

ORDINARY COUNCIL MEETING

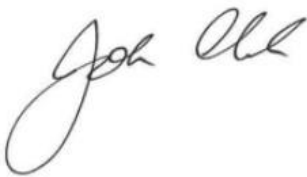
AGENDA

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

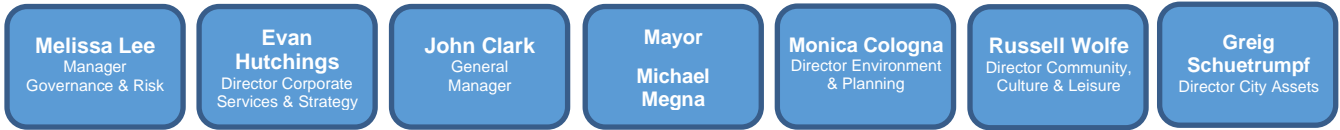
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 3 December 2024

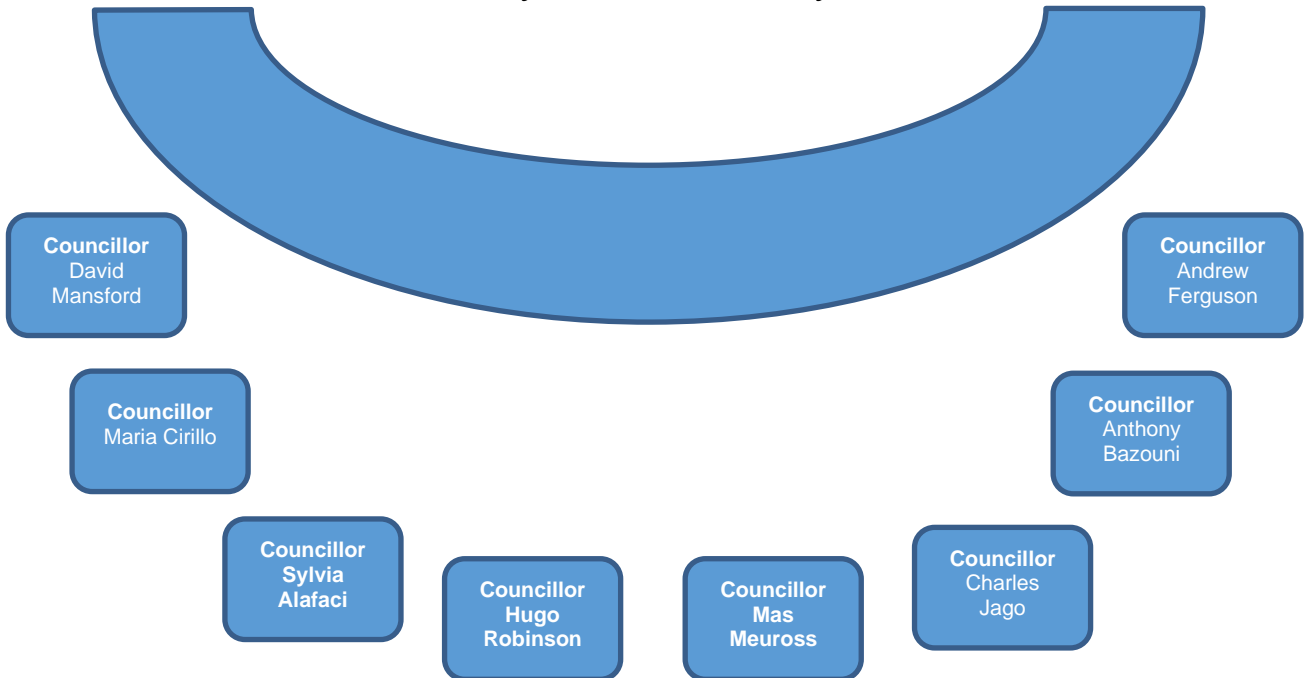
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



**Councillors
 City of Canada Bay**



Statement of Ethical Obligations

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

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

**Agenda for an Ordinary Council Meeting
to be held on Tuesday 3 December 2024
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6:00 PM**

Table of Contents

1	ACKNOWLEDGEMENT OF COUNTRY.....	5
2	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS.....	5
3	CONFIRMATION OF MINUTES	5
4	DISCLOSURES OF INTERESTS	5
5	MAYORAL MINUTE(S)	5
6	PUBLIC FORUM	6
7	ITEMS RESOLVED BY EXCEPTION.....	6
8	EXECUTIVE SERVICES DIRECTORATE REPORTS	6
9	ENVIRONMENT AND PLANNING DIRECTORATE REPORTS.....	7
	Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation	7
	Item 9.2 Development Application Assessment Timeframe Considerations.....	15
	Item 9.3 Homebush and North Strathfield Transport Oriented Development	17
10	CITY ASSETS DIRECTORATE REPORTS.....	26
	Item 10.1 Urban Tree Canopy Strategy Six Monthly Update - January to June 2024	26
	Item 10.2 City of Canada Bay Local Traffic Committee Minutes - 14 November 2024	32
11	COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS	33
	Item 11.1 Ferragosto 2025 - Stallholder Fees and Charges	33
12	CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS.....	35
	Item 12.1 Code of Conduct Complaints Statistics for 2023-2024	35
	Item 12.2 Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Deed of Variation - Outcome of Public Exhibition.....	41
13	NOTICES OF MOTION.....	45
	Item 13.1 Notice of Motion - Cr Ferguson - New Developments and Maintenance of Landscaped Street Fronting Areas	45
14	NOTICES OF MOTION OF RESCISSION	46
15	MATTERS OF URGENCY.....	46
16	QUESTIONS WITH NOTICE	46
17	CONFIDENTIAL MATTERS	47
	Item 17.1 The LiVVing Room - Road Reserve Lease Henley Marine Drive	47
	Item 17.2 Tender - Concord Library Cafe	47
	Item 17.3 Rhodes Recreation Centre Early Childhood Education and Care Centre - Tender.....	47

18 CONFIDENTIAL RESOLUTIONS..... 49

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 12 NOVEMBER 2024

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 12 November 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)

Nil

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

Nil

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 26 October 2024 to 22 November 2024.

PURPOSE

This report outlines development application (DA) determinations by the Canada Bay Local Planning Panel (CBLPP) and Staff under delegation for the period from 26 October 2024 to 22 November 2024.

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 30 October 2024

The following applications were listed for consideration at the CBLPP meeting on 30 October 2024:

- DA2024/0146 - 408 Great North Road, Abbotsford – Partial demolition of the existing garage and the construction of a new garage, with a storage area over – *refused as per Recommendation.*
- DA2023/0261 - 6 Janet Street, Drummoyne - Demolition of the existing buildings and construction of a new two storey dwelling, with basement parking, storage areas and landscaping to the rear – *approved subject to conditions.*
- DA2023/0270 – 20 Janet Street, Drummoyne - Demolition of existing building and construction of a two-storey dwelling and related front brick wall - *approved subject to conditions.*
- DA2023/0139 – 135-139 Great North Road, Five Dock – Partial demolition of the existing buildings and construction of a five-storey mixed use development consisting of a commercial space at the ground floor and co-living housing units above - *approved subject to conditions.*

Items for CBLPP Meeting on 27 November 2024

At the time of writing this report, the following applications are listed for consideration at the CBLPP meeting on 27 November 2024:

- DA2024/0139 - 24 Barnstaple Road, Five Dock - Proposed ground floor and first floor alterations including conversion of existing garage to living area.
- DA2024/0195 - 8 Riverside Mews, Drummoyne - Proposed extension above garage, replacement of rear vergola and use of roof storage space.
- DA2024/0138 – 2-4 Denham Street, Rhodes – Demolition of existing structures and construction of eight storey residential flat building over three basement levels of carparking including 34 dwellings and 38 car spaces.

Development Applications - Determined

The following Development Applications have been determined by staff under delegation between 26 October 2024 to 22 November 2024:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0270	21.12.2023	20 Janet Street, Drummoyne	Demolition of existing building and construction of a two storey dwelling and related front brick wall	Approved – LPP 30.10.2024
DA2023/0261	28.11.2023	6 Janet Street, Drummoyne	Demolition of the existing buildings and construction of a new two storey dwelling, with basement parking, storage areas and landscaping to the rear	Approved – LPP 30.10.2024
DA2024/0146	06.08.2024	408 Great North Road, Abbotsford	Partial demolition of the existing garage and the construction of a new garage, with first floor addition	Refused – LPP 30.10.2024
DA2023/0139	06.07.2023	135 Great North Road, Five Dock	Partial demolition of the existing buildings and construction of a five (5) storey mixed use development consisting of a commercial space at the ground floor and co-living housing units above	Approved – LPP 30.10.2024
DA2023/0259	27.11.2023	45 Nield Avenue, Rodd Point	Demolition of existing building structures, construction works for dual occupancy, Swimming Pool, associated structures,	Approved 31.10.2024

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			and works strata subdivision	
DA2023/0287	21.12.2023	1A Macnamara Avenue, Concord	Demolition of existing structures and construction of new dual occupancy and strata subdivision	Approved 31.10.2024
DA2024/0181	27.09.2024	4 Franklyn Street, Concord	Alterations and additions to dwelling including first floor addition and studio above rear garage	Approved 05.11.2024
DA2024/0178	19.09.2024	60 Therry Street, Drummoyne	Partial demolition of existing dwelling, swimming pool and garage structure. Construction of new 2 storey additions and new garage and additional landscaping	Approved 07.11.2024
DA2024/0186	04.10.2024	7 Lea Avenue, Russell Lea	Demolition of existing dwelling and construction of a new two storey dwelling with basement and pool	Approved – Deferred Determination 08.11.2024
DA2024/0162	23.08.2024	13 Collingwood Avenue, Cabarita	Repairs and additions to an existing seawall	Approved 08.11.2024
DA2024/0210	07.11.2024	1 Rider Boulevard, Rhodes	The proposal seeks consent for the installation of 6 EV charging stations for IKEA operated last-mile delivery services	Approved 08.11.2024
DA2024/0123	09.07.2024	2 Noble Street, Rodd Point	Integrated development under the Water Management Act including demolition of existing buildings, construction of a two-storey dwelling, with basement, swimming pool and related landscaping	Refused 13.11.2024
DA2024/0176	19.09.2024	118 Cabarita Road, Cabarita	Demolition of rear portion of existing dwelling. Construction of proposed rear	Approved – Deferred Determination

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			additions and internal alterations to existing dwelling	14.11.2024
DA2024/0151	13.08.2024	18 Pomeroy Street, North Strathfield	Demolition of existing dwelling and erection of new two storey dwelling	Approved 14.11.2024
DA2024/0196	11.10.2024	15 Irene Street, Wareemba	New studio at rear of property	Approved 14.11.2024
DA2024/0147	05.08.2024	168 Lyons Road, Drummoyne	Hardstand parking space	Approved – Deferred Determination 14.11.2024
DA2024/0153	13.08.2024	26 Renwick Street, Drummoyne	Alterations and additions to the rear of a single storey dwelling, including construction of a first floor, garage and associated landscaping	Approved 15.11.2024
DA2024/0103	11.06.2024	25 Myall Street, Concord West	Part demolition of existing dwelling, demolition of detached structures and construction of alterations and ground and first floor additions to the existing residence, modification to the existing front fence and landscaping.	Approved – Deferred Commencement 22.11.2024
DA2024/0119	02.08.2024	82 Majors Bay Road, Concord	Alterations and additions including a rear extension for additional dining and sanitary facilities	Approved – Deferred Commencement 22.11.2024
DA2024/0160	23.08.2024	16 Edward Street, Concord	Alterations and additions to dwelling house including new garage and front and rear fences	Approved 22.11.2024
DA2024/0221	20.11.2024	41 Janet Street, Russell Lea	Strata subdivision of existing dual occupancy	Approved 22.11.2024

Total Number of DAs Determined = 22

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 26 October 2024 to 22 November 2024:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2024/0208	29.10.2024	52 Preston Avenue, Five Dock	Demolition of Existing Structures and Construction of a New Two Storey Dwelling
DA2024/0211	06.11.2024	24 Hospital Road, Concord West	Demolition of existing buildings and construction of a new two storey dwelling and related landscaping
DA2024/0212	06.11.2024	24 Wrights Road, Drummoyne	Strata subdivision of existing residential unit
DA2024/0213	07.11.2024	28 Bennett Avenue, Five Dock	Proposed ground floor additions, first floor addition, car port and rear deck
DA2024/0210	07.11.2024	1 Rider Boulevard, Rhodes	The proposal seeks consent for the installation of 6 EV charging stations for IKEA operated last-mile delivery services
DA2024/0215	08.11.2024	14 The Parade, Drummoyne	New inground swimming pool
DA2024/0214	11.11.2024	83 Thompson Street, Drummoyne	Internal alterations and extension to rear of dwelling
DA2024/0216	14.11.2024	13 Collingwood Avenue, Cabarita	Construction of two storey dwelling house with pool and spa
DA2024/0220	19.11.2024	38 Leicester Avenue, Strathfield	Demolition of existing buildings and construction of a seven storey residential flat building with associated landscaping, communal open space, and basement parking with vehicular access from Leicester Avenue
DA2024/0218	20.11.2024	28 Marlborough Street, Drummoyne	Tree pruning of branches overhanging neighbours' yards, dead branch removal and trimming of dangerous tree
DA2024/0219	20.11.2024	17 Broughton Street, Drummoyne	Internal and external alterations to the existing house and construction of new rear addition and single car garage
DA2024/0221	20.11.2024	41 Janet Street, Russell Lea	Strata subdivision of existing dual occupancy
DA2024/0222	22.11.2024	27 Burnell Street, Russell Lea	Proposed new dwelling with rear garage and swimming pool

Total Number of DAs Lodged = 13

Variations to development standards

There was one (1) variation made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 26 October 2024 to 22 November 2024.

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2024/0023	21 Potter Street, Russell Lea	Floor Space Ratio, Clause 4.4	The building will be well articulated and will ensure the variation to the floor space ratio will not result in any adverse environmental impacts to the adjoining properties or public domain.	16.4sqm (10%)	08.11.2024

Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 22 November 2024:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2023/0241	5 The Esplanade, Drummoyne	Class 1 appeal against the deemed refusal of a development application for Integrated development (Water NSW) for the construction of an attached dual-occupancy and strata subdivision	Section 34AA conciliation conference held on 2 and 3 September 2024. Awaiting judgement from the Commissioner
DA2023/0189	9 Seabrook Avenue, Russell Lea	Class 1 appeal against the refusal of a development application for Swimming pool and alterations to existing garage and front fence	No agreement reached at conciliation conference. Awaiting judgement from the Commissioner
DA2023/0276	15-25 Hilly Street, Mortlake	Class 1 appeal against the deemed refusal of an Integrated development application under the Water Management Act proposing the demolition of existing buildings and construction of a new mixed used development with 27 apartments with basement parking and associated external works	No agreement reached at s34 conciliation conference. Awaiting submission of amended plans to respond to matters raised by the community and Council.

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2024/0059	7 Concord Avenue, Concord West	Class 1 appeal against the deemed refusal of a development application for demolition of existing buildings, construction of 105 industrial units, tree removal, installation of infrastructure and landscaping	Matter listed for a s34 conciliation conference on 4 December 2024.
DA2022/0189	43 Walton Crescent, Abbotsford	Class 1 appeal against the refusal of a development application for the demolition of the existing structures and Construction of a Multi-Unit Residential Flat Building consisting of 9 apartments and 3 basement levels of parking	No agreement reached at s34 conciliation conference. Awaiting submission of amended plans to respond to matters raised by the community and Council.
DA2024/0074	12 Preston Avenue, Five Dock	Class 1 appeal against the refusal of alterations and additions to an existing dwelling house for a screened first floor balcony	Section 34AA listed for 20 and 21 January 2025.
DA2024/0138	2-4 Denham Street, Rhodes	Class 1 appeal against the deemed refusal of Integrated Development under the Water Management Act for demolition of existing structures (including three (3) existing dwellings), tree removal, construction of a three (3) level basement for 34 car parking spaces, 4 visitor spaces, 68 bicycle parking spaces and eight (8) motor cycle parking spaces, on-site loading bay, construction of 34 dwellings, comprising 30 apartments (including five (5) adaptable apartments) and four (4) multi-dwelling housing (terraces), on-site landscaping, residential amenities and building services	Section 34 listed for 13 January 2025.
DA2024/0072	123 Peninsula Drive, Breakfast Point	Class 1 appeal against the deemed refusal of Integrated development under the Water Management Act for internal alterations and additions to existing heritage building, construction of two new structures, basement, swimming pool and related landscaping	Appeal recently lodged, hearing dates yet to be set by the Court.

There are eight (8) 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	DEVELOPMENT APPLICATION ASSESSMENT TIMEFRAME CONSIDERATIONS
Reporting Manager	Manager Statutory Planning
Attachments:	Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council write to the Minister for Planning, Housing and Infrastructure seeking that:

1. the period from 20 December to 10 January be considered as a “blackout” period where development applications across NSW are not placed on neighbour notification during this period.
 2. this “blackout” period be excluded from the median assessment times identified in the State government’s Council League tables.
 3. the “Stop the Clock” period allowed under the *Environmental Planning and Assessment Regulations 2021* which allow councils to seek additional information on a development application from the applicant, be excluded from the median assessment times identified in the State government’s Council League tables.
-

PURPOSE

This report brings to Council’s attention two aspects relating to development application assessment timeframes and recommends Council advocate for these aspects to be considered in the NSW Council League Tables recently published by the Department of Planning, Housing and Infrastructure (DPHI).

EXECUTIVE SUMMARY

The Minister for Planning’s Statement of Expectations (July 2024) for councils in NSW identify required timeframes for development assessment lodgement and development application assessment for the current and subsequent financial years. Councils’ progress towards these requirements is now tracked by league tables published by DPHI. Currently, the “Stop the Clock” provisions under the *Environmental Planning and Assessment Regulations 2021* which enable a council assessment planner to request additional information from an applicant, are not considered in the median assessment times identified in the council league tables. In addition, many councils do not place development applications on public notification during the core Christmas/New Year holiday period, acknowledging that there are a number of public holidays within this period, and it is challenging for many people to consider and comment on development applications during this time.

This report recommends Council write to the Minister for Planning seeking that the Council League Table calculations take into consideration a reasonable “blackout” period for part of December-January, as well as the “Stop the Clock” provisions permitted under the *Environmental Planning and Assessment Regulations 2021*.

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

In July 2024, the Minister for Planning released a Statement of Expectations for councils in NSW relating to development application (DA) average lodgement and assessment times. The Statement of Expectations seeks to ensure efficient assessment of development applications to contribute to housing supply across the state. The State government has identified targets for each council across NSW, and councils' progress is now tracked by the State government in League Tables which are publicly available and updated monthly.

Council's adopted *Community Participation Plan* provides a framework for Council to consult with the community on a range of different planning matters. It specifically identifies the period between 20 December and 10 January as a "blackout" period where DAs are not placed on public notification, acknowledging that many businesses are closed, and many people are either away or busy during the holiday period, limiting their ability to comment on development applications.

Council's planning officers have recently undertaken comprehensive improvements to internal development application assessment processes as part of the State government's Faster Local Assessments Grant program in 2022-2023. This project successfully implemented a number of system, process and customer experience initiatives to streamline the development assessment process. In addition to Council's committed to efficiency in the assessment times, there is also a strong commitment to achieving quality outcomes, which Council's planning officers achieve through reasonable use of the "Stop the Clock" provisions in the *Environmental Planning and Assessment Regulations 2021*. Using the "stop the clock" provisions for development applications allows for the proper consideration of a proposal with a timely decision on whether the application can go ahead. To date, the Council League Tables published from August 2024 onwards, have not factored in days where a council has reasonably "stopped the clock" in accordance with the provisions of the *Environmental Planning and Assessment Regulations 2021*.

Council's Statutory Planning team is continuing to identify further opportunities and implementing solutions to bring greater efficiencies to the assessment of development applications in response to the Minister's Expectations released in July. However, it is important that efficient DA assessment is balanced with reasonable opportunity for surrounding residents to comment on DA proposals and opportunity for council staff to request additional relevant information from applicants to achieve quality design outcomes. This report recommends that Council write to the Minister for Planning seeking consideration of these aspects in the newly developed Council League Tables.

TIMING AND CONSULTATION CONSIDERATIONS

It is recommended Council write to the Minister as recommended as a matter of priority, given the 2024 Christmas and New Year holiday period is fast approaching. It is noted that Council's planning officers will continue to exhibit development applications in accordance with council's adopted *Community Participation Plan* and will observe the "blackout period" specified in the plan, with no development applications being placed on notification between 20 December 2024 and 10 January 2025, as per previous years.





FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Relevant legislation includes the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulations 2021* and Council's *Community Participation Plan*.

ITEM 9.3 HOMEBUSH AND NORTH STRATHFIELD TRANSPORT ORIENTED DEVELOPMENT**Reporting Manager Manager Strategic Planning**

- Attachments:**
1. **North Strathfield - Transport Oriented Development Sites Map (Provided in Attachment Booklet)** 
 2. **CCB Submission to Minister for Planning and Public Spaces re. Homebush TOD (Provided in Attachment Booklet)** 
 3. **DPHI Homebush TOD Finalisation Report (Provided in Attachment Booklet)** 
 4. **Letter to Council from Minister of Planning and Public Spaces 27 November 2024 (Provided in Attachment Booklet)** 
-

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council note the commencement of:

1. the Homebush Accelerated Transport Oriented Development precinct through a State government-led amendment to the *Canada Bay Local Environmental Plan 2013*.
 2. the North Strathfield Transport Oriented Development precinct under Chapter 5 of *State Environmental Planning Policy (Housing) 2021*.
-

PURPOSE

This report advises Council of the commencement of the Homebush Accelerated Transport Oriented Development (Homebush TOD) precinct and outlines key changes to the exhibited documentation by Department of Planning Housing and Infrastructure (DPHI) in response to both Council and landowner submissions.

This report also advises Council of the commencement of the North Strathfield Transport Oriented Development (North Strathfield TOD) precinct and provides confirmation of the area of land affected.

EXECUTIVE SUMMARY

In December 2023, the State Government announced the introduction of planning controls for certain areas under the Transport Oriented Development (TOD) program. These included the Homebush TOD precinct and the North Strathfield TOD precinct.

A rezoning package for the Homebush TOD precinct (including an Explanation of Intended Effect) was publicly exhibited by the Department of Planning, Housing and Infrastructure (DPHI) from 16 July to 30 August 2024.

Council's submission, endorsed by Council on 13 August 2024, outlined concerns regarding the rezoning package in relation to a range of matters including land use and urban design, infrastructure delivery, public domain and public open space, traffic and transport, flooding, heritage, and community/social infrastructure.

On 27 November 2024, the Minister for Planning and Public Spaces notified Council that the Homebush TOD precinct came into effect via a State government-led amendment to the Canada Bay LEP effecting changes to the zoning, height, floor space ratio, affordable housing contribution, amongst a range of other matters (Attachment 4).

In addition to the Homebush TOD precinct, the North Strathfield station area was identified as a location that would be subject to revised development standards under Chapter 5 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP). Residential flat buildings to a height of approximately six storeys were to be permitted within a radius of 400m around North Strathfield Station.

On 27 November 2024, DPHI notified (finalised) the mapping amendments to the Transport Oriented Development Sites Map under Chapter 5 of the Housing SEPP to apply to the North Strathfield TOD precinct, comprising land to the east of North Strathfield Station.

It is recommended that Council note the finalisation of the Homebush TOD precinct and the commencement of the North Strathfield TOD precinct.

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

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

In December 2023 the State Government announced the introduction of new State-level planning interventions for certain areas under the Transport Oriented Development (TOD) program.

Two types of TOD precincts were introduced:

- 8 accelerated TOD precincts, including the Homebush Rezoning Proposal that includes land in North Strathfield and Concord West, known as the Homebush TOD Precinct. Master planning was undertaken by DPHI within each accelerated precinct to inform revised planning controls.

The new planning controls for the Homebush TOD precinct came into effect on 27 November 2024 via a self-repealing SEPP which amended the Canada Bay Local Environmental Plan and maps.

- 37 TOD precincts (Tier 2) to be given effect by the recently added *Chapter 5 Transport Oriented Development of the State Environmental Planning Policy (Housing) 2021* (the Housing SEPP).

Residential flat buildings to a height of approximately six storeys are permitted within a radius of 400m around each TOD precinct.

The controls came into effect for North Strathfield TOD when the land was identified on the Transport Oriented Development Sites Map (Attachment 1) on 27 November 2024, at the same time as the Homebush TOD precinct changes.

Homebush Accelerated TOD precinct

The Homebush TOD Precinct is the same as the area of the Stage 2 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) for the Homebush Precinct, which encompasses both the City of Canada Bay and Strathfield Local Government Areas. However, the Homebush TOD Precinct proposes significantly more development than was envisaged under PRCUTS.

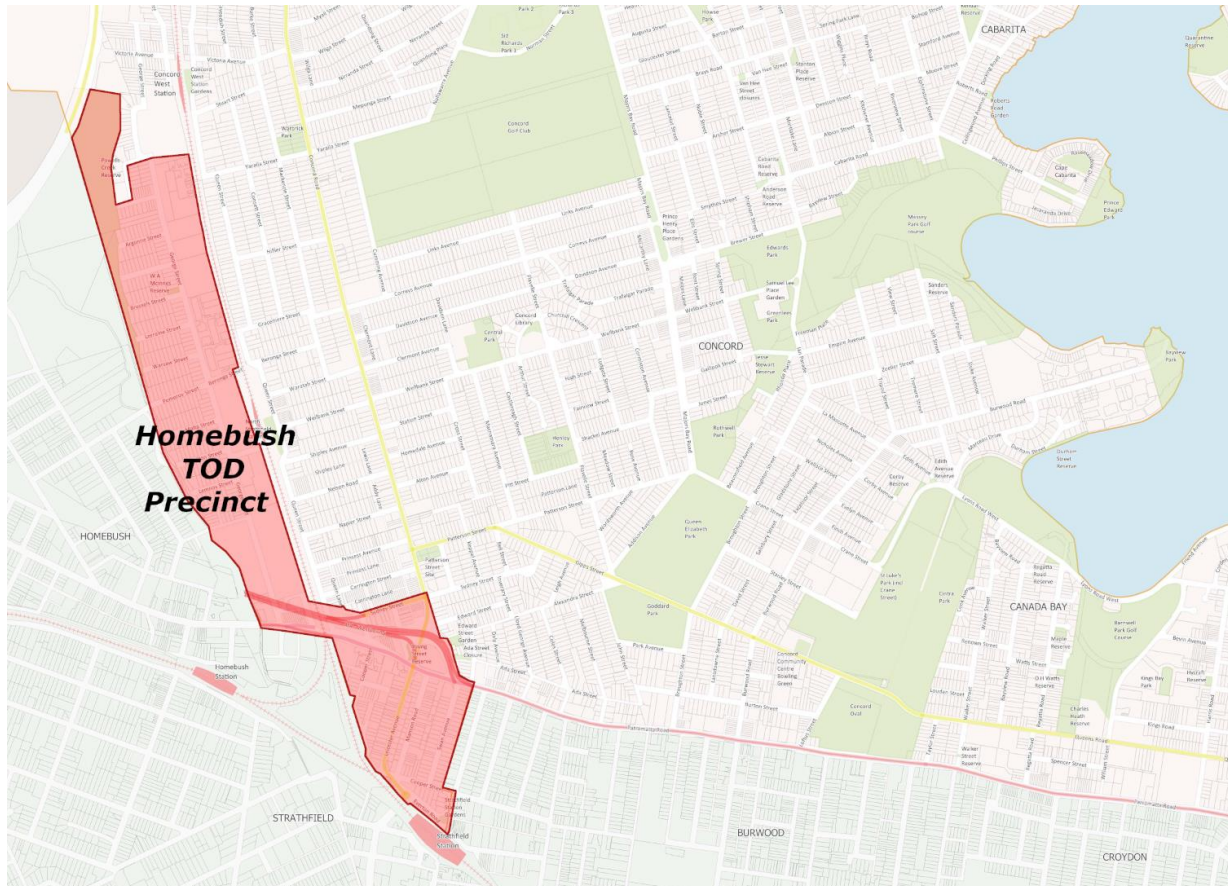


Figure 1: Homebush TOD precinct within City of Canada Bay

The Homebush TOD precinct rezoning package was publicly exhibited by DPHI from 16 July to 30 August 2024, including an Explanation of Intended Effect (EIE), Urban Design Report and Design Guide.

Council's submission, endorsed on 13 August 2024 (Attachment 2), outlined concerns regarding the Proposal in relation to a variety of matters including land use and urban design, infrastructure delivery, public domain and public open space, traffic and transport, flooding, heritage, and community/social infrastructure. Following the formal exhibition period, Council staff have continued to engage with DPHI staff where provided the opportunity in line with the submission.

Key issues/changes in final rezoning package

DPHI published a finalisation package on 25 November 2024 which included the following documentation:

- Finalisation Report (Attachment 3)
- Biodiversity Vegetation Assessment
- Updated Design Guide
- Updated Urban Design Report
- Review of Affordable Housing Contributions
- Updated Flood Impact and Risk Assessment and Storm Water Management Strategy
- Updated Precinct Transport Statement
- Updated Public Domain Strategy Report
- Updated Contamination Assessment

- Updated Acoustics Study Report
- Updated Air Quality Impact Assessment

Council was notified by the Minister for Planning and Public Spaces (Attachment 4) and amended LEP mapping and changes to the Canada Bay LEP instrument were gazetted on 27 November 2024. The mapping changes are shown in Section 7.1 of the Finalisation Report (Attachment 3) or viewed at <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

The key changes are summarised below:

Density

The exhibited Homebush TOD precinct rezoning package envisaged an additional 16,100 dwellings. The finalised rezoning package estimated an increase to 18,300 dwellings across the Homebush TOD precinct, which includes both the City of Canada Bay and Strathfield local government areas.

A number of specific sites and localities received an increase to the permitted height and density following the exhibition of the draft plans. Changes were made to land to the north of Lorraine Street, the Bakehouse Quarter, land within the Strathfield Triangle, land currently occupied by The McDonald College and Our Lady of the Assumption Primary School, and land to the immediate north of Strathfield train station on Cooper Street.

Open Space

Additional open space has been identified for delivery through a 'Key Site' provision at WA McInnes Reserve, Powells Creek North, North Strathfield station park, at Allen Street in the Bakehouse Quarter and open space beneath the M4 underpass. The open space proposed over the current location of Our Lady of the Assumption primary school has been relocated to land currently occupied by The McDonald College (Figure 2).

Land to the south of the Bakehouse Quarter, fronting Parramatta Road, has also been rezoned to RE1 Public Recreation to enable the delivery of a new park that will be funded by the NSW Government Housing Productivity Contribution (HPC) (Figure 2).

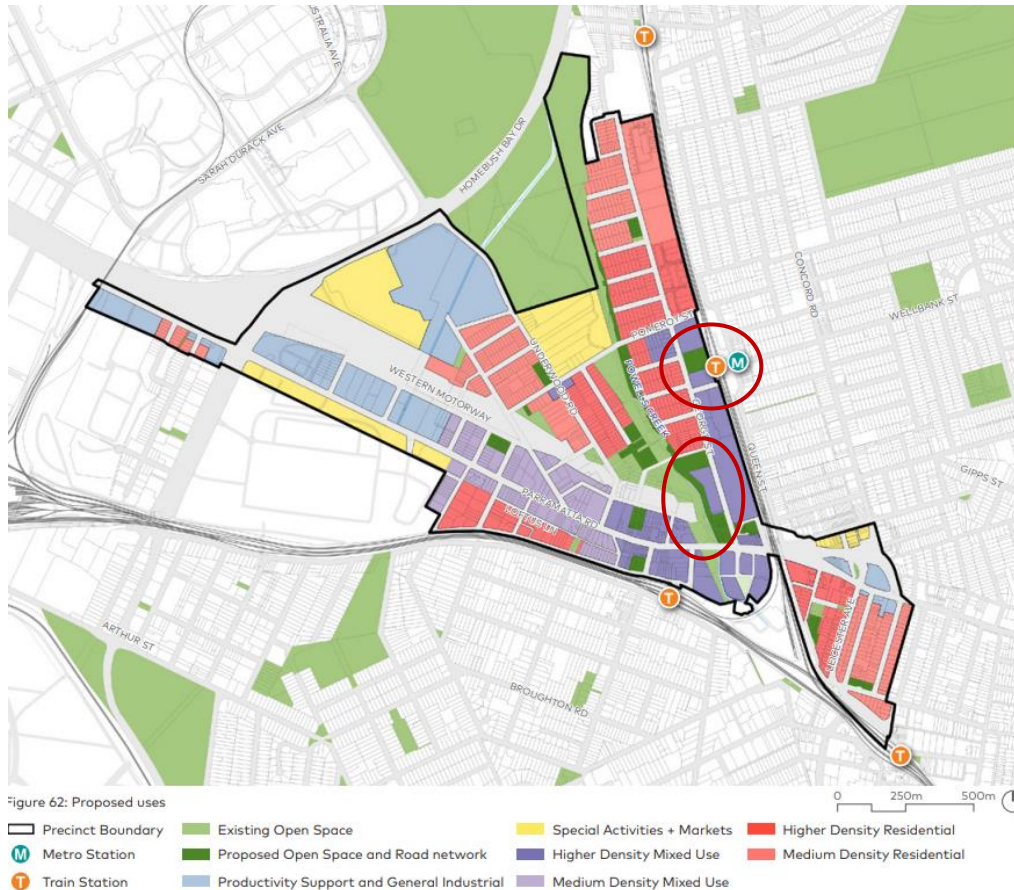


Figure 2: Homebush TOD precinct proposed open space

Design Guide

The Homebush TOD precinct Design Guide will apply to development within the precinct instead of Council’s Development Control Plan. The Design Guide has been amended in response to Council’s submission in relation to lot amalgamation, Key site and infrastructure delivery, biodiversity and ecology and other miscellaneous updates.

DPHI has responded to some of the issues raised in Council’s submission relating to urban design and built form controls, however given the accelerated nature of the Homebush TOD precinct finalisation, a range of other matters raised in Council’s submission were not fully addressed or detailed.

Schools

The Homebush TOD precinct rezoning package does not identify any sites for the provision of a new primary or secondary school. DPHI has advised that:

“The Department of Education has advised that there will be a need for two additional primary schools to meet demand in the precinct in the next 10–15 years. The Department of Education have also advised that high school demand in the area can be met by capacity delivered through existing schools which have been upgraded or newly built.

The Department of Education will continue to monitor growth to ensure that adequate capacity is provided to support the future population of the precinct.”

Council’s submission raised the need for both future public primary and secondary school provision, and Council officers have continued to raise concerns regarding planning for future public school provision with DPHI and School Infrastructure NSW post-exhibition of the precinct rezoning package.

Affordable Housing

The exhibited Homebush TOD precinct rezoning package indicated an affordable housing provision of between 5 and 10%. The finalised rezoning package has provided for a 3% affordable housing provision across the precinct, to be dedicated to Council or via a financial contribution. A 4% affordable housing rate will apply to the Bakehouse Quarter. It is noted that the supporting feasibility report only tested four sites within the Homebush TOD precinct, in comparison to over 15 in the Crows Nest TOD precinct (which will deliver approximately 5,900 new dwellings in total).

North Strathfield TOD precinct

Amendments to the Housing SEPP

Chapter 5 of the Housing SEPP permits mid-rise residential flat buildings in all residential zones and shop top housing in E1 Local Centre and E2 Commercial Centre zones within 400m of specified stations. As the Housing SEPP is a State instrument, the standards within the SEPP prevail over Council's Local Environmental Plan and Development Control Plan (DCP).

The SEPP permits:

- a maximum height of 22m for residential flat buildings,
- a maximum height 24m for buildings containing shop top housing and a maximum floor space ratio (FSR) of 2.5:1.

Development seeking to apply these heights and/or density will be required to have a minimum lot width of 21m, but no minimum lot size. Development with a Gross Floor Area of at least 2,000m² will be required to contribute 2% of Gross Floor Area towards the provision of affordable housing onsite and in perpetuity. Council staff estimate that this may result in a population growth of approximately 3,000 people.

The amendments to the Transport Oriented Development Sites Map were finalised on 27 November 2024 identifying the area as being subject to the development standards under Chapter 5 of the Housing SEPP (see Figure 3 below).

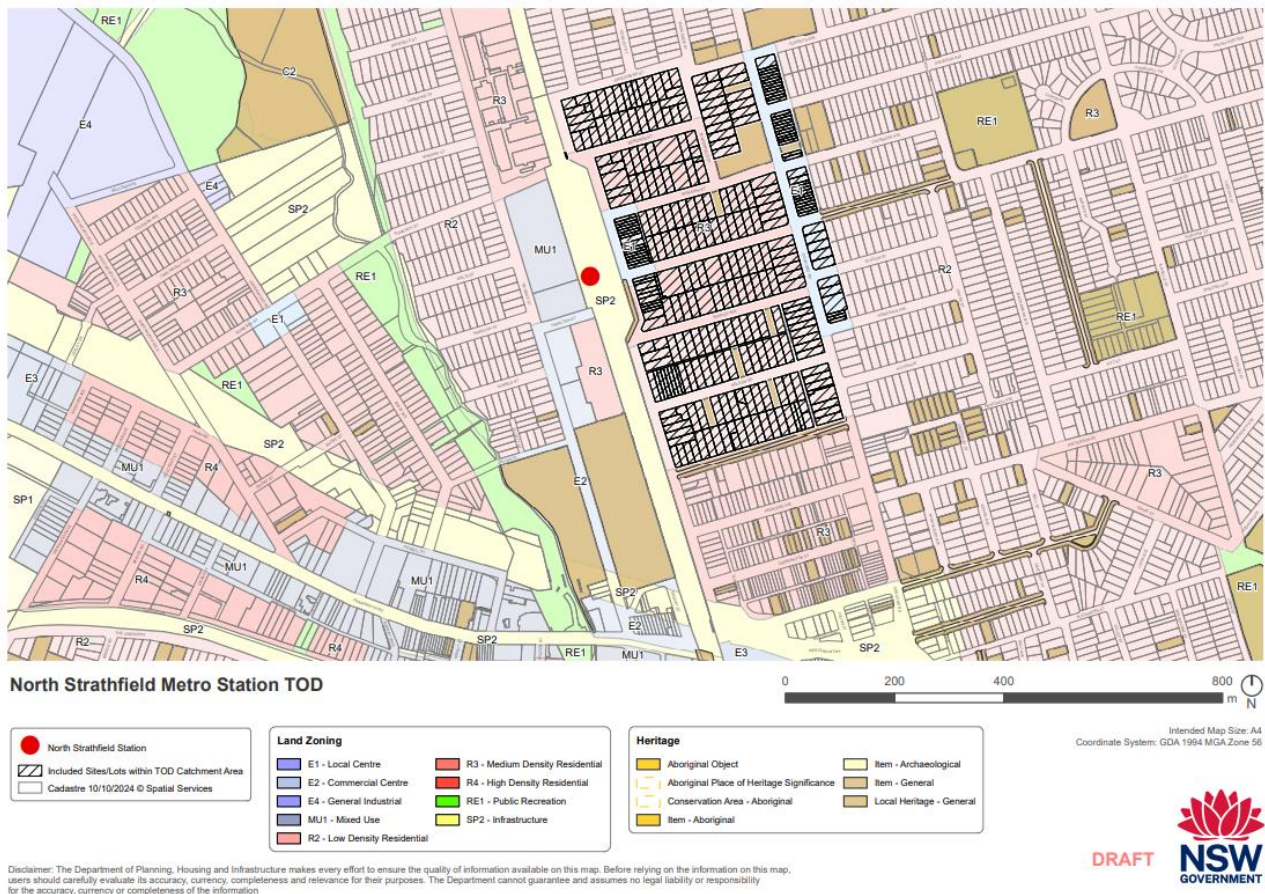


Figure 3: North Strathfield TOD

TIMING, CONSULTATION AND RISK CONSIDERATIONS

Timing

The Homebush TOD precinct planning controls came into force on 27 November 2024 and the North Strathfield TOD precinct planning controls came into force on 27 November 2024.

Consultation

The Homebush TOD precinct rezoning package was exhibited from 16 July to 30 August 2024. Council's endorsed submission was provided to DPHI on 22 August 2024. Council staff have continued to engage with DPHI staff where afforded the opportunity in line with the key issues outlined in Council's submission following the exhibition period.

A submission in relation to the proposed North Strathfield TOD precinct area was provided to DPHI on 29 January 2024.

Risk

Council's endorsed submission outlined a number of concerns associated with the Homebush TOD proposal, including: lack of inclusion of health, school and other regional infrastructure; traffic modelling assumptions; active transport assumptions; cost estimates attributed to some of the infrastructure identified; and the need to incorporate certain infrastructure elements within the key sites provision to give greater certainty over delivery and implementation. The submission also identified the need for a Public Domain Plan and detailed Infrastructure Strategy to be included as part of the TOD framework of documents. Many of these elements remain as risks for Council, and impacts will be monitored as development occurs within the precinct.

A detailed Public Domain Plan has not been prepared as part of the Homebush TOD precinct finalisation package. Council may prepare a Public Domain Plan to guide the design of works to public spaces (streets and open space) to achieve good planning and placemaking outcomes.

Chapter 5 of the Housing SEPP provides key development standards for development within the North Strathfield TOD precinct. DPHI's finalisation report indicates that Council is not precluded from preparing a future review of built form within the North Strathfield TOD precinct, but only where any alternative plan meets or exceeds the development density allowed for under Chapter 5 of the Housing SEPP.

FINANCIAL CONSIDERATIONS

Homebush TOD Precinct

DPHI has advised that a draft Local Infrastructure Contributions Plan for the Homebush TOD precinct will be prepared and exhibited following the finalisation of the Homebush TOD precinct rezoning package. Council staff understand that a draft Contributions Plan is currently being prepared and will be provided to Council for review imminently. DPHI's finalisation report anticipates that the new Local Infrastructure Contribution Plan for the Homebush TOD precinct will come into effect by the end of Q1 2025.

Council has granted delegation to the General Manager to determine whether consent will be granted to the Minister for Planning and Public Spaces to make the Local Infrastructure Contribution Plan.

The Homebush TOD precinct has been identified on Council's Affordable Housing Contribution Scheme Map. Affordable Housing will be required to be dedicated to Council, or an equivalent monetary contribution provided at a rate of 3% or 4% for the Bakehouse Quarter.

The final documentation makes provision for a community space of 3,000sqm to be delivered on the current site of The McDonald College which, if delivered, will need to be dedicated to Council as a 'warm shell' (that is with basic services and finishes provided) at no cost to Council. This facility may only be realised if The McDonald College was to relocate or redevelop their site.

Land adjoining the Bakehouse Quarter has been rezoned as RE1 Public Recreation. DPHI's finalisation report indicates that the acquisition of this land will be funded by from the NSW Government's Housing and Productivity Contribution fund.

North Strathfield TOD Precinct

For the North Strathfield TOD Precinct, Council's existing Local Infrastructure Contribution Plan will apply. Affordable Housing will be required to be dedicated to a Community Housing Provider and not Council.

LEGISLATIVE AND POLICY CONSIDERATIONS

Homebush TOD Precinct

The changes have come into effect through a State-led amendment to the Canada Bay Local Environmental Plan and maps.

Development Applications within the Homebush TOD Precinct will be assessed as State Significant Development (SSD) where the Capital Investment Value (CIV) exceeds \$60M for residential development, with this approval pathway remaining in place until November 2027.

Council currently has site specific development controls for the Strathfield Triangle. These controls have been superseded by the Homebush TOD Design Guide for future development proposals. In due course, Council will need to publicly notify the repeal of the Strathfield Triangle DCP.

North Strathfield TOD Precinct

The new planning controls for the North Strathfield TOD precinct will be given effect by *Chapter 5 Transport Oriented Development* of the *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) through amendments to the Transport Oriented Development Sites Map.

10 CITY ASSETS DIRECTORATE REPORTS

ITEM 10.1 URBAN TREE CANOPY STRATEGY SIX MONTHLY UPDATE - JANUARY TO JUNE 2024

Reporting Manager Manager Open Space

Attachments: Nil

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the Urban Tree Canopy Strategy Six Monthly Update report for the period January to June 2024 be received and noted.

PURPOSE

This report provides Council with a six-month update on progress and responds to the following resolution of Council made on 18 May 2021 that:

Council introduces a regular, ongoing report to Council on trees known to have been removed from public and private land across the Canada Bay LGA with reports at least half-yearly, beginning in July 2021. This report should also highlight any public planting which has occurred within that period.

EXECUTIVE SUMMARY

This report provides a summary of trees planted and removed across the City of Canada Bay for the period of 1 January 2024 to 30 June 2024 and net gain/loss for the period.

On public and private land, 685 trees were planted, with 435 of these being on public land. On public and private property combined, 277 trees were removed. The net gain in trees planted across the city for the reporting period was 408 trees.

Council has adopted the use of advanced tree sizes due to the costs/benefits involved compared to planting smaller sized trees. Using advanced tree sizes helps Council achieve our Urban Canopy Cover goals sooner.

Council has commenced an interim (5 year) review into the strategic goals, operational challenges, and targets outlined in the 2019 Urban Tree Canopy Strategy.

Council is in the process of recruiting two new roles within the Open Space Team that are related to Urban Forest and Ecology management and maintenance.

We will also be engaging suitably qualified consultants to prepare a Street Tree Masterplan over the next 12 months.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

Goal CC 4: Promote a community where residents feel safe and enjoy good health

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

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Goal STE 2: Increase urban tree canopy

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

Direction 4: Infrastructure and Transport

Goal IT 1: Manage local assets to ensure they continue to meet community needs and address climate adaptation

BACKGROUND/DISCUSSION

Increased canopy has many scientifically proven benefits for the community and environment such as: reducing heat; providing clean air; improved amenity, biodiversity and habitat and many others.

Council's Urban Tree Canopy Strategy (2019) is the key strategic framework identifying priorities and actions that need to be adopted to achieve Council's goal of increasing the canopy from 18% to 25% by 2040.

Regular data analysis and reporting is important to track progress towards meeting our increased canopy cover target. This is an action outlined in the Urban Tree Canopy Strategy and in the recent strategic review.

Challenges that exist in meeting the increased canopy cover target include:

- Climate change.
- Limited public and private permeable space available for planting.
- Private development and urban densification.
- Community perceptions and conflicts i.e. blocking views, vandalism, illegal removals, objection to tree litter, understanding of benefits.

To address these challenges, the Urban Tree Canopy Strategy has both short and long-term recommendations to achieve Council's goals, and these are being assessed in the interim strategy review.

The following table provides a summary of tree planting and removal for the period 1 January 2024 to 30 June 2024.

Six Month Report Data

	Public Land	Private Land	Type / Reason
Tree Planting	435	250	-Street / park – advanced and various sizes -Tree Giveaways (National Tree Day / Others)
Total Planted	435	250	685
Tree Removals	49 28 5	138 6 43 8	-Poor health / Council projects -Vandalised -Tree permits -DA for heritage tree removal -DA (all other) -Illegal Removal
Total Removals	82	195	227
Net Total	353	55	408

* excludes replacement tree planting required by development consents

Table 1 – CCBC planting, removal and giveaway numbers for 6-month period of Jan-June 2024.

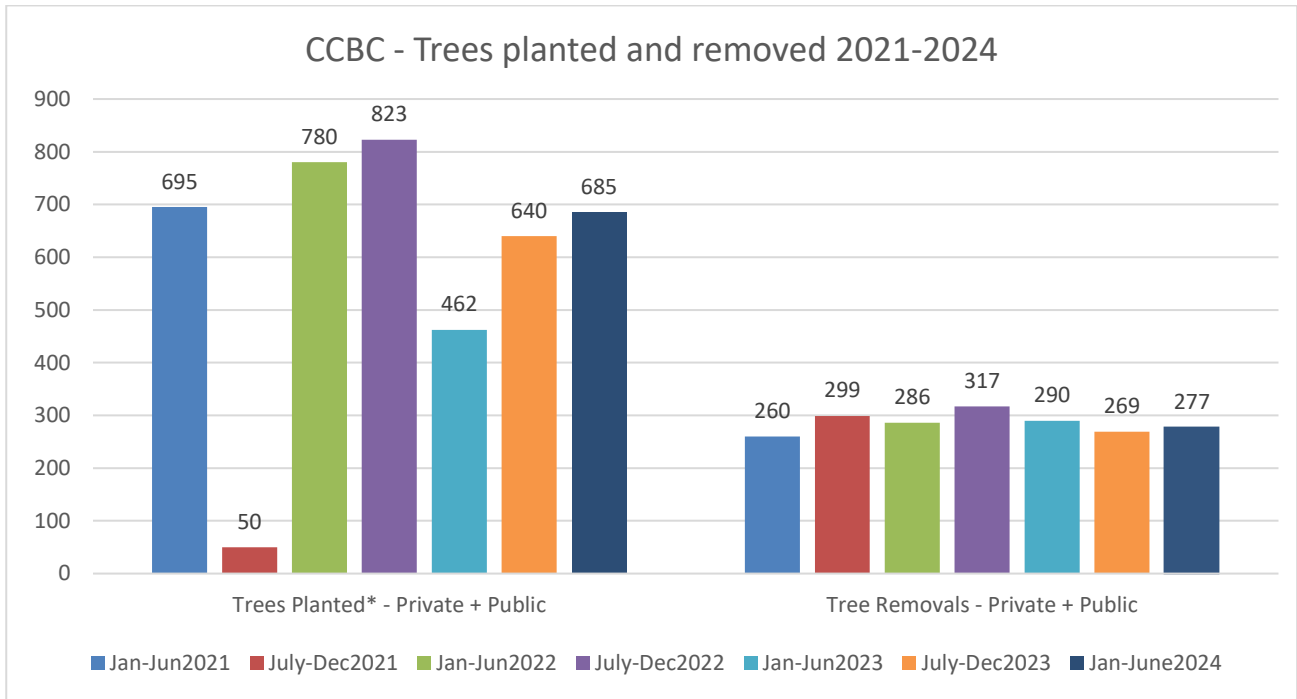


Figure 1 – Private and Public trees planted and removed for reporting periods.

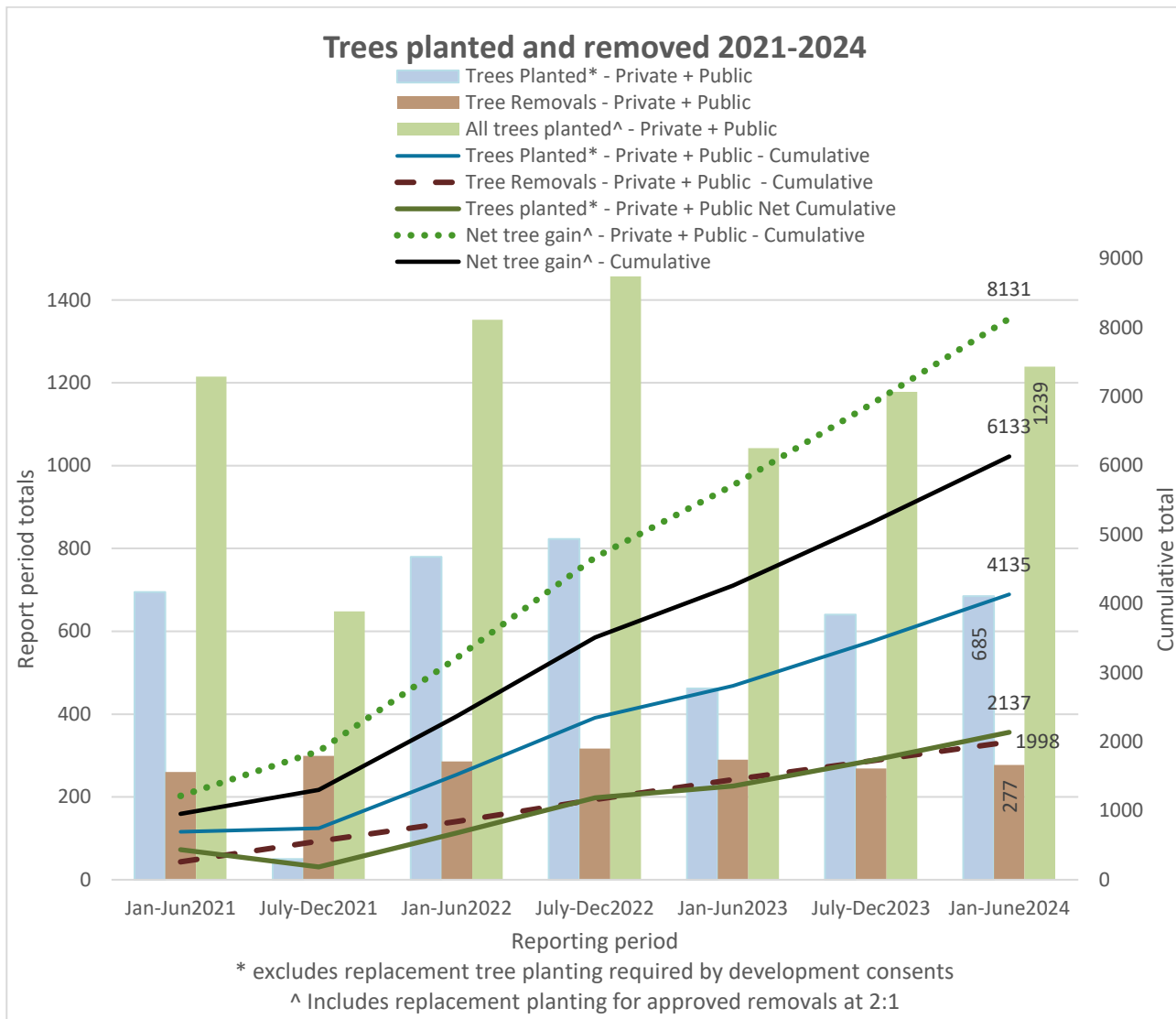


Figure 2 – Cumulative data on trees planted and removed 2021-2024.

Data Limitations

This report assumes the following:

- Trees that are approved for removal and replacement through Developments Applications and Tree Removal Permits are removed/planted in line with the stipulated requirements.
- All trees provided at tree give-aways are then planted on private land

Canopy loss or gains from the removal/pruning or planting of trees for CDC, which are prevalent across the LGA, is not recorded or included in this report. This can be considered in future reports with canopy data recently released by NSW Government and input from several Council Departments. Replacement tree planting required by development application consents are also not included this report.

Tree Planting

Council has been trialling the planting of advanced tree stock in recent projects. Advanced trees, whilst more costly up front, provide benefits including greater canopy cover, “protected” status in a shorter timeframe, and less prone to vandalism and failure due to natural causes.

Advanced trees were successfully used in 2023/24 in Grow Our Canopy Round 4 street and park tree plantings and will be utilised in future projects.

As part of Council's campaign to increase private tree plantings, 250 small trees were provided to residents through plant giveaway days, though the planting of these trees cannot be confirmed.

Tree Removals

A total of 49 public trees were removed from streets or public parks due to their age, location, Council projects and where a safety risk was identified.

Vandalism occurred to 28 trees (6%) of new tree plantings, all of these 28 have been replaced with a new planting.

Council approved 138 tree removals on private land via the Tree Removal permits process. Reasons supporting removals included inappropriate location, species, age, safety risk and/or infrastructure damage.

A further 49 trees were approved for removal for similar supporting reasons as part of Development Applications (DA). It is unknown how many trees were removed as part of CDC proposals. Historical reporting data indicates there is a continuing net loss of private trees numbers across the LGA.

Over the reporting period, 5 young public tree and 8 mature private trees were removed without permission. The public trees were all replaced. It is expected that appropriate regulatory action was undertaken by Councils Building, Health & Compliance Team for all unauthorised private tree work removal matters.

All matters were investigated by Councils tree officers and the officers from the compliance team, and in cases where sufficient evidence was ascertained, regulatory action was undertaken.

Current Focus Areas

Council has finished mapping all street and park trees within the LGA, creating an inventory for tree management. This inventory has created a record of over 28,000 trees and will assist Council officers in managing the urban forest into the future. This will also inform the development of the Street Tree Masterplan.

The NSW Government recently released current canopy cover percentages and data for each LGA, enabling councils to commence tracking their actual canopy cover changes. This will be instrumental in gauging canopy gains or losses over time. This data is currently being assessed as part of the interim strategic review. Review in change in canopy percentage will be reliant on release of new canopy cover data by NSW Government in future years.

Council will continue community education on canopy goals through the established tree trail, QR codes on new trees, community planting days and tree giveaways, social media posts, working with schools and private communities to increase canopy and having the Urban Forester work with Council's Sustainability Team to present to community events and groups.

Council will also continue to focus on planting within areas that are lacking in canopy cover and are susceptible to the urban heat island effect.

Conclusion

Council is aiming to complete the assessment of the Urban Tree Canopy Strategy (2019) interim strategic review in 2025. This will provide a thorough operational review including modern reliable data to track progress over time across private and public spaces within the LGA.

Trends from the previous 6 reporting periods indicate an overall gain in tree numbers, a net gain in public and private trees. This is being assessed compared to previous data and as part of the strategic review to identify trends and improvements on how we manage and report on our tree canopy.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

There are no risk considerations associated with this report.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 10.2 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 14 NOVEMBER 2024**Reporting Manager** Manager Roads and Traffic**Attachments:** 1. **Traffic Committee Minutes - 14 November 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 14 November 2024, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 14 November 2024 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 14 November 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 this 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 FERRAGOSTO 2025 - STALLHOLDER FEES AND CHARGES

Reporting Manager Manager Place Management

Attachments: Nil

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The proposed Ferragosto 2025 stallholder fees and charges, presented in the report, be placed on public exhibition for a period of not less than 28 days in accordance with section 610F of the Local Government Act 1993.
 2. A further report be prepared and submitted to Council following the exhibition period.
-

PURPOSE

To seek approval for public exhibition of the proposed Ferragosto 2025 stallholder fees and charges.

EXECUTIVE SUMMARY

Proposed stallholder fees and charges for Ferragosto 2025 have been developed and are submitted to Council for approval to place them on public exhibition, in accordance with the requirements of the *Local Government Act 1993*. The proposed fees and charges have been set to help improve the financial sustainability of the event whilst considering the cost pressures being experienced by small businesses.

Subject to Council's approval, and in accordance with section 610F of the Local Government Act 1993, the proposed fees and charges are to be exhibited for a minimum of 28 days. The outcomes of this exhibition will be reported back to Council for consideration.

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 3: Promote the City as an attractive, welcoming place to do business

BACKGROUND/DISCUSSION

The Ferragosto stallholder fees and charges endorsed by Council in June 2024 cover the stallholder fees for Ferragosto 2024 only. The stallholder application period for Ferragosto 2025 will open in late February 2025 with applications closing in mid-April 2025. Following a review of applications, approvals will be sent to successful applicants with fees payable by early June 2025. The fees and charges for Ferragosto 2025 need to be adopted prior to applications opening. Accordingly, the Place and Events team have reviewed the stallholder fees which are submitted to Council for endorsement to place on public exhibition.

The proposed fees reflect the cost of delivering the event as well as its popularity, noting that for Ferragosto 2024, Council received almost double the number of stallholder applications compared to available sites.

Local businesses located within the LGA pay a lower fee than non-City of Canada Bay based businesses. Businesses located within Five Dock Town centre pay a further reduced stallholder fee in recognition of the impact of Ferragosto.

Previously, the temporary food stall inspection fee for Five Dock Town Centre businesses was covered by Council. From Ferragosto 2025, staff recommend this cost be recovered from the stallholder. To help manage the impact of this change, staff recommend staggering the implementation by subsidising 50% of this cost at Ferragosto 2025 (equivalent to \$55) and passing on the full fee in 2026.

New fees have also been added to discourage late applications from stallholders and to cover costs associated with breaches of site safety by stallholders.

All other event administration fees remain the same as those endorsed in June 2024.

Table 1 – Proposed Ferragosto 2025 – Fees and Charges

Ferragosto in August 2025					
Fee Description	August 2024	Ferragosto in August 2025 Fee			Pricing Code
	Fee incl. GST	Fee excl.	GST	Fee incl.	
Local Business Based in Five Dock Town Centre - Merchandise / Other Site #	\$210.00	\$209.90	\$20.91	\$230.00	PC
Local Business Based in Five Dock Town Centre - Pre-packaged Food Site	new fee	\$209.90	\$20.91	\$230.00	PC
Local Business Based in Five Dock Town Centre - Alcohol Site	new fee	\$209.90	\$20.91	\$230.00	PC
Local Business Based in Five Dock Town Centre - Food Stall*	new fee	\$259.09	\$25.91	\$285.00	PC
Not-For-Profit Community Group Site	\$225.00	\$209.90	\$20.91	\$230.00	PC
City of Canada Bay Business - Merchandise / Other Site	\$440.00	\$418.18	\$41.82	\$460.00	FC
City of Canada Bay Business – Pre-packaged Food Site	new fee	\$418.18	\$41.82	\$460.00	FC
City of Canada Bay Business - Alcohol Site	new fee	\$418.18	\$41.82	\$460.00	FC
City of Canada Bay Business – Food Stall*	\$600.00	\$572.73	\$57.27	\$630.00	FC
City of Canada Bay Business – Food Van* (up to 6 metres)	\$1,000.00	\$990.91	\$99.09	\$1,090.00	FC
Merchandise / Other Site	\$565.00	\$554.55	\$55.45	\$610.00	MP
Pre-packaged Food Site	\$615.00	\$554.55	\$55.45	\$610.00	MP
Alcohol Site	\$615.00	\$554.55	\$55.45	\$610.00	MP
Food Stall*	\$740.00	\$709.09	\$70.91	\$780.00	MP
Food Van*(up to 6 metres)	\$1,100.00	\$1,127.27	\$112.73	\$1,240.00	MP
Food Van per metre over 6 metres	new fee	\$90.91	\$9.09	\$100.00	MP
Site Safety Non-Compliance Fee (e.g. unsafe structure, no fire extinguisher..)	new fee	\$136.36	\$13.64	\$150.00	PC
Late Application Fee (admin fee for applications received after closing date)	new fee	\$45.45	\$4.55	\$50.00	PC
# Local Business based in Five Dock Town Centre - Merchandise / Other Site previously known as Great North Road Business Stall					
*Temporary food stall admin/inspection fee is included for all food stalls and vans					

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

This report is submitted in accordance with the requirements of section 406 of the Local Government Act 1993 and Local Government (General) Regulation 2021. The Act and the Regulation require that Council prepares and exhibits a proposed schedule of fees and charges each year. In the event that Council proposes a new or amended fee or charge, section 610F of the Act prescribes that such proposed fees and charges be exhibited for a minimum of 28 days.

Following exhibition of the proposed Ferragosto 2025 stallholder fees and charges, the outcomes would be reported back to Council for consideration in February. Stallholder applications for Ferragosto 2025 will open shortly after that meeting.

FINANCIAL CONSIDERATIONS

The proposed Ferragosto 2025 stallholder fees and charges have been prepared following a review of Ferragosto 2024. The proposed fees and charges have been set to help improve the financial sustainability of the event whilst considering the cost pressures being experienced by small businesses.

LEGISLATIVE AND POLICY CONSIDERATIONS

Public exhibition of the proposed fees and charges for 28 days prior to adoption, and consideration of community submissions, is a requirement of section 610F of the *Local Government Act 1993*.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 CODE OF CONDUCT COMPLAINTS STATISTICS FOR 2023-2024

Reporting Manager **Manager Governance and Risk**

Attachments: 1. **Code of Conduct Returns 2024**  

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Code of Conduct Complaint Statistics return for 2023/24 attached to the report be submitted to the Office of Local Government.

PURPOSE

Under the requirements of Council's Code of Conduct, Council's complaints coordinator must, within three months of the end of September each year, report on a range of complaints statistics and forward a copy to the Office of Local Government (OLG).

REPORT

The Office of Local Government (OLG) considers that the reporting of complaints statistics:

- is an important accountability mechanism that provides local communities with a valuable insight into the performance of their councils;
- provides it with the means to evaluate councils' implementation of the Code's framework and whether the framework has achieved its policy objectives.

The OLG intends to publish this data.

The OLG requires Council to submit the information through a template. During the reporting period, four (4) Code of Conduct complaints were received by Council. All four (4) complaints were finalised at preliminary assessment by an external conduct reviewer with 'take no action' being the outcome in each case.

Upon resolution of Council, the return will be provided to the Office of Local Government via its Model Code of Conduct Complaints collection form prior to 31 December 2024.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

FINANCIAL CONSIDERATIONS

There are no financial implications associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Council must meet the requirements of its Code of Conduct, by forwarding the OLG its report of complaints statistics within three months of the end of September 2024.

Office of Local Government

Model Code of Conduct Complaints Statistics

Reporting Period: 1 September 2023 - 31 August 2024

Date Due: **31 December 2024**

Survey return email address: codeofconduct@olg.nsw.gov.au

Council Name:	Canada Bay City Council
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Contact Name:	Melissa Lee
Contact Phone:	99116335
Contact Position:	Manager Governance and Risk
Contact Email:	melissa.lee@canadabay.nsw.gov.au

All responses to be numeric.

Where there is a zero value, please enter 0.

Enquiries: Performance Team
Office of Local Government
Phone: (02) 4428 4100
Enquiry email: olg@olg.nsw.gov.au

Model Code of Conduct Complaints Statistics 2023-24 Canada Bay City Council

Number of Complaints

1	The total number of complaints received in the reporting period about councillors and the General Manager (GM) under the code of conduct from the following sources:	
i	Community	0
ii	Other Councillors	0
iii	General Manager	0
iv	Other Council Staff	0
2	The total number of complaints finalised about councillors and the GM under the code of conduct in the following periods:	
i	3 Months	0
ii	6 Months	4
iii	9 Months	0
iv	12 Months	0
v	Over 12 months	0

Overview of Complaints and Cost

3	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	0
	b	The number of complaints referred to the Office of Local Government (OLG) under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	0
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	4
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	4
	g	Cost of dealing with code of conduct complaints via preliminary assesment	24,948
	h	Progressed to full investigation by a conduct reviewer	0
	i	The number of finalised complaints investigated where there was found to be no breach	4
	j	The number of finalised complaints investigated where there was found to be a breach	0
	k	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police	
	i	ICAC	0
	ii	NSW Ombudsman	0
	iii	OLG	0
	iv	Police	0
	v	Other Agency (please specify)	0

l	The number of complaints being investigated that are not yet finalised	0
m	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	10,920

Preliminary Assessment Statistics

4 The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:

a	To take no action (clause 6.13(a) of the 2020 Procedures)	4
b	To resolve the complaint by alternative and appropriate strategies (clause 6.13(b) of the 2020 Procedures)	0
c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies (clause 6.13(c) of the 2020 Procedures)	0
d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, OLG or the Police (clause 6.13(d) of the 2020 Procedures)	0
e	To investigate the matter (clause 6.13(e) of the 2020 Procedures)	0
f	Other action (please specify)	0

Investigation Statistics

5 The number of investigated complaints resulting in a determination that there was **no breach**, in which the following recommendations were made:

a	That the council revise its policies or procedures	0
b	That a person or persons undertake training or other education (clause 7.40 of the 2020 Procedures)	0

6 The number of investigated complaints resulting in a determination that there **was a breach** in which the following recommendations were made:

a	That the council revise any of its policies or procedures (clause 7.39 of the 2020 Procedures)	0
b	In the case of a breach by the GM, that action be taken under the GM's contract for the breach (clause 7.37(a) of the 2020 Procedures)	0
c	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 (clause 7.37(b) of the 2020 Procedures)	0
d	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993 and that the matter be referred to OLG for further action (clause 7.37(c) of the 2020 Procedures)	0

7	Matter referred or resolved after commencement of an investigation (clause 7.20 of the 2020 Procedures)	0
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Categories of misconduct

8 The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:

a	General conduct (Part 3)	0
b	Non-pecuniary conflict of interest (Part 5)	0
c	Personal benefit (Part 6)	0
d	Relationship between council officials (Part 7)	0
e	Access to information and resources (Part 8)	0

Outcome of determinations

9 The number of investigated complaints resulting in a determination that there was a breach in which the council:

a	Adopted the independent conduct reviewers recommendation	0
b	Failed to adopt the independent conduct reviewers recommendation	0

10 The number of investigated complaints resulting in a determination where:



a	The external conduct reviewers decision was overturned by OLG	0
b	Council's response to the external conduct reviewers recommendation was overturned by OLG	0

11 Date Code of Conduct data was presented to council

00-Jan-00

ITEM 12.2 **RHODES WEST STATION PRECINCT – MARQUET AND WALKER STREETS PLANNING AGREEMENT 4TH DEED OF VARIATION - OUTCOME OF PUBLIC EXHIBITION**

Reporting Manager **Manager Property Strategy and Leasing**

Attachments: 1. **Fourth Deed of Variation Exhibition (*Provided in Attachment Booklet*)** 
 2. **Planning Agreement Marked up for Exhibition (*Provided in Attachment Booklet*)** 

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Council notes the content of the submission(s) received during the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation public exhibition period.
 2. Council approves the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation attached to the report.
 3. The General Manager be authorised to execute the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation attached to the report.
-

PURPOSE

The purpose of this report is to seek Council’s approval to enter the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation following the public exhibition process.

EXECUTIVE SUMMARY

On 20 August 2024, Council resolved to place the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement 4th Variation (Deed) on public exhibition. The Deed between the City of Canada Bay (Council) and Billbergia (Developer) related entities has resulted from the opportunity to use surplus levies from development to undertake further road and footpath works within the Rhodes West Station Precinct.

The Deed to vary the Rhodes West Station Precinct – Marquet and Walker Streets Planning Agreement (Planning Agreement) was exhibited from 5 November 2024, closing 3 December 2024.

At the time of this report being prepared, one submission had been received. This submission did not specifically relate to the variation of the Planning Agreement. Details of any further submissions received will be presented at the meeting.

This report seeks Council’s approval to execute and enter the Deed.

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

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

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

The Rhodes Station Precinct Masterplan was prepared in 2018 by Council. The objective of the Masterplan is to provide public infrastructure which supports the Rhodes Station Transport hub prioritising pedestrians, cyclists and public transport whilst retaining a high-quality streetscape amenity which has the capacity for future development and associated population demand.

The integration function of the Station Precinct with Union Square utilising a place management approach is essential to improving amenity and activation of the area.

Under existing arrangements, the identified infrastructure would be developed over several stages as development proceeds within the Walker Street precinct. Council Officers have considered that the completion of these works at the same time will deliver a superior outcome that will minimise the period of disruption, deliver more consistent built outcomes and result in cost savings and efficiencies by having the works completed over one stage rather than several long-term stages.

The existing Planning Agreement contemplates roadworks as detailed in Figure 1. These works are to be undertaken and funded by the Developer under existing arrangements.

The Deed is proposing additional roadworks as outlined in Figure 2.

Figure 1: Existing VPA Road and Pavement Works

Rhodes West VPA - Roadworks Staging Plan - Rev.03 - 30.04.2024

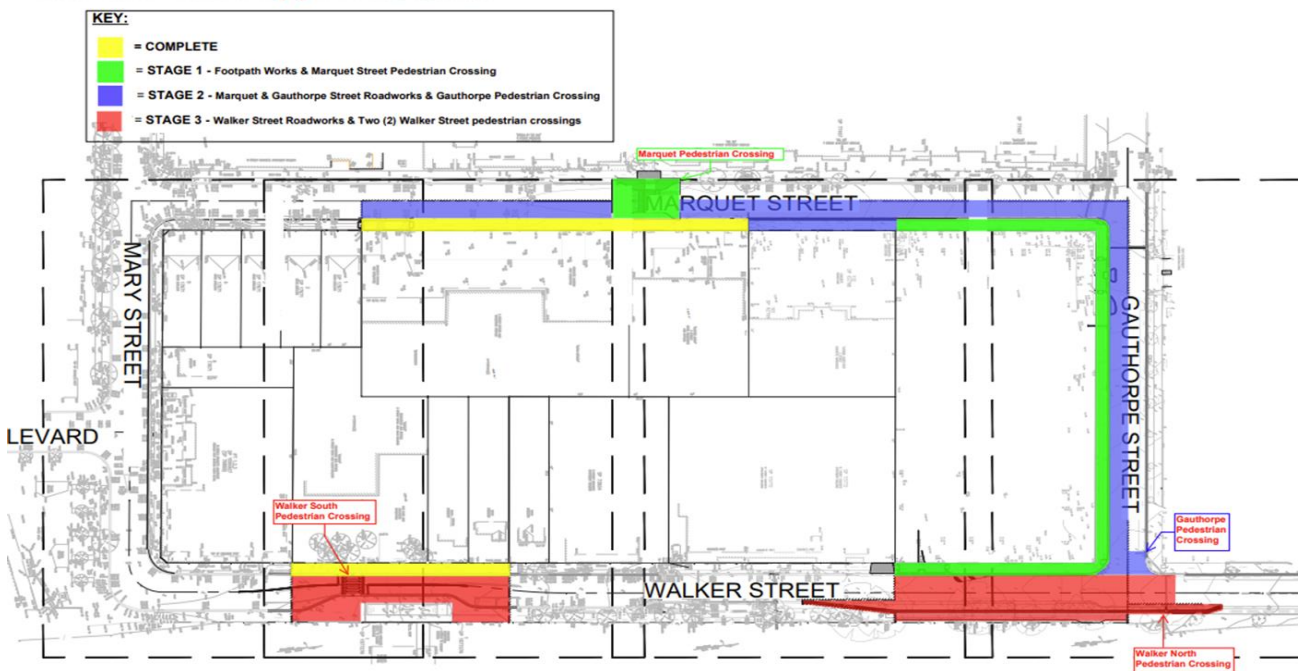
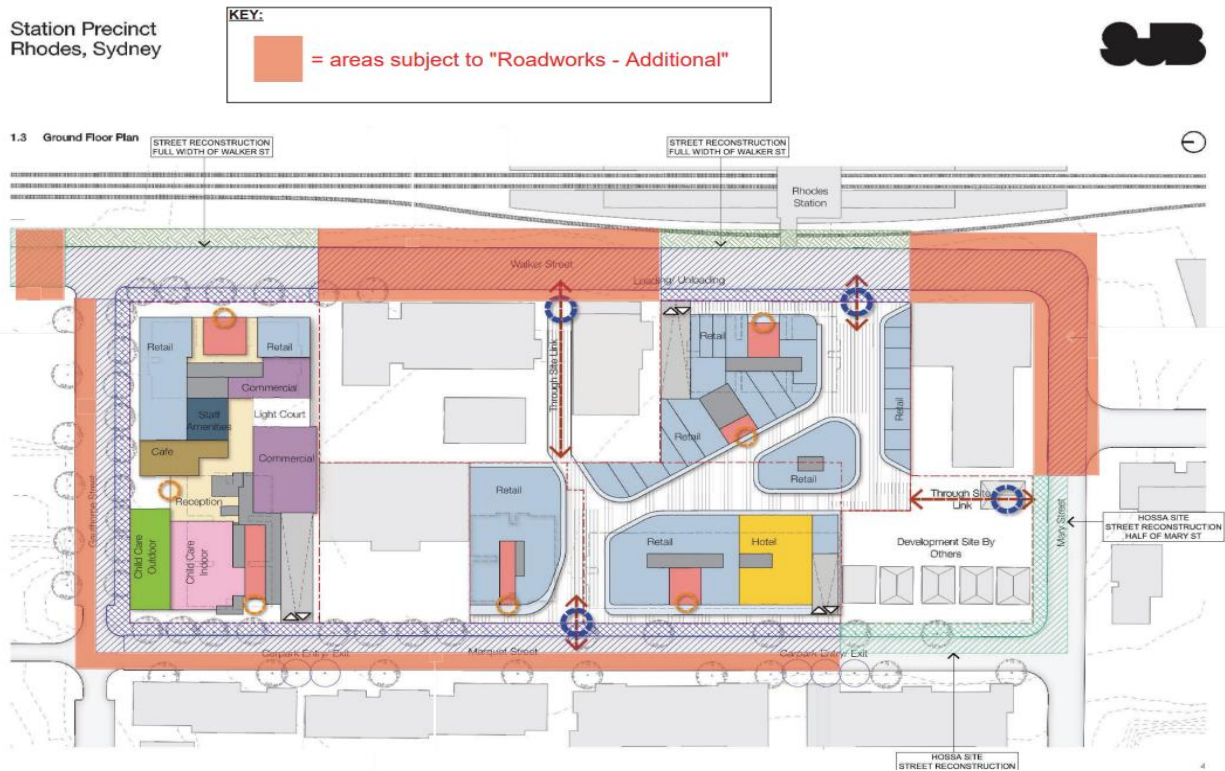


Figure 2: Areas Subject to Roadworks Additional



It is proposed to extend the road and pavement beyond the existing requirements in the Planning Agreement and extend granite paving to Mary Street (between Marquet Street and Walker Street), provide additional street tree planting, new concrete driveway crossovers, landscaping and pedestrian safety fencing. New granite paving will extend along Walker Street to the future Walker Street South pedestrian crossing including new seating and bin enclosures in selected areas.

New granite paving is proposed to be extended along the eastern side of Walker Street between recently completed paving extending north towards Gauthorpe Street in addition to new seating, bin enclosures and tree planting.

Additional proposed works include new granite paving along the entire western side of Walker Street between Mary Street and Gauthorpe Street including new street tree planting, seating, safety fencing, new bicycle storage structure, bin enclosures and permeable pavement treatment to protect existing established tree canopy.

Submissions

At the time of drafting this report, Council had received one submission as detailed in Table 2 below.

Theme	Issue raised	Council response
Need for Footbridge	- Need for a foot bridge connecting the Rhodes Station to Rhode Central as initially planned. Currently the passengers crossing Walker Street to and from the Rhodes station create long delays in Walker St.	- The current proposed Rhodes Station Precinct works, particularly along Walker Street, will provide for improved pedestrian, traffic and active transport infrastructure creating a better connected and safer environment for the community. Consideration of options to progress the pedestrian foot bridge over Walker Street with the Developer are ongoing.

Table 1- Table of Issues

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The Deed has been placed on public exhibition for the statutory period of 28 days. At the time of this report being prepared, one submission had been received. Details of any further submissions received will be presented at the meeting.

FINANCIAL CONSIDERATIONS

The intention of the Deed is to incorporate additional roadworks to be delivered by the Developer paid for by surplus levies that must be applied to the Rhodes West Station Precinct.

Any shortfall of funds for the payment of these works against monetary contributions received for the Rhodes West Station Precinct, will be funded from prevailing surpluses of all contributions plans until final levies are paid.

Total monetary contributions are estimated at \$97m, with \$90m presently received. The completion of the Rhodes Rec Centre at an estimated cost of \$80m will result in excess contributions of approx. \$17m. The cost of the proposed additional works the subject of the variation to the VPA and provisional sum is approx. \$12m.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Agreement has been prepared in accordance with the provisions of the *Environmental Planning and Assessment Act (1979)*, and the *Canada Bay Planning Agreement Policy and Guidelines*.

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR FERGUSON - NEW DEVELOPMENTS AND MAINTENANCE OF LANDSCAPED STREET FRONTING AREAS**Submitted by: Councillor Andrew Ferguson

MOTION

That:

1. Council officers prepare and submit a report to Council on whether provision can be placed in Council and state planning instruments to ensure landscaped areas and tree canopy required as part of a development are maintained.
 2. The report referred to in (1) above include consideration of the need for legislative changes and what action would be required to facilitate such change.
-

BACKGROUND FROM COUNCILLOR ANDREW FERGUSON

Both Council and state planning instruments have requirements for landscaped areas facing local streets and roads. This requirement often includes a provision for additional tree canopy.

Unfortunately, when these developments are completed and are transferred to owners corporations, these requirements are sometimes not maintained. Landscaped areas and trees required by planning instruments are not always maintained and we now have trees that have died and not replaced, and landscaped areas not maintained to an appropriate standard.

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RECOMMENDATION

That:

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

ITEM 17.1 THE LIVVING ROOM - ROAD RESERVE LEASE HENLEY MARINE DRIVE

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 TENDER - CONCORD LIBRARY CAFE

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

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

ITEM 17.3 RHODES RECREATION CENTRE EARLY CHILDHOOD EDUCATION AND CARE CENTRE - 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.
