

ORDINARY COUNCIL MEETING

AGENDA

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

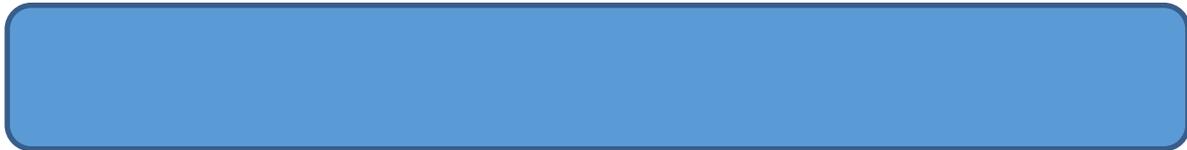
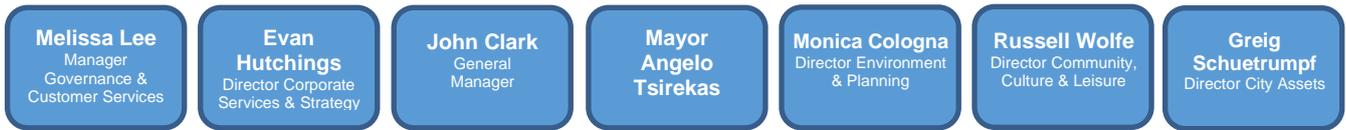
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 15 August 2023

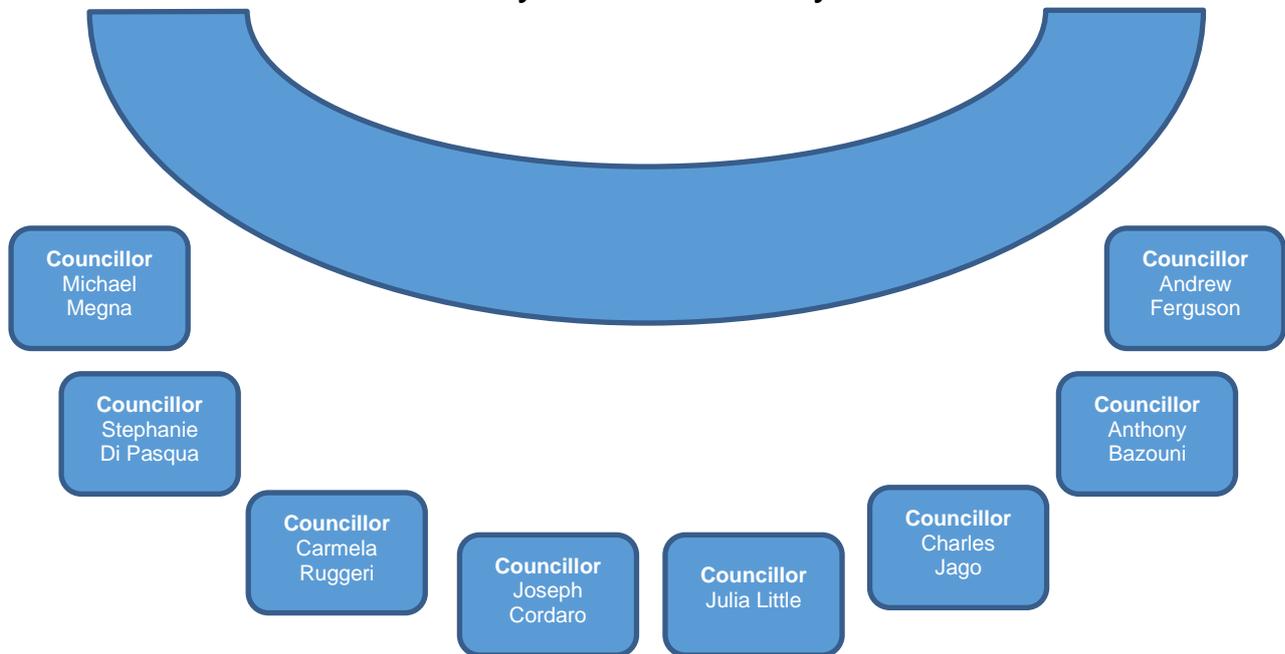
Beginning at 6.00pm for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



Councillors
City of Canada Bay



Statement of Ethical Obligations

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

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

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 JULY 2023

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 18 July 2023 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - SYDNEY METRO WEST REVIEW

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That:

1. Any delay to the project caused by a review of the 9-station alignment be kept to the Sydney Olympic Park to Parramatta segment of the Metro West line – allowing the line to open on schedule, or even before scheduled opening, between the Sydney CBD and Sydney Olympic Park.
 2. Councils along the Sydney Metro West corridor be empowered to lead and inform any land use change for station precincts in consultation with affected communities and that one size fits all policies, like SEPPs, not be further considered for this project.
 3. Council write to the NSW Premier Chris Minns and Minister for Transport Jo Haylen urging the NSW Government to consider the measures above.
 4. Council inform residents of relevant updates regarding Sydney Metro West through Council's communications channels.
-

BACKGROUND

I would like to bring Council's attention to recent developments regarding the Sydney Metro West, the most important public infrastructure project in our area for a generation.

Councillors will be aware from the NSW Government's public commentary and widespread media reporting, that the Metro West project is currently under review due to project delays and budget issues as well as broader economic issues affecting the NSW Government budget.

On 13 April 2023, the NSW Government announced a comprehensive and independent review into the Sydney Metro project, the Sydney Metro Review. The State Government outlined the review as follows:

"The Sydney Metro Review will examine value for money, delivery models, project governance and passenger impacts. It will evaluate the delivery of Sydney Metro to date, the current state of progress against delivery targets and make recommendations for getting the maximum value out of the project, including looking at better land use, urban renewal and better integration with the wider transport network."

This month the NSW Government released an interim report which makes several interim findings and proposed recommendations in relation to Sydney Metro projects, with two aspects being of particular relevance to the Sydney Metro West project and to our community:

- **9-station alignment/scope**

The Review Panel intend to undertake an "analysis of design cost-effectiveness and the long-term viability of the 9-station alignment scope."

- **Precinct planning**

The Review Panel intend to "further explore opportunities to further enhance and accelerate housing outcomes, integrated place-based uplift, and the degree to which State Environmental

Planning Policies (SEPP) efficiently drive and maximise investment and coordinated community amenity.”

On August 7, the NSW Government invited Mayors and representatives from Councils along the Sydney Metro West corridor to contribute to the Review.

At the meeting, I advocated strongly on behalf of our local residents and businesses on the two above matters and I believe Council must stand firmly with our community in opposition to both project delays and to changes in precinct planning at this late stage.

The City of Canada Bay is sympathetic to the State Government’s need for both broad budget repair and for housing uplift across the City, and a review of the 9-station scope may provide opportunity for the NSW Government to address these issues.

It is vital, however, that this review not unnecessarily delay the construction of the three Metro stations in our LGA.

With media reports suggesting that possible alignment change will likely occur between Sydney Olympic Park and Parramatta, we propose that any delay to the project be kept to this part of the Metro West line – allowing the line to open on schedule, or even before scheduled opening, between the Sydney CBD and Sydney Olympic Park.

The interim report has foreshadowed the potential for significant change to planning measures in the areas surrounding Metro Stations.

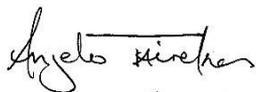
All three stations in the City of Canada Bay are located within established suburbs. It is vital that Local Government be empowered to lead and inform land use change in consultation with affected communities.

The City of Canada Bay has liaised extensively with the community in relation to land use change around metro stations and has prepared studies to identify opportunities for new housing. This work is being undertaken on the assumption that the line will be operational by 2030. A delay to the operation of the line will also delay the delivery of housing.

There are different opportunities and constraints around each station precinct in our LGA and indeed markedly different constraints between the stations in our LGA with the proposed stations at other points along the Metro West line. It is important that the NSW Government do not treat every station and its surrounding precinct as the same, with one size fits all planning policies, like SEPPs.

This project has been supported by Council since its inception. Our community knows that the Sydney Metro West project offers unprecedented future benefits for the City of Canada Bay. We called for, and we welcome high quality, smart, public transport systems for our area.

The residents and businesses of the City of Canada Bay ask the NSW Government for a firm public commitment to this project, and we urge the Government to collaborate with Council to ensure delays or changes to precinct planning are strictly minimised at this late stage.



Angelo Tsirekas

MAYOR

ITEM 5.2 **MAYORAL MINUTE - CELEBRATING AND SUPPORTING GROWTH IN WOMEN'S SPORT**

Submitted by: Councillor Angelo Tsirekas (Mayor)

MOTION

That the Mayor consider opportunities to host a civic function to celebrate women's sport in our area.

BACKGROUND

In the past weeks we have all been thrilled to share in the journey of our Matildas on the global stage. Our team have brought the nation together in a way not seen since the Sydney Olympics – and at the time of writing have achieved passage through to the quarter finals against France.

The Matildas have showcased Australian sporting talent and fair play on the largest scale and their achievements not only inspire all young athletes across Canada Bay, but they also highlight the significance and benefit of gender equality in sports.

And that's not all we have to be excited about. As a city that values sporting excellence, diversity and opportunity, we also celebrate the upcoming launch of the Wests Tigers Women's Team. This marks a significant moment in our city's sports history, with a new opportunity for our community to get behind a national women's franchise based locally at Concord Oval.

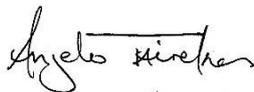
Investment in women's sports facilities has been a cornerstone of our recent investment in local sports facilities here in the City of Canada Bay. I am delighted that in the past few years we have had the opportunity to work with State and Federal funding partners to deliver state-of-the-art facilities that cater specifically to the needs of our female athletes.

Recent examples are newly opened Goddard Park and Timbrell Park amenities buildings – multimillion-dollar investments in local sport with vastly improved facilities for women.

These facilities are designed to empower women of all ages to participate, compete, and thrive in a supportive environment.

As we celebrate the achievements of our Matildas, eagerly anticipate the launch of the Wests Tigers Women's Team and reflect on our significant investments in local women's sports facilities, let us acknowledge the benefit to our entire community and look for further opportunities to deliver better local sporting infrastructure that supports our entire community.

As a Council let's continue to support all of our local athletes, embrace diversity, and empower our young women to dream big and achieve greatness.



Angelo Tsirekas

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 July 2023 and 31 July 2023.

PURPOSE

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

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 26 July 2023

The following applications were listed for consideration at the CBLPP meeting held on 26 July 2023:

- DA2023/0005 – 10 Thornleigh Street, Concord - Demolition of outbuilding and two storey red brick building, retention of heritage listed building and Torrens title subdivision into two lots – *Demolition works approved, Subdivision not supported.*
- DA2023/0023 – 31 Clermont Avenue Concord - Replace existing fence with new concrete and timber fence on western boundary of Heritage Item Ardill House - *Approved subject to conditions.*
- DA2022/0315 – 14 The Parade, Drummoyne – Demolition of existing structures and construction of a new two storey dwelling with basement parking – *Deferred as per Statement of Reasons.*
- DA2022/0164 – 2C and 2D Wolseley Street, Drummoyne – Demolition of existing structures and construction of a residential flat building over basement parking, with pool, landscaping, drainage and lot consolidation - *Approved subject to conditions.*

Items for CBLPP Meeting on 30 August 2023

The following applications are listed for consideration at the CBLPP meeting to be held on 30 August 2023:

- DA2023/0033 – Timbrell Park – 18P Henley Marine Drive, Five Dock – Demolition of an existing kiosk and construction of a new café and outdoor seating.
- MOD2022/0170 – 3 Arcadia Avenue, Drummoyne - Major modifications including new second basement level, moving the pool into the basement changes to floor plan design, layouts, fenestration size and location, landscaping and roof.
- DA2023/0155 – 50 Burns Crescent, Chiswick – Proposed two lot subdivision of existing dual occupancy.
- DA2023/0010 – 52 Burns Crescent, Chiswick - Demolition of existing dwelling and construction or a new multi storey dwelling, with basement parking, swimming pool and associated landscape works.
- DA2023/0006 – 93 Parramatta Road, Demolition of existing buildings and construction of a self-storage facility.

Development Applications – Determined

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0251	16.09.2022	37 Burnell Street, Russell Lea	Demolition of the existing dwelling and construction of a two storey dwelling house with basement, lower level outdoor terrace, street facing storage shed, swimming pool and associated landscaping	Approved 03.07.2023
DA2023/0089	10.05.2023	22 Sutton Street, Five Dock	Proposed new carport to existing single dwelling	Refused 04.07.2023
DA2022/0258	16.09.2022	28 Sanders Parade, Concord	Demolition of existing structures and construction of a two storey dwelling with basement parking	Approved 04.07.2023
DA2022/0284	11.10.2022	20 Currawang Street, Concord West	Construction of a two storey dwelling	Approved 04.07.2023
DA2023/0073	17.05.2023	155 Victoria Road, Drummoyne	The change of use to a pizza shop (fronting Formosa Street) and an architectural hardware showroom (fronting Victoria Road) within an existing commercial building, including minor building works of a new blade wall and entry ramp	Approved 05.07.2023
DA2023/0092	16.05.2023	70 Tennyson Road, Mortlake	Retrospective approval of use of premises as a recreation facility (indoor).	Refused 10.07.2023
DA2023/0096	22.05.2023	30 Collingwood Street, Drummoyne	Proposed replacement of all balustrades on the balconies of an existing residential flat building	Approved 10.07.2023
DA2022/0048	16.02.2022	33 Byrne Avenue, Russell Lea	Demolition of existing structures and construction of two storey dual occupancy with basement storage	Approved 10.07.2023
DA2022/0292	25.10.2022	14 Renwick Street, Drummoyne	Removal of existing stand alone studio, rear extension of existing single storey dwelling, addition of new garage and loft at rear lane, addition of pool and landscaping	Approved 14.07.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2023/0040	01.03.2023	55 Thompson Street, Drummoyne	Installation of a concrete in-ground pool, pool security fencing, general landscaping, lawns and associated works	Approved 14.07.2023
DA2023/0138	03.07.2023	19-19A Roseby Street, Drummoyne	Fit out for shop 202 (Sunseeker)	Approved 14.07.2023
DA2023/0128	27.06.2023	19-19A Roseby Street, Drummoyne	Fitout of Tenancy 78/79 for Calvin Klein	Approved 14.07.2023
DA2022/0125	27.04.2022	11-15 Bertram Street, Mortlake	Demolition of existing structures and improvements, construction of four storey residential 50 apartments and basement carparking	Approved – Court 19.07.2023
DA2021/0260	27.09.2021	15 Cooper Street, Strathfield	Demolition of existing dwelling houses, Consolidation of two lots and proposed new boarding house with 30 rooms and a manager's room	Refused – Court 19.07.2023
DA2023/0108	05.06.2023	27-29 Majors Bay Road, Concord	Change of use to an indoor recreation facility personal training studio	Approved 20.07.2023
DA2023/0045	06.03.2023	37 Campbell Street, Abbotsford	Demolition of an existing single garage and construction of a single garage	Approved 20.07.2023
DA2022/0285	18.10.2022	277 Concord Road, Concord West	Torrens Title Subdivision 1 to 2 lots and demolition of garage	Refused 21.07.2023
DA2023/0017	10.02.2023	18 Stanley Street, Concord	Alterations and additions to the existing detached garage at the rear of the site	Refused 21.07.2023
DA2022/0218	04.08.2022	48 Renwick Street, Drummoyne	Alterations and first floor additions to rear of existing dwelling	Approved 24.07.2023
DA2022/0164	07.06.2022	2C and 2D Wolseley Street, Drummoyne	Demolition of existing structures and construction of a residential flat building over basement parking, with pool, landscaping, drainage and lot consolidation	Approved – LPP 26.07.2023
DA2023/0023	13.03.2023	31 Clermont Avenue, Concord	Replace existing fence with part masonry / part timber fence, replace western gate and pram ramp, replace	Approved – LPP 26.07.2023

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			concrete footpath within existing kerb and gutter to western boundary of 31 Clermont Avenue	
DA2023/0005	03.02.2023	10 Thornleigh Avenue, Concord	Demolition of outbuilding and two storey red brick building, retention of heritage listed building	Approved – LPP 26.07.2023
DA2022/0271	29.09.2022	75 Llewellyn Street, Rhodes	Demolition of the existing structures and construction of a part two and part three storey dwelling and landscaping site works	Approved 26.07.2023
DA2023/0117	14.06.2023	51 The Esplanade, Drummoyne	Partial demolition of existing corner windows on first floor and construction of a new balcony over existing awning	Approved 27.07.2023
DA2021/0338	06.12.2021	4 Curtin Avenue, Abbotsford	Demolition of existing structures on site and construction of a new two storey dual occupancy including associated landscaping, site works and strata subdivision	Approved 31.07.2023

Total Number of DAs Determined = 25

Development Applications - Lodged

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

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0137	03.07.2023	136 Lyons Road, Drummoyne	Demolition of dwelling house with existing detached garage to remain and a construction of a two (2) storey dwelling house with basement
DA2023/0138	03.07.2023	19-19A Roseby Street, Drummoyne	Fit out for shop 202 (Sunseeker)
DA2023/0136	05.07.2023	14 Park Avenue, Concord	Alterations and additions to a heritage listed dwelling
DA2023/0141	05.07.2023	34 St Georges Crescent, Drummoyne	Proposed re-construction of Boatshed and Workshop Facility for President Shipwright Services and repairs to damaged portion of jetty structures and sliprails, with associated minor demolition of remaining damaged elements from original structure
DA2023/0139	06.07.2023	135 Great North Road, Five Dock	Partial demolition of the existing buildings and construction of a five (5) storey mixed use development consisting of a commercial space at the ground floor and co-living housing units above
DA2023/0143	10.07.2023	23 Bay Road, Russell Lea	Replacement of dilapidated retaining walls towards street pedestrian footpath and construction of a concrete footpath and stairs
DA2023/0146	11.07.2023	31 Walton Crescent, Abbotsford	Removal of 4 trees for pending Complying Development
DA2023/0144	12.07.2023	303 Great North Road, Five Dock	Alterations and additions to the existing single dwelling including rear single storey addition
DA2023/0147	12.07.2023	19-19A Roseby Street, Drummoyne	Fit out and use of Shop 42 "Guess"
DA2023/0135	12.07.2023	5 Stanley Street, Concord	The proposed development will comprise demolition of existing structures, construction of a new combined facility catering for administration, staff areas, General Learning Spaces, Support Classrooms, Specialty Classrooms, a new Hall and Canteen, refurbishment of the existing library, landscaping and perimeter fencing as well as supporting transport infrastructure
DA2023/0145	12.07.2023	19-19A Roseby Street, Drummoyne	The construction of secure and watertight enclosures to existing electrical distribution boards within the Birkenhead Point Carparks

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2023/0142	14.07.2023	48 Empire Avenue, Concord	Demolish existing single garage and shed. Erect new double garage
DA2023/0148	14.07.2023	11 Princess Avenue, Rodd Point	Alterations and additions including second storey addition
DA2023/0150	14.07.2023	8 Sydney Street, Concord	Tree removal and replacement
DA2023/0149	17.07.2023	11 Stanley Street, Concord	Demolition of existing dwelling with retention of existing pool. Construction of two storey dwelling with basement and related landscaping
DA2023/0152	19.07.2023	1 Rider Boulevard, Rhodes	The installation of an external fire sprinkler pipe to the southern façade and installation of cladding around the external fire sprinkler pipe of complementary materiality to the existing development
DA2023/0154	20.07.2023	35 Renwick Street, Drummoyne	Alterations to existing ground floor, new first floor addition and new swimming pool
DA2023/0155	21.07.2023	50 Burns Crescent, Chiswick	Proposed 2 lot subdivision of existing dual occupancy
DA2023/0151	24.07.2023	16 Dorking Road, Cabarita	Demolition of existing dwelling and construction of a two storey dwelling with basement parking, swimming pool and fire pit
DA2023/0157	25.07.2023	27 Burnell Street, Russell Lea	Demolition and construction of new dwelling with basement level and detached garage
DA2023/0159	25.07.2023	19-19A Roseby Street, Drummoyne	Proposed fit out of Shop 73 'Levi's'
DA2023/0156	26.07.2023	19-19A Roseby Street, Drummoyne	Refurbishment of existing Nextra Newsagency within Birkenhead Point Shopping Centre
DA2023/0161	28.07.2023	19-19A Roseby Street, Drummoyne	Fitout of existing retail shop 'Asics'
DA2023/0160	31.07.2023	2 South Street, Drummoyne	Proposed minor demolition of front façade and creation of a hardstand tandem driveway and replacement of fencing
DA2023/0162	31.07.2023	60 Ingham Avenue, Five Dock	Demolition of existing structures with the construction of a double storey dwelling with basement parking, inground swimming pool, cabana with associated site works and landscaping

Total Number of DAs Lodged = 25

Variations to development standards

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

DA NO	PROPERTY	LEP DEVELOPMENT STANDARD	JUSTIFICATION	EXTENT	DATE APPROVED
DA2022/0164	2C and 2D Wolseley Street, Drummoyne	Building Height, Clause 4.3	The applicant has demonstrated that there are sufficient planning grounds to vary the building height development standard and the reasons provided by the applicant are well-founded.	1.77metres (16.09%)	26.07.2023
DA2022/0164	2C and 2D Wolseley Street, Drummoyne	Apartment Mix, Clause 6.11 – 20% one bedroom	The proposal has been designed in response to an undersupply of larger three+ bedroom apartments in the locality.	100% No one bedroom dwellings provided.	26.07.2023
DA2023/0096	30 Collingwood Street, Drummoyne	Building Height, Clause 4.3	The works relate to the replacement of balcony balustrades to ensure compliance with current building codes. The works will not be discernible from the public domain and will not result in any environmental impacts upon neighbouring properties.	730mm (8.5%)	10.07.2023

Land and Environment Court Appeals

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

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2022/0125	40-44 Tennyson Road and 5-15 Bertram Street, Mortlake	Class 1 appeal against the deemed refusal of development application for the demolition of existing structures and improvements and construction of four 4-storey residential flat buildings containing 50 apartments including basement car parking and associated landscaping	Amended proposal approved by the Court on 19 July 2023
DA2021/0132	8 Drummoyne Avenue, Drummoyne	Class 1 appeal against the actual refusal of development application for alterations to an existing dwelling in a heritage conservation area including: upper storey addition, lower storey alterations, internal remodelling, alterations to garaging and associated works	No agreement reached at the conciliation conference held 27 and 28 July. Applicant is considering proposal and possible revisions. Matter relisted for 4 September 2023
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.	Matter listed for s34 conciliation conference on 14 September 2023
DA2022/0316	52-56 Ramsay Rad, Five Dock	Class 1 appeal against the deemed refusal of development application for the demolition of existing structures and construction of a new shop top housing development containing two basement levels, ground level commercial tenancies, 4 levels of residential apartments, and related landscaping.	Matter listed for s34 conciliation conference on 5 October 2023
DA2022/0351	37 Llewellyn Street, Rhodes	Class 1 appeal against the deemed refusal of development application to demolish a locally listed heritage item and remove select trees from the site	Matter listed for s34 conciliation hearing 13 November 2023

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2023/0004	43 Dorking Road, Cabarita	Class 1 appeal against the deemed refusal of development application for the construction of a retaining wall and boundary fence between 43 and 45 Dorking Road	New appeal. Date of s34 conciliation hearing is yet to be set by the Court
DA2023/0031	56 Bowman Street, Drummoyne	Class 1 appeal against the actual refusal of development application for alterations and additions to a dwelling and the construction of a new dwelling resulting in attached dual occupancy	New appeal. Date of s34 conciliation hearing is yet to be set by the Court

Of the above 7 listed matters before the Land and Environment Court, there are currently 6 active appeals.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2 **REVISED PLANNING AGREEMENT - 160 BURWOOD ROAD, CONCORD (BUSHELLS SITE)****Reporting Manager** **Manager Strategic Planning**

- Attachments:**
1. **LEP (Amendment 22) (Provided in Attachment Booklet)** [⇒](#)
 2. **Letter to Canada Bay Council - 160 Burwood Road Concord (Provided in Attachment Booklet)** [⇒](#)
 3. **Revised Draft Planning Agreement 24 May 2023 (Provided in Attachment Booklet)** [⇒](#)
 4. **Submissions (Redacted) (Provided in Attachment Booklet)** [⇒](#)
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RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That:

1. Council approves the revised Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay Council and New Concord Development Pty Ltd, attached to the report at Attachment 1.
 2. Authority be delegated to the General Manager to execute the Draft Planning Agreement for 160 Burwood Road Concord between the City of Canada Bay Council and New Concord Development Pty Ltd and sign all documents necessary to register the Draft Planning Agreement on the title to the land to which it relates.
-

PURPOSE

The purpose of this report is to advise of the outcome of the public exhibition of a revised draft Planning Agreement relating to 160 Burwood Road, Concord (the Bushells site), and to seek Council's approval to enter into the draft Planning Agreement between the City of Canada Bay and New Concord Development Pty Ltd.

EXECUTIVE SUMMARY

At its ordinary meeting on 28 March 2023, Council resolved to submit the Planning Proposal for 160 Burwood Road, Concord (the Bushells site), to the Department of Planning and Environment for making as a Local Environmental Plan, subject to certain amendments to address issues raised in submissions. Council also resolved to re-negotiate the draft Planning Agreement for the site to update the terms of the Agreement.

The draft Planning Agreement was revised and placed on public exhibition and matters raised in submissions have been considered.

It is recommended that Council endorse and approve the draft Planning Agreement for 160 Burwood Road, Concord.

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

Planning Proposal

On 28 March 2023, the Planning Proposal for the land at 160 Burwood Road, Concord (known as the Bushells site) was endorsed by Council for submission to the Department of Planning and Environment (DPE) for finalisation, subject to specified changes. A Development Control Plan and Affordable Housing Contribution Scheme were also endorsed by Council and will come into effect with the publication of the new Local Environmental Plan. On 2 June 2023, the amended Planning Proposal was submitted to DPE.

On 16 June 2023, the LEP for 160 Burwood Road, Concord was finalised by the Department of Planning and Environment (Attachment 1). The LEP has a deferred commencement date of 25 August 2023 (Attachment 2) to provide Council with sufficient time to re-negotiate and re-exhibit the draft Planning Agreement.

Draft Planning Agreement

A draft Planning Agreement was negotiated to deliver the following public benefits:

1. Dedication of the new foreshore park (subject to the renewal of the seawall and remediation of the park to the satisfaction of Council);
2. Embellishment of the new foreshore park; and
3. Registration of an easement over the public domain land to enable public access to the new foreshore park.

In addition to the above, the Planning Agreement requires:

- The sea wall to be renewed; and
- The land comprising the new foreshore park to be remediated.

At the meeting of 28 March 2023, Council resolved to re-negotiate the draft Planning Agreement for the site to update the terms to:

- a. *state the developer of 160 Burwood Road, Concord, will be responsible for the maintenance of the proposed Foreshore Park, for a period of 10 years post completion of the park embellishment works; and*
- b. *require a Stage 1 Development Application to be submitted for the adaptive reuse of the Roasting Hall.*

The City of Canada Bay Council and New Concord Development Pty Ltd re-negotiated the draft Planning Agreement (Attachment 3) generally in accordance with the above resolution.

Exhibition

The revised draft Planning Agreement was placed on public exhibition from 9 June 2023 to 10 July 2023 (31 days), in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The public consultation included exhibition on Council's Collaborate page (172 views) and a notification letter to 2,086 landowners and residents.

Submissions

Council received 2 submissions during the exhibition period. The submissions were from the Bayview Action Group and Pelican Quays Community Association (Attachment 4).

Issues raised in the submissions with a response from Council Officers are summarised under four key themes in the table below.

Issue raised	Council response
Theme 1. Insufficient public benefit	
<p>There is no real public benefit and only benefit to the developer</p>	<p>The new foreshore park is a public benefit.</p> <p>The provision of new open space is supported by both local and district planning strategies and the proposed park on this site has been found to have merit by the Local Planning Panel, the Regional Planning Panel and Council's urban design consultant.</p> <p>The proposed new foreshore park will have an area of 5,904 sqm, is north facing and fronts Exile Bay. The location and orientation of the park will have a high level of amenity for local residents by providing opportunities for passive recreation.</p>
<p>The repair of the sea wall, dedication of parkland and the park maintenance are the main "contribution" to the public, but the contribution does not equitably benefit the community, given the value of the development and impacts on residents</p>	<p>The public benefits are appropriate in the context of the development that will be facilitated by the planning proposal/Local Environmental Plan.</p> <p>When calculating the value of public benefits, Council must consider the value generated by both the value of the foreshore park (including embellishments) and the Affordable Housing contribution.</p>
<p>Need to specify what activities, structures and equipment will be used for the Foreshore Park, given it is for 'passive recreation'</p>	<p>The draft Planning Agreement includes a requirement for Council to approve design of the new foreshore park and identifies the following embellishment works that must be delivered:</p> <ul style="list-style-type: none"> • the construction of a foreshore shared path; • construction of public domain lighting; • planting of established trees; and • planting of grassed area, including features such as seating. <p>The Canada Bay <i>Open Space and Recreation Strategy</i> defines 'passive recreation' as including picnics and social gatherings, reading/studying, community gardening, playing with children, and dog walking.</p>
Theme 2. Determination of costs	
<p>The one-off payment of \$250,000/ \$25,000 per year for 10 years will not fund ongoing maintenance or to an "excellent standard", resulting in Council and ratepayers' expense</p>	<p>The payment of \$250,000 has been assessed as appropriate to achieve maintenance to an 'excellent' standard as defined in Council's <i>Asset Management Strategy</i> March 2022.</p> <p>After the initial 10 year period, Council will be responsible for funding the maintenance of the foreshore park, consistent with Council's obligation to maintain all other public parks zoned RE1 Public Recreation in the City of Canada Bay.</p>
<p>There is no statement that maintenance will be for a period of 10 years</p>	<p>The lump sum financial contribution towards the maintenance costs of the foreshore park is sufficient to fund the maintenance for a period of 10 years.</p>

<p>It is unclear if the Public Easement has been costed as part of the seawall repair</p>	<p>The creation of a public easement to facilitate access to the new foreshore park is specifically identified as a public benefit to be delivered under the draft Planning Agreement (Schedule 1 (c)).</p> <p>Requirements for the seawall renewal works are separately identified in the draft Planning Agreement under Clause 17, Schedule 3 and Schedule 5.</p>
<p>It is unclear how the cost of the seawall, public easement and Foreshore Park have been valued</p>	<p>Valuation of public benefits is informed by Council's Planning Agreement Policy and advice from Council's Economic Consultant and Valuer.</p> <p>The valuation determined the embellishment costs for the Foreshore Park (including the foreshore shared path) and the construction costs for the seawall.</p>
<p>The \$250,000 should be allocated solely to the Foreshore Park and not be used for maintenance of parks outside the immediate area</p>	<p>The draft Planning Agreement states that the monetary contribution of \$250,000 is for the maintenance of the new foreshore park.</p>
<p>Theme 3. Adaptive re-use of the Roasting Hall</p>	
<p>No mention of the required Stage 1 DA for adaptive re-use of the Roasting Hall</p>	<p>Clause 39 of the draft Planning Agreement requires the first Development Application to include the adaptive reuse of the Roasting Hall.</p>
<p>No mention of what the adaptive re-use of the Roasting Hall will include / how it will be done / what the outcomes will be</p>	<p>Adaptive reuse refers to the modification of a heritage place to a new use that conserves its heritage values. A good adaptation is one that is sympathetic to the existing building and its historic context, and inserts new work, or makes changes that enhance and complement the heritage values of the heritage item.</p> <p>The LEP identifies the Roasting Hall as a local heritage item and permits additional Floor Space Ratio and Building Height, where the consent authority is satisfied development on the land provides for the adaptive reuse of the building.</p> <p>The Canada Bay Development Control Plan also includes controls to require the adaptive reuse of the Roasting Hall.</p> <p>Further detail will be provided on the adaptive reuse of the Roasting Hall when a Development Application is submitted. The Development Application will be required to identify the proposed uses and architectural treatments/interventions that are proposed.</p>
<p>Theme 4. Affordable Housing contribution</p>	
<p>Affordable Housing contribution, which should be 10%, is not included or explained</p>	<p>A 10% Affordable Housing contribution on the site is a requirement under clause 6.12 of the <i>Canada Bay Local Environmental Plan 2013</i> and the <i>Canada Bay Affordable Housing Contribution Scheme</i>.</p>

The draft Planning Agreement has been publicly exhibited and issues raised in submissions considered. It is recommended that the draft Planning Agreement be endorsed so as to enable the document to be executed.

RISK CONSIDERATIONS

A key risk consideration relates to timing of the Local Environmental Plan amendment coming into effect and the timing of the execution of the Planning Agreement.

Should the draft Planning Agreement not be executed before the Local Environmental Plan comes into effect on 25 August 2023, it is possible that the public benefits outlined in the draft Planning Agreement will not be realised.

In particular, Council may become responsible for acquiring the land identified for the new foreshore park. When making the Local Environmental Plan for the site, the Department of Planning and Environment mapped the new foreshore park on the Land Reservation Acquisition map under the *Canada Bay Local Environmental Plan 2013*. This means that the owner-initiated acquisition provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* apply. These provisions can be used by an owner to require Council to compulsorily acquire the land, but only if the Council “*is of the opinion that the owner will suffer hardship...if there is any delay in the acquisition under this Act.*” “Hardship” is where the owner is unable to sell the land because of it being designated for acquisition for a public purpose and it has become necessary for the owner of the land to sell without delay.

Once the Planning Agreement is entered into, there is no risk, as the Planning Agreement provides that the parties have agreed that any compulsory acquisition for the land is to be for \$1.

FINANCIAL CONSIDERATIONS

The revised Draft Planning Agreement proposes public benefit to an amount equivalent to an appropriate share of the uplift in value of the land, given the change in zoning and increase in Gross Floor Area of the proposed development. In addition to the public benefits outlined in the draft Planning Agreement (i.e. dedication of public open space and the creation of an easement for public access), future development will also be required to make a 10% contribution towards Affordable Housing.

The value of both the public benefit and the Affordable Housing contribution is deemed to be reasonable and appropriate given the development proposed.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

The proposed dedication of the Foreshore Park aligns with Council's adopted *Foreshore Access Strategy*.

10 CITY ASSETS DIRECTORATE REPORTS**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 27 JULY 2023****Reporting Manager** Manager Roads and Traffic**Attachments:** 1. **Traffic Committee Minutes - 27 July 2023 (Provided in Attachment Booklet)** [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 27 July 2023, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 27 July 2023 to Council.

REPORT

This report contains the minutes for the City of Canada Bay Local Traffic Committee Minutes held on 27 July 2023 for Council's adoption.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report. Legislative and Policy Considerations

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 OUTCOMES FROM THE REVIEW OF WIRE MILL PARK TIMED DOG OFF LEASH AREA**Reporting Manager Manager Open Space****Attachments:** 1. **Wire Mill Park DOLA Review - Community Consultation Report May 2023 (Provided in Attachment Booklet) [↗](#)**

RECOMMENDATION OF DIRECTOR CITY ASSETS

That:

1. Wire Mill Park return to its previous status as an open space permitting dog on leash use only, from 1 September 2023.
 2. Council undertakes an education campaign promoting awareness of 1. above.
 3. Council scope enhancements to Lysaght Park permanent dog off leash park, consult with community and then implement enhancements, as outlined in the report.
 4. All participants in the review process be informed of Council's decision.
-

PURPOSE

This report summarises the 12-month review on the functioning of the time restricted off leash dog operations within Wire Mill Park and recommends appropriate actions.

EXECUTIVE SUMMARY

Council resolved to establish a trial dog off leash area (DOLA) at Wire Mill Park in July 2021. In April 2022, Council resolved the DOLA operating hours and for a report be brought back to Council on a 12-month review of the functioning of the time restricted off leash dog operations.

This report responds to point 3 of the April 2022 resolution and reports on the methodology and outcomes of the 12-month review of the functioning of the time restricted off leash dog operations within Wire Mill Park.

The 12-month review includes:

- Alignment with strategic context
- Community Consultation
- Evaluation and Conclusion

The report concludes that while there is a level of support for the off leash area at Wire Mill Park, it is not considered a viable long term option for the community due to:

- the social division created in the community,
- existing site constraints including size, location, and access, and
- the lack of strategic need.

Accordingly, it is recommended that Wire Mill Park return to a permanent dog on leash area.

The existing DOLA at Lysaght Park is considered a more suitable site to adequately service the needs in the Chiswick / Abbotsford area and presents an opportunity to improve safety for dogs and people to facilitate regular use by dog owners.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

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

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

Further relevant adopted strategies include:

- Recreation and Open Space Strategy 2019
- Dogs in Public Places Strategy 2019

BACKGROUND/DISCUSSION

Council Resolutions

At the meeting of 20 July 2021, Council resolved that:

1. *A trial off-leash dog area be established within Wire Mill Park for a period of two months, with further consultation to be undertaken with the community through this process.*
2. *A report be brought back to Council on the outcomes of the trial off leash dog area by December 2021.*

At the meeting of 15 March 2022, following the off leash dog area trial period, a report, in part, recommending that the proposal to create an off leash dog area at the area of the trial in Wire Mill Park not proceed was considered. At that meeting Council resolved that:

1. *Council support in principle the off-leash area in Wire Mill Park.*
2. *Council staff produce a report with proposed times in consultation with both parties for designated off-leash for the next month's Council Meeting.*
3. *A report be prepared and submitted to Council on possible improvements to facilities within Wire Mill Park to assist in moving gatherings of dog owners and dogs away from the apartments.*
4. *A report be prepared and submitted to Council on education and enforcement initiatives to encourage responsible dog ownership, including details on dog ownership growth rates.*

At the meeting of 19 April 2022, Council resolved that:

1. *The Wire Mill Park off-leash dog park operating hours be set as follows:*
7.00 - 9.00am everyday
5.00 - 7.00pm everyday
2. *Council allocate \$63,700 from within the FY21/22 Open Space Planning operational budget to fund the delivery of off-leash dog improvements in Wire Mill Park.*
3. *A report be prepared and submitted for review by Council after twelve months, providing an update on the functioning of the time restricted off-leash dog operations within Wire Mill Park.*

This report responds to point 3 of the 19 April 2022 resolution and reports on the methodology and outcomes of the review process.

STRATEGIC CONTEXT

Council is legally required to provide at least one public place in the local authority area that is a dog off leash area (DOLA). Council's strategic approach exceeds this requirement by a significant margin by currently providing 19 DOLAs across the LGA, recognising the need to facilitate the recreational activity of walking / exercising a dog. This approach is captured in the Dogs in Public Places Strategy (2019).

The Strategy indicates the strategic intent for a DOLA to be located within 800m of households. The DOLA at Lysaght Park is just over 400m from Wire Mill Park. Based on spatial distribution outlined in the Strategy, an additional DOLA at Wire Mill Park is not required to service the Chiswick / Abbotsford catchment. The Strategy also indicates:

"Where there is already an adequate supply of off-leash dog exercise areas the priority will be on increased maintenance schedules as opposed to an increase in the number of dog exercise areas."

The Strategy does provide a policy position for considering future DOLAs using the following factors:

- Local population growth forecasts
- Current usage of the proposed site
- Is an alternative site better suited?
- Safety
- Accessibility
- Size/ability for containment
- Will the site support a range of age groups, abilities and uses?
- Can any additional experiences be catered for?

These criteria will be applied later in this report to evaluate the review of Wire Mill DOLA.

COMMUNITY CONSULTATION METHODOLOGY

Council reviewed the Wire Mill DOLA in several ways, including:

- Observations at various times across a six-week period,
- Feedback from the community about their experience since the site was established, and
- Data on complaints and incident reports over a 12-month period.

Consultation methods included:

- Collaborate survey (see appendix A in attached Community Consultation Report),
- Two drop-in sessions held at Chiswick Community Centre, and
- Feedback via phone and email.

Notification methods included:

- Notification letter delivered to 2,641 residents,
- 5 x site posters,
- Collaborate project page: <https://collaborate.canadabay.nsw.gov.au/wiremillpark> ,
- Social media,
- Direct email to building management and strata for Riviera, Nautica and Abbotsford Cove residential developments, and

- Direct email to participants from previous consultations including,
 - Council's April What's On E-newsletter,
 - 4 x Facebook posts, and
 - 1 x Instagram post.

Observations at various times of DOLA

Council's Rangers commenced surveillance patrols of Wire Mill Park, typically up to three times each week between 6.50am to 6.15pm during the review period, and these are currently continuing. Surveillance patrols during this period revealed general compliance with signposted restrictions. Breaches that were detected during the patrols were dogs off leash outside of the permitted hours. Dog owners breaching the signposted restrictions were approached and directed to place the dog on a lead.

Enforcement Officers took the opportunity during the surveillance patrols to provide responsible dog ownership educational material to dog owners as well as address any questions they had. No anti-social behaviour was witnessed during the surveillance patrols.

Feedback over the last 12 months and since the site was established.

Outside of the specific review periods, a total of 15 items of feedback were received:

- 3 items were supportive of the DOLA – the feedback requested infrastructure and longer off leash hours,
- 7 items were unsupportive of the DOLA – the feedback consisted of objections to Council's decision to implement a timed DOLA, out of hours use and one item re dangerous dogs, and
- 5 items were neutral (i.e. not expressing a position on the DOLA), reporting anti-social / intimidating behaviour between residents and requesting more monitoring / supervision / enforcement.

12-month review

The Review / Engagement process resulted in:

- 212 Surveys (including 22 hard copy surveys submitted at drop-in sessions),
- 26 Emails (including one from Nautica Apartments Strata Committee), and
- 3 Duplicate submissions (noting duplicate submissions were removed).

Summary of 12-month review feedback

Overall, 66% participants rated the DOLA 9 or 10 out of 10. 21% of participants rated the DOLA 0 or 1 out of 10. Feedback provided demonstrated a continued strong division in the community. Many participants noted the negative impact the DOLA has had on community cohesion. While the overall feedback shows a positive trend of usage and community benefits, the detrimental social impact of the DOLA is demonstrated in the participant's written submissions.

Both the supporters and opponents of the DOLA reported intimidating and aggressive interactions between residents and increasing conflict between users and adjacent neighbours of the DOLA. This conflict was witnessed by Council officers during drop-in sessions during the review period.

Supporters of the DOLA believe the hours are too restrictive, particularly in the winter evenings when it gets dark earlier. Participants reported that the short, designated hours result in the DOLA being very busy during these periods and empty outside of these hours. The desire for additional hours, for example lunch time and longer weekend periods was expressed.

Those opposing the DOLA highlighted that the DOLA is being used as off-leash outside of designated hours, that dogs are often off-leash outside of the DOLA area, that the DOLA is too close to residences, is noisy and too small.

One Strata responded – SP72166 – adjacent to Nautica apartments, indicating support for the DOLA.

The full Community Consultation Report on the review is attached to this report (Attachment 1). Feedback findings are also included in the evaluation below.

EVALUATION

The criteria identified in Council's Dogs in Public Places Strategy (2019) for considering potential future dog off-leash areas was used to evaluate the 12-month review.

Local population growth forecasts

Based on the 2021 Census, the population of Chiswick is estimated to grow 10% by 2041, an increase of 300 residents. The population of Abbotsford-Wareemba is estimated to grow 4% by 2041, an increase of 305 residents.

This is considered a low level of population growth and does not demonstrate the need for an additional DOLA at Wire Mill Park.

Current usage of the proposed site

Feedback received during the review consultation found that almost all participants who own a dog (62% of 66%) visit the DOLA. The most popular time for visiting the DOLA is weekday evenings 5 – 7pm.

DOLA users showed strong support for extending the hours of usage in the DOLA to better suit daylight savings, different lifestyles, and to reduce congestion during designated hours. Opponents shared that dogs are often off-leash outside of the designated hours and area, suggesting some misuse of the operations as they stand. It should also be noted that a desire was expressed for infrastructure, as identified in the April 2022 Council report, to be installed to improve their experience in the DOLA e.g. bin, shelter.

The history of requests and majority support for the current timed DOLA (as evidenced in the community engagement process) demonstrates a reasonable level of demand for the Wire Mill Park DOLA.

Is an alternative site better suited?

The Dogs in Public Places Strategy (2019) points to Lysaght and Battersea Parks to service the Chiswick / Abbotsford area. Lysaght Park is located just over 400m from Wire Mill Park and is considerably larger - 22,791m² compared Wire Mill Park being 1,254m². While Lysaght Park is also located on the foreshore trail, it does not have the immediate proximity to the water, or private residences experienced at Wire Mill Park.

Some participants indicated they visit Lysaght Park with their dog, however 101 participants stated they don't use Lysaght Park regularly for the following reasons:

- Busy roads surrounding the park make it hard to get to, and dangerous for dogs,
- Lack of fencing,
- Sports on the weekends,
- Boats and trailers blocking visibility,
- Too far,
- Accidents with cars,
- Different atmosphere,
- Large dogs, and
- Bike path.

Lysaght Park is considered a more suitable DOLA than Wire Mill Park due its greater size and accessibility. The site is multi-use with organised sport taking place 3 evenings per week and weekend days, 5 months of the year. The evaluation demonstrated an opportunity to improve safety for dogs at the site to facilitate use by dog owners along with continued responsible dog ownership education.

Safety

The review feedback indicated safety concerns for people and for dogs.

People - Feedback evidenced that the proximity of the site to the foreshore trail can be a constraint for users of this walking path as they have no choice but to walk through DOLA and there is no means of separation for individuals who are uncomfortable around / intimidated by dogs, outlined below:

Feedback opposing DOLA	Submissions
Dogs off leash outside of designated hours	60
Dogs bothering people walking through the park	45
Unpredictable and/or aggressive dogs	36

Dogs - The overall feedback did not indicate significant safety issues for dogs at Wire Mill Park, however several respondents did highlight that the space is inappropriate for larger dogs as the park is too small, suggesting a safety concern for smaller dogs. Several respondents referenced issues with the adjacent Lysaght Park and its proximity to a busy road.

The site at Wire Mill Park is considered physically safe for people and dogs, however there is a segment of the population that is discouraged from visiting the site. Both supporters and opponents of the DOLA expressed strong concerns with 64 written submissions highlighting aggressive behaviour experienced between people or by dogs.

Accessibility

Wire Mill DOLA from the east from Fig Tree Bay Reserve is only accessible for an able-bodied person due to the number of steps to navigate the sloping terrain. From the north access to the site can be obtained through the private land, though a good knowledge of the area to access the site is required, and some people may be discouraged by having to walk through a privately owned apartment complex. Access from the west is good along the foreshore trail on Fig Tree Bay. The pathway widths are below that recommended for a shared path and vary from approximately 1.5m to just over 2m along the foreshore.

Wire Mill Park's location does provide some access constraints for some of the population.

Size/ability for containment

Wire Mill Park is a relatively small site (1,254m²) and does constrain some typical DOLA activities – for example, a ball has to be thrown carefully to avoid going outside the DOLA or into the water. Feedback showed that opponents feel the area is too small, and supporters note that the park is congested during DOLA hours due to its size and popularity. There is no direct access to the water (i.e. a beach) for dogs and the engagement findings indicated difficulties with dogs remaining inside the defined area. This creates an issue with dogs entering Fig Tree Reserve and impacting a sensitive biodiversity site.

The relatively small size of the DOLA at Wire Mill Park does present some constraints on typical DOLA activities and difficulty containing dogs within the defined area.

Will the site support a range of age groups, abilities and uses?

The Wire Mill Park DOLA does support a range of age groups, however there are site constraints that can limit some people. The feedback indicates that the confined space limits the ability to achieve adequate separation between dogs and members of the public walking the foreshore, including more vulnerable groups such as older people and small children / infants.

Can any additional experiences be catered for?

The current timed off leash hours should provide opportunities for informal use by the community. Feedback received stated that dogs are often off-leash outside of designated hours, which meant informal use by the rest of the community has been reduced since the DOLA was introduced. Feedback showed that dogs are also being let off leash outside of the designated area resulting in frustration amongst the wider resident community when they would like to use the space for activities such as picnics.

Accordingly, there are limited opportunities to cater for additional experiences at Wire Mill Park.

CONCLUSION

While there is a level of support for the off leash area at Wire Mill Park, it is not considered a viable long term option for the community due to:

- the social division created in the community,
- the site constraints including size, location and access, and
- the lack of strategic need.

The evaluation found that, notwithstanding the levels of support or opposition, the operation of a DOLA at Wire Mill Park has divided the local community and this is reflected in the polarised feedback and incidents of anti-social and intimidating behaviour between groups.

The review has demonstrated a reasonable level of use of the DOLA by the local population, however there are site constraints which limit access and some off leash activities, and the site impacts the use of the foreshore area resulting in potential safety issues.

Council has strategically planned for dog off leash use through the development of the Dogs in Public Spaces Strategy adopted in 2019. Open space in Chiswick / Abbotsford is generous compared to other areas of the LGA and the Strategy recommends usage of existing available facilities in the area and noted that predicted population growth in the nearby suburbs is relatively low.

Accordingly, the continuation of Wire Mill Park as a permanent dog off leash area is not recommended.

The existing DOLA at Lysaght Park is considered a more suitable site to adequately service the needs in the Chiswick / Abbotsford area and presents an opportunity to improve safety for dogs and people to facilitate increased and regular use by dog owners.

While there is a level of support for an off leash site at Wire Mill Park, in light of the lack of strategic need, the site constraints and social issues, it is not considered a viable long term option. It is recommended that Wire Mill Park return to a permanent on leash area through a transition process including promoting awareness in the local population and ongoing educational patrols by Council Rangers during the transition period.

The existing DOLA at Lysaght Park is considered a more suitable site than Wire Mill Park to service the catchment area. The evaluation demonstrated an opportunity to improve safety for dogs at Lysaght Park for it to be used by a greater number of dog owners. Lysaght is used for sport during the 5-month winter season (three evenings per week and on weekends) and is available a significant majority of the time for off leash use.

It will be recommended to improve dog safety at Lysaght Park by investigating options for a barrier along Bibby St subject to engagement with stakeholders and continued responsible dog ownership education.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**Implementation of Decision**

It is proposed that Wire Mill Park return to its previous status as an open space permitting dog on leash use only from 1 September 2023. This will entail:

- Updates published on the Wire Mill Park off leash collaborate page,
- On-site signage,
- Community notified by letterbox drop, and
- On-site education and awareness throughout September.

Council will consult with community and stakeholders on improvements to Lysaght Park dog off leash area and implement enhancements during 2023/24.

FINANCIAL CONSIDERATIONS

The recommendation would not impact the current operational budget or the existing service levels or place increased pressure on existing staff resources and capacity, notably in the rangers and outdoor staff teams.

The cost of enhancements at Lysaght Park would be delivered utilising operational budget previously allocated to Wire Mill Reserve currently available in the 2023/34 operational budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

Under Companion Animals Act (1998) Council is legally required to provide at least one public place in the local authority area that is a DOLA at all times. Council currently has 13 unrestricted and 7 timed permanent DOLAs, exceeding this requirement by a significant margin.

The recommendation is consistent with Council's Dogs in Public Places Strategy (2019).

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 SPONSORSHIP POLICY

Reporting Manager Director Community Culture and Leisure

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

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the draft *Sponsorship Policy*, attached to the report, be adopted.

PURPOSE

The purpose of this report is to update Council's Sponsorship Policy which manages funding for Council's community events and programs in line with recent ICAC recommendations and broader sector good practise.

REPORT

The Sponsorship Policy outlines the principles of sponsorship, when and how Council will seek sponsorship for its activities and events and establishes guidelines for granting Council sponsorship to external organisations.

The Policy establishes procedures for receiving and granting sponsorship, incorporates risk management to avoid any real or perceived risk of conflict of interest, and ensures a uniform approach to sponsorship across Council. Recommendations from the Audit, Risk and Improvement Committee's internal audit of major event management in July 2021 included a requirement for a review of the Sponsorship Policy.

Council has enjoyed substantial benefits as a result of the financial investment of sponsors in a range of community events and activities. The contribution of sponsors has helped build the profile of Council events and activities. The outcome of a successful sponsorship is a mutually beneficial relationship.

The Sponsorship Policy has guided and facilitated the development of important relationships between Council and the business community. Businesses benefit from sponsorship of Council activities and events by improving their relationships with the community and as a means of marketing and raising their profile.

Given the increased scrutiny placed on all levels of government regarding affiliations, sponsorships and partnerships, it is appropriate that Council's Sponsorship Policy reflect these issues and include more stringent guidelines for accepting and granting sponsorship.

Council has appraised a range of sponsorship policies from across local government and the private sector to inform this review, and ensure stringent guidelines are in place in relation to managing sponsorships.

The principle changes being made to the Sponsorship Policy are:

- Inclusion of objectives of the Policy
- Inclusion of reference to Council's Code of Conduct
- Inclusion of Conflict of Interest declarations
- Updated guidelines for seeking and assessing sponsorship proposals

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

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

FINANCIAL CONSIDERATIONS

There is no cost associated with the adoption of this policy. However, an effective policy supports the continued success of the sponsorship program which supports Council's events and activities.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Local Government Act 1993 (NSW) prescribes standards for sponsorship.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

- ITEM 11.2 CITY OF CANADA BAY CULTURE PLAN AND ASSOCIATED POLICIES**
- Reporting Manager** Manager Place Management
- Attachments:** 1. **Draft City of Canada Bay Culture Plan & Associated Policies (Provided in Attachment Booklet)** [⇒](#)
-

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. Council notes the outcome of the public exhibition of the draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy, provided in the report.
 2. The draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy, attached to the report, be adopted.
-

PURPOSE

To report on the outcome of the public exhibition of the draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy, and to seek their adoption.

REPORT

At its meeting on 16 May 2023, Council considered a report in response to a previous Council resolution and resolved as follows:

That:

1. Council endorse the draft Cultural Plan and the associated draft Public Art Strategy, Creative Hoarding Policy, Art Collection Policy, and Community Events Strategy and Policy to be placed on public exhibition for a period of four weeks.
2. A further report be presented to Council, following the exhibition period detailing feedback and any proposed changes to the draft Cultural Plan and the associated draft Public Art Strategy, Creative Hoarding Policy, Art Collection Policy, and Community Events Strategy and Policy.

These drafts were exhibited from 17 May to 18 June 2023.

The public exhibition was promoted to the Collaborate email database, to staff and via social media. During the public exhibition, the draft Plan and associated policies attracted 152 visitors to Council's Collaborate site. There were no submissions received during the public exhibition period.

This report recommends Council adopt the draft City of Canada Bay Culture Plan and associated drafts of the Public Art Strategy, Creative Hoarding Policy, Art Collection Policy and Community Events Strategy & Policy.

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

Funding for the activities associated with the draft Cultural Plan are contained within the annual Operating Plan and associated Place Management team budget. The Plan will also be used to help access grants, partners' support, and sponsorship. This is particularly important in light of the cost of community events which have escalated significantly.

LEGISLATIVE AND POLICY CONSIDERATIONS

These plans relate to several State and National Government policies including but not limited to:

- Cultural Policy—Revive: a place for every story, a story for every place,
- Australian Government's Arts and Cultural Accord
- Australia Council and Creative Australia Strategies and Plans
- Create NSW Cultural Framework, Protocols and Strategies

ITEM 11.3 CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE - MEMBERSHIP**Reporting Manager** Manager Place Management**Attachments:** 1. Arts and Culture Committee Charter [↓](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. A Councillor, in addition to the Mayor or their nominee, be appointed as a member of the City of Canada Bay Arts and Culture Committee for the remainder of the term of the current Council.
 2. The individuals nominated and recommended for membership of the City of Canada Bay Arts and Culture Committee contained in the report be appointed for the remainder of the term of the current Council.
 3. All nominees be advised of the outcome of the nomination process.
-

PURPOSE

The purpose of this report is to appoint members to the newly formed City of Canada Bay Arts and Culture Committee.

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

BACKGROUND/DISCUSSION

At its meeting on 18 April 2023, Council considered a report in response to a previous Council resolution and resolved as follows:

That:

1. The draft Arts and Culture Committee Charter attached to the report (Attachment 1) be adopted.
2. Subject to adoption of the Charter, expressions of interest for membership of the Committee be sought from community members and that this participation be sought broadly across the arts and culture community.
3. Subject to adoption of the Charter, a report be prepared and submitted to Council regarding the outcome of the expressions of interest.

The Committee has been established to strengthen communication and engagement between the arts community and Council for the strategic development and improved delivery of arts and cultural development across the City of Canada Bay.

The Expression of Interest process was conducted for a period of eight weeks, commencing in May 2023. Promotion included direct mail to people following arts and culture projects on Council's Collaborate pages, social media advertising and approaches to strategically important artists and organisations locally.

The Collaborate pages were viewed 385 times and Council has received nine nominations for eight available positions. The calibre of applicants was high and came from across the arts and culture fields. Details of all applicants have been distributed to Councillors separately. The recommended membership from the arts and culture community is as follows:

Position	Name	Reason for selection	Paid Position
First Nations Cultural Representative or Art Professional	Di Kapera	NSW Government leader in Aboriginal affairs and local resident	Yes
First Nations Cultural Representative or Art Professional	Kerry Kenton	Professional artist and member of the Wangal Clan	Yes
Arts Professional	Julie Peadon	Local professional artist, gallerist who exhibits other local artists, art walk founder, educator, and former Citizen of the Year	Yes
Arts Professional	Matt Poll	Curator National Maritime Museum, gallery and museum expertise, and local resident	Yes
Community Member	Kym Shields	Member of Drummoyne Chamber of Commerce and founder of Drummoyne Art Walk. Gallerist in Drummoyne. Volunteered to curate Drummoyne Light Box Gallery	No
Community Member	Grant Jones	Published author, volunteer, professional writer, and local resident	No
Community Member	Bruna Rodwell	Potter, Artist, Gallerist, Arts Educator, Art Walk founder, local resident and arts professional Italian Diaspora	No
Community Member	Constantine Nicholas	Fine Art Painting, public art installations, exhibitions and local resident	No

The adopted Charter for the Committee also specifies that two Councillors, one being the Mayor or their Councillor nominee, also be members of the Committee. Nomination and adoption of these members is also required.

FINANCIAL CONSIDERATIONS

Administration of the Arts and Cultural Committee is provided for in the Place Management operational budget. Payment for the four paid membership positions (being two First Nations cultural representatives or art professionals, and two arts professionals) would be in accordance with the recommendations and rates outlined in the National Association for the Visual Arts' (NAVA) Code of Practice, which was endorsed by the Australian Government in its 2023 Cultural Policy, Revive.

LEGISLATIVE AND POLICY CONSIDERATIONS

- Australian Government, Cultural Policy Revive, 2023
- City of Canada Bay Draft City Art Collection Policy
- City of Canada Bay Draft Cultural Plan 2033

CHARTER

ARTS AND CULTURE COMMITTEE

Arts and Culture Committee Charter

Introduction

This charter was reviewed and adopted by Council at the Council meeting on 18 April 2023.

The City of Canada Bay 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 Councillor resolution at its meeting on Monday, 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 delivery of the Cultural Development Plan 2023-2033.

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 or cultural representatives.
- Four community arts members will be appointed.
- 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 shall be a maximum of four-year period aligned with the elected term of Councillors.
- Nominations for membership of the Committee 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)

The following table outlines the membership and representative positions available on the A&CC:

Representation	Committee members	Position
Councillors	2	Unpaid
First Nations Cultural representatives or art professionals	2	Paid
Artist	2	Paid
Community Organisation Representatives or community members	4	Unpaid

Arts and Culture Committee Charter

Council's General Manager (or representative) and Place Management staff will also attend committee meetings and provide secretariat support.

Members Roles and Skills

- All representatives must live in or operate a business or organisation in the City of Canada Bay
- All members must contribute time needed to understand the papers provide and apply good analytical skills objectivity and judgment to the business of the committee.
- Exceptional communications and advocacy skills are essential to membership of this.
- 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.
- All community representatives must have a demonstrated connection to the sector and/or community.
- Members must demonstrate leadership and advocacy skills.
- Paid members must have relevant experience, expertise, or cultural knowledge.

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 Place Management staff. 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.

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.

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

Arts and Culture Committee Charter

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); or
- The member becomes a mentally incapacitated person.
- Council has the right to remove any members of the Arts and Culture Committee after consultation with the Committee.
- The four year period of membership has expired.

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 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 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.

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.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

ITEM 12.1 LOCAL GOVERNMENT NSW CONFERENCE 2023 - VOTING DELEGATES

Reporting Manager Manager Governance and Customer Services

Attachments: 1. Local Government NSW Annual Conference 2023 - Program [↓](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council nominate five (5) voting delegates including the Mayor and four (4) Councillors, to accompany the General Manager and the Director Corporate Services and Strategy at the Local Government NSW (LGNSW) annual conference to be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

PURPOSE

To determine voting delegates and attendance for the Local Government NSW (LGNSW) Conference 2023.

REPORT

Conference details

The Local Government NSW Annual Conference 2023 will be held from Sunday 12 to Tuesday 14 November 2023, at Rosehill Gardens Racecourse.

The conference is the main policy-making event for the local government sector, giving Council the opportunity to help set the advocacy agenda for the year ahead. Delegates will vote on motions which help determine the policies and priorities for LGNSW and the sector. It is a key event for local government where councillors come together to share ideas and debate issues that shape the way the sector functions and is governed.

Council has the entitlement of 5 voting delegates at the conference. It is therefore recommended that Council nominate the Mayor and a further 4 voting delegates to accompany the General Manager and Director Corporate Services and Strategy to the conference.

The registration fees per attendee are as follows (all incl GST):

- Early Bird - if paid by 28 September (excludes dinner): \$1,155.00
- Member Standard – from 29 September to 27 October (excludes dinner): \$1,485

There is also an optional Conference dinner on 13 November 2023 costing \$230 per attendee, and an optional ALGWA Breakfast on the following day.

Attached to this report is a copy of the Conference Program.

Motions

Motion submissions for the 2023 Annual Conference opened on Monday 24 July 2023.

Motions may be submitted by Friday 15 September 2023. There is also the ability to submit 'late' motions for inclusion in the conference business paper by Sunday 15 October 2023.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

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

FINANCIAL CONSIDERATIONS

The cost of attendance, travel and accommodation at this conference is able to be funded in accordance with the Council's Payment of Expenses and Provision of Facilities to Councillors Policy, with an allocation available in the 2023/24 budget.

LEGISLATIVE AND POLICY CONSIDERATIONS

Conference attendance is covered under the Payment of Expenses and Provision of Facilities to Councillors Policy.

LOCAL GOVERNMENT NSW ANNUAL CONFERENCE – 12-14 NOVEMBER 2023 – PROGRAM

12 NOVEMBER	13 NOVEMBER	14 NOVEMBER	SOCIAL EVENTS	OPTIONAL	SITE VISIT
12.30pm-5.00pm	<p>Registration Operational</p> <p>Exhibition open from 1pm</p> <p>Optional off-site visit to PHIVE at Parramatta Square, hosted by City of Parramatta Council (Limited spaces. Book when registering for conference).</p>				
2.30pm- 3.00pm	<p>Afternoon Tea in exhibition area</p>				
3.00pm-5.00pm	<p>Plenary Room</p> <p>3pm to 3.30pm - Official welcomes (LGNSW President and Mayor)</p> <p>3.30pm to 3.55pm - AR Bluett Memorial Awards presentation</p> <p>3.55pm to 4.55pm - Housing Crisis and affordability Forum</p> <p>4.55pm to 5.00pm- President's Welcome Reception Partner Landcom address</p>				
5.00pm	<p>Bus transfers to CommBank Stadium for President's Welcome Reception</p>				
5.30pm-7.30pm	<p>President's Welcome Reception at CommBank Stadium, Parramatta</p> <p>7.30pm: Delegates make own arrangements for dinner and then own arrangements to return to accommodation</p>				

12 NOVEMBER	13 NOVEMBER	14 NOVEMBER	SOCIAL EVENTS	OPTIONAL	SITE VISIT
From 7.45am	Doors open - Registration opens. Light refreshments in exhibition area.				
8.00am-8.50am	Ground floor Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors (voting for all positions at the one time)				
8.50am-9.00am	Distribution of electronic voting handsets and delegates are seated in the Grand Pavilion plenary room				
9.00am-9.10am	Conference Welcome - Chief Executive LGNSW Welcome to Country				
9.10am-9.20am	Ministerial address				
9.10am-9.20am	CE LGNSW thanks Minister and explains voting on motions procedure and housekeeping				
9.30am-10.45am	<p>From 9.30am to 10am: Opening of the Federal and State Conferences, adoption of standing orders, business sessions and consideration of motions and conference business.</p> <p>Opening Address by Cr Darriea Turley AM President, LGNSW</p> <p>Presentation of financial reports</p> <p>Start of consideration of motions and conference business</p>				
10.45am-11.45am	<p>Morning refreshments</p> <p>AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors</p>				
11.45am-11.50am	Address by Elite partner Statewide Mutual				
11.50am-1.00pm	Consideration of Conference Business (continued)				
1.00pm-2.15pm	<p>Delegate lunch in Exhibition area sponsored by Distinguished Partner Active Super</p> <p>AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors (until 2.10pm)</p>				
1.05pm - 2.15pm	<p>Premier Partner - StateCover Mutual Members' Lunch</p> <p>GMs and CEOs join StateCover Mutual for member networking and lunch (level 1)</p>				
2.20pm-3.30pm	Consideration of Conference Business (continued)				
3.30pm-4.30pm	<p>Afternoon Refreshments in trade exhibition (ground level)</p> <p>AEC Voting for LGNSW Board President, Vice-Presidents, Treasurer and Directors during afternoon tea</p>				
4.35pm-6.35pm	Networking in trade exhibition				
7.00pm-10.30pm	<p>LGNSW Conference Dinner and entertainment. Elite Partner - Statewide Mutual.</p> <p>Presentation LG Service Awards</p>				

12 NOVEMBER

13 NOVEMBER

14 NOVEMBER

SOCIAL EVENTS

OPTIONAL

SITE VISIT

7.30am–8.45am

ALGWA Breakfast

Sponsored by ALGWA Breakfast Partner Maddocks.
MC Steph Brantz.

From 7.30am

LGNSW Information Desk and Exhibition and light refreshments – Exhibition Centre

9.00am–10.05am

Plenary Room

MC Steph Brantz

Keynote address and panel session followed by **Q&A**

10.05am– 10.15am

Speaker (to be announced)

10.15am–10.45am

Refreshment break in trade exhibition, ground floor

10.45am–10.55am

ALGA update

Cr Linda Scott, President ALGA

10.55am–11.45am

Plenary Room

Panel session followed by **Q&A**

11.45am–12.45pm

Plenary Room

Keynote address followed by **Q&A**

12.45pm–1.45pm

Lunch in trade exhibition

1.45pm–2.45pm

Presentation and Q&A: Department of Home Affairs

Presentation and Q&A: ICAC

2.45pm–3.00pm

Final remarks from **President LGNSW**, including **announcement of location for Annual Conference 2024**



President's Welcome Reception **12 November, 5.30pm to 7.30pm.**

President's Welcome Reception at CommBank Stadium, Parramatta (bus transfer from Rosehill Gardens available at 5pm)

The President's Welcome Reception is included in your registration. Tickets for partners and extra guests of members can be purchased at time of registration.

Conference Dinner **13 November, 7pm to 10.30pm.**

LGNSW Conference Dinner and entertainment. Sponsored by Elite Partner - Statewide Mutual. Presentation of Local Government Service Awards will be made during the Conference Dinner.



Conference Dinner **13 November 7.00pm to 10.30pm**

LGNSW Conference Dinner and entertainment (\$230pp incl GST). Sponsored by Elite Partner - Statewide Mutual. Presentation of Local Government Service Awards will be made during the Conference Dinner.

StateCover Mutual Lunch **13 November 1.05pm to 2.15pm:** Exclusive to GMs and CEOs.

Sponsored by Premier Partner StateCover Mutual

ALGWA Breakfast **14 November 7.30am to 8.45am**

Australian Local Government Women's Association (ALGWA NSW) Breakfast (Rosehill Gardens Grand Pavilion)
Sponsored by ALGWA Breakfast Partner - Maddocks



12.30pm - 2.00pm



[PHIVE](#) and Parramatta Square visit

Sunday 12 November 2023

Cost: No charge

Open to the first 80 Conference delegates who register to attend this site visit (option provided in registration process).

Proudly hosted by City of Parramatta, this tour visits PHIVE - the striking new community hub in the heart of Parramatta Square. Peek through the tessellated panels, visit the internationally recognised Library and learn about the vibrant cultural and artistic inclusions.

Bus transfers will be included from PHIVE to Rosehill Gardens at 2pm on 12 November.

ITEM 12.2 SIX MONTHLY REPORT ON PROGRESS - JANUARY TO JUNE 2023**Reporting Manager Corporate Planner****Attachments:** 1. **Six month report on progress January to June 2023 (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGYThat the six-monthly progress report for the period January to June 2023 be received and noted.

PURPOSE

To submit to Council the six-monthly progress report for the period January to June 2023 in accordance with section 4.9 of the Integrated Planning and Reporting Guidelines provided by the NSW government under section 406 of the Local Government Act 1993.

REPORT

The Local Government Act 1993 requires that the General Manager must provide a progress report to Council, 'with respect to the principal activities detailed in the Delivery Program, at least every six months.' The report on progress ensures that Council and the community are kept informed of the activities that Council is undertaking to deliver its commitment towards achieving the community's aspirations, as articulated in the Community Strategic Plan (CSP), Our Future 2036.

The six-monthly report on progress for January to June 2023 is attached to this report. It documents the status of the capital infrastructure projects and operational activities for 2022-23 that are listed in the Delivery Program 2022-26 and Operational Plan 2022-23.

As at 30 June 2023, 81% of Council's overall program was either complete (60%) or on schedule (21%). Commentaries are provided in the report for projects that are being delivered on an amended schedule as a result of delays.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

The six-monthly report on progress is made to fulfil the Integrated Planning and Reporting requirements of the Local Government Act 1993.

RISK CONSIDERATIONS

There are no risk considerations associated with this report.

ITEM 12.3 CASH AND INVESTMENTS REPORT FOR JULY 2023

Reporting Manager **Manager Finance**

Attachments: **1. Investment Report for July 2023 (*Provided in Attachment Booklet*)**
 [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the Cash and Investments Reports for July 2023, attached to the report, be received and noted.

PURPOSE

To present Council’s Investment portfolio performance for 31 July 2023.

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

This report incorporates the July 2023 Cash and Investments Reports, for Council’s consideration.

Certification - Responsible Accounting Officer

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Summary position as at 31 July 2023

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

Month	Cash At Bank	Cash Investments	Total Cash
Jul-23	\$4,179,375.87	\$144,848,872.56	\$149,028,248.43

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

STATEMENT OF CASH INVESTMENTS							
Maturity Date	Bank/Issuer	Long Term Rating	Fair Value	Term	Interest	Issue Date	Investment Type
03/08/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	31	4.31%	03/07/23	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	3	0.65%	31/07/23	Term Deposits
10/08/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	202	4.25%	20/01/23	Term Deposits
24/08/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	41	4.31%	14/07/23	Term Deposits
28/08/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	90	4.78%	30/05/23	Term Deposits
07/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	216	4.39%	03/02/23	Term Deposits
14/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	197	4.75%	01/03/23	Term Deposits
21/09/23	Bank of Queensland	BBB+	\$2,000,000.00	203	4.63%	02/03/23	Term Deposits
21/09/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	77	4.85%	06/07/23	Term Deposits
28/09/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	209	4.63%	03/03/23	Term Deposits
28/09/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	85	5.03%	05/07/23	Term Deposits
05/10/23	National Australia Bank	AA-	\$2,000,000.00	210	4.65%	09/03/23	Term Deposits
12/10/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	98	5.14%	06/07/23	Term Deposits
19/10/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	101	5.18%	10/07/23	Term Deposits
23/10/23	AMP Bank	BBB	\$2,000,000.00	180	4.90%	26/04/23	Term Deposits
02/11/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	115	5.23%	10/07/23	Term Deposits
09/11/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	122	5.26%	10/07/23	Term Deposits
16/11/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	126	4.97%	13/07/23	Term Deposits
23/11/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	127	4.97%	19/07/23	Term Deposits
30/11/23	Bank of Queensland	BBB+	\$3,000,000.00	184	4.95%	30/05/23	Term Deposits
07/12/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	349	4.62%	23/12/22	Term Deposits
18/01/24	National Australia Bank	AA-	\$3,000,000.00	182	5.40%	20/07/23	Term Deposits
24/01/24	National Australia Bank	AA-	\$2,000,000.00	188	5.40%	20/07/23	Term Deposits
01/02/24	National Australia Bank	AA-	\$2,000,000.00	195	5.45%	21/07/23	Term Deposits
15/02/24	National Australia Bank	AA-	\$3,000,000.00	210	5.40%	20/07/23	Term Deposits
29/02/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	276	5.00%	29/05/23	Term Deposits
14/03/24	Commonwealth Bank of Australia	AA-	\$2,000,000.00	257	5.05%	01/07/23	Term Deposits
21/03/24	National Australia Bank	AA-	\$3,000,000.00	237	5.35%	28/07/23	Term Deposits
02/04/24	ING Bank	AAA	\$2,000,000.00	390	5.00%	09/03/23	Term Deposits
29/05/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	366	5.03%	29/05/23	Term Deposits
29/08/24	Commonwealth Bank of Australia	AA-	\$3,000,000.00	425	4.99%	01/07/23	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1096	1.04%	16/02/23	Term Deposits
20/10/23	Westpac Bank	AA-	\$1,500,000.00	92	4.53%	20/07/23	Tailored Deposits
30/10/23	Westpac Bank	AA-	\$1,000,000.00	367	1.11%	28/10/22	ESG TD
01/12/23	Westpac Bank	AA-	\$2,000,000.00	182	4.20%	02/06/23	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	277	4.92%	18/05/23	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	273	1.68%	05/06/23	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	552	1.62%	12/05/23	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	546	1.62%	05/06/23	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	641	2.02%	18/05/23	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	641	2.10%	25/05/23	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	916	1.87%	19/05/23	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1006	2.24%	18/05/23	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1006	2.31%	25/05/23	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1002	2.22%	05/06/23	ESG TD
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	4.84%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	4.98%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	4.72%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	4.78%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	4.73%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AAA	\$1,000,000.00	1096	4.58%	06/05/22	Floating Rate Notes
17/10/25	Suncorp Metway	AAA	\$1,000,000.00	1096	5.18%	17/10/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	4.70%	02/06/21	Floating Rate Notes
13/01/26	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	5.19%	13/01/23	Floating Rate Notes
24/02/26	Members Banking (RACQ Bank)	BBB+	\$2,300,000.00	1096	5.42%	24/02/23	Floating Rate Notes
15/05/26	Bendigo and Adelaide Bank	BBB+	\$1,000,000.00	1096	5.15%	15/05/23	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	4.98%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	AAA	\$500,000.00	1826	4.33%	19/08/21	Floating Rate Notes
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	4.73%	23/09/21	ESG FRN
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	4.94%	18/08/22	Floating Rate Notes
13/01/28	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	5.44%	13/01/23	Floating Rate Notes
19/01/28	Cooperative RABOBank	A+	\$1,000,000.00	1826	5.46%	19/01/23	Floating Rate Notes
16/02/28	Westpac Bank	AA-	\$1,000,000.00	1826	4.89%	16/02/23	Floating Rate Notes
09/05/28	Bank of Queensland	AAA	\$1,250,000.00	1827	5.08%	09/05/23	Floating Rate Notes
15/12/23	NTTC	Aa3	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	Aa3	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	Aa3	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	AAA	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$2,018,666.74		4.95%		AMP
	AMP Bank	BBB	\$1,385.79		2.65%		AMP
	Commonwealth Bank of Australia	AA-	\$0.00		0.25%		CBA At Call
	Commonwealth Bank of Australia	AA-	\$1,800,000.00		4.20%		CBA BOS
	Westpac Bank	AA-	\$0.00		0.00%		Westpac Community Solutions
	Macquarie Bank	A+	\$2,006,964.37		4.10%		Macquarie CMA
	Macquarie Bank	A+	\$3,020,087.68		3.90%		Macquarie CMA
	Macquarie Bank	A+	\$1,767.98		3.70%		Macquarie CMA
	31/07/23		\$144,848,872.56				
	TOTAL INVESTMENTS at 30/06/2023		\$137,963,441.00				
	Net Increase/(Decrease) in Investments		\$6,885,431.56				

FINANCIAL CONSIDERATIONS

Interest rates have increased by 4.00% since May 2022, to 4.10%. The RBA met on 1 August 2023, where the board decided to hold the cash rate at 4.10%.

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 12.4 HOWLEY PARK, VICTORIA PLACE, DRUMMOYNE - ROAD CLOSURE**Reporting Manager Manager Property Strategy and Leasing****Attachments: 1. Road Closure Process [↓](#)**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council:

1. Notes the submissions received following the public notification of the proposed road closure of Victoria Place, Drummoyne, within Howley Park Reserve, and the status of the respective responses.
 2. Approves the necessary easement and rights of way on title required to progress the road closure of Victoria Place, Drummoyne, within Howley Park Reserve, as outlined in the report.
 3. Authorises the General Manager to approve the road closure upon completion of the prescribed road closure process.
-

PURPOSE

This report seeks to provides an update on the proposed road closure of Victoria Place, Drummoyne, within Howley Park Reserve. It also seeks approval for Council to create the necessary easement and rights of way over Howley Park Reserve, in response to Ausgrid's objection, following the public notification period of the road closure process. The purpose of the easement is to provide ongoing access to Ausgrid for operation and maintenance of its infrastructure.

EXECUTIVE SUMMARY

Howley Park Reserve is currently the subject of a Master Plan which is proposing a new passive recreation area, with access to the foreshore.

In part, the western end of Victoria Place currently divides Howley Park Reserve.

The road closure process for Victoria Place, within Howley Park Reserve, has formally commenced, pursuant to *the Roads Act 1993*. It is currently at the notification stage of the process and Council is negotiating with the objectors.

This report provides an overview of the objections received, how Council is responding to the objections and seeks approval to create the necessary easement and rights of way on title.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

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

There are several instances in the City of Canada Bay where land is both a 'road' under the Roads Act 1993 and is also used for the purpose of a park. In many of these cases, the 'road' is zoned RE1 Public Recreation under the Canada Bay Local Environmental Plan 2013. This can occur as the roads were either never constructed or were constructed and later removed. In such cases, the roads have not been formally closed.

At its meeting of 18 May 2021 Council resolved to close Victoria Place Drummoyne, within Howley Park, under and in accordance with Part 4 of the Roads Act, 1993 (NSW). The part road closure will better enable the realisation of a Master Plan for the area, which includes parking, construction of a retaining wall, new access points, lookout, turfed terrace, installation of lighting, feature planting and bush regeneration of endemic plant species.

Road Closure Process

The process for closing a public road is summarised in the Table 1 below:

Step	Action
1.	Investigate title and public road ownership to verify that the public road is owned by Council in its capacity as roads authority.
2.	Council resolution to close the public road.
3.	Advertise intention to close the public road in a local newspaper.
4.	Send notification of the proposal to close the public road to: <ul style="list-style-type: none"> • owners of land adjoining the public road; • notifiable authorities; and • any other person prescribed by the regulation.
5.	The notice must: <ul style="list-style-type: none"> • identify the public road that is proposed to be closed; • state that persons are entitled to make submissions to Council with respect to the closing of the public road; and • indicate the manner and the period within which any submissions should be made and this period must be no less than 28 days following the publication of the notice. If any objections are raised, Council must work with the objector to resolve the issue.
6.	After considering any duly made submissions, Council must advise relevant parties of a decision to close the road. This decision is by way of further Council resolution.
7.	Council must: <ul style="list-style-type: none"> • prepare plans & associated documents for the public road to be identified as lot in a plan; • Obtain all consents required for the purposes of plan registration and; • lodge plan and associated documents with LRS.
8.	Plan registered.
9.	Publish the road closure notice in the Gazette. The Gazette notice will identify the public road using the plan mentioned at step 8.
10.	60-day period for an appeal against the closure to be filed in the Land and Environment Court.
11.	If no appeal is filed in the Land and Environment Court, the public road vests in Council as freehold land. If an appeal is filed in the Land and Environment Court, the appeal will be dealt with by the Court.
12.	Prepare and file application to LRS for a certificate of title to be issued with regard to the closed public road.

Table1.

The road closure process plan can be found within Attachment 1.

Howley Park

As mentioned earlier, the subject parcel of land (being the road reserve – part of Victoria Place) identified in Table 2 below, was determined to be formally closed as a result of Council resolution. This resolution and subsequent process results in the formal unification of both sides of Howley Park Reserve as public open space.

This road closure also aligns with Council’s implementation of the Greater Sydney Crown Lands Open Space Activation Program (GSCLOSAP) project to upgrade Howley Park East, which proposes a new passive recreation area, with access to the foreshore, also enabling kayak/canoe launch.

Council successfully applied for funding and entered a Funding Deed with Crown Lands to upgrade Howley Park East to enable it to become a passive recreational area.

A condition of this Deed is for Council to be appointed as Crown Land Manager of the site under section 3.3 of the Crown Land Management Act 2016.

At its meeting held on 18 July 2023, Council resolved to make application to NSW Department of Industry – Lands and Water under section 3.3 of the *Crown Land Management Act 2016 (NSW)* to be appointed as Crown Land Manager (CLM) for Part Lot 7058 / DP94083 also known as Howley Park East.

With Council being appointed as CLM of Howley Park East and the road being successfully closed, Council will have the ability to better coordinate planning and management of the area.



Table 2.

Road Closure Status

Council staff are currently at the notification stage of the road closure process for this parcel of land at Howley Park Reserve. Notification of the proposal to close the public road went out to owners of land adjoining the public road, notifiable authorities and any other person prescribed by the regulation.

Council received correspondence and objections from Ausgrid, TfNSW and residents. Council’s lawyers drafted letters to the relevant authorities in response to their objections, mainly seeking additional information regarding their requests.

Ausgrid requires an easement and rights of way over the subject land to allow access to utility assets. Council acknowledges Ausgrid's rights to erect, work and maintain any electricity works on a public land as a network operator under the *Electricity Supply Act 1995 (NSW)*.

Land Information and Corridors (LRS) does not object to the closing of the road however, road closures are subject to approval by Transport for NSW's (TfNSW) Network and Safety Services upon submission of a Traffic Management Plan (TMP).

Council is still waiting on responses from Ausgrid and TfNSW.

Council staff have drafted letters in response to resident objections. Once all objections have been resolved, the road closure process can progress to the next stage.

The table below provides details of objections received and Council officers' response to each.

Address	Objection	Response
Victoria Place, Drummoyne (Howley Park)	<ul style="list-style-type: none"> Objection by Ausgrid (assets on land – easement and rights of way required). TfNSW – Traffic Management Plan (TMP) required. 5 resident objections in relation to loss of parking spaces. 	<ul style="list-style-type: none"> Letter sent to Ausgrid to seek further information on easement. Letter sent to TFNSW requesting more information of what they need included in TMP. Letters to be sent providing an update on the Master Plan noting the loss of only 1 car space.

Table 3.

.Next Steps

The next step in the road closure process, after the objections are resolved, is the preparation of a survey plan and associated documents, and lodgement of the plan with LRS.

A surveyor will be engaged to prepare the survey plan and associated documents for this road closure.

It is noted that in the event that a parties objection cannot be resolved, a further report would be prepared and submitted to Council.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Following the notification stage of the process, any submissions made need to be discussed and resolved with the objector.

FINANCIAL CONSIDERATIONS

It is estimated that it will cost Council \$18,000 to close this road reserve.

This cost includes legal and property related costs such as surveys.

LEGISLATIVE AND POLICY CONSIDERATIONS

Below is a summary of the sections within the *Roads Act 1993* and *Canada Bay Local Environmental Plan 2013* that are relevant to the process.

Road Closures are governed under the *Roads Act 1993 (NSW) (Roads Act)*. The Roads Act prescribes a statutory process for road closures that must be followed.

Section 38 of the Roads Act outlines when Council may close a public road.

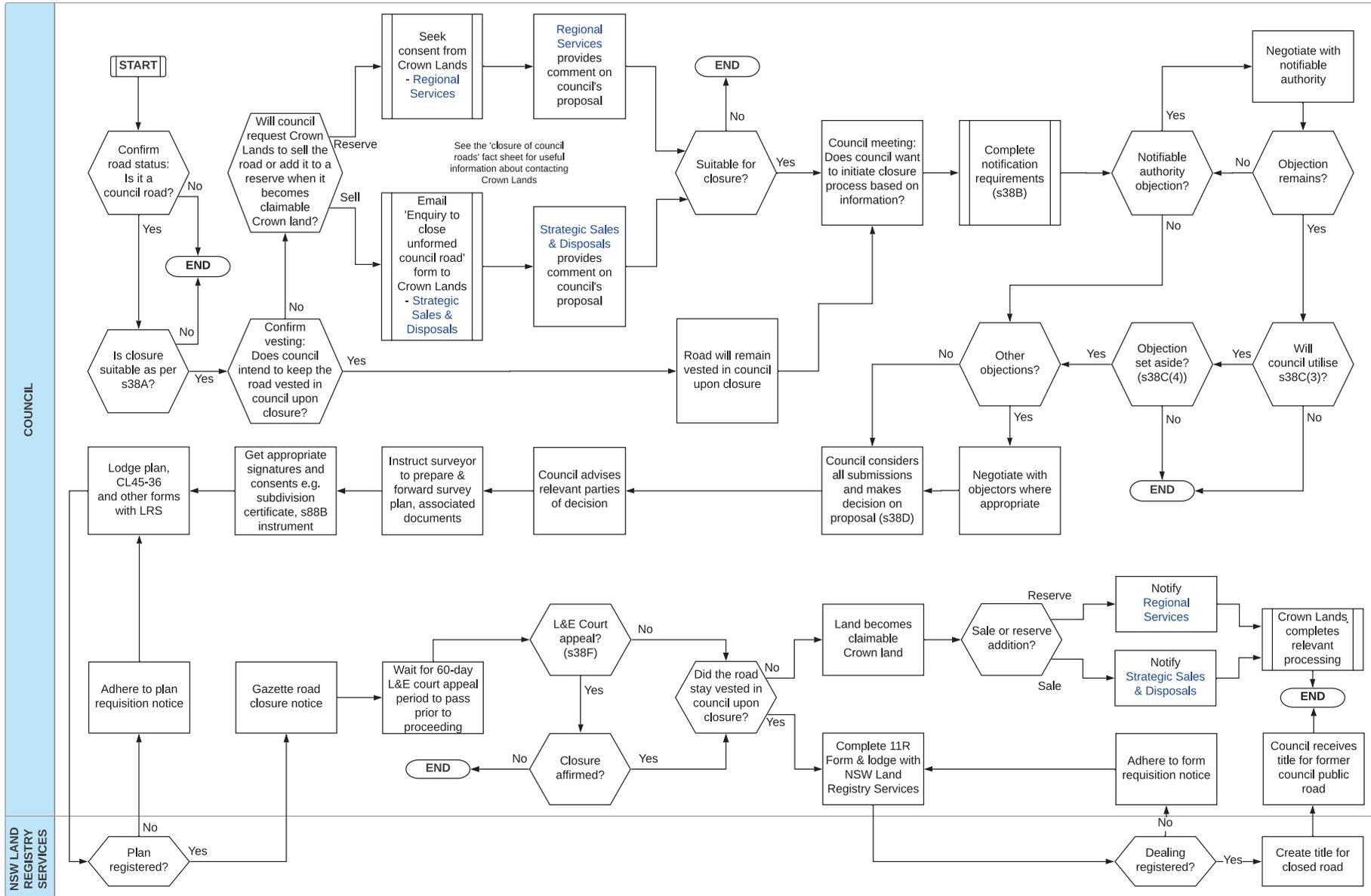
Zoned RE1 - Public Recreation - Canada Bay Local Environmental Plan 2013.

Objectives of Zone:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To facilitate public access to and along the foreshore.
- To conserve public open space that enhances the scenic and environmental quality of Canada Bay.

CLOSING COUNCIL ROADS UNDER PART 4 DIVISION 3 ROADS ACT 1993 DECEMBER 2019

This is a possible method for closing council public roads under Part 4 Division 3 of the *Roads Act 1993*. Section references refer to sections in the *Roads Act 1993* (e.g. s38A).



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13 NOTICES OF MOTION

Nil

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RECOMMENDATION

That

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

ITEM 17.1 FOOD ORGANICS AND GARDEN ORGANICS (FOGO) COLLECTION SERVICE

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 FOOTPATH DINING - SYDNEY METRO WORKS - GREAT NORTH ROAD

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

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

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.
