

# ORDINARY COUNCIL MEETING

## AGENDA

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

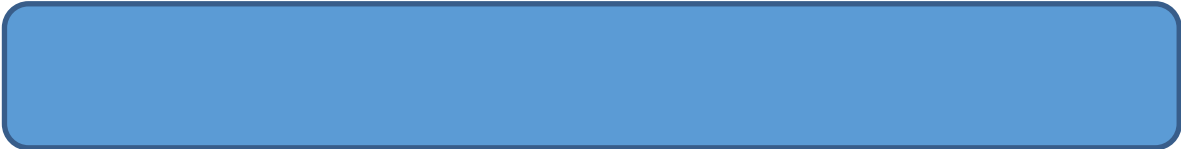
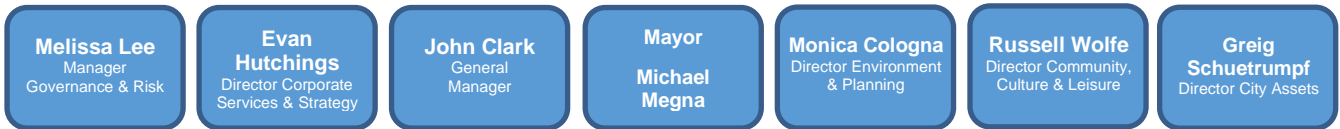
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

**Tuesday, 21 May 2024**

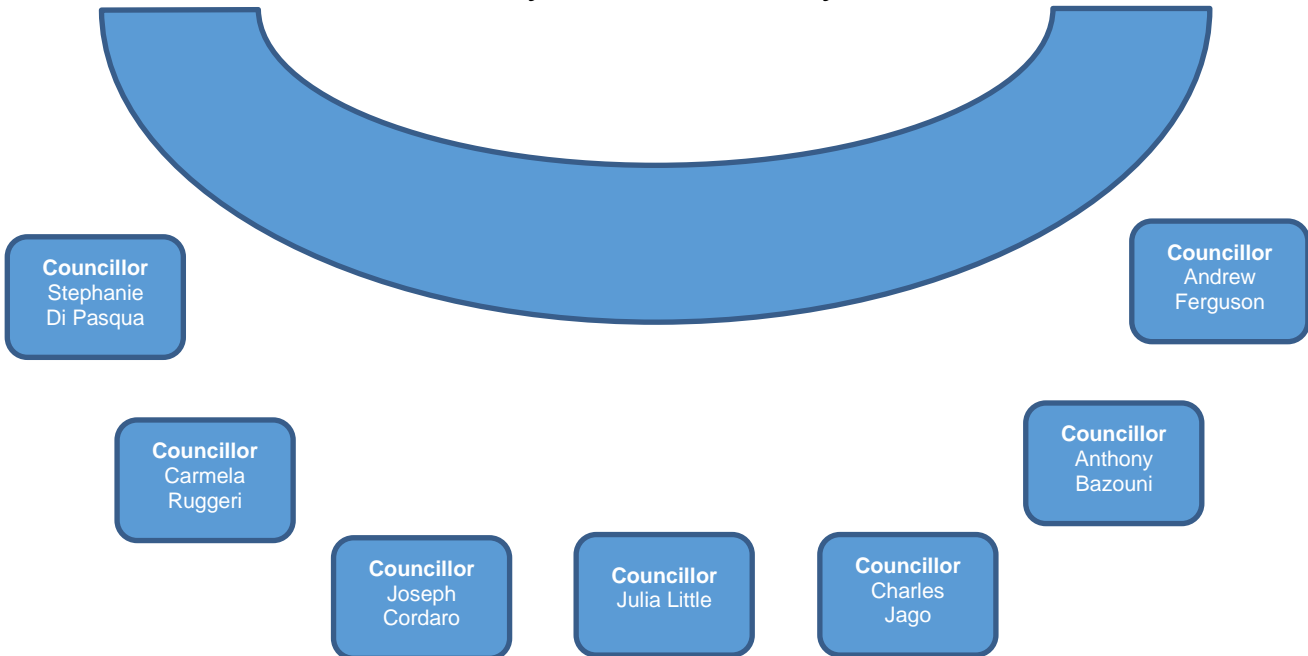
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



**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 21 May 2024  
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne  
Commencing at 6:00 PM**

**Table of Contents**

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>ACKNOWLEDGEMENT OF COUNTRY</b> .....  | <b>5</b>  |
| <b>2</b>  | <b>APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS</b> .....  | <b>5</b>  |
| <b>3</b>  | <b>CONFIRMATION OF MINUTES</b> .....   | <b>5</b>  |
| <b>4</b>  | <b>DISCLOSURES OF INTERESTS</b> .....  | <b>5</b>  |
| <b>5</b>  | <b>MAYORAL MINUTE(S)</b> .....   | <b>6</b>  |
|           | Item 5.1 Mayoral Minute - Congratulations Drummoyne Devils .....   | 6         |
|           | Item 5.2 Mayoral Minute - Step Up For Cancer Survivorship .....  | 7         |
|           | Item 5.3 Mayoral Minute - Telecommunication Contractors Unsatisfactory Works in<br>the City of Canada Bay.....                   | 8         |
|           | Item 5.4 Mayoral Minute - Follow-up on State and Regional Infrastructure in Rhodes .....   | 9         |
| <b>6</b>  | <b>PUBLIC FORUM</b> .....  | <b>11</b> |
| <b>7</b>  | <b>ITEMS RESOLVED BY EXCEPTION</b> .....   | <b>11</b> |
| <b>8</b>  | <b>EXECUTIVE SERVICES DIRECTORATE REPORTS</b> .....  | <b>11</b> |
| <b>9</b>  | <b>ENVIRONMENT AND PLANNING DIRECTORATE REPORTS</b> .....  | <b>12</b> |
|           | Item 9.1 DA Determinations by the Local Planning Panel and Staff Under Delegation ....   | 12        |
|           | Item 9.2 Proponent Initiated Planning Proposal - 171-179 Great North Road & 1A-<br>1B Henry Street, Five Dock .....              | 20        |
|           | Item 9.3 Rhodes East Public Domain Plan .....  | 49        |
|           | Item 9.4 All Electric Homes and Businesses in Canada Bay LGA .....   | 52        |
|           | Item 9.5 Tree Canopy Matters .....   | 62        |
|           | Item 9.6 Neighbourhood Scale Community Battery Policy.....   | 65        |
|           | Item 9.7 Environment Advisory Committee Meeting Minutes - 18 April 2024 .....  | 69        |
| <b>10</b> | <b>CITY ASSETS DIRECTORATE REPORTS</b> .....   | <b>72</b> |
|           | Item 10.1 City of Canada Bay Local Traffic Committee Minutes - 18 April 2024 .....   | 72        |
|           | Item 10.2 Five Dock Business Parking Permits .....   | 73        |
| <b>11</b> | <b>COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS</b> .....   | <b>75</b> |
|           | Item 11.1 City of Canada Bay Arts and Culture Committee Meeting Minutes of 2 May<br>2024 and Amendment to Committee Charter..... | 75        |
|           | Item 11.2 City of Canada Bay Access and Inclusion Committee Meeting Minutes - 18<br>April 2024 .....                             | 88        |
| <b>12</b> | <b>CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS</b> .....   | <b>95</b> |
|           | Item 12.1 Cash and Investments Report for April 2024 .....   | 95        |

---

|           |   |            |
|-----------|---|------------|
| Item 12.2 | Third Quarter Budget Review - July to March 2024.....   | 98         |
| Item 12.3 | City of Canada Bay Audit Risk and Improvement Committee - Appointment<br>of Chairperson.....              | 103        |
| <b>13</b> | <b>NOTICES OF MOTION.....</b>   | <b>105</b> |
| <b>14</b> | <b>NOTICES OF MOTION OF RESCISSION .....</b>  | <b>105</b> |
| <b>15</b> | <b>MATTERS OF URGENCY.....</b>  | <b>105</b> |
| <b>16</b> | <b>QUESTIONS WITH NOTICE .....</b>  | <b>105</b> |
| <b>17</b> | <b>CONFIDENTIAL MATTERS .....</b>   | <b>106</b> |
| Item 17.1 | Lease - Iron Cove Cafe.....   | 106        |
| Item 17.2 | Licence to Concord Giants Football Club for St Luke's Oval, Concord.....                                  | 106        |
| Item 17.3 | Rhodes Recreation Centre - Early Childhood Education and Care Centre,<br>and other Operational Areas..... | 106        |
| <b>18</b> | <b>CONFIDENTIAL RESOLUTIONS.....</b>  | <b>108</b> |

## **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 16 APRIL 2024**

---

#### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of 16 April 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 - CONGRATULATIONS DRUMMOYNE DEVILS**Submitted by: Councillor Michael Megna (Mayor)

---

**MOTION**

That Council congratulates the Drummoyne Devils Water Polo Club for their historic achievements in their 120<sup>th</sup> year.

---

**BACKGROUND**

I am delighted to extend Council's congratulations to the Drummoyne Devils Water Polo Club for their outstanding achievements this season – one that will be remembered as one of the club's best across their 120-year history.

The Devils Men's team effort culminated in a thrilling grand final against Sydney Uni, resulting in an 11-10 victory. This historic win marks the first time Drummoyne's men have been crowned the Australian Water Polo League Champions.

Captain Blake Edwards said it best: "It's a phenomenal achievement and means so much to the club. We've had tough years and to finally achieve this milestone is wonderful."

It was a true community effort, where every volunteer and player contributed.

The Club's Women's team also showcased remarkable resilience this season, securing 5th place and demonstrating unwavering spirit and determination throughout the season.

To crown this exceptional season, the Drummoyne Devils Water Polo Club received the AWL Club Championship trophy for the best overall National League club in Australia.

This prestigious accolade reflects the hard work, dedication, and excellence of every member and supporter of the Club.

Congratulations to the Drummoyne Devils, national champions — you have made our community very proud.

**Michael Megna**

MAYOR

**ITEM 5.2**                      **MAYORAL MINUTE - STEP UP FOR CANCER SURVIVORSHIP**

Submitted by:                      Councillor Michael Megna (Mayor)

---

**MOTION**

That Council, through its communication channels, promote this fundraising initiative at Concord Hospital to our local community.

---

**BACKGROUND**

The Sydney Cancer Survivorship Centre at Concord Hospital helps survivors at all stages of the cancer journey by providing access to a multidisciplinary team of professionals to support an individual's needs following a cancer diagnosis.

The centre focuses on helping people make positive lifestyle changes, including improving their physical activity and nutrition, as well as providing psychological support.

Our community can be proud to host this fantastic organisation in our Local Government Area, and their annual 'Step Up for Cancer Survivorship' fundraising initiative is a great way for our community to support their programs.

I encourage our community members to register as an individual or join up with some friends to make a team. You can walk, run, dance, swim, kayak, play tennis, or do any kind of physical activity that you enjoy, throughout the month of June to help raise funds.

In previous years Council has supported the initiative through our communication channels and I ask for Council's support in that promotion continuing this year.

**Michael Megna**

MAYOR

**ITEM 5.3                    MAYORAL MINUTE - TELECOMMUNICATION CONTRACTORS  
UNSATISFACTORY WORKS IN THE CITY OF CANADA BAY**

Submitted by:            Councillor Michael Megna (Mayor)

---

**MOTION**

That the Mayor write to the relevant Federal Minister detailing concern about the works being undertaken by telecommunication contractors and requesting assistance in ensuring future works are undertaken with minimal impact on Council infrastructure and the community.

---

**BACKGROUND**

I wish to address a pressing issue regarding recent telecommunication works being carried out across our Local Government Area. Over the past weeks, we have received numerous complaints from residents about the management of a number of work sites. These works, involving the installation of cabling in our footpaths, grass verges, and roads, are being conducted by external telecommunication contractors independent of council.

We share the community's dissatisfaction with how these works are being managed. In response, we have taken several actions to address these concerns:

Recently, we escalated our concerns to the head telecommunications provider. The company, through their head contractor, has engaged three subcontractors to carry out the works in our area. We have formally advised the company of our concerns and of our expectation that they work closely with Council to address community concerns, safety, and environmental issues.

Furthermore, Council has contacted Safe Work NSW to raise concerns about the work practices and the safety risks posed to our community.

Council facilitated a meeting with the provider, head contractor, and Safe Work NSW and as a result, rectification works to ensure site safety and improvements commenced immediately that night.

A council officer was present to oversee these works, and we will continue to closely monitor the situation to ensure compliance with our standards.

Council is committed to managing the multiple issues across our LGA in collaboration with the provider and their contractors. We are also planning the necessary restoration works to address the damage caused by the cabling activities. This process will take time as we identify, scope, and procure the required works.

We appreciate the wider community's patience and understanding as we work to resolve these issues.



**Michael Megna**

MAYOR



---

**ITEM 5.4**                    **MAYORAL MINUTE - FOLLOW-UP ON STATE AND REGIONAL INFRASTRUCTURE IN RHODES**

Submitted by:            Councillor Michael Megna (Mayor)

---

**MOTION**

That:

1. The Mayor write to the NSW Premier and Minister for Planning and Public Spaces reiterating Council's request for a direct and detailed response on the matter of infrastructure planning in the Rhodes Peninsula, emphasising the urgency and importance of these infrastructure projects.
  2. Council seek a meeting with the relevant Ministers and senior officials from Transport for NSW, School Infrastructure NSW, and the Department of Planning, Housing, and Infrastructure to address these concerns and obtain firm commitments.
  3. Council communicate our dissatisfaction with the current response to the local community, ensuring they are aware of the challenges we face in securing essential infrastructure.
- 

**BACKGROUND**

I would like to express Council's disappointment in the recent response from Transport for NSW regarding our representations on State and Regional Infrastructure in Rhodes.

Following a notice of motion to our February meeting from Councillor Cordaro, Council outlined the critical infrastructure needs to support the Rhodes Place Strategy, which aims to accommodate significant population growth.

The response from Transport for NSW, signed by an official on behalf of Mr. Josh Murray, Secretary, Transport for NSW, entirely failed to provide the necessary commitments and timelines required to ensure the timely delivery of essential infrastructure. The key points from their response are as follows:

- 1. Concord Road/Averill Street Intersection Upgrade:**
  - Transport for NSW has investigated safety, performance, and capacity upgrades, with a Final Business Case expected by mid-2024. However, there is no funding commitment for delivery at this stage.
  - A 2021 assessment did not identify a feasible upgrade option without significant property impacts.
- 2. Concord Road/Homebush Bay Drive Intersection Upgrade:**
  - Similar investigations are underway, with a Final Business Case expected by mid-2024, but again, no funding commitment for delivery.
- 3. New Ferry Wharf:**
  - While a concept design exists, no funding has been allocated for this project.
  - Transport for NSW claims to work closely with Council and other agencies to plan necessary infrastructure but has not provided concrete details or commitments.

**4. Parramatta to Sydney Foreshore Link:**

- Transport for NSW is working on a Final Business Case for the 91km continuous walking and bike riding route. However, there are no proposed early delivery projects within Rhodes East.
- Engagement with Council on the foreshore route includes a new bike path and promenade as part of the Leeds Street project, to be delivered by the Department of Planning, Housing, and Infrastructure.

This response does not meet the expectations set by the Rhodes Place Strategy. The lack of funding commitments and clear timelines undermines our efforts to support the projected population growth and development in Rhodes.

The Rhodes community deserves better than vague assurances and indefinite delays.

MAYOR



**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**

Nil

## 9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

**Reporting Manager** Manager Statutory Planning

**Attachments:** Nil

---

#### RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 April 2024 and 30 April 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 24 April 2024

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

- DA2024/0020 - 18/162F Burwood Road, Concord - Installation of vergola louvered roof system to top floor terrace area of multi-level strata unit – *approved subject to conditions.*
- DA2023/0088 - 161 Thompson Street, Drummoyne - Partial demolition and construction of alterations and additions to the existing dwelling including a new attached garage and new swimming pool – *approved subject to conditions.*

### Items for CBLPP Meeting on 29 May 2024

The following applications are 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.
- 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.
- DA2023/0243 - 8 Thompson Street Drummoyne - Partial demolition of existing detached structure to rear. New rear single storey studio.

### Development Applications - Determined

The following Development Applications have been determined by staff under delegation between 1 April 2024 and 30 April 2024:

| DA NO       | DATE LODGED | PROPERTY                             | DESCRIPTION OF DEVELOPMENT   | DATE DETERMINED & DECISION                       |
|-------------|-------------|--------------------------------------|--|--|
| DA2023/0272 | 07.12.2023  | 43 Wrights Road, Drummoyne           | Alterations and Additions to dwelling on ground and first floor. New plunge pool and landscaping   | Approved<br>03.04.2024                           |
| DA2023/0262 | 04.12.2023  | 447 Great North Road, Abbotsford     | Alterations and additions to Abbotsford Presbyterian Church including an upgrade to the hall to current standards, internal refit of existing toilets, upgrade of external pavement with 1:80 grade for disabled compliance linking front to the rear hall entry and upgrade of parent seating adjacent playground | Approved<br>03.04.2024                           |
| DA2023/0027 | 15.02.2023  | 11A George Street, North Strathfield | Creation of a new office space on the rooftop car park of Building L   | Refused<br>05.04.2024                            |
| DA2023/0279 | 22.12.2023  | 35 Myall Street, Concord West        | Alterations and Additions with new pool  | Approved<br>08.04.2024                           |
| DA2023/0016 | 16.02.2023  | 6 Curtin Avenue, Abbotsford          | Demolition of existing structures and construction of a two storey dual occupancy with basement parking  | Approved<br>Deferred Determination<br>09.04.2024 |

| DA NO       | DATE LODGED | PROPERTY                              | DESCRIPTION OF DEVELOPMENT  | DATE DETERMINED & DECISION                            |
|-------------|-------------|---------------------------------------|---|---|
|             |             |                                       | and swimming pool and Strata title subdivision  |   |
| DA2024/0038 | 06.03.2024  | 95 Cabarita Road, Cabarita            | Demolition of small portion of external wall on level 1 and construction of a balcony attaching to the existing master bedroom                  | Approved<br>10.04.2024                                |
| DA2023/0124 | 19.06.2023  | 38 Plunkett Street, Drummoynes        | Demolition of existing structures, construction of a new two-storey dwelling with swimming pool and cabana                                      | Approved<br>11.04.2024                                |
| DA2023/0242 | 13.11.2023  | 1-11 George Street, North Strathfield | Expansion of the Cookies Bar and Lounge and new hours of operation for the extension  | Approved<br>12.04.2024                                |
| DA2023/0274 | 07.12.2023  | 1-11 George Street, North Strathfield | Conversion of an existing internal space into car parking   | Approved<br>12.04.2024                                |
| DA2023/0286 | 02.01.2024  | 29 Nirranda Street, Concord West      | Demolition of existing structures and construction of an attached dual occupancy  | Approved –<br>Deferred<br>Determination<br>12.04.2024 |
| DA2022/0187 | 05.07.2022  | 4 Marceau Drive, Concord              | Demolition of existing structures and construction of a attached dual occupancy with strata subdivision   | Approved<br>18.04.2024                                |
| DA2024/0031 | 26.02.2024  | 3 Hamilton Street, North Strathfield  | A hardstand in the front setback and new driveway crossing including changes to the front fence   | Refused<br>19.04.2024                                 |
| DA2023/0088 | 05.05.2023  | 161 Thompson Street, Drummoynes       | Partial demolition and construction of alterations and additions to the existing dwelling including a new attached garage and new swimming pool | Approved – LPP<br>24.04.2024                          |

| DA NO       | DATE LODGED | PROPERTY                        | DESCRIPTION OF DEVELOPMENT  | DATE DETERMINED & DECISION                         |
|-------------|-------------|---------------------------------|---|--|
| DA2024/0020 | 06.02.2024  | 18/162F Burwood Road, Concord   | Installation of a Vergola louvered roof system to balcony   | Approved – LPP<br>24.04.2024                       |
| DA2023/0283 | 18.12.2023  | 2/21 Llewellyn Street, Rhodes   | Alterations and additions to existing attached dwelling within an existing multi-dwelling housing   | Approved<br>24.04.2024                             |
| DA2024/0050 | 19.03.2024  | 1 Duke Avenue, Rodd Point       | Alteration of front gate and construction of new concrete driveway                                  | Approved<br>26.04.2024                             |
| DA2024/0068 | 22.04.2024  | 19-19A Roseby Street, Drummoyne | Alteration to fitout of Shop 18 (UGG) in Birkenhead Point Shopping Centre                           | Approved<br>26.04.2024                             |
| DA2022/0315 | 14.11.2022  | 14 The Parade, Drummoyne        | Demolition of existing structures and construction of new two storey dwelling with basement parking | Approved –<br>Deferred Determination<br>30.04.2024 |

Total Number of DAs Determined = 18

### Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 April 2024 and 30 April 2024:

| DA NO       | DATE LODGED | PROPERTY                                   | DESCRIPTION OF DEVELOPMENT  |
|-------------|-------------|--|---|
| DA2024/0054 | 02.04.2024  | 10 Raynor Avenue, Abbotsford               | Construction of a single gable tiled roof carport   |
| DA2024/0059 | 03.04.2024  | 7 Concord Avenue, Concord West             | Integrated development including proposed demolition of existing buildings, construction of 68 industrial units, tree removal, installation of infrastructure and landscaping |
| DA2024/0057 | 04.04.2024  | 47 Flavelle Street, Concord                | Demolition of a dwelling house; construction of a new two storey dwelling house and associated landscape works  |
| DA2024/0058 | 04.04.2024  | 153-165 Parramatta Road, North Strathfield | Erection of new signage   |
| DA2024/0056 | 10.04.2024  | 15 Queen Street, North Strathfield         | Construction of a 1 bedroom secondary dwelling to the rear of the site, with associated landscaping   |

| DA NO       | DATE LODGED | PROPERTY                            | DESCRIPTION OF DEVELOPMENT  |
|-------------|-------------|-------------------------------------|---|
| DA2024/0060 | 10.04.2024  | 325 Victoria Place, Drummoyne       | Demolition of existing buildings, construction of two storey attached dual occupancy, swimming pool , landscaping, fencing, new vehicle crossing and subdivision  |
| DA2024/0064 | 10.04.2024  | 25 George Street, North Strathfield | Application under State Environmental Planning Policy (Housing) for three additional storeys to Building A (street facing) and an additional storey to both Building B and C with 41 units (24 units allocated to affordable housing) and amendments to internal basement layout to provide 50 additional car spaces. The additional units under this application will sit atop the building approved under DA2020/0143 |
| DA2024/0061 | 10.04.2024  | 19-19A Roseby Street, Drummoyne     | Amalgamation of level 4, Block J tenancies and internal work to facilitate a change of use from 'commercial premises' to 'entertainment facility' to accommodate a future tenant  |
| DA2024/0063 | 11.04.2024  | 17 Moore Street, Cabarita           | Demolition of existing dwelling & construction of new dwelling with basement parking, swimming pool and associated landscaping  |
| DA2024/0066 | 15.04.2024  | 39 landra Street, Concord West      | Alterations and additions to the existing dwelling house plus associated works  |
| 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  |
| DA2024/0067 | 16.04.2024  | 12 Day Street, Drummoyne            | Alterations and additions to existing single storey house including demolish extension and rear deck and replace with new kitchen, living and dining  |
| DA2024/0062 | 17.04.2024  | 16 Burnell Street, Drummoyne        | Proposed addition alteration to an existing dwelling with proposed detached garage and in ground pool   |
| DA2024/0068 | 22.04.2024  | 19-19A Roseby Street, Drummoyne     | Alteration to fitout of Shop 18 (UGG) in Birkenhead Point Shopping Centre   |
| DA2024/0071 | 24.04.2024  | 75 Thompson Street, Drummoyne       | Alterations and additions to the rear of the existing dwelling with modifications to existing brick garage and roof lights to main part of dwelling   |
| DA2024/0069 | 24.04.2024  | 50 Zoeller Street, Concord          | Part demolition and alterations and Additions to Existing Semi-detached dwelling. Includes Rear Patio, front fence, and landscaping   |
| DA2024/0070 | 24.04.2024  | 225 Parramatta Road, Five Dock      | Alterations and additions to Five Dock McDonald's   |



| DA NO       | DATE LODGED | PROPERTY                             | DESCRIPTION OF DEVELOPMENT   |
|-------------|-------------|--------------------------------------|--|
| DA2024/0072 | 26.04.2024  | 123 Peninsula Drive, Breakfast Point | Integrated development including internal alterations and additions to existing heritage building, construction of two new structures, basement, swimming pool and related landscaping |
| DA2024/0073 | 30.04.2024  | 31 Great North Road, Five Dock       | Construction of concrete swimming pool   |

Total Number of DAs Lodged = 19

### Variations to development standards

There were four 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 April 2024 and 30 April 2024.

| DA NO       | PROPERTY                         | LEP DEVELOPMENT STANDARD        | JUSTIFICATION   | EXTENT           | DATE APPROVED |
|-------------|----------------------------------|---------------------------------|---|------------------|---------------|
| DA2023/0256 | 29 Nirranda Street, Concord West | Frontage, Clause 4.1A(2)        | Minor variation which does not impact on neighbouring properties.   | 280mm (2%)       | 12.04.2024    |
| DA2024/0020 | 18/162F Burwood Road, Concord    | Height of Buildings, Clause 4.3 | The vergola will remain lower than the existing built form, which currently exceeds the height, and will not result in any impacts upon surrounding properties. | 2.75m (18%)      | 24.04.2024    |
| DA2023/0088 | 161 Thompson Street, Drummoyne   | Floor Space Ratio, Clause 4.4   | The resultant form will be appropriate with the surrounding locality and will not result in any impacts upon surrounding properties.                            | 34.58sqm (14.3%) | 24.04.2024    |

|             |                          |                               |   |                 |            |
|-------------|--------------------------|-------------------------------|---|-----------------|------------|
| DA2022/0315 | 14 The Parade, Drummoyne | Floor Space Ratio, Clause 4.4 | The cantilevered design of the contemporary dwelling is comparable to surrounding development and will not result in any detrimental environmental impacts. | 26.5sqm (12.3%) | 30.04.2024 |
|-------------|--------------------------|-------------------------------|---|-----------------|------------|

### Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 30 April 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.   |
| 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.   |

There are four 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 PROPONENT INITIATED PLANNING PROPOSAL - 171-179 GREAT NORTH ROAD & 1A-1B HENRY STREET, FIVE DOCK****Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Urban Design Review (SGL) - Recommended proposal (*Provided in Attachment Booklet*) [⇨](#)
  2. Recommended Draft CBLEP Map Amendments (*Provided in Attachment Booklet*) [⇨](#)
  3. Urban Design Review (SGL) - Considered by LPP (*Provided in Attachment Booklet*) [⇨](#)
  4. Proponent Planning Proposal Report\_PP-2023-2889 (*Provided in Attachment Booklet*) [⇨](#)
  5. Appendix A - Urban Design Report - Carter Williamson (*Provided in Attachment Booklet*) [⇨](#)
  6. Appendix B - Survey Plan - Geodesy Survey Group (*Provided in Attachment Booklet*) [⇨](#)
  7. Appendix C - Landscape Report - Yerrabingin Landscape Architecture (*Provided in Attachment Booklet*) [⇨](#)
  8. Appendix D - Statement of Heritage Impact Report - Weir Phillips (*Provided in Attachment Booklet*) [⇨](#)
  9. Appendix E - Traffic Impact Assessment - PDC Consultants (*Provided in Attachment Booklet*) [⇨](#)
  10. Appendix F - Social and Community Needs Assessment - Mecone (*Provided in Attachment Booklet*) [⇨](#)
  11. Appendix G - Property Market Report - Jones Lang LaSalle (*Provided in Attachment Booklet*) [⇨](#)
  12. Appendix H - Preliminary Site Investigation - Sydney Environmental Group (*Provided in Attachment Booklet*) [⇨](#)
  13. Appendix I - Civil and Building Services Report - Intrax (*Provided in Attachment Booklet*) [⇨](#)
  14. Draft Metro Precincts Local Planning Study - Five Dock (*Provided in Attachment Booklet*) [⇨](#)
  15. Draft Metro Precincts Local Planning Study - Urban Design Framework (*Provided in Attachment Booklet*) [⇨](#)
  16. LPP - Minutes - 10 April 2024 (*Provided in Attachment Booklet*) [⇨](#)

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. Council endorse Planning Proposal – 171-179 Great North Road & 1A-1B Henry Street, Five Dock, as shown at Attachment 4 to the subject report, for submission to the Department of Planning and Environment with a request for Gateway Determination, subject to the following amendments:
  - a) The maximum Floor Space Ratio be retained at 2.5:1.
  - b) The maximum Height of Buildings be reduced, consistent with the draft Height of Buildings Map, provided at Attachment 2.
  - c) Application of Active Street Frontages, consistent with the draft Active Street Frontages Map, provided at Attachment 2.

- 
- d) Identification of the Site on the draft Design Excellence Map, provided at Attachment 2.
2. The Planning Proposal and supporting reports be updated to reflect 1 above, and recommendations made within this report (including Option A in Attachment 1), prior to the Planning Proposal being submitted to the Department of Planning and Environment for a Gateway Determination.
  3. An Economic Impact Assessment and Waste Management Plan be prepared prior to the planning proposal being placed on public exhibition.
  4. Council prepare draft amendments to the Canada Bay Development Control Plan to provide guidance for future development on the site.
  5. A draft Planning Agreement be negotiated, outlining public benefits arising from this planning proposal in accordance with the Canada Bay Planning Agreements Policy.
  6. The updated Planning Proposal, draft Development Control Plan, and draft Planning Agreement be endorsed for public exhibition in accordance with any conditions imposed under the Gateway Determination.
  7. Authority be delegated to the General Manager to make minor variations to the Planning Proposal to correct any drafting errors or to ensure it is consistent with the Planning Proposal following the receipt of a Gateway Determination.
- 

## PURPOSE

To provide Council with the outcome of the assessment of a Planning Proposal relating to 171-179 Great North Road & 1A-1B Henry Street, Five Dock and seek Council endorsement to submit the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination.

## EXECUTIVE SUMMARY

Council has received a Planning Proposal for land within the Five Dock Town Centre. The Planning Proposal has been prepared by Mecone for the Proponent, and Traders In Purple, a property development group, who have been appointed by the landowner, the Anglican Property Trust,

The Planning Proposal is seeking to redevelop the site through an amendment to *Canada Bay Local Environmental Plan 2013* to:

- increase the maximum building height from 15m to a maximum of 75m, to facilitate a range of building heights across the site ranging from the existing heritage-listed two-storey church, rectory and shops, up to two 20-storey towers (plus the potential for an additional 30% height as a result of the 15% affordable housing proposed); and
- increase the maximum Floor Space Ratio from 2.5:1 to 4.5:1 (approximately 17,057sqm gross floor area, comprising 13,965sqm of residential GFA for 162 dwellings, 1,932sqm of commercial/retail/childcare, and 1,161sqm of church uses).

An assessment of the Planning Proposal has been undertaken by Council officers, including consideration of social, economic, traffic/transport, heritage and urban design matters within the context of relevant state and local government strategies. Specific consideration has been given as to whether the proposed built form responds to the future character of the area, and whether it is appropriate within the context of three locally listed heritage items (one of which the Planning Proposal seeks to partly demolish).

This Planning Proposal (Proposal) does not align with the strategic planning vision for the Five Dock Town Centre and is not supported by adopted strategies or plans. The Proposal has little regard to the heritage qualities of the site, does not reflect the existing or desired future context of the Five Dock town centre, and is considered to create significant negative impacts.

On 10 April 2024, the Local Planning Panel (LPP) considered the proponent's Planning Proposal and Council officers' assessment report and recommendation of a more moderate scheme generally in line with Council's adopted Local Study for Five Dock. In regards to the Proponent's Planning Proposal, the LPP advised that "the height, scale and siting of the concept underlying the Planning Proposal is excessive...and unduly compromises the heritage significance of the site".

Following the LPP meeting, Council officers sought additional urban design analysis to determine whether it would be possible to redistribute the building massing recommended in the Council officer LPP report differently within the site so that the existing landscaped space in front of the church could be retained, without resulting in adverse impacts on Fred Kelly Place and surrounds. This analysis is detailed in the "Recommended scheme responding to advice from the Local Planning Panel" section towards the back of this report.

The analysis found that a re-massing of floorspace on the site could be achieved without adversely impacting Fred Kelly Place and surrounds. This together with the retention of the landscaped area in front of this church is considered to be the most desirable outcome for the site.

It is therefore recommended that the Planning Proposal be revised to have regard to the context of the site with alternate building height and Floor Space Ratio (refer Option A in Attachment 1, and Attachment 2), amongst other urban design outcomes outlined in this report, and that it proceed on this basis. It is recommended that the documentation be updated to reflect this alternate scheme prior to submission to the Department of Planning, Housing and Infrastructure (DPHI) for a Gateway Determination.

## **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

This report also relates to the *Eastern City District Plan*, the *City of Canada Bay Local Strategic Planning Statement* and the recently adopted *Local Planning Study/Local Character Statement* for the Five Dock Metro precinct.

## **BACKGROUND/DISCUSSION**

### **Site details**

The property at 171-179 Great North Road & 1A-1B Henry Street, Five Dock (the Site) comprises 7 separate Lots under the same ownership and is approximately 4,076sqm in area.

The site has three road frontages, Great North Road on the east, Henry Street on the north and East Street on the west. On the southern boundary is the Five Dock Metro West station, currently under construction. In the north-eastern corner is a separate Lot, 181-185 Great North Road, which is not currently owned by the Church, but which the Planning Proposal identifies as 'potential future uplift'.

The Site is occupied by three buildings that are local heritage items: St Albans Anglican Church (I226), the St Albans Anglican Church Rectory (I227) and St Albans Anglican Church Hall and Shops (I228). There are also two detached dwellings fronting Henry Street, a childcare centre (Sunshine Early Learning Centre) and various church facilities.





Figure 1: 171-179 Great North Road & 1A-1B Henry Street, Five Dock (the Site)

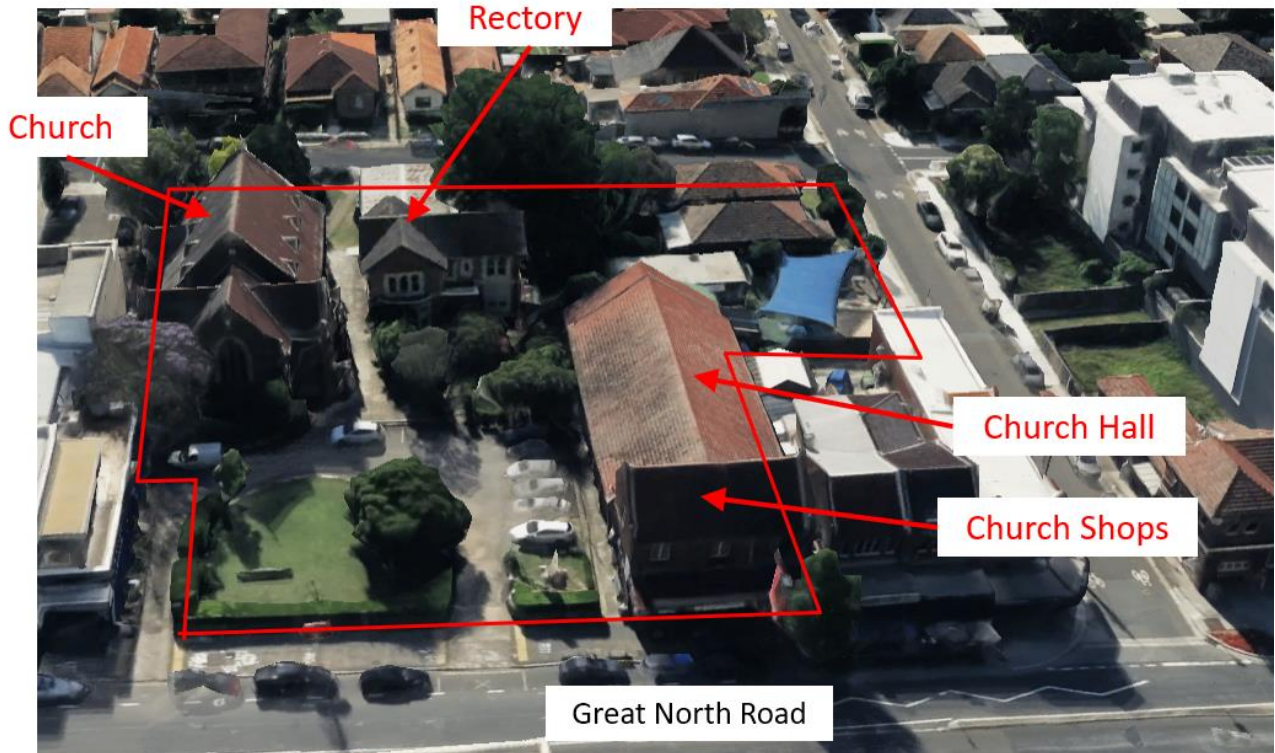


Figure 2: The Site from Great North Road looking west

## Urban context and Adjoining development

The subject site is located within the Five Dock Town Centre. The Town Centre is currently characterised by a variety of uses that include residential, mixed use and urban services, which are mostly located along Great North Road.

There are shop top housing and apartments located within Five Dock, predominantly along Great North Road, however they generally have a maximum building height of 14m to 20m, or approximately five to seven storeys.

The local character around Five Dock centre primarily features low scale single detached dwellings. Apartment buildings on residential streets are often walk-up apartments of no more than three storeys and fit in with the lower scale detached dwellings in the area.

To the south of the Site is Five Dock metro station, which is currently under construction. The new metro station will be accessed from Fred Kelly Place, an important civic open space that is located to the immediate south of the metro site. The southern boundary adjoins a pedestrian through-site link that is being developed by Metro to connect Great North Road and East Street and which will have an active frontage to the laneway.

To the west of the Site, on the opposite side of East Street are single detached dwellings. To the north of the Site are three two storey shop fronts that extend to Henry Street. Further to the north is the former Five Dock Post Office, which is now used as a retail space. To the east of the Site, on the opposite side of Great North Road are two to three storey commercial buildings.

The Canada Bay DCP identifies the desired future character of the Five Dock Town Centre as "*a place where new buildings, alterations and additions contribute to the local 'village character' and heritage values through appropriate building forms, setbacks and heights*".

Council's Metro Precincts Local Planning Study, which was endorsed by Council on 16 May 2023, seeks to increase density within the LGA in the vicinity of the Metro stations, to deliver new housing to meet forecast demand. The Local Planning Study envisages 6-storeys along Great North Road within the Five Dock Town Centre, stepping down to 4-storeys to the east and 5, 3 and 2-storeys to the west. The Local Planning Study considered the subject site and identified it as significantly impacted by heritage constraints.

## Current Planning Controls

The key planning controls that apply to the Site under the *Canada Bay Local Environmental Plan 2013* include:

- a) MU1 Mixed Use Zone, which allows business, retail, office, shop top housing and light industrial uses.
- b) a maximum building height of 15 metres;
- c) a maximum Floor Space Ratio (FSR) of 2.5:1; and
- d) three local heritage items - St Alban's Anglican Church (Item No: I226), St Alban's Anglican Church Rectory (Item No: I227), and St Alban's Anglican Church Hall and Shops (Item No: I228).



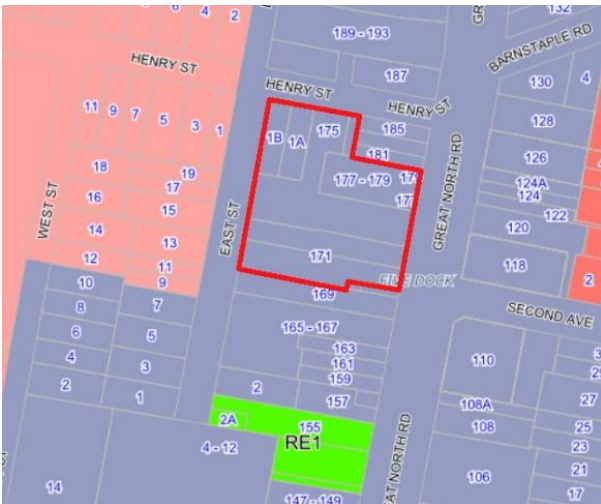


Figure 3: Current Land Zoning Map



Figure 4: Current Height of Buildings Map



Figure 5: Current FSR Map



Figure 6: Current Heritage Map

**PLANNING PROPOSAL**

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

- increase the maximum building height from 15m to a maximum of 75m; and
- increase the maximum Floor Space Ratio from 2.5:1 to 4.5:1.

The Proposal is also seeking to demolish a significant portion of an item of local heritage, the Church Hall, which forms part of St Alban’s Anglican Church Hall and Shops (Item No: I228). However, the Proposal does not propose to amend Schedule 5 of the LEP to remove the church hall from the listing.



Figure 7: Proposed Height of Buildings Map (Proponent)

Figure 8: Proposed FSR Map (Proponent)

The Proposal seeks to facilitate “a mixed-use development that integrates a significant supply of transit-oriented housing above lower-level church and other active uses located around a new central public plaza that integrates the church uses and heritage fabric with the new Metro station.”

The key elements of the Proposal comprise:

- Demolition of the Church Hall, the two detached dwellings and the church parish centre;
- The reference scheme shows the development of two 20 storey mixed use buildings. The proposed buildings both feature a 4 storey podium, and would accommodate:
  - Ground floor retail and community/Church facilities.
  - Level 1: Commercial and community/Church facilities.
  - Levels 2-3: Residential and Church facilities.
  - Levels 4-19: Residential.
  - Podium common open space (NW tower only).
  - Rooftop common open space (SE tower only).
  - Rooftop plant and lift overruns.
- 800m<sup>2</sup> 3-storey childcare centre, including 2-storeys within existing shops, with rooftop open space;
- Proposed double-height church hall on East Street with two levels of church facilities over and rooftop open space;
- 15% affordable housing, making the development eligible for 30% additional height and GFA under clause 18 of *State Environmental Planning Policy (Housing) 2021* (Housing SEPP);
- Publicly accessible 1,200m<sup>2</sup> central open space and through site links; and
- 5 levels of basement carparking for 277 vehicles.

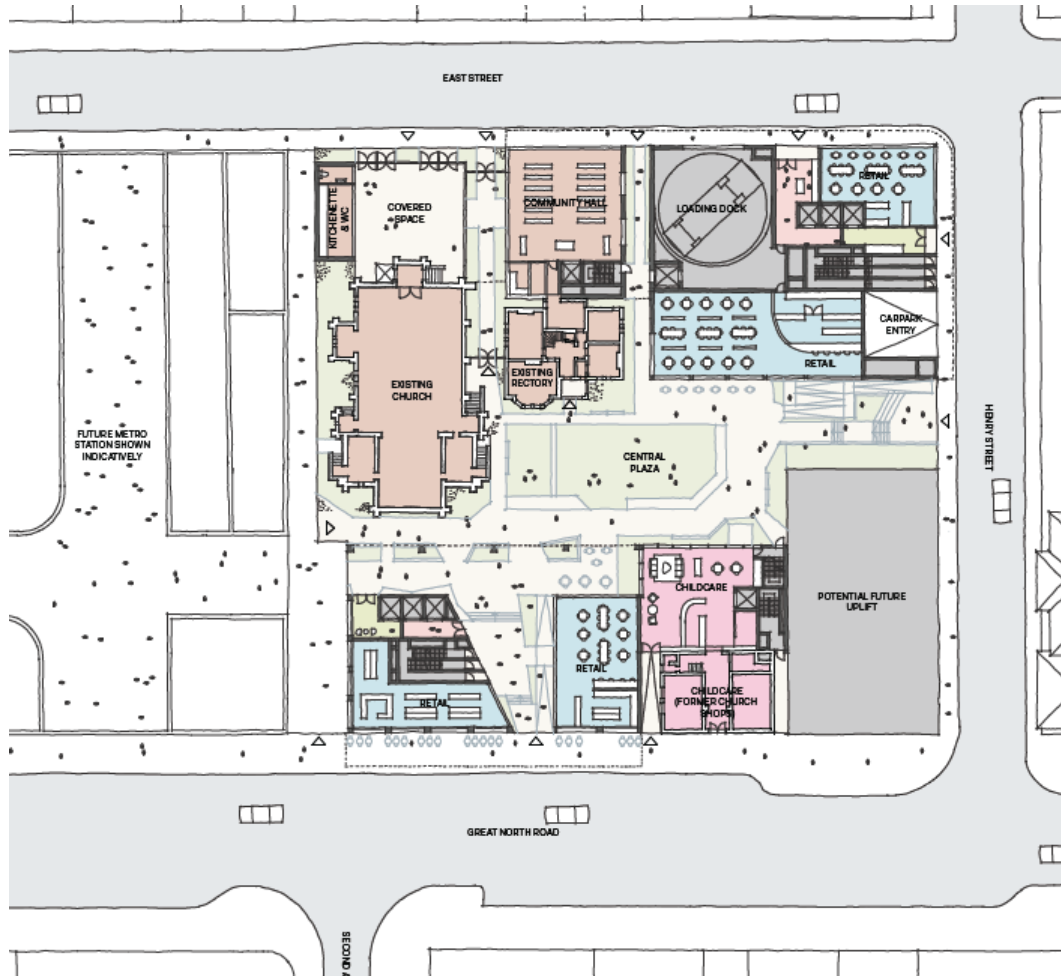


Figure 9: Proposed Ground floor Plan

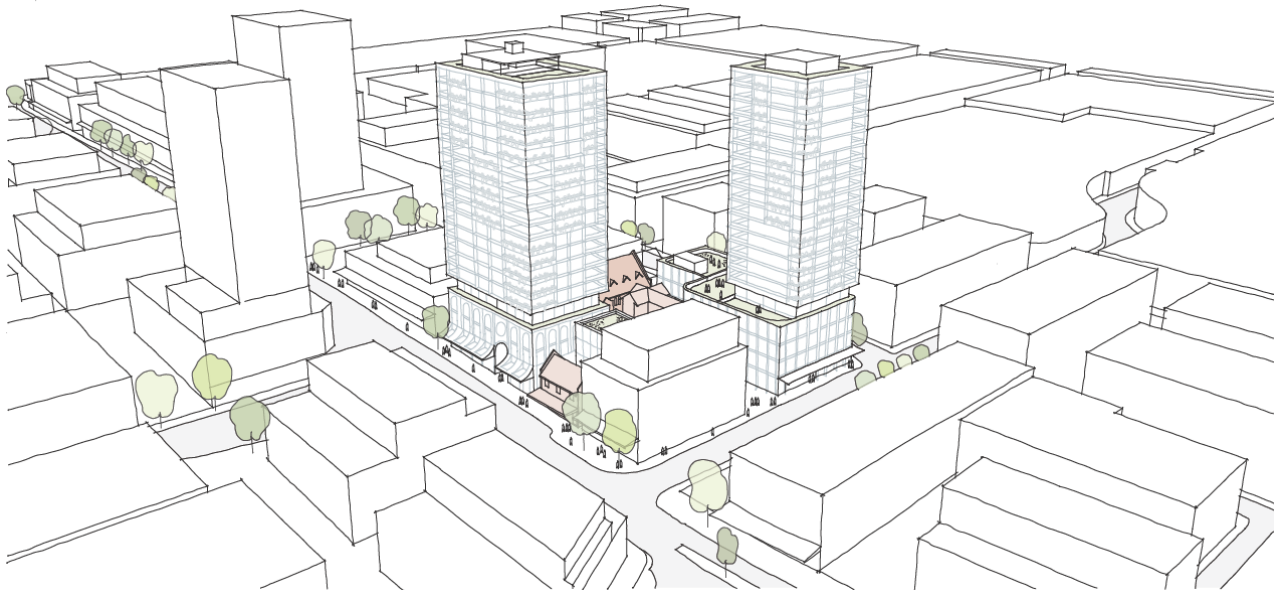


Figure 10: Proponent's Proposed indicative built form, looking from the northern end of Great North Road (note: the towers shown outside of the subject site are not permissible under Council's current controls, nor are they consistent with Council's adopted Local Study for Five Dock).





Figure 11: Proponent's proposed Built form and context based on publicly accessible data (Model by Studio GL)

### Independent peer-review

To assist with the assessment of the Planning Proposal, Council officers commissioned an independent peer-review in relation to the urban design and heritage by Studio GL and John Oultram Heritage and Design (refer to Attachment 3 - Urban Design Review (SGL)).

This review “looked beyond SEPP 65 and the Apartment Design Guide in order to assess the urban design success of the proposed concept design. This was to ensure that the focus reflected the issues that need to be considered in the master-planning of larger mixed-use sites and the elements relevant to planning at a town centre and neighbourhood level, as identified in Better Placed - An integrated design policy for the built environment of New South Wales.”

The review informed the assessment by Council officers, and the advice of the Local Planning Panel (LPP).

### STRATEGIC ALIGNMENT

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

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

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

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

As identified in the District Plan, Five Dock is a local centre. The Planning Proposal seeks to justify the introduction of height to Five Dock as a result of its proximity to the future Five Dock Metro Station, and the height allowable around other Metro stations across Sydney. This however is not an accurate or appropriate comparison to make as different Metro stations can have a different character as a result of the role of the centre they are located within.

The majority of metro stations are located in 'strategic centres' as categorised in the applicable District Plan. As a local centre, Five Dock is to be compared to other local centres such as Cherrybrook, North Strathfield and Marrickville which have significantly lower densities than that of the strategic centres.

The proposal is inconsistent with the following Planning Priorities:

- E3. Providing services and social infrastructure to meet people's changing needs, for the wider community: The majority of the community infrastructure GFA proposed is for the use of the church congregation, which represents limited benefit to the wider community.
- E6. Creating and renewing great places and local centres, and respecting the District's heritage: The proposal's high intensity and scale would have an adverse impact on the local centre, creating overshadowing of surrounding streets, open spaces and buildings. The proposal does not "recognise or celebrate the character of the area and its people". It also seeks to demolish the heritage-listed church hall, rather than "applying adaptive re-use and interpreting heritage to foster distinctive local places".
- E16. Protecting and enhancing scenic and cultural landscapes: The proposal is seeking to construct a significant development in front of the heritage-listed church and rectory. This will reduce views of the church and rectory from the public domain to only narrow framed views, rather than "enhancing and protecting the scenic and cultural landscape from the public realm."
- E17. Increasing urban tree canopy cover and delivering Green Grid connections: The proposal is seeking to remove the majority of existing trees, including a large mature shade tree, and to reduce the tree canopy coverage from 17% to 10%. It is also seeking to reduce the area of deep soil to only 1%, with new landscaping located either within 1.2m deep soil above the basement carpark, or on the level-4 podium or roof. This is inconsistent with the State Government's tree canopy target of 40%.
- E18. Delivering high quality open space: High density neighbourhoods need to have high quality open space within proximity (200m). The proposal therefore relies on the proposed central space for the provision of 'high quality open space'. However, it is not likely to be of high quality, as it cannot support mature trees and it will be significantly overshadowed by the proposed and surrounding development.
- E5. Providing housing supply, choice and affordability, with access to jobs, services and public transport: The Planning Proposal will facilitate 162 dwellings, including 15% of the proposed Gross Floor Area as affordable housing (for a minimum period of 15 years). Permanent affordable housing is required in accordance with the requirements of the District Plan.

### **Canada Bay Local Strategic Planning Statement**

A Planning Proposal is required to be consistent with Council's endorsed strategic plans, or to justify any variations based on producing a better outcome. For the subject site, the *Canada Bay Local Strategic Planning Statement* (LSPS) is the primary land use planning document (endorsed by the (former) Greater Cities Commission). The Canada Bay Local Housing Strategy (endorsed by the Department of Planning, Housing and Infrastructure) informs the LSPS and is therefore also relevant.

The LSPS and LHS found that Council is able to meet its 5-year and 10-year housing targets through planned renewal precincts and infill development under existing planning controls. The LSPS states that "Planning Proposals seeking changes to the planning controls for additional development capacity through spot rezoning must have strategic merit and site specific merit and have regard to Council's adopted strategies, including any requirement for Department of Planning, Industry and Environment [now DPHI] endorsement of those strategies.....Planning Proposals that simply seek additional residential density above the current controls will have challenges in demonstrating their strategic merit as they are not necessary to achieve the housing target and the planning priorities of this Planning Statement."

The Planning Proposal states that it responds to the announcement and delivery of Sydney Metro West and the location of the Five Dock Metro station. The Proposal also states that it "responds to

a change in circumstances caused by the current housing crisis, which has not been recognised in the LSPS.”

Whilst the Planning Proposal will enable additional housing to be provided in a location with good access to public transport, it is not the result of, and is not consistent with, the Canada Bay LSPS or the LHS and is not necessary to meet local housing targets.

When endorsing the LHS, the DPHI noted that:

*Council is to work with Sydney West Metro to identify future growth areas around North Strathfield, Burwood North and Five Dock Metro stations and commit to an integrated planning approach.*

*Council's approach to limit new housing opportunities in Five Dock and North Strathfield to low scale medium density development is to be re-evaluated given the announcement of Metro stations in these locations.*

In response to the above, Council has moved away from only pursuing multi dwelling housing (terraces) within the vicinity of Five Dock station, and the LSPS recognised that a metro Station in Five Dock would provide an opportunity for additional housing. Action 11.1 of the LSPS requires a strategic and precinct approach to the rezoning of land within the vicinity of proposed metro stations in the City of Canada Bay and states:

*Prior to rezoning occurring, a local planning study is to be prepared and endorsed by Council for the localities in which a Sydney Metro West station is proposed, including development sites and their immediate surrounds. The local planning study is to:*

- *include a desired future character statement prepared in consultation with the community;*
- *identify opportunities and preferences for new and / or improved areas of open space within, adjacent to or surrounding the new Metro locations;*
- *identify opportunities for and facilitating improvements in the public domain to maximise pedestrian amenity, movement and experience;*
- *establish preferred land uses within and around the new Metro locations;*
- *consider opportunities for a diverse range of housing that is consistent with the desired future character of the area and determine the contribution of any new housing to the regional housing target;*
- *ensure that the employment functions and services around station locations are supported and enhanced as a result of the Metro project;*
- *establish preferred built form outcomes within and around new Metro locations; and*
- *identify the need for further studies or considerations resulting from transport infrastructure.*

To implement the above action, Council prepared a Local Planning Study that analysed the existing character and context of Five Dock and used community consultation to develop a Local Character Statement to describe the future character of the Town Centre. The Local Planning Study and supporting Local Character Statement were adopted by Council on 16 May 2023 and will inform the preparation of a precinct wide master plan. As an endorsed strategic plan, the Local Planning Study and Local Character Statement are a relevant consideration in the assessment of the Proposal.

The Local Planning Study identified development uplift of up to 7-storeys along Great North Road within the Five Dock Town Centre Core, stepping down to 5-storeys and then 3-storeys to the east and west. The Study also proposed a new Town Square on the eastern side of Great North Road and an extension to Fred Kelly Place on the western side of Great North Road. The extended Fred Kelly Place will have active frontages and connect with the Metro Station entry at ground level.



A precinct-wide master plan for the Five Dock Town Centre and its surrounds is currently being prepared to implement the outcomes of the Local Planning Study and align with the State Government's recent housing reform announcements, specifically the *EIE: Changes to create low- and mid-rise housing*, which is anticipated to be finalised in mid to late 2024.

The Planning Proposal is inconsistent with the LSPS as it is seeking to rezone an individual site, thereby departing from the strategic and precinct wide approach required by the LSPS. The Planning Proposal does not respond to the strategic intent or recommendations of the Local Planning Study or Local Character Statement for Five Dock, including the aim to ensure future development is compatible with the desire future character and scale of the area.

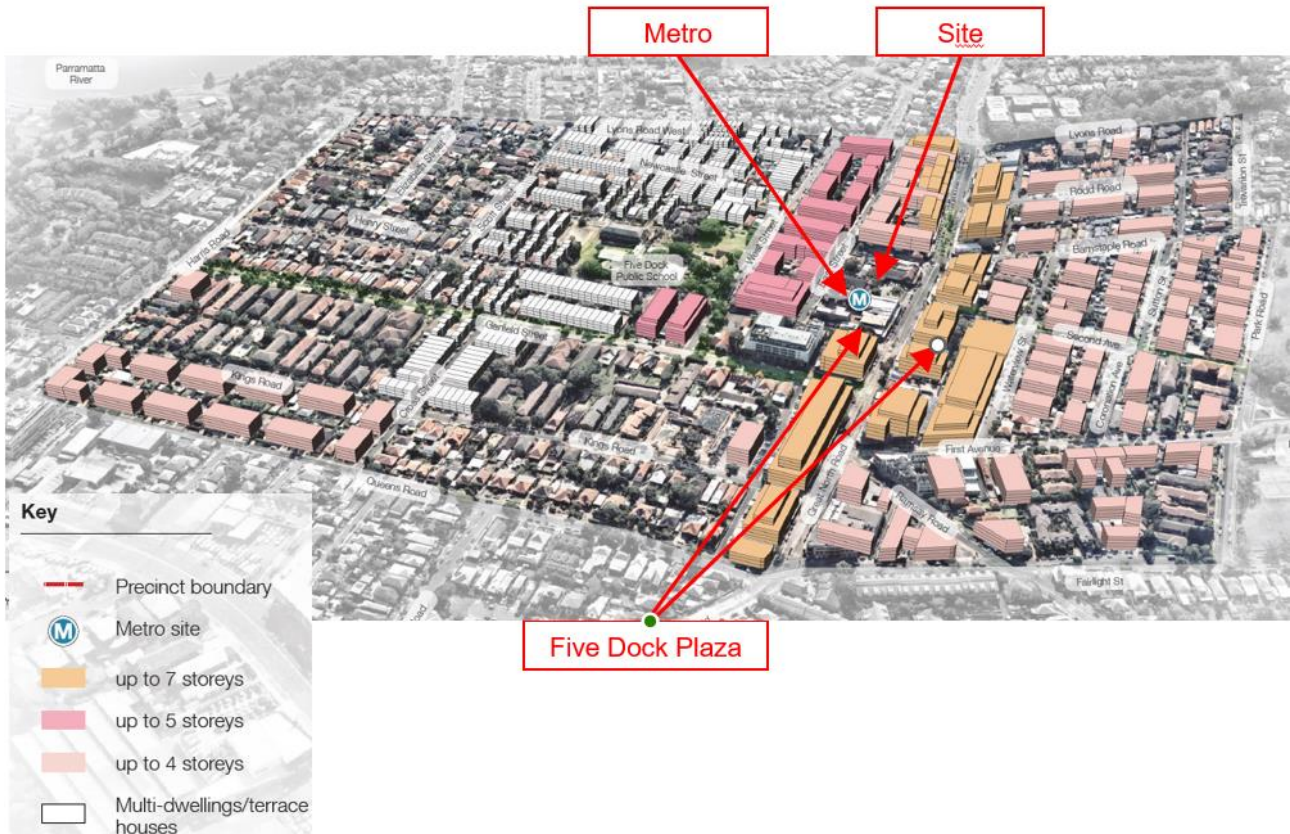


Figure 12: Building envelopes outlined in the Metro Precincts Local Planning Study



Figure 13: Illustrative Streetscape (from Council's Metro Precincts Local Planning Study)

**Explanation of Intended Effects (EIE): Changes to create low- and mid-rise housing**

Since endorsement by Council of the Metro Precincts Local Planning Study, the DPHI exhibited the *EIE: Changes to create low- and mid-rise housing*. The EIE outlines changes to the planning system that seek to respond the 'housing crisis' by permitting Residential Flat Buildings (RFBs) and shop top housing up to 21 metres (6-7 storeys) in R3 medium density residential zones within 400m walking distance of land zoned E1 Local Centre, or MU1 Mixed Use. If the EIE were finalised in its current form, building heights of up to 21m height would become permissible on the subject site, (although this could increase to 28m under clause 18 of the Housing SEPP if the proposal were to include 15% affordable housing).

Council is currently preparing a master plan with an aim to progress a planning proposal for the wider Five Dock Town Centre and surrounding land.

**Local Planning Directions**

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

*Local Planning Direction 1.1 Implementation of Regional Plans*

The Direction requires that Planning Proposals must be consistent with the relevant Regional Plan. A Planning Proposal may be inconsistent with the Direction if the inconsistency is insignificant or achieves the overall intent of the Regional Plan's vision, land use strategy, goals, directions and actions.

The Planning Proposal is partly consistent with the Direction, as discussed above.

*Local Planning Direction 3.2 Heritage Conservation*

The Direction requires that Planning Proposals must facilitate conservation of items, places, buildings etc. that a heritage study identifies as of environmental heritage significance in relation to the historical, cultural, social, architectural or aesthetic value to an area. A Planning Proposal may be inconsistent with the Direction if the item is conserved by an existing environmental planning instrument, legislation or regulations, or if the inconsistency is of minor significance.

The Planning Proposal is not consistent with the Direction as it is seeking to demolish the St Albans Anglican Church Hall which is integral with the St Albans Anglican Church Shops (I228 in the CCBC LEP 2013).



The NSW Heritage Inventory Statement of Significance states that the Hall and Shops are:

*An excellent part of the church group and an interesting addition to the streetscape with its well proportioned form, intact original awning and symmetrical design. It retains early shopfronts and detailing. A very unusual example of a church hall combined with commercial premises.*

The Statement is based on the Assessment of Significance, which includes:

- Rare Assessment: *A very unusual example of a church hall combined with commercial premises.*
- Representative Assessment: *A good example of Inter-War design in the shopfronts and church hall.*
- Integrity/Intactness: *Intact*

The purpose of a statement of heritage impact is to analyse and justify the impact of development in a conservation area, or development in the vicinity of a heritage item or conservation area. Ideally, the impact would be such that the significance of the heritage item is not compromised, but rather enhanced by, for example, its stabilisation or repair and, where appropriate, restoration, reconstruction, adaptive re-use or sympathetic new development.

The Statement of Heritage Impact Report offers the justification for the proposed demolition of the hall on the basis that “While the removal of a local item is understood to generally not be permitted, were there to be a major benefit to the conservation of the wider Group of items and enhanced use in the future consideration could be given to the removal of the local item on the basis that the benefit to the overall environmental heritage of Five Dock was far outweighed by the loss.”

Demolition of the hall will result in the loss of a very unusual, rare and intact heritage item. This is a significant inconsistency with the Direction that has not been adequately justified.

Further discussion is provided under the heading “Heritage’ below.

#### *Local Planning Direction 6.1 Residential Zones*

The Direction requires that planning proposals do not contain provision that will reduce the permissible residential density of the land. As discussed under the heading ‘Density and Floor Space Ratio’ below, it is recommended that the Floor Space Ratio on the site be maintained at 2.5:1. The additional building height over part of the Site will enable additional residential density to be achieved on the land, beyond current standards contained within the *Canada Bay Local Environmental Plan 2013*.

### **SITE SPECIFIC MERIT**

#### **Land Use Zoning**

The Planning Proposal is not seeking to amend the current MU1 Mixed Use Zone.

#### **Building heights**

The Planning Proposal is seeking to change the maximum building heights in the LEP from 15m to a maximum of 75m, to facilitate two proposed 20-storey towers. This could increase to 97.5m (26 storeys) under clause 18 of the Housing SEPP where 15% affordable housing is provided.

Shop top housing concentrated along Great North Road generally has a maximum building height of 14m to 17m (5 to 7 storeys). Built form around the Five Dock Town Centre primarily features low scale single detached dwellings. Apartment buildings on residential streets are often walk-up apartments of no more than three storeys and are designed to fit in with the lower scale detached dwellings present in the area.

The Planning Proposal indicates that the 20 storey buildings are compatible with the uplift that the area surrounding the Metro site will undergo and that “*New metro stations provide an opportunity to support additional housing whilst maximising the capacity of existing/planned infrastructure and*

*minimising congestion impacts (NSW Productivity Commission, August 2023, Building more homes where infrastructure costs less. NSW Government). Consequently, significant density has been planned and is expected to be planned near Metro stations across Greater Sydney”.*

However, the Planning Proposal is contorting the Government’s response to the NSW Productivity Commission’s report via the DPHI-led Transport Oriented Development (TOD) Program and the EIE for low and mid-rise housing. The TOD Program intends to increase housing supply in 8 Accelerated Precincts and 31 train stations, neither of which include Five Dock. The EIE for Low & Mid-rise housing is applicable to the Five Dock Town Centre and proposes heights of up to a maximum of 21m within 400m of a Metro Station.

Whilst the location of the Metro Station adjacent to the site represents an opportunity for increased development, it is not justification for the 75m maximum height proposed and two towers of that height. The scale of the proposed 75m towers is out of context with the existing and desired mid-rise character of the Five Dock Town Centre (and with the heights proposed in the EIE for low- and mid-rise housing). If the forecast heights are compared with the illustrated heights in the Planning Proposal, it is apparent that the proposed towers will be out of context within the future town centre.

Further, the Planning Proposal and the ‘urban design precedents’ in the Proponent’s Urban Design Report misrepresent the distinction between building heights in metropolitan centres (such as Sydney CBD and Parramatta) and strategic centres (such as Chatswood and Burwood North) with those in local centres (such as Five Dock and North Strathfield).

Despite the introduction of a Metro station, Five Dock is expected to remain a local centre serving local needs, and is not intended to become a strategic centre. A better indication of the likely scale of development around the Five Dock Metro can be found in the recent draft TOD SEPP which proposes building heights of 21m within a zone that is 400m around 31 stations, not inclusive of Five Dock Metro station.

The height that is permitted on this site will set a precedent for future development in the town centre and the proposed 75m tall towers are considered excessive, do not respect the heritage buildings on the site and do not reflect the existing or desired future context for Five Dock Town Centre.

As it is accepted that some uplift in the right locations on the site may be appropriate, the urban design review prepared on behalf of Council by the independent peer review, and considered by the LPP, put forth a concept for varied maximum building heights to apply across the site, with a maximum of 30m or 9 storeys in the north-western corner of the site and a maximum of 15.2m or 4 storeys along the southeastern frontage to Great North Road. No more than 3 storeys or a maximum building height of 12.4m should occur between the Rectory and East Street.

The proposed 75m maximum building height is not supported.

Figures 14 and 15 illustrate the proposed building heights (proponent), and the concept recommended by Council officers and considered by the LPP.

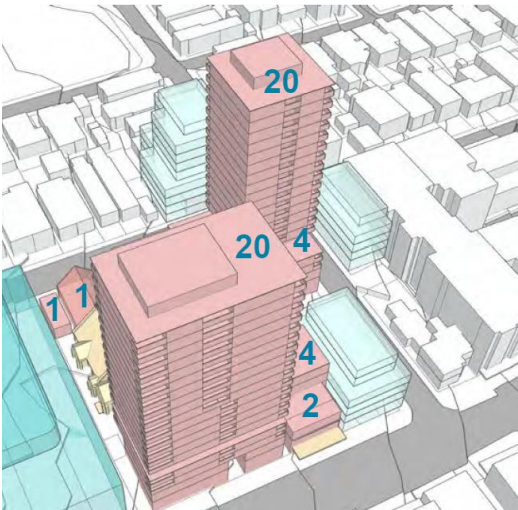


Figure 14: Proponent proposed building heights

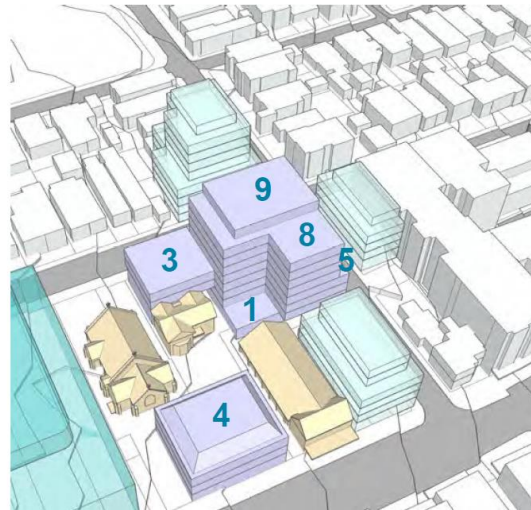


Figure 15: Maximum building heights considered by the LPP report

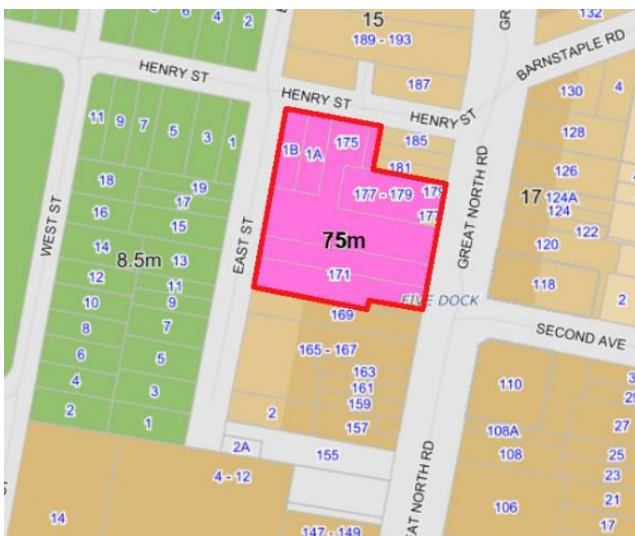


Figure 16: Proponent proposed Height of Buildings Map



Figure 17: Height of Buildings Map considered by the LPP report (Council mapping)

### Density and Floor Space Ratio (FSR)

The Planning Proposal is seeking to change the maximum Floor Space Ratio from 2.5:1 to 4.5:1. This is intended to facilitate approximately 17,057sqm gross floor area, comprising 13,965sqm of residential Gross Floor Area for 162 dwellings, 1,932sqm of commercial/retail/childcare, and 1,161sqm of church uses. The density could further increase to 5.85:1 under clause 18 of the Housing SEPP as a result of the 15% affordable housing provision that is proposed.

The development potential of the land is constrained by the presence of the three items of local heritage significance within the site. The Proposal has responded to these constraints by demolishing the heritage-listed Church Hall and locating two 75m towers in place of the detached dwellings and within the Great North Road forecourt.

The Planning Proposal request to amend the maximum FSR standard from 2.5:1 to 4.5:1 is not supported.

The existing site FSR of 2.5:1, applies to most properties along Great North Road, and assumes development can be built boundary to boundary, reflective of a main retail street in a town centre. The retention of heritage building on the site, combined with the concept considered by the LPP for built forms of up to 9 storeys, achieves an FSR of approximately 1.73:1. Whilst, this built form tested FSR is lower than the current permissible FSR of 2.5:1, this outcome is expected given the constraints associated with low the scale heritage buildings on the site and limits on development before the overshadowing Fred Kelly Place.

Retaining the existing maximum FSR of 2.5:1 is therefore recommended.

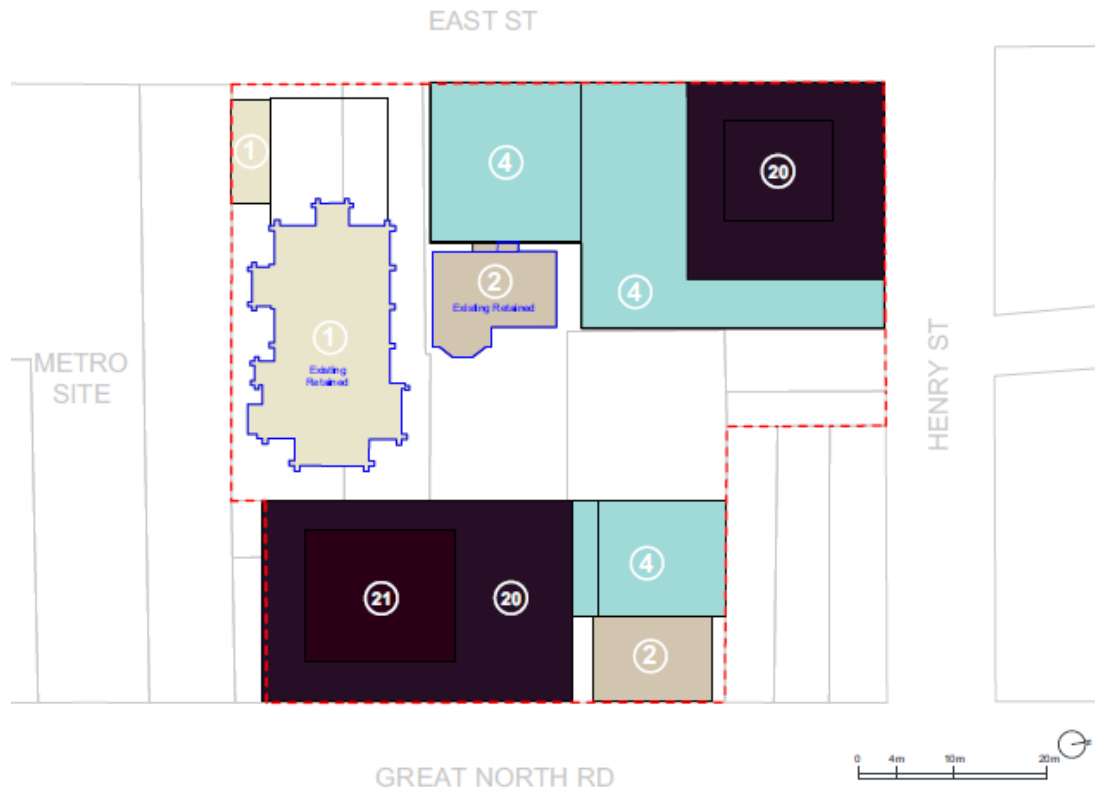


Figure 18: Proponent Planning Proposal – built form



Figure 19: Built form recommended by Council officers and considered by the LPP report

## Heritage

There are three heritage items on the site that form the immediate context for future development: St Alban's Anglican Church, St Alban's Anglican Church Rectory and St Alban's Anglican Church Hall and shops. The three heritage items form a Church precinct on the site. The 'Statement of Significance' for each of the heritage items are as follows:

- St Alban's Anglican Church (LEP #I226): "Site of Five Dock's first church, one of the area's first substantial buildings. The present church is an impressive 1920's example of ecclesiastical Gothic style. Little altered. Set in attractive grounds, reminiscent of English village churches, and located in the middle of the Five Dock commercial centre. Complemented by adjoining rectory."
- St Alban's Anglican Church Rectory (LEP #I227): "A very unusual and rare building with stylistic influences from a range of sources. The rectory bears no stylistic relationship to the other buildings on the site, has unique decoration and is a rare building in the area."
- St Alban's Anglican Church Hall and shops (LEP #I228): "An excellent part of the church group and an interesting addition to the streetscape with its well proportioned form, intact original awning and symmetrical design. It retains early shopfronts and detailing. A very unusual example of a church hall combined with commercial premises."

The *Design Guide for Heritage* outlines that "new design in heritage areas should relate to the predominant scale and grain of the setting. It should respect the height, bulk, density, and grain of the heritage fabric... New infill buildings should generally be no higher than neighbouring heritage buildings or the predominant scale of the streetscape".



The two proposed 20-storey towers are significantly taller than the existing heritage buildings on the site. They also do not reflect the "village character" that the DCP outlines as the desired future character for the area.

The Proposal's Statement of Heritage Impact offers a justification for locating the proposed buildings in close proximity of the heritage items, including two very tall towers, on the basis that the height is "mitigated by the creation of a podium separation as part of the new development that sets its maximum height below that of the transept of the Church; through the creation of a publicly accessible open space that would be more usable to the Church and wider community; and by supporting the use of the site for worship and community engagement, which is central to its significance".

While the proposed podium is no taller than the transept of the church, the single level setback of the fifth storey, where the upper levels (storey 6 to storey 20) are cantilevered and built to the podium edge, means that the bulk and scale of the building dominates the heritage context.

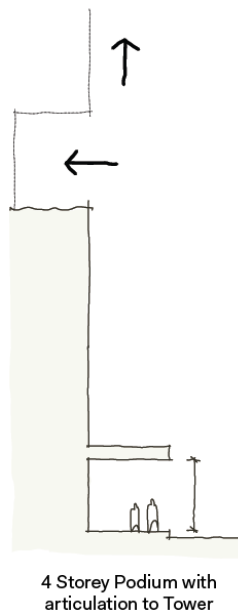


Figure 20: Level 4-podium (Proponent's Urban Design Report)

The peer-review commissioned by Council found that "the proposed development provides little in terms of the conservation of the place and the negative impacts are bordering on extreme." Heritage concerns for the Planning Proposal include:

- Buildings set at heights that have no relationship to the heritage components and immediate current or future context.
- Proposed development will have an adverse impact on the setting and significance of the Church site.
- Proposed development provides no tangible benefits in conservation terms.
- An overdevelopment of the site.

#### *Demolition of the Church Hall*

The Planning Proposal is seeking to demolish (but has not proposed to de-list) St Albans Church Hall, which is integral with St Albans Anglican Church Shops (I228 in the CCBC LEP 2013).

The peer-review found that:

*'The hall is unusual in having a commercial frontage to Great North Road that provides the main access to the Hall and its upper floor. It is a large and handsome building that is relatively intact in form, layout and detail and has exposed trusses in the main hall. It is a key component in the overall composition of the Church site and plays a strong role in its social significance.'*

*It also plays an important role in the local streetscape and the setting of the Church and Rectory.'*

The building is in good condition and appears to be well used. Its demolition has not been adequately justified in the Statement of Heritage Impact and is not supported. The Hall is a heritage item and should be conserved to allow an appreciation of its qualities, its role in the historical development of the place and to maintain its social significance.

Consideration could be given to the demolition of the gabled service wing at the rear if this facilitates some level of development particularly at the basement car park levels. Any development along Great North Road should allow for some separation from the Hall in the form of a public through-route to allow the building to be read in the round. It would also be preferred that development be set back to allow some visual linkage between the Hall, Church and Rectory.

The alternative scheme enables the Hall and Shops to be retained and the 'service wing' at the rear may be removed. The Hall and Shops remain detached and separated from any potential new development to the south, to enable the views of the Hall from Great North Road to be retained.



*Figure 21: View of St Alban's Anglican Church Hall from Great North Road*



*Figure 22: Interior view and Shops of St Alban's Anglican Church Hall*

#### *Landscaped courtyard*

There is an existing landscaped area that fronts Great North Road and connects the heritage items within the site. A historical investigation revealed this landscaped space is at least 81 years old, having been built before 1943. There is a question as to how much this landscaped open space contributes to the setting and place of the heritage listed items. The Church heritage listing makes reference to the setting stating the Church is 'set in attractive grounds, reminiscent of English village churches'. Council's Heritage Coordinator further advised that "The open space on the Great North Road frontage, including the circular driveway, is important for the setting and relationships of the historic buildings on the site. The space connects the historic buildings and is largely the historic setting." Retaining this open space would ensure the heritage items remain in their existing setting.

The peer-review (commissioned by Council officers) proposed an alternative option that included a four storey development with the frontage to Great North Road. This alternative option was included in the Council officer's report that was considered by the Local Planning Panel .

#### **View corridors**

The boundary between the site and the future metro station form the edge of a terminating view to the west along Second Avenue.



From Second Avenue, the podium is unsuccessful in reducing the perceived bulk and scale of the proposed tower fronting Great North Road. The existing view that frames the heritage listed Church and features green landscaping would be replaced by a large 20 storey tower that dominates the streetscape and blocks views of the Church.

It is recommended that the terminating view of the Church from Second Avenue (looking west) is retained so as to see, at a minimum, the heritage building between the southern boundary and the highest cross on the Church roof. An 8.0m setback from the southern site boundary to the development that fronts Great North Road, with a pitched roof form for the fourth storey, would achieve this outcome. However, this would still remove the church's historical setting, place and street address.

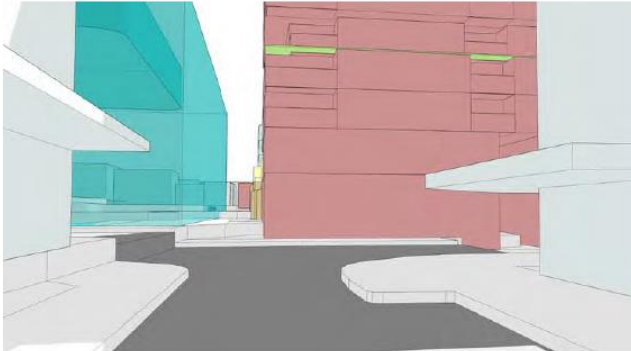


Figure 23: Terminating view from Second Avenue (looking west) under the Proponent Planning Proposal.

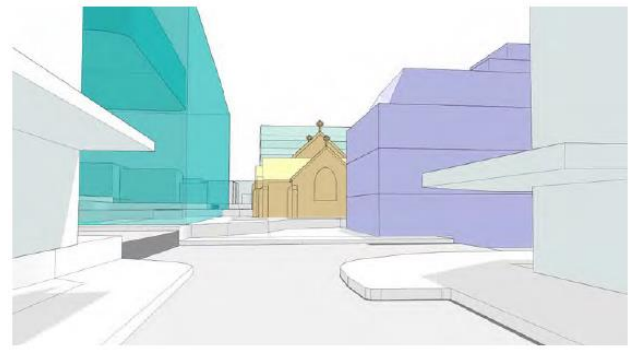


Figure 24: Terminating view from Second Avenue (looking west) under the proposed built form (Council officers) that was considered by the LPP.

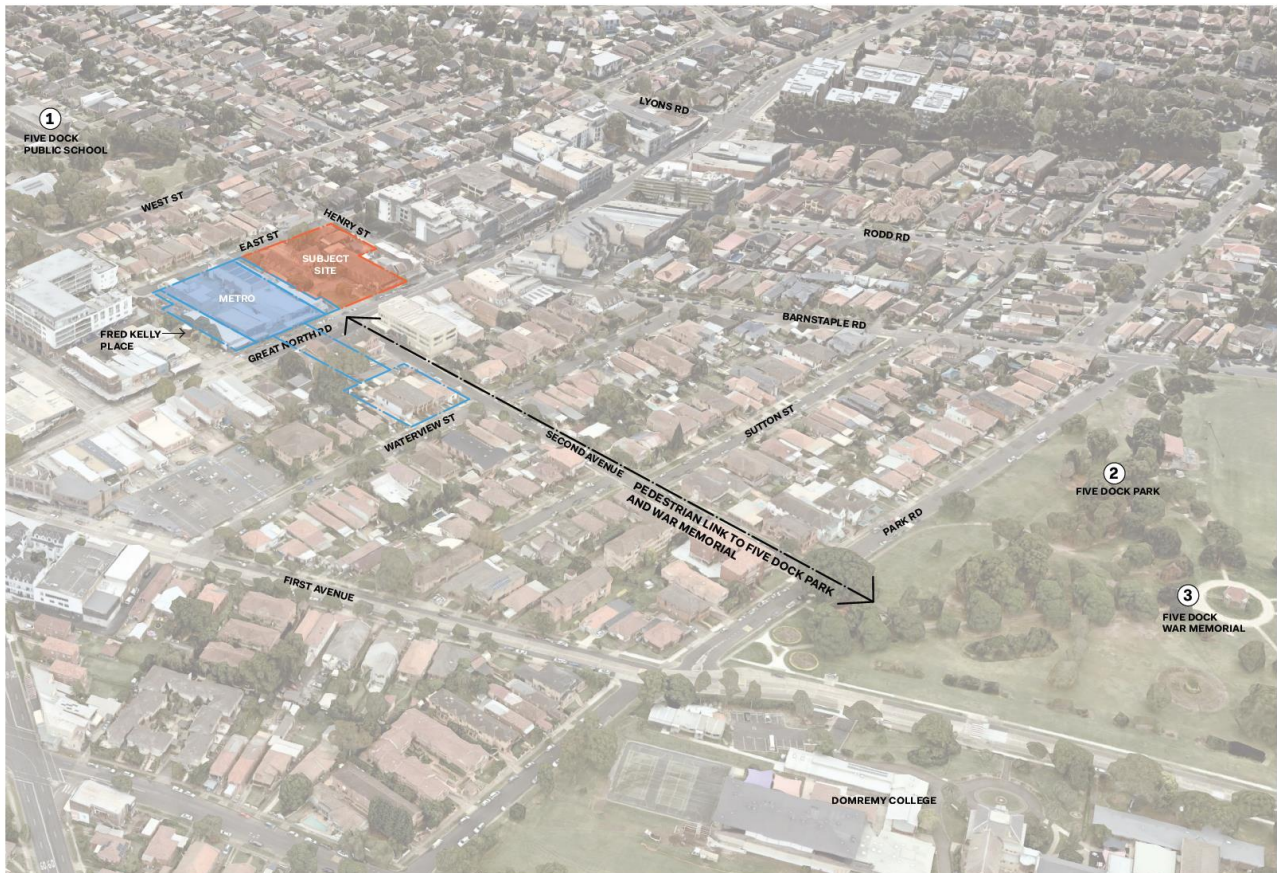


Figure 25: Site context (Urban Design Report)



### Conservation Management Plan

Given there are three heritage listed items on the site, it is recommended that a heritage Conservation Management Plan (CMP) be developed to ensure a cohesive vision is established. The CMP should identify guidelines to manage change to the heritage items and to support appropriate development of the site.

### Overshadowing

Fred Kelly Place is the only area of open space in the town centre. It is the focus of civic life and is well used. The square is generally rectangular in shape with the longest side to the north. This means that the space is vulnerable to being overshadowed from the north and is why the Five Dock Town Centre Study recommended widening of the space.

Whilst it is noted that the future metro station results in overshadowing of Fred Kelly Place in mid-winter, the lower height of the metro building and the angles of the shadows means that whilst the ground may be in shadow, a person standing or sitting in the park can still receive direct solar access to their face. As part of the metro delivery, Fred Kelly Place will be increased in size and the proposed station has been designed to minimise overshadowing of the existing open space.

The shadows cast from the two proposed 20 storey towers impact the majority of Fred Kelly Place leaving little to no area with direct solar access between the hours of 9:00am and 3:00pm in mid-winter. The towers would also have an impact on neighbouring properties, with the shadows reaching across both East Street and West Street at 9:00am on June 21<sup>st</sup>, and across both Great North Road and Waterview Street at 3:00pm on June 21<sup>st</sup>. The shadow, particularly from the south-eastern tower, also contributes to the overshadowing of the post office site between 12:00pm and 4:00pm, which is identified as the location for a future ‘town square’ in the Canada Bay DCP.

The DCP provides specific controls to prevent the overshadowing of public spaces and includes an objective ‘to ensure areas of open space have access to adequate sunlight especially in mid-winter between 12-2pm’ and provides an objective that aims ‘to minimise the amount of overshadowing of neighbouring developments and outdoor spaces to maintain their amenity’. The proposed development would not achieve this outcome.

The proposed 75m heights of the 2 towers, which could potentially increase to 97.5m under Clause 18 of the Housing SEPP, will result in overshadowing of Great North Road, the surrounding local streets and the proposed new Town Square, which will comprise a wider Fred Kelly Place and future Plaza on the eastern side of Great North Road.

The alternative floor space ratio, building height and building envelope in the Council officers’ report as considered by the LPP, will enable a satisfactory level of solar access to surrounding open space and properties.

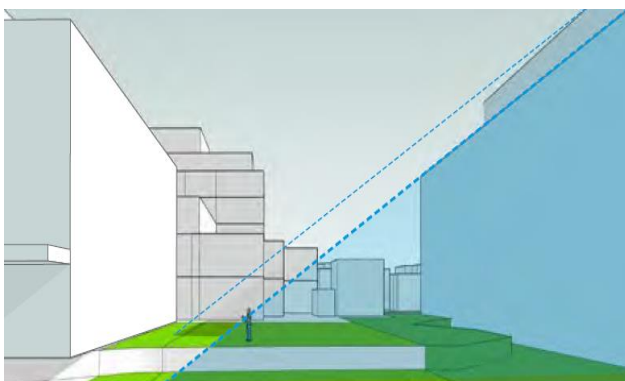


Figure 26: Mid-winter shadows in Fred Kelly Place – future Metro Station

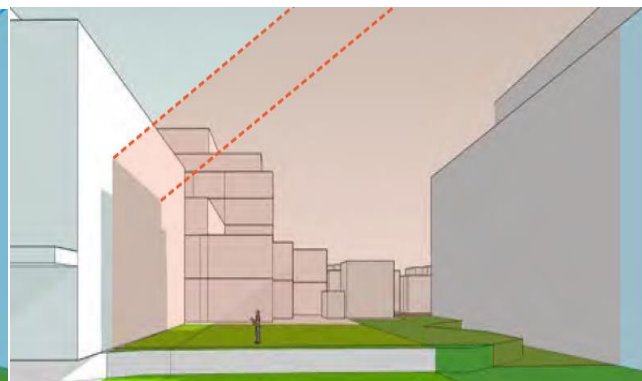


Figure 27: Mid-winter shadows in Fred Kelly Place - Proponent proposal

### Tree cover and deep soil

The proposal will result in the removal of all existing trees on site, including a large mature Plane tree.

The Planning Proposal has reduced the amount of deep soil on the site from approximately 30% to approximately 1% and reduced tree canopy coverage on the site from approximately 17% to approximately 10%. Most of the proposed trees are located over basement car parking and the trees shown in front of the entry to the Church off East Street are proposed to be located within a 'Covered Space'.

The Planning Proposal Reference Scheme with its proposed tall towers, scale of development, basements and extent of hard urban surfaces is likely to increase the micro-climate temperatures and exacerbate the urban heat island effect. No effort has been made to design around the significant tree, other existing trees and the deep soil areas currently on site.

These outcomes are inconsistent with the State Government's target to achieve 40% tree canopy coverage across metropolitan Sydney and Council's target to achieve 25% urban canopy in the City of Canada Bay. Such targets are only achievable where both private and public land support mature shade trees. The Scheme is also inconsistent with the ADG, which requires a minimum of 7% site area to be dedicated to deep soil and acknowledges that larger sites should provide a larger percentage of up to 15%.

The Planning Proposal references increasing the quality and quantity of street trees. However, what happens outside of the site boundary is beyond the control of the development. Further, street trees along East Street and Henry Street would be particularly difficult to deliver as these streets are not sufficiently wide to support footpaths as well as mature shade trees.

The Planning Proposal Reference Scheme's outcome of 1% deep soil zone and 10% tree canopy coverage on the site is insufficient. The alternative scheme in the Council officers' report considered by LPP will enable approximately 10% deep soil to be provided on the site.



Figure 28: Proposed Basement and deep soil (Landscape Report)

### Open space

The Government Architect NSW 'Greener Spaces' Open Space for Recreation Guide and the Canada Bay Open Space and Recreation Strategy state that all dwellings should be within 400m easy walking distance of quality open space of at least 0.3ha and that all high density dwellings (more than 60 dwellings per ha) should be within 200m easy walking distance of quality open space of at least 0.1ha. The subject site is not within 200m of open space.

### *Proposed Central Plaza*

The proposed 'Central Plaza' is calculated to cover approximately 29% of the site area. This calculation assumes the demolition of the heritage listed Church Hall, and will not accurately reflect the provision of open space if the hall were to be retained. Parts of the proposed plaza are also located underneath the proposed large residential tower and so will have more of an undercroft character than an open plaza feel.

Retaining the hall will reduce the size of the proposed plaza and amount of open space on the site. This is not considered a problem as a smaller, more intimate space, surrounded by smaller buildings would integrate well with the scale of the existing heritage buildings.

The proposal would result in minimal visual connectivity between the Central Plaza and Great North Road. This creates a risk that the two spaces would operate as two separate and disconnected spaces, potentially with conflicting uses or drawing activity away from the primary public domain, main street and local centre of Great North Road.

The Central Plaza would receive limited sunlight and is likely to experience wind tunnel effects, making the ongoing survival of turf unlikely and compromising the health and growth of landscaping and trees.

It is unclear how public access to the Central Plaza and through-site links will be ensured, as proposed, as the Planning Proposal is not accompanied by a Letter of Offer for a Planning Agreement or other legal mechanism to ensure that it would be publicly accessible in perpetuity.

The proposed covered forecourt on East Street between the church frontage and East Street, would operate as a private facility, constrain the growth of trees and landscaping beneath, enclose the space, introduce unnecessary built forms into the public space and negatively impact on the heritage setting of the church and block views to the church from East Street.

### **Access and through-site links**

The Planning Proposal makes a number of references to the provision of a north-south pedestrian through-site link that connects directly between Henry Street and the metro site. Information released by Sydney Metro confirms that a single station entry is proposed from the south off Fred Kelly Place.

Three pedestrian links are proposed within the site boundary, none of which provide a direct line of sight from one end to the other. This significantly restricts visual permeability and impacts safety and security for pedestrians.

It is recommended that the Planning Proposal supplement and enhance the Sydney Metro east-west link by making the space an open and uncovered landscaped setback to the Metro pedestrian link and by relocating the proposed Kitchenette and WC.

The alternative scheme outlined in the Council officers' report and considered by LPP includes revised through-site links to improve visual permeability by connecting the two east-west links. The revised scheme also enhances wayfinding for pedestrians by reducing the number of under-building pathways, where pedestrians are concealed.

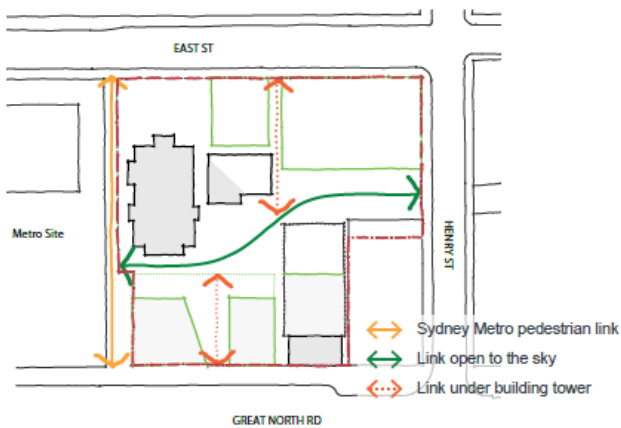


Figure 29: Proposed through-site links.

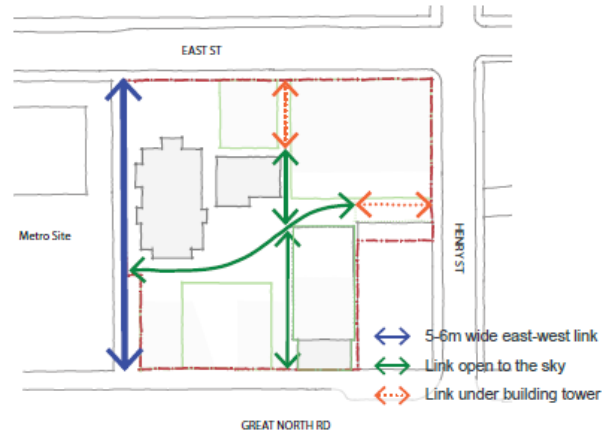


Figure 30: Through site links considered by the LPP report

### Apartment mix

The proposed delivery of 25 x 1-bed units, 97 x 2-bed units and 40 x 3-bed units (162 apartments) is not consistent with Clause 6.11 of the Canada Bay Local Environmental Plan 2013 that requires at least 20% of the dwellings to be studio or 1-bedroom and at least 20% of the dwellings to be 3 bedrooms. Future development will be required to adhere to this requirement. It is also recommended that apartments that will be delivered as affordable housing also satisfy the dwelling mix required by the LEP.

### Affordable housing

The proposed provision of 15% affordable housing under Clause 18 of the Housing SEPP will provide affordable housing for a minimum of 15 years managed by a Community Housing Provider, after which it may be sold as market housing.

The provision of up to 15% affordable housing enables the development to seek a pro-rata bonus of an additional 30% building height and FSR as a State Significant Development. Consequently, it may be possible for the height of the proposed building to be increased from 20 storeys (75m) to 26 storeys (97.5m). The maximum FSR may increase from 4.5:1 to 5.85:1.

The *Canada Bay Affordable Housing Contribution Scheme* (AHCS) does not currently require an affordable housing contribution for the subject site. However, Action 5.5 of the LSPS requires that a minimum 5% of the GFA be dedicated as affordable housing “where there is a significant increase in density arising from a Planning Proposal.” This affordable housing component would be dedicated to Council, provided in perpetuity and be in addition to any affordable housing provided under Clause 18 of the Housing SEPP.

Although a significant increase in density is proposed, both by the Planning Proposal and by the Council officers’ recommended scheme, feasibility testing undertaken of the two schemes shows that the uplift in Council’s recommended scheme is not sufficient to support an affordable housing contribution under the Canada Bay AHCS. However, if Council’s recommended scheme were adopted and the proponent were to seek to access the infill affordable housing incentives under the Housing SEPP and if it were to achieve 30% additional density, it would result in a FSR of 3.25:1, or equivalent to 11 units of Affordable Housing for a period of 15 years only, unassociated with the Canada Bay AHCS.

In circumstances where the proposal was further amended, the Canada Bay AHCS would apply a contribution to the subject site, as determined by feasibility testing.

### **Commercial and retail floorspace**

The proposed provision of 1,932sqm of commercial/retail/childcare floor space comprises ground-floor retail on Great North Road and at the corner of East and Henry Streets, commercial above, and a 3-storey childcare facility with roof terrace on Great North Road. The LSPS requires a study to determine how retail and commercial floor space can be accommodated within and adjacent to Five Dock Town Centre before any changes to planning instruments are endorsed.

It is recommended that an Economic Impact Study be undertaken to determine the quantity and types of uses appropriate to the subject site, given its location and the commercial and residential future for Five Dock.

It is further recommended that the Active Street Frontages Map be amended to apply Active Frontages to the site where retail uses are proposed.

### **Community uses/social infrastructure**

The proposed new childcare facility on the site is identified in the Planning Proposal as a public benefit. However, it does not provide substantial additional community benefit, as the facility would be a replacement of the existing facility.

Locating a childcare centre within the heritage shop-fronts facing Great North Road is not supported. A 12.5m frontage of a childcare facility in this location does not support the fine grain character of the town centre or promote active frontages along Great North Road. Typically, childcare facilities also require large outdoor play areas and are located where there is suitable opportunity for drop off and pick up. There are alternative locations on the site that would be appropriate for the location of a childcare centre.

Any revised Planning Proposal should specify how much of the social infrastructure proposed will be publicly accessible for the direct benefit of the surrounding local community and the quantum that is intended to service the Church community.

### **Traffic and parking**

The Proponent's Traffic Impact Assessment states that "with the site being immediately adjacent to Five Dock Metro Station, there's expected to be a reduction in vehicle trips generated by the proposed development .... The traffic assessment has not accounted this reduction in vehicle trips [and that] the increase in traffic generation resulting from the proposed development can therefore be accommodated by the existing road network, with no external improvements required."

The Assessment has focussed on the impacts on the assumed intersections affected and has not undertaken a study of the impacts on the wider area. These cannot be discounted, especially given the Assessment states that "The results show that the Great North Road / Garfield Street intersection will be oversaturated (i.e. over capacity after 10 years solely from the increase in background traffic growth."

Given the narrow road reserves of East Street and Henry Street, there are concerns in relation to vehicular entry points, visibility and pedestrian safety. It is recommended that ground floor development along these streets is set back a minimum of 1.0m from the site boundary with a control to be included in a draft Development Control Plan.

The Planning Proposal states that the basement is designed to accommodate 272 car parking spaces, which includes 184 residential and visitor spaces and 93 spaces for non-residential uses including the Church, retail and commercial uses.

The reference scheme provides car parking in accordance with the requirements of the DCP, however these requirements were put in place before the Five Dock metro station was announced. Providing more car parking spaces than the number of dwellings, even if in line with the DCP, does not align with the sustainable approach to transit orientated development. It is recommended that the car parking provisions are reduced to align with Category D requirements in the Canada Bay DCP and that the overall size of the basement is reduced to allow for greater deep soil coverage.



Should the Planning Proposal proceed, it is recommended that the Traffic Impact Assessment be revised to:

- consider the proposed uplift from Council's Metro Precincts Local Planning Study.
- Consider the application of lower car parking rates in recognition of the proximity of the site to the Five Dock metro station.
- demonstrate that there is sufficient turning circles and manoeuvring area for service vehicles both on Henry Street and East Street and internally within the site.

### **Waste management**

The Traffic Impact Assessment states that waste collection will be undertaken on-site within the loading dock accessed from East Street. This would require rubbish bins to be manually taken to the loading dock from the basement via a lift.

The Planning Proposal has not provided adequate bin storage space and the proposed turntable collection area is insufficient to service the number of bins required. There also needs to be separate commercial and residential bin storage, provision should be made for future 'food organics garden organics' (FOGO) service and a bulky household waste storage room needs to be located within the development.

It is recommended that, should the Planning Proposal proceed, a Waste Management Plan, that addresses management of the loading dock and on-site waste collection, be prepared.

### **Consideration by the Local Planning Panel**

On 10 April 2024, the Local Planning Panel considered the Proposal, the Council officers' report, and representations by the proponent. The Panel advised the following (refer to Attachment 15 - LPP - Minutes - 10 April 2024):

1. *The Panel agrees there is strategic and site-specific merit in reviewing the planning controls for the site.*
2. *In broad terms, there are opportunities arising from the future adjacent Metro station, while balancing core considerations related to heritage assets and impacts, place-making, and wider context. The balance of these opportunities and considerations have given rise to very different solutions to the revised planning controls.*
3. *The Panel notes the Council staff have provided a thorough and thoughtful review of the proposal and are undertaking wider master-planning work for the Precinct. The review of this Planning Proposal has included detailed independent external advice and analysis regarding urban design and heritage issues. This has largely driven the recommendation from Council staff.*
4. *The applicant will need to carefully consider access in and out of the site in the context of the constrained local road network.*
5. *The height, scale and siting of the concept underlying the Planning Proposal is excessive for the site and unduly compromises the heritage significance of the site, and the Panel does not support removal of the Church hall.*
6. *The Panel supports the recommendation of Council staff, which provides reasonable additional height and development capacity, while appropriately considering and balancing strategic and site-specific considerations related to the Metro station, heritage issues, wider context and place making opportunities for social interactions for the wider community. If the master planning and strategic review of the Precinct recommends greater heights around the Metro station, for which there would seem to be opportunity, the site is in the location of the recommended height increase. The ultimate height limit, whether it be 30 metres or more, should also be informed by a wider strategic review led by Council.*

7. *In site specific terms, there would be opportunity and benefit if the three sites on the corner of Great North Road and Henry Street, Five Dock were able to be incorporated into an integrated development with the Church site, particularly in terms of shared basement parking and opening up ground plane linkages and opportunities.*

**Recommended scheme responding to consideration by the Local Planning Panel**

Following consideration of the discussion of the proposal by the Local Planning Panel, Council officers commissioned further analysis from Studio GL. Advice was specifically sought regarding the consequences of relocating the gross floor area that would have been located within the 4-storey building on Great North Road, considered by the LPP, to the residential tower in the north-western corner of the site. This analysis was sought to determine whether it was possible to retain the landscaped area in front of the church, whilst retaining the same quantum of floorspace recommended by Council officers and considered by the LPP, without adverse impacts on Fred Kelly Place or surrounds.

This recommended outcome is shown at **Option A** in **Attachment 1 - Urban Design Review (SGL) – Recommended proposal**.

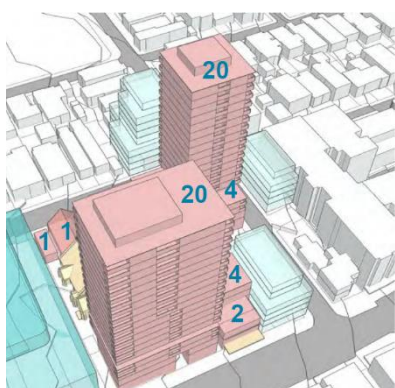
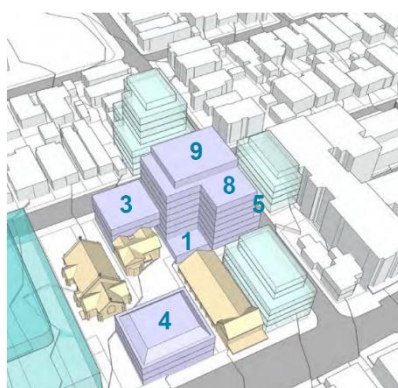
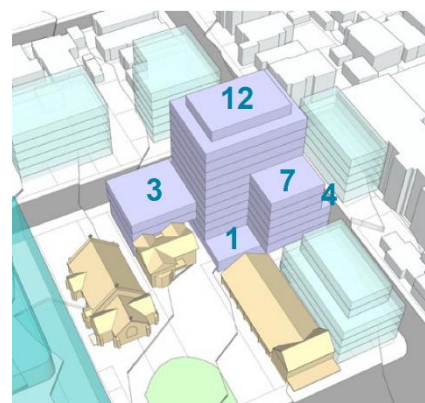


Figure 31: Proponent proposal



Council officer report to LPP



Recommended maximum building heights following LPP meeting

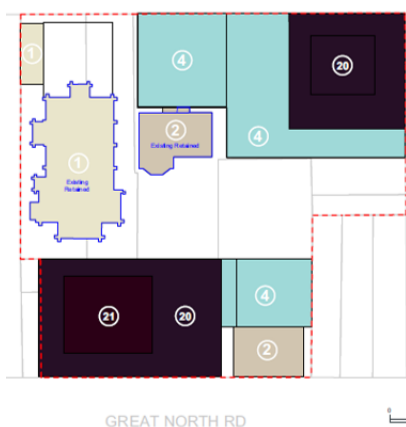
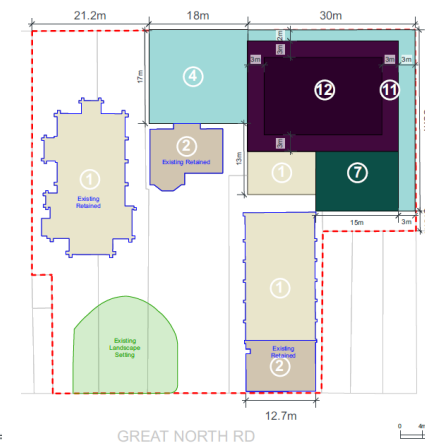


Figure 32: Proponent proposal



Council officer report to LPP



Recommended built form following LPP meeting

The relocation of the floor space will result in a maximum building height of 39.5m (12 storeys) in that part of the site and no change to the FSR in the Council officers’ report considered by the LPP.

The benefits of the recommended scheme are retention of the historical streetscape and the historical street address for the church, and a more open and socially inviting connection to the adjacent Metro Station. It is therefore recommended that Council proceed on this basis.

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

Should the Proposal receive Gateway Approval from the Department of Planning, Housing and Infrastructure, the Planning Proposal will be placed on public exhibition for a period of 28 days in accordance with the *Canada Bay Community Participation Plan*.

**FINANCIAL CONSIDERATIONS**

It is recommended that a Voluntary Planning Agreement be negotiated to deliver public access over the proposed Central Plaza and through-site links, and any other public benefits.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

**ITEM 9.3 RHODES EAST PUBLIC DOMAIN PLAN****Reporting Manager** Manager Strategic Planning**Attachments:** 1. **Draft Rhodes East Public Domain Plan (*Provided in Attachment Booklet*)** [⇒](#)

---

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That the draft *Rhodes East Public Domain Plan*, attached to the report at **Attachment 1**, be endorsed for public exhibition.

---

**PURPOSE**

To seek Council endorsement to place the draft *Rhodes East Public Domain Plan* on public exhibition for community feedback.

**EXECUTIVE SUMMARY**

A draft *Rhodes East Public Domain Plan* (draft Plan), as at **Attachment 1**, has been prepared for the Rhodes East Precinct to provide guidance on the design of streets and public spaces, and to enable the effective assessment of development applications in the precinct.

The draft Plan seeks to create a street environment where priority is given to pedestrians, public activity, landscaping, and, where possible, cycling infrastructure. It seeks to deliver upon Council's tree canopy targets, as well as balancing the need for on-street car parking with active transport infrastructure and public transport opportunities associated with the renewal of the precinct.

Council is currently in receipt of several development applications in Rhodes East. Similarly, there are State Significant Developments being assessed by the NSW Government within Rhodes East. This draft Plan provides important guidance for these developments, particularly for the interface between the private development and the public domain, for the benefit of the community now and into the future.

It is recommended that Council endorse the public exhibition of the draft Plan. A report of community feedback and submissions received will be provided to Council for consideration post exhibition.

**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 4: Infrastructure and Transport

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

**BACKGROUND/DISCUSSION**

Following the finalisation of the *Rhodes Place Strategy* (Rhodes Strategy), the Rhodes East (and Station West) Precinct was rezoned by the NSW Department of Planning, Housing and Infrastructure on 30 October 2021 after several of years of input and advocacy from the City of Canada Bay Council.

The Rhodes Strategy is a 20-year plan for the development of the Rhodes Precinct, comprising the eastern side of the rail line in Rhodes to Concord Road, as well as Rhodes Gateway West Precinct immediately to the west of Rhodes Station.

The Rhodes Strategy facilitates up to 4,200 new dwellings and 1,100 jobs, and, as detailed in the Strategy, will be supported by a new primary school, new ferry wharf, new open space, new streets and new pedestrian and cycle links.

The Rhodes Strategy included a high-level structure plan for the precinct; however, it did not provide a detailed public domain plan. Therefore, a draft Rhodes East Public Domain Plan (draft Plan), at **Attachment 1**, has been prepared to achieve an appropriate level of detail to deliver a cohesive public domain outcome for the precinct.

The preparation of the draft Plan was supported by a detailed traffic review which recommended appropriate interventions within the precinct. The draft Plan also considered the effects of storm water and flooding.

The draft Plan seeks to:

- Prioritise people by creating a public domain and streetscape environment where careful consideration has been given to pedestrian movement, landscaping, public activity, and active transport.
- Facilitate a “community spine” along Cavell Avenue (south of Averill Street), to provide a vibrant local street, with dedicated bi-directional cycle paths, and generous pedestrian paths on both sides of Cavell Avenue.
- Provide 25% tree canopy through careful planning which seeks to incorporate street tree planting and other landscaping into the public domain plan as an important and integral element.
- Incorporate key elements such as “community corner” spaces and street lighting, to create a range of inviting and safe urban spaces to foster community connection and activity
- Various street design treatments along each segment of Blaxland Road to accommodate changing needs of the community. Closer to the railway station, Blaxland Road street allocation provides a “kiss and ride” zone and on-street car parking; whilst further away from the station Blaxland Road reduces car parking to manage street surface runoff and retention of tree plantings.
- Create key cycle links to provide safe and effective active transport routes through the precinct, connecting to key locations in Rhodes, and linking into regional cycle routes.
- The shoreline and waterfront park at Leeds Street Foreshore identifies the use of a transitional water interface, replacing the original design for concrete seawalls with a ‘softer’ treatment to allow tidal movement of water into the foreshore periphery, similar to the design at the McIlwaine Park Brays Bay foreshore.

Preparation of the draft Plan has also considered the Resolution of Council of 1 November 2021:

*THAT the DCPs for East and West Rhodes as adopted be referred to Council staff and the traffic committee in conjunction with BayBUG to consider BayBUG proposals in their submission with a report to be brought back to Council.*

Council officers reviewed and considered BayBUG’s 2021 submission on the DCP for Rhodes East, and Council’s consultant urban designers have had a strong focus on active transport in preparing the draft Plan, which includes elements such as raised pedestrian and cyclist crossings, blisters, shared paths and designated cycle paths through much of the street network, as well as shared zone at Leeds Street east.



### **Implementation**

A new Rhodes East Street Design Guideline will be prepared to support the implementation of the draft public domain plan. This Guideline will provide the detailed standards, material and finishes expected of private development where the built form and landscaping interface with the public domain. This would include standards, materials and finishes for street furniture, landscaping and street tree planting, driveway treatments, kerb and gutters, street lighting, location of utility services, footpaths, planter spaces, and water sensitive design. An implementation plan will also be prepared to guide the staging and delivery of this infrastructure.

### **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

Council is in receipt of several major development applications within the Rhodes East Precinct, which are currently under assessment. Similarly, the NSW Government is currently assessing State Significant Development applications in Rhodes East. The preparation of this draft public domain plan is very timely given the status of these applications. Upon adoption, the Rhodes East Public Domain Plan will provide important guidance for development applications within the precinct, ensuring the interface between private development and the public domain achieves the best outcomes for the community.

It is recommended that Council endorse the public exhibition of the draft Plan for a period of 28 days in accordance with the *Canada Bay Community Participation Plan*. During the public exhibition period, the draft Plan will be provided to Council's Traffic Committee for consideration. A report on feedback and submissions received will be provided to Council post exhibition.

As outlined above, a detailed Rhodes East Street Design Guideline will also be prepared to support the implementation of the public domain plan. This Guideline will provide the detailed standards, material and finishes expected of development.

### **FINANCIAL CONSIDERATIONS**

The draft Plan is the key document which will guide the delivery of the public domain in Rhodes East. Public domain infrastructure will generally be funded through local infrastructure contributions as well as being delivered by developers via conditions of consent to Development Applications.

There are no immediate financial considerations associated with the public exhibition of the draft Plan. Should Council adopt the draft Plan post exhibition, the preparation of a Street Design Guideline and an implementation plan would follow.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The draft Plan has been prepared consistent with the *Rhodes Place Strategy* as required by the *Environmental Planning and Assessment Regulations 2021* Clause 35 (4) (g). Where the recommendation of the draft Plan demonstrates minor variation from the public domain concepts set out in the *Rhodes Place Strategy*, they are justified in meeting the objectives of the precinct, in improving the movement of people, and increasing the use of active transport both within the precinct and linking to regional routes.

**ITEM 9.4 ALL ELECTRIC HOMES AND BUSINESSES IN CANADA BAY LGA****Reporting Manager** Director Environment and Planning**Attachments:**

1. Letter from NSW Minister for Energy [↓](#)
2. Council Meeting Report 20 February 2024 [↓](#)

---

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. The letter from the Minister for Energy dated 24 April 2024 attached to the report be noted.
  2. The attached report that was previously presented to the Council Meeting of 20 February 2024 be noted.
- 

**PURPOSE**

To provide Council with an update on the NSW Minister for Energy response regarding the State government's position on gas installations and appliances in residential and commercial development.

**EXECUTIVE SUMMARY**

In February 2024, Council considered a report on options for updating Council's planning documents to potentially ban gas installations and appliances in new residential and commercial development.

**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****Background**

At its meeting of 20 February 2024 Council considered this matter and resolved that:

1. *Council write to the Minister for Energy to enquire what the intended strategy is for use of gas in new residential and commercial development*
2. *The matter be deferred for further consideration of a draft amendment to the Canada Bay Development Control Plan as referred to in the report, following receipt of the Minister's response.*

In line with this resolution, Council has written to the NSW Minister for Energy with their response dated 24 April 2024 provided at Attachment 1. The Council report that was previously submitted to the February 2024 Council Meeting is provided at Attachment 2.

**TIMING, CONSULTATION AND RISK CONSIDERATIONS**

As provided in Attachment 2.

**FINANCIAL CONSIDERATIONS**

As provided in Attachment 2.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

As provided in Attachment 2.

OFFICIAL

**The Hon Penny Sharpe MLC**

Minister for Climate Change, Minister for Energy,  
Minister for the Environment, Minister for Heritage,  
Leader of the Government in the Legislative Council



MD24/1870

Cr Michael Megna  
Mayor  
City of Canada Bay

By email: michael.megna@canadabay.nsw.gov.au

Dear Councillor Megna

Thank you for your letter regarding the use of gas in new residential and commercial developments. I appreciate you bringing this matter to my attention.

The NSW Government is taking a range of steps to support electrification and support households and businesses to make the choice to switch from gas to electric appliances.

The NSW Government has committed to deliver a NSW Gas Roadmap to provide clarity to local government, industry and households on gas decarbonisation.

We are also preparing a Consumer Energy Strategy to include support for business and household electrification and energy bill reduction. The Strategy will better integrate consumer energy resources, such as solar PV, smart meters, and distributed batteries, into the supply mix by 2030. The strategy will also aim to ensure common technical standards and support to increase uptake for these technologies.

The Roadmap and Strategy will be additional to existing NSW schemes that support electrification and energy savings. The Energy Savings Scheme provides financial incentives to install energy saving equipment and appliances in households and businesses, while the Peak Demand Reduction Scheme provides financial incentives to households and businesses to reduce energy use during hours of high peak demand.

Further, the NSW Government's \$22 million Business Decarbonisation Program will help businesses to plan for and take practical, low-cost steps to reduce their greenhouse gas emissions. This includes support for energy metering and monitoring, subsidised services for replacing gas appliances with electric alternatives where feasible and switching to renewable fuels.

If you have any further questions about this issue, please contact Sophia Vincent, Director Energy Consumers and Competition Policy, at the Department of Climate Change, Energy, the Environment and Water at [sophia.vincent@planning.nsw.gov.au](mailto:sophia.vincent@planning.nsw.gov.au).

Sincerely



**Penny Sharpe MLC**  
Minister for Climate Change, Minister for Energy,  
Minister for the Environment, Minister for Heritage

24/4/24

---

|                          |  |
|--------------------------|--|
| <b>ITEM 9.5</b>          | <b>ALL ELECTRIC HOMES AND BUSINESSES IN CANADA BAY LGA</b>                 |
| <b>Reporting Manager</b> | <b>Senior Strategic Planner</b>  |
|                          | <b>Manager Strategic Planning</b>  |
| <b>Attachments:</b>      | <b>1. Attachment 1 - All Electric Homes and Business in Canada Bay LGA</b> |

---

### RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. A draft amendment to the Canada Bay Development Control Plan which requires new or replacement dwellings and new commercial buildings to use only electricity for all energy requirements, as outlined in Attachment 1 attached to the report, be placed on public exhibition.
  2. A further report be provided to Council following the conclusion of the exhibition period.
- 

### PURPOSE

To report on options for updating Council's planning documents to ban gas installations and appliances in new residential and commercial development.

### EXECUTIVE SUMMARY

Council resolved that a report be prepared on options for updating Council's planning documents to ban gas installations and appliances in new residential and commercial development.

Under existing legislation in NSW, it is not possible for Council to ban the use of gas to reduce carbon emissions, however Council can require all-electric homes and businesses to address health and safety risks and to reduce financial impacts.

It is recommended that a draft amendment to the Canada Bay Development Control Plan (DCP) be placed on public exhibition that requires new residential and commercial buildings to be gas-free.

### 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

#### Background

On 19 September 2023, Council resolved that:

1. *That Council note:*
  - (a) *"Natural" gas is a fossil fuel which can significantly degrade human health, especially indoors in gas heating or gas cooking. The literature on health issues and other risks related to the use of gas include:*
    - (i) *An Australian study published in the Medical Journal of Australia (1) found that gas cooktops are associated with around 12 per cent of childhood asthma in Australia.*



- (ii) *According to Doctors for the Environment Australia, the most serious complication of burning gas indoors arises from carbon monoxide poisoning (2), which can cause fatigue, headaches, nausea, confusion, shortness of breath, chest pain and death. Longer-term exposure at lower levels can also lead to significant illness. Carbon monoxide poisoning is the leading cause of accidental poisoning worldwide (3), with the actual extent far higher than actually diagnosed (4).*
  - (iii) *Burning of gas produces oxides of nitrogen (and specifically NO<sub>2</sub>) cause airway constriction and sensitisation to allergens (5). Short-term exposure to NO<sub>2</sub> may be associated with cardiovascular effects and premature mortality and that long-term exposure may be associated with cardiovascular effects, diabetes, poorer birth outcomes, premature mortality, and cancer (6) (with some qualifications regarding those effects).*
  - (iv) *In addition, US researchers from Stanford University have linked gas stoves and ovens to carcinogenic chemicals like benzene (7). Long-term exposure to benzene is linked to acute lymphocytic leukaemia, chronic lymphocytic leukaemia, multiple myeloma, childhood leukaemia and non-Hodgkins lymphoma (8).*
  - (v) *Gas appliances create a risk of fires.*
  - (b) *The Australian Capital Territory and Victoria have now introduced new planning rules which require new developments (both residential and non-residential) to be all-electric and have set dates to phase out their gas supply networks. In the USA, similar measures have been passed so far in New York State and 50 municipalities in California, including San Jose, Berkeley and San Francisco. Likewise, Holland and Denmark also are banning many connections of new developments to the gas network. In addition, the UK is phasing out new gas boilers for home heating.*
  - (c) *In addition, a number of councils in NSW and Victoria have made recent decisions to replace gas with electricity in new developments on health grounds (not covering existing dwellings). Specifically:*
    - (i) *In December 2022, Waverley Council implemented a new DCP which requires electric stoves, cooktops and heaters (not gas) to be installed in new residential development.*
    - (ii) *Parramatta Council recently implemented new planning rules that require new developments (both residential and non-residential) in its city centre to be all-electric. They are currently considering further changes to require all new non-residential buildings to be all-electric.*
    - (iii) *The City of Sydney has recently agreed to investigate amending their planning controls to require all new residential developments to be all electric, with a report back to councillors as soon as possible.*
    - (iv) *The City of Canterbury Bankstown Council has introduced plans to ban gas in a precinct of new apartments.*
    - (v) *Melbourne City Council has introduced plans to ban gas in new apartments.*
2. *Council staff prepare a report on options for updating Council's planning documents to ban gas installations and appliances in all new residential and commercial developments, to address the range of issues arising in implementing this direction, and to identify possible further measures to reduce the prevalence of gas installations in buildings.*

### **Planning Policy**

*State Environmental Planning Policy (Sustainable Buildings) 2022, referred to as the Sustainable Buildings SEPP, includes a requirement that planning instruments must not impose standards on development for the purpose of reducing greenhouse gas emissions. The purpose of this requirement is to ensure that a consistent approach is applied to achieving sustainability outcomes*

throughout NSW. The effect of this legislation is that Council cannot impose a ban on gas through a Local Environmental Plan or Development Control Plan where the aim is to reduce greenhouses gas emissions.

It is however possible to justify a prohibition on the use of gas for other reasons, including for the purpose of reducing air pollutants associated with on-site combustion. It is also possible to justify a requirement for all-electric buildings in order to create cost savings to developers and occupants through the avoidance of gas installation, and ongoing connection and disconnection charges.

For non-residential buildings, higher standards than those that currently apply to large commercial development under the Sustainable Buildings SEPP may be applied, given that consent authorities are required to consider whether the development minimises the use of on-site fossil fuels as part of the goal to achieve net zero emissions by 2050.

### **Role of Government**

Various State and local governments in Australia have moved to require new development to be gas-free, in response to the established health science and the climate emergency.

Councils in NSW that have, or are in the process of, amending their Development Control Plans (DCP) include:

- Lane Cove Council - Recently adopted a new DCP that requires all new development within the LGA to use only electricity for all energy requirements, unless it can be demonstrated that a process or equipment cannot be served by electricity, in which case only that process or equipment is able to rely on fossil fuels. Where outdoor barbeques require gas, only bottled gas may be used.

Lane Cove's new planning controls came into effect on 28 September 2023. Four (4) submissions were received in relation to the draft DCP, with the submissions generally seeking stricter sustainability measures. One submission sought a total ban on gas in new developments and to be applied to "any installations of energy-consuming equipment."

- Waverley Council - Recently adopted a new DCP that does not permit gas cooktops, gas ovens or gas internal space heating systems in residential developments, and requires gas hot water systems that are able to be easily retrofitted for electric hot water systems in the future.

Waverley's new planning controls came into effect on 9 December 2022. Four (4) submissions were received during the public exhibition of their proposed controls, with 2 submissions in support and 2 submissions objecting. Waverley Council has had most success in applying the control to new Residential Flat Buildings as new developments are able to incorporate new utilities and there is less emotional attachment for developments that do not contain residents who do not use gas. The control is generally being applied more flexibly to alterations and additions in comparison to new development.

- City of Parramatta Council - Recently adopted a new DCP that requires all-electric appliances in new commercial and residential development in the Parramatta CBD. The DCP permits some flexibility, in permitting gas where it is demonstrated that the intended use is unable to be served by electricity. At the same time, City of Parramatta Council resolved to review the DCP provisions relating to all-electric buildings outside of the CBD.

Parramatta's amended DCP 2023 came into effect on 2 December 2022 with the ban on gas in new development in the City Centre. Two (2) submissions were received during the public exhibition, both generally in support of the proposed controls. Council has to date had 'push back' from only one applicant, who had already commenced construction under a previous Development Consent that allowed for a gas connection. Council conceded due to the previous approval.

- City of Newcastle Council – Recently adopted a new DCP that 'includes strengthened objectives and controls to restrict indoor gas usage within residential development, for better

health outcomes and to avoid unnecessary financial burdens. The Council report stated that this reflects best practice and draws on wording from the Lane Cove DCP.'

Newcastle's amended DCP was resolved by Council on 12 December, but the DCP has not yet been updated on Council's website. Seventeen (17) submissions were received during exhibition, which requested all-electric buildings and more broadly applied development controls.

- Inner West Council – Recently resolved to exhibit a draft DCP that proposes to prohibit gas appliances in all residential and commercial development for cooking, heating, and water heating, as well as expanding the application of the all-electric requirements to apply to commercial development applications as well. The draft DCP also requires existing gas cooktops, ovens, and internal space heaters to be replaced by an electric system, and prohibits solid fuel heating and cooking systems.
- City of Sydney - Recently resolved to exhibit a draft DCP that proposes to prohibit gas cooktops, gas ovens or gas internal space heating systems in new residential development to reduce indoor air pollutants associated with the onsite combustion of gas to improve air quality.
- Canterbury-Bankstown - Is preparing a masterplan for Campsie and Bankstown city centres, which will be translated into DCP controls, that will require all-electric appliances in new buildings.

Outside of NSW, the Victorian Government has banned gas connections in all new homes as of 1 January 2024. The ACT Government has banned new gas connections in all residential, commercial and community landuse zones and all residential use buildings in non-residential zones.

#### **Issues relating to the banning of gas in new development**

BASIX data for detached dwellings in the Canada Bay Local Government Area shows that in the period 2011-2020:

- 92% of households use gas for hot water heating, mainly for instantaneous heating;
- 88% use gas for cooking, mainly for the cooktop.

The data does not exist for multi-dwelling housing, but it is likely to be similar. The high uptake of gas in the City of Canada Bay is likely to be due to gas being readily available and due to this source of energy having been viewed historically as reliable and generally affordable. There are therefore significant impediments to requiring existing buildings to be gas-free.

However, as the supply of electricity from renewable sources increases, it is expected that there will be an increasing shift towards electric energy and appliances. In this way, the installation of gas connections in newly constructed buildings will become redundant and future residents and businesses will be responsible for the effort and cost of converting gas installations and appliances.

Established medical health and scientific data confirms that the burning of gas, particularly in confined spaces, has negative health impacts for occupants. This impact is an important consideration that would justify the imposition of development controls at a local level in relation to this issue. The information contained in the Council resolution has not been repeated here.

Lower income households are likely to be disproportionately impacted by the cost of converting existing gas appliances to electric. Converting apartment buildings and rental properties from gas to electric would be particularly challenging and expensive. The gradual transition to all electric buildings will also result in a reduction in the number of households on the gas network, who therefore have to pay increasingly higher energy bills as progressively fewer consumers remain on the network.

Early conversion to all electric buildings will negate future retrofitting of buildings that rely on gas. Further, research by 350 Australia suggests that once all-electric appliances are in place in Sydney, households could save an average of \$430 per year on energy bills.

In relation to commercial development, gas has about 17% of the energy share in commercial buildings and is overwhelmingly used for space heating. The Sustainable Buildings SEPP requires that certain new large commercial development and certain state significant development must demonstrate that they are capable of operating without fossil fuels by 2035. This is likely to have the effect of making gas connections unattractive due to the cost of constructing infrastructure with built-in redundancy.

### **Benefits**

If Council were to amend the Canada Bay DCP to require new homes and businesses to be all-electric and gas-free, the benefits would include:

- creating healthy and safer indoor environments;
- future proofing against escalating fossil-fuel energy prices and connection charges; and
- ensuring that buildings are constructed so as to avoid obsolescence of utility infrastructure.

The above benefits are consistent with the requirements of the Sustainable Buildings SEPP. However, it is also noted that a move towards all electric homes and business will have environmental benefits. Whilst the burning of natural gas emits fewer greenhouse gases than oil or coal and is less polluting, it is still a fossil fuel and non-renewable. Achieving emission reduction targets by reducing combustion of fossil fuels will assist to achieve net-zero by 2035 and/or 2050. The Sustainable Buildings SEPP states that *NSW has whole-of-economy targets to reduce greenhouse gas emissions by 70 per cent by 2035 compared to 2005 levels and reach net zero emissions by 2050. Achieving these targets will require all new and existing buildings in NSW to be operating at net zero well before 2050.*

Given the high gas connection rates for existing dwellings in the City of Canada Bay, it is recommended that only new or replacement dwellings be required to convert to electricity.

### **Draft development control**

It is recommended that the following draft control be included in the Canada Bay Development Control Plan (DCP):

#### ***All Electric Buildings***

##### *Objectives*

- Reduce indoor air pollutants associated with the combustion of gas to improve the air quality for occupants.*
- Reduce the cost to future occupants by minimising the need to upgrade gas infrastructure and for ongoing gas connection charges.*

##### *Controls*

- All development involving a new or replacement dwelling or new commercial building are to use only electricity for all energy requirements.*
- Where it is demonstrated that the intended use of the building requires a process or equipment that is not able to be served by electricity, fossil fuels may be provided to serve that service only. Evidence shall be provided with the application of market testing and equipment supplier advice to confirm that an electrically powered alternative is not technically possible.*

*Note. The above control does not apply to external appliances that use bottled gas.*

### **TIMING, CONSULTATION AND RISK CONSIDERATIONS**

Should Council resolve to progress this initiative, the draft Canada Bay Development Control Plan amendment will be placed on public exhibition for a period of 28 days. Following the exhibition period, a further report will be provided to Council advising of any submissions received.

Should Council resolve to progress this initiative, there are relatively low risks as the next step involves public exhibition. Any feedback received during an exhibition would be provided to Council in a subsequent report to further inform Council's decision making on this issue.

**FINANCIAL CONSIDERATIONS**

There are no direct financial considerations for Council associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The draft amendments to the *Canada Bay Development Control Plan* are consistent with the requirements of *State Environmental Planning Policy (Sustainable Buildings) 2022*.



**Attachment 1 All electric homes and business in Canada Bay LGA**

Proposed draft amendment to the Canada Bay Development Control Plan:

***All Electric Buildings****Objectives*

- a. *Reduce indoor air pollutants associated with the combustion of gas to improve the air quality for occupants.*
- b. *Reduce the cost to future occupants by minimising the need to upgrade gas infrastructure and for ongoing gas connection charges.*

*Controls*

- a. *All development involving a new or replacement dwelling or new commercial building are to use only electricity for all energy requirements.*
- b. *Where it is demonstrated that the intended use of the of the building requires a process or equipment that is not able to be served by electricity, fossil fuels may be provided to serve that service only. Evidence shall be provided with the application of market testing and equipment supplier advice to confirm that an electrically powered alternative is not technically possible.*

*Note. The above control does not apply to external appliances that use bottled gas.*

**ITEM 9.5**                      **TREE CANOPY MATTERS**  
**Reporting Manager**    **Manager Health Building and Compliance**  
**Attachments:**            **Nil**

---

### **RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. The report in response to the Council resolution of 16 May 2023 on Tree Canopy Matters be received and noted.
  2. Council notes the review of the Tree Preservation Order Policy and formation of a Significant Tree Register has commenced.
  3. No audit of recently completed dual occupancies be undertaken until the completion and formal endorsement of the Tree Preservation Order Policy and Significant Tree Register.
- 

### **PURPOSE**

To report on the options to conduct audits of tree removals that may have occurred contrary to the consent on approved dual occupancy developments as well as the replacement of such trees.

### **EXECUTIVE SUMMARY**

Audits of dual occupancy developments (sometimes also referred to as “duplexes”) completed within the past 12 months (that is, dual occupancies with final occupation certificates issued) can be undertaken at an approximate cost of \$10,000.00.

However, is considered to be premature to do an audit until such time work is completed with the review and endorsement of the Tree Preservation Order Policy and Significant Tree Register. These documents will allow future protection of advanced trees and therefore audits thereafter will be more effective.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

- Direction 1:            Connected Community
- Goal CC 5:            Provide open space, facilities, and programs that promote active lifestyles
- Direction 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

On 20 September 2022, Council resolved that:

1. *A report be prepared and submitted to Council on the feasibility, options and costs of conducting an audit on an appropriate cross section of sites in the Council area where duplexes have been built in the last 12 months where there were trees removed, including whether suitable replacement trees have been reinstated.*

On 16 May 2023, Council further resolved that:

1. *The report in response to the Council resolution of September 2022 on Tree Canopy Matters be received and noted.*
2. *Options for the conduct of audits of tree removal and replacement on approved duplex developments, as outlined in the report, be the subject of a Councillor Workshop.*
3. *Following the workshop referred to in 2 above, a further report be prepared and submitted to Council.*

As outlined in the earlier report, there are challenges and limitations associated with conducting an audit as proposed. These include:

- The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not require replacement trees (meaning that dual occupancy development approved via a CDC pathway is not required to plant replacement trees).
- Access to private property to undertake a proactive inspection can be restricted by the owner. Such access is important to verify tree planting on the ground due to limitations posed by reliance only on aerial photographs (noting that aerial photographs are generally updated every 6 months).

Additionally:

- A significant tree register is currently being considered by Council's Parks team, with a view to protecting advanced/mature trees.
- The Tree Preservation Order Policy is currently being reviewed by Council's Parks team to provide better protection/replacement for both advanced trees and trees in decline/poisoned.

Given the above, should Council wish to proceed with an audit, it would be more effective for an audit to take place once these two tree initiatives had been progressed.

## TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Should audits be undertaken of all dual occupancies completed within the past 12 months (that is dual occupancies with final occupation certificates issued), desktop audits via aerial photography imagery would be the first step in the process, with images compared with approved landscape plans.

The desktop audits would then be followed by site visits, to verify planting on ground. These site visits would be particularly important in instances where the aerial photography imagery deviated from the approval. It is recommended that any site inspections occur outside normal business hours to increase the likelihood of owners/occupiers being home. There is a risk that property owners and/or occupants could deny or restrict access to the property for these inspections. Should this occur, there would be limitations in terms of the ability to accurately identify species from aerial photographs alone.

As highlighted earlier in the report, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 does not require replacement trees when existing advanced trees are removed. Such trees are only protected if they are listed in a significant tree register kept by Council or located 3m from the building that has an area of more than 25m<sup>2</sup>, or the tree is greater than 8m

in height for development of a new dwelling house and is not required to be retained as a condition of consent or is greater than 6m for any other development.

### **FINANCIAL CONSIDERATIONS**

It is expected the approximate cost of reviewing files, aerial photography imagery and conducting site audits after-hours of dual occupancies that have been issued final occupation certificates in the past 12 months would be approximately \$10,000.00. This has not been incorporated into the FY24/25 budget.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The *Environmental Planning & Assessment Act, 1979*, contains provisions that would allow for enforcement action to be taken against a property owner should the approved trees not be found on site and if suitable tree replacement not be provided in accordance with the approval. Enforcement action would involve the issue of a Notice directing tree planting to be provided in accordance with the approval. An infringement notice can also be issued for a breach of the consent. The extent to which enforcement action may be required as a result of such an audit is unknown.

**ITEM 9.6 NEIGHBOURHOOD SCALE COMMUNITY BATTERY POLICY****Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. **Neighbourhood scale batteries on Council Property Policy (Provided in Attachment Booklet)** [⇒](#)

---

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That:

1. The draft Neighbourhood-Scale Batteries on Council Property Policy attached to the report be adopted.
  2. The General Manager be authorised to make minor editorial amendments for clarity or correction of drafting errors and to undertake future reviews and amendments to the Policy.
  3. The policy be promoted through draft Neighbourhood-Scale Batteries on Council Property Policy
- 

**PURPOSE**

This report proposes the adoption of a *Neighbourhood-Scale Batteries on Council Property Policy* establishing a benefit evaluation framework to assist Council in assessing such projects planned to be installed on Council property by third parties (typically electricity network providers). It responds to a Council resolution of 18 April 2023.

**EXECUTIVE SUMMARY**

It is anticipated that Australia's energy system will likely face a big transformation in the coming years. The Australian Energy Market Operator (AEMO) predicts that by 2023, solar and wind capacity in the national grid will triple, rooftop solar capacity is expected to double. Storage capacity is also set to increase by a factor of six." CSIRO, Energy Transition, Jan 2024.<sup>1</sup>

The energy system transformation is happening at multiple scales, including homes and neighbourhoods. Neighbourhood-scale batteries (sometimes called community or precinct-scale batteries) are a type of energy storage technology typically located in residential and commercial urban areas close to homes, businesses and community facilities such as footpaths and parks (as distinct from industrial locations). The Australian Government's Community Battery Grants Program was established to stimulate implementation of this technology. Proponents operate a variety of business models with different proportions of private and local community benefits.

Council recognises that electricity is an essential service which the local community wants to be affordable, modern and resilient. Safeguarding public amenity is also important. The draft Policy establishes a benefit evaluation framework for Council to evaluate the impacts of neighbourhood-scale batteries holistically, with adequate consideration of public amenity, environmental sustainability, property management, statutory and strategic planning.

---

<sup>1</sup> <https://www.csiro.au/en/news/All/Articles/2024/January/Energy-transition>



## STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

- Direction 2: Sustainable and Thriving Environment
- Goal STE 1: Reduce greenhouse gas emissions
- Direction 1: Connected Community
- Goal CC 3: Provide the community with equitable access to a range of programs, services, and facilities
- Goal CC 5: Provide open space, facilities, and programs that promote active lifestyles
- Direction 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 draft Neighbourhood Scale Batteries on Council Property Policy attached to the report responds to Council's resolution on 18 April 2023:

*That:*

1. *Council notes with concern the request for a "community battery" in Kendall Reserve Cabarita, on the basis that:
  - a) *the proposal does not provide specific community benefits beyond those intrinsic to the functioning of the electricity grid, and*
  - b) *any such battery must be appropriately located in regard to use of Council land.**
2. *A policy in regard to community batteries be developed and submitted to a future Council meeting, with Policy to be designed to ensure maximum community benefits.*
4. *Council write to the member for Reid, Ms Sally Sitou MP noting Council's concerns.*
4. *This matter be brought to a Councillor workshop as soon as practicable.*

## Analysis

### *Situation*

Energy supply infrastructure, such as power poles, distribution boxes and local sub-stations, is commonplace in local neighbourhoods and public space. Energy infrastructure is dramatically transforming to accommodate a digitised, 100% renewable, two-way electricity supply that will eventually support all-electric homes, businesses, and transport. Urban neighbourhoods are hosting new types of energy infrastructure such as medium-scale batteries, electric vehicle charging stations and potentially others yet to emerge.

Community batteries can be designed to achieve different aims and, as such, model design and ownership has implications for who benefits. Community acceptance of this new neighbourhood-scale energy infrastructure depends on the effectiveness of engagement and transparency to address concerns about fairness, amenity, and environmental impact.

Council seeks to maintain the public amenity of Council public land and public open space. Council typically protects public amenity through landuse planning and development control, plans of management and operations such as park maintenance and upgrades.

### *Analysis*

Where electricity network providers are the proponent, Council has no regulatory powers to prohibit or set conditions for electricity infrastructure projects. Electricity network providers, such as Ausgrid, have wide ranging powers under the *Electricity Supply Act 1995* to install electrical infrastructure on

Council public land, even without Council authorisation and without any lease, licence or contractual agreement with Council. Ausgrid is implementing and exploring various types of neighbourhood-scale batteries within the LGA, including a neighbourhood-scale battery which has been installed at Kendall Reserve, Breakfast Point.

#### *Policy development and intent*

The legislative framework presents significant limitations in terms of Council's ability to influence the location of neighbourhood-scale batteries. The draft Policy seeks to guide and influence the location of this infrastructure on Council land to the extent that it can.

The draft Policy asks proponents of neighbourhood scale battery projects seeking to install infrastructure on Council property to consult with Council and provide a written proposal. The draft Policy requests that proposals outline how they will support local beneficiaries and deliver local benefits as described in the "Beneficiaries test" and "Benefit Test". Proposals do not need to address every benefit listed but will undergo a merit assessment to measure the local benefits and cost to community.

The draft Policy states that where Council has limited regulatory powers to influence a project, it may use the following levers to influence neighbourhood scale battery projects:

- a. Advocacy – for example to the project proponent, other levels of government, regulators and local elected members
- b. Facilitation and collaboration – with other parties such as councils, SSROC, community organisations and technical specialists
- c. Education and communication – for example with community members, neighbours and others.

The draft Policy has been informed by consultation with other councils, including City of Melbourne, reviewing other projects, and academic literature. Legal advice was also obtained and included in the preparation and review of the draft Policy.

Subject to adoption of the Policy, it is proposed to generate community awareness of it through Council's regular communication channels.

#### **TIMING AND RISK CONSIDERATIONS**

As outlined earlier in this report, where electricity network providers are the proponent of such infrastructure, Council has no powers to prohibit or set conditions for infrastructure proposed. Whilst these significant legislative limitations in terms of a Council policy are acknowledged, the draft Policy, seeks to mitigate risks associated with this type of infrastructure, particularly in relation to protection of public amenity. It also provides a framework against which Council can evaluate potential benefits and beneficiaries of proposed infrastructure on Council property with the aim of facilitating this infrastructure whilst minimising potential impacts.

As such, there are minimal risks associated with the draft Policy.

#### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

#### **LEGISLATIVE AND POLICY CONSIDERATIONS**

Section 45 of the *Electricity Supply Act 1995* provides that:

*'for the purpose of exercising its functions under this or any other Act, a network operator may carry out any of the following work –*

- a. *work comprising the erection, installation or extension of electricity works on public land;*
- b. *work on any land comprising or connected with the alteration, maintenance or removal of existing electricity works on any land;*

- c. work on public land that is connected with the erection, installation, extension, alteration, maintenance or removal of electricity works on any land.'

'Electricity works' is defined as 'any electricity power lines or associated equipment or electricity structures that form part of a transmission or distribution system.'

Section 45(2) also says that no approval under the Local Government Act 1993 is required for the erection, installation etc of electricity works. Section 50 of the Electricity Supply Act also provides that 'no annual or other periodic or special charge is payable by a network operator to a local council or roads authority in respect of any electricity works located in a public reserve or public road in respect of the space in a public reserve or public road that is occupied by any such works.'

**ITEM 9.7 ENVIRONMENT ADVISORY COMMITTEE MEETING MINUTES - 18 APRIL 2024****Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. **Environment Advisory Committee Minutes - 18 April 2024** [↓](#)

---

**RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING**

That the Minutes of the Environment Advisory Committee held on 18 April 2024, attached to the report, be received and noted.

---

**PURPOSE**

The purpose of the report is to present the minutes of the City of Canada Bay Environment Advisory Committee meeting held on 18 April 2024.

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Environment Advisory Committee from the meeting held on 18 April 2024 (refer to Attachment 1).

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

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

Goal STE 1: Reduce greenhouse gas emissions

Goal STE 2: Increase urban tree canopy

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

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

Direction 5: Civic Leadership

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

**TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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



## Environment Advisory Committee Agenda

Thursday 18 April 2024 6.30pm – 8.15pm

Drummoyne Civic Centre - Halliday Room

Dinner Provided at (from 6.30pm)

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

**APOLOGIES:** Danny Ruspandini (DR), Christina Rojas (CR)

**COUNCIL COMMITTEE STAFF:** Councillor Joseph Cordaro (JC), Belinda Koytz (BK), Monica Cologna (MKC), Robert Adamson (RA), Cielito Lapid (CL)

**CHAIR:** Councillor Charles Jago (CJ)

### ITEMS:

|               |  |                      |
|---------------|--|----------------------|
| <b>6.30pm</b> | <b>Acknowledgement of Country</b>          | <b>Clr Jago</b>      |
| <b>6.32pm</b> | <b>Announcements and Introductions</b>     | <b>Clr Jago</b>      |
| <b>6:35pm</b> | <b>FOGO trial expansion and Discussion</b> | <b>Cielito Lapid</b> |

BK introduced CL, who recapped the Food Organics Garden Organics (FOGO) trial in Concord and Rhodes, outlining its goals and objectives. MC asked why Rhodes was chosen and if another area would be selected for trial expansion. BK explained the focus for Rhodes was high density buildings to explore the challenges. KE inquired about the timeline for Canada Bay to introduce FOGO, with BK highlighting the efficiency of considering changes with any contract renewal. BK also outlined Council's engagement and learnings from other councils.

RL asked about FOGO bin contents, and BK explained that there are EPA guidelines for the material. Caddy liner durability was discussed, noting that different grades of liner have varying costs and outcomes for users. RM asked about FOGO bins in new developments - BK mentioned that changes to the DCP have been proposed and are already considered when assessed. TL inquired about formalising waste management protocols in Multi Unit Developments (MUDs) through by-laws, BK advised that Council had engaged a solicitor to draft bylaws to assist strata committees with waste management.

**ACTION:** Committee would like to minute that Council write to the state government regarding the banning of Per- and Polyfluorinated Substances (PFAS).

|               |                 |                       |
|---------------|-----------------|-----------------------|
| <b>7.05pm</b> | <b>Planning</b> | <b>Monica Cologna</b> |
|---------------|-----------------|-----------------------|

MKC presented on the newly released planning changes, focusing on the Transport Orientated Development, State Environmental Planning Policy and Accelerated precinct approaches. Discussion ensued regarding the impact of these laws on the Parramatta Road development, and alignment with the "Low and Mid-Rise Housing Reforms," and submission processes to the state government. Concerns were raised about housing distribution across the area, and dwellings in Canada Bay,





including the burden development places on local councils where appropriate funding isn't supplied for infrastructure. DM inquired about BASIX requirements, prompting MKC to explain that MUDs constructed under five storeys will be exempt from adhering to BASIX regulations. CJ emphasized the need for collaboration between the Council, individuals, and the state government.

**ACTION:** RA to send through link regarding planning reforms submissions

**7.50pm Council Update** **Belinda K**

**7:55pm General Business** **Clr Jago**

Any suggestions for last meeting?

- Reflection on the EAC and what it has achieved.
- Reflection on the topics that were covered.
- Storm Water/Water sensitivity urban design presentation.

**ACTION:** RA to send through the Homecycle information to committee members

**8.30pm Meeting Closed**

Meeting dates for 2024/2025

- o Thursday 27<sup>th</sup> June

**Standing Items**

**Next Meeting – Thursday 27<sup>th</sup> June 2024**

## 10 CITY ASSETS DIRECTORATE REPORTS

### ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 18 APRIL 2024

**Reporting Manager** Manager Roads and Traffic

**Attachments:** 1. **Traffic Committee Minutes - 18 April 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 18 April 2024, attached to the report, be adopted.

---

#### PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 18 April 2024 to Council.

#### REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 18 April 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.

---

**ITEM 10.2 FIVE DOCK BUSINESS PARKING PERMITS****Reporting Manager** Manager Roads and Traffic**Attachments:** Nil

---

**RECOMMENDATION OF DIRECTOR CITY ASSETS**

That Council's Parking Policy be updated to make Business Parking Permits transferable between vehicles in the Five Dock Area 6 Permit Parking Scheme.

---

**PURPOSE**

This report presents the outcomes from public consultation in January/February 2024 on potential changes to Business Parking Permits (BPP) in Five Dock Area 6 Permit Parking Scheme (PPS).

**REPORT****Notice of Motion**

At the meeting of 5 December 2023, Council resolved that:

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

Items 1 and 2 were the subject of a report to the 19 March 2024 Council meeting, where it was resolved to adopt a fee of \$0.00 for Business Parking Permits in the Five Dock PPS.

In line with Item 3, consultation has been undertaken with businesses in Five Dock

**Consultation**

Consultation was undertaken via Collaborate and letters and emails to key stakeholders. Council staff also undertook a walk around business to directly obtain feedback. The consultation period was from 23 January to 18 February 2024

Council asked for feedback to understand how the current parking arrangements are working for businesses in Five Dock. In line with the Council resolution, feedback was also specifically sought on whether access to a Visitor Parking Permit would be supported by businesses.

In total 138 submissions were received, 77 of which were collected by staff directly from businesses, and 61 via Collaborate.

- 87% had not applied for a Business Parking Permit.
- 80% supported making Business Parking Permit transferrable.
- 57% support the introduction of Visitor Parking Permit for Businesses.

**Current permit allocation under Council's Parking Policy**

At present, each rateable business property within the Area 6 PPS can apply for a maximum of two Business Parking Permits (BPP), minus the number of off-street parking spaces available and

subject to the number of vehicles used in connection with the business. These permits are issued for a specific vehicle and include vehicle registration plate details.

Visitor Parking Permits (VPP) are also available within the Area 6 PPS, but only to residential rated properties. VPP can be used on any eligible vehicle and are not replaced within the permit year if they are lost or destroyed.

### **Proposed changes to Council's Parking Policy**

To provide greater flexibility on the use of BPP in the Area 6 PPS, it is proposed that the business parking permits are made transferable between any eligible vehicle. These will be managed and provides the same flexibility as Visitor Parking Permits above.

In combination with Council previously adopting a \$0.00 free for BPP, making them transferable is likely to increase the number of permits issued and in turn parking demand within the scheme. Noting this and to assist in maintaining the overall effective operation of the scheme, it is not proposed to make additional permits available to business properties.

### **Potential changes to parking restrictions**

Community consultation will be undertaken into potential further changes to parking restrictions that may assist in better balancing the various competing parking demands in Five Dock. This includes extending time limits in some streets where parking demand is low, and expansion of the area included within the PPS. This will be the subject of further report to Council via Traffic Committee.

## **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

## **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

The current Business Parking Permits expire on 30 June 2024. As such, if the Parking Policy is to be updated it is desirable that this occur now to minimise disruption and additional administration costs.

## **FINANCIAL CONSIDERATIONS**

It is anticipated that additional Business Parking Permit will be issued, which would result in a small increase in Council administrative costs, noting that they are at no cost to applicants.

## **LEGISLATIVE AND POLICY CONSIDERATIONS**

This report recommends updating Council's Parking Policy which was adopted in 2016. The proposed update complies with the mandatory TfNSW Permit Parking Guidelines.

## 11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

### ITEM 11.1 CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE MEETING MINUTES OF 2 MAY 2024 AND AMENDMENT TO COMMITTEE CHARTER

**Reporting Manager** Manager Place Management

**Attachments:**

1. City of Canada Bay Arts and Culture Committee Meeting Minutes - 2 May 2024 [↓](#)
2. Arts and Culture Committee Charter [↓](#)

---

#### RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The minutes of the ordinary meeting of the City of Canada Bay Arts and Culture Committee held on 2 May 2024, attached to the report, be received and noted.
  2. The Arts and Culture Committee Charter membership be amended to include Council's Arts & Culture Citizen of the Year recipient, for the term of their appointment.
- 

#### PURPOSE

To present the minutes of the City of Canada Bay Arts and Culture Committee, so that they may be noted, and to recommend an amendment to the Arts and Culture Committee Charter.

#### REPORT

This report provides Council with the minutes of the City of Canada Bay Arts and Culture Committee meeting held on 2 May 2024.

Prior to the first meeting of the Arts and Culture Committee, it was noted that the membership of the Committee, as determined by the Charter, made no provision for Council's Arts and Culture Citizen of the Year. Council's Arts and Culture Citizen of the Year is announced at Council's Australia Day citizenship ceremony event. Council's Arts and Culture Citizen of the Year for 2023 is Adele Mitchell.

It is recommended that the Arts and Culture Committee Charter be amended to include Council's Arts & Culture Citizen of the Year recipient, for the term of their appointment (typically 12 months). This recommendation is supported by the Committee. The amended Charter is attached.

The Committee's role is to advise and make recommendations on arts and culture issues as they relate to Council's operations, with a focus on the implementation and achievement of targets in Council's Cultural Plan 2033.

#### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

#### FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.



**LEGISLATIVE AND POLICY CONSIDERATIONS**

The City of Canada Bay Arts and Culture Committee Charter was endorsed by Council at the ordinary meeting held on 18 April 2023. Other related documents include: *Our Creative City – Cultural Plan 2033*; *Public Art Strategy*; *Art Collection Policy*, *Community Event Strategy & Policy*, and *Creative Hoarding Policy*.

# **CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE MEETING**

## **MINUTES**

Held in the Civic Centre, Drummoyne

**Thursday, 2 May 2024**



---

**Minutes of the City of Canada Bay Arts and Culture Committee Meeting  
Held on Thursday, 2 May 2024  
At the Civic Centre, Drummoyne  
Commencing at 6:00 PM**

**Present:**

|                      |                             |
|----------------------|-----------------------------|
| Cr Charles Jago      | Councillor (arrived 6:15pm) |
| Grant Jones          | Community Member            |
| Constantine Nicholas | Community Member            |
| Julie Peadon         | Arts Professional           |
| Matt Poll            | Arts Professional           |
| Brune Rodwell        | Community Member            |

**By Invitation:**

|                |   |
|----------------|---|
| Adele Mitchell | Arts & Culture Citizen of the Year 2023 |
|----------------|---|

**Officers in attendance:**

|                |  |
|----------------|--|
| Rachel Hensman | Manager - Place Management               |
| Evan Hutchings | Director - Corporate Services & Strategy |
| Russell Wolfe  | Director - Community, Culture & Leisure  |

**NOTES**

*In the absence of the Mayor, the Director - Community, Culture & Leisure chaired the meeting. A quorum for the meeting was reached at 6:15pm. The meeting concluded at 7:54pm.*



---

## Table of Contents

|          |  |          |
|----------|--|----------|
| <b>1</b> | <b>ACKNOWLEDGEMENT OF COUNTRY</b> .....                          | <b>4</b> |
| <b>2</b> | <b>APOLOGIES</b> .....   | <b>4</b> |
| <b>3</b> | <b>DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST</b> ..... | <b>4</b> |
| <b>4</b> | <b>REPORTS</b> .....   | <b>4</b> |
|          | Item 4.1 Arts and Culture Committee Governance Induction .....   | 4        |
|          | Item 4.2 Arts and Culture Committee Members Introduction.....    | 5        |
|          | Item 4.3 Arts and Culture Committee Charter .....                | 5        |
|          | Item 4.4 Overview of Relevant Plans and Policies .....           | 5        |
| <b>5</b> | <b>GENERAL BUSINESS</b> .....                                    | <b>6</b> |
|          | Item 5.1 Date of the Next Meeting .....                          | 6        |

## 1 ACKNOWLEDGEMENT OF COUNTRY

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

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

## 2 APOLOGIES

|                     |  |
|---------------------|--|
| Mayor Michael Megna | Chairperson  |
| Di Kapera           | First Nations Cultural Representative/Art Professional |
| Kerrie Kenton       | First Nations Cultural Representative/Art Professional |
| Kym Shields         | Community Member                                       |

## LEAVE OF ABSENCE

Nil

## 3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST

Nil

## 4 REPORTS

### ITEM 4.1 ARTS AND CULTURE COMMITTEE GOVERNANCE INDUCTION

---

#### RESOLVED

1. That the City of Canada Bay Arts and Culture Committee members note the presentation on the Governance Induction.
- 

*Note: Evan Hutchings – Director, Corporate Services & Strategy presented the Governance Induction including:*

- *Introduction to the Committee Charter*
- *Core objectives of the Arts and Culture Committee Charter*
- *Guide to Media Protocol*
- *Overview of the Code of Conduct including declaration of pecuniary and non-pecuniary interests*

---

**ITEM 4.2 ARTS AND CULTURE COMMITTEE MEMBERS INTRODUCTION**

---

**RESOLVED**

1. That the City of Canada Bay Arts and Culture Committee members note the discussion.
- 

*Note: Committee Members introduced themselves covering topics such as:*

- *their background*
- *their experience of art & culture in the City of Canada Bay*

---

**ITEM 4.3 ARTS AND CULTURE COMMITTEE CHARTER**

---

**RESOLVED**

1. That the City of Canada Bay Arts and Culture Committee members note the presentation on the Charter.
- 

*Note: Russell Wolfe - Director, Community, Culture & Leisure presented on the Arts and Culture Committee charter including:*

- *core objectives of the Committee*
- *composition and term of the Committee*
- *meeting schedule and protocol*

*Russell highlighted that the membership of the Committee, as determined by the Charter, made no provision for Council's Arts and Culture Citizen of the Year. He advised that a recommendation will be made to Council to amend the Arts and Culture Committee Charter to include the Arts and Culture Citizen of the Year recipient, for the term of their appointment.*

*This recommendation was supported by the Committee.*

---

**ITEM 4.4 OVERVIEW OF RELEVANT PLANS AND POLICIES**

---

**RESOLVED**

1. That the City of Canada Bay Arts and Culture Committee members note the presentation on Council's plans and policies.
- 

*Note: Rachel Hensman – Manager, Place Management provided an introduction on Council's plans and policies relevant to the Arts and Culture Committee including:*

- *Art Collection Policy*
- *Community Event Strategy & Policy*
- *Creative Hoarding Policy*
- *Our Creative City – Cultural Plan 2033*
- *Public Art Strategy*



**5 GENERAL BUSINESS****ITEM 5.1 DATE OF THE NEXT MEETING**

---

*Note: 6:00-7:30pm – 18 July 2024 – Civic Centre, Drummoyne*

---

CHAIRPERSON



CHARTER

ARTS AND CULTURE COMMITTEE

Date of Adoption: 18 April 2023

Effective Date: 18 April 2023

Arts and Culture Committee Charter

## Introduction

This charter has been prepared for adoption by Council.

The Arts and Culture Committee (A&CC) is a committee of Council which has been established to strengthen communication and engagement between the arts community and Council for the strategic development and improved delivery of arts and culture activities across the City of Canada Bay. The A&CC is not a decision-making body of Council, however it provides an instrumental role in representing and raising issues direct with Council to inform strategic planning and development. It is also an advocate for the sector on behalf of the City.

## Background

This Committee has emerged in response to a Council resolution at its meeting on 1 November 2021, relating to the delivery of culture including:

1. *THAT Council support the formation of a City of Canada Bay Arts and Culture Committee, with representations from local arts community groups such as the Drummoyne Arts Society and local artists.*
2. *THAT Council request staff prepare a report for the next term of Council in respect of ideas and initiatives that can strengthen Council's arts and culture program and assist local artists.*
3. *THAT Council report on the establishment of an appropriate council creative arts centre, and sources of potential state and or federal government funding.*

The role and function of the Committee was subject to extensive community and sector consultation as part of the development of the Cultural Plan 2033. The Arts and Culture Committee was established in 2023.

## Core Objectives

The A&CC has been established:

1. To provide dynamic arts advocacy for the sector and around strategic matters affecting the program.
2. To encourage arts quality and innovation in the implementation of Council's strategies.
3. To engage local communities and visitors in arts and cultural activities.

## Membership

- Two Councillors, one of which shall be the Mayor or nominee.
- The Mayor or nominee will chair the meetings.
- Two professional artists, art managers or equivalent will be appointed to provide sector expertise and meet skill sets identified by Council.
- Two First Nations artists, arts managers, cultural representatives.
- Four community arts members will be appointed.
- **Council's Arts and Culture Citizen of the Year (for the term of their appointment).**
- Upon Council's adoption of Committees at the start of a new term of Council, membership for the A&CC will be for the duration of the Council term.
- Each term of membership (**excluding the Arts and Culture Citizen of the Year position**) shall be a maximum of four-year period aligned with the elected term of Councillors.
- Nominations for membership of the Committee (**excluding the Arts and Culture Citizen of the Year position**) will be publicly called from the community and business representatives, and representation will be determined by Council.
- The Chair can invite observers to the meeting when an item they have requested be discussed is listed on the agenda (observers are not members of the Committee).

## Arts and Culture Committee Charter

The following table outlines the membership and representative positions available on the Arts and Culture Committee:

| Representation  | Committee members | Position |
|---|-------------------|----------|
| Councillors   | 2                 | Unpaid   |
| First Nations Cultural representatives or art professionals | 2                 | Paid     |
| Artists   | 2                 | Paid     |
| Community Organisation Representatives or community members | 4                 | Unpaid   |
| Arts and Culture Citizen of the Year                        | 1                 | Unpaid   |

### Member's Roles and Skills

- All representatives must live in or operate a business or organisation in the City of Canada Bay
- All community representatives must have a demonstrated connection to the sector and/or community.
- Paid members must have relevant experience, expertise or cultural knowledge.
- All members must contribute the time needed to understand the papers provided and apply good analytical skills, objectivity and judgment to the business of the Committee.
- Exceptional communications and advocacy skills are essential.
- Members must demonstrate leadership and advocacy skills.
- All community representatives must agree to their contact details being made publicly available to the areas they represent to assist members and stakeholders within the community to contact them and provide matters they would like their representative to bring to meeting agendas.

### Participation of Council staff

Other Council Executive and/or staff may attend meetings as required.

### Council support for the Committee

Council is responsible for providing administrative support for the meetings. This includes preparation and distribution of agendas, minutes, and other relevant information.

Council's main contact for the Committee will be the Manager, Place Management. They will initiate communication on behalf of Council, maintain a record of matters requiring documentation, prepare an update for each meeting and be responsible for the minutes of the meeting.

### Media Protocol

Members of the Committee are not to speak to the media in their capacity as Committee members. The Mayor or the Chairperson of the Committee is the only person permitted to speak to the media on behalf of the Committee.

### Declarations of Pecuniary Interest

A Committee member who has a pecuniary or significant non-pecuniary interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.

### Declarations of less than significant non-pecuniary conflict of interests and participation in meetings.

A member of the Committee who has a less than significant non-pecuniary conflict of interest in any matter with which the Committee is concerned and who is present at a meeting of the Committee at which the matter is being considered will disclose the interest to the meeting as soon as practicable.

### Code of Meeting Practice and Code of Conduct

All Committee members shall be required to act in accordance with the requirements of Council's Code of Meeting Practice and Code of Conduct.

## Arts and Culture Committee Charter

The Chairperson may require a Committee member to retract and apologise without reservation for such an act of disorderly conduct.

A member of the Committee may, as provided by Council's Code of Conduct, Code of Meeting Practice and this Charter, be expelled from a meeting of the Committee for engaging in or having engaged in disorderly conduct at the meeting.

If disorder occurs at a meeting of the Committee, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the Chair. The Committee, on reassembling must, on a question put from the Chairperson, decide without debate whether the business is to be proceeded with or not.

Members must read and abide by Council's Code of Conduct, Code of Meeting Practice and this Charter. A copy can be found at [www.canadabay.nsw.gov.au/council/about-council/council-meetings](http://www.canadabay.nsw.gov.au/council/about-council/council-meetings)

### Ceasing to be a member

A person will cease to be a member of the Committee if:

- The member resigns in writing to the Committee and Council;
- The member becomes bankrupt;
- The member is absent for more than 6 months without leave from meetings of the Committee;
- Council passes a resolution to remove the member from the Committee;
- The member fails to disclose any pecuniary interest in any matter with which the Committee is concerned and takes part in the consideration, discussion or votes on any question relating to the matter and for the purposes of this provision "pecuniary interest" has the same meaning given to that term in Section 442 of the Local Government Act 1993;
- A member fails to abide by Council's Code of Conduct, Code of Meeting Practice and this Charter.
- The member while holding that office is convicted of an offence referred to part 4 of the Crimes Act 1900 (offences relating to property);
- The member becomes a mentally incapacitated person;
- The four-year period of membership has expired; or
- **The term of the incumbent Arts and Culture Citizen of the Year is concluded.**

### Meeting Timelines

- The Committee will meet quarterly.
- There may be occasions where additional meetings are called to discuss special or urgent issues or projects.

### Decision Making

- The Committee is not a decision-making body of Council. The main purpose is to provide advice and represent community matters to Council which relate to arts and cultural development.
- A quorum of the Committee will be half of total membership plus one in attendance, one of whom must be a current City of Canada Bay Councillor.
- Voting at Committee meetings is to be by show of hands or on the voices, and the recommendation will be based on a majority of votes.
- Recommendations supported by a majority of Committee members at which a quorum is present is a recommendation of the Committee and will be reported to Council.
- Should the Committee, with endorsement by the Chair elect to recommend new projects, programs or policies that are outside the current operational and delivery plans of Council, then the Chair will have the option to submit a written notice of motion for Council consideration at the next available meeting of Council. Resourcing and funding will need to be identified for Council to be able to consider any new initiatives.

Arts and Culture Committee Charter

### Agenda/ Minutes

- Members must submit requests for agenda items at least one week prior to the next meeting.
- The meeting agenda will clearly identify matters for discussion in the four areas of Information, Consultation, Collaboration and Proposed Initiatives.
- The agenda will be circulated to all Committee members, Council staff and Councillors at least one week prior to the next meeting.
- Council staff shall arrange for the minutes of each meeting to be taken and a draft circulated following the meeting.
- Once confirmed by the Committee members, minutes will be reported to the next available Council meeting.
- The outcome of the Council meeting will be distributed to all Committee members.
- The minutes as adopted by Council will be placed on Council's website.



**ITEM 11.2 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING MINUTES - 18 APRIL 2024****Reporting Manager** Manager Library and Community Services**Attachments:** 1. **City of Canada Bay Access and Inclusion Committee Meeting Minutes - 18 April 2024** [↓](#)

---

**RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE**

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held on 18 April 2024, attached to the report, be received and noted.

---

**PURPOSE**

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

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Access and Inclusion Committee meeting held on 18 April 2024.

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

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

# **CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE MEETING**

## **MINUTES**

Held at Concord Library, Concord.

**Thursday, 18 April 2024**



---

**Minutes of the City of Canada Bay Access and Inclusion Committee Meeting****Held on Thursday, 18 April 2024****At the Concord Library, Concord.****Commencing at 10:00 AM****Present:**

|                     |                          |
|---------------------|--------------------------|
| Mayor Michael Megna | Chairperson              |
| Jack Nolan          | Life Member              |
| Nicole Bradshaw     | Community Member         |
| Adam Clarke         | Community Member         |
| Jill Hodder         | Community Member         |
| Robyn Ryan          | Community Member (Teams) |

**Officers in attendance:**

|                       |   |
|-----------------------|---|
| Mary Ciantar          | Community Development Officer           |
| Fernanda De Barros    | Community Development Support Officer   |
| Brendan MacGillicuddy | Coordinator - Traffic and Transport     |
| Anselm McManus        | Town Planner - Statutory Planning       |
| Russell Wolfe         | Director - Community, Culture & Leisure |

**NOTES**

The meeting commenced at 10:00am and concluded at 11:15 am.



---

## Table of Contents

|          |  |          |
|----------|--|----------|
| <b>1</b> | <b>ACKNOWLEDGEMENT OF COUNTRY</b> .....                          | <b>4</b> |
| <b>2</b> | <b>APOLOGIES</b> .....   | <b>4</b> |
| <b>3</b> | <b>DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST</b> ..... | <b>4</b> |
| <b>4</b> | <b>CONFIRMATION OF MINUTES</b> .....                             | <b>4</b> |
| <b>5</b> | <b>MATTERS ARISING FROM PREVIOUS MINUTES</b> .....               | <b>5</b> |
| <b>6</b> | <b>REPORTS</b> .....   | <b>5</b> |
|          | Item 6.1 Development Applications and Accessibility .....        | 5        |
|          | Item 6.2 Nominations to Council’s Traffic Committee .....        | 5        |
|          | Item 6.3 Pedestrian Access Mobility Plan (PAMP).....             | 5        |
| <b>7</b> | <b>GENERAL BUSINESS</b> .....                                    | <b>6</b> |
|          | Item 7.1 SSI (Settlement Services International) .....           | 6        |

Minutes of the City of Canada Bay Access and Inclusion Committee  
Meeting

18 April 2024

**1 ACKNOWLEDGEMENT OF COUNTRY**

The City of Canada Bay acknowledges the Wangal clan, one of the 29 clans 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****APOLOGIES**

|                 |                  |
|-----------------|------------------|
| Cr Julia Little | Councillor       |
| Jeanette O'Hara | Life Member      |
| Coral Arnold    | Community Member |
| Kim Becherand   | Community Member |
| Min Jung Cha    | Community Member |
| Nehmat Houssami | Community Member |

**LEAVE OF ABSENCE**

Nil

**3 DISCLOSURES OF PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

**4 CONFIRMATION OF MINUTES****4.1 Minutes of the City of Canada Bay Access and Inclusion Committee Meeting held 29 February 2024****RESOLVED**

That the minutes of the City of Canada Bay Access and Inclusion Committee Meeting of 29 February 2024, copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

*Note: The minutes were acknowledged and adopted.*

---

**5 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil

**6 REPORTS**

---

**ITEM 6.1 DEVELOPMENT APPLICATIONS AND ACCESSIBILITY**

---

**RESOLVED**

That the City of Canada Bay Council Access and Inclusion Committee members note the presentation on Development Applications and Accessibility.

---

*Note: Anselm McManus, Town Planner, presented on the inter-relationship between Development Applications (DA) and Council's Development Control Plan (DCP), the Building Code of Australia, the Australian Standards and the Disability Discrimination Act 1992. Discussions were held on accessibility issues in old buildings and how these buildings comply with the most recent legislation and regulations. The Committee was informed of the DA Tracker which can be accessed via Council's website.*

*The Committee suggested a member from Council's Compliance team be invited to present at a future meeting.*

---

**ITEM 6.2 NOMINATIONS TO COUNCIL'S TRAFFIC COMMITTEE**

---

**RESOLVED**

1. That Adam Clark be appointed as the City of Canada Bay Access and Inclusion Committee representative on Council's Traffic Committee.
- 

*Note: Brendan MacGillicuddy, Coordinator Traffic and Transport provided an overview on Council's Traffic Committee and its purpose. Nominations were called for a representative to be appointed to the Traffic Committee. Adam Clarke was the sole nominee and was recommended by the Committee for the position.*

---

**ITEM 6.3 PEDESTRIAN ACCESS MOBILITY PLAN (PAMP)**

---

**RESOLVED**

1. That the Access and Inclusion Committee members' feedback on accessible paths of travel be noted.
- 

*Note: The Access and Inclusion Committee members undertook a site walk to highlight common issues with accessible paths of travel. Feedback included: unsafe kerb ramps, uneven footpaths due to tree roots lifting pavers, limited circulation space around accessible parking, inadequate way finding signage and essential toilet infrastructure.*



Minutes of the City of Canada Bay Access and Inclusion Committee  
Meeting

18 April 2024

---

**7 GENERAL BUSINESS****ITEM 7.1 SSI (SETTLEMENT SERVICES INTERNATIONAL)**

---

*Note: SSI are funded by the Federal Government as the National Disability Insurance Scheme (NDIS) Local Area Coordinators for the City of Canada Bay. Local Area Coordinators help people understand how the NDIS works. They assist people to access services and increase their choice and control.*

*Mary Ciantar, Community Development Officer, explained that SSI are now based in Concord. Council will help promote their services to the local community.*

---

CHAIRPERSON

## 12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

### ITEM 12.1 CASH AND INVESTMENTS REPORT FOR APRIL 2024

**Reporting Manager** Chief Financial Officer

**Attachments:** 1. [Investment Report April 2024 \(Provided in Attachment Booklet\)](#) [↗](#)

#### RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

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

#### PURPOSE

To present Council's Investment portfolio performance for April 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 April 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 30 April 2024

The Cash at Bank and Cash Investments are summarised below:

| Month         | Cash At Bank   | Cash Investments | Total Cash       |
|---------------|----------------|------------------|------------------|
| 30 April 2024 | \$2,905,899.01 | \$168,247,396.09 | \$171,153,295.10 |

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

| STATEMENT OF CASH INVESTMENTS |  |                  |                         |      |          |            |                     |
|-------------------------------|--|------------------|-------------------------|------|----------|------------|---------------------|
| Maturity Date                 | Bank/Issuer                            | Long Term Rating | Fair Value              | Term | Interest | Issue Date | Investment Type     |
| 02/05/24                      | Commonwealth Bank of Australia         | AA-              | \$3,000,000.00          | 244  | 5.19%    | 01/09/23   | Term Deposits       |
| 09/05/24                      | National Australia Bank                | AA-              | \$2,000,000.00          | 244  | 5.15%    | 08/09/23   | Term Deposits       |
| 16/05/24                      | National Australia Bank                | AA-              | \$2,000,000.00          | 251  | 5.15%    | 08/09/23   | Term Deposits       |
| 23/05/24                      | National Australia Bank                | AA-              | \$2,000,000.00          | 231  | 5.14%    | 05/10/23   | Term Deposits       |
| 29/05/24                      | Commonwealth Bank of Australia         | AA-              | \$3,000,000.00          | 366  | 5.03%    | 29/05/23   | Term Deposits       |
| 06/06/24                      | Commonwealth Bank of Australia         | AA-              | \$2,000,000.00          | 244  | 5.01%    | 06/10/23   | Term Deposits       |
| 13/06/24                      | Bank of Queensland                     | A-               | \$2,000,000.00          | 266  | 5.25%    | 21/09/23   | Term Deposits       |
| 20/06/24                      | Commonwealth Bank of Australia         | AA-              | \$2,500,000.00          | 266  | 5.25%    | 28/09/23   | Term Deposits       |
| 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 Bank                               | A                | \$3,000,000.00          | 365  | 5.37%    | 23/08/23   | Term Deposits       |
| 29/08/24                      | Commonwealth Bank of Australia         | AA-              | \$3,000,000.00          | 241  | 4.99%    | 29/05/23   | Term Deposits       |
| 05/09/24                      | Bank of Queensland                     | 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 Metway                         | A+               | \$2,000,000.00          | 219  | 5.16%    | 05/03/24   | Term Deposits       |
| 17/10/24                      | Suncorp Metway                         | A+               | \$2,000,000.00          | 224  | 5.14%    | 07/03/24   | Term Deposits       |
| 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       |
| 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       |
| 23/01/25                      | National Australia Bank                | AA-              | \$5,000,000.00          | 275  | 5.10%    | 23/04/24   | Term Deposits       |
| 24/03/25                      | ING Bank                               | A                | \$4,000,000.00          | 335  | 5.20%    | 23/04/24   | Term Deposits       |
| 23/04/25                      | ING Bank                               | A                | \$4,000,000.00          | 365  | 5.21%    | 23/04/24   | 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          | 276  | 1.62%    | 12/11/21   | ESG TD              |
| 02/12/24                      | Westpac Bank                           | AA-              | \$1,500,000.00          | 273  | 1.62%    | 03/12/21   | ESG TD              |
| 17/02/25                      | Westpac Bank                           | AA-              | \$2,000,000.00          | 364  | 2.02%    | 18/02/22   | ESG TD              |
| 24/02/25                      | Westpac Bank                           | AA-              | \$2,500,000.00          | 364  | 2.10%    | 25/02/22   | ESG TD              |
| 20/11/25                      | Westpac Bank                           | AA-              | \$1,500,000.00          | 640  | 1.87%    | 19/11/21   | ESG TD              |
| 17/02/26                      | Westpac Bank                           | AA-              | \$2,500,000.00          | 729  | 2.24%    | 18/02/22   | ESG TD              |
| 24/02/26                      | Westpac Bank                           | AA-              | \$2,000,000.00          | 729  | 2.31%    | 25/02/22   | ESG TD              |
| 03/03/26                      | Westpac Bank                           | AA-              | \$2,000,000.00          | 729  | 2.22%    | 04/03/22   | ESG TD              |
| 29/08/24                      | ANZ Bank                               | AA-              | \$1,500,000.00          | 182  | 5.11%    | 29/08/19   | Floating Rate Notes |
| 14/11/24                      | Citibank                               | A+               | \$1,000,000.00          | 274  | 5.22%    | 14/11/19   | Floating Rate Notes |
| 12/02/25                      | Macquarie Bank                         | A+               | \$2,000,000.00          | 366  | 5.19%    | 12/02/20   | Floating Rate Notes |
| 06/05/25                      | Royal Bank of Canada                   | AAA              | \$1,000,000.00          | 455  | 5.05%    | 06/05/22   | Floating Rate Notes |
| 17/10/25                      | Suncorp Covered                        | AAA              | \$1,000,000.00          | 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          | 729  | 5.84%    | 24/02/23   | Floating Rate Notes |
| 15/05/26                      | Bendigo and Adelaide Bank              | BBB+             | \$1,000,000.00          | 820  | 5.60%    | 15/05/23   | Floating Rate Notes |
| 15/06/26                      | Teachers Mutual Bank                   | BBB              | \$850,000.00            | 819  | 5.03%    | 16/06/21   | Floating Rate Notes |
| 19/08/26                      | ING Bank Covered                       | AAA              | \$500,000.00            | 912  | 4.74%    | 19/08/21   | Floating Rate Notes |
| 14/09/26                      | Macquarie Bank                         | A+               | \$1,600,000.00          | 914  | 5.19%    | 14/09/23   | Floating Rate Notes |
| 23/12/26                      | Commonwealth Bank of Australia         | AA-              | \$2,000,000.00          | 1003 | 4.76%    | 23/09/21   | ESG FRN             |
| 22/03/27                      | ING Bank                               | A                | \$1,000,000.00          | 1095 | 5.30%    | 22/03/24   | Floating Rate Notes |
| 18/08/27                      | Commonwealth Bank of Australia         | AA-              | \$1,100,000.00          | 1276 | 5.36%    | 18/08/22   | Floating Rate Notes |
| 13/01/28                      | Commonwealth Bank of Australia         | AA-              | \$1,500,000.00          | 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          | 1461 | 5.32%    | 16/02/23   | Floating Rate Notes |
| 09/05/28                      | Bank of Queensland Covered             | AAA              | \$1,250,000.00          | 1551 | 5.54%    | 09/05/23   | Floating Rate Notes |
| 17/08/28                      | Commonwealth Bank of Australia         | AA-              | \$1,250,000.00          | 1641 | 5.29%    | 17/08/23   | Floating Rate Notes |
| 15/12/24                      | NTTC                                   | AA-              | \$2,000,000.00          | 1206 | 1.00%    | 27/08/21   | Fixed Rate Bond     |
| 15/06/25                      | NTTC                                   | AA-              | \$2,000,000.00          | 1496 | 1.10%    | 11/05/21   | Fixed Rate Bond     |
| 18/08/25                      | Commonwealth Bank of Australia         | AA-              | \$1,500,000.00          | 1096 | 4.20%    | 18/08/22   | Fixed Rate Bond     |
| 24/08/26                      | Suncorp Covered                        | AAA              | \$2,000,000.00          | 1587 | 3.25%    | 20/04/22   | Fixed Rate Bond     |
|                               | AMP Bank                               | BBB+             | \$10,017,426.38         |      | 5.20%    |            | AMP                 |
|                               | AMP Bank                               | BBB+             | \$1,184.28              |      | 3.30%    |            | AMP                 |
|                               | Macquarie Bank                         | A+               | \$2,008,408.22          |      | 4.65%    |            | Macquarie CMA       |
|                               | Macquarie Bank                         | A+               | \$7,513,623.44          |      | 4.15%    |            | Macquarie CMA       |
|                               | Commonwealth Bank of Australia         | AA-              | \$1,856,753.77          |      | 4.35%    |            | CBA BOS             |
|                               | <b>30/04/24</b>                        |                  | <b>\$168,247,396.09</b> |      |          |            |                     |
|                               | TOTAL INVESTMENTS at 31/03/2024        |                  | \$145,213,439.33        |      |          |            |                     |
|                               | Net Increase/(Decrease) in Investments |                  | \$23,033,956.76         |      |          |            |                     |

## **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 met on the 7 May 2024. The cash rate remains 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 12.2                    THIRD QUARTER BUDGET REVIEW - JULY TO MARCH 2024****Reporting Manager    Chief Financial Officer****Attachments:**

1. **Quarterly Budget Review Statement March 2024** (*Provided in Attachment Booklet*) [⇒](#)
2. **Capital Program Quarter 3 - March 2024** (*Provided in Attachment Booklet*) [⇒](#)

---

**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That:

1. The Third quarter Budget Review for 2023/24, including the variations as identified in the report and attachments be adopted.
2. The proposal to contribute \$150,000 to support the Livvi's Place Living Room Project as outlined in the report be endorsed for public exhibition in accordance with S356 of the Local Government Act 1993.
3. In the event that no submissions are received in response to the public notification process referred to in 2 above, the financial assistance contribution to the Touched by Olivia Foundation, as described in the report, be provided.
4. In the event of submission(s) being received in response to the public notification process referred to in (2) above, a further report, including details of such submissions, be prepared and submitted to a future meeting of Council.

---

**PURPOSE**

To inform Council on the results of the third quarter budget review and what material changes to the annual budget have occurred from July 2023 to March 2024. Revised year end forecasts are based on financial performance and trends over the period 1 July 2023 to March 2024.

**EXECUTIVE SUMMARY**

As at the end of Quarter 3, Council is forecasting an operating budget surplus of \$2.016m.

Budget adjustments proposed in this review will positively impact the forecast operating result (excluding capital items) by \$1,701k. Operating income has been revised up by \$1,157k with reduced Operating Expenditure of \$543k being brought to account. Details relating to material revisions are provided in the report attachments.

The Quarterly Budget Review Statement, is compiled for information of Council and the community, and provides a summary of Council's financial position at the end of each quarter as to its progress against both the original Operational Plan and the last revised budget, as well as any recommended revisions identified as part of the budget review process.

The Operating Budget deficit has improved from the adopted budget deficit of \$928k to a surplus of \$2.016m, excluding capital income and reserves movements. Overall, the consolidated budget position incorporating the Capital Budget has changed from the approved deficit of \$941k to a revised deficit of \$636k.

Significant material Operational Plan revisions arising in the March 2024 quarter forecast are as follows:

**Increase in Income: \$1,157k**

- Forecast increase in User Fees and Charges of \$402k. This increase is attributable to better than anticipated parking revenue, construction and hoarding fees, statutory planning fees and

fire safety statement fees. Forecast revenue from the Leisure Centres has been revised down by \$400k.

- Forecast increase in interest and investment revenue of \$800k, resulting from favourable market conditions and more funds available to invest than anticipated. The investment portfolio held \$146m at the end of March 2024. Average investment returns on the portfolio of 4.6% are being achieved.

#### **Decrease in Expenditure: \$543k**

- Forecast operational expenditure has decreased by \$1,793k, with \$1,582k re-allocated to complete high priority capital projects, and surplus cash has been transferred to reserve for use in 2024-25.
- Forecast increase in depreciation of \$1.25M, for infrastructure plant and equipment.

The revised budget surplus includes provision of \$150,000 for the Livvis's Place Living Room Project. These funds are proposed to enable the engagement of a suitable consultant to assist in preparing detailed design drawings that are required to progress the project to tender phase. Should Council wish to provide this funding for the project, public exhibition of the financial assistance is required to be undertaken in accordance with S356 of the Local Government Act 1993. Following the public exhibition period of 28 days, should any submissions be received, a further report would be prepared and submitted to Council for consideration. In the event that no submissions are received, it is proposed that the funding be provided to the Touched by Olivia Foundation for the Living Room Project.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

### **BACKGROUND/DISCUSSION**

The quarterly review of the 2023/24 Budget for the period July 2023 to March 2024 has been completed. Actual results for the third quarter are assessed to determine the need for revisions to the original budget. Explanations are included for recommended changes and any impact on Council's original Operational Plan, Delivery Program or Long Term Financial Plan.

The Budget is comprised of two components:

- Continuing Operations Budget
- Capital Budget

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

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

The Third quarter Review of Council's 2023/24 Budget forecasts a projected year end result of a surplus of \$2.016m.

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

### **TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**

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



## FINANCIAL CONSIDERATIONS

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

|   |   | Original Budget     | Quarter 1 Revised Budget | Quarter 2 Revised Budget | QBR3 March Changes  | March Quarter Budget |
|---|---|---------------------|--------------------------|--------------------------|---------------------|----------------------|
| <b>Operational</b>                            |   |                     |                          |                          |                     |                      |
| <b>Income</b>                                 | <i>Rates and Annual Charges</i>                       | 67,471,043          | 67,401,958               | 67,365,523               | 0                   | 67,365,523           |
|   | <i>User Fees and Charges</i>                          | 20,532,055          | 20,304,915               | 20,365,393               | 401,545             | 20,766,938           |
|   | <i>Interest</i>                                       | 4,715,000           | 5,868,000                | 6,408,000                | 800,000             | 7,208,000            |
|   | <i>Other Revenue</i>                                  | 6,973,442           | 6,553,374                | 6,948,448                | 17,005              | 6,965,453            |
|   | <i>Other Income/Rental Income</i>                     | 3,989,904           | 3,989,904                | 4,331,873                | (9,469)             | 4,322,404            |
|   | <i>Grants and Contributions-Operational</i>           | 6,888,937           | 7,410,083                | 8,108,734                | (51,616)            | 8,057,118            |
|   | <b>Total operating income</b>                         | 110,570,381         | 111,528,234              | 113,527,971              | 1,157,465           | 114,685,436          |
| <b>Expense</b>                                | <i>Employee Costs</i>                                 | 47,230,512          | 46,776,378               | 46,306,023               | (1,131,154)         | 45,174,869           |
|   | <i>Borrowings</i>                                     | 632,084             | 632,084                  | 632,084                  | 0                   | 632,084              |
|   | <i>Materials &amp; Services</i>                       | 40,552,213          | 40,781,698               | 43,218,465               | (712,240)           | 42,506,225           |
|   | <i>Depreciation</i>                                   | 16,251,301          | 16,251,301               | 16,251,301               | 1,250,000           | 17,501,301           |
|   | <i>Other Expenses</i>                                 | 6,832,468           | 6,832,045                | 6,804,138                | 50,190              | 6,854,329            |
|   | <i>Net Loss from disposal of assets</i>               | 0                   | 0                        | 0                        | 0                   | 0                    |
|   | <b>Total operating expenditure</b>                    | 111,498,577         | 111,273,506              | 113,212,012              | (543,204)           | 112,668,808          |
| <b>Operational result - surplus/(deficit)</b> |   | <b>(928,197)</b>    | <b>254,728</b>           | <b>315,959</b>           | <b>1,700,669</b>    | <b>2,016,628</b>     |
| <b>Capital</b>                                |   |                     |                          |                          |                     |                      |
| <b>Income</b>                                 | <i>Grants And Contributions-Capital</i>               | 27,748,215          | 28,433,630               | 28,536,753               | 20,247,726          | 48,784,479           |
|   | <i>New Loans</i>                                      | 0                   | 0                        | 0                        | 0                   | 0                    |
|   | <i>Proceeds From The Disposal Of Assets</i>           | 501,000             | 501,000                  | 501,000                  | 258,400             | 759,400              |
| <b>Total Capital Income</b>                   |   | 28,249,215          | 28,934,630               | 29,037,753               | 20,506,126          | 49,543,879           |
| <b>Expense</b>                                | <i>Capital Expenditure</i>                            | 63,457,752          | 66,494,488               | 67,143,602               | (14,225,375)        | 52,918,227           |
|   | <i>Capital Expenditure - Principal Loan</i>           | 1,173,605           | 1,173,605                | 1,173,605                | 0                   | 1,173,605            |
|   | <i>Capital Expenditure - Other</i>                    | 150,000             | 490,500                  | 490,500                  | 322,000             | 812,500              |
| <b>Total capital expenditure</b>              |   | 64,781,357          | 68,158,593               | 68,807,707               | (13,903,375)        | 54,904,332           |
| <b>Capital result - surplus/(deficit)</b>     |   | <b>(36,532,142)</b> | <b>(39,223,963)</b>      | <b>(39,769,954)</b>      | <b>34,409,501</b>   | <b>(5,360,454)</b>   |
| <b>Funding Movements</b>                      |   |                     |                          |                          |                     |                      |
|   | <i>Add Back Depreciation &amp; Amortisation - Non</i> | 16,251,301          | 16,251,301               | 16,251,301               | 1,250,000           | 17,501,301           |
|   | <i>Transfer From Reserve</i>                          | 30,046,313          | 32,103,703               | 32,690,345               | (6,077,595)         | 26,612,750           |
|   | <i>Transfer To Reserve</i>                            | 9,778,799           | 9,810,799                | 10,123,156               | 31,282,575          | 41,405,731           |
| <b>Total Funding Movements</b>                |   | <b>36,518,815</b>   | <b>38,544,205</b>        | <b>38,818,490</b>        | <b>(36,110,169)</b> | <b>2,708,320</b>     |
| <b>Net result - surplus/(deficit)</b>         |   | <b>(941,524)</b>    | <b>(425,030)</b>         | <b>(635,505)</b>         | <b>(0)</b>          | <b>(635,506)</b>     |

This review recommends a number of changes to the Continuing Operations Budget and provides revised estimates for the full year. In some cases, the recommended changes to the budget are movements of funds across functions or activities of Council. The overall consolidated budget movement over the third quarter is zero, has resulted in a draw down on unrestricted cash reserves of \$635k.

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

### Capital Works Program

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

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

| Type                | Original Budget | Carry Overs | September Variations | December Variations | March Variations | Proposed Budget |
|---------------------|-----------------|-------------|----------------------|---------------------|------------------|-----------------|
| Capital Expenditure | \$63,607,751    | \$4,299,716 | -\$922,479           | \$649,114           | \$13,903,375     | \$53,730,727    |
| Loans               | \$1,173,605     | 0           | 0                    | 0                   |                  | \$1,173,605     |
| Total Capital       | \$64,781,356    | \$4,299,716 | -\$922,479           | \$649,114           | \$13,903,375     | \$54,904,332    |

The above table shows the net movement in the Capital Expenditure Program, decreasing by \$13.903M.

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

### Cash & Investments

The Statement of Investments as at 31 March 2024 will be presented at the Council Meeting of 16 April 2024. At the end of the third quarter, Council's Cash and Investments amounted to \$146,378,802.64. By comparison, at the end of the third quarter in March 2023, Cash and Investments amounted to \$148,849,187.79. These funds are invested in accordance with Council's Investment Policy.

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

Cash flows from rate collections over the first nine months of the 2023/24 financial year amount to approximately \$54 million of the \$70 million rate debtor. This represents 78% of the total collectible compared to 77% for the same period last year.

### Financial Assistance Grant

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

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

### Financial Impact

The third quarter review forecasts a revised operating budget surplus of \$2.016m.

The capital program has been updated to reflect current budget phasing, with a decrease of \$13.9m in expenditure. The impact of these combined funding movements results in the revised capital works program being adjusted down from \$68.8m to \$54.9m

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

It is my opinion that the Quarterly Budget Review Statement for City of Canada Bay Council for the quarter ended 31/03/2024 indicates that Council's projected financial position as at 30 June 2024 will be satisfactory at the year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure. This opinion focuses on Council's projected short-term liquidity position at year end. It does not extend to an opinion relating to Council's long-term financial position.

Evan Hutchings - Responsible Accounting Officer

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

---

**ITEM 12.3 CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE  
- APPOINTMENT OF CHAIRPERSON****Reporting Manager** Manager Governance and Risk**Attachments:** Nil

---

**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That:

1. Michael Ellacott be appointed to the role of Chairperson of the Audit, Risk and Improvement Committee for a period of four years, commencing 1 July 2024.
2. A further report be prepared and submitted to the June 2024 Council meeting recommending the appointment of an additional two independent members 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 a Chairperson to the Audit, Risk and Improvement Committee 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**

Amendments to the *Local Government (General) Regulation 2021* and the OLG's Guidelines require Council to have, from 1 July 2024:

- an Audit, Risk and Improvement Committee that continuously reviews and provides independent advice to Council on how it is functioning and managing risk;
- a robust risk management framework that accurately identifies and mitigates the risks facing Council and its operations; and
- an effective internal audit function that provides independent advice as to whether Council is functioning effectively and Council's internal controls to manage risk are working.

At its meeting on 20 February 2024 Council considered a report that outlined the proposed action to be undertaken to ensure compliance with the new requirements under the *Local Government (General) Regulation 2021* and the OLG's Guidelines. At that meeting, Council resolved that:

1. *The Audit, Risk and Improvement Committee Terms of Reference attached to the report be adopted.*
2. *The Internal Audit Charter attached to the report be adopted.*
3. *The recruitment for the Audit, Risk and Improvement Committee Chairperson and other independent members be undertaken under the terms contained in the report.*
4. *Following the recruitment process referred to in 3 above, recommendations for the appointment of the Chairperson and other independent members of the Audit, Risk and Improvement Committee be submitted to Council.*
5. *Councillor Jago be nominated as a non-voting member of the Committee.*

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. Of those, 28 applicants expressed an interest in the role of Chairperson.

The OLG's Guidelines for ARIC's recommend that:

- no more than one member should leave the Committee because of rotation in any one year so that there is some continuity of membership when a term ends and a new term commences.
- Members know the business, culture and values of the council.

Michael Ellacott is the independent member of Council's current ARIC and has provided appropriate and targeted input during his tenure. This satisfies the recommended provisions regarding continuity of membership and knowledge of the Council.

Including his current membership of Council's ARIC, Mr Ellacott is a member of three local council ARIC's. He is also a member of the Risk Management Institute of Australia and therefore has the appropriate skills and qualifications to perform the functions of the Chairperson.

In view of the guidelines and his previous tenure, he is considered to be a good fit for the ARIC and Council at this stage of its evolution and is accordingly recommended for the role.

Following appointment, the Chairperson will assist in undertaking the process of making recommendations to the June 2024 Council meeting for the appointment of the other two independent members, as recommended in the OLG's Guidelines.

## **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 Audit, Risk and Improvement Committee adopted and operating under the new Terms of Reference;
2. The new Internal Audit Charter adopted and in operation; and
3. The updated Enterprise Risk Management Framework adopted and implemented.

## **FINANCIAL CONSIDERATIONS**

The costs of the operation of the Audit Risk and Improvement Committee 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**

Nil

**15 MATTERS OF URGENCY**

Nil

**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 LEASE - IRON COVE CAFE**

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

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

**ITEM 17.2 LICENCE TO CONCORD GIANTS FOOTBALL CLUB FOR ST LUKE'S OVAL, CONCORD**

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

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

**ITEM 17.3 RHODES RECREATION CENTRE - EARLY CHILDHOOD EDUCATION AND CARE CENTRE, AND OTHER OPERATIONAL AREAS**

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.

---