

ORDINARY COUNCIL MEETING

AGENDA

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

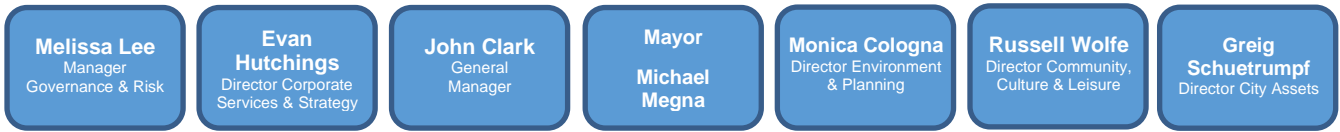
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 18 June 2024

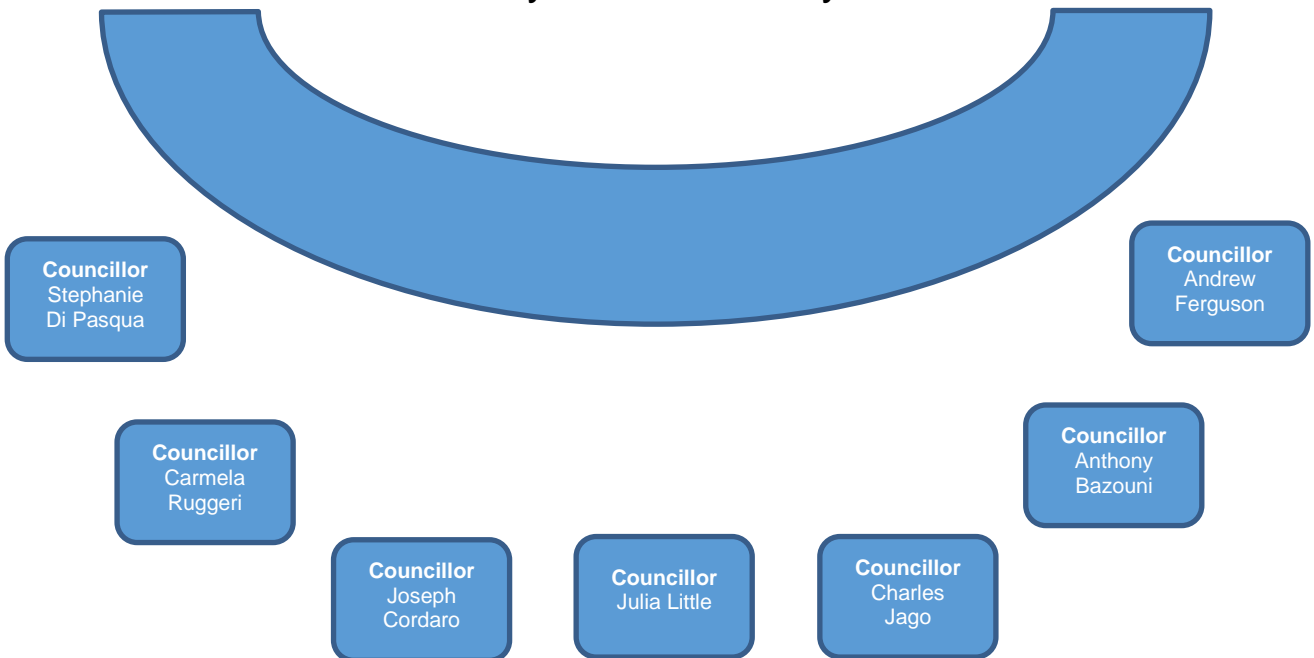
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



Evan Hutchings
Acting 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 18 June 2024
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6:00 PM**

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 21 MAY 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 21 May 2024 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - RHODES WALKER STREET PEDESTRIAN BRIDGE

Submitted by: Councillor Michael Megna (Mayor)

MOTION

That Council

1. Note the content of the Mayoral Minute
 2. Staff provide a detailed presentation on this matter at a future Councillor Workshop
-

BACKGROUND

I bring to your attention the ongoing discussions and recent developments concerning the Walker Street Pedestrian Footbridge in Rhodes.

This proposed pedestrian bridge, between the upper level of the Billbergia Rhodes Central shopping complex west of the railway line to the upper-level concourse of Rhodes Station, has been a topic of discussion within our community, and I would like to take this opportunity to provide clarification on, and seek to progress the matter.

In 2018, Council granted landowner's consent for the lodgement of a Development Application for the Walker Street footbridge. Development consent was granted in 2019, enabling Billbergia to proceed with construction.

Negotiations between Council and Billbergia on the construction and ownership of the bridge has been ongoing for several years. It is now clear that a planning proposal is the most likely pathway for delivery of the bridge. In these circumstances a planning proposal would typically involve additional floor space for the developer in order for the infrastructure to be provided.

Over the past few years residents in Rhodes have certainly expressed concerns to Council about rising density, and the NSW Government has made it clear over the past 12 months they do not wish to see changes to development controls in the area, making the negotiation of a planning proposal difficult to achieve.

However, having met with the community over previous months, there does appear to be appetite for looking further at this piece of infrastructure, acknowledging that some increase in density is a likely offset. On that basis, I believe we need to assess the current options and investigate a way forward.

Outside this proposal, it is important to note that Council is expecting major infrastructure works in the Rhodes Station Precinct over the next 12 months, including but not limited to pedestrian crossings, footpath renewal and widening on Walker Street, and new bus interchange facilities. These proposed infrastructure works are intended to support and enhance connectivity and safety within the Rhodes community, ensuring that key places and essential services are easily accessible to all residents.

As we continue discussions with Billbergia to achieve an optimal and balanced outcome, our priority remains the best interest of our residents and the sustainable development of the Rhodes area.

I recommend that Council staff provide a detailed presentation on options for the Station Precinct at an upcoming Councillor Workshop with a view to progressing this important matter for the benefit of the Rhodes community.



Michael Megna

MAYOR

ITEM 5.2 **MAYORAL MINUTE - NSW LOCAL GOVERNMENT 2024 EXCELLENCE AWARDS AND PARKS AND LEISURE AUSTRALIA - NSW/ACT REGION AWARDS OF EXCELLENCE**

Submitted by: Councillor Michael Megna (Mayor)

MOTION

That Council receive and note the report.

BACKGROUND

I am pleased to share with you Council's achievements at recent award ceremonies which have recognised the hard work and commitment of our team here at the City of Canada Bay.

Across two major award ceremonies held a fortnight ago, the City of Canada Bay received significant recognition for our Concord Oval Community and Sports Precinct project.

At the Parks and Leisure Australia – NSW/ACT Region Awards of Excellence, our City of Canada Bay team received the Community Facility of the Year Award for Concord Oval, an award which acknowledges projects that have made a significant impact on local communities.

And at the NSW Local Government 2024 Excellence Awards, the Concord Oval Community and Sports Precinct received the Asset and Infrastructure Award for projects over \$1.5 million serving a population under 150,000, further affirming its significance.

The Concord Oval redevelopment tore down the old, barbed wire fences and has transformed the precinct into a lively recreational hub with an indoor recreation centre, open green spaces, busy community rooms, public art, all alongside elite sporting facilities.

This project represents the best of Canada Bay, with Councillors, staff, community and sporting groups, and the wider community collaborating with State and Federal Government to deliver the best possible outcomes for our whole community.

I encourage all residents to visit Concord Oval if you have not already. The Rec Centre is thriving, the outdoor basketball court and exercise equipment is free for locals to use any time of day and the community rooms are available for hire – perfect for your next birthday party or community event.

Also at the NSW Local Government 2024 Excellence Awards, Canada Bay's team took out first place in the NSW 2024 Australasian Management Challenge, earning a spot in the National finals.

This is a very prestigious competition which allows future leaders to compete against other Councils in a series of simulated challenges and scenarios, and in the 30 years of the competition, it's Canada Bay's first win – a great achievement and a good sign of things to come for our organisation.

We also received nominations in the following categories:

- Mcllwaine Park River Activation and Foreshore Upgrade
- City of Canada Bay Values Project
- Emerging Leader category for Council's Risk Management Officer Rowan Castro

These awards are a collective success, highlighting Council and our staff's collaboration and team work as well as our commitment to and passion for our local community.



Michael Megna

MAYOR

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

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

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 29 May 2024

The following applications were listed for consideration at the CBLPP meeting on 29 May 2024:

- REV2024/0002 – 43 Walton Crescent, Abbotsford - Section 8.3 Review of DA2022/0189 for proposed demolition of the existing residence and associated outbuildings and construction of a multi unit residential flat building consisting of 6 apartments and 1 basement level of parking – *Refused as per Recommendation.*
- DA2023/0243 - 8 Thompson Street Drummoyne - Partial demolition of existing detached structure to rear. New rear single storey studio – *Approved subject to conditions.*
- DA2023/0293 – 109 Henley Marine Drive, Drummoyne – Proposed basement garage with garage room and a second driveway – *Refused as per Recommendation.*

Items for CBLPP Meeting on 26 June 2024

At the time of drafting this report the following application is listed for consideration at the CBLPP meeting on 26 June 2024:

- DA2023/0171 – 28 Edwin Street, Mortlake - Additions and alterations to existing strata title townhouse including extension to rear, replacement of balustrades of the front balconies, and amendment of rear landscaping.

Development Applications - Determined

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2024/0077	01.05.2024	12 Millar Street, Drummoyne	Removal of tree within Heritage Conservation Area due to it not being structurally sound	Approved 01.05.2024
DA2023/0247	21.11.2023	8 Wallace Street, Concord	Conversion of an existing studio to a secondary dwelling	Approved 02.05.2024
DA2023/0269	22.01.2024	31 Wilga Street, Concord West	Additions and alterations to an existing building by way of the addition of a bathroom and kitchen to the existing approved building known as a 'shed' and changing the use of the existing building to a secondary dwelling	Approved 02.05.2024
DA2024/0007	19.01.2024	112 Gipps Street, Drummoyne	Alterations and additions to existing dwelling	Approved 02.05.2024
DA2024/0078	01.05.2024	21 Potter Street, Russell Lea	Demolition of existing buildings	Approved 02.05.2024
DA2023/0087	05.05.2023	223 Lyons Road, Russell Lea	Demolition of existing dwelling and construction of an attached double storey dual occupancy with strata subdivision	Approved 03.05.2024
DA2023/0281	19.12.2023	6 Broughton Street, Concord	Demolition of existing structures and construction of a single-storey community facility with a basement level and at-grade car parking	Approved 03.05.2024
DA2024/0039	07.03.2024	76 Myall Street, Concord West	Removal of 2 trees and pruning of 2 trees in rear yard of a heritage	Approved 03.05.2024

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			listed property and replacement planting	
DA2024/0065	15.04.2024	26 Therry Street, Drummoyne	Removal of two trees and minor pruning of one other from a property within a conservation area	Approved 03.05.2024
DA2023/0149	17.07.2023	11 Stanley Street, Concord	Demolition of existing dwelling with retention of existing pool. Construction of two storey dwelling with basement and related landscaping	Approved – Deferred Commencement 06.05.2024
DA2024/0017	02.02.2024	23A Ada Street, Concord	Alteration to existing ground floor and addition of first floor.	Approved 07.05.2024
DA2024/0079	02.05.2024	19-19A Roseby Street, Drummoyne	Retail fitout of existing shop within Birkenhead Shopping Centre and proposed signage	Approved 10.05.2024
DA2024/0034	04.03.2024	82-84 Ramsay Road, Five Dock	Internal refurbishment to existing Gelato shop to incorporate Pizza and Pasta and proposed awning signage	Approved 10.05.2024
DA2024/0013	14.02.2024	29 Ada Street, Concord	Demolition of existing single storey dwelling and construction of a two storey dwelling with attached garage and retaining walls	Approved 17.05.2024
DA2024/0027	28.02.2024	1 Ramsay Road, Five Dock	Proposed change of use comprising of a vehicle sales with detached office and conversion of an office to a toilet	Approved 23.05.2024
DA2023/0255	22.11.2023	33 Alexandra Street, Drummoyne	Alterations to existing dwelling including new rear and first floor addition, pergola and landscaping works	Approved 24.05.2024
DA2024/0012	29.01.2024	5 Teviot Avenue, Abbotsford	New access ramp	Approved

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
				24.05.2024
DA2024/0046	12.03.2024	6 Nirranda Street, Concord West	Construction of a new double storey dwelling with an attached double garage	Approved 24.05.2024
DA2024/0070	24.04.2024	225 Parramatta Road, Five Dock	Alterations and additions to Five Dock McDonald's	Approved 24.05.2024
DA2024/0035	28.02.2024	62 Wareemba Street, Wareemba	Ground floor and first floor alterations and additions	Approved 29.05.2024
DA2023/0243	14.11.2023	8 Thompson Street, Drummoyne	Partial demolition of existing detached structure to rear. New rear single storey studio	Approved – LPP 29.05.2024
DA2023/0293	05.02.2024	109 Henley Marine Drive, Drummoyne	New double garage for 3rd and 4th on site car spaces, with garbage room, new driveway and crossover to Henley Marine Drive	Refused – LPP 29.05.2024
DA2024/0083	13.05.2024	31 Tavistock Street, Drummoyne	The proposal seeks approval for the construction of a new awning roof to the rear terrace	Approved 30.05.2024
DA2024/0093	22.05.2024	27 Renwick Street, Drummoyne	Alterations and additions including modification to rear dwelling and installation of new rear door	Approved 31.05.2024
DA2024/0098	31.05.2024	19-19A Roseby Street, Drummoyne	Proposed tenancy fit-out works to Shop 03-04 for The Cosmetics Company Store	Approved 31.05.2024

Total Number of DAs Determined = 25

Development Applications - Lodged

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2024/0077	01.05.2024	12 Millar Street Drummoyne	Removal of tree within Heritage Conservation Area due to it not being structurally sound
DA2024/0078	01.05.2024	21 Potter Street, Russell Lea	Demolition of existing buildings
DA2024/0074	02.05.2024	12 Preston Avenue, Five Dock	Alterations and additions to a dwelling for a screened first floor balcony
DA2024/0079	02.05.2024	19-19A Roseby Street, Drummoyne	Retail fit-out of existing shop within Birkenhead Shopping Centre and proposed signage
DA2024/0076	02.05.2024	12 Rickard Street, Rodd Point	Alterations and additions including first floor addition
DA2024/0084	06.05.2024	96 St Georges Crescent, Drummoyne	Installation of a fixed adjustable umbrella adjacent to the existing pool at the rear of the site
DA2024/0052	07.05.2024	14 Brisbane Avenue, Rodd Point	Demolish existing dwelling and construct a two-storey dwelling
DA2024/0082	07.05.2024	6 St Albans Street, Abbotsford	Alterations and rear single storey addition to an existing semi-detached dwelling
DA2024/0086	09.05.2024	4 Sisters Crescent, Drummoyne	Alterations and additions to basement only including 2 new basement storage rooms and 1 new plant room. No changes to ground and first floor design approved under CDC/2024/39
DA2024/0080	09.05.2024	20 Lea Avenue, Russell Lea	Construction of 2 x cabanas to the rear of existing approved dual occupancy
DA2024/0081	10.05.2024	49 Tranmere Street, Drummoyne	Alterations and additions to existing dwelling including extension and studio above garage
DA2024/0083	13.05.2024	31 Tavistock Street, Drummoyne	The proposal seeks approval for the construction of a new awning roof to the rear terrace
DA2024/0090	14.05.2024	190 Great North Road, Five Dock	Consolidation of sites and subdivision into four Torrens Title Lots
DA2024/0087	15.05.2024	52 Preston Avenue, Five Dock	Proposed addition and alteration to the existing dwelling house, construction of a two-storey dwelling with landscaping

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2024/0088	16.05.2024	410 Concord Road, Rhodes	Demolition of part of the existing façade to accommodate new bi-fold doors, remove existing pylon signage structures and erect new pylon and building identification signage, reconfiguration of internal layouts of Levels 1-3, change of use of portion of Level 2 to accommodate a gym and take away food, 24-hour operation of the gym
DA2024/0089	17.05.2024	6 Leeds Street, Rhodes	Partial demolition of the existing building and construction of a purpose built, two-storey with mezzanine level centre based childcare facility comprising of ground level parking
DA2024/0091	17.05.2024	45 Moala Street, Concord West	Ground floor alterations and first floor addition to an existing dwelling
DA2024/0092	21.05.2024	51 Myall Street, Concord West	Ground floor alterations and first floor additions to existing single storey dwelling house, inground swimming pool, detached garage, fencing and associated retaining walls
DA2024/0093	22.05.2024	27 Renwick Street, Drummoyne	Alterations and additions including modification to rear dwelling and installation of new rear door
DA2024/0094	24.05.2024	363 Great North Road, Wareemba	Alterations and additions to the attic floor into a first-floor level
DA2024/0095	29.05.2024	52 Burnell Street, Russell Lea	Demolition of all existing structures and construction of a new two storey dwelling house and associated works
DA2024/0098	31.05.2024	19-19A Roseby Street, Drummoyne	Proposed tenancy fit-out works to Shop 03-04 for The Cosmetics Company Store

Total Number of DAs Lodged = 22

Variations to development standards

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

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0315	14 The Parade, Drummoyne	Clause 4.4 Floor Space Ratio	The cantilevered design of the contemporary dwelling is comparable to surrounding	26.5sqm (12.3%)	30.04.2024

			development and will not result in any detrimental environmental impacts.		
DA2023/0255	33 Alexandra Street, Drummoyne	Clause 4.4 Floor Space Ratio	The bulk, scale and massing of the proposal is comparable to neighbouring developments and will not result in any environmental impacts.	1.7sqm (1%)	24.05.2024
DA2024/0093	27 Renwick Street, Drummoyne	Clause 4.4 Floor Space Ratio	Enhance security and improved mobility at rear of dwelling for occupant. Development will not have an environmental impact upon neighbouring properties.	2.5sqm (2.8%)	31.05.2024

Land and Environment Court Appeals

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

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2023/0064	30-34 Leicester Avenue, Strathfield	Class 1 appeal against the deemed refusal of development application for alterations and additions to existing DA2021/0089, comprising amendments to the unit mix, and addition of 3 levels to result in an 8-storey building comprising 58 residential apartments.	Hearing took place on 16-17 April 2024. Further submission from both parties to the Court to be finalised by 28 June 2024.
DA2023/0168	53 Burnell Street, Russell Lea	Demolition of existing dwelling and vegetation, and construction of a new dwelling house with associated landscaping.	The s34AA conciliation conference took place on 22 and 23 April 2024. Matter is awaiting judgement by the Commissioner.
DA2023/0241	5 The Esplanade, Drummoyne	Integrated development (Water NSW) for the construction of an attached dual-occupancy and strata subdivision	Matter listed for a s34AA conciliation conference on 2 and 3 September 2024.

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2023/0219	131 Henley Marine Drive, Drummoyne	Demolition of the existing dwelling and associated structures, construction of a new part 2- part 3-storey dwelling with basement parking for 2 car spaces, a swimming pool, spa and associated landscaping	Matter listed for a s34AA conciliation conference on 1 and 2 October 2024.
DA2023/0189	9 Seabrook Avenue, Russell Lea	Swimming pool and alterations to existing garage and front fence	Appeal filed 31 May 2024. First directions meeting set for 25 June 2024, hearing dates to be set at this meeting.

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2 PLANNING PROPOSAL - PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY (PRCUTS) - STAGE 2**Reporting Manager Manager Strategic Planning****Attachments (*under separate cover*)**

1. **Planning Proposal PRCUTS (Stage 2)**
2. **Proposed Draft LEP maps**
3. **PRCUTS Stage 2 – Burwood Precinct Masterplan April 2024 – GSA**
4. **PRCUTS Stage 2 – Kings Bay Precinct Masterplan April 2024 – GSA**
5. **PRCUTS Stage 2 – Public Domain Plan April 2024 – Context**
6. **DCP Part K – PRCUTS Stage 2 – Amendments – Burwood Precinct**
7. **DCP Park K – PRCUTS Stage 2 – Amendments – Kings Bay Precinct**
8. **PRCUTS Stage 2 – Heritage Assessment June 2023 – GML**
9. **PRCUTS Stage 1 and Stage 2 – Infrastructure Strategy April 2024 – Ethos Urban**
10. **PRCUTS Stage 1 – Sustainable Precincts Strategy July 2020 – Kinesis**
11. **PRCUTS Stage 2 – Sustainable Precincts Addendum Report May 2023 – Kinesis**
12. **PRCUTS Stage 2 – Flood Risk Assessment**
13. **PRCUTS Stage 2 – Preliminary Site Investigation (Contamination) June 2023 – JBS&G**
14. **PRCUTS Stage 1 – Traffic and Transport Study October 2022 – Bitzios**
15. **PRCUTS Stage 2 – Traffic Study – Addendum Modelling Outcomes July 2023 – Bitzios**
16. **PRCUTS Stage 2 – Urban Canopy Assessment June 2023 – Context**
17. **Canada Bay Local Housing Strategy – Minister endorsed 1 May 2021**
18. **Canada Bay Local Strategic Planning Statement (LSPS) – GSC endorsed 24 March 2020**
19. **Planning Proposal Minutes – 08/05/24**

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. The Planning Proposal for Stage 2 of the Parramatta Road Corridor Urban Transformation Strategy, provided as Attachment 1 to the report, be endorsed for submission to the Department of Planning, Housing and Infrastructure for a Gateway Determination.
 2. Delegation be requested from the Department of Planning, Housing and Infrastructure to manage the plan making process.
 3. Authority be delegated to the General Manager to make minor variations to the Planning Proposal to correct any drafting errors or to ensure that it is consistent with the Gateway Determination.
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4. The Canada Bay Affordable Housing Contribution Scheme be amended prior to public exhibition to apply 5% contribution rate to Key Site 47.
 5. The Planning Proposal, draft Development Control Plan and draft Affordable Housing Contribution Scheme be endorsed for public exhibition in accordance with relevant conditions imposed under the Gateway Determination.
-

PURPOSE

To seek Council endorsement for the submission of a Planning Proposal to the Department of Planning, Housing and Infrastructure, to obtain a Gateway Determination for land within Stage 2 areas of Kings Bay and Burwood-Concord Precincts, as identified in the *Parramatta Road Corridor Urban Transformation Strategy*.

EXECUTIVE SUMMARY

The *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) is a significant State Government strategy that has been developed to transform the Parramatta Road Corridor into places for people, with new housing, commercial and retail centres, jobs, green space and public areas.

Council is required to deliver the NSW Government's *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) and a planning proposal for the PRCUTS Stage 1 Precincts (2016-2023 release areas) was finalised on 16 December 2022.

The planning proposal subject of this report (the Proposal) is now seeking to implement Stage 2 of PRCUTS (the remaining areas) for the Kings Bay and Burwood-Concord Precincts within the City of Canada Bay by amending the Canada Bay Local Environmental Plan (CBLEP) 2013. The Proposal is seeking to change the zoning and built form controls, and to require and incentivise the delivery of community and sustainability infrastructure. The intended outcome is that the Precincts are developed as fine-grained housing precincts that are community and family friendly, well-designed, sustainable and resilient.

Whilst the Homebush Precinct is located within the Stage 2 area of PRCUTS, it is omitted from the Proposal due to investigations being undertaken by the Department of Planning, Housing and Infrastructure (DPHI) as part of the Homebush Accelerated Transport Oriented Development (TOD) program.

It is recommended that the Planning Proposal be endorsed for submission to the Department of Planning and Environment for a Gateway Determination.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

Strategic merit

Planning Proposals are required to demonstrate strategic merit against plans and strategies prepared by the NSW and local government.

The key NSW Government plans and strategies are the *Greater Sydney Region Plan* (Region Plan) and *Eastern City District Plan* (District Plan) prepared by the former Greater Cities Commission. The Proposal is consistent with the vision, land use strategy, goals, directions and actions of these Plans. On 25 March 2020, Council's Local Strategic Planning Statement (LSPS) received Assurance by the Greater Sydney Commission on the basis that it will deliver the District Plan.

Specifically, the Proposal is consistent with Planning Priority E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport: The Planning Proposal will facilitate approximately 4,000 dwellings near to mass-transit transport, including a proportion of townhouses and affordable housing (required to be delivered in perpetuity).

The Proposal will also deliver the planning outcomes of the State Government's *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) 2016, which is approved by the Secretary of the Department of Planning, Housing and Infrastructure and which councils are required to deliver by ensuring planning proposals are consistent with the Strategy. However, the Proposal includes some variations to PRCUTS that will either deliver better urban design and public benefits, or that will deliver the intentions of the State Government's *Explanation of Intended Effect: Changes to Create Low and Mid-rise Housing* (LMR EIE) to deliver more mid-rise housing in the vicinity of rail stations and local centres.

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

In November 2016, Urban Growth NSW released the *Parramatta Road Corridor Urban Transformation Strategy* (PRCUTS) together with a package of implementation and reference documents. PRCUTS aims to renew Parramatta Road and adjacent communities through investments in homes, jobs, transport, open spaces and public amenity. It presents significant urban renewal opportunities for land within defined development precincts.

Ministerial Direction 1.5 requires that planning proposals for land within the Parramatta Road Corridor are consistent with the PRCUTS, or justify any inconsistencies.

PRCUTS aims to deliver the following vision for the two subject precincts:

- Kings Bay will be re-imagined as a thriving commercial and residential village centred around Spencer Street with new and active uses.
- Burwood-Concord will be re-imagined as a gateway to Burwood Town Centre and Concord Oval, and a thriving commercial and residential village precinct for new residents.

The planning proposal is consistent with the Principles and Strategic Actions of PRCUTS. It is also consistent with the recommended planning controls in PRCUTS, with some variations that will either deliver better urban design and public benefits, or that respond to recent Government policy.



Figure 3: Land within Stage 2 of the Burwood-Concord Precinct.

PRCUTS Stage 2 Kings Bay and Burwood-Concord supporting studies

Supporting studies have been prepared on behalf of Council to inform the Proposal:

- *Urban Design Masterplans* synthesise the information from all of studies with PRCUTS and the LSPS into three detailed reports. The Masterplans are generally consistent with PRCUTS, however where minor variations are proposed, they are recommended to achieve better urban design and public domain outcomes. The Masterplans include recommendations for lot amalgamations, land dedication and infrastructure delivery (roads and pedestrian links), zoning, active frontages, and building heights, densities, setbacks and street wall heights.

The detailed built form testing in the Masterplans provide an understanding of the housing that is able to be facilitated:

- 671 dwellings in the Kings Bay precinct; and
- 3,620 in the Burwood-Concord precinct, comprising 3,453 apartments and 167 townhouses.

The 4,291 new dwellings represent 85.82% of the City of Canada Bay's recently announced 5-year housing target of 5,000 (by 2029). Stage 1 and Stage 2 of PRCUTS combined will deliver 8,358 new dwellings, which represents 167% of the 5-year housing target. Note, however, that the target is for new completed homes. Council is able to create the developmental capacity for new homes, and ensure delivery is feasible, but Council has no control over lodgement of Development Applications or construction.

The 8,358 new homes for combined Stage 1 and 2 represents 149.3% of the City of Canada Bay's 10-year (to 2026) housing target of 5,600 and 5.3% of the Eastern City District Plan's 20-year (to 2036) housing target of 157,500. Note, however, that the Metropolitan and District Plans are currently being revised by DPHI and the recently announced 5,000 housing target is the relevant target.

- *Public Domain Plan* identifies the public domain improvements that will be required to support future development and to achieve an active and attractive public domain.
- *Heritage Assessment* identifies opportunities for planning and urban development to protect and enhance heritage significant items, places and areas.

- *Infrastructure Strategy* identifies the infrastructure required to be delivered to support the uplift, the planning nexus between the infrastructure and future development, and the planning mechanism used to equitably allocate the delivery of the infrastructure to each amalgamated parcel of land.
- *Sustainable Precincts Strategy* facilitates future development that can achieve higher, aspirational environmental performance and achieve environmentally sustainable outcomes.
- *Flood Risk Assessment* determines the nature and extent of current flooding and makes recommendations to achieve the proposed development, so as to prevent increased flooding, including to downstream properties.
- *Preliminary Site Investigation (Contamination)* assessed potential contamination on development land and provides a risk ranking of sites, to assist in identifying requirements to address contamination as part of future site-specific DAs.
- *Feasibility Analysis* assessed feasibility of proposed development and determined the amount of affordable housing that could be feasibly provided as part of an affordable housing contribution.
- *Urban Canopy Assessment 2023* assessed the potential for the proposed development to achieve Council's 25% tree canopy coverage target.

A draft amendment to the Canada Bay Development Control Plan (DCP) has been prepared to guide and influence finer grain planning outcomes.



Figure 4: Land within Stage 2 of the Kings Bay Precinct (Stage 1 is shown between the two areas)

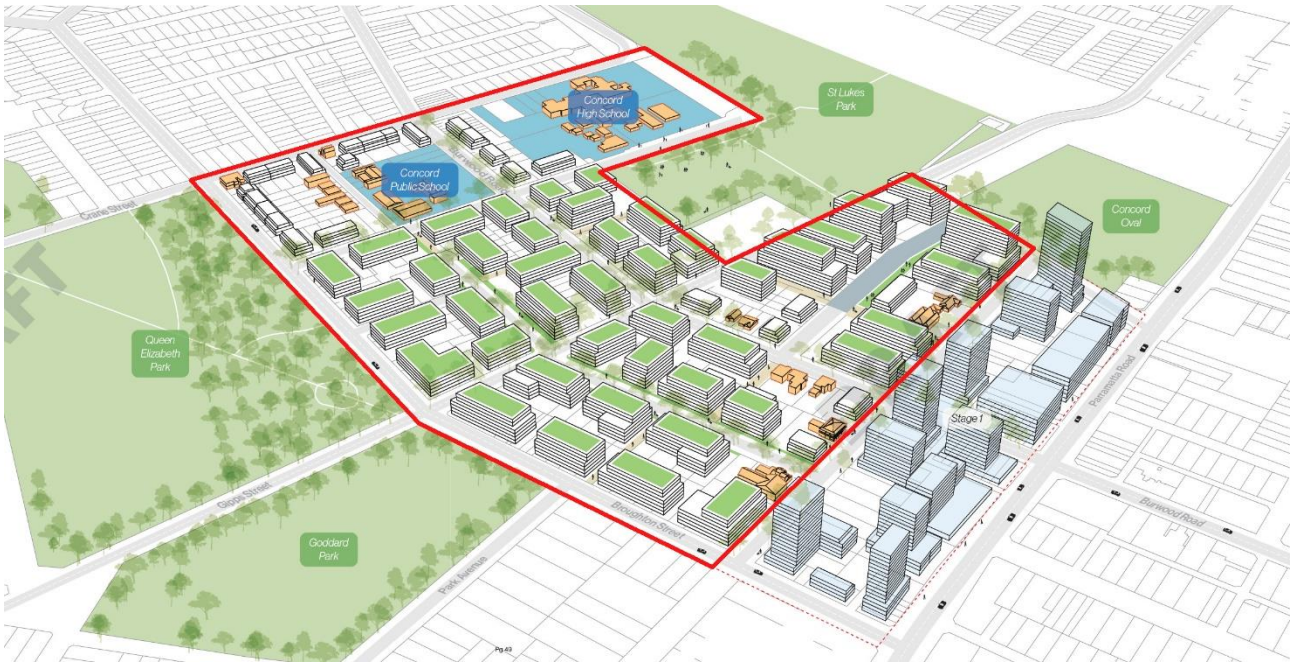


Figure 5: Land within Stage 2 of the Burwood area of the Burwood-Concord Precinct (Stage 1 is shown adjoining Parramatta Road)



Figure 6: Land within Stage 2 of the Concord area of the Burwood-Concord Precinct (Stage 1 is shown adjoining St Lukes Catholic Primary School)

Intended Outcomes of the planning proposal

The Proposal is seeking to finalise the implementation of the PRCUTS by facilitating urban renewal and uplift in the remaining areas of the Burwood and Kings Bay Precincts (uplift to 2036). The urban renewal areas comprise a northward and a westward extension to the Stage 1 Burwood Precinct and eastern and westward extensions to the Kings Bay Stage 1 Precinct. The renewal will comprise largely residential development, with some terrace housing and some commercial development along the Parramatta Road frontage.

The northern extension of the Stage 1 Burwood Precinct will comprise higher density residential development adjoining the stage 1 Area, stepping down to medium-density apartments and to terrace housing surrounding the Concord Primary and High Schools. A new road is proposed to link the Moreton Street cul-de-sac and Loftus Street to increase permeability and active transport.

The western extension of the Stage 1 Burwood Precinct will comprise medium-density shop top housing along Parramatta Road, which will be widened to include a wider footpath, cycleway and

street trees. These will step down to lower-density apartments and terrace housing to the north where the Precinct adjoins the low-density Concord residential area.

The eastern and western extensions of the Stage 1 Kings Bay Precinct will primarily comprise medium-density shop top housing along Parramatta Road that will be widened to include a wider footpath, cycleway and street trees. The buildings will include 2-storey podiums facing the low-density Five Dock residential area.

Scope of the planning proposal

The planning proposal is seeking to make the following amendments to the *Canada Bay Local Environmental Plan 2013*:

- *Land zoning*: Proposed zoning is partially consistent with PRCUTS (see following section).
 - *Base maximum building height and floor space ratio*: Land will be able to be developed under the current maximum height and FSR controls.
 - *Incentive maximum building height and floor space ratio (FSR)*: New and increased maximum building heights and FSRs will be permissible if the development achieves the required land amalgamations shown on the Key Sites Map and if the development delivers the specified community infrastructure. The incentive heights and FSRs are generally consistent with PRCUTS, but with variations to ensure consistency with the State Government's *Tier 2 Transport Oriented Development*, or to deliver better urban design and public benefits (see following section).
 - *Key Sites*: Specific lot amalgamations to which the bonus heights and FSRs relate.
 - *Active street frontages*: New development on land that fronts Parramatta Road will be required to provide active frontages to facilitate commercial uses and urban support services.
 - *Affordable housing*: New housing will be required to make affordable housing contributions under Council's Affordable Housing Contribution Scheme. The feasibility testing undertaken found that, of the 10 representative sites tested, the following rates are feasible:
 - 5% - Burwood (north) precinct – Key Site 47, Loftus St, Gipps St, Burton St Concord
 - 1% - Kings Bay precinct – Key Site 44, Taylor St, Queens Rd, Walker St Five Dock
- It is recommended that the Affordable Housing Contribution Scheme (AHCS) be amended to apply 5% contribution rate to Key Site 47 prior to public exhibition and exhibited with the planning proposal.
- *Design Excellence*. New development will be required to comply with design excellence requirements.
 - *Sustainability*: Requirements and incentives are proposed to facilitate sustainable utilities infrastructure, to exceed BASIX energy and water efficiency standards and tree canopy cover targets within these precincts, where feasible.

Departures from PRCUTS

The planning proposal is generally consistent with PRCUTS, but includes some variations that are either consistent with the State Government's *Explanation of Intended Effect: Changes to Create Low and Mid-rise Housing* (LMR EIE), or that deliver better urban design and public benefits.

Variations that will deliver better urban design and public benefits fall into three different categories:

1. Consistency with the State Government's LMR EIE. These changes only apply where the PRCUTS maximum heights are lower than those proposed in the LMR EIE. The affected area comprises the northern part of the Burwood Precinct, where PRCUTS recommends 2-storey terrace housing, but which the LMR EIE proposes to be 4-storey Residential Flat Buildings (RFBs). Note that terrace-housing is still proposed immediately adjacent to Concord Public

School and Concord High School due to the adverse impacts that 4-storey development would have on the schools in terms of congestion, overlooking and overshadowing.

2. Maximum building heights that are consistent with PRCUTS, but which have been revised to deliver better urban design and public benefits. This includes sites that provide community infrastructure, in exchange for bonus height and FSR, and where the development potential of the infrastructure land has been reallocated to the developable part of the site, thus increasing the building height (but not the FSR). This also includes sites where the PRCUTS recommended heights would result in adverse visual and overshadowing impacts, such as sites adjacent to low-scale residential development or heritage buildings that are not proposed to change.
3. Rezoning from B4 Mixed Use (now MU1) or B6 Enterprise Corridor (now E3 Productivity Support) to R3 Medium Density Residential. This includes all of the PRCUTS stage 2 land that fronts Parramatta Road. The feasibility analysis determined that the level of commercial floor space recommended by PRCUTS is not viable. The planning proposal is therefore intending to ensure an appropriate amount of commercial and urban services floor space is delivered via Active frontages and Additional Permitted Uses. This is consistent with the approach adopted for Stage 1.

Infrastructure

Additional infrastructure will need to be provided to support the increase in population. Infrastructure will be required to be delivered, but only if the development application is seeking to access the incentive building heights and FSR. That is, Council will not be able to require infrastructure to be delivered if the application is seeking to develop within the current height and FSR.

The infrastructure will be delivered via two different planning mechanisms: via the LEP and via the DCP:

- Infrastructure to be delivered via the LEP consist of significant items that will be required to be dedicated to Council. These include the 6m wide “green edge” along Parramatta Road (required by the PRCUTS Infrastructure Schedule), a new road connecting Moreton Street to Loftus Street, and a new pedestrian link connecting John Street and Ada Street/Burton Street.
- Infrastructure to be delivered via the DCP comprise new pedestrian links. These will remain in private ownership and will provide public access via a public access easement.

Delivery of infrastructure will not exclude the payment of local infrastructure contributions under clauses 7.11 and 7.12 of the EP&A Act, affordable housing contributions under clause 6.12 of the Canada Bay LEP, and the Housing and Productivity Contributions under Subdivision 4 of the EP&A Act.

Local Planning Panel advice

On 8 May 2024, the Local Planning Panel considered the planning proposal and provided the following advice:

The Local Planning Panel (“the Panel”) supports the strategic and site-specific merit of the Planning Proposal (“PP”). Indeed, there is a specific Ministerial Direction requiring a PP to be prepared, following a State-initiated Parramatta Road Corridor Urban Transformation Strategy (“PRCUTS”), completed in 2016. The PP will be a very important contributor to accommodating growth in Canada Bay and wider strategic aspirations for Parramatta Road.

The key issue for the Panel was considering where the PP deviated from the recommended planning controls within PRCUTS and “new” directions, also given the Ministerial Direction referencing consistency with that Strategy.....

Overall, the PP is consistent with the strategic direction and intent of PRCUTS. The PP contains a number of provisions or directions not specifically included in PRCUTS.

The Panel supports:

- a) *The efforts and approach to combine PRCUTS and “the missing middle” State initiatives, including the increases to height to support medium and higher density housing in certain locations close to public transport;*
- b) *Preparation of a draft DCP to accompany the PP, as this helps the community and property owners understand intended planning controls and implications;*
- c) *A zoning which supports medium-high rise residential development (although further comments are provided below);*
- d) *The principle of including site amalgamation requirements to qualify for greater FSR and height (although further comments are provided below);*
- e) *Public domain augmentation through a proposed 6m dedication and a road connection between Loftus Street and Burwood Road and other laneway widening and connections, involving utilising FSR for that land in the development of the remaining site areas;*
- f) *The approach of testing the feasibility of achieving FSRs and heights in PRCUTS while achieving guidelines in the ADG, and also considering implications of infrastructure provision (or protection) and contextual and heritage considerations (although further comments are provided below);*
- g) *The justified reduced building scale (relative to PRCUTS) adjoining the schools at Concord and adjoining clusters of heritage items (particularly for Burwood-Concord);*
- h) *An active frontage control along Parramatta Road;*
- i) *Inclusion of No. 1 Lavender Street, Five Dock within the scope of the PP;*
- j) *The principle of including Affordable Housing with redevelopment, while considering feasibility;*
- k) *The setting of reduced car parking rates for the precinct, expressed as a maximum, in light of the proximity to public transport and as identified in the Traffic Study and existing traffic congestion.*

The Panel also made "a number of comments and suggestions that should be considered in the Planning Proposal at the appropriate time." Refer to table below for responses provided by Council staff:

LPP Advice	Recommended response
<p><i>The Table at page 32 of the PP should be checked as some proposed FSRs (e.g. 1.1:1) do not seem to correlate with the proposed height limits. This aspect is likely to be queried by landowners, who in turn are likely to undertake their own feasibility testing. The Panel suggests additional explanation be provided of the reasons where the proposed FSR is lower than PRCUTS as a result of this more detailed review (e.g. urban design response/heritage).</i></p>	<p>Agreed.</p> <p>The recommended FSRs were derived from the master plan prepared on behalf of Council.</p> <p>The FSRs recommended in the masterplan will be reviewed to ensure correlation prior to submission for a Gateway determination and additional text will be added to explain why PRCUTS FSRs are not able to be achieved on sites where this is the case.</p>
<p><i>For the land use zoning, consider mechanisms that may allow greater employment-generating uses than typically included in an R3 zone, and the ongoing potential of the creation of</i></p>	<p>Agreed.</p> <p>The planning proposal is seeking to rezone land fronting Parramatta Road to R3 and also introduce additional permitted uses for</p>

<p><i>Existing Use Rights (as a result of the proposed change in zoning), specifically along Parramatta Road.</i></p>	<p>commercial premises and light industrial uses to facilitate viable development, including urban support services on the ground floor of a residential flat building. Future change of use will be subject to Development Applications, to ensure appropriateness of proposed uses.</p>
<p><i>For the required site amalgamations, some sites are very large (5,000-11,000sqm) and some contain several buildings. The size of these sites may warrant review over time, if they hinder practical delivery.</i></p>	<p>Noted.</p> <p>Proposed site amalgamation requirements will be reviewed following public exhibition with consideration given to submission received.</p> <p>Development within the Precincts will be monitored.</p>
<p><i>Further consider providing open space at 1C Henley Marine Drive (and generally), given likely developer contributions, or other potential mechanisms to deliver local open space for the growth in population. In this regard, a future review of the Contributions Plan would be warranted, including considering infrastructure relating to open space, intersection upgrades, community facilities and the like.</i></p>	<p>Noted.</p> <p>PRCUTS recommends the land at 1C Henley Marine Drive be rezoned to RE1 Public Recreation. The land is owned by TfNSW, currently zoned E3 Productivity Support zone and has a max building height and FSR of 12m and 1.0:1.</p> <p>However, if the land were rezoned to RE1, this would place a commitment on Council to purchase the land. And, as no development is proposed to occur on this land, the mechanism used elsewhere in the precinct (to deliver infrastructure via floor space reallocation) is not able to be used here.</p> <p>It is therefore recommended that the PRCUTS recommended R3 zone be retained, but that the max building height be reduced to 2.5m and that TfNSW be consulted during the public exhibition, with specific advice provided that PRCUTS recommended the site be used for public recreation. 2.5m is sufficient to enable outdoor and playspace equipment to be built on the site.</p>
<p><i>Given the length and complexity of the documents supporting the PP and to assist in community understanding, include a section in the PP which summarises the findings of each of the studies undertaken. As a matter of principle, the Panel supports exhibition of studies relied upon.</i></p>	<p>Agreed.</p> <p>The planning proposal will be reviewed prior to submission for a Gateway determination that summarises the findings of each of the supporting studies.</p>
<p><i>Providing greater clarity in the PP of the approach, rate and mechanism to deliver affordable housing and consider all opportunities to deliver affordable housing.</i></p>	<p>Agreed.</p> <p>The planning proposal has been updated to clarify the results of the feasibility analysis and the rates of affordable housing contribution able to be feasibly levied.</p>

	The feasibility analysis and a draft Canada Bay Affordable Housing Contribution Scheme will be exhibited with the planning proposal.
<i>Consider the relocation of the pedestrian site through links to span property boundaries rather than be dedicated by only one property, where this may provide greater certainty or flexibility in provision of such links (ie 3m delivered by one site and 3m delivered later when the other site redevelops). This could provide a public benefit more efficiently and activate the links earlier.</i>	Noted. The location of the laneways to span boundaries could be reviewed as part of consideration of submissions made during the public exhibition.
<i>Sustainability measures should consider electric vehicle charging, and waste recycling and reuse of materials where possible and inclusion of any other innovative ESD initiatives that may not be outlined in the DCP or current policies.</i>	Agreed. The current DCP includes provisions for electric vehicle charging, and waste recycling and reuse of materials. The planning proposal is proposing to include 5% FSR bonus where specified higher BASIX standards are met.
<i>Review the proposed LEP height limit maps for specific sites in light of the proposed variable heights proposed within each site as shown in the Urban Design Masterplan. Potential greater alignment of the desired heights as shown in the Masterplan/draft DCP and the draft LEP HOB maps should be considered.</i>	Agreed. The building heights will be reviewed as part of consideration of submissions made during the public exhibition. This process will also provide the opportunity to also review the heights for consistency.
<i>Review, where necessary, block designs and proposed street wall and podium heights (which currently vary) to maintain consistency, ease of built form integration and connectivity. This review can be a desktop review rather than detailed consideration.</i>	Agreed. The street wall/podium heights will be reviewed as part of consideration of submissions made during the public exhibition.
<i>That specific objectives of the relevant development standards as they apply to PRCUTS be drafted to particularly ensure the desired urban design and environmental outcomes are explicit.</i>	Agreed. The planning proposal has been updated to include draft Objectives for Part 8 of the LEP, which pertains to PRCUTS.
<i>If possible, the objectives of each development standard that will apply should be PRCUTS-specific (as opposed to being common to all of the LGA), to ensure that the basis of each of the standards, reflecting the desired urban design and environmental outcomes, is made explicit. If PRCUTS-specific development standard objectives are not</i>	Agreed. The planning proposal has been updated to ensure the draft Objectives for the PRCUTS LEP clauses are PRCUTS-focused.

<p><i>able to be inserted in the LEP, then additional objectives could be incorporated in the LEP, that reflect the principles behind the setting of the development standards for PRCUTS.</i></p>	
<p><i>Including any further information regarding State-planned infrastructure (where able), including investment in schools, hospitals, public transport and road upgrades, where arising from the demand from the increased population.</i></p>	<p>Agreed.</p> <p>Consultation during the public exhibition will include School Infrastructure NSW, NSW Health, Transport for NSW, and Sydney Metro.</p>

Exhibition of Planning Proposal

In accordance with the *Environmental Planning & Assessment Act 1979* and the *Canada Bay Community Participation Plan*, the Planning Proposal is required to be placed on public exhibition for a minimum of 28 days to enable community feedback. It is proposed that, at a minimum, exhibition involve:

- notification on the City of Canada Bay website;
- notification in Council's *City of Canada Bay News* and social media platforms;
- notification on the NSW Planning Portal; and
- individual notification letters sent to affected landowners.

TIMING AND CONSULTATION CONSIDERATIONS

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*.

Should the Proposal proceed to Gateway Determination, it is not known how long it will take DPHI to make the Gateway Determination. It is also noted that the Gateway Determination may require certain steps to be completed prior to proceeding to public exhibition.

FINANCIAL CONSIDERATIONS

Development within the Precincts may be required to make contributions towards affordable housing under Council's Affordable Housing Contributions Scheme (AHCS). Development that is seeking to access the bonus heights and FSRs may also be required to deliver community infrastructure and dedicate it to Council.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal is consistent with relevant legislation, including the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*. It is also largely consistent with the PRCUTS, with variations justified.

ITEM 9.3 PLANNING PROPOSAL - 7 CONCORD AVENUE, CONCORD WEST**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. **Planning Proposal Report Updated (*Provided in Attachment Booklet*)** [⇒](#)
 2. **Architectural Plans (*Provided in Attachment Booklet*)** [⇒](#)
 3. **Flooding Report (*Provided in Attachment Booklet*)** [⇒](#)
 4. **Environmental Report (*Provided in Attachment Booklet*)** [⇒](#)
 5. **Landscape Plan (*Provided in Attachment Booklet*)** [⇒](#)
 6. **Traffic Report (*Provided in Attachment Booklet*)** [⇒](#)
 7. **Urban Design Report (*Provided in Attachment Booklet*)** [⇒](#)
 8. **Servicing Strategy (*Provided in Attachment Booklet*)** [⇒](#)
 9. **Put and Call Option Deed (*Provided in Attachment Booklet*)** [⇒](#)
 10. **Draft Subdivision Plan (*Provided in Attachment Booklet*)** [⇒](#)
 11. **7 Concord Ave Concord West Survey (*Provided in Attachment Booklet*)** [⇒](#)
 12. **Independent Review of Flood Report (3 June 2024) (*Provided in Attachment Booklet*)** [⇒](#)
 13. **LPP Minutes - 5 June 2024 (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That the Planning Proposal for 7 Concord Avenue, Concord West prepared by Gyde Consulting for FTD Holdings Pty Ltd and Floridana Pty Ltd not proceed to the Department of Planning, Housing and Infrastructure for a Gateway Determination, for the following reasons:

- a) The Planning Proposal does not have *strategic merit* as the proposal is inconsistent with:
 - i. the Objectives, Priorities and Actions of the Greater Sydney Metropolitan Plan, the Eastern City District Plan and the Canada Bay Local Strategic Planning Statement regarding reducing exposure to natural and urban hazards.
 - ii. the Canada Bay Local Strategic Planning Statement and Local Planning Direction 1.5 to implement rezoning in accordance with the Parramatta Road Corridor Urban Transformation Strategy (Action 5.1) and provide a minimum of 5% affordable housing (Action 5.5).
 - iii. Local Planning Direction 4.1 – Flooding, as the land is within a flood planning area and is seeking to permit a significant increase in the dwelling density on the land, is likely to significantly increase the requirement for government spending and the inconsistency with the Direction is not of a minor significance.
- b) The Planning Proposal does not have *site-specific merit* in regard to the proposed floor space ratio, building height and the suitability of the site for the development proposed.

PURPOSE

To provide the outcome of the assessment of a Planning Proposal relating to 7 Concord Avenue, Concord West.

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, FTD Holdings Pty Ltd & Floridana Pty Ltd, is seeking to redevelop the site through an amendment to *Canada Bay Local Environmental Plan 2013* to:

- Rezone the land from E4 General Industrial to R3 Medium Density Residential.
- Increase the maximum building height from 12m to a maximum of 36m (12 storeys), including various building heights across a total of 7 buildings ranging from 7 to 10 storeys.
- Increase the maximum Floor Space Ratio from 1.0:1 to 1.8:1 with 324 dwellings.

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

There are a number of critical issues with the Planning Proposal:

- Inconsistency with NSW Local Planning Directions.
- Inconsistency with the *Parramatta Road Corridor Urban Transformation Strategy*.
- Flooding and restricted access to the site during flood events along George Street.
- Use of Liberty Grove open space.

The planning proposal has not demonstrated strategic merit consistent with the requirements of the Parramatta Road Corridor Urban Transformation Strategy or alignment with Local Planning Directions. There are significant concerns regarding the flood affection and proposed flood mitigation measures, therefore the subject site is not suitable to be rezoned for residential use and it is recommended that the Planning Proposal be refused.

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

Site details

The site comprises two land parcels: 7 Concord Avenue, Concord West; and a portion of open space from the Liberty Grove development to the north.

The property at 7 Concord Avenue, Concord West, is legally described as Lot 1 DP 219742. The site has an area of approximately 15,000m² (by DP) and is an irregular shaped allotment. The northern boundary measures approximately 105m and is located adjacent to the southern boundary of Liberty Grove and Loftus Park. The western boundary measures approximately 140m and fronts Homebush Bay Drive. The southern boundary measures approximately 90m and abuts an industrial building and the eastern boundary measures approximately 195m and abuts dwelling houses and two storey townhouses. A Location Plan is provided at *Figure 1* surrounding development at *Figure 2*.



Figure 1: Location plan.

The site has a slight fall towards Powell’s Creek which is located approximately 200m to the west. Access to the site is currently via Station Avenue, located in the south-east corner. At the north-east corner of the site is Concord Avenue, however at this location the road has not been constructed.

The second part of the site area that forms part of this Planning Proposal is a 1,500m² (proposed subdivision plan) triangular piece of land known as Loftus Park that is currently owned by the Liberty Grove Community Association. This land is privately owned public space. The applicant proposes to acquire this land.

The total site area of the two sites combined is approximately 16,500m².

Surrounding development

This area of Concord West is constrained as it is bound by Homebush Bay Drive to the west, Northern Rail line to the east, and the Liberty Grove development to the north, which sits on significantly higher land due to filling which occurred prior to redevelopment of the site for medium density development. The only existing vehicular access to this part of Concord West is via the George/Beronga and Pomeroy Street intersection.

The site is located approximately 300m from the Concord West Rail Station and within close proximity to the Concord West shops on the east of the railway line as well as the Bakehouse Quarter further south on George Street.

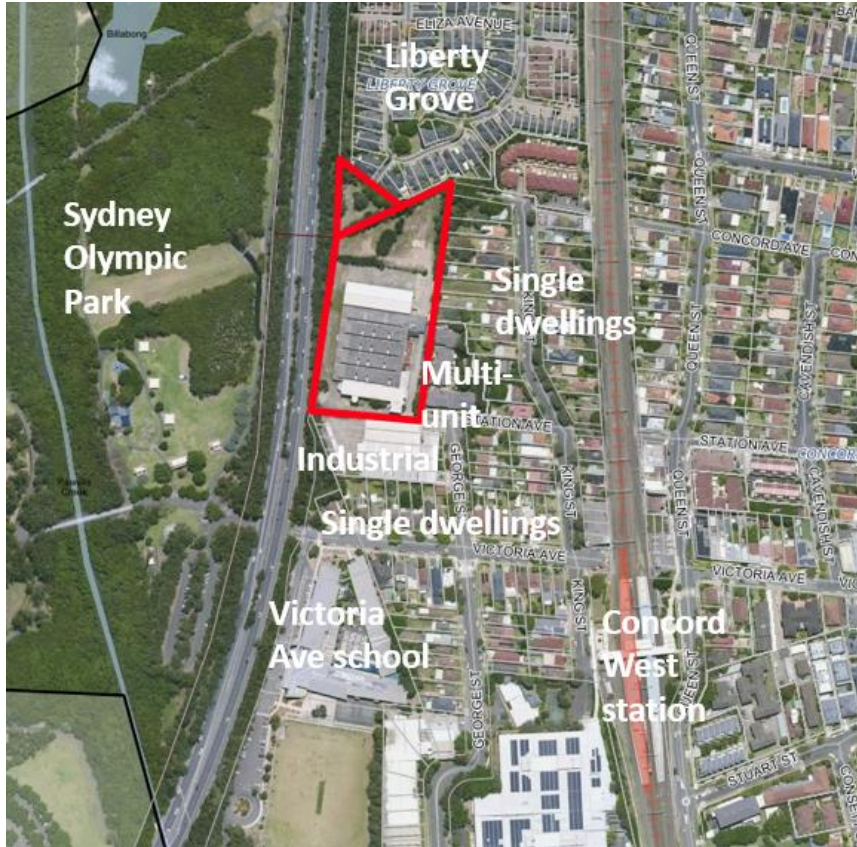


Figure 2: Surrounding development.

Background

2015 Planning Proposal

In 2015 Council received a planning proposal for the subject site. The proposal was to rezone the land for residential development.

On 21 February 2017 Council resolved to refuse the planning proposal for the following reasons:

- a. *The Planning Proposal does not provide adequate justification to satisfy requirements of the Ministerial 117 Direction, 4.3 Flood Prone Land and is not considered to be a site suitable for residential development.*
- b. *The Planning Proposal is inconsistent with the Ministerial 117 Direction, 4.3 Flood Prone Land, as the rezoning would result in a significant increase in the development of land in a Flood Planning Area. This will present a significant increase to the risk and safety concerns of the future resident population and is not in the public interest.*
- c. *The Planning Proposal is inconsistent with the Concord West Master Plan due to the number of dwellings and Floor Space Ratio proposed, both of which give rise to traffic generation and impact the capacity of the George Street, Beronga Street & Pomeroy Street intersection.*
- d. *The Planning Proposal does not demonstrate site specific merit as required by the A Guide to Preparing Planning Proposals, as adequate public infrastructure is not available to service the development in relation to flooding and traffic.*
- e. *The Planning Proposal is inconsistent with the Parramatta Road Urban Transformation Strategy as the application exceeds the Floor Space Ratio, proposes an excessive amount of on-site car parking and does not provide for Affordable Housing.*

Following the submission of a Pre-Gateway Review, on 11 March 2021 the Sydney East Joint Regional Planning Panel recommended to the Minister that the proposed instrument not be made for the following reasons:

- The proposal is inconsistent with Section 9.1 Direction 4.3 Flood Prone Land and the inconsistency is not of a minor nature.
- The flooding raises substantial issues that have not been resolved and the unresolved concerns from the community, agencies and Council remain.
- While the proposal gives effect to planning priorities and demonstrates strategic merit in achieving housing targets, it does not demonstrate site specific merit relating to adapting to the impacts of natural hazards.
- The proposal does not comply with the flood controls outlined by Canada Bay LEP 2013 and DCP 2017.
- The proposal is not consistent with Council's *LSPS Planning Priority 19 – Adapt to the impacts of urban and natural hazards and climate change*.

On 28 April 2021 the Planning Proposal was refused.

PLANNING PROPOSAL

The Planning Proposal seeks to amend the Canada Bay LEP by rezoning the subject site (*Site 1* of the Master Plan) from E4 General Industrial to R3 Medium Density Residential, increase the maximum building height from 12m to 36m and increase the floor space ratio (FSR) from 1:1 to 1.8:1.

The Planning Proposal intends to facilitate redevelopment of the site through the demolition of existing industrial buildings currently used for Paintball and Indoor Karting, and the storage of concreting equipment.

The proposal seeks to redevelop the site through construction of a large residential flat building, oriented north-south on the site which comprises 5 towers of 7 to 10 storeys above a podium level and basement parking. Redevelopment on the site seeks to provide approximately 324 dwellings with a mix of studio, one, two and three bedrooms.

The majority of the open space on the site is contained on the podium level which is approximately 2m above ground level to minimise flooding impacts. The open space can be accessed via ramps and stairs on the northern and southern ends of the development.

A one-way internal access road is proposed to run south to north along the eastern boundary of the site and connect Station Avenue with Concord Avenue

The Planning Proposal is supported by a number of technical studies including:

- Planning proposal report (Gyde Consulting)
- Architectural plans (Antoniades Architects)
- Environmental report (Canopy Enterprises)
- Flooding report (Worley)
- Landscape plan (Turf Landscape Architecture and Urban Design)
- Servicing strategy (Infrastructure and Development Consulting)
- Transport assessment (Ason Group)
- Urban design report (Gyde Consulting)

A copy of the Planning Proposal and supporting documentation is provided at Attachments 1-11.

PLANNING CONTROLS AFFECTING THE SITE

Parramatta Road Corridor Urban Transformation Strategy

In 2015 the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) was finalised by the NSW Government. PRCUTS sets out the Government’s 30 year plan for the Corridor and identifies the future land use, development decisions and long-term infrastructure to be provided.

The PRCUTS Stage 1 Homebush Precinct adopted recommendations from the Concord West Masterplan.

Table 1 below shows a comparison between PRCUTS and the current planning proposal:

Plan	Zone	Building Height	FSR	No. of Dwellings
PRCUTS	R3 Medium Density Residential	25m (up to 7 storeys)	1.6:1	Not specified
Planning Proposal	R3 Medium Density Residential	36m (up to 12 storeys)	1.8:1	324

Table 1: Comparison of Planning Proposal to PRCUTS.

On 16 December 2022, the LEP 2013 was amended to incorporate Stage 1 of PRCUTS. The subject site was excluded from the amendment as on 11 March 2021, the Sydney Eastern Planning Panel advised that the rezoning of 7 Concord Ave would be inconsistent with good planning principles and inconsistent with Ministerial Direction 4.3 pertaining to flooding, and recommended that rezoning of the site should not proceed. Refer to Figure 3 which illustrates the flood affected land that was excluded from the amendment.



Figure 3: Flood affected land excluded from PRCUTS Stage 1 planning proposal amendments.

The current planning proposal is not consistent with PRCUTS and is not considered to result in a better outcome. This results in an inconsistency with a NSW Local Planning Direction, which is discussed further within this report.

Flood Impact and Risk Assessment

The proponent has submitted a Flood Impact and Risk Assessment (Attachment 3) which has been reviewed by an independent consultant.

Independent Review

Council engaged an independent consultant to review the proponent's flood study (Attachment 12). The consultant, WMAwater, was previously engaged to undertake the Powells Creek Flood Study for Council, and has an in depth understanding of flooding in the precinct. The Powells Creek Flood Study has been adopted by Council.

WMAwater has identified significant concerns with the proposal relating to:

- Risk to life - There are significant "risk to life" issues for people outside the building at the time of the flood, as there is minimal warning time, and the rapid rate of rise and the depth of inundation is significant. In addition, the proposed use of the site as residential development represents a significant increase in evacuation difficulties compared to the existing commercial, non-habitable use.
- Shelter in place strategy - There will be very little, if any, warning to evacuate in the instance of a flood. The proponent has proposed to manage this by raising all habitable floor levels to allow residents to stay safe above flood waters. This approach indicates that the Strata Committee members can be trained "in the actions in case of a flood" and know when to shut the basement flood gates and warn other residents. This is not considered to be acceptable to mitigate the identified risk, as it relies on members to be at home and awake in a flood event.
- Basement parking and roadway - Flood gates are proposed to prevent inundation of the basement up to the Probable Maximum Flood. Many Sydney councils do not approve flood gates on new developments and require the driveway crest and all basement entry points to be raised to the PMF, and this is the view of WMAwater.

In addition, the modelling has not correctly accounted for the basement carpark opening, and the proposed roadway structure will result in an increase in blockage compared to existing conditions, and the proposed roadway culvert openings will likely become blocked over time with inadequate maintenance.

WMAwater advises the proponent's report would need to be updated to conform with the June 2023 Flood Risk Management Manual and associated toolkit. WMAwater is of the view that the inconsistencies with the Local Planning Direction are likely to be of greater than minor significance.

Based on the available information to date, WMAwater are of the opinion that the site is not suitable for the proposed development.

An assessment against Local Planning Direction 4.1- Flooding has also been undertaken and is provided under separate heading 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

The planning proposal is not consistent with the objectives of the *Greater Sydney Region Plan – A Metropolis of Three Cities* as discussed below:

- Objective 30 - Urban tree canopy cover is increased

Further information required. The existing canopy cover is 9.1% and the proposed canopy cover will be 28.5%. Council's landscape architect has noted that deep soil calculations include impervious areas. It is unclear whether the proposal can achieve targets.

- Objective 36 - People and places adapt to climate change and future shocks and stresses

The proposal does not provide a satisfactory solution to potential flooding issues and potential exacerbation of flooding of the site because of climate change and sea level rise. See Objective 37.

- Objective 37 - Exposure to natural and urban hazards is reduced

There are currently no dwellings on the subject site. The proposal will introduce approximately 324 dwellings. At 1 person per room, this equates to a minimum of 600 people.

According to the 2021 Census, Concord West has an average of 2.8 people per household. This equates to just over 900 people. It is likely that this would be a combination of owner occupiers and renters. In Concord West, approximately 25% of dwellings are rented. This represents a significant proportion of residents that are somewhat transient and would need to be trained in relation to flood risk and evacuation.

In a PMF storm event, there would only be approximately 10 minutes to evacuate the site and travel beyond a low point on George St which also floods. Anyone on the site within 14 minutes of the onset of a PMF storm would not be able to evacuate and would be required to shelter in place for up to approximately 3 hours. There is not enough time to evacuate the site and residents and visitors will be required to shelter-in-place.

The magnitude of a potential flood event is not known at the start of a storm. An order to evacuate or shelter cannot be issued every time it rains. The level of the floodwater at the driveway entry will need to be used as a trigger.

It is unreasonable to expect that there will be someone in the building that will constantly monitor water levels at the driveway entry and close the carpark floodgates and give all residents an order to shelter-in-place at the appropriate time.

The shelter-in-place strategy also recommends the provision of medical supplies in common places and the administration of medical care by residents to residents, should there be a medical emergency and it is not possible to leave the site or for emergency response teams to attend the site.

Eastern City District Plan

The Planning Proposal is not consistent with the priorities of *Our Greater Sydney 2056 - Eastern City District Plan* as discussed below:

- Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections. See Objective 30 and 32 of the *Greater Sydney Metropolitan Plan*.
- Priority E18 - Delivering high quality open space

The majority of open space is to be delivered on the podium level to minimise flooding impacts. Existing open space that is part of the Liberty Grove development is to be used as a bio-retention basin in an attempt to address flooding issues.

- Priority E20 - Adapting to the impacts of urban and natural hazards and climate change

See Objective 37 of the *Greater Sydney Metropolitan Plan*.

- Priority E21 - Preparing local strategic planning statements informed by local strategic planning

The proposal is not consistent with PRCUTS or the Concord West Masterplan.

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 - States that the rezoning of land within the Parramatta Corridor will be implemented generally in accordance with PRCUTS.

As previously discussed, Council's Planning Proposal for Stage 1 PRCUTS specifically excluded the subject site as the flooding impacts were considered to be too great.

- Action 5.5 - Requires a minimum of 5% of the Gross Floor Area to be dedicated as affordable housing in a PRCUTS precinct or where there is a significant uplift in density.

Clause 6.12 of the CB LEP requires the provision of 4% of the floor area to be dedicated to Council as affordable housing, or a monetary contribution. The application proposes to provide a 4% monetary contribution.

As the planning proposal is seeking to change the development standards to increase density on the land, consideration should be given for whether there is capacity for a minimum of 5% of affordable housing to be provided in accordance with adopted Plans and Strategies.

Local Planning Directions

Local Planning Directions are Directions issued by the Minister for Planning to relevant planning authorities.

Local Planning Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

The planning proposal is inconsistent with the *Parramatta Road Corridor Urban Transformation Strategy* (November, 2016), the *Parramatta Road Corridor Implementation Tool Kit*, and the *Parramatta Road Corridor Urban Transformation Implementation Update 2021*; as the maximum height of building and floor space ratio are proposed to be exceeded.

Local Planning Direction 4.1 Flooding

The Direction requires development of flood prone land to be consistent with the NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*, and to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

Council engaged an independent review of the planning proposal by consultant WMAwater, who concluded that:

1. It is likely that application of the *Flood risk management guideline FB02* will identify floodways within the Site (Requirement 6 a).
2. The Site is likely to be classified as being in a High Flood Risk Precinct due to the evacuation difficulties at the George Street low point (Requirement 6 c).
3. The planning proposal represents a significant increase in dwelling density (Requirement 6 d).
4. The existing overland flow problem and access issues during floods will need to be addressed and will require significant funding (Requirement 6 g). The planning proposal cannot be supported unless the George Street low point issue is resolved.
5. It is likely, based on this preliminary assessment and without the required updating of the report to the June 2023 DPE documentation, that the proposal will result in significant inconsistencies with the relevant flooding requirements (Requirement 9 c).

Canada Bay Local Environmental Plan 2013 Clause 5.21 – Flood planning

The site is identified as a Flood Planning Area in the Powells Creek Flood Study. In this regard, clause 5.21 of the LEP and part B8 of the DCP apply. Clause 5.21 has been adopted to ensure that flood risk to life and property is minimised but to also allow development that is compatible with the flood function and behaviour.

The planning proposal is located within a flood planning area and is considered to be inconsistent with the provisions outlined in Clause 5.21:

- 1) *The objectives of this clause are as follows—*
 - a) *to minimise the flood risk to life and property associated with the use of land,*
 - b) *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
 - d) *to enable the safe occupation and efficient evacuation of people in the event of a flood.*
- 2) *Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*
 - a) *is compatible with the flood function and behaviour on the land, and*
 - c) *will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
 - d) *incorporates appropriate measures to manage risk to life in the event of a flood*

SITE SPECIFIC MERIT

Land Use Zoning

Land within the PRCUTS Precincts is not subject to the industrial land 'maintain and protect' strategies and actions of the Region and District Plans.

The Planning Proposal seeks to rezone the site from E4 General Industrial to R3 Medium Density Residential. This is consistent with the Concord West Masterplan and PRCUTS, however as previously discussed, both of these policies proposed the new zoning without fully considering potential flooding impacts.

The proposal is not consistent with Local Planning Direction 4.1 and therefore the rezoning to residential is considered to be unacceptable.

Building heights

The application proposes to increase the height generally from 12m to 36m.

Comparisons with taller buildings located further to the north and south of the site are not relevant when considering the scale of the immediate adjoining properties that have a height of two to three storeys.

This proposed building heights are inconsistent with the 25m height limit prescribed by PRCUTS and development in the vicinity and are not supported.

Refer to the height analysis at Figure 4.

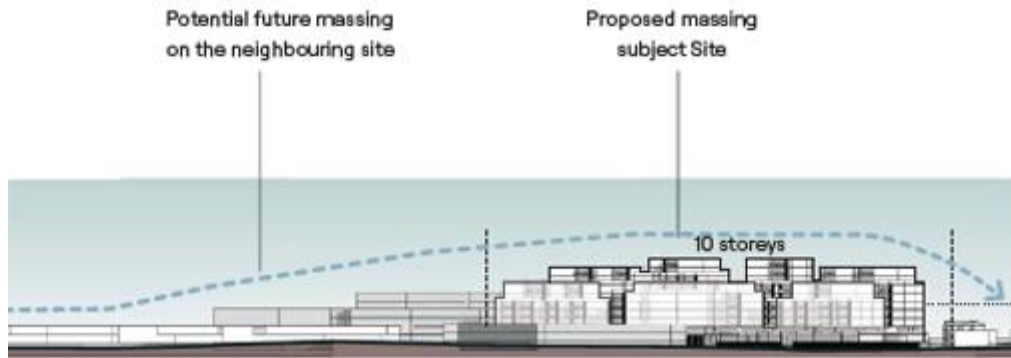


Figure 4: Height analysis (north is to the right).

Density and Floor Space Ratio (FSR)

The application proposes to increase the FSR from 1.0:1 to 1.8:1. This is inconsistent with the 1.6:1 FSR prescribed by PRCUTS and development in the vicinity. The inconsistency is considered to be significant and is not supported.

In addition, it appears as if Lucas Park (part of Liberty Grove) has been included in site area calculations. If the park was excluded, as it should be, the FSR inconsistency would be even greater.

Overshadowing

The proposal results in some overshadowing of neighbouring properties. Overshadowing could be reduced if the proposal was compliant with the PRCUTS height limit.

Setbacks

The application proposes the following minimum ground level boundary setbacks:

- North – 14m
- East – 15.8m
- South – 8.5m
- West – 6m

A building is proposed to partially be constructed in Lucas Park. The park was provided as open space for the Liberty Grove development to the north, and it is considered unacceptable for the proposal to build over it without offering suitable replacement open space.

Setbacks to the east have been increased by relocating the internal road envisaged by the Masterplan to the eastern boundary. This new road location will result in additional amenity impacts upon the properties to the east with up to 31 vehicle trips expected per hour during AM peak periods. This results in a significant increase in traffic movements along the rear boundaries of properties to the east. It is noted that if the road were relocated to the centre of the site then this may impact the development of the podium, landscaping and flood evacuation area. The impacts to the eastern properties however must be given greater consideration.

The proposal is not supported. Traffic impacts on adjoining properties must be given greater consideration.

Economic Impact

The proposal will result in the loss of industrial land, however the existing uses are not considered to be an efficient use of the land and rezoning to residential was already planned via PRCUTS.

The proposal is consistent with PRCUTS zoning and in this regard, if there were no other issues, the change in zoning to permit residential uses would be acceptable.

Traffic

The application is supported by a Transport Assessment, prepared by Anson Group that found that the proposed development will have only minor impacts on the local and regional road network. It was acknowledged that key intersections would experience a decrease in their Level of Service, however this impact is primarily caused by background traffic growth.

Council’s Traffic Engineer reviewed the proposal and requested that the proposed internal road should provide two-way access.

Analysis by other planning consultants that have recently prepared reports in the precinct indicate that the Transport Assessment by Ason Group may have under-estimated the current and future Level of Service at the intersection of George Street and Pomeroy Street. Should the proposal be deemed to have strategic merit, the Transport Assessment prepared by Ason Group on behalf of the applicant should be peer reviewed to ensure that all assumptions are correct.

Heritage

The subject site is located within the immediate vicinity of Powells’ Creek Reserve – landscape item no. 1467 listed in Schedule 5 of *Canada Bay Local Environmental Plan 2013*. However, the part of the heritage item, is now occupied by the Victoria Avenue Community Precinct – which includes a number of buildings, including a childcare centre and primary school.

Council’s Heritage Coordinator advised that if there is no overshadowing of the reserve by the proposal, it will not adversely impact the natural heritage values of Powell’s Creek Reserve as it is visually and physically separated by the Victoria Avenue Community Precinct from the majority of the reserve.

Figure 5 below identifies the subject site and the heritage item adjacent to the south-west corner.



Figure 4: Location of heritage item in vicinity of development site.

It can be seen in the shadow analysis below that there will be minor overshadowing to the heritage item between 9am and 12pm (Figure 5).

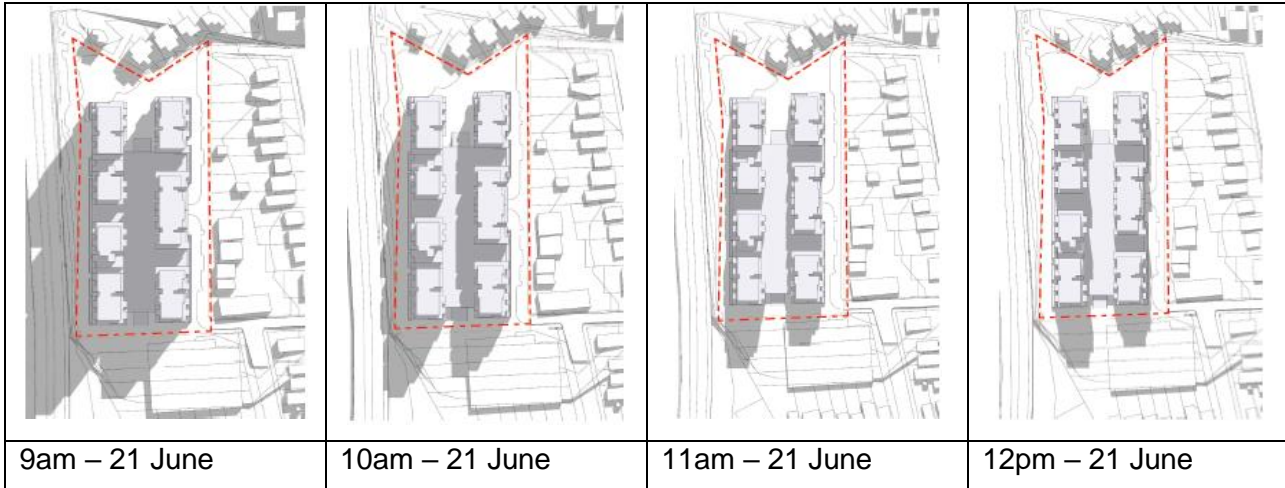


Figure 5: Shadow analysis and potential impacts on heritage item.

Although the above overshadowing is considered to be minor in its extent and duration, it should be noted that if the proposal was consistent with the 25m height limit prescribed by PRCUTS, the height would be 11m lower than that which has been proposed, and overshadowing impacts would be further reduced.

Where the Proposal was found to exhibit strategic merit, it would be recommended that the maximum building height be reduced to be consistent with PRCUTS.

Landscaping

Council’s Senior Landscape Architect reviewed the proposal and provided a number of matters which could be addressed if the proposal was to proceed. This includes matters such as ensuring the podium level is accessible, vegetation is selected and sited appropriately, soil depths are sufficient, existing trees retained where possible, and consideration be given to location within a biodiversity corridor.

Of concern, however, were two matters:

- Landscape areas and percentage shown on the plans include areas designated for solar panels. Solar panels should not be included in these calculations.
- Deep soil calculations include areas in the ‘Green Central Plaza’ that are shown as a paved surface. Impervious areas should not be included in these calculations.

The proposal is not supported. The proposal may not be able to achieve landscaped area and canopy tree requirements as they may include impervious areas and land containing solar panels. In addition, the proposal appears to be including Lucas Park which must be excluded from all calculations.

Tree Canopy

Council’s Urban Forester has reviewed the proposal and provided the following comments:

- Generally supportive of the planned landscaping and Open space plans and included canopy cover at maturity. The proposed cover is compliant and even exceeds Council’s target of 25% across the LGA.
- Ensure an arboricultural assessment and or impact assessment is undertaken to assess and ensure existing trees and canopy cover are not adversely impacted before and during any development.
- Existing trees along the boundaries and site to be acquired add environmental benefits and should be retained.
- Given the site is located in a biodiversity corridor, any planned tree and plant species to be used should be sympathetic to the surrounding area.

- Supportive of the deep soil zones, green roofs and variety of landscaping and planting plans on the multiple levels on the site.

Social Impacts

The proposal was reviewed by Council's Senior Social Planner who noted that the site is identified as a medium flood risk and there is a risk of flash flooding to the point where shelter in place is the recommended and safest strategy. Concern was raised that an increase in density increases number of people who will be exposed to the risk.

Acid Sulfate Soils

The site is located entirely within an area mapped as Class 2 Acid Sulfate Soils in the CCB LEP.

The Environmental Works: Interim Report submitted with the application noted the following:

The Site is located in an Acid Sulfate prone area and the presence of potential acid sulfate soils in the subsurface has been established. An Acid Sulfate Soil Management Plan (ASSMP) has previously been developed. This Management Plan will require to be adjusted to any changes in development details since the ASSMO had been issued in 2016.

Council's Coordinator Environmental Health has recommended that an updated Acid Sulfate Soils Management Plan be submitted with any future development application.

The above issues would need to be addressed if the proposal was to progress to a DA.

Waste Management

Council's Coordinator Resource Recovery has reviewed the proposal and recommended compliance with a number of requirements that must be addressed in any future development application, if the planning proposal were to proceed:

- *Proposed development must comply with the minimum truck requirements of the Canada Bay Development Control Plan (DCP) (HRV - 12.5m long and 4.8m height clearance).*
 - *Development must allow for truck to enter and exit in a forward direction only.*
- *Bin rooms must be designed to accommodate waste, recycling, bulky waste and future Food Organics and Garden Organics (FOGO) service. Ensure the minimum requirements outlined in the DCP for bin room designs are met.*
- *Ensure that waste generation calculations are in line with that of the DCP and that enough bins are allocated to the sufficiently service the proposed households.*
- *A Waste Management Plan must accompany all development applications.*
- *If the proposal will change to include commercial / retail properties, a separate commercial bin storage area is required. This requirement is stated in the DCP.*
- *There are specific requirements in the DCP regarding chute systems for developments comprising of four or more storeys. Applicant must adhere to the requirements in the DCP regarding Waste and Recycling Chutes.*

The above issues would need to be addressed if the proposal was to progress to DA.

Contamination

An Environmental Works: Interim Report has been submitted with the application. This report refers to and summarises the following reports:

- DESI by Douglas & Partners
- ASSMP by Douglas & Partners
- RAP by Douglas & Partners
- Environmental Investigation by Canopy Enterprise

Although the Environmental Works report assessed contaminants against a proposed commercial/industrial uses, the Douglas & Partners reports did conclude the site can be made suitable for its intended use for residential provided adequate remediation is undertaken.

Council's Coordinator Environmental Health has advised that the following may be required with any future development application:

- DESI using correct criteria for the confirmed proposed use.
- RAP for site suitability for the confirmed proposed use.
- Data gaps and further groundwater monitoring analysis be undertaken and provided as part of DESI.

The above issues would need to be addressed if the planning proposal was to proceed and eventually progress to a DA.

Aboriginal Heritage

The Aboriginal Cultural Heritage sensitivity mapping indicates that the proposed development has footprint in the Sensitivity area - Moderate.

An Aboriginal Heritage Due Diligence Assessment is required to be completed by a qualified specialist, unless the proposed works are covered under a Standard Exemption under the Due Diligence Code of Practice (OEH, 2010).

The above issues would need to be addressed if the proposal was to progress to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

Design Excellence

The Canada Bay LEP includes a design excellence clause with an objective to deliver the highest standard of sustainable architecture and urban design.

If the application was to proceed, the site must be included on the Design Excellence Map.

Lucas Park

The applicant has entered into a "Put and Call Option Deed" to purchase Lucas Park from Liberty Grove Community Association.

DA116/95 was approved for the Liberty Grove development on 1 April 1996. The assessment of the development included consideration of matters such as floor space ratio, density, site cover and landscaped area. The application was subsequently modified a number of times.

An Implementation and Management Plan formed part of the approval and included the details such as:

- Landscape Masterplan - A plan depicting all landscaping across the development site. Refer to Figure 6.



Figure 6: Landscape Masterplan (Lucas Park in top left corner).

- Communal Open Space - The development comprises a series of small and large open spaces interconnected by a walkway that traverses the entire length of the development. With the exception of the community facilities, all communal open spaces are accessible to all Concord residents. Refer to Figure 7.

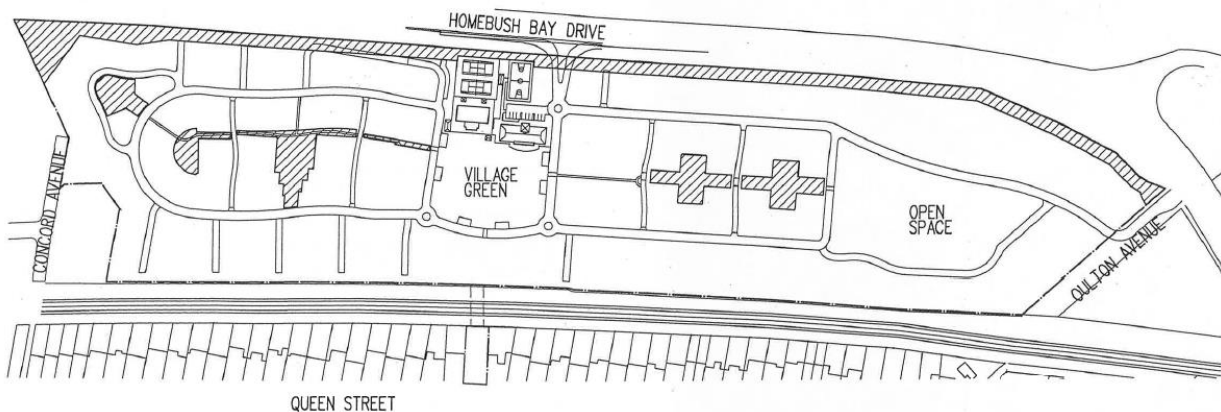


Figure 7: Community open space (hatched).

The Community Management Statement By-Law 4.2 (a)(2) specifies that Public Open Space is to be available for use by members of the public under By-Law 12.1. By-Law 12.1 specifies that members of the public must be permitted to use Public Open Space and Communal Open Space for passive recreation.

In a letter from Concord Council to Liberty Grove (Concord) Pty Ltd dated 21 September 2000, Council has written ‘...Council has acceded to the request from Liberty Grove to downgrade the standing of the Southern Triangle Park to a reserve...’. It doesn’t appear however if the approved Implementation and Management Plan was subsequently amended. It is not clear therefore whether Lucas Park should still be a publicly accessible park as per the approval.

Regardless of the above, it is evident that the park was used in calculations for the Liberty Grove development for FSR, density, open space and landscaping etc. As such, it is not appropriate to use this same land in calculations for the subject proposal.

The proposal is not supported. If the application was to proceed, Lucas Park would need to be excluded from the site area for the purpose of calculating Floor Space Ratio.

LOCAL PLANNING PANEL

On 5 June 2024 a report was considered by the Local Planning Panel (LPP), who resolved (Attachment 13):

The Panel:

1. *Agrees with the conclusions and recommendations within the Council staff assessment that the Planning Proposal not be supported, and not proceed to a Gateway determination, due to site-specific concerns, noting that there is an argument that the Ministerial Directions and precinct-wide flooding constraints are strategic in nature.*
2. *Notes a number of key issues related to the Planning Proposal, including:*
 - a. *Flooding, and a lack of support after an expert peer review by a firm responsible for the recent precinct-wide flood modelling. Given concerns expressed relate to potential threat to life safety, a precautionary approach is warranted;*
 - b. *Inconsistency with Section 9.1 Ministerial Direction 4.1 - Flooding, with such inconsistency not being minor;*
 - c. *The background and implications of incorporating part of the adjoining Liberty Grove site into the subject site needs to be clearer, and this area should be excluded from FSR calculations if it has been utilised in FSR calculations previously for the adjoining site;*
 - d. *Inconsistency with planning controls and Urban Design Guidelines associated with Parramatta Road Corridor Urban Transformation Strategy ("PRCUTS"), and thereby inconsistency with an associated Ministerial Direction, and the proposal to increase FSR/density not being appropriate in an area with such flooding, traffic, access and emergency constraints. The Panel was also not convinced about proposed height in the local context.*
 - e. *Traffic impacts including some key intersections at very low levels of service and long vehicle delay times, exacerbated by the proposal and FSR exceeding existing controls and those within PRCUTS;*
 - f. *The proposed affordable housing component of 4% as a monetary contribution is not leading practice, nor consistent with the current strategic framework, and such housing should also be provided in kind and on site; and*
 - g. *The proposal to develop a DCP separate to and after the Planning Proposal and LEP changes, which is not supported.*
3. *Advise that the flooding issues need to be resolved satisfactorily before considering or resolving the other issues listed above.*
4. *The history and situation gives rise to a need for a more holistic precinct-wide review of flooding and evacuation, as well as attributable funding as reasonable, all of which would provide greater certainty around a future appropriate use of this and surrounding sites, commensurate with their constraints.*

TIMING AND RISK CONSIDERATIONS

The proposal must either be refused or progressed to Gateway within 115 working days of lodgement. In this regard the deadline is 21 August 2024. If a decision has not been made by this time, the applicant will have the right to seek a review of the proposal by the Sydney Eastern City Planning Panel.

The proposal represents a very significant risk to life and property when there is flooding of the site. It is unlikely there will be sufficient time for evacuation and a shelter-in-place solution is not supported as emergency services would not be able to get to the site in the event of an emergency. As such, it is recommended that the planning proposal not proceed.

FINANCIAL CONSIDERATIONS

As detailed in the technical studies and peer review, it is likely that the site will flood and increasing the resident population on the land may lead to a call for government spending to address impacts that were known to occur at the time of rezoning.

In this regard, the rezoning of the land is likely to generate the need for significant government spending on emergency management services and/or flood mitigation and is inconsistent with the Local Planning Direction 4.1 – Flooding.

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 PLANNING PROPOSAL - POST-EXHIBITION REPORT - REMOVAL OF 3 WOLSELEY STREET DRUMMOYNE AS A LOCAL HERITAGE ITEM**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Planning Proposal Weir Phillips PP-2023-0004 (*Provided in Attachment Booklet*) [⇒](#)
 2. Heritage Assessment Weir Phillips PP-2023-0004 (*Provided in Attachment Booklet*) [⇒](#)
 3. John Oultram Heritage Report (*Provided in Attachment Booklet*) [⇒](#)
 4. Heritage Referral PP2023-0004 (*Provided in Attachment Booklet*) [⇒](#)
 5. Gateway determination - 5 April 2024 (*Provided in Attachment Booklet*) [⇒](#)
 6. Submission - Department of Climate Change (*Provided in Attachment Booklet*) [⇒](#)
-

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council endorse amendment to *Canada Bay Local Environmental Plan 2023* to remove the heritage listing of a house at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5.

PURPOSE

To report on the outcome of the public exhibition of a planning proposal seeking to remove the heritage listing of a house at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5 of the *Canada Bay Local Environmental Plan 2013* (LEP).

EXECUTIVE SUMMARY

A Planning Proposal seeking to remove the heritage listing of a house at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5 of the *Canada Bay Local Environmental Plan 2013* (LEP) was placed on public exhibition from 18 April to 16 May 2024 (28 days).

Seven submissions were received and have been assessed. Arising from the review of submissions, it is recommended that the Planning Proposal proceed to finalisation.

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**Background**

On 20 February 2024, Council resolved to submit a proponent-initiated planning proposal, seeking to remove the heritage listing (house) at 3 Wolseley Street, Drummoyne (Item no. I505) from Schedule 5 of the *Canada Bay Local Environmental Plan 2013* (LEP), to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway determination and to place it on public exhibition.



Figure 1: Site location



Figure 2: Aerial view

The planning proposal is supported by a heritage assessment, by Weir Phillips Heritage and Planning (September 2020) (**Attachment 2**) and by an independent heritage assessment commissioned by Council, by John Oultram Heritage and Design (November 2020) (**Attachment 3**). Refer also to the Heritage Referral response from Council's Heritage Coordinator (**Attachment 4**).

The heritage assessments support the proposed de-listing of the house, on the basis that the house no longer reaches the threshold for local heritage listing due to the significant modifications which have been made to the dwelling since construction. The house was constructed in c.1900 and was identified as a potential heritage item in 1995. However, the heritage assessment forming part of the planning proposal states that "the alterations are significant and irreparable and have resulted in the loss of important detail that characterises the style." The independent heritage assessment states that "the house would not meet any of the Heritage Manual criteria for identification as a place of local significance."

The house therefore no longer demonstrates the historical development of Drummoyne during the Federation period or the architectural characteristics of a Federation period house and, as a result, the listing no longer satisfies the relevant criteria for heritage listing under the Heritage Council of NSW criteria.



Figure 3: Site from Wolseley Street (left) and St Georges Crescent (right)

On 5 April 2024, DPHI determined that the planning proposal should proceed to public exhibition subject to conditions, including that the LEP should be completed on or before 31 January 2025 and no consultation was required with public authorities or government agencies (Refer **Attachment 5**).

Public Exhibition

Public exhibition of the planning proposal took place from 18 April to 16 May 2024 (28 days), in accordance with Part 4 of the EP&A Regulations and the *Canada Bay Community Participation Plan*. Notification letters were sent to affected property owners and public exhibition was undertaken via the following platforms:

- City of Canada Bay Collaborate website
- Email newsletter *City of Canada Bay News*
- Hard copy for viewing at Canada Bay Civic Centre

Notifications were not required to be sent to Government agencies.

Submissions received

Seven submissions were received. A summary of the submissions and responses provided in the table below.

	Submitter	Comments	Response
1	Individual	<p>Disagrees with the statement that the house is isolated from its original context.</p> <p>States that the house should be restored to its original state, rather than de-listed.</p> <p>Concerned about what future development will occur on the site with the listing removed.</p>	<p>The house “is surrounded by 2-4 storey residential flat buildings and some large 1 and 2 storey Federation and Victorian dwelling houses,” the latter being only 1 and 4 Wolseley Street.</p> <p>Two separate heritage assessments have been produced, concluding that the alterations “are significant and irreparable” and “The house has been very heavily altered and its form distorted by the later additions. The garden setting to the water has also been altered.”</p> <p>The area is zoned R3 Medium Density Residential, permitting residential flat buildings. Any future Development Application would be assessed for adverse impacts on adjoining properties.</p>
2	Individual	<p>Objects to de-listing the house.</p> <p>Concerned that, if the house were redeveloped as apartments, this will exacerbate the current lack of street parking.</p>	<p>Noted.</p> <p>Council applies a restrictive carparking provision in this precinct, which encourages low car ownership and high public transport use by residents and visitors.</p> <p>Any future Development Application will be assessed at the time, including for adverse impacts on adjoining properties and local amenity, including management of on-street car parking.</p>
3	Individual	Similar to #1	Refer to responses for #1 above
4	Individual	<p>Is of the view that the house has character and is unique.</p> <p>Concerned that the house could be redeveloped as apartments without character sympathetic to the area.</p>	Refer to responses for #1 above
5	Individual	<p>Objects to de-listing of one of the remaining heritage houses in the St George Crescent/Wolseley Street area.</p> <p>Concerned that the house could be redeveloped as apartments, which will exacerbate the current lack of street parking.</p>	<p>Noted.</p> <p>Refer to responses for #1 and #2 above</p>
6	Individual	<p>Objects to de-listing the house.</p> <p>Concerned that the house could be redeveloped as apartments, which will increase the local population, increase traffic, exacerbate the current lack of street parking, result in over-development of the site, adversely affect the character (feel) of</p>	<p>Noted.</p> <p>Refer to responses for #1 above.</p> <p>The planning proposal is supported by a heritage assessment commissioned by the proponent, as well as a heritage assessment commissioned by Council.</p> <p>The proposal is only seeking de-listing of the heritage item. Any future Development</p>

	Submitter	Comments	Response
		<p>the area, and result in overshadowing of adjacent properties.</p> <p>Concerned that there is no rationale for removal of the listing.</p> <p>States that the “details of the proposal should have been disclosed with the request for the heritage order to be removed.”</p>	<p>Application will be assessed at the time, including for adverse impacts on adjoining properties and local amenity, including management of on-street car parking.</p>
7	Department of Climate Change, Energy, the Environment and Water	<p>The Agency advised the following:</p> <ul style="list-style-type: none"> • That there are no impacts on items listed on the State Heritage Register. • The European heritage values of the site have been changed over time due, in part, to unsympathetic works to the locally listed heritage item. • The proponent should investigate the likelihood of any historic archaeology on the site and if found, make management recommendations. • An Aboriginal Cultural Heritage Assessment is recommended to investigate potential Aboriginal heritage on the site. <p>The assessment needs to identify any preliminary planning or design measures that could be employed to avoid or mitigate harm to Aboriginal cultural heritage if Aboriginal objects are identified.</p>	<p>The heritage assessment that accompanied the planning proposal did not consider archaeological or Aboriginal heritage matters.</p> <p>Should a development application be prepared of the site that involves excavation, it is recommended that an aboriginal cultural heritage investigation be undertaken consistent with the advice of the Department of Climate Change, Energy, the Environment and Water.</p> <p>It is also recommended that the proponent be provided with a copy of the submission from the Agency (Refer Attachment 6) to enable them to consider the matters raised and their responsibilities under the <i>National Parks and Wildlife Act 1974</i> and Regulations.</p>

The individual submissions received generally object to the proposed de-listing of the heritage item, generally due to concerns about what could potentially be constructed on the subject site, should the existing building be removed. Future potential redevelopment of the subject site is a separate matter to the de-listing. A future Development Application would be dealt with separately and on its merits at the time, including consideration of potential adverse impacts on adjoining properties and local amenity.

It is recommended that the planning proposal be endorsed for finalisation.

TIMING CONSIDERATIONS

The conditions of the Gateway determination include that the LEP should be made on or before 31 January 2025.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal is able to progress to finalisation under the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2021*.

ITEM 9.5 CHANGES TO LOCAL PLANNING PANELS**Reporting Manager** Manager Statutory Planning**Attachments:** 1. **Ministerial letter on the appointment of Chairs and Experts to Local Planning Panel** [↓](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council:

1. Appoint Mr Jason Perica as the permanent chair of the Canada Bay Local Planning Panel from 1 July 2024.
 2. Appoint Ms Pamela Soon and Mr Chris Wilson as the alternate chairs of the Canada Bay Local Planning Panel from 1 July 2024.
 3. Appoint Ms Sheridan Burke, Ms Noni Ruker, Mr Tony Tribe, Ms Judith Clark, Ms Larissa Ozog, Ms Toney Hallahan, Ms Tina Christy, Ms Lindsey Dey, Ms Juliet Suich, Ms Heather Warton, Ms Marica Doheny, Mr Peter Monks, Mr Garry Chapman, Mr Stephen Alchin and Ms Julie Walsh as independent experts to the Canada Bay Local Planning Panel from 1 July 2024.
 4. Note that \$75,000 to fund the Panel's operations for the 2024/2025 financial year is included in the draft 2024/25 budget.
-

PURPOSE

This report seeks Council's endorsement of chairs and expert members to the Canada Bay Local Planning Panel for a period from 1 July to 2024 to 30 June 2027, as required by the Department of Planning, Housing and Infrastructure (DPHI).

EXECUTIVE SUMMARY

From 1 July 2024, all councils in metropolitan Sydney are required by the State government to renew the membership of their Local Planning Panels and this report seeks Council's approval for the following:

- The appointment of three (3) chairs to sit on the Canada Bay Local Planning Panel from 1 July 2024.
- The appointment of fifteen (15) expert members to sit on the Canada Bay Local Planning Panel from 1 July 2024.

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

The City of Canada Bay Council, along with other metropolitan Sydney councils, has operated a mandatory Local Planning Panel (LPP) since 1 March 2018.

On 3 June 2024, Council received notice from DPHI that Council is required to appoint chairs and expert members to the local planning panels from 1 July 2024.

The Minister for Planning and Public Spaces has approved a list of chairs and expert members. Council is required endorse three (3) chairs and appoint fifteen (15) expert members to sit on the Canada Bay Local Planning Panel and inform the Minister of nominations by 30 June 2024. The appointment of members will be from 1 July 2024.

LOCAL PLANNING PANEL

Functions of the Local Planning Panel

There are no changes to the functions of the Local Planning Panel.

The role of the LPP is to determine development applications on behalf of Council; and provide other advice to Council on strategic planning matters such as Planning Proposals. The Panels were introduced by the State Government in March 2018 to “reduce the risk of conflict of interest and corruption, achieve better planning outcomes and elevate the role of the elected Council to focus on strategic planning and policy matters rather than the determination of development applications”.

The consent authority functions of Council with respect to the following matters remain unaltered, and can only be exercised by the Panel:

- Development Applications (DAs) valued at more than \$5million but less than \$30million. Any DA valued at greater than \$30million will be determined by the Sydney Eastern City Planning Panel (regional panel).
- DAs and s4.55(2) applications relating to development previously determined by the Panel.
- DAs where the owner or applicant is the Council or a Councillor, a member of a Councillor’s family, a member of Council staff who is involved in exercising Council’s functions under the Act, or a State or Federal Member of Parliament, a relative within the meaning of the Local Government Act, 1993 of any such person/s.
- DAs that receive 10 or more objections from 10 or more different households.
- DAs seeking to depart by more than 10% from the development standards contained within the relevant Local Environmental Plan, but not where the Secretary of the Department of Planning, Housing and Infrastructure has given concurrence to the contravention of the development standards or where the concurrence has been assumed.
- DAs associated with sensitive developments such as designated developments, residential flat buildings assessed under State Environmental Planning Policy (Housing), demolition of heritage items, licensed places of public entertainment (e.g., clubs, hotels etc.), sex services premises or restricted premises, and DAs accompanied by a Voluntary Planning Agreement under Section 7.4 (formerly 93F) of the Act.
- Modifications of existing development consents under Section 4.55(2) of the Act that meet the abovementioned criteria.
- All Planning Proposals are required to be referred to the Panel for advice.
- Council can elect to refer any other planning or development matter that is required to be determined by the Council to the Panel for advice.

Under Section 4.8 of the Act, any Development Application which has a value of \$5million or less and which falls outside the remainder of the above criteria will be determined by staff under delegation.

Membership of the Canada Bay LPP

DPHI commenced the recruitment process for the appointment of chairs and expert members to the Local Planning Panels and has now approved a pool of experts to sit on the Panel. Council was notified of the pool on 3 June 2024. The pool comprises of 214 experts from a variety of professions including planners, architects (including heritage architects), urban designers, engineers, lawyers, local and state government administrators etc).

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

- Councillors
- Property Developers
- Real Estate Agents

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

The Canada Bay LPP will continue to have a minimum of four (4) members present at each meeting. The Chairperson, independent experts and community member of the Panel will rotate between meetings, selected from the pool of members appointed to the Canada Bay LPP. Each Canada Bay LPP meeting will have a minimum of four members (Chair, two independent experts and a community representative) comprising the following:

- A chair – DPHI has now advised that Mr Jason Perica has been appointed as the chair of the Canada Bay Local Planning Panel. Mr Perica is a qualified town planner with over 33 years' experience in Local Council, State Planning Department, and private planning practices. He was the Chair of Sutherland, Penrith and North Sydney LPPs, and an independent expert on Canada Bay, Randwick, Liverpool, Georges River LPPs.
- Two alternate chairs –DPHI has now advised that Ms Pamela Soon and Mr Chris Wilson have been appointed as the alternate chairs of the Canada bay Local Planning Panel.

Ms Pamela Soon is a senior executive with extensive experience from her time at Independent Pricing and Regulatory Tribunal as a General Counsel, leading Regulation and Compliance teams and as decision maker on regulatory committees. She is a current member of The Hills and Penrith City Councils local planning panels since July 2021.

Mr Chris Wilson has over 29 years' professional experience as an experienced planner in both private and public sectors, and has been a member of the Independent Planning Commission since 2018. He also runs his own planning consultancy on strategic planning, major projects, environmental impacts and land use planning matters to government, industry, and wider community.

- A minimum of fifteen (15) independent members who must be qualified in at least one of the following areas – urban/town planning, architecture, heritage, the environment, urban design, economics, traffic and transport, law, engineering, tourism or government and public administration. These experts now need to be selected by Council from the pool of experts recruited by DPHI.
- A community member nominated by Council. The community member does not have to be an expert in one of the fields referred to above but should be chosen to enhance the Panel's knowledge of local matters.

Community Members

To assist and compliment the expert members of the panel Council is currently seeking Expressions of Interest for the community members. The period for interested individuals to apply for the positions will expire on 21 June 2024.

A further report will be presented to Council in July 2024 on the candidates for the community members once the recruitment process has been completed.

Recommended Expert Members

As noted above, DPHI has now provided Council with its list of approved expert members who have nominated to participate in Council's LPP. One hundred and sixty-two (162) individuals have been identified on the list, and of those, fifteen (15) have already been appointed as chair or alternate chair positions, leaving one hundred and forty seven (147) candidates remaining.

It has also been considered appropriate to exclude candidates (a total of nineteen (19) candidates) who have regularly engaged with Council regarding development applications they have been involved with on behalf of clients, or have been previous members of Council's legal panel or member of the Sydney Eastern City Planning Panel.

This reduces the final number of suitable candidates to one hundred and twenty-eight (128). Of these 128, a shortlist of fifteen (15) has been selected for the available positions and are listed in alphabetical order by surname as follows:

It is acknowledged that those on the shortlist are town planners, and it should be noted that planners dominated the approved pool of 148 experts selected by DPHI. Secondly, Council has already constituted a Design Review Panel made up of architects and urban designers and this Design Review Panel will complement the LPP, and will also be providing expertise in the assessment of development applications and planning proposals going forward.

1. Mr Stephen Alchin – is a qualified town planner and an experienced infrastructure and urban development executive who has worked across all three levels of government and private sector.
2. Ms Sheridan Burke – is an urban planner and heritage architect with over 35 years' experience in local government and private practice across NSW and current expert member on Woollahra and Hunters Hill LPP since July 2021.
3. Mr Garry Chapman – is a qualified town planner with over 30 years' experience in local government and private practice and is currently an expert on the Cumberland Council LPP
4. Ms Tina Christy – is a qualified town planner and accredited mediator with over 29 years' experience in both local councils within Sydney and the Central Coast, and private planning practice in Sydney.
5. Ms Judy Clark - is a qualified town planner with over 40 years' experience in Local Councils across Sydney as an assessment planner and Director of Planning, and represents Hawkesbury City Council as the expert member on the Sydney Western City Regional Planning Panel.
6. Ms Lindsey Day – is a qualified town planner with experience in both Local Councils and private planning practice and was an independent expert on Bayside LPP, Inner West LPP and Lane Cove LPP.
7. Ms Marcia Doheny – is a qualified lawyer, with a Bachelor of Laws degree and admitted as solicitor of the Supreme Court in 1986; and is the alternate chair of Ryde and Bayside Council LPPs.
8. Ms Toney Hallahan – is a qualified town planner with over 20 years' public and private sector experience in urban and environmental planning, policy and assessment.
9. Mr Peter Monks – is a qualified town planner with a Bachelor of Arts (Urban and Regional Studies) with experience in local government as the former Director of Planning at Waverley Council and City of Perth.
10. Larissa Ozog - is a qualified town planner with a Masters in Project Management and over 27 years' experience in Local Councils within Sydney and private planning practices, and was an independent expert on the Wollongong LPP and Cumberland LPP.
11. Ms Noni Ruker – is a qualified urban designer and architect with over 15 years' experience in public and private organisations in NSW and current member of the Design Excellence Panel for Penrith and Willoughby Councils.

12. Ms Juliet Suich – is a qualified town planner with a Masters in Environmental Science and a Masters in Philosophy with over 25 years' experience in private planning practices.
13. Mr Tony Tribe – is a qualified architect and urban planner with over 20 years' experience in private architectural practice specialising in residential design and current member of Bayside and Canterbury Bankstown LPP since July 2023.
14. Ms Julie Walsh – is a qualified with over 35 years' experience in private practice acting principally for councils in areas of local government, planning and property law and is the Chair of The Hills LPP and alternate Chair of Cumberland and Liverpool LPPs.
15. Ms Heather Warton – is a qualified town planner, with a Masters in Business Administration with over 36 years' experience in Local Council and private planning practices, was the State appointed member to the Sydney South Regional Planning Panel, expert member of The Hills and Randwick LPP and community member of the Inner West LPP.

Administration and Coordination Support

The efficient operation of the LPP will continue under the established administration support, which includes a Senior Planner and a Panels' Coordinator to assist in the administration and functions of the Panel.

Future Reporting

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

FINANCIAL CONSIDERATIONS

There are no statutory fees included in the *Environmental Planning and Assessment Regulation 2021* enabling Council to recover any of the financial costs associated with the operation of the Panel. This is consistent with the financial costs of running the current LPP.

All costs associated with the members of the LPPs and the administration costs for the Panel will continue to be covered by individual councils from development application fees.

The Department has maintained remuneration rates for LPP members, which are as follows:

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

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

The LPP meetings will continue to be convened once per month with standing meetings set for the last Wednesday of the month.

LEGISLATIVE AND POLICY CONSIDERATIONS

This report is prepared in response to the Ministerial Direction made under s9.1 of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation (2021)*.

The Hon Paul Scully MP

Minister for Planning and Public Spaces

Ref: IRF24/658

Canada Bay Council
Locked Bag 1470
Canada Bay NSW 1470
council@canadabay.nsw.gov.au

Dear Council

I am pleased to advise Council that I have approved Jason Perica as Chair and Pamela Soon and Chris Wilson as Alternate Chairs for appointment to Canada Bay Council Local Planning Panel (panel). Only the chair and alternate chairs approved by me can be appointed to your panel.

I have also approved a list of independent experts from which Council is to select at least fifteen members for appointment to its panel. Details of Council's chairs and the independent expert list, along with their curricula vitae have been provided electronically to your nominated contact to proceed with appointment of your panel members.

All approved chairs and experts have successfully cleared probity checks meaning they do not have a bankruptcy or criminal record. Each has provided a statutory declaration that they are not a developer or real estate agent.

The Department of Planning, Housing and Infrastructure has developed a guide to assist councils through the selection and appointment process for panels. This is available at www.planning.nsw.gov.au/sites/default/files/2023-11/local-planning-panels-fact-sheet.pdf.%C2%A0.

Council will need to appoint its approved chairs, expert members and community representatives ahead of 1 July 2024 for a term through to 30 June 2027. Councils is reminded

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that it must comply with the six-year maximum term for any panel member. This may limit continuing members and the expiry date of their term.

Please follow the Local Planning Panels Direction – Appointment of New Members, at www.planning.nsw.gov.au/sites/default/files/2023-02/local-planning-panels-direction-appointment-of-new-members-from-24-april-2023.pdf.

Council must also make sure that new panel members agree to abide by the Code of Conduct for Local Planning Panel Members when accepting their appointment. The Code of Conduct for Local Planning Panel Members, further Local Planning Panels Directions and the Local Planning Panels Remuneration Determination can be found at www.planning.nsw.gov.au/assess-and-regulate/development-assessment/local-planning-panels/statutory-rules-for-local-planning.

I would like to take this opportunity to thank you for your Council's ongoing co-operation in supporting the independence and efficient operation of its panel.

Should you have any questions, please contact Ms Aoife Wynter, Director, Planning Panels at the Department of Planning, Housing and Infrastructure on 8289 6816 or enquiry@planningpanels.nsw.gov.au.

Yours sincerely



Paul Scully MP

Minister for Planning and Public Spaces

ITEM 9.6 CANADA BAY LOCAL HERITAGE GRANTS PROGRAM 2023/2024**Reporting Manager** Manager Strategic Planning**Attachments:** 1. **Report of Heritage Grants Completed Projects** [↓](#)

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council:

1. Acknowledges the completed projects of the 2023/24 Local Heritage Grants Program.
 2. Commence the 2024/25 Heritage Grants Program, noting that a budget of \$19,000 (excluding Heritage NSW Grant funding) has been provided in the draft FY24/25 budget.
-

PURPOSE

This report outlines the completed projects for the 2023/24 Local Heritage Grants Program and seeks endorsement for the 2024/25 grants program.

EXECUTIVE SUMMARY

The Local Heritage Grants Program provides valuable support for property owners of heritage items and buildings in heritage conservation areas. This funding can make the difference between saving a highly significant historic building in the Canada Bay LGA, and it falling into disrepair.

The Heritage Grants Program was originally established in 2008 as part of Council's commitment to the conservation and promotion of local heritage through the financial support for small conservation projects.

Council has continued to provide funding for this program since it was introduced, and in the 2023/24 budget, allocated \$25,000.00 to fund the program. The budget amount included a grant of \$6,000 from Heritage NSW.

This report recommends Council note the completed projects for the 2023/2024 Local Heritage Grants Program and commence the 2024/25 Heritage Grants Program, with budget allocation.

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

Council established the Local Heritage Grants Program in 2008 and since this time numerous applications have been received for projects, making it a popular and successful initiative.

Council launched the 2023/24 Local Heritage Grants Program in July 2023. The maximum level of funding per project (as a matching grants program) was \$2,500.00 for works to a contributory property in a Heritage Conservation Area and \$3,500.00 for works to a Heritage Item. Council's contribution is required to be matched dollar for dollar by the applicant, although in many cases the applicant contributed a greater percentage of the cost of the works.

The budget for the Local Heritage Grants Program for 2023/24 was \$25,000, which included a grant of \$6,000 from Heritage NSW. As a total of \$28,292 in grants funding was provided in 2023/24, funding exceeding the budget by \$3,292. The small budget exceedance arose through the funding of two additional projects that met the Grants program criteria and were assessed as being

appropriate to support. This exceedance was funded from surplus budget for heritage consultancy services for 2023/24.

Review of Applications

The Guidelines for the Heritage Grants Program include the following criteria against which applications were assessed:

- the work has been completed and paid for;
- the work is for sympathetic repairs of historic built fabric;
- previously lost architectural features have been reinstated;
- the work has enhanced public amenity and is applicable to a part of the place that is highly visible to the public;
- the works are to a place which has high public accessibility, e.g. local museum or church;
- the work has been undertaken by a non-profit organisation, community group or church;
- the work is to a heritage item or to a property of heritage value in a conservation areas; and
- work has been carried out in accordance with good conservation practice, preferably by tradespersons experienced in conservation work.

Applications are not required to meet all of the criteria listed.

Summary of completed projects for 2023/24

Below is a summary table outlining the eleven (11) heritage projects, with a total value of \$181,050.32, which were successfully completed and received funding under the Local Heritage Grants Program. Of this amount, Council allocated grants totalling \$28,292.00.

No.	Property	Project Description	Total Project cost	Grant approved
1	14 Plunkett Street, DRUMMOYNE	Tuck-pointing of the front facade.	\$6,000.00	\$2,000.00
2	45 Renwick Street DRUMMOYNE	Cleaning and painting of the front fascia, front and side eaves and awning roof. Paint colours were matched to the existing.	\$1,150.00	\$575.00
3	21 Plunkett Street, DRUMMOYNE	Retiling of the front verandah.	\$8,510.00	\$2,500.00
4	64 Henry Street, FIVE DOCK	Retiling of the main roof.	\$23,122.00	\$3,500.00
5	2 Abbotsford Cove ABBOTSFORD	Restoration of back door and upper storey windows.	\$5,433.42	\$2,716.50

No.	Property	Project Description	Total Project cost	Grant approved
6	10 Cambridge Road DRUMMOYNE	Replacement of vertical tiles of risers of the entrance steps.	\$8,267.90	\$3,500.00
7	93 First Avenue FIVE DOCK	Like-for-like replacement of roof tiles.	\$20,092.00	\$3,500.00
8	6 Day Street, DRUMMOYNE	New slates to the rear roof plane.	\$42,625.00	\$2,500.00
9	129 Links Avenue CONCORD	Retiling of front verandah and front path to match existing.	\$20,350.00	\$3,500.00
10	39 Bowman Street DRUMMOYNE	Tuck-pointing of the front facade.	\$6,380.00	\$2,500.00
11	23 Mons Street, RUSSELL LEA	Retiling of front verandah and steps.	\$15,120.00	\$2,500.00
Total			\$181,050.32	\$28,292.00

2024/25 Local Heritage Grants Program

The Local Heritage Grants Program has been a successful program running for over 10 years. The continuation of the program will assist in the conservation of the heritage of the City of Canada Bay. It is again recommended that a total of \$25,000 – comprising \$19,000 funded by Council and \$6,000 funded by Heritage NSW, be allocated for the 2024/25 Heritage Grants Program.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Should Council resolve to proceed with a Local Heritage Grants Program for 2024/25 the grants program will commence in mid-July 2024.

As the grants program is partially funded by Heritage NSW, the program must be undertaken in accordance with their requirements and the funding acquitted to Heritage NSW by mid-May 2025. There are no other risk considerations.

FINANCIAL CONSIDERATIONS


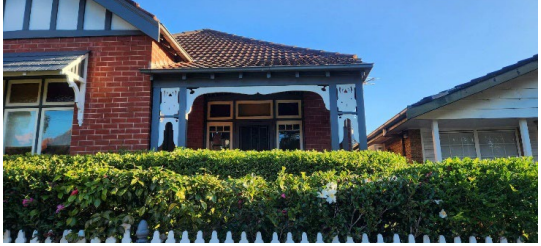

A total of \$19,000.00 has been allocated in the 2024/2025 budget for the continuation of the Local Heritage Grants program. This amount includes a grant amount of \$6,000.00 from Heritage NSW.

There was a small exceedance of the 2023/24 budget allocated for the local heritage grants program, and this exceedance was funded through surplus funds remaining from the 2023/24 budget for heritage consultancy services.






LEGISLATIVE AND POLICY CONSIDERATIONS


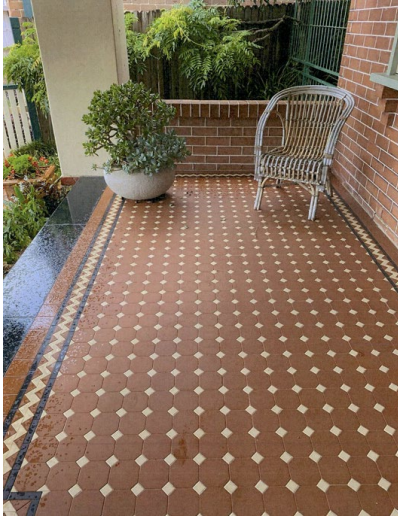
Grant applications are required to be completed using Council's required application form and in accordance with the grants program guidelines. As the grants program is partially funded by Heritage NSW, the program must also be undertaken in accordance with Heritage NSW requirements.

ATTACHMENT 1 – Heritage Grants Report of Completed Projects

No.	Property	Project Description	Photograph
1	14 Plunkett Street, DRUMMOYNE	Tuck-pointing of the front facade.	
Reason to support: The tuck-pointing reinstates an original feature and enhances the contribution of the house to the Bourketown Heritage Conservation Area.			
2	45 Renwick Street DRUMMOYNE	Cleaning and painting of the front fascia, front and side eaves and awning roof. Paint colours were matched to the existing.	
Reason to support: The painting will help to preserve the timberwork of the house. The colours are sympathetic. The work will enhance the presentation of this heritage item to the Birkenhead and Dawson Estates Heritage Conservation Area.			
3	21 Plunkett Street, DRUMMOYNE	Retiling of the front verandah	
Reason to support: The tiles match the original and enhance the aesthetic value of the house and its contribution to the Bourketown Heritage Conservation Area.			

No.	Property	Project Description	Photograph
4	64 Henry Street, FIVE DOCK	Retiling of the main roof.	
<p>Reason to support: Retiling protects the building fabric of this heritage item and is consistent with its heritage values.</p>			
5	2 Abbotsford Cove ABBOTSFORD	Restoration of back door and upper storey windows	
<p>Reason to support: Repainting protects the building fabric of this heritage item and is consistent with its heritage values.</p>			
6	10 Cambridge Road DRUMMOYNE	Replacement of vertical tiles of risers of the entrance steps	
<p>Reason to support: The work enhances the contribution the building makes to the Drummoyne Park Estate Heritage Conservation Area.</p>			

No.	Property	Project Description	Photograph
7	93 First Avenue FIVE DOCK	Like-for-like replacement of roof tiles	
<p>Reason to support: Retiling protects the building fabric of this heritage item and preserves its aesthetic values.</p>			
8	6 Day Street, DRUMMOYNE	New roof slates	
<p>Reason to support: Roof retiling protects the building fabric of this heritage item and preserves its aesthetic values.</p>			
9	129 Links Avenue CONCORD	Retiling of front verandah and front path to match existing	
<p>Reason to support: The new tiles match the previous tiles and are traditional.</p>			

No.	Property	Project Description	Photograph
10	39 Bowman Street DRUMMOYNE	Tuck-pointing of the front facade.	
<p>Reason to support: The tuck-pointing reinstates an original feature and enhances the contribution of the house to the Bourketown Heritage Conservation Area.</p>			
11	23 Mons Street, RUSSELL LEA	Retiling of front verandah and steps	
<p>Reason to support: The tiles match the original and enhance the aesthetic value of the house and its contribution to the Mons and Boronia Avenue Conservation Area.</p>			

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 30 MAY 2024

Reporting Manager Manager Roads and Traffic

Attachments: 1. **Traffic Committee Minutes 30 May 2024 (Provided in Attachment Booklet)** [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 30 May 2024, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee Minutes of 30 May 2024 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 30 May 2024 for Council's adoption.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 CITY OF CANADA BAY RHODES COMMUNITY COMMITTEE MEETING MINUTES - 30 MAY 2024

Reporting Manager Manager Place Management

Attachments: 1. **City of Canada Bay Rhodes Community Committee Meeting Minutes - 30 May 2024** [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the minutes of the Rhodes Community Committee meeting held on 30 May 2024, attached to the report, be received and noted.

PURPOSE

To present the minutes of the City of Canada Bay Rhodes Community Committee meeting.

REPORT

This report provides Council with the minutes of the City of Canada Bay Rhodes Community Committee from the meeting held on 30 May 2024.

The Committee's role is to facilitate community representation, provide an avenue for two-way communication between Council and the community, and to inform strategic matters affecting the Rhodes peninsula.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

CITY OF CANADA BAY RHODES COMMUNITY COMMITTEE MEETING

MINUTES

Held in the Event Space, The Connection, Rhodes

Thursday, 30 May 2024



Minutes of the City of Canada Bay Rhodes Community Committee Meeting**Held on Thursday, 30 May 2024****At the Event Space, The Connection, Rhodes****Commencing at 6:00 PM****Present:**

Mayor Michael Megna	Chair
Cr Andrew Ferguson	Councillor
Geoff Coffill	Community Member
Nathan Connor	Community Member
Jing Hong	Community Member
John Kipritidis	Community Member
Trevor Oates	Community Member
Uma Srinivasan	Community Member
Chiral Yadava	Community Member (Online)

Officers in attendance:

Ju'eta Amir	Senior Environment Officer
Monica Cologna	Director – Environment & Planning
Rachel Hensman	Manager – Place Management
Saskia Vromans	Place Manager Rhodes
Helen Wilkins	Senior Strategic Planner
Russell Wolfe	Director – Community, Culture & Leisure

NOTES

The meeting commenced at 6:14pm and concluded at 7.40pm.



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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

Harvey Baden Community Member

Chris Castley Community Member

Ruiqi Hu Community Member

Nazia Zabin Community Member

LEAVE OF ABSENCE

Nil

3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 CONFIRMATION OF MINUTES

4.1 Minutes of City of Canada Bay Rhodes Community Committee meeting held on 29 February 2024.

RESOLVED

That the minutes of the City of Canada Bay Rhodes Community Committee meeting of 29 February 2024 are hereby confirmed as a true and correct record of that meeting.

Note: The minutes were acknowledged and adopted.

5 MATTERS ARISING FROM PREVIOUS MINUTES

5.1 Presentations at the City of Canada Bay Rhodes Community Committee Meeting held on 29 February 2024.

Note: As per the resolution, copies of the presentations on Litter Workshop, Community Safety and Crime Prevention Plan and Place Management Update were emailed to all Committee Members.

6 REPORTS**ITEM 6.1 UPDATE: MEETING BETWEEN MS STEPHANIE DI PASQUA (MEMBER FOR DRUMMOYNE), BILLBERGIA GROUP, RHODES ACTION GROUP AND COUNCIL**

RESOLVED

That the City of Canada Bay Rhodes Community Committee members note the update.

Note:

- *Update provided by the Mayor regarding a recent meeting between Ms Stephanie Di Pasqua (Member for Drummoyne), Billbergia Group, Rhodes Action Group and Council.*
- *Director – Environment & Planning provided information on the proposal from Billbergia and clarification of the relevant responsibilities.*
- *Committee members reported ongoing concerns regarding pedestrian safety and the increased usage of Rhodes Station.*

ITEM 6.2 PRESENTATION: RHODES EAST PUBLIC DOMAIN PLAN

RESOLVED

That the City of Canada Bay Rhodes Community Committee members note the presentation.

Note: Presented by Helen Wilkins, Senior Strategic Planner

- *Overview of the draft public domain plan presented.*
- *Details were presented showing the proposed changes to Blaxland Road, Cavell Avenue and Leeds Street Foreshore Park.*
- *Plan is on exhibition until 24 June 2024 with details available on Council's Collaborate page.*
- *Plan will be considered by Council on 9 July 2024.*

ITEM 6.3 PRESENTATION: WE LOVE OUR TREES – RHODES COMMUNICATIONS STRATEGY

RESOLVED

That the City of Canada Bay Rhodes Community Committee members note the report.

Note: Presented by Ju'eta Amir, Senior Environment Officer

- *An update was provided regarding the proposed Communications Strategy for the upcoming tree planting program.*
- *Communication methods include social media, workshops, passive education through tree tags.*
- *Future education projects will include local biodiversity, threatened species and community stewardship programs.*

ITEM 6.4 PLACE MANAGEMENT UPDATE

RESOLVED

That the City of Canada Bay Rhodes Community Committee members note the update.

- Note:* Quarterly progress update by Saskia Vromans, Place Manager Rhodes, including:
- Under the Bridges Project completed works: community mural workshops (public art now displayed on 1st Yaralla Sea Scouts building), art benches completed by First Nation's artist David Cragg at Uhrs Point Reserve and John Whitton Reserve, emperor chimes installed at John Whitton Reserve.
 - Upcoming works: lighting upgrade and mural at Bennelong Bridge.
 - Union Square, Phoenix Park & Hoskins Reserve lighting maintenance.
 - McIlwaine Park – new amenities & playground upgrade commencing in June.
 - Maintenance update: 6-month review of retailer trolley management plans underway with a supporting communications campaign in June.
 - Winter garden maintenance program underway.
 - Future Events: Robot Ball – 31 May 2024, Make Music Day – 21 June 2024.
 - New Parking Meters & Phone App launching soon.
 - An update was also provided from the recent Burwood Police Community Safety Precinct Committee.

7 GENERAL BUSINESS**ITEM 7.1 DATE OF THE NEXT MEETING**

Note: 6:00-7:30pm – 25 July 2024 - The Connection, Rhodes

CHAIRPERSON

ITEM 11.2 COMMUNITY GRANTS 2024-2025**Reporting Manager** Manager Library and Community Services**Attachments:**

1. **2024-25 Community Grants - Funding Recommendations (Provided in Attachment Booklet)** [⇨](#)
2. **City of Canada Bay Community Grant Guidelines 2024 (Provided in Attachment Booklet)** [⇨](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE**Community Project Grants Program**

That:

1. Council approve the recommendations for funding under the 2024-2025 Community Project Grants Program to a total amount of \$65,987, as specified in the 2024-2025 Community Grants – Funding Recommendations (Community Project Grants Program) (Attachment 1).

Environmental Grants Program

That:

1. Council approve the recommendations for funding under the 2024-2025 Environmental Grants Program to a total amount of \$25,791.50, as specified in the 2024-2025 Community Grants – Funding Recommendations (Environmental Grants Program) (Attachment 1).

Event Grants Program

That:

1. Council approve the recommendations for funding under the 2024-2025 Event Grants Program to a total amount of \$65,000, as specified in the 2024-2025 Community Grants – Funding Recommendations (Event Grants Program) (Attachment 1).
2. The unallocated budgets from the Community Project Grants Program (\$7,513) and the Environmental Grants Program (\$4,208.50) be reallocated to the Events Grants Program.
3. That, subject to approval of point 2 above, Council approve the three additional recommendations for funding under the 2024-2025 Event Grants Program to a total amount of \$11,721.50, as specified in the 2024-2025 Community Grants – Funding Recommendations (Additional - Event Grants Program) (Attachment 1).

General

That:

1. Funding recipients be invited to attend the City of Canada Bay Community Grants Presentation Ceremony on 24 July 2024.
 2. Council writes to unsuccessful organisations advising of the outcome of their applications, including the provision of feedback.
-

PURPOSE

To provide Council with information regarding the 2024-2025 Community Grant applications and to recommend approval for funding applications.

EXECUTIVE SUMMARY

This report advises Council of the applications received under the 2024-2025 Community Grants Program and makes recommendations for funding allocations.

The Community Grants Program provides for three streams of funding:

- **Community Project Grants:** Social Connection Grants up to \$2,000; and Community Development Grants up to \$7,500.
- **Environmental Grants:** Support Grants up to \$1,000; and Development Grants up to \$3,000.
- **Event Grants:** Small Event Grants up to \$2,500; Medium Event Grants up to \$7,500; and Major Event Grants funding up to \$15,000 (with a matched contribution from the applicant).

Council received:

- 38 **Community Project Grant** applications seeking a total of \$145,829. A funding allocation of \$65,987 to 26 organisations (covering 27 projects) is recommended.
- 14 **Environmental Grant** applications seeking a total of \$33,975.50. A funding allocation of \$25,791.50 to 12 organisations (covering 14 projects) is recommended.
- 19 **Event Grant** applications seeking a total of \$139,273. A funding allocation of \$65,000 to 8 organisations is recommended.

The report includes a recommendation that the unallocated budgets from the Community Project Grants Program (\$7,513) and the Environmental Grants Program (\$4,208.50) be reallocated to the Events Grants Program. A list of the organisations recommended to receive funding is shown in Attachment 1.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

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

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Goal STE 2: Increase urban tree canopy

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

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

Goal STE 5: Improve access to, and enhance the quality of, the City's foreshore and waterways

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

The City of Canada Bay Community Grants Program aims to provide financial assistance to not-for-profit organisations, community groups and schools to undertake projects which benefit the City of Canada Bay community.

The 2024-2025 Program was open from 4 March to 12 April 2024. Information sessions were held by Council staff during this period for any applicant that required support to submit an application.

The Community Grants Program provides three streams of funding:

- **Community Project Grants:**
 - Social Connection Grants up to \$2,000 to increase participation in community activities; improve connections and social networks; and increase the social and physical well-being of residents; or
 - Community Development Grants up to \$7,500 to address issues that cause disadvantage and inequities; strengthen networks and partnerships between community organisations and groups; and improve access to community services and resources.
- **Environmental Grants:**
 - Support Grants up to \$1,000 to expand on existing environmental projects; or
 - Development Grants up to \$3,000 for the implementation of new environmental projects.
- **Event Grants:**
 - Small Event Grant up to \$2,500 (e.g. less than 500 attendees); or
 - Medium Event Grant up to \$7,500 (e.g. less than 1,000 attendees); or
 - Major Event Grant up to \$15,000 and requiring a matched contribution (e.g. over 1,000 attendees).

Council received:

- 38 **Community Project Grant** applications seeking a total of \$145,829, of which 27 applications for funding to 26 organisations is recommended with the total value of \$65,987.
- 14 **Environmental Grant** applications seeking a total of \$33,975.50, of which a funding allocation of \$25,791.50 to 12 organisations (covering 14 projects) is recommended.
- 19 **Event Grant** applications seeking a total funding of \$139,273, of which 9 applications for funding to 8 organisations is recommended with the total value of \$65,000.

Assessment of Community Grant Applications

Applications for funding came from a wide range of community groups reflecting the broad appeal of this program and the diversity of initiatives underway that support and grow the community. Applications broadly covered all outcome areas in *Our Future 2036*.

Each application has been assessed according to eligibility and assessment criteria as set out in the *City of Canada Bay Community Grant Guidelines 2024* (Attachment 2). The eligibility criteria include:

- All applicants must be not-for-profit organisations or a not-for-profit group auspiced by an incorporated organisation. In addition, schools are eligible for the Environmental Grant.
- Funding will be provided where projects align with the outcomes or issues identified in Council's documents including: *Our Future 2036*, *Community Safety and Crime Prevention Plan*, *Disability Inclusion Action Plan*, and *the Social Issues Paper*;
- Projects are either based within the City of Canada Bay area or provide services and activities for residents of the City of Canada Bay;
- Applicants must have acquitted previous funding; and
- Events must be free or have a significant proportion of the event that is free to the general public.

All applications were assessed in line with the *City of Canada Bay Community Grants Policy* and the *City of Canada Bay Community Grants Guidelines*. Recommendations have been made based on the findings of an assessment panel comprising Council staff from the Place Management Team, Sustainability and Waste Team and Library and Community Services Team.

Funding Recommendations

The recommended funding amount and requested fee waivers for use of a Council venue is detailed in Attachment 1. It is recommended a total of \$156,778.50 be awarded for the Community Grants Program in in 2024-2025 across the following streams:

- Community Project Grants: \$65,987
- Environmental Grants: \$25,791.50
- Event Grants: \$65,000

In total it is recommended that 50 applications receive funding. In each case, the applications meet eligibility criteria, will be of benefit to the local community and will help to deliver the outcome areas of Council's strategies and plans including *Our Future 2036*.

A total of 11 applications were not awarded funding under the Community Project Grants Program and 10 applications for the Event Grants Program, for reasons outlined in the 2024-2025 Community Grants – Funding Recommendations (Attachment 1).

Venue Fee Waivers

11 community grant applications recommended for funding requested venue fee waivers. Subject to Council resolving to approve the recommendations for funding, these will be approved by the General Manager under delegation, pursuant to the provisions contained in Council's Revenue Policy.

The organisations requesting fee waivers as part of the Community Grant application process include:

- Ebenezer Mission Ltd (2 applications)
- Sydney East Community College
- RMCA (2 applications)
- Australian Nursing Home Foundation
- Australian Skateboarding Federation
- Chiswick Communities Activities Group
- The Australian Hokien Huay Kuan Arts Group
- Walking Football NSW
- Your Music Inc

Presentation Ceremony

Funding recipients will be invited to a ceremony proposed to take place at the Canada Bay Club on 24 July 2024.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Funding approval is time sensitive to ensure community groups are funded as early as possible in the 2024-2025 financial year to enable completion of projects within the timeframes identified in the grant timetable.

FINANCIAL CONSIDERATIONS

The total amount of funding recommended for the 2024-2025 Community Grant Program is \$156,778.50 (excluding fee waivers for hall and park hire). This amount has been allowed for in the 2024-2025 Budget, which Council will consider in a separate report to the 18 June 2024 Council meeting.

The recommended funding amount (\$65,987) to be awarded to applicants in the Community Project Grants category is less than the allocated budget of \$73,500. In addition, the recommended funding amount (\$25,791.50) to be awarded to applicants in the Environmental Grants category is less than the allocated budget of \$30,000. Combined, these two unallocated amounts total \$11,721.50.

It is recommended that the unallocated amount of \$11,721.50 be reallocated to fund the three additional recommendations for funding listed in Appendix 1, under the 2024-2025 Event Grants Program, to a total amount of \$11,721.50.

LEGISLATIVE AND POLICY CONSIDERATIONS

Section 356 of the Local Government Act 1993 provides that a council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 ADOPTION OF DELIVERY PROGRAM 2022-2026, OPERATIONAL PLAN 2024-25 AND STATEMENT OF REVENUE, INCLUDING BUDGET AND SCHEDULE OF FEES AND CHARGES

Reporting Manager Chief Financial Officer

- Attachments:
1. Attachment 1 - Submissions received during exhibition and proposed amendments to Delivery Program 2022-2026 and Operational Plan 2024-25 (*Provided in Attachment Booklet*) [⇒](#)
 2. Draft Delivery Program 2022-2026 and Operational Plan 2024-25 as exhibited (*Provided in Attachment Booklet*) [⇒](#)
 3. Draft Fees and Charges Booklet as exhibited (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Council consider the submissions received in response to the public exhibition of the draft Delivery Program 2022-2026 and draft Operational Plan 2024-25, as summarised in Attachment 1 to the report.
2. Amendments to the document following exhibition included in Attachment 1 be noted.
3. The Delivery Program 2022-2026 and Operational Plan 2024-25 at Attachment 2 be adopted with the addition of changes identified in Attachment 1, in accordance with Section 404 and 405 of the Local Government Act 1993 (the Act).
4. The Schedule of Fees and Charges 2024-25 applying from 1 July 2024 to 30 June 2025 at Attachment 3 be adopted in accordance with Sections 535 and 608 of the Act with amendments as per Attachment 1.
5. Council make the following ordinary rates and charges in accordance with Section 494 and 535 of the Act:
 - (a) Council's general income is increased by 5.3% in the 2024-25 financial year.
 - (b) Residential – Ordinary Rate
An ad valorem rate in the \$ of 0.00066935 with a Minimum Rate of \$953.95
The Residential – Ordinary Rate is to be applied to all land categorised as Residential throughout the whole City of Canada Bay Local Government Area.
 - (c) Business – Ordinary Rate
An ad valorem rate in the \$ of 0.00188136 with a Minimum Rate of \$953.95
The Business – Ordinary Rate is to be applied to all land categorised as Business throughout the whole City of Canada Bay Local Government Area.
 - (d) Residential – Stormwater Management Charge
A stormwater management service charge amounting to \$25 per residential allotment.
A stormwater management service charge amounting to \$12.50 per residential strata allotment.
 - (e) Business – Stormwater Management Charge

A stormwater management service charge amounting to \$25 per business allotment per 350m² or part thereof.

For a lot in a strata scheme that is categorised as business – the greater of:

\$5.00 or

the relevant portion of the maximum annual charge that would apply to the land subject to the strata scheme if it were a parcel of land categorised as business.

(f) Residential Domestic Waste Management Charge

The standard Domestic Waste Management Charge is set at \$460.00 for each residential property in the City of Canada Bay Local Government Area with further detail provided in the Schedule of Fees and Charges 2024-25 (Attachment 3)

6. Ordinary Rates and Charges included in 5 above are to be made in respect to the twelve month rating year commencing 1 July 2024 in accordance with Section 534 of the Local Government Act 1993.
 7. If the levying of a minimum rate would apply unfairly, or cause hardship to a rateable person who is rateable in respect of two or more separate parcels of land subject to the rate, then Council may aggregate the land values of such of the parcels as it determines and levy the rate on the aggregated land values in accordance with sections 548A and 531B of the Local Government Act 1993.
 8. An interest rate of 10.5% per annum on overdue rates and charges for the period 1 July 2024 to 30 June 2025, be adopted in accordance with Section 566(3) of the Act, subject to Council reserving the right to vary the interest chargeable on overdue rates to accord with any variations made to the Act and regulations thereunder.
-

PURPOSE

To submit to Council the draft Delivery Program 2022-2026, and the draft Operational Plan 2024-25 (including the Statement of Revenue Policy, Budget and Schedule of Fees and Charges) and submissions received in response to the public exhibition of the documents, for consideration for adoption.

EXECUTIVE SUMMARY

This report presents submissions made during public exhibition of the draft Delivery Program 2022-2026 and the draft Operational Plan 2024-25 (including the Statement of Revenue Policy, Budget and Schedule of Fees and Charges) for consideration. It provides a summary as to how the draft documents have been updated following the public exhibition period and presents them for consideration for adoption.

The documents were placed on public exhibition for 30 days from Friday, 19 April to Sunday, 19 May 2024.

In response to the public exhibition three submissions were received and Attachment 1 to the report provides a summary of the public submissions relating to the exhibited draft documents.

Canada Bay Council's current financial position is satisfactory. The 2024-25 budget provides for an operating surplus of \$13.075 million after allowing for the depreciation expense on Council's large infrastructure assets portfolio. Excluding capital grants and contributions, the operating result shows a surplus of \$199k.

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

At its meeting of 16 April 2024, Council considered the draft Delivery Program 2022-2026 and Operational Plan 2024-25 (including the Statement of Revenue Policy, Budget and Schedule of Fees and Charges) and resolved that:

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

Exhibition: draft Delivery Program 2022-2026 and draft Operational Plan 2024-25

The Delivery Program 2022-2026 and Operational Plan 2024-25 document is part of Council's Integrated Planning and Reporting framework, ascribing actions to the strategic directions and goals from the Community Strategic Plan Our Future 2036. The draft Delivery Program itemises what Council aims to achieve in the identified four-year period, and the draft Operational Plan identifies the deliverables that that Council will undertake in 2024-25. The draft Operational Plan also includes the Statement of Revenue Policy, Budget and Schedule of Fees and Charges for the 2024-25 financial year.

In line with the legislative requirement for a minimum 28 day exhibition period, the Delivery Program 2022–2026 and Operational Plan 2024-25, (including the Statement of Revenue Policy with Budget and Schedule of Fees and Charges for 2024-25) were placed on public exhibition as drafts for a period of 30 days from 19 April 2024 to 19 May 2024.

The exhibition and submission period was advertised in the printed City of Canada Bay news, an email was sent to interested participants via Collaborate Canada Bay and via social media. Hard copies of these documents were available for viewing at the Drummoyne Civic Centre and at Council's three libraries. The documents were also made available on Council's website and engagement site, Collaborate Canada Bay.

- Engagement summary:
 - Emailed to 3,426 Collaborate Canada Bay participants
 - 403 visits by 299 unique site visitors
 - 119 document downloads
 - Three public submissions were received.

Submissions made during the exhibition period are shown in Attachment 1 to this report for Council's consideration. The draft Delivery Program 2022-2026 and draft Operational Plan 2024-25, including amendments recommended within this report, is provided as Attachment 2.

Exhibition: Schedule of Fees and Charges 2024-25

The Schedule of Fees and Charges was placed on public exhibition as a draft for 30 days from 19 April 2024 to 19 May 2024. Individual fees and charges were increased by a modest amount and one community submission was received. The submission contents and Council's response are contained in Attachment 1.

Regulatory fees determined by the Office of Local Government and the Department of Planning and Environment after the draft Fees and Charges document was placed on public exhibition have been updated and shown in Attachment 1.

The Office of Local Government issued a circular (No 24-05 dated 19 April 2024) during the exhibition period that has impacted on the fees and charges for 2024-25. These changes are outlined below and presented in a table in Attachment 1.

- Boarding House Tariffs
 - In accordance with section 516 of the Local Government Act 1993 (the Act), it has been determined that for the purpose of the definition of 'boarding house' and 'lodging house', the maximum tariffs, excluding GST, that a boarding house or lodging house may charge tariff-paying occupants are:
 - a) Where full board and lodging is provided:
 - \$453 per week for single accommodation; or
 - \$747 per week for a family or shared accommodation
 - b) Where less than full board or lodging is provided:
 - \$305 per week for single accommodation; or
 - \$502 per week for family or shared accommodation
- Maximum Interest Rate on Overdue Rates and Charges
 - In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2024 to 30 June 2025 (inclusive) will be 10.5% per annum.
 - The methodology used to calculate the interest rate applicable for the period 1 June 2024 to 30 June 2025 is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate set by the Reserve Bank of Australia on 5 December 2023.
- Section 603 Certificate
 - Under section 603 of the Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc. due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2024-25 is determined to be \$100. This is an increase of \$5 from the 2023-24 fee and the fee exhibited.

From 1 July 2024, the fee unit for planning services will increase to reflect movements in the consumer price index (CPI). This includes development application fees based on the fee unit contained in Schedule 4 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

The new fee unit for the financial year commencing 1 July 2024 will be \$111.32 and this new fee unit has now been included within Schedule 4, Part 1(8) of the EP&A Regulation. Updating the fee unit each year in line with CPI changes means that fees will better reflect the cost of providing planning services and any increases will be gradual. There will also be minor changes to Planning Portal fees, which are based on fee units to reflect movements in CPI.

Relevant fees calculated by reference to a fee unit must be rounded to the nearest dollar and an amount of 50 cents must be rounded down.

Submissions and amendments: Delivery Program 2022–2026 and Operational Plan 2024–25

As noted above, Council received three public submissions on the draft Delivery Program 2022–2026 and draft Operational Plan 2024-25, (including the Statement of Revenue Policy with Budget and Schedule of Fees and Charges for 2024-25). Two submissions related to the Operational Plan and one to the Schedule of Fees and Charges. Council officers' responses to these submissions are contained in Attachment 1 for Council's consideration. It is noted that no changes to the exhibited Delivery Program and Operational Plan, or Schedule of Fees and Charges, are recommended in response to these submissions.

Statement of Revenue Policy – post exhibition amendments

Revisions to the exhibited budget have improved the operating result from a surplus of \$1,148 to a surplus of \$199,837. The improvement in the main relates to notification of the annual fire and emergency services contribution applicable for 2024/25.

The contribution, included in the "Other Expenses" expenditure classification has been determined at \$2,667,494.50 whilst the exhibited draft budget contained provision for a contribution of \$2,950,057.50. The Budget Saving amounting to \$282,563 has offset other minor cost adjustments recorded below relating to employee costs and revenue reductions in user fees and charges and operational grants.

Table 1. Operating Statement

	Forecast 2024-2025	Forecast 2024-2025	Forecast 2024-2025
	<i>Exhibited</i>	<i>Proposed</i>	<i>Movement</i>
Operating Income			
<i>Rates and Annual Charges</i>	71,109,067	71,109,067	0
<i>User Fees and Charges</i>	21,645,210	21,590,288	(54,922)
<i>Other Revenue</i>	6,747,581	6,747,581	0
<i>Other Income/Rental Income</i>	4,444,619	4,445,619	0
<i>Grants and Contributions-Operational</i>	6,525,446	6,506,285	(19,161)
<i>Interest</i>	7,058,000	7,058,000	0
Total operating income	117,530,923	117,456,840	(74,083)
Operating Expenses			
<i>Employee Costs</i>	50,545,078	50,555,359	(10,281)
<i>Borrowings</i>	587,337	587,337	0
<i>Materials & Services</i>	41,407,437	41,406,947	490
<i>Depreciation</i>	17,527,678	17,527,678	0
<i>Other Expenses</i>	7,462,245	7,179,682	282,563
Total operating expenditure	117,529,775	117,257,003	272,772
Operational result – surplus /(deficit)	1,148	199,837	198,689

During the exhibition period, Council staff identified minor typographical errors that were corrected in Attachment 2 for Council to adopt.

Capital Expenditure

In 2024-25 the capital expenditure budget is forecast to amount to \$77.393M. This is an increase of \$22.2M over the exhibited capital budget of \$55.1M. These changes are highlighted in Table 3 below and account for re-phasing of budget allocations from the current financial year as reported in the Third Quarter Budget Review along with adjustments to the program not envisaged when the draft budget was prepared.

The Rhodes Recreation Centre Budget allocation has been increased to \$36M from the exhibited \$23M to reflect the expectation that the project will be completed in the 2024-25 financial year. It is highlighted that the increased expenditure allocation is being fully funded by developer contributions.

Table 2. Capital Statement

Capital	Forecast 2024-2025	Forecast 2024-2025	Forecast 2024- 2025
Capital Income	<i>Exhibited</i>	<i>Proposed</i>	<i>Movement</i>
<i>Grants And Contributions-Capital</i>	11,419,743	12,875,218	1,455,475
<i>New Loans</i>	0	0	0
<i>Proceeds From the Disposal of Assets</i>	501,000	501,000	0
Total Capital Income	11,920,743	13,376,218	1,455,475
Capital Expenditure			
<i>Capital Expenditure</i>	54,247,321	76,402,173	22,154,852
<i>Capital Expenditure - Principal Loan</i>	791,543	791,543	0
<i>Capital Expenditure - Other</i>	100,000	199,315	99,315
Total capital expenditure	55,138,865	77,393,031	22,254,166
Capital result - surplus/(deficit)	(43,218,121)	(64,016,813)	(20,798,692)
Funding Movements			
<i>Add Back Depreciation & Amortisation - Non Cash Item</i>	17,527,678	17,527,678	0
<i>Transfer From Reserve</i>	34,634,436	55,234,439	20,600,003
<i>Transfer To Reserve</i>	8,945,141	8,945,141	0
Total Funding Movements	43,216,973	63,816,976	20,600,003
Capital Result – surplus/(deficit)	(1,149)	(199,837)	(198,688)
Net Working Capital Result - surplus/(deficit)	0	0	0

Table 3.Capital Project changes in 2024-2025

	Forecast 2024-2025	Forecast 2024-2025	Forecast 2024-2025
	<i>Exhibited</i>	<i>Proposed</i>	<i>Movement</i>
Buildings Renewal	2,853,378	4,509,043	1,655,665
Bayview Park Toilet - New Amenities Building	675,000	800,242	125,242
St Lukes Oval (Concord) Redevelopment Stage 1	950,000	150,000	-800,000
Beaconsfield Site – Green Corridor Establishment	0	496,559	496,559
Drummoyne Pool - Sustainability Project Electric Heat Pumps	0	315,000	315,000
Queen Elizabeth Park Toilet Block	0	500,575	500,575
Public toilet - McIlwaine Park	0	291,677	291,677
Five Dock Library- Partial Interior Upgrade	0	195,057	195,057
Five Dock Leisure Centre Renovation	0	685,531	685,531
Wangal Reserve Amenities Upgrade	0	210,868	210,868
Majors Bay Village Renewal	0	50,000	50,000
Shade Structure Renewals Program	0	100,000	100,000
Rhodes Recreation Centre	23,000,000	36,000,000	13,000,000
Timbrell Park Sportsfield Upgrade	1,750,000	999,346	-750,654
Project Management Office	1,319,315	1,100,015	-219,300
Plans of Management and Masterplans	0	120,000	120,000
Depot Relocation Investigation	0	293,456	293,456
PMO System	0	49,315	49,315
PMO Business Cases and Strategies	0	50,000	50,000
Shade Structure Renewals Program	50,000	0	-50,000
Library RFID Equipment Replacement SRV	0	78,000	78,000
Annual Shade Renewal Program	50,000	0	-50,000
Deakin St Foreshore Access	1,957,855	518,465	-1,439,390
Urban Canopy Street Tree Masterplan	65,000	110,000	45,000
Playground upgrade - Central Park	280,000	291,600	11,600
Playground upgrade - Coralie Reserve	95,000	95,900	900
Strathfield Triangle Playground	20,000	0	-20,000
Urban Canopy - Asset Management	20,000	60,003	40,003
Howley Park East Upgrade	74,840	1,187,128	1,112,288
Golf Course Safety Screens	320,000	356,000	36,000
Queen Elizabeth Park Commemorative Garden Restoration	300,000	336,000	36,000
Majors Bay Reserve - Car parking expansion	25,000	0	-25,000

	Forecast 2024-2025	Forecast 2024-2025	Forecast 2024-2025
	<i>Exhibited</i>	<i>Proposed</i>	<i>Movement</i>
Annual Skateboard Park Renewal Program	0	149,508	149,508
Wangal Reserve and Punt Park POM Actions	0	82,407	82,407
Drummoyne Oval/ Taplin Stormwater re-use	0	306,422	306,422
Playground upgrade - Brett Park	0	242,376	242,376
Taplin Park playground fence	0	22,896	22,896
Utz Reserve upgrade	0	184,075	184,075
Fred Kelly Place – Design	0	50,000	50,000
Lovedale Place improvements	0	75,000	75,000
Annual Road Pavement Renewal Program	651,322	651,324	2
Roads To Recovery Program	478,000	541,079	63,079
Rhodes Station Public Domain Construction works	500,000	3,000,000	2,500,000
Victoria Road, Drummoyne - Public Domain design/construction	0	202,000	202,000
Canada Bay Bike Plan Implementation Program	200,000	0	-200,000
Clermont Lane - Parking Barrier	50,000	152,317	102,317
Phillip Street - Construct car parking treatment	200,000	100,000	-100,000
Majors Bay Village Renewal	50,000	0	-50,000
Regional Cycleway Upgrade - RMS Grant	0	3,000,000	3,000,000
Five Dock Park - Car parking Upgrade - POM action item	0	400,000	400,000
Metered parking replacement and upgrade	0	236,250	236,250
Annual Stormwater Management Program	428,500	428,430	-70
Kings Bay Seawall - Barnwell Park Canal Outlet Zone	200,000	0	-200,000
Saltwater Creek and Exile Bay Seawall Naturalisation	1,750,000	793,509	-956,491
Total Movement			22,254,166

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Adoption of the Operational Plan prior to 30 June 2024 is a legislative requirement of the Local Government Act 1993 that allows Council to levy rates and undertake expenditure from 1 July 2024.

FINANCIAL CONSIDERATIONS

The 2024-25 budget continues to deliver a range of projects and service improvements identified through community engagement. As detailed in the report, this budget forecasts an Operating Budget surplus of \$199,837.

The Operational Plan, including the Statement of Revenue Policy, which incorporates a draft Budget and Schedule of Fees and Charges incorporate the second year of IPART determination with respect to the minimum rate and overall rate income increasing in line with IPART's rate peg determined for

Council at 5.3%. The expanded level of service that commenced for 2023-24 being funded by the special rate variation (SRV) continues in a program amounting to \$5.4M.

Council is optimistic that inflationary pressures will improve towards the end 2024-25 to be back in line with its 2.5% forecast modelled in its adopted Long Term Financial Plan. This will enable future budgets to include increasing allocations of approximately \$1.1M per year to asset renewal planned for 2025-26 and 2026-27. Legislative and Policy Considerations

The Integrated Planning and Reporting framework, a requirement of the Local Government Act 1993, requires Council to annually review and confirm the Council's four-year Delivery Program and adopt the annual Operational Plan, including the budget and rating structure. This report has been prepared to meet that obligation.

ITEM 12.2 CASH AND INVESTMENTS REPORT - MAY 2024
Reporting Manager Chief Financial Officer
Attachments: 1. Investment Report May 2024 (Provided in Attachment Booklet) [⇨](#)
RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

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

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

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

Certification - Responsible Accounting Officer

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

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

The Cash at Bank and Cash Investments are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
31 May 2024	\$13,921,725.49	\$170,538,262.01	\$184,459,987.50

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

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
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	A-	\$2,000,000.00	266	5.25%	21/09/23	Term Deposits
18/06/24	ING Direct	A	\$3,000,000.00	32	4.51%	17/05/24	Term Deposits
20/06/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	266	5.25%	28/09/23	Term Deposits
24/06/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	61	4.55%	24/04/24	Term Deposits
27/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	258	5.07%	13/10/23	Term Deposits
27/06/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	223	5.23%	17/11/23	Term Deposits
27/06/24	National Australia Bank	AA-	\$2,000,000.00	112	5.07%	07/03/24	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$1,000,000.00	279	5.28%	29/09/23	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	259	5.19%	19/10/23	Term Deposits
04/07/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	174	4.88%	12/01/24	Term Deposits
11/07/24	Commonwealth Bank of Australia	AA-	\$2,500,000.00	252	5.31%	02/11/23	Term Deposits
11/07/24	National Australia Bank	AA-	\$1,000,000.00	118	5.07%	15/03/24	Term Deposits
18/07/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	252	5.30%	09/11/23	Term Deposits
25/07/24	National Australia Bank	AA-	\$2,000,000.00	196	5.10%	11/01/24	Term Deposits
01/08/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	195	4.91%	19/01/24	Term Deposits
08/08/24	National Australia Bank	AA-	\$2,000,000.00	196	5.15%	25/01/24	Term Deposits
15/08/24	National Australia Bank	AA-	\$2,000,000.00	196	5.08%	01/02/24	Term Deposits
22/08/24	ING Direct	A	\$3,000,000.00	365	5.37%	23/08/23	Term Deposits
29/08/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	241	4.99%	29/05/23	Term Deposits
05/09/24	Bank of Queensland	A-	\$2,000,000.00	274	5.39%	06/12/23	Term Deposits
12/09/24	Bank of Queensland	A-	\$3,000,000.00	287	5.40%	30/11/23	Term Deposits
19/09/24	National Australia Bank	AA-	\$2,000,000.00	223	5.20%	09/02/24	Term Deposits
26/09/24	National Australia Bank	AA-	\$2,000,000.00	217	5.13%	22/02/24	Term Deposits
03/10/24	National Australia Bank	AA-	\$3,000,000.00	217	5.11%	29/02/24	Term Deposits
10/10/24	Suncorp	A+	\$2,000,000.00	219	5.16%	05/03/24	Term Deposits
17/10/24	Suncorp	A+	\$2,000,000.00	224	5.14%	07/03/24	Term Deposits
23/10/24	National Australia Bank	AA-	\$5,000,000.00	183	5.10%	23/04/24	Term Deposits
07/11/24	National Australia Bank	AA-	\$2,000,000.00	230	5.08%	22/03/24	Term Deposits
14/11/24	Suncorp	A+	\$3,000,000.00	181	5.18%	17/05/24	Term Deposits
21/11/24	Commonwealth Bank of Australia	AA-	\$1,500,000.00	363	5.39%	24/11/23	Term Deposits
29/11/24	Auswide Bank	BBB	\$2,000,000.00	366	5.67%	29/11/23	Term Deposits
16/01/25	Suncorp	A+	\$3,000,000.00	244	5.19%	17/05/24	Term Deposits
23/01/25	National Australia Bank	AA-	\$5,000,000.00	275	5.10%	23/04/24	Term Deposits
13/03/25	National Australia Bank	AA-	\$3,000,000.00	300	5.20%	17/05/24	Term Deposits
24/03/25	ING Direct	A	\$4,000,000.00	335	5.20%	23/04/24	Term Deposits
23/04/25	ING Direct	A	\$4,000,000.00	365	5.21%	23/04/24	Term Deposits
19/05/25	ING Direct	A	\$3,000,000.00	367	5.23%	17/05/24	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	731	1.04%	16/02/21	Term Deposits
21/10/24	Westpac Bank	AA-	\$1,500,000.00	182	5.25%	20/10/23	ESG TD
30/10/24	Westpac Bank	AA-	\$1,000,000.00	183	5.41%	30/10/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	185	1.62%	12/11/21	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	273	1.62%	03/12/21	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	273	2.02%	18/02/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	273	2.10%	25/02/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	549	1.87%	19/11/21	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	638	2.24%	18/02/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	638	2.31%	25/02/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	729	2.22%	04/03/22	ESG TD
29/08/24	ANZ Bank	AA-	\$1,500,000.00	92	5.11%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	184	5.25%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	275	5.21%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AA-	\$1,000,000.00	364	5.12%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Covered	AAA	\$1,000,000.00	548	5.24%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	638	4.83%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	638	5.25%	13/01/23	Floating Rate Notes
24/02/26	RACQ Bank	BBB+	\$2,300,000.00	641	5.84%	24/02/23	Floating Rate Notes
15/05/26	Bendigo and Adelaide Bank	A-	\$1,000,000.00	730	5.62%	15/05/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB+	\$850,000.00	819	5.03%	16/06/21	Floating Rate Notes
19/08/26	ING Bank Covered	AAA	\$500,000.00	821	4.74%	19/08/21	Floating Rate Notes
14/09/26	Macquarie Bank	A+	\$1,600,000.00	914	5.19%	14/09/23	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1003	4.76%	23/09/21	ESG FRN
22/03/27	ING Direct	A	\$1,000,000.00	1095	5.30%	22/03/24	Floating Rate Notes
14/05/27	Bendigo and Adelaide Bank	A-	\$800,000.00	1095	5.37%	14/05/24	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1185	5.36%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1368	5.50%	13/01/23	Floating Rate Notes
19/01/28	Rabobank	A+	\$1,000,000.00	1370	5.54%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1371	5.33%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland Covered	AAA	\$1,250,000.00	1461	5.58%	09/05/23	Floating Rate Notes
17/08/28	Commonwealth Bank of Australia	AA-	\$1,250,000.00	1553	5.30%	17/08/23	Floating Rate Notes
15/12/24	NTTC	AA-	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	AA-	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Covered	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB+	\$16,000,000.00		5.20%		AMP
	AMP Bank	BBB+	\$1,000.00		3.30%		AMP
	Macquarie Bank	A+	\$2,007,898.63		4.65%		Macquarie CMA
	Macquarie Bank	A+	\$15,971.08		4.15%		Macquarie CMA
	Commonwealth Bank of Australia	AA-	\$1,863,392.30		4.35%		CBA BOS
	31/05/24		\$170,538,262.01				
	TOTAL INVESTMENTS at 30/04/2024		\$168,247,396.09				
	Net Increase/(Decrease) in Investments		\$2,290,865.92				

FINANCIAL CONSIDERATIONS

Council's revised Budget for 2023-24 anticipates investment earnings of \$7.0M and is based on current interest rates being maintained for the remainder of the financial year.

The Reserve Bank will meet on the 18 June 2024. The cash rate may remain unchanged at 4.35 per cent. While there are encouraging signs, the economic outlook is uncertain and the Board remains highly attentive to inflation risks.

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

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

ITEM 12.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION 2024/25**Reporting Manager** Manager Governance and Risk**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That, pursuant to section 248 of the *Local Government Act 1993*, the annual fee for the Mayor and Councillors, payable monthly in arrears, for the period 1 July 2024 to 30 June 2025 be fixed as follows:

- (a) Councillors at \$22,540 per annum
 - (b) Mayor at \$49,170 per annum.
-

PURPOSE

The Local Government Remuneration Tribunal handed down its report on fees to be paid to mayors and councillors for the 2024-2025 financial year on 29 April 2024. The Tribunal determines the categories for councils in New South Wales and the minimum and maximum fees payable to mayors and councillors within those categories. In conducting its annual review, the Tribunal considers submissions from councils and Local Government New South Wales.

REPORT

Section 248 and 249 of the Act require councils to fix and pay an annual fee to councillors and mayors from 1 July 2024 based on the Tribunal's determination for the 2024-2025 financial year.

The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 3.75% to mayoral and councillor fees for the 2024-2025 financial year effective from 1 July 2024.

The Tribunal is required to determine the remuneration categories of councils at least once every three years under section 239 of the *Local Government Act, 1993* (the Act.) The tribunal last undertook a significant review of the categories as part of its 2023 determination and will next review these categories in 2026.

The Tribunal found that the allocation of most councils into the current categories continued to be appropriate having regard to the 2023 review, the current category model and criteria, and the evidence put forward in the submissions received. The categories of all Sydney Metropolitan councils remained unchanged.

The City of Canada Bay remains classified as a 'Metropolitan Small' Council and the fees are outlined in the tables below from the Tribunal's report.

Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

Mayor/Chairperson Additional Fee* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

In accordance with the relevant classification, and Council's historical approach, the following fees are recommended for payment to for the mayor and councillors in the 2024-2025 financial year:

Councillor (Metropolitan Small):	\$22,540
Total (9 councillors):	202,860
Mayor (Metropolitan Small):	\$49,170
Total (1 mayor)	\$49,170
Total fees payable to the mayor and councillors:	252,030

It should be noted that councillor superannuation is paid to those councillors who 'opt in' to receive superannuation and is paid over and above the mayor and councillor fees set by the Tribunal (at a rate of 11.5% from 1 July 2024 as per the superannuation guarantee.)

This follows the 2021 amendment to the Act (Section 254B) which commenced on 1 July 2022, whereby councils may make payments as a contribution to a superannuation account nominated by their councillors.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The Tribunal makes its determination in April/ May each year to take effect on 1 July for the coming financial year.

FINANCIAL CONSIDERATIONS

The mayor and councillor fees are budgeted for in the 2024-2025 budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

Regard has been given to sections 248 and 249 of the *Local Government Act, 1993*.

**ITEM 12.4 CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE
- APPOINTMENT OF INDEPENDENT MEMBERS****Reporting Manager** Manager Governance and Risk**Attachments:** Nil

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Simone Schwarz and Barry Husking be appointed to the two independent member roles of the Audit, Risk and Improvement Committee for a period of four years, commencing 1 July 2024.

PURPOSE

The purpose of this report is to recommend the appointment of two independent members to the Audit, Risk and Improvement Committee (ARIC) for a period of four years, commencing 1 July 2024.

This will, in part, satisfy Council's compliance obligations under the *Local Government (General) Regulation 2021* and Office of Local Government's *Guidelines on Risk Management and Internal Audit for Local Government in NSW* (OLG's Guidelines).

REPORT

On 24 March 2024, Council published an advertisement on its website seeking expressions of interest from suitably qualified and experienced individuals for the appointment of a Chairperson and 2 independent Committee members to its Audit, Risk and Improvement Committee for a term of up to 4 years. The advertisement was also extensively circulated through LinkedIn, Seek, Careers at Council. The closing date for the receipt of expressions of interest was 19 April 2024.

In response to the Expression of Interest, 82 applications of widely varying quality were received for appointment as an independent committee member.

At its meeting on 21 May 2024, Council resolved that Mr Michael Ellacott be appointed to the role of Chairperson of Council's ARIC for a period of four years, commencing 1 July 2024.

After appointment of Mr Ellacott as Chairperson of the ARIC, candidates for the two independent members of the ARIC were shortlisted and interviewed by a panel consisting of Mr Ellacott as Chairperson, the Director Corporate Services and Strategy, and the Director Environment and Planning. The shortlisted candidates were Ms Simone Schwarz and Mr Barry Husking.

Ms Schwarz is currently a consultant with previous extensive senior executive experience in local government. Ms Schwarz is a member of two local council ARICs and is an Associate at the University of Technology Institute for Public Policy and Governance.

Mr Husking also has extensive senior executive experience in local government and is a member of two other local council ARICs. Further, he is also a fellow of CPA Australia.

Both Ms Schwarz and Mr Husking meet the independence and eligibility criteria for committee members as outlined in the Office of Local Government's *Guidelines on Risk Management and Internal Audit for Local Government in NSW*.

Ms Schwarz and Mr Husking have the appropriate professional qualifications, skills, knowledge, and experience to perform the functions of independent members, and along with the Chairperson would provide Council with outstanding insight and advice in their respective roles. Accordingly, Ms Schwarz and Mr Husking are recommended for the two independent members roles on the ARIC.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The amendments to *Local Government (General) Regulation 2021* come into effect on 1 July 2024.

There is a risk of non-compliance with *Local Government (General) Regulation 2021* if, by 1 July 2024, Council does not have:

1. The ARIC adopted and operating under the new Terms of Reference;
2. The new Internal Audit Charter adopted and in operation; and
3. An Enterprise Risk Management Framework in place.

FINANCIAL CONSIDERATIONS

The costs of the operation of the ARIC are included in the Operational Budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

Council is required to comply with the *Local Government (General) Regulation 2021* and OLG Guidelines.

13 NOTICES OF MOTION

Nil

14 NOTICES OF MOTION OF RESCISSION**15 MATTERS OF URGENCY****16 QUESTIONS WITH NOTICE**

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 FOOTPATH DINING - SYDNEY METRO WORKS - GREAT NORTH ROAD

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

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

ITEM 17.2 WASTE DISPOSAL AND PROCESSING TENDER

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

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

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

BACKGROUND/DISCUSSION

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

- (a) Personnel matters concerning particular individuals (other than councillors).
- (b) Personal hardship of any resident or ratepayer.
- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.
- (d) Commercial information of a confidential nature that would, if disclosed:
 - (i) Prejudice the commercial position of a person who supplied it: or
 - (ii) Confer a commercial advantage on a competitor of Council;
 - (iii) Reveal a trade secret.

- (e) Information that would, if disclosed, prejudice the maintenance of law.
- (f) Matters affecting the security of Council, Councillors, Council staff and Council property.
- (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.
- (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
 - (i) Alleged contraventions of any Code of Conduct requirements applicable under section 440.

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

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

18 CONFIDENTIAL RESOLUTIONS

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