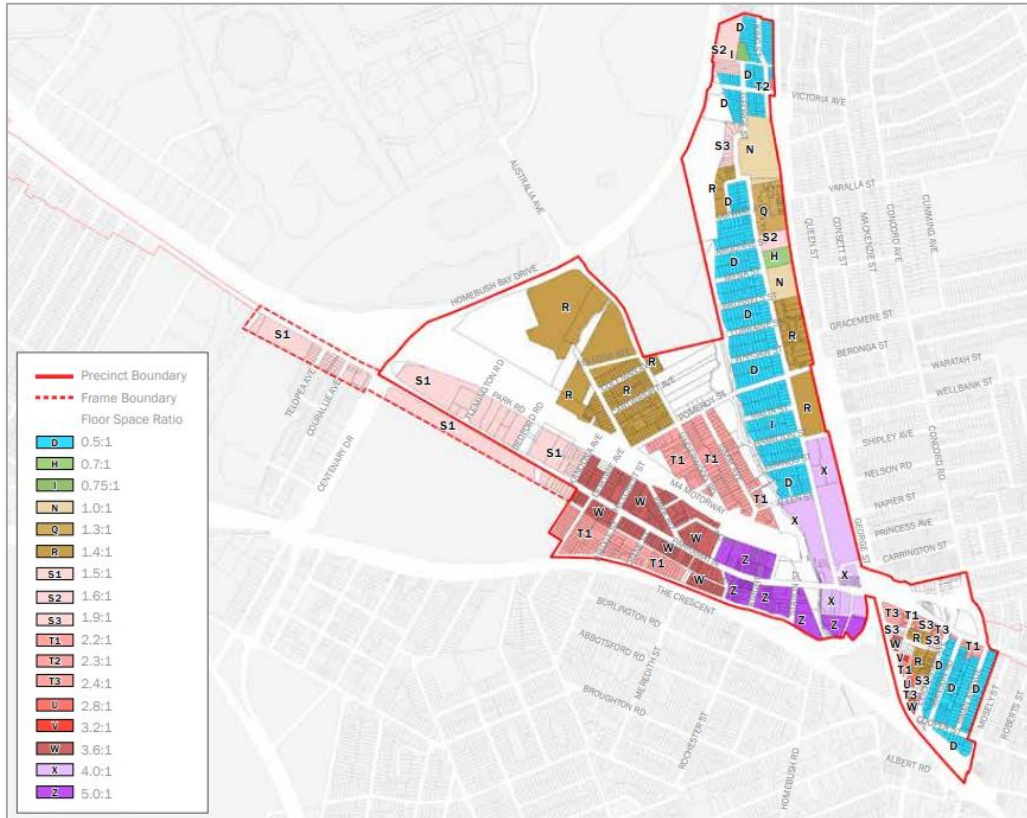


Figure 16: PRCUTS Recommended Floor Space Ratio – 1:1 (Source: PRCUTS Planning and Design Guideline)

The 9.1 Local Planning Direction states that a planning proposal for the site should be consistent with PRCUTS unless a study is prepared to the satisfaction of the Planning Secretary ‘that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy and Parramatta Road Corridor Implementation Plan 2016-2023 having regard to the vision and objectives.’

The Planning Proposal addresses the vision and objectives of PRCUTS and has submitted a Social Impact Assessment and an Economic Impact Assessment (at Attachment C), however these documents do not satisfy the requirement for a Study.

The documents argue and justify the inconsistency with PRCUTS as the proposal will deliver new homes in a location close to public transport supported by an upgrade to a local intersection.

The site is a large landholding that is located within immediate proximity to a heavy rail station and it is acknowledged that the Planning Proposal has the potential to align with various transport and housing objectives within the Region and City Plans. The site also has access to nearby high amenity open space and recreation facilities and can facilitate new linkages for active transport.

To satisfy the requirements of the Direction, a study, known as a ‘Better Outcomes Study’ will need to be prepared that specifically demonstrates how the proposal will deliver a better outcome than PRCUTS. At present, elements of the proposal will not deliver a better outcome than PRCUTS in relation to:

- provision of 5% affordable housing;
- density and building heights that do not respond to the desired future character of the area;
- departures to the PRCUTS Planning and Design Guidelines, including maximum car parking rates and maximum tower floor plates.

Canada Bay Local Strategic Planning Statement

The *Canada Bay Local Strategic Planning Statement (LSPS)* is the primary land use planning document for the Local Government Area (LGA).

The LSPS and associated *Canada Bay Local Housing Strategy*, found that Council is able to meet its 5-year and 10-year housing targets by implementing the densities envisaged by PRCUTS and Rhodes Planned Precinct in addition to infill development within existing development capacity.

Whilst the rezoning of the site is not necessary to meet local housing targets, the proposal will enable additional housing to be provided in a location with convenient access to public transport.

Action 5.1 of the LSPS states that the rezoning of land within the Parramatta Corridor will be implemented generally in accordance with PRCUTS. However, Action 6.5 relates specifically to 1 King Street, Concord West and states:

Prior to land use change occurring on the site known as 1-7 King Street, Concord West, the Concord West Socio Economic Study is to be updated by Council to respond to:

- *the Eastern City District Plan;*
- *the Parramatta Road Corridor Urban*
- *Transformation Strategy;*
- *any outcomes arising from the Burwood, Strathfield, Homebush Planned Precinct;*
- *any commitment by the NSW Government in relation to a metro station in North Strathfield; and*
- *any other matter of material importance.*

The Study is to provide a recommendation on the preferred land use outcome for the site having regard to the above plans, strategies and considerations.

Hill PDA prepared an update to the *Social and Economic Study* for the Site (at Attachment W), on behalf of Council, in November 2021. At the time of the preparation of the Study, the site contributed approximately 16,600sqm of the 237,700sqm of office floor space in the Canada Bay LGA, as quantified in the *Canada Bay Local Employment and Productivity Strategy*. Employees on the site formed approximately 3.3 per cent of all workers in the Canada Bay LGA and Hill PDA estimated that approximately 1,320 jobs were accommodated on the site, comprising 1,310 jobs at the Westpac Service Centre and 12 jobs at the childcare centre. It was estimated that the former land use potentially contributed \$88.7 million Industry Value Added (IVA) each year, which is the contribution made to the local economy or Gross Domestic Product.

The Study recommended that planning instruments be updated to acknowledge the office premises on the site by rezoning the land to B7 Business Park or through the introduction of an additional permitted use for "Office Premises".

Residential or mixed-use options were not recommended due to the lack of alignment with adopted strategies and the potential for local and economic impacts. The economic contribution of the site was generally tied to the continuation of Westpac's operations, and it was acknowledged that residential outcomes may offer flexibility to provide community benefits where local impacts are mitigated.

Since the preparation of the Study, Westpac has relocated their operations to the Parramatta CBD. It is appropriate to consider this change in circumstance when reviewing the Planning Proposal.

Historically, the site was part of a precinct of industrial land adjoining the railway line in Concord West and North Strathfield. With the exception of flood prone land, these industrial sites have been rezoned to permit residential development.

In recent times (since the COVID 19 pandemic), two structural trends have emerged:

- Entrenchment of Work from Home and hybrid working practices for many office-based jobs, resulting in an aggregate/overall reduction in the demand for office floor space.
- Higher expectations for office quality and location, with businesses and employees alike preferencing good quality space that offers high value amenity and buildings that are sustainable.

Secondary grade office stock in secondary, isolated locations is increasingly becoming economically redundant. While the building may be capable of further use, the collapse in market demand makes them economically obsolete. Given the structural change to market demand, it is considered that the Site is not sustainable as office premises in the long term.

Whilst the continued loss of employment land will have a negative economic impact, a rezoning to permit mixed use/residential uses will enable housing to be provided in a location that is close to public transport.

The LSPS also includes requirements in relation to affordable housing, tree canopy, sustainability and urban design. Further discussion is provided in relation to these matters under the relevant heading.

Local Planning Directions

The Planning Proposal is required to be consistent with Local Planning Directions issued under Section 9.1 of the *Environmental Planning & Assessment Act 1979*.

Local Planning Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

Refer to discussion above under the heading '*Parramatta Road Corridor Urban Transformation Strategy November 2016 (PRCUTS)*'.

Local Planning Direction 4.1 Flooding

Local Planning Direction 4.1 requires the development of flood prone land to be consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Flood Risk Management Manual 2023*.

The *Powells Creek Flood Study*, prepared by WMA Water on behalf of Council identifies the subject site as being within a Flood Planning Area. The existing site is not affected by flooding in the 1% Annual Exceedance Probability (AEP) but is affected by the Probable Maximum Flood (PMF) event.

The 'George Street Sag', which is located at a low point, where George Street forms an 'S' bend opposite to 176-184 George Street, Concord West is within the Flood Planning Area. A mitigation strategy has been prepared for the George Street sag point, which reduces depths of flooding for the 1% AEP event. The Strategy will require the road to be raised by approximately 2.0 metres to enable stormwater to be discharge through a proposed easement over 176-184 George Street, Concord West into Powell's Creek.

The site at 1 King Street, Concord West is located on the high side of George Street and is able to respond to the mitigation strategy proposed.

Council proposes to progress the preparation of a detailed design for the mitigation works to the George Street Sag given the impending development at 176-184 George Street and a possible development on the subject site.

Prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination, the flood assessment prepared on behalf of the applicant should be updated to consider the preferred mitigation strategy for George Street and demonstrate consistency with the 9.1 Direction for Flooding.

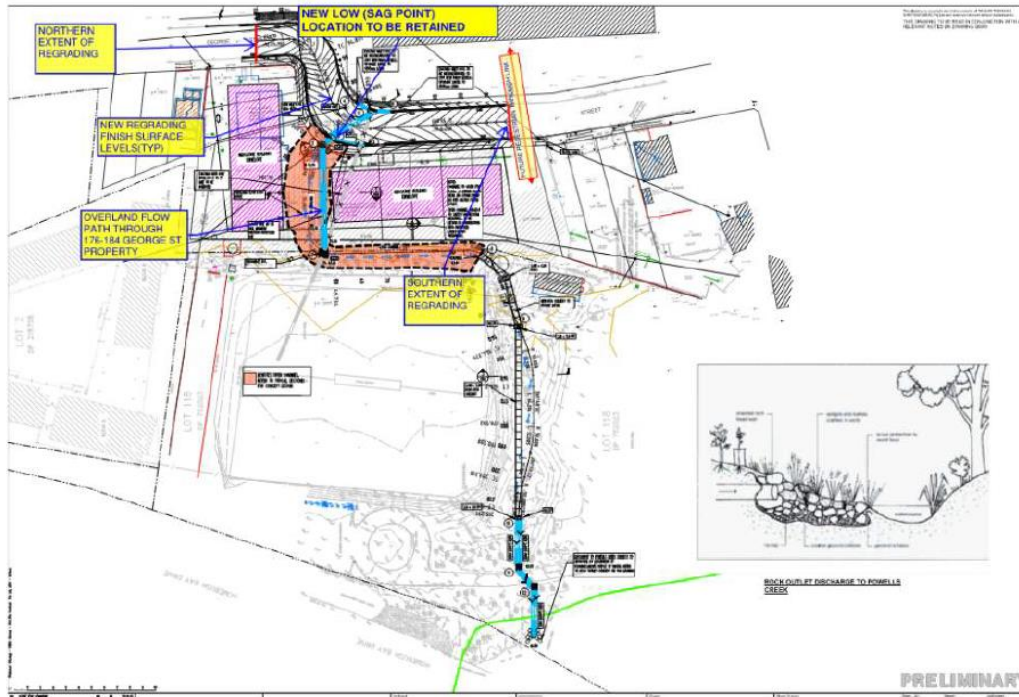


Figure 17: Preferred flood mitigation strategy – George Street (Source: Proponent)

Local Planning Direction 4.4 Remediation of Contaminated Land

This Direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

The Planning Proposal includes a Preliminary Site Investigation report prepared by Reditus Consulting Pty Ltd (Project No. 22038 Version 2), dated 18 October 2022. The report has identified the site is located on former industrial land, which appears to have been potentially remediated sometime around 1996 and considers that 'there is a moderate risk of contamination at the site, in particular due to the presence of underground petroleum storage tanks identified onsite'. The report concludes by recommending 'Completion of a Detailed Environmental Site Investigation (DESI) to properly characterise the nature and extent of potential contamination of soil, groundwater, and soil gas at the site'.

It is recommended that a DESI be prepared prior to the Planning Proposal proceeding to public exhibition.

Local Planning Direction 4.5 Acid Sulfate Soils

The Direction applies where a planning proposal seeks an intensification of land uses on land identified as having a probability of containing acid sulfate soils, unless it is accompanied by an acid sulfate soils study that has assessed the appropriateness of the change of land use.

The subject Planning Proposal is seeking to intensify the use of land that has been identified as Class 5 Acid Sulfate Soils and includes excavation up to two floor levels below natural ground, with the lowest level of the site being RL ADH 4.0.

The Planning Proposal includes a Preliminary Site Investigation report prepared by Reditus Consulting Pty Ltd (Project No. 22038 Version 2), dated 18 October 2022. The report identifies that 'land adjacent to the site in a westerly direction is classified as class 2 on the ASS risk map. As such, further investigation will likely be required into the potential for acid sulfate soils (PASS) to be present or impacted by the proposed redevelopment, given basement parking is to be included'. Should the subject Planning Proposal proceed to a Gateway Determination, an appropriate study will need to be prepared.

Local Planning Direction 7.1 Employment Zones

The objectives of Local Planning Direction 7.1 are to:

- a) encourage employment growth in suitable locations,
- b) protect employment land in employment zones, and
- c) support the viability of identified centre.

Local Planning Direction 7.1 requires Planning Proposals to retain the areas and locations of Employment zones and ensure that the total potential floor space area for employment uses is not reduced. The Planning Proposal is inconsistent with this Direction as it does not retain the Site for employment uses, reduces the total potential floor space area for employment uses and removes the existing Zone E4 General Industrial (and proposed Business Park zone) by converting the Site to a residential zone.

A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary that the proposal is justified by a study which gives consideration to the objective of the direction.

The Planning Proposal is supported by an Economic Impact Assessment prepared by Ethos Urban. The Assessment does not assess the economic impact of the loss of employment uses on the site on the local and regional economy, but rather assesses the impact of the proposed development. In particular, the Assessment reviews the market demand for the project and the economic and ancillary benefits of facilitating a mixed-use outcome on the Site.

The Economic Impact Assessment as drafted does not give consideration to the objectives of Direction 7.1. Prior to the Planning Proposal proceeding to a Gateway Determination, the Economic Impact Assessment must be updated to give consideration to the objectives of the Direction.

SITE SPECIFIC MERIT

Land Use Zoning

The Proponent seeks to rezone the Site from E4 General Industrial to R3 Medium Density Residential, with 'commercial premises' and 'shop top housing' as additional permitted uses.

Whilst rezoning the Site to R3 Medium Density Residential appears similar to that of the surrounding context, it does not accurately reflect the scale and density proposed in the Planning Proposal. Six of the ten buildings proposed are at least 10 storeys high, which the *Apartment Design Guide* identifies as 'tower apartments'. The proposed building heights and density are consistent with an R4 High Density Residential Zone.

There are a range of land uses identified as 'permitted with consent' under the high-density zone, that reflect the proposed uses identified in the Planning Proposal. These include childcare facilities, community facilities, residential flat buildings, shop top housing and neighbourhood shops. The Canada Bay LEP already permits commercial premises as an additional permitted use on the ground floor of residential flat buildings in the R4 High Density zone.

It is recommended that the Site be rezoned to R4 High Density Residential (Attachment X) and the proposed additional permitted use for 'commercial premises' and shop top housing' be removed from the Planning Proposal.

Building heights

The Planning Proposal seeks to change the maximum building heights in the LEP from 8.5m to a range of maximum building heights ranging from 26m to 47m (see Figure 24 below).

Much of the area surrounding the Site has a maximum building height of 8.5m. This includes properties immediately to the north of the Site and properties to the south-west of the Site. The area to the south of the Site has a maximum building height of 16m.

Of the ten buildings, the highest maximum building heights proposed are located on the eastern boundary adjoining the railway line and closest to the train station (47m), and centrally located within the site (45m and 46m). Height is centralised around this tallest building stepping down towards the

northern boundary (38m), the western boundary (26m) and southern boundary (33m). The lowest maximum building heights proposed are at 26m for the buildings along the western boundary of the Site. These buildings are located on the opposite side of George Street to an area which has maximum building heights of 16m and 22m.

The majority of Concord West is relatively low density and the current strategic planning for the area indicates that this context is likely to remain. The Homebush North Precinct was recently rezoned in accordance with a masterplan that was consistent with PRCUTS. The master plan represents the strategic vision for the area and comprises buildings with heights ranging from two to six storeys.

While this site presents a rare opportunity to create an 'urban village' close to a train station, future development still needs to be responsive to the physical and strategic context of the site.

The scale and density shown by the 3D modelling illustrates a design that includes 'tower apartments' and is out of context with the existing and desired future character of the local area. The *Apartment Design Guide* outlines that 'tower apartments' are better suited in central business districts, dense urban areas or where other towers exist in the surrounding context. One building, close to the train station, may be able to accommodate extra height and create a strong vertical landmark as this would help to create interest and help to identify the location of the train station. However, this should be one landmark building and not a typology or height replicated elsewhere on the Site.

Given the location, a combination of courtyard apartments (between 3 and 6 storeys in height) and perimeter block apartments (4 to 9 storeys in height) would be more appropriate to the context.

The recommended building heights are shown in Figure 25 below and at Attachment X.



Figure 18 – George Street & Victoria Avenue Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 19 – Queen Street & Victoria Avenue Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 20 – 17 Stuart Street Proposed View (Source: Ethos Urban with red outline by Studio GL)



Figure 21 – 207 Queen Street Proposed View (Source: Ethos Urban with red outline by Studio GL)

Calculation of building heights

The Planning Proposal seeks to amend the maximum height of building standard to permit building heights that are significantly higher than shown in the supporting indicative master plan. This is problematic as the scale of development shown in the indicative masterplan is less than what could

occur should the LEP be amended as per the Planning Proposal. This could result in the extent of overshadowing being greater than shown in the shadow analysis, and the scale of future development being greater than shown in the visual impact assessment, which are based on the indicative masterplan not the LEP heights.

The architectural plans and 3D model provided in support of the Planning Proposal also indicate that large basement car parks are proposed. Given the site falls by approximately 9.5m from the south-east to the north-west, this results in basement structure rising above natural ground levels in excess of 2m in some locations.

Building	Planning Proposal Maximum building heights (m)	Planning Proposal illustrative master plan building heights (m)	Variance (m)
A	38	28.8	-9.2
B1	47	40.1	-6.9
B2	43	35.1	-7.9
B3	43	35.1	-7.9
B4	33	25.8	-7.2
C	46	35	-11
D1	45	35	-10
D2	45	35	-10
E	26	18.6	-7.4
F	26	18.6	-7.4

Figure 22: Numerical comparison between Proponent's PP to amend CBLEP maximum HOB and heights indicated on the Proponent's PP illustrative masterplan

Exception to height of buildings clause

The Planning Proposal seek to introduce a new clause into the Canada Bay LEP that would permit development on the Site to exceed the maximum building heights specified in the LEP by 3.0m for roof-top structures and architectural roof features.

The *Canada Bay Local Environmental Plan 2013* already includes a local clause that permits architectural roof features to exceed maximum building heights. It is considered unnecessary to insert a further local clause into the Canada Bay LEP specifically for the subject site to enable roof top structures above the maximum height limit when the standard instrument definition of building height assumes the inclusion of such structures. It is recommended that the proposed clause be removed from the Planning Proposal.

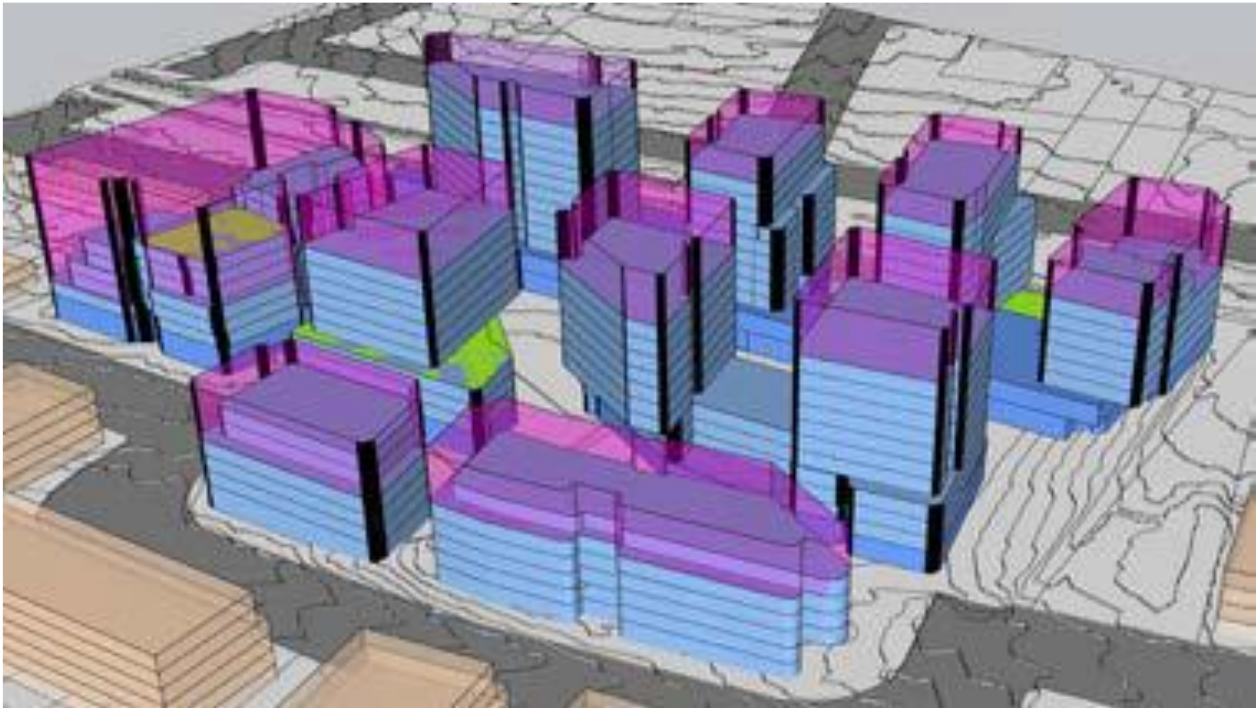


Figure 23: 3D visual comparison between the height of buildings shown in the illustrative masterplan (in blue) compared to the max HOB proposed in the Planning Proposal (shown in purple) (Source: Studio GL)



Figure 24: Proponent Planning Proposal Maximum Height of Buildings Map (Source: Group GSA)



Figure 25: Recommended Maximum Height of Building Map (Source: Council mapping)

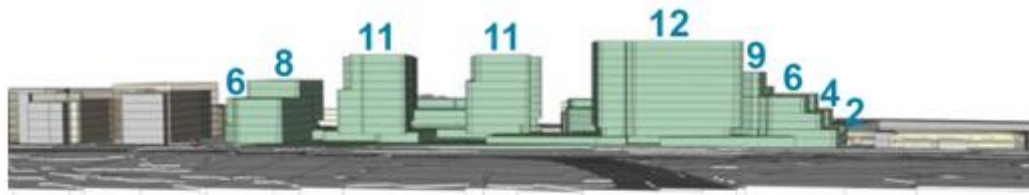


Figure 26: Eastern View: Planning Proposal building envelopes with proposed height in storeys (Source: Studio GL)

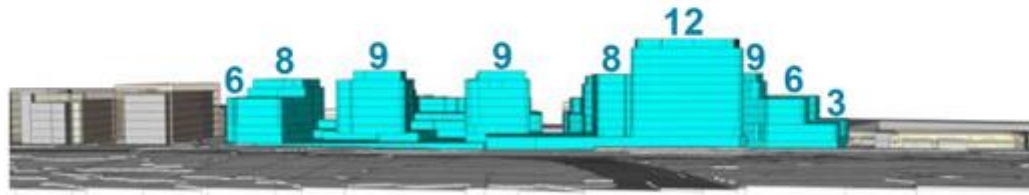


Figure 27: Eastern View: Recommended building envelopes with height in storeys (Source: Studio GL)

Density and Floor Space Ratio (FSR)

The Planning Proposal seeks to increase the permissible FSR from 1.0:1 of employment density to 2.65:1 (or 2.68:1 when enclosed balconies are included as Gross Floor Area) of residential density with some non-residential uses. The Planning Proposal would result in approximately 716 dwellings on a site area of 31,390m², which equates to a density of 228 dwellings per hectare.

Building depth

The illustrative masterplan shows ten building envelopes with depths ranging from approximately 19 to 31 metres in contrast to the maximum of 18m recommended by the *Apartment Design Guide*.

When establishing density controls, the depth of building floorplates should be considered as they have a direct relationship with the total floor area achieved. Deep floor plates, while generating a higher Gross Floor Area, can compromise the ability of the detailed building design to achieve a satisfactory level of natural lighting, ventilation and amenity. Relying on small cut-outs on the edges of the building at the planning proposal stage to justify increased building depths forces any future design to be similarly compromised. It is recommended that building envelope depths are adjusted to be closer to the maximum 18m measurement recommended by the *Apartment Design Guide*.

Tower floor plates

Five of the proposed tower buildings (9 storeys or higher) have large floorplates over 750m² in size, which is contrary to the requirements of PRCUTS. Unless the proposal demonstrates a better outcome than PRCUTS, it is not consistent with the Local Planning Direction and is not supported.

Non-residential floor space

The planning proposal states that approximately 7,589m² of non-residential floor area is to be provided on the site.

The proposed non-residential uses located within the large one and two storey podiums under Buildings B1, B2, B3 and B4 include a supermarket, a medical centre and childcare. The supermarket and the medical centre receive no natural light or ventilation and the childcare centre faces the railway line with approximately 50% of its open space located under 11 storey buildings and is heavily overshadowed. This outcome is not ideal and there is little flexibility as few other uses, except for perhaps a gym, are attracted to spaces with little or no access to light and ventilation. This suggests that the proposed non-residential density is too high.

The Market Potential Assessment, prepared by Location IQ (at Appendix N) on behalf of the applicant only recommends that 4,400m² of total centre floor space is provided on site. Whilst this figure does not include community or coworking spaces, including these areas would only increase the total non-residential floor space to approximately 6,000m².

Exclusion of enclosed balconies from Gross Floor Area

The Planning Proposal seeks to introduce a new clause into the Canada Bay LEP that would exclude the Gross Floor Area of any existing or proposed wintergarden if the consent authority is satisfied in relation to a number of factors, including that the balcony is likely to be adversely affected by rail noise or vibration.

It is not recommended that enclosed balconies are excluded from the Gross Floor Area as this could result in designs that maximise balconies facing the railway line (as they wouldn't count towards the overall FSR). The design of balconies can be explored further at the development application stage and as part of design excellence processes.

FSR Recommendation

The proposed density is a result of building envelopes which are much taller than surrounding development, with large floorplates, little articulation and limited upper-level setbacks. The tree canopy coverage and deep soil provision is inadequate and, overall, there is limited amenity. The proposed density is too high for the Site and locality and will not reflect or support the desired future character of the area.

Council's independent urban design consultant has recommended a range of changes to the submitted illustrative masterplan that modifies building heights and alters the building envelopes in accordance with the *Apartment Design Guide*. The revised scheme achieves a Gross FSR of 2.23:1. For comparison, the Ashmore Precinct in Erskineville has a Gross FSR of between 1.0:1 and 1.25, Harold Park a Gross FSR of 1.15:1 and the recently rezoned Bushells site, a Gross FSR of 1.25:1.

To ensure floor area is not transferred from less constrained areas into more sensitive interface areas, a minimum/maximum amount of non-residential floor space should be specified in the LEP and FSRs provided on a block-by-block basis.

It is recommended that:

- a local clause be included within the Planning Proposal that requires non-residential Gross Floor Area to comprise a minimum of 3,500m² and a maximum of 5,000m².
- deletion of proposed clause regarding the exclusion of enclosed balconies from Gross Floor Area.
- a maximum FSR of 2.23:1 be progressed for the Site with FSR standards being imposed on a block by block basis as illustrated in Figure 29 and at Attachment X.

Overshadowing

The Planning Proposal includes shadow diagrams indicating that the proposal will overshadow the open space and other buildings within the Site during the winter solstice. Revisions to the scale of future development will reduce the extent of overshadowing and the shadow diagrams will be required to be updated to align with the recommended building heights.

Urban Structure

The indicative masterplan proposes new pedestrian, bicycle and vehicular connections into and across the Site through:

- servicing vehicular traffic through extension of King Street to connect to George Street in two locations;
- proposing a new east west pedestrian link that aligns with a future desired pedestrian link to Powells Creek Reserve through properties to the west of George Street;
- alignment of a proposed two way off road cycleway on the eastern side of George Street through the Site, avoiding the need to deflect the cycleway to follow the alignment of George Street;
- clustering of retail uses close to the station and focused around a civic plaza.

The Planning Proposal will deliver a legible and effective urban structure that rationalises the alignment of George Street, extends King Street and improves vehicular, pedestrian and bicycle access.

Relocating the cycleway will create challenges at the two new intersections, as it will require the integration of an off-road cycleway with the proposed roundabouts, which typically prioritise vehicular movements.

The applicant has indicated that future development would be subject to Community Title subdivision, which necessitates a need to ensure that easements are provided to facilitate public access through the Site. This outcome should be included in any negotiated Planning Agreement.

Should the Planning Proposal proceed to a Gateway Determination, it is recommended that it be updated to introduce an amendment to the Active Street Frontages map (at Attachment X), so as to realise active facades around the proposed plaza space.

Setbacks

The indicative masterplan proposes the following ground level boundary setbacks:

- North – 11.0m to 12.0m
- East – 0m
- South – 6.0m
- West – 6.0m

A very large two storey podium has been proposed next to the railway line under blocks B1, B2, B3 and B4 on the eastern boundary. It is recommended that this podium be set back from the eastern boundary to provide a deep soil zone in any Development Control Plan prepared for the Site.

The proposed internal setbacks meet the minimum separation requirements contained within the *Apartment Design Guide*. However, the upper levels of buildings C, D1 and D2 should be setback a minimum 3m beyond podiums to create an improved interface with the adjoining streets or open space. It is also recommended that the uppermost storey of tower elements that are 8 storeys or higher have a 1.5m articulation zone for the topmost floor.

Economic Impact

A total of 7,589m² of non-residential uses have been identified for this Planning Proposal. This is comprised of between 2,000m² – 3,000m² retail floorspace for a supermarket and associated specialities and other uses (i.e. community, medical centre, gym). The Proponent's Market Potential Assessment prepared by LocationIQ (at Appendix N) identifies the challenges of securing a supermarket anchor tenant in this location and the need to secure non-retail uses such as a medical centre, gym and childcare operator. Given the challenges of attracting non-residential uses to this location, it is recommended that the maximum non-residential FSR is reduced to a minimum of 3,500m² and a maximum of 5,000m². This recommendation aligns with the recommendation to reduce non-residential floor space on urban design grounds.

Traffic

The Planning Proposal is supported by a Transport Study Report, prepared by PWC (Attachment I) on behalf of the Proponent.

The PWC report assumes that only 30% of residential trips from the site will be by car, with the remainder 70% being by public and active transport. For those travelling by car, the proposal is estimated to generate 106 inbound trips and 177 outbound trips in the AM period. In the PM period, the proposal is estimated to generate 183 inbound trips and 124 outbound trips.

The PWC report notes that:

- *Intersections within the immediate vicinity of the site currently perform at an acceptable level of service (LoS) with no significant levels of congestion and queuing being observed.*
- *Substantial levels of delay were observed at the intersection of George Street and Pomeroy Street, with eastbound and westbound queues extending to adjacent intersections at Beronga Street/Queen Street and Underwood Road. Downstream blockages from these intersections were also observed, reducing the effective green time, traffic discharge rates and overall intersection performance at George/Pomeroy Street.*

The intersection of George Street and Pomeroy Street currently operates with a Level of Service of 'D'. The modelling indicates that this Level of Service will decrease to 'F' in both the AM and PM peaks by 2027. Intersections with a Level of Service 'F' are unsatisfactory and are characterised by significant queuing and delays.

The above analysis is consistent with previous reports prepared on behalf of Council and the NSW Government that concluded that traffic beyond that generated by planned development would necessitate the upgrade of the intersection.

The Planning Proposal does propose to upgrade the intersection of George and Pomeroy Streets by providing additional capacity at the western and northern approaches, including:

- Additional dedicated right-turn and left turn bays at the western approach.
- At the northern approach, conversion of a departure lane to an approach lane for a dedicated right turn bay. The shared right and through is also converted to a continuous through lane.
- At the southern approach, conversion of movements to shared left turn and through movement at kerbside (continuous lane) and a right turning short bay at the median side.

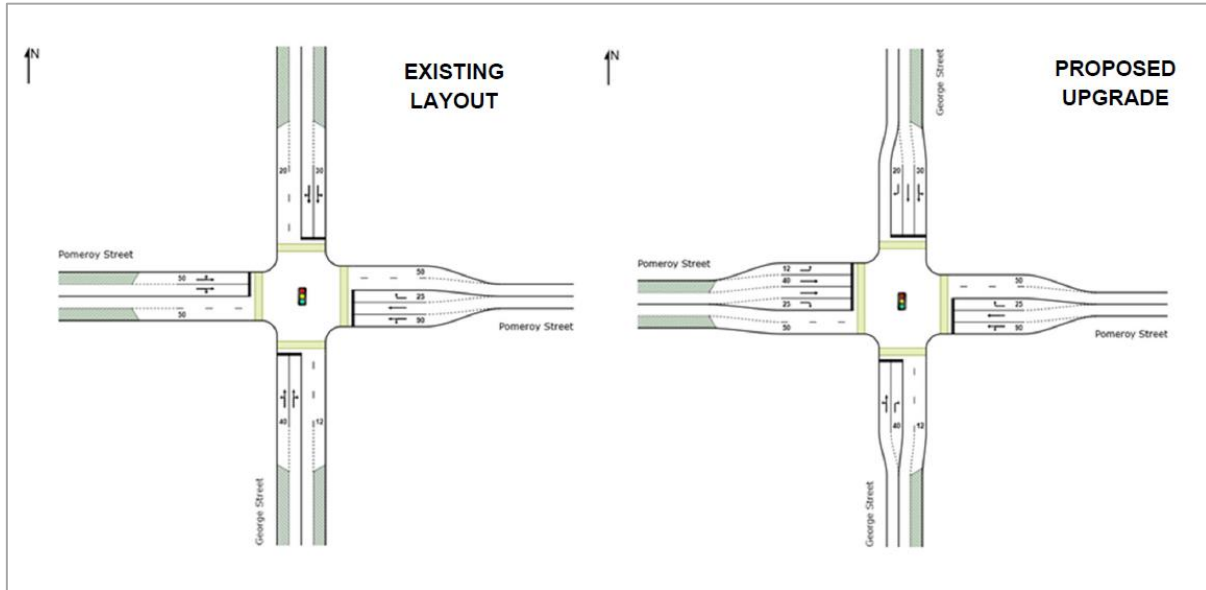
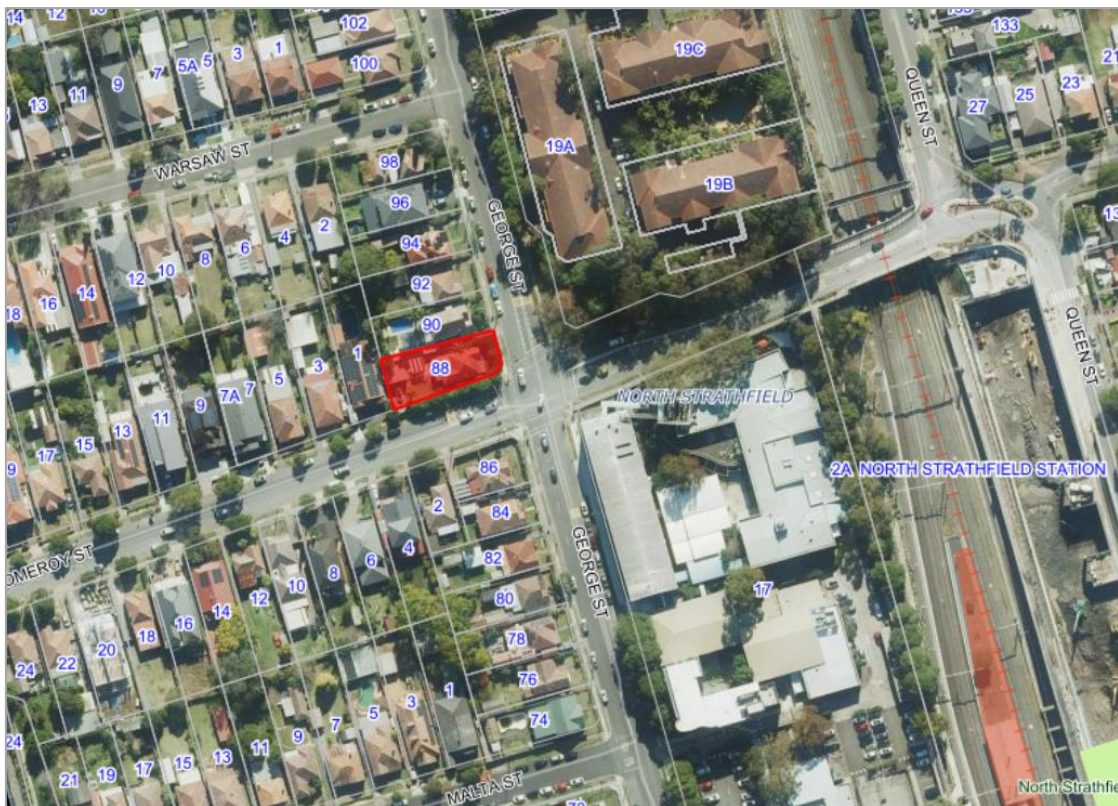


Figure 30: George/Pomeroy Street layout – existing and proposed upgrade (Source: PWC)

Based on modelling outputs, the upgraded intersection is anticipated to operate with a Level of Service of ‘C’, representing an improvement over existing conditions.

The upgrade of the intersection relies on the applicant having ownership or control of the land known as 88 George Street, North Strathfield (Lot 92 DP 651651) (see Figure 31 below). As this land is not within the ownership of the applicant, the upgrade is not able to be realised through the planning proposal or the associated ‘letter of offer’ to enter into a planning agreement.



Business Case which will inform the upgrade to the intersection. The works to the intersection are estimated to cost in the order of \$15M, with the majority of the cost being due to the relocation of services.

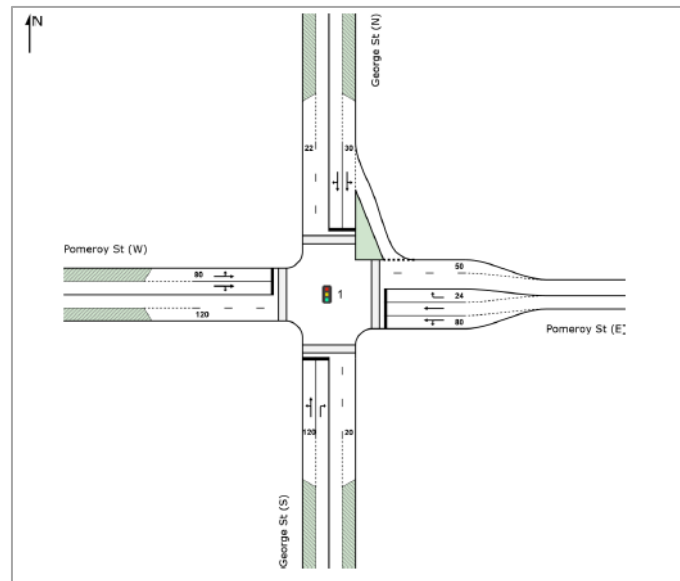


Figure 32: Alternative George/Pomeroy Intersection Design (Source: Council concept)

The above design requires land (30.5m²) to be acquired from the property to the immediate east of the intersection (known as Strathaven at 19-21 George Street, North Strathfield or SP 50454). Any such acquisition would need to be identified on the Land Reservation Acquisition Map under the *Canada Bay Local Environmental Plan 2013*.



Figure 33: Land Acquisition to deliver alternative Council George/Pomeroy intersection design (Source: Council mapping)

As the intersection upgrade is required to service the traffic generated by development arising from the planning proposal, it is recommended that the proposal does not proceed to a Gateway Determination until there is sufficient certainty that arrangements will be in place for the works to be funded. An update to the works schedule of the *Canada Bay Local Infrastructure Contribution Plan* is proposed to enable future development, the subject of the plan, to make a proportional contribution towards the intersection upgrade.

A peer review of the Transport Study and SIDRA Model prepared by PWC (at Appendix V) was also undertaken by Stantec on behalf of Council. The peer review made a number of findings in relation to the content of the Study and a requirement for additional information to be provided. The Transport Study should be updated to address the findings of the peer review and to provide additional information prior to the submission of the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Parking

The site is subject to the maximum car parking rates outlined within the *PRCUTS Planning and Design Guideline*, being:

- Studio 0.3 spaces per dwelling
- 1 bedroom 0.5 spaces per dwelling
- 2 bedroom 0.9 spaces per dwelling
- 3 bedroom 1.2 spaces per dwelling
- Visitor 0.1 space per dwelling

The above rates are included in the *Canada Bay Local Environmental Plan 2013* and apply to all other land within the Homebush precinct.

The PWC Traffic Study recommends that consideration be given increasing parking rates on the basis that residents who own vehicles in high density neighbourhoods, don't necessarily use their vehicles in peak periods. An increase to car parking rates is inconsistent with the vision, principles and objectives of PRCUTS and would not deliver a 'better outcome' as required by the 9.1 Local Planning Direction.

It is recommended that the land be identified on the Key Sites Map under the *Canada Bay Local Environmental Plan 2013* to enable the maximum car parking rates specified in Clause 8.11 of the LEP to apply to the subject site.

Heritage

The Site does not contain any items of heritage significance, however two heritage items are located within the vicinity of the Site, being Powell's Creek Reserve (Item No. 467) and Concord West Railway Station Park (Item No. 395).

The Planning Proposal acknowledges that 'to align with the heritage context of the site, consideration should be given to the architectural design, massing, articulation and materiality of the future development of the site'.

However, the proposed planning standards and indicative concept propose buildings up to 47m in height which is more than twice the maximum height of any building in the surrounding context. The Planning Proposal could have adverse impacts on the visual curtilage of the heritage items, as it would provide for development of considerably larger scale than the surrounding locality.

The Heritage Impact Statement also identifies two mature trees in the north-western corner of the site as having 'some potential for heritage landscape values' and states an aboriginal report is required to understand their value.

It is recommended that the bulk and scale of future buildings facilitated by the Planning Proposal be reduced consistent with the recommendations within this report and for the two trees identified as having potential heritage landscape value, to be retained.

Landscaping and Tree Canopy

The City Plan and Council's LSPS require a tree canopy cover target of 25%. Concord West is also identified in the *Canada Bay Urban Canopy Strategy* as one of the LGA's climatically hottest suburbs.

At present, established trees along the western and eastern site boundaries provide canopy cover and a vegetated setback to the adjoining streets.

The illustrative masterplan indicates that 16.5% of the Site will comprise deep soil zones and provide a tree canopy cover of 29%. However, only 14% of trees will be located in deep soil zones with many over basements and some trees located on buildings.

The amount of deep soil proposed is in line with the *Apartment Design Guide* which recommends sites with an area of more than 1,500m² should aim to provide at least 15% of the site as deep soil. As the site is 20 times larger than 1,500m², the amount of deep soil proposed is low, as shown in Figure 34 below.



Figure 34: Proponent proposed deep soil (Source: Group GSA)

A deep soil zone should be provided on the eastern boundary, next to the railway line to provide a landscape zone of sufficient height to screen the buildings and mitigate the impact on views from the eastern side of the line along Queen Street. It is also recommended that the road connecting King Street to George Street be identified as a deep soil zone. This will maximise the potential for landscaping and increased tree canopy cover along the street and discourage additional infrastructure such as basements from being located under the road. Increasing deep soil zones as shown in Figure 35 will increase the percentage of deep soil on the site from 16.5% to 37% and increase the amount of trees located in deep soil zones from 14% canopy cover to 26% canopy cover.

Inclusion of the land on the Key Sites Map under the *Canada Bay Local Environmental Plan 2013*, will also invoke Clause 8.10 of the LEP requiring future development applications to incorporate design measures to reduce the urban heat island effect and improve the quality and amenity of the public domain. These requirements apply to all other land within the Parramatta Road Corridor and are necessary to demonstrate at least the same, if not a better outcome than PRCUTS as required by the Local Planning Direction.

As discussed under the heading 'Heritage', there are two mature trees that are identified as having potential heritage and landscape value that should be retained.

Prior to the planning proposal progressing to a Gateway Determination, an arboricultural report should be prepared that identifies trees to be retained, trees to be removed and provides strategies to ensure the health of new and retained trees.



Figure 35 – Recommended deep soil and tree canopy cover (Source Studio GL)

Sustainability

The Planning Proposal is accompanied by a Sustainability Statement prepared by Mott MacDonald. The Statement commits to the requirements of the BASIX SEPP, the Sustainability targets contained within PRCUTS, the achievement of Green Star Buildings and the provision of EV charging.

Identification of the Site on the Key Sites Map would enable future development to access Clause 8.9 of the Canada Bay LEP that allows buildings to exceed the maximum permissible FSR by 5% where BASIX commitments for energy and water are exceeded.

Opportunities to further improve sustainability could also include the retention of existing trees, a redesign to expand deep soil zones and ensure that 25% tree canopy (at ground level) is achieved.

Social Infrastructure

The proposal is accompanied by a Social Impact and Needs Assessment prepared by Ethos Urban (at Appendix C). The Assessment states that social needs on the Site are met through the delivery of:

- *A green connection to provide pedestrian and cycle access north-south through the site.*
- *a community centre (for use by residents only),*
- *non-residential uses on the ground plane that activate the public domain, and*
- *opportunity to facilitate a medical centre and childcare centre.*

There is limited community infrastructure proposed on the Site, with the exception of the new green linear connection. As discussed earlier in the report, this open space should be publicly accessible through an easement on title to ensure that this outcome is realised.

Stormwater Management

The Site includes existing public stormwater infrastructure running east-west across the middle of the land, as indicated in Figure 36 below. The indicative masterplan illustrates proposed basements and supermarket building impacting the existing public drainage infrastructure from the upstream catchment, which is not supported. Future development on the Site will need to be designed to limit impacts on drainage infrastructure, including the extent of excavation and the location of basements.

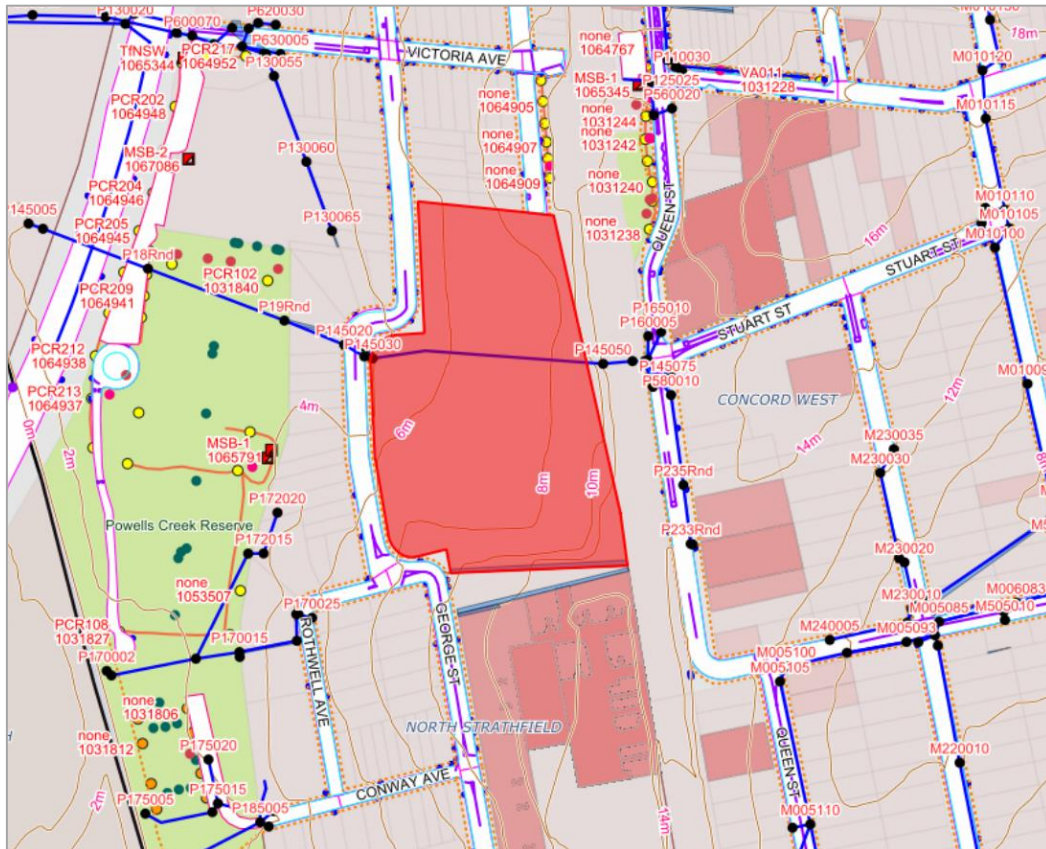


Figure 36: Map indicating site contours and existing public drainage infrastructure through the site (Source: Council mapping)

Public benefit offer

Section 7.4(1) of the *Environmental Planning and Assessment Act 1979* enables a proponent to provide a material public benefit by entering into an agreement with a public authority. A planning agreement is the legal instrument for securing public benefits.

The landowner submitted a letter of offer to enter into a planning agreement at Attachment T to this report. The offer includes commitments to:

- a) *the design, funding and construction of road upgrades to the intersection of George Street and Pomeroy Street, North Strathfield, including land acquisition. The cost of land acquisition and construction is estimated by the applicant to be \$9,191,236.*
- b) *a monetary contribution of \$808,764 towards stormwater drainage upgrades to George Street.*
- c) *the design, funding and construction of the proposed King Street extension to George Street.*

The above offer was contingent on the floor space ratio and building height as originally proposed being progressed. This report recommends a reduction to the proposed floor space ratio and building height in response to advice provided by an independent urban design consultant, the Canada Bay Local Planning Panel, and assessment by Council Officers.

In any event, the applicant is unable to deliver the intersection upgrade outlined in the letter of offer as the required land to deliver the works is not in their ownership or control. In lieu of the developer having the ability to deliver their design for the intersection upgrade, an alternative design prepared by Council may be progressed.

Where an upgrade to the intersection is unable to be funded by a planning agreement, it is recommended that the Canada Bay Local Infrastructure Contribution Plan be amended to include the works in the Plan. This will enable future development to make a suitable contribution toward the intersection upgrade.

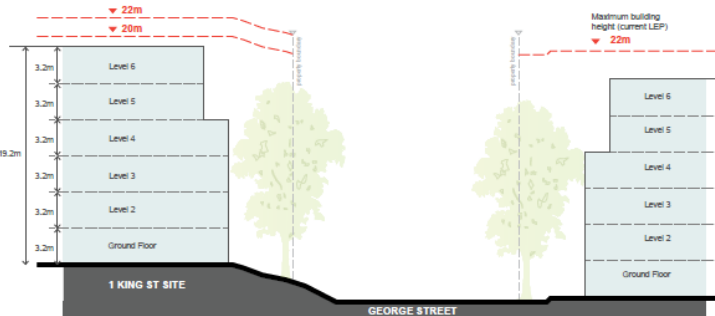
Works and services that are normally provided as a condition of development consent are not ascribed a value under a planning agreement. The design, funding and construction of the proposed King Street extension is necessary to facilitate the redevelopment of the site and is not viewed as a public benefit. However, as the applicant has indicated that the development will be subject to a Community Title Scheme, it would be appropriate for easements for public access to be provided over new roads and the proposed open space through a draft planning agreement.

The applicant has subsequently submitted a revised letter of offer which proposes only an easement for public access through the site.

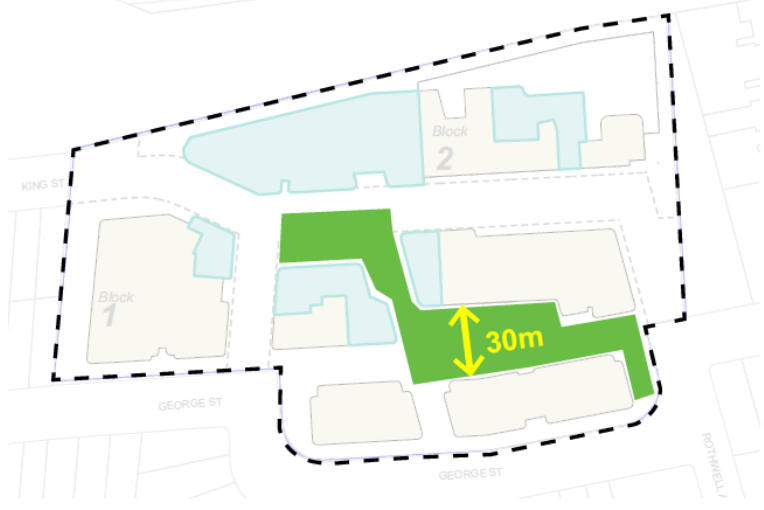
It is recommended that a draft Planning Agreement be negotiated prior to the proposal proceeding to the Department of Planning and Environment for a Gateway Determination.

CANADA BAY LOCAL PLANNING PANEL (CBLPP)

The Planning Proposal was referred to the Canada Bay Local Planning Panel (CBLPP) on 30 October 2023 in accordance with the Local Planning Panels Direction – Planning Proposals dated 27 September 2018. Advice from the CBLPP with a comment by Council Officers is provided in the table below. A copy of the report from the CBLPP is provided at Attachment Y.

Advice	Comment
<p>The Panel generally supports the Council Officer recommendation in respect to built form outcomes, FSR, height, zoning and additional studies, with additional recommendations/amendments</p>	<p>Noted.</p>
<p>The height limit at George Street could be increased to 22m to accommodate a 6 storey built form.</p>	<p>Not Agreed.</p> <p>Council’s independent urban designer recommends retaining the current 20m maximum building height. A floor to floor height of 3.2m achieves a 6 storey building totalling 19.2m and clause 3(b) in Section 5.6 of the CBLEP permits lift overruns to exceed the maximum building height if they are considered "fully integrated into the design of the roof feature". This provides some flexibility for the height of rooftop building services. A 20m height limit would also ensure the site more closely resembles future development located on the lower lying western side of George Street which has a 22m maximum building height. The existing topography in this area of the site is approximately 3m higher than the western side of George Street and therefore a 20m height limit would achieve a more consistent level of street enclosure on both sides of the street (see Figure below).</p> 

Advice	Comment
<p>The Panel considers that the amount of non-residential floorspace should be reduced further, having regard to the function and uses in the B1 Neighbourhood Centre zoned land at West Concord.</p>	<p>Agreed.</p> <p>The recommendation has been updated to specify a maximum of 5,000sqm of non-residential Gross Floor Area.</p>
<p>The Panel considers that the proposed design could be revised, including revision of form for building A, location of terraces and interfaces with the street.</p>	<p>Agreed.</p> <p>The draft Development Control Plan will include guidelines to inform building envelopes and detailed building design.</p>
<p>The Panel considers the site should include 5 per cent affordable housing in accordance with PRCUTS.</p>	<p>Not Agreed.</p> <p>As outlined in the report, there is limited capacity for the development to provide 5% affordable housing. The report recommends that the existing requirement for 4% affordable housing to be provided on the Site be retained.</p>
<p>Tree canopy should be a minimum of 25% and include retention of healthy viable existing trees along boundaries, including the existing fig.</p> <p>A centrally located local public open space should be provided with deep soil, soft landscaping and playground.</p>	<p>Agreed.</p> <p>Additional deep soil zones are recommended. An Arborist Report will also be required prior to the Proposal proceeding to a Gateway Determination.</p> <p>Following receipt of advice from the Panel, Council's urban designer has recommended further refinements to enable a functional area of public open space to be provided on the Site.</p> <p>Typically, narrow and linear open spaces are not ideal in creating areas that encourage rest and play and instead function more as a movement corridor.</p> <p>Increasing the width of part of the linear open space (to 30m) would provide a more usable area that can accommodate additional uses such as children's play. The increased width of this open space is more appropriate for the scale of development proposed and will provide additional relief in the bulk and scale of the proposed built form. It also provides opportunities to increase the amount of communal open space at ground level to ensure that the majority of communal open space is not located on rooftop terraces.</p>

Advice	Comment
	 <p>The map shows a site plan with two blocks, Block 1 and Block 2, outlined in light blue. A dashed black line indicates the overall site boundary. A yellow double-headed arrow indicates a 30m dimension across a green-shaded area within Block 2. The map also shows streets: KING ST, GEORGE ST, and POMEROY ST.</p>
<p>Council should review how broader infrastructure requirements are funded proportionally, having regard to broader uplift likely to occur in the area and around the North Strathfield Metro Station.</p>	<p>Agreed.</p> <p>A draft amendment to the Canada Bay Local Infrastructure Contribution Plan is recommended to enable future development to contribute towards the upgrade of infrastructure.</p>

CONSULTATION

Should the proposal proceed to Gateway Determination, the Planning Proposal will be placed on public exhibition for a period of 28 days in accordance with the *Canada Bay Community Participation Plan*.

FINANCIAL CONSIDERATIONS

The Planning Proposal has highlighted the need for arrangements to be in place to fund an upgrade to the intersection of George Street and Pomeroy Street, North Strathfield. It is recommended that the Canada Bay Local Infrastructure Contribution Plan be revised to enable contributions collected under the Plan to be directed towards the works.

It is also recommended that a Voluntary Planning Agreement be negotiated to deliver public access over the proposed new roads and open space and any other public benefits.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal has been reviewed against relevant legislation, including the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.

ITEM 9.4 FOOD ORGANICS AND GARDEN ORGANICS (FOGO) TRIAL EVALUATION AND RECOMMENDATIONS**Reporting Manager** Manager Sustainability and Waste**Attachments:** Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council:

1. Receives and notes the results and findings from the Food Organics Garden Organics (FOGO) trial in Rhodes.
 2. Supports the continuation of the FOGO service for properties currently participating in the FOGO trial until 2026, funded from the Domestic Waste Management (DWM) charge.
 3. Supports the option to expand the offering of a food collection service to other Multi-Unit Dwelling (MUD) properties within the LGA, as outlined in the report, funded from the DWM charge.
-

PURPOSE

This report summarises the results of Council's NSW Environment Protection Authority (EPA) grant funded Food Organics Garden Organics (FOGO) trial, and seeks approval from Council to fund the continuation of a Food recycling service until a city-wide rollout occurs.

EXECUTIVE SUMMARY

In 2022, Council's Resource Recovery Team secured \$235,000 in NSW EPA grant funding to run a twelve (12) month FOGO Trial for 1750 households in Rhodes and Concord West. The total budget of this project was \$314,000, including a \$79,000 Council contribution.

The trial was implemented in selected Multi-Unit Dwellings (MUDs) in Rhodes and Concord West to evaluate the potential service, assess the feasibility and test best practice communication and education techniques in high-density locations.

Throughout the 12 month trial, residents diverted over 56 tonnes of FOGO material from landfill, with an average of 1 tonne of FOGO material collected each week. Officers engaged with over 450 residents through face-to-face education and engagement sessions. The key results and learnings from the trial are:

- An average of 1 tonne of FOGO was collected each week, which resulted in over 56 tonnes of FOGO material diverted from landfill. This is below our expected capture rate however it is acknowledged that there is an opportunity to increase participation and the recovery rate of food with a longer program. There is currently limited data available for multi-unit dwellings.
- The generation of less food waste from households resulted in more bins being provided than needed. The FOGO bins that were used contained an average of 35% food organics, rather than just garden organic material. This shows that behaviour change did occur in response to the infrastructure provided, specifically, provision of a combined FOGO bin, rather than a food only (FO) bin.
- The trial results and user feedback revealed that the ongoing supply of compostable caddy liners is a crucial component for the success of the FOGO service. This was evident by the buildings with no caddy liners having a much higher contamination rate than those that were issued with liners. The supply of liners will be a considerable cost to any city-wide roll out.

- Contamination in FOGO bins remained relatively low in most buildings throughout the trial period. It is evident that considerable resources are required including ongoing face to face education and engagement to ensure compliance with the service requirements and to minimise contamination. High contamination rates could lead to a relatively clean garden organics stream being grossly polluted and needing to be sent to landfill.

This report recommends that the current 1,750 participating properties are offered a continuation of the FOGO service to ensure behaviours are embedded, and for consistency of the program. A proposal to expand the trial, in response to community feedback, offering another 1,500 places through an opt-in in model is also recommended, and would provide for further learnings prior to Council implementing a service in Canada Bay. This proposed continuation and expansion of the trial will require Council to fund the service from the Domestic Waste Management (DWM) charge at an estimated cost of \$190,000.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

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

BACKGROUND/DISCUSSION

The City of Canada Bay has committed to increase waste diversion from landfill from 38% to 60% by 2027 and to reduce waste to landfill per person by 20% by 2030 in its *Waste and Resource Recovery Strategy 2021*. The plan outlines a pathway which includes implementation of a food recovery service, various resource recovery activities and the procurement of new waste collections and processing contracts as playing a critical role in Council achieving these targets.

In addition, the NSW EPA's *Waste and Sustainable Materials Strategy (WaSM) 2041*, released in 2021, introduced requirements for all councils in NSW to provide a food recovery service like FOGO, or Food Only (FO), to all NSW households by 2030.

A 2023 waste and recycling audit of kerbside bins in Canada Bay revealed that 32% of the red-lidded general waste bins contained food organics waste. The introduction of a food recovery waste service will divert food and garden organic material from landfill, with the FOGO material instead sent to a specialised processing facility with an EPA license to compost and/or process.

In 2022, Councils' Resource Recovery Team successfully secured a NSW EPA grant to run a twelve (12) month FOGO trial in selected multi-unit dwelling (MUD) households in Rhodes and Concord West. The trial commenced in October 2022 with 1,750 households across 20 buildings selected from Rhodes and Concord West to participate. These households were selected based on the following criteria:

- Different housing types
 - Eleven (11) large MUDs (60-250 households)
 - Nine (9) small walk-up and townhouse-style MUDs (4-12 households)
- Different type of bin presentation styles i.e. basement collection and kerbside collection.
- Suburbs with a high proportion of culturally and linguistically diverse (CALD) populations.

The criteria were chosen to assess the feasibility and best practise of a food recovery service across multiple factors such as servicing and logistics challenges in high-density locations, effectiveness of the communications, engagement, and education materials prior to a Council wide rollout of FOGO in future waste contracts. All participating properties in the trial have their FOGO bins collected on a weekly basis as part of the trial.

Engagement results

As part of the trial, a FOGO communications and engagement strategy was implemented which resulted in the following outcomes:

- FOGO resources were delivered to 1,750 households which included a starter pack containing one 8L kitchen caddy, one 40-pack of compostable caddy liners, an educational brochure, and an introduction letter with details about the trial. All material distributed included translations along with English.
- Onsite assessments at all participating buildings which included a face-to-face meeting with key stakeholders (strata or building manager and strata committee members) to introduce the service, explain how it would work and address any concerns. Information and engagement sessions were also conducted at the same time to provide a platform to express concerns and provide feedback on the FOGO service.
- Eighteen (18) 'pop-up' style, engagement sessions were delivered to residents living within the high-density MUD buildings with over 300 residents engaged. The sessions included information about the service and gave an opportunity for the community to give feedback.
- A FOGO Collaborate webpage was set up with additional information and support about the service. This platform also provided residents the ability to voice concerns and share waste avoidance and minimisation ideas and tips with each other. Over the past year, this page had 2,261 views, 204 contributions and gathered a total of 50 followers.

FOGO trial overall results

Residents of the trial diverted over 56 tonnes of FOGO material from landfill from 1,750 households across 20 properties, with an average of 1 tonne of FOGO collected each week. This is equivalent to a 14 tonne Co² reduction in emissions.

Three (3) waste audits were conducted throughout the trial period (baseline, 6-month mark, 12-month mark) which informed diversion results and enabled officers to develop further education and engagement materials. The audits revealed that participants of the trial were diverting organic waste from the red-lidded bins with organic waste captured in red-lidded bins decreasing from 34% to 29%.

Prior to the trial, the green-lidded bins contained only garden waste however at the mid-audit the composition had changed with 35% food waste, 62% garden waste and 3% general waste contained in the green-lidded bins. The 12-month audit revealed an increase in food waste diverted to 38%, which was a 3% improvement from the mid point audit. This indicated that residents displayed positive behaviour change towards the use of FOGO bins, the longer the trial continued.

The audit also revealed that low-rise buildings diverted slightly higher tonnes of food waste than the high-rise buildings. This is a key learning that Council officers would like to test further as it would assist in providing stronger data for modelling costs.

Throughout the trial, contamination rates in the FOGO bins ranged from 5%-13%. The mid-audit revealed that there were 3 out of the 20 buildings audited that displayed higher contamination rates. These 3 buildings were used to test the impact compostable caddy liners had in food recovery as part of the service, and were not provided with the compostable caddy liners, whilst the other participating buildings were supplied with the caddy liners. The results indicate that the supply of compostable liners for caddies is crucial for optimal service performance, with the absence of caddy liners resulting in noticeably higher contamination rates. This result is consistent with the reported findings from the NSW EPA Analysis of NSW Food and Garden Bin Audit Data - August 2023. If these 3 buildings are removed from the data set, the contamination rate dropped to an average of 6%.

Results from the 12-month audit revealed an average contamination rate of 5% – 6%, which is a good indication that the ongoing education to residents about incorrect items in FOGO bins has been effective. This is a key learning for Council, indicating that a 5-6% contamination rate is possible in high-rise apartments.

Another learning is that approximately 12% of households are frequent users of the FOGO service. The modest service uptake in Council's FOGO trial may be attributed to a variety of factors including the predominant housing type of the trial area (i.e. high-rise MUD buildings) and a highly transient population in Rhodes. This is a key learning for Council, indicating that ongoing support in the form of education and engagement by Council Officers is required for the success of FOGO in higher density areas and more transient populations. This is supported by anecdotal evidence from neighbouring councils indicating that initial participation and performance rates are typically low and, over time, can increase through education and engagement with residents.

The FOGO trial learnings can be further analysed and compared to buildings in other areas by expanding the FOGO service to other suburbs within the LGA. It is expected that an increase in uptake will occur over time with support from Council through targeted education and engagement activities.

There have only been limited trials of FOGO or Food only collections in multi-unit dwellings in NSW and any further learnings that we can gather from an expanded trial would benefit the community long term by shaping the service that is eventually introduced.

Proposal to continue the food recovery service

This report seeks support from Council to offer an ongoing FOGO service for existing participating buildings. It is also proposed to expand the trial to include additional MUD households outside of the Rhodes trial area on an opt-in basis until a service is rolled out to all households city-wide.

As part of the expansion, places in the trial will be limited, confined to MUD buildings only, and will focus on testing various bin and service configurations, and education and engagement activities to support the development of a food collection service plan for the City of Canada Bay.

The continuation and extension of the FOGO trial service is proposed until the start of the new collection contract in 2026. As grant funding is not available, it is proposed that the FOGO service is funded from the Domestic Waste Management (DWM) charge, and the anticipated costs are discussed in the 'Financial Considerations' section of the report.

The benefits of continuing the project include:

- embedding newly learned behaviours to divert waste from landfill and reduce greenhouse gas emissions;
- realising ongoing benefits from the trials and maximising the resources and investment to date;
- prevention of multiple service changes for those interested in continuing;
- allowing officers to refine education materials and service design for a city-wide rollout of the FOGO service in the future; and to
- allow additional participants in a controlled trial environment to participate, responding to enquiries that officers have received over the past 12 months.

The proposal to extend the food collection service to MUD households will be on an opt-in basis only and there will be a cap on the number of households eligible for the service until 30 June 2026 to align with Council's budget.

Suitable properties will be selected by Council officers and invitations will be sent to appropriate Strata Committees, and Strata and Building Managers inviting them to participate in the expanded trial. An education and engagement program will be provided to participating households.

Council's Waste and Sustainability team is considering offering a Food Only (FO) bin service for a selection of multi-unit dwellings as part of the expanded trial in response to other councils in Metropolitan Sydney reporting higher food recovery rates using this service method. Should Council approve the proposal of continuation and expansion, a new price would be sought for processing.

CONSULTATION

Extensive consultation was undertaken in 2020 when developing Council's *Resource Recovery and Waste Strategy 2021*. At that time, over 600 residents responded to a comprehensive survey about various waste related matters.

In the survey, when asked open questions about waste minimisation and food waste collection, 84% of respondents expressed interest in a food waste collection service and 87% of respondents ranked reducing waste to landfill as more important than convenience and costs.

Council also undertook a survey at the start of the FOGO Trial with some questions to understand the likely service acceptance amongst the participating properties. 77% of residents surveyed indicated they would be likely to use the kitchen caddy and compostable liners to separate their food scraps, and another 94% of the respondents indicated they would dispose of their food waste in the FOGO bin.

RISK CONSIDERATIONS

Whilst there is minimal risk in continuing the FOGO trial with the existing participating properties until such time as a city-wide service is rolled out, there are significant risks in not continuing the trial. These risks include potential confusion with stopping and then re-starting the FOGO service, challenges associated with loss of positive behaviours and habits that have been built during the trial period, and a potentially negative impact on Council's reputation for introducing a service only to remove it once the trial concluded, when it is known that mandatory requirements for introduction of FOGO services in NSW will be required by 2030. Ongoing continued support for FOGO and the expansion of the project will help create a 'social norm' and allow community members who are early adopters of change to make the change and be community champions. A summary of risks and proposed controls to mitigate these risks is provided below.

<p>Risk:</p> <p>Discontinuing the FOGO service for trial properties results in a loss of learnt behaviours from the past 12 months.</p>	<p>Controls:</p> <ol style="list-style-type: none"> 1. Continuation of the service provision to households who have participated in the FOGO trial. 2. Continued support from Council to educate, engage and encourage correct behaviours from the participating households.
<p>Risk:</p> <p>Multiple changes of service will lead to confusion in the community and could implicate future city-wide FOGO rollout.</p>	<p>Controls:</p> <ol style="list-style-type: none"> 1. Continue the provision of the FOGO service to participating trial households. 2. Expand the service as an opt-in option to additional MUD households till city-wide rollout.
<p>Risk:</p> <p>High demand and uptake of the FOGO service.</p>	<p>Controls:</p> <ol style="list-style-type: none"> 1. Cap the number of households to 1,500 available spaces for the FOGO service expansion. 2. Maintain good record keeping practises to ensure participation does not exceed 1,500 households
<p>Risk:</p>	<p>Controls:</p>

Low uptake of the FOGO service	<ol style="list-style-type: none"> 1. Staff to actively find willing participants to participate in the FOGO expansion. 2. Actively promote the FOGO expansion.
Risk: Lack of resources to service the expansion (i.e., contractors – collections and processing and staffing)	Controls: <ol style="list-style-type: none"> 1. Ensure there are contingencies in place in case contractors are not able to deliver on services. 2. Create contracts which allow for contingencies to be implemented if required. 3. Create project team for FOGO to ensure project can be delivered in a timely manner.

FINANCIAL CONSIDERATIONS

The FOGO trial collection and processing to date has been funded by the NSW EPA through a grant. This grant will be fully expended by the end of 2023.

The total cost of continuing the service to the current FOGO trial participants is estimated to cost \$94,000 per year. The proposal to expand the offering to properties outside of the current trial participants is estimated to cost approximately \$96,000 per year. Therefore, the total ongoing cost is approximately \$190,000 per year which can be funded from the DWM charge.

LEGISLATIVE AND POLICY CONSIDERATIONS

City of Canada Bay *Resource Recovery and Waste Strategy 2021* – contains Council targets for landfill diversion and resource recovery.

10 CITY ASSETS DIRECTORATE REPORTS**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 16 NOVEMBER 2023****Reporting Manager** Manager Roads and Traffic**Attachments:** 1. **Traffic Committee Minutes - 16 November 2023** [↓](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 16 November 2023, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee Minutes of 16 November 2023 to Council.

REPORT

This report contains the minutes for the City of Canda Bay Local traffic Committee held on 16 November 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 considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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



TRAFFIC COMMITTEE

16 November 2023

Via Email

MINUTES

Committee Members:

Cr Michael Megna	Chair
Sergeant S Tohme	NSW Police
Ms Kathryn Hawkins	Transport for NSW
Ms Stephanie Di Pasqua	Local Member of Parliament

Advisory Members:

Mr B MacGillicuddy	CCB Council
Mr L Huang	CCB Council
Mr S Lindsay	CCB Council
Mr S Pandey	CCB Council
Ms V Stamper	CCB Council
Mr M Takla	State Transit Authority, Sydney Buses
TBA	Access Committee
Mr D Martin	BayBUG – Canada Bay Bicycle Users Group
Mr S Lumley	Busways

Minute Taker: Ms Christine Di Natale CCB Council

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Traffic Committee Meeting 16 November 2023

ITEM-1 DAY STREET, DRUMMOYNE – MOBILITY PARKING SPACE

APOLOGIES

Nil

DECLARATIONS OF PECUNIARY INTEREST

Nil

CONFIRMATION OF MINUTES

Traffic Committee Meeting – 26 October 2023

COMMITTEE RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting of 26 October 2023 be confirmed.

ITEM 1 DAY STREET, DRUMMOYNE – MOBILITY PARKING SPACE**Department City Assets****Author Initials: BM**

REPORT

Council will be creating a new playground in Brett Park near the intersection of Tranmere Street and Day Street, Drummoyne. This project is jointly funded by the City of Canada Bay and the NSW Government's Open Space Program: Places to Play. This program is a commitment by the NSW Government to create better and more inclusive play spaces across NSW.

At present, there are no Mobility Parking Spaces (MPS) in the vicinity of this new playground which will be constructed in early 2024. In line with the objectives of providing an inclusive play space, it is proposed to signpost a new MPS in Day Street as outlined in the attached plan.

By locating the space slightly back from the intersection, sufficient road width is available to provide a compliant MPS without requiring indenting of the kerb. Indenting the kerb in any case does not appear feasible at this location due to underground services.

A new edgeline is proposed to assist in guiding vehicles past the MPS. A minimum 3.2m clear width is to be maintained for through traffic. The existing 'Car Share' parking space immediately west of the proposed MPS will remain unchanged.

STAFF RECOMMENDATION

THAT a mobility parking space be signposted in Day Street as outlined in the attached plan.

DISCUSSION

Item is in order.

COMMITTEE RECOMMENDATION

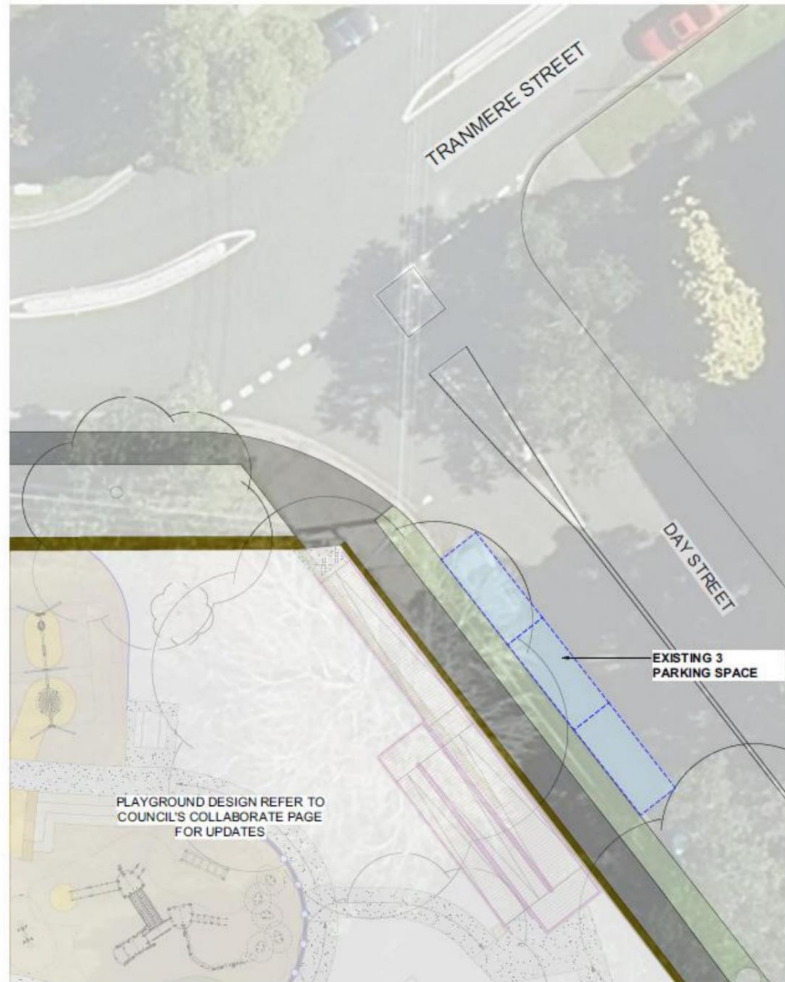
THAT a mobility parking space be signposted in Day Street as outlined in the attached plan.

Attachments:

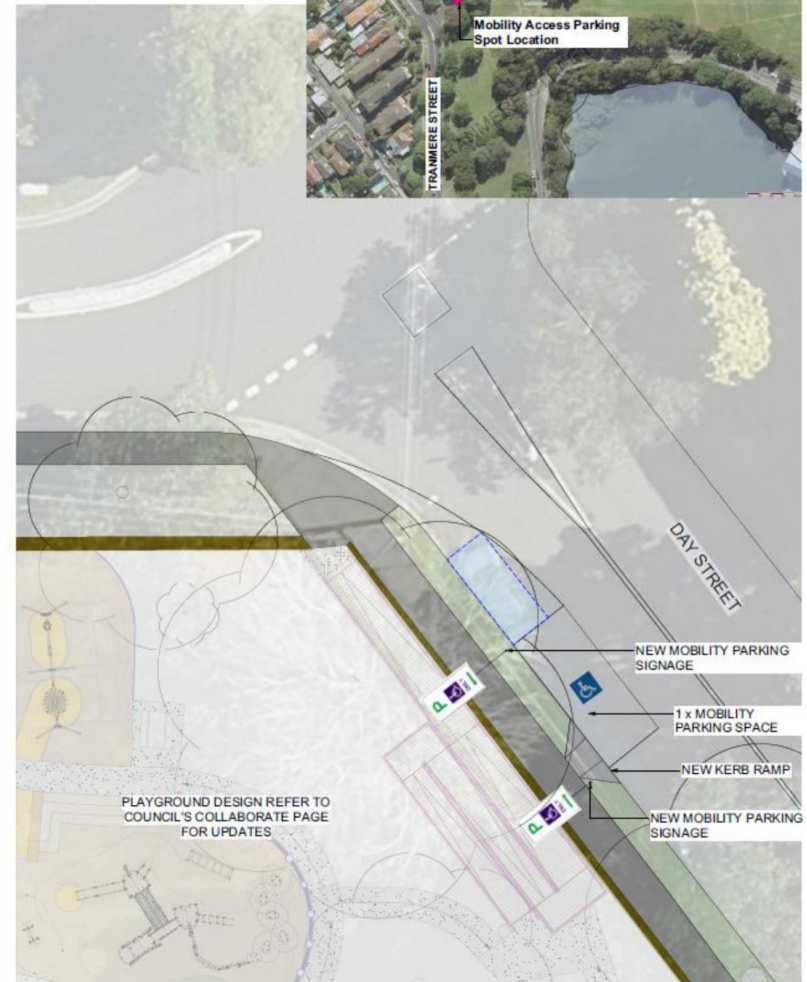
1. Day Street, Drummoyne – Mobility Parking Space

Proposed Mobility Parking Space - Day Street, Drummoyne

Existing



Proposed



ITEM 10.2 HOWLEY PARK MASTERPLAN**Reporting Manager Manager Open Space****Attachments:**

1. **Howley Park Masterplan (*Provided in Attachment Booklet*)** [⇒](#)
2. **Howley Park Community Engagement Results - Round 1**
(*Provided in Attachment Booklet*) [⇒](#)
3. **Howley Park Community Engagement Results - Round 2**
(*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That Council adopt the Howley Park Masterplan attached to the report.

PURPOSE

To recommend the Masterplan for Howley Park (Attachment 1) be adopted by Council. By adopting the Masterplan, it will enable the delivery of park upgrade and improvement works to Howley Park which is funded under the NSW Government's Greater Sydney Crown Lands Open Space Activation Program and the Federal Government's Local Roads and Community Infrastructure Program.

EXECUTIVE SUMMARY

Council has been successful in obtaining \$1,363,636 under the NSW Government's Greater Sydney Crown Lands Open Space Activation Program and \$807,190 under the Federal Government's Local Roads and Community Infrastructure Program to deliver recreational improvements at Howley Park, Drummoyne. Council conducted two rounds of community engagement to aid in development of the Masterplan and design process.

The Masterplan has been developed to enhance the park's existing vegetation, path network and passive recreation opportunities while preserving the existing foreshore, natural edges, and neighbourhood scale of the site.

The elements included in the Masterplan are:

- Improving access to Howley Park East and investigating foreshore access opportunities.
- An improved path network with improved accessibility for people of all abilities.
- New bench seats and seating walls.
- Grassed terraces for picnics and social gatherings.
- A shared pedestrian and parking zone with formalised off-street car parking spaces.
- Additional tree and shrub plantings for increased shade, biodiversity and habitat.
- Revegetated embankments with indigenous species for erosion protection.

Following the adoption of the Howley Park Masterplan, the project will proceed to delivery of the works, commencing by June 2024.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

- Direction 1: Connected Community
- Goal CC 3: Provide the community with equitable access to a range of programs, services, and facilities
- Goal CC 5: Provide open space, facilities, and programs that promote active lifestyles
- Direction 2: Sustainable and Thriving Environment
- Goal STE 2: Increase urban tree canopy
- Goal STE 4: Enhance and protect native flora and fauna to support local biodiversity
- Goal STE 5: Improve access to, and enhance the quality of, the City's foreshore and waterways

BACKGROUND/DISCUSSION

Council has successfully obtained \$1,363,636 under the NSW Government's Greater Sydney Crown Lands Open Space Activation Program and \$807,190 under the Federal Government's Local Roads and Community Infrastructure Program to enable the delivery of quality passive recreational improvements and accessibility improvements to Howley Park.

Initially the project involved constructing a pedestrian walkway to connect the Victoria Place road reserve to Howley Park East, the beach and the Gladesville Bridge Marina, as well as upgrading existing garden beds and establishing a connection with the water. Six potential concept designs were drafted and taken to the community for feedback from 22 December 2021 - 20 February 2022.

Community Engagement Results – Round 1

The first round of community consultation did not reveal a clear community preference for any of the draft concept designs, however specific elements were noted as being highly important. Many community members expressed a desire to retain existing trees and plantings, and there was a strong preference to keep the design natural to enhance the park. The community wanted green space to be maximised, with many respondents noting that the proposed ramp shown in the concept design dominated the site and limited green space and beach area. A common idea raised in the submissions was for improved connections between Howley Park East and Howley Park West to create a more complete recreational space.

Full details of the first round of consultation are included in the Community Engagement Round 1 report (Attachment 2). In response to the community feedback, the scope of the project was expanded to include Howley Park West and a draft Masterplan for the enlarged site area was developed.

Community Engagement Results – Round 2

The draft Masterplan was presented to the community for feedback from 9 October – 1 November 2023. An on-site drop-in session with Council staff was held on Wednesday, 26 October 2023 from 5 – 7pm to discuss the draft Masterplan with the local community. There were approximately 30 attendees at this event. Three resident submissions requested an extension to the engagement period and the cut-off date to provide feedback was subsequently extended to 16 November 2023.

Council received 47 submissions from the community during the engagement period: 31 website surveys, 13 emails and 3 forms completed at the drop-in session. Full details of the second round of consultation are included in the Community Engagement Round 2 report (Attachment 3).

Overall, the community showed support for the draft Masterplan, in particular the revegetation elements, park furniture and seating, and improved pedestrian access.

There were many calls for beach access to be explored further at Howley Park and be included in the Masterplan, and some community members believe more grassed areas should be retained in the space. Parking was raised as a concern, with some community members requesting timed

parking or a resident permit parking scheme be introduced. There were also suggestions to reduce parking spaces to increase parkland.

In the second round of engagement the strongest feedback was as follows:

- Provide beach access to Howley Park East
- Retain the existing 'green' character and the grassed areas within Howley Park

This important community feedback has been incorporated into the final Masterplan resulting in the following amendments:

- A terraced area in Howley Park West shown as decomposed granite paving has been amended to grass to retain the park's existing character and maximise green space.
- A secondary set of stairs and sections of retaining walls in Howley Park West have been removed to minimise built structures encroaching into the park's green space.
- Proposed stair access to the beach off Howley Park East has been added. This will be investigated during the detailed design phase to determine the optimal alignment of the stairs.
- Access to the foreshore via a set of informal timber sleeper stairs has been added in Howley Park East.

Crown Land Management

A condition of the Funding Deed that Council entered into with Crown Lands for the NSW Government's Greater Sydney Crown Lands Open Space Activation Program is that Council be appointed as Crown Land Manager of the site under Section 3.3 of the Crown Land Management Act 2016, the site being Part of Reserve 500410 – Part Lot 7058 / DP94083.

At its meeting of 18 July 2023, Council resolved to make an application to the NSW Department of Planning and Environment (DPE) to be appointed as Crown Land Manager for Howley Park East. This application was finalised on 28 July 2023 and the City of Canada Bay Council is now the appointed Crown Land Manager for Howley Park East.

A portion of the reserve at Howley Park East will remain under the control of the DPE. This portion of land is currently subject to a licence between the DPE and the marina operator – Enares P/L.

Final Masterplan

The community feedback from the two formal engagement rounds has informed the development of the final Masterplan (Attachment 1). The main features of the Masterplan are summarised below.

Foreshore Access

The concept designs exhibited in the first round of community engagement focused on a pedestrian walkway to connect Victoria Place to the beach north of the marina. Community feedback indicated that many respondents thought that the proposed ramp dominated the draft designs and limited green space and beach area.

The draft Masterplan exhibited in the second round of community engagement omitted the ramp previously shown and noted that access to the beach would be investigated in the future. Community feedback in response to the draft Masterplan suggested that access to the beach is an opportunity highly valued by local residents. The Masterplan has been amended to propose an informal access to the foreshore from Howley Park East via timber sleeper stairs or a similar landscape treatment. Stepped access will also be investigated as part of the detailed design process to provide an additional entry point to the eastern beach area.

An accessible ramp to the beach will be explored as part of any potential future works. An area of land at the bottom of the vehicle ramp to the marina is under the control of Transport for NSW (TfNSW) and is subject to an exclusive lease between TfNSW and the marina operator. Currently this restricts the siting of an accessible ramp to the beach from the lower section of the marina driveway.

Car Parking

The existing section of Victoria Place, north of the marina driveway, creates a barrier between Howley Park East and Howley Park West. Unrestricted car parking has enabled long term storage of vehicles in the area which reduces the capacity for park users. At its meeting of 18 May 2021, Council resolved to commence the road closure process for Victoria Place, north of the marina driveway. The closure of Victoria Place will allow for park improvements and car parking changes to be undertaken in this area.

Community feedback received during the second round of community engagement was mixed regarding changes to current car parking arrangements. Some respondents requested additional parking while other respondents believed parking should be removed to enlarge the parkland area.

The Masterplan aims to provide a balance between the differing views of the community. The Masterplan proposes the conversion of Victoria Place to a shared pedestrian and vehicle environment with formalised 90-degree car parking spaces incorporating one accessible space. Wider footpaths and planted areas are proposed to unify and provide better pedestrian connections between Howley Park East and Howley Park West.

Pathways

Proposed access improvements and an upgraded path network shown in the Masterplan will allow people of all abilities to access most areas of the park. Some of the community feedback questioned the need to provide additional paths and were not supportive of introducing additional paved areas into the park.

The draft Masterplan was presented to Council's Access and Inclusion Committee on 19 October 2023. The provision of accessible spaces for the community is a guiding principle of Council's Disability Inclusion Action Plan and paved footpaths within the park are required to meet this goal. Footpaths have been sited to minimise encroachments into turf and planted areas.

Due to the steep landforms of the foreshore and the existing vegetation in the park, some areas of the park will only be accessible via stepped access.

Biodiversity and Urban Canopy

During both community engagement periods, many respondents expressed a desire to retain existing trees and plantings. There was also a strong preference to keep the design natural to enhance the park. The Masterplan seeks to enhance the site's biodiversity and natural environment by retaining and protecting the native tree canopy and bushland areas. The site's existing foreshore and natural edges are to be retained and enhanced through weed removal and replanting to improve embankment stability and biodiversity. Additional tree and understorey planting is proposed to increase species diversity and habitat, while increased canopy cover over hard paved surfaces will also help in heat mitigation.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The proposed works outlined in the masterplan are fully funded by two grants. In line with current funding agreements, the Federal Government's Local Roads and Community Infrastructure Program seeks delivery works by 30 June 2024 and the delivery of the items funded by the NSW Government's Greater Sydney Crown Lands Open Space Activation Program are required by 31 December 2024. To enable progression to detailed design and delivery, the Masterplan first needs to be adopted by Council.

The project will be staged to ensure the works funded by the Federal Government grant are prioritised ahead of the Crown funded portion of works.**Financial Considerations**

The NSW Government's Greater Sydney Crown Lands Open Space Activation Program and the Federal Government's Local Roads and Community Infrastructure Program has fully funded the delivery of park upgrade elements nominated in the Masterplan. Council has been awarded \$2,170,826 towards the project.

The scope of the project considers sufficient contingencies for current market labour and supply costs.

LEGISLATIVE AND POLICY CONSIDERATIONS

The proposed project aligns with the following adopted Council strategies:

- Biodiversity Strategy
- Urban Tree Canopy Strategy
- Recreation and Open Space Strategy
- Foreshore Access Strategy

As per the grant funding agreement the project incorporates the following:

- Community Engagement as per IAP2 community engagement principles
- NSW Government Architect's Designing with Country principles
- NSW Government Architect's Better Placed principles
- NSW Public Space Charter principles

ITEM 10.3 DRAFT PLAN OF MANAGEMENT AND MASTERPLAN FOR DRUMMOYNE OVAL PRECINCT**Reporting Manager** Manager Open Space

- Attachments:**
1. **Drummoyne Oval Precinct Draft Plan of Management Nov 2023 (Provided in Attachment Booklet)** [⇒](#)
 2. **Drumoyne Oval Precinct Draft Masterplan Nov 2023 (Provided in Attachment Booklet)** [⇒](#)
-

RECOMMENDATION OF DIRECTOR CITY ASSETS

That:

1. Council endorse the draft Plan of Management and Masterplan for Drummoyne Oval Precinct for referral to the Department of Planning and Environment - Crown Lands, for formal approval to place on public exhibition.
 2. Following public exhibition, a report be prepared and submitted to Council for the formal adoption of the final Plan of Management and Masterplan for Drummoyne Oval Precinct.
-

PURPOSE

To seek Council's endorsement of the draft Plan of Management and Masterplan for Drummoyne Oval Precinct (attached to the report) to be referred for review by the Department of Planning and Environment – Crown Land. Following and subject to Crown Land approval, the draft plans will be placed on public exhibition for further input from the community and stakeholders.

EXECUTIVE SUMMARY

The draft Plan of Management (PoM) and Masterplan (MP) for Drummoyne Oval Precinct have been prepared and Council's resolution is sought to submit the document to Department of Planning and Environment - Crown Land, requesting approval to place the draft PoM and MP on public exhibition in accordance with the Crown Land Management Act 2016 and Local Government Act 1993.

Subject to the approval of the Department and following public exhibition, the final draft PoM and MP will be reported back to Council for consideration for adoption.

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
- Goal CC 4: Promote a community where residents feel safe and enjoy good health
- Goal CC 3: Provide the community with equitable access to a range of programs, services, and facilities

BACKGROUND/DISCUSSION

The project to develop a draft PoM and MP for Drummoyne Oval Precinct commenced in 2022. Extensive community engagement was undertaken, and a Community Engagement Report published on Council's website in November 2022.

Following further targeted engagement with stakeholders, the final draft PoM and MP are now ready for review by Crown Lands. Subject to approval from the Crown, there will be further opportunity for input from the community and stakeholders through the public exhibition process.

The draft PoM provides an updated planning document consistent with all current legislative requirements. The draft MP provides an illustrative representation of the proposed construction and design outcomes. The MP is a 10 year concept plan and elements are subject to change to accommodate future detailed design constraints and other unforeseen changes provided the overall objectives of the PoM remain unchanged.

The Drummoyne Oval Precinct is comprised of three connected parks:

- Taplin Park
- Drummoyne Oval
- Drummoyne Park

The major elements highlighted in the MP are:

Taplin Park

- Maintain and enhance the successful mix of sports grounds, play, dog walking, and passive recreation to cater and appeal to all users.
- Improve safe access and experience of the park waterfront and boat ramp
- Improve quality and access to amenities

Drummoyne Oval

- Provide quality facilities for key stakeholders and the wider community
- Consider a new building on the western edge of the oval to replace the functions of the Archie Jackson and EPAB building with improved spectator viewing of the field for all codes
- Investigate the potential for a new multi-purpose training facility with car parking adjacent to the Bayswater Road entrance

Drummoyne Park

- Maintain the landscape character of fig trees and the potential for greening the landscape
- Improve the presentation and accessibility of entries on all boundaries
- Provide additional places for safe and informal passive recreation and play.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

An extensive engagement process has been undertaken with the community and stakeholders. This evidence base is documented in the Community Engagement Report which informed the initial development of the draft plans. Further targeted engagement has been undertaken, notably with the sporting users and the plans revised accordingly. This has delivered a positive outcome in the formation of a 'Drummoyne Oval User Working Group' who has met regularly to engage on the PoM and MP as well as operational matters. Going forward it is intended to retain informal user working groups around major facilities to deliver operational and strategic benefits.

Subject to Council's approval, the draft PoM will be submitted to Crown Land for review and requesting approval to place on public exhibition.

After this approval, the draft PoM (and MP) will be placed on public exhibition for the legislated 28 days, allowing 42 days in total for submissions to be received.

Following public exhibition, appropriate amendments will be made to the draft PoM and MP and a final draft submitted to Council for consideration for adoption.

Crown Land will then be notified and provided with the adopted PoM and the document published on Council's website.

FINANCIAL CONSIDERATIONS

Following adoption, a detailed Implementation Plan will be developed and integrated with the long-term Financial Plan to realise the outcomes proposed in the PoM / MP.

LEGISLATIVE AND POLICY CONSIDERATIONS

The draft Plan of Management and Masterplan for Timbrell Park has been prepared consistent with the provisions of the Crown Land Management Act 2016 and the Local Government Act 1993 including the provision of advice on Native Title which will be included in Council's submission to Crown Lands.

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 REVIEW OF THE 2024 EVENTS PROGRAM

Reporting Manager Acting Manager Place Manager

Attachments: Nil

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That Council staff undertake a review of the 2024 Events Program and present the findings at a future Councillor workshop.

PURPOSE

Ferragosto is the marquee event in Council's annual events program. The 2023 event marked the end of the 4-year funding agreement between Council and Multicultural NSW, worth \$75,000 per annum to Council. Correspondence recently received from The Hon. Stephen Kamper MP, NSW Minister for Multiculturalism has confirmed that Multicultural NSW does not have any grant funding which is currently available to replace this previous agreement.

In addition, the cost of organising Ferragosto has also increased markedly. This is due to costs associated with recovery from the COVID-19 pandemic and more recently, the rising cost of inflation. The combined effect of these factors, amongst others, places the forecasted 2024 Ferragosto budget under some pressure, sufficient to merit a review to explore options to mitigate these pressures. Other events in Council's events program are experiencing similar cost pressures.

Accordingly, it is recommended that Council staff undertake a review of the 2024 events program and make recommendations to a Councillor workshop to ensure the program remains sustainable.

REPORT

Ferragosto is arguably, Sydney's largest and most significant Italian festival. Over 120,000 people attended the 26th edition of Ferragosto, held on 20 August 2023. In 2019, Council entered into a 4-year grant funding agreement with Multicultural NSW, worth \$75,000 per annum to Council. This funding agreement concluded with the 2023 event, resulting in an equivalent shortfall in funding for Ferragosto in 2024. In addition, Council has experienced a steep rise in the cost of organising the event, in the order of 30% increases for certain services. It is worth noting that other events in Council's events program are experiencing similar cost increases.

In recognition of these financial pressures, on 19 September 2023, Council resolved:

"That the Mayor write to the Federal Minister for Immigration, Citizenship and Multicultural Affairs, Andrew Giles MP, the Member for Reid Sally Sitou MP, the NSW Treasurer Daniel Mookhey, the NSW Minister for Multiculturalism Steve Kamper MP, Member for Drummoyne Stephanie Di Pasqua MP and the CEO of Multicultural NSW Joseph La Posta requesting funding commitment from the Federal and State Government to supplement Council's investment in Sydney's most important celebration of Italian culture and contribution."

On the 8th and 21st November 2023, Council received written responses from Mr Joseph La Posta, CEO of Multicultural NSW, and The Hon. Stephen Kamper, NSW Minister for Multiculturalism respectively. Both letters advised that there is no additional Multicultural NSW funding currently available and that Council should consider applying for other suitable State and Federal grants. At the time of writing this report, responses from the other named parties had not been received.

In light of this financial situation, it is recommended that Council staff undertake a review of the proposed 2024 event program. The objective of the review is to identify opportunities to ensure the whole program is financially sustainable. It is recommended that the results of the review be presented to a Councillor workshop in 2024.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 3: Provide the community with equitable access to a range of programs, services, and facilities

Direction 3: Vibrant Urban Living

Goal VUL 2: Improve access to local art, culture and creative activities

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

It is anticipated that the review will be ready to present to a Councillor workshop no later than March 2024. Undertaking the review may necessitate making some changes to the current planned program for early 2024, particularly those events planned for January to March 2024. In the event of this happening, Council staff will liaise with affected stakeholders to keep them informed.

FINANCIAL CONSIDERATIONS

The objective of the proposed review is to ensure that Council's events program is financially sustainable.

LEGISLATIVE AND POLICY CONSIDERATIONS

Council's Community Event Strategy and Policy was adopted on 15 August 2023. The Strategy and Policy seek to ensure that events run within the City deliver the vision and objectives of Council's key plans and policies, including balancing economic, environmental, and social factors, with consideration given to all three. The proposed review will achieve this objective.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 DRAFT INFORMATION MANAGEMENT POLICY

Reporting Manager Acting Information Systems Manager

Attachments: 1. Draft Information Management Policy (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The Records Management Policy adopted by Council on 6th July 2010 be rescinded.
 2. The draft *Information Management Policy* provided as Attachment 1 to the report be adopted.
 3. The General Manager be authorised to undertake future reviews and amendments to the Information Management Policy.
-

PURPOSE

To seek adoption of the draft *Information Management Policy*, which provides a framework for Council information to be appropriately retained, organised, secured, and made accessible when needed, while adhering to relevant legislative and policy considerations.

EXECUTIVE SUMMARY

The existing Records Management Policy, last reviewed on 6th July 2010, has been revised and renamed as the Information Management Policy. This update aims to reflect the contemporary needs of the organisation and align with the evolving landscape of information management. The primary objective of the policy is to provide a structured approach to managing information assets, from their creation to their disposition. The policy establishes guidelines for classifying, retaining, securing, and disposing of information, so that our organisation remains compliant with relevant legislative requirements.

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

At its meeting on 6 July 2010 Council adopted its Records Management Policy. With the passing of time and changes to related legislation and technology it is considered appropriate and timely to review that Policy.

The draft Policy attached to this report, titled 'Information Management Policy' has been drafted to reflect the contemporary needs of the organisation and align with the evolving landscape of information management. The primary objective of the policy is to provide a structured approach to managing information assets, from their creation to their disposition. The draft policy is designed to establish guidelines for classifying, retaining, securing, and disposing of information, so that Council remains compliant with relevant legislative requirements.

Key components of the draft Policy include:

1. Information Classification and Retention: Providing guidance on categorising information and setting retention periods to ensure the efficient use of resources.
2. Information Security: Establishing procedures to safeguard sensitive information from unauthorised access and breaches.
3. Access and Retrieval: Ensuring that authorised personnel can access the information they require promptly.
4. Disposition and Destruction: Defining processes for the responsible disposal of information in compliance with legal requirements.
5. Role and Responsibilities including the appointment of a Senior Responsible Officer (SRO)

It is noted that the existing Policy relating to records management was adopted by the elected Council. Prior to adoption of a new policy, it is necessary that the existing policy be formally rescinded. A recommendation to achieve that is contained in this report. Further, in view of the administrative and operational nature of the proposed Policy it is recommended that authority be granted to the General Manager to undertake future reviews and amendments to the Information Management Policy.

LEGISLATIVE AND POLICY CONSIDERATIONS

The updated Information Management Policy has been carefully reviewed to align with relevant legislative and policy considerations, including but not limited to:

- State Records Act 1998
- Local Government Act 1993 (NSW)
- Government Information Public Access Act 2009 (NSW)
- Environmental Planning and Assessment Act 1979
- Copyright Act 1968
- ICAC Act 1988
- Ombudsman Act 1974
- Evidence Act 1995 (NSW)
- Crimes Act 1900 (NSW)
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002

ITEM 12.2 CASH AND INVESTMENTS REPORT FOR NOVEMBER 2023
Reporting Manager Manager Finance

Attachments: 1. **Investment Report 23 November 2023 (Provided in Attachment Booklet)** [⇒](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Report for November 2023 (as at 23 November 2023), attached to the report, be received and noted.

PURPOSE

To present Council's Investment portfolio performance for November 2023 (as at 23 November 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 November 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 23 November 2023

The Cash at Bank and Cash Investments as at 23 November 2023 are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
23 November 23	\$4,106,962.24	\$149,765,419.69	\$153,872,381.93

The detailed Schedule of Investments held as at 23 November 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
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
27/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	223	5.23%	17/11/23	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
11/07/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	252	5.31%	02/11/23	Term Deposits
18/07/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	252	5.30%	09/11/23	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	91	5.38%	20/11/23	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	367	1.62%	13/11/23	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	455	2.02%	20/11/23	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	731	1.87%	20/11/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	820	2.24%	20/11/23	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	5.51%	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	5.29%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	5.26%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	5.05%	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	5.65%	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	4.78%	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	5.40%	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	5.37%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland	AAA	\$1,250,000.00	1827	5.61%	09/05/23	Floating Rate Notes
17/08/28	Commonwealth Bank of Australia	AA-	\$1,250,000.00	1827	5.33%	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	\$2,010,123.29		5.20%		AMP
	AMP Bank	BBB	\$1,011.38		3.05%		AMP
	Commonwealth Bank of Australia	AA-	\$1,823,518.45		4.35%		CBA BOS
	Macquarie Bank	A+	\$2,000,000.00		4.75%		Macquarie CMA
	Macquarie Bank	A+	\$2,080,766.57		4.15%		Macquarie CMA
	23/11/23		\$149,765,419.69				
	TOTAL INVESTMENTS at 31/10/2023		\$151,754,706.63				
	Net Increase/(Decrease) in Investments		(\$1,989,286.94)				

FINANCIAL CONSIDERATIONS

Council's revised Budget for 2023-24 anticipates investment earnings of \$5.7M.

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.

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - COUNCILLOR RUGGERI - FIVE DOCK PARKING**Submitted by: Councillor Carmel Ruggeri

MOTION

That:

1. In accordance with section 610F of the Local Government Act 1993, the proposed new fees for Business Parking Permits in Five Dock be placed on public exhibition for a 28 day period.
 2. A report be prepared on submissions received in response to the public exhibition and submitted to Council for consideration and including the identification of a funding source for projected forgone revenue.
 3. Council survey businesses in the Five Dock Parking Scheme area as soon as possible in early 2024 to capture feedback to determine whether extra visitor parking permits for businesses is supported across the business community.
-

BACKGROUND FROM COUNCILLOR CARMEL RUGGERI

Due to the ongoing disruption caused by the metro construction on Great North Road in Five Dock. This disruption has had a significant negative impact on local businesses, resulting in a loss of revenue and potential closure of establishments. As a council, it is our duty to support and protect our business community, ensuring their survival and prosperity. The metro construction has caused substantial inconvenience for both business owners and their customers. The limited parking availability has deterred potential customers from visiting the area, leading to a decline in foot traffic and sales. The loss of business revenue has put many establishments in a precarious financial situation, jeopardizing their ability to continue operating in the long term. To alleviate the burden on these businesses, I propose that Council provide free parking permits to all businesses located in the Five Dock Parking Scheme area and investigate allocating them one extra visitor parking permit.

These permits would potentially allow business owners and their employees to park in designated areas without incurring parking fees. By implementing this measure, we can help mitigate the financial strain caused by the ongoing disruption and provide some relief to our struggling business community. It is crucial that we take immediate action to support our local businesses. Failure to do so may result in the closure of these establishments, leading to a loss of jobs and a decline in the vibrancy of our community.

ITEM 13.2 NOTICE OF MOTION - COUNCILLOR MEGNA - LIVVI'S PLACESubmitted by: Councillor Michael Megna

MOTION

That Council Officers prepare a report to Council and a presentation to a Councillor Workshop, as appropriate, on the feasibility and options to support The LIVVing Room project with funding of \$150,000 to progress the project to the next stage.

BACKGROUND FROM COUNCILLOR MICHAEL MEGNA

Council would be aware of its previous involvement in assisting in the preparation of a Development Application for The LIVVing Room proposal at Timbrell Park.

The LIVVing Room Project aims to;

- offer disability employment,
- opportunities to participate in community life promoting health and well-being, and
- provide a space of belonging for everyone where diversity is respected and celebrated by bringing communities and businesses together.

The project also represents a key enabler under Council's *Disability and Inclusion Action Plan* in creating opportunities for people with disability to gain employment experience and forge careers, be included in their community and live meaningful lives.

The DA for the LIVVing Room has been approved and Touched by Olivia are now planning for and engaging contractors to undertake the construction. In order to prepare for that stage of the process, detailed documentation is required to be utilised in the tendering process and to assist in the estimation of costs. It is projected that the cost of preparing these documents, including the engagement of a contractor to manage the process, is in the vicinity of \$150,000. Without the funding to progress to this stage of the project it is unlikely that this worthy and valuable community asset will come to fruition. It is requested that Council Officers investigate and report on the feasibility of Council supporting the LIVVing Room project with funding of \$150,000.

ITEM 13.3 NOTICE OF MOTION - COUNCILLOR FERGUSON – OPERATION TOLOSASubmitted by: Councillor Andrew Ferguson

MOTION

That:

1. The Council notes that following its investigation titled Operation Tolosa which examined the conduct of Angelo Tsirekas, the City of Canada Bay Mayor, in relation to planning matters involving a number of developers and the conduct of those developers in their interactions with Angelo Tsirekas, the Independent Commission Against Corruption:
 - a) Found that Angelo Tsirekas engaged in serious corrupt conduct by:
 - between November 2015 and February 2019, seeking and/or accepting benefits from I-Prosperity and/or Mr Chidiac, including overseas flights and accommodation, to the value of at least \$18,800, as an inducement or reward for exercising his official functions to favour the interests of I-Prosperity in relation to planning matters affecting 1–9 Marquet Street and 4 Mary Street, Rhodes, that came before the Council during the periods he was mayor.
 - between November 2015 and February 2019, deliberately failing to disclose a conflict of interest arising from his relationships with representatives of I-Prosperity and Mr Chidiac, when he knew he was required to do so.
 - b) Is of the opinion that consideration should be given to obtaining the advice of the Director of Public Prosecutions (DPP) with respect to the prosecution of Angelo Tsirekas
 - for an offence of misconduct in public office and offences pursuant to s249B of the Crimes Act 1900 (NSW)
 - for offences of providing false or misleading evidence to the Commission contrary to s 87 of the ICAC Act.
 - c) Is of the opinion that consideration should be given to the suspension of Mr Tsirekas from civic office with a view to his dismissal in relation to the serious corrupt conduct findings set out in chapter 4 of the Operation Tolosa report.
 2. That Council:
 - a) expresses grave concern with the reputational damage to the City of Canada Bay Council arising from the proceedings, evidence and most significantly the findings of the investigation referred to in 1 above.
 - b) notes that following the Inquiry, Angelo Tsirekas returned from leave of absence and resumed his role as Mayor with full receipt of the Mayoral fee from Council.
 - c) calls on Angelo Tsirekas to put the interests of council, council staff, ratepayers and our community first and resign from office.
-

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 OF FIVE DOCK PARK TENNIS CENTRE

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 17.2 ASSIGNMENT OF LEASE - ANGELO'S RESTAURANT PTY LTD - 51 PHILLIP ST, CABARITA

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 17.3 TENDER RFT 2023/CSS1 - LEGAL SERVICES PANEL

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 17.4 GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals (other than councillors.)

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.
