

# 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, 20 September 2022**

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



**John Clark**  
**General Manager**

**Melissa Lee**  
Manager  
Governance &  
Customer Services

**Evan Hutchings**  
Director Corporate  
Services & Strategy

**John Clark**  
General  
Manager

**Mayor  
Angelo  
Tsirekas**

**Monica Cologna**  
Director Community  
& Environmental  
Services

**Russell Wolfe**  
A/ Director City  
Services & Assets

## Councillors City of Canada Bay

**Councillor  
Michael  
Megna**

**Councillor  
Andrew  
Ferguson**

**Councillor  
Stephanie  
Di Pasqua**

**Councillor  
Anthony  
Bazouni**

**Councillor  
Carmela  
Ruggeri**

**Councillor  
Joseph  
Cordaro**

**Councillor  
Julia Little**

**Councillor  
Charles  
Jago**

### Statement of Ethical Obligations

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

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

**Agenda for an Ordinary Council Meeting  
to be held on Tuesday 20 September 2022  
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne  
Commencing at 6.00pm**

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## **1 ACKNOWLEDGEMENT OF COUNTRY**

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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.

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## **2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

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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.

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## **3 CONFIRMATION OF MINUTES**

### **3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 16 AUGUST 2022**

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#### **RECOMMENDATION**

That the minutes of the Ordinary Council Meeting of 16 August 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

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### **3.2 MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 6 SEPTEMBER 2022**

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#### **RECOMMENDATION**

That the minutes of the Extraordinary Council Meeting of 6 September 2022 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

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## **4 DISCLOSURES OF INTERESTS**

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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.

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**5 MAYORAL MINUTE(S)****ITEM 5.1 MAYORAL MINUTE - 2021 MINISTERS' AWARDS FOR WOMEN IN LOCAL GOVERNMENT**

Submitted by: Councillor Angelo Tsirekas (Mayor)

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**MOTION**

That Council commend Kristyne Arneill from the City of Canada Bay's Place Management Team, recipient of the Young Achievers Award – Metro in the 2021 Ministers' Awards for Women in Local Government.

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**BACKGROUND**

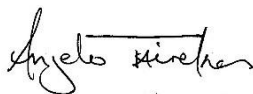
On behalf of Council, I would like to congratulate Kristyne Arneill from our Place Management team who has won the Young Achievers Award – Metro in the 2021 Ministers' Awards for Women in Local Government.

These awards celebrate the contribution women make in our industry – both to their organisation and to the local communities they serve. The Young Achievers Award recognises the work of an outstanding trainee/apprentice under 25.

This is a significant achievement for Kristyne who will receive a scholarship towards further training and education in the field of Local Government. The future is bright for Kristyne and for many of our extremely talented young staff here at the City of Canada Bay.

Recently, Councillors and community members would have seen Kristyne working alongside her colleagues at our Ferragosto festival. I am told that Kristyne was integral to the festa's great success – awake for set up at 2am in the morning and finishing her duties late into the night.

This award recognised this dedication to our organisation and to our community. I would also like to congratulate Stephanie Kelly and the Place Management team for their leadership and their commitment to the growth of emerging young staff members like Kristyne.



**Angelo Tsirekas**

MAYOR

**6 PUBLIC FORUM**

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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).

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**7 ITEMS RESOLVED BY EXCEPTION**

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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.

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## 8 EXECUTIVE SERVICES DIRECTORATE REPORTS

### ITEM 8.1 ELECTION OF DEPUTY MAYOR

**Reporting Manager** Manager Governance and Customer Services

**Attachments:** 1. Election of Deputy Mayor - Nomination form [↓](#)

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#### RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council:

1. Elect a Deputy Mayor to hold office through to September 2023.
  2. Note the procedure for the election of a Deputy Mayor by Councillors in accordance with Schedule 7 of the Local Government (General) Regulation 2021.
  3. Determines the method of voting for the election of a Deputy Mayor to be the open voting method, if more than one councillor is nominated.
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#### PURPOSE

For Council to determine whether to elect a Deputy Mayor, and for what period the Deputy Mayor is to be elected.

#### REPORT

It is usual practice for Council to decide whether to elect a Deputy Mayor and conduct an election in September each year. It has also been the convention to elect a Deputy Mayor for the term of one year, however given the postponement of the previous Local Government Elections (held in December 2021) the current period for the Deputy Mayor was shortened (January-September 2022) in order to re-align the annual Deputy Mayor election with the NSW Local Government Election cycle.

Section 231 of the Local Government Act states:

1. *The councillors may elect a person from among their number to be the deputy mayor.*
2. *The person may be elected for the mayoral term or a shorter term.*
3. *The deputy mayor may exercise any function of the mayor at the request of the mayor or if the mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of mayor.*
4. *The councillors may elect a person from among their number to act as deputy mayor if the deputy mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no deputy mayor has been elected.*

Before conducting an election, Council is required to determine the method of voting it wishes to use for the election. If more than one nomination is received, the method of voting can be either by open voting method, ordinary ballot method or preferential ballot method.

This report recommends that the open voting method be used.

The procedure for election is as outlined in Schedule 7 of the Local Government (General) Regulation 2021 and is summarised below.

1. The Returning Officer will announce the names of the candidates for whom nomination forms have been received.
2. The Returning Officer will then ask if there are any other nominations.
3. If there is only one (1) councillor nominated, the Returning Officer shall declare that councillor to be elected.



4. If there is more than one (1) councillor nominated, the Returning Officer shall advise the Council that it must resolve whether the election will be by:
  - Open Voting (show of hands)
  - Ordinary Ballot
  - Preferential ballot
5. Once the Council resolves the form of election, the Returning Officer shall conduct the election in accordance with the procedures outlined in the schedule.

Copies of nomination forms have been circulated under separate cover.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

Section 231 of the Local Government Act states the requirement for election for the position of Deputy Mayor. And the procedure for this election is outlined in Schedule 7 of the Local Government (General) Regulation 2021.

## ELECTION OF DEPUTY MAYOR NOMINATION FORM



**We, the undersigned, nominate:**

**Councillor**

**For the position of Deputy Mayor**

**Signed:**


Date:

**I consent to the nomination for the position of Deputy Mayor**

Signed:

Date:

### Nomination Procedure

1. A Councillor may be nominated without notice for election as Deputy Mayor.
2. The nomination is to be made in writing by 2 or more Councillors, (one of whom may be the nominee). The nomination is not valid unless the nominee had indicated consent to the nomination in writing.
3. The nomination is to be delivered or sent to the Returning Officer.
4. The Returning Officer is to announce the names of the nominees at the Council Meeting at which the election is to be held.

## **9 COMMUNITY AND ENVIRONMENTAL PLANNING DIRECTORATE REPORTS**

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

**Reporting Manager** Manager Statutory Planning

**Attachments:** Nil

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#### **RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL 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 August 2022 and 31 August 2022.

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#### **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 31 August 2022**

The following application was listed for consideration at the CBLPP meeting held on 31 August 2022:

- DA2021/0096 - 7 Burnell Street, Drummoyne - Alteration and extension to existing residential dwelling – *Refused*.

#### **Items for next CBLPP Meeting on 28 September 2022**

As of the date of this report, there are no applications identified for referral to the CBLPP meeting on 28 September 2022.

#### **Development Applications – Determined**

The following Development Applications have been determined by staff under delegation between 1 August 2022 and 31 August 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2021/0340	15.12.2021	5 Nelson Road, North Strathfield	A single storey detached dwelling at the northern end of the site to create a detached dual occupancy. All existing structure will be demolished. Minor modification to existing CDC approved under CDC2122003CDC by Beyond Certification	Approved 05.08.2022
DA2022/0040	08.02.2022	15 Boronia Street, Concord West	Demolition of Existing Structures and construction of a two storey residential dwelling with basement parking and swimming pool	Approved 05.08.2022
DA2022/0049	17.02.2022	19 Tait Street, Russell Lea	Alterations and additions to existing dwelling and proposed carport to existing car park space	Approved 05.08.2022
DA2022/0183	01.07.2022	7/30 Fitzroy Street, Abbotsford	Installation of replacement split system air conditioner at existing air conditioner location on balcony	Approved 08.08.2022
DA2022/0154	25.05.2022	133 Great North Road, Five Dock	Change of use and fitout of an existing premise (Shop 4) for a take away & cold food premises, replacement signage, with hours 7am to 6pm daily	Approved 11.08.2022
DA2022/0103	06.04.2022	19 Excelsior Street, Concord	Construction of pool, associated landscaping and alterations to openings of existing rear addition	Approved 11.08.2022
DA2021/0196	06.08.2021	86 Correys Avenue, Concord	Demolition of existing structures and construction of a two-storey dwelling with basement garage, front fence and in-ground swimming pool	Approved 12.08.2022
DA2022/0078	15.03.2022	202 George Street, Concord West	Change of use to an indoor recreational facility (Family Fitness & Wellness Centre) with associated internal fitout	Approved 12.08.2022
DA2022/0084	15.03.2022	47 Cometrowe Street, Drummoyne	Demolition of existing structures construction of a two storey dwelling, basement parking and swimming pool	Approved 12.08.2022
DA2022/0165	02.06.2022	13 Hilly Street, Mortlake	Change of use from office to hairdressers and fit out works	Approved 12.08.2022
DA2022/0176	16.06.2022	2 Bechert Road, Chiswick	Change of use fit out and signage for a real estate agency	Approved 12.08.2022

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
DA2022/0184	04.07.2022	124 Lower St Georges Crescent, Drummoyne	Minor works to replace bifold doors on rear façade, addition of skylights, and addition of screen walls to existing patio	Approved 12.08.2022
DA2021/0258	21.09.2021	117 Cabarita Road, Cabarita	Demolish an existing structures and remove one existing tree and to construct new two storey dwelling with basement car park	Approved 19.08.2022
DA2022/0055	16.02.2022	43 Murralong Avenue, Five Dock	Alterations and additions to existing dwelling and new pool	Approved 19.08.2022
DA2022/0119	14.04.2022	28 Harrabrook Avenue, Five Dock	Construction of one hardstand car space and planter boxes forward of the building alignment	Approved 19.08.2022
DA2021/0328	26.11.2021	26 Hospital Road, Concord West	Demolition of existing structures and construction of a new attached dual occupancy dwelling and strata subdivision	Approved 19.08.2022
DA2022/0194	08.07.2022	6/3 Harbourview Crescent, Abbotsford	Internal alterations and the addition of a pergola to the lower level balcony	Approved 19.08.2022
DA2022/0200	19.07.2022	70 Tennyson Road, Mortlake	The change of use to a Pilates Studio 'recreation facility (indoor)' at the property	Approved 19.08.2022
DA2022/0207	26.07.2022	2 Myall Street, Concord West	Removal of 4 x liquid amber trees and replacement planting with 8 x crepe myrtles	Approved 19.08.2022
DA2022/0214	28.07.2022	81 Formosa Street, Drummoyne	Pruning two trees for canopy maintenance and clearance	Approved 23.08.2022
DA2022/0033	08.02.2022	9 Nirranda Street, Concord West	Demolition of the existing structures and construction of a two storey detached dwelling plus basement level parking and new inground swimming pool	Approved 23.08.2022
DA2022/0001	07.01.2022	57 Alexandra Street, Drummoyne	Alterations and first floor additions to existing dwelling, new pool, garage and lower basement	Approved 24.08.2022
DA2021/0132	10.06.2021	8 Drummoyne Avenue, Drummoyne	Alterations and major additions to existing dwelling	Refused 26.08.2022
DA2022/0020	28.01.2022	11 Lorraine Street, North Strathfield	Demolishing of existing structures, construction of an attached dual occupancy	Approved 26.08.2022

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT	DATE DETERMINED & DECISION
			development and associated site works	
DA2022/0226	10.08.2022	29 Thompson Street, Drummoyne	Tree removal	Approved 26.08.2022
DA2022/0024	31.01.2022	23 Turner Avenue, Concord	Demolition of existing structures and construction of a new two storey dwelling with basement, pool and associated landscaping	Approved 26.08.2022
DA2021/0096	07.05.2021	7 Burnell Street, Drummoyne	Alteration and extension to existing residential dwelling	Refused – LPP 31.08.2022

Total Number of DAs Determined = 27

### Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 August 2022 and 31 August 2022:

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0212	03.08.2022	411 Lyons Road, Five Dock	Alterations and additions to rear of existing dwelling
DA2022/0216	03.08.2022	65 Myall Street, Concord West	Construction of a carport at side of dwelling and construction of a patio cover at rear of dwelling
DA2022/0218	04.08.2022	48 Renwick Street, Drummoyne	Alterations and first floor additions to rear of existing dwelling
DA2022/0219	04.08.2022	10 Coralie Street, Wareemba	Construction of a carport in the driveway forward of the building line
DA2022/0217	04.08.2022	Shop 1/10-14 Marquet Street, Rhodes	Proposed use of skin penetration premises to approved health and beauty centre
DA2022/0221	04.08.2022	511 Great North Road, Abbotsford	Construction of a pool, landscaping and demolition and reconstruction of rear deck and stairs
DA2022/0220	05.08.2022	39 Bowman Street, Drummoyne	Alteration and additions at rear of existing dwelling
DA2022/0222	05.08.2022	58 landra Street, Concord West	Demolition of existing outbuildings and erection of a detached secondary dwelling with the garage
DA2022/0227	09.08.2022	332 Victoria Place, Drummoyne	Proposed installation of a replacement timber jetty, timber ramp and pontoon
DA2022/0224	10.08.2022	62 Henry Street, Five Dock	Alterations and first floor addition to existing dwelling
DA2022/0225	10.08.2022	44 Plunkett Street, Drummoyne	Alterations and additions to rear of existing dwelling with pool

DA NO	DATE LODGED	PROPERTY	DESCRIPTION OF DEVELOPMENT
DA2022/0226	10.08.2022	29 Thompson Street, Drummoyne	Tree removal
DA2022/0228	10.08.2022	20 Lorraine Street, North Strathfield	Demolition of existing structures and construction of an attached dual occupancy with Strata Subdivision
DA2022/0230	10.08.2022	20 Erina Avenue, Five Dock	Construction of a new front fencing and footpath and steps works
DA2022/0211	12.08.2022	7 Thompson Street, Drummoyne	Demolition of existing dwelling and construction of new two storey dwelling with basement and swimming pool
DA2022/0223	12.08.2022	1 Nullawarra Avenue, Concord	Refurbishment and extension of existing Registered Club
DA2022/0229	16.08.2022	76 Correys Avenue, Concord	Demolition of existing structures and construction of a two storey dwelling house, with a basement level and pool
DA2022/0231	16.08.2022	25 Potter Street, Russell Lea	Construction of a two storey dwelling with attached double garage
DA2022/0235	17.08.2022	28 Walton Crescent, Abbotsford	Remove existing awning to unit 1 and replace with a new awning
DA2022/0232	18.08.2022	6/37 Drummoyne Avenue, Drummoyne	Construction of a louvre verandah
DA2022/0233	18.08.2022	55 Tranmere Street, Drummoyne	Removal of a <i>Ficus Benjamina</i> tree from the rear yard
DA2022/0234	23.08.2022	34 Mackenzie Street, Concord West	Addition of a first floor to existing garage for storage / studio
DA2022/0236	23.08.2022	62 Burnell Street, Russell Lea	Demolition of an existing structures and the construction of a new two dwelling with basement garage, and pool
DA2022/0239	23.08.2022	31 Hezlet Street, Chiswick	Extend existing detached carport by 2.0m and change roof from tile to flat metal roof
DA2022/0241	23.08.2022	10 Udall Avenue, Five Dock	Construction of a two storey dwelling and removal of trees
DA2022/0240	23.08.2022	13 Hezlet Street, Chiswick	Construction of a dwelling house over basement parking with associated landscaping and swimming pool, cabana as well as the replacement of an existing boat shed and construction of sea wall
DA2022/0244	30.08.2022	32 West Street, Five Dock	Partial demolition of existing carport and addition to the rear of the carport
DA2022/0242	31.08.2022	25 Myall Street, Concord West	Removal of a tree that is located within a heritage conservation area
DA2022/0243	31.08.2022	24 Minnesota Avenue, Five Dock	Rear deck additions attached to portion of two storey rear additions approved under a separate Complying Development Certificate

Total Number of DAs Lodged = 29

## Variations to development standards

There were no variation made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 August 2022 and 31 August 2022:

## Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 31 August 2022:

DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
DA2021/0167	34 Bayview Road, Canada Bay	Class 1 Appeal against the deemed refusal of the Demolition of existing structures and construction of a 48-place childcare facility, basement parking for 12 vehicles	Matter listed for hearing on 21 and 22 September 2022
DA2021/0290	25 Abbotsford Parade, Abbotsford	Class 1 Appeal against the deemed refusal of the development application for Major alterations and additions existing dwelling	Agreement reached between the parties on a revised development scheme. Awaiting judgement by the Commissioner.
DA2021/0082	71-75 Victoria Road, Drummoyne	Class 1 Appeal against the deemed refusal of the development application for:  Demolition of existing structures, site consolidation and construction of a new mixed use development comprising basement carparking, two (2) retail tenancies, four (4) live/work tenancies and twenty-nine (29) residential apartments. The proposal incorporates the removal of three (3) existing driveways and construction of a new driveway accessing the site from Day Street, and approval will be required pursuant to S138 of the Roads Act 1993	Council awaiting submission of amended plans following recent conciliation conference.
DA2021/0179	2 Swan Avenue Strathfield	Class 1 Appeal against the deemed refusal of the development application for: Demolition of the existing dwelling house and associated structures and construction of a three (3) storey x eighteen (18) room boarding house (incl. Manager's room) with parking for one (1) car, four (4) motorcycles and four (4) bicycles under <i>State Environmental Planning Policy</i>	Council awaiting submission of amended plans following recent conciliation conference.



DA/APPEAL NO	PROPERTY	DESCRIPTION OF DEVELOPMENT	CURRENT STATUS
		<i>(Affordable Rental Housing) 2009</i>	
DA2022/0065	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Change of use external area and extension of opening hours at the Illinois Hotel	Matter listed for conciliation conference on 15 September 2022
DA2022/0095	13-15 and 21-23 Parramatta Road, Five Dock (Illinois Hotel)	Class 1 Appeal against the deemed refusal of the development application for Alterations and Additions to existing Pub "The Illinois Hotel"	Matter listed for conciliation conference 15 September 2022
DA2021/0218	41 St Georges Crescent, Drummoyne	Class 1 Appeal against the refusal of the development application for alterations and additions to a heritage listed dwelling	Matter listed for conciliation conference 6 and 7 October 2022
DA2021/0254	33 Dorking Road, Cabarita	Class 1 Appeal against the deemed refusal of the development application for alterations and additions to a dwelling house	Matter listed for conciliation conference 14 and 15 November 2022
DA2022/0039	53 Davidson Avenue, Concord	Class 1 Appeal against the deemed refusal of the development application for the construction of a new two-storey dwelling	Matter listed for conciliation conference 24 and 25 November 2022
DA2022/0129	19/203-211 Great North Road, Five Dock	Class 1 Appeal to the deemed refusal of development application for the alterations and additions including demolition, for the purpose of a childcare centre, for ninety-six (96) children with sixteen (16) staff, to operate 7:00am and 6:00pm Monday to Friday, and thirty-four (34) car spaces	Matter listed for conciliation conference 8 November 2022
DA2022/0016	13 Collingwood Street, Drummoyne	Class 1 appeal against the deemed refusal of development application for alterations and additions to a contributory dwelling in a heritage conservation area	Matter listed for conciliation conference 17 and 18 November 2022

Of the above 11 listed matters before the Land and Environment Court, there are currently 10 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.

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**ITEM 9.2 POST EXHIBITION - PLANNING PROPOSAL - 1-7 RAMSAY ROAD AND 5 AND 7 HARRABROOK AVE FIVE DOCK****Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Attachment A - Summary of Submissions (*Provided in Attachment Booklet*) [⇒](#)
  2. Attachment B - Planning Proposal - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
  3. Attachment B1 - Planning Proposal Maps - 1 Ramsay (*Provided in Attachment Booklet*) [⇒](#)
  4. Attachment C - draft Development Control Plan - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
  5. Attachment D - draft affordable Housing Contribution Scheme - 1 Ramsay Road (*Provided in Attachment Booklet*) [⇒](#)
- 

**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That:

1. Council note the matters raised in response to the public exhibition of the Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Ave, Five Dock at Attachment A;
  2. Council endorse the Planning Proposal at Attachment B to the report, subject to a maximum floor space ratio of 1.65:1 applied to that part of the land to be zoned B1 Neighbourhood Centre and a maximum building height of 14.5 metres on the part of the land fronting Ramsay Road;
  3. Council adopt the draft *Canada Bay Development Control Plan (DCP)* at Attachment C to the report, with the plan coming into effect on the date of publication of the Local Environmental Plan;
  4. Council adopt the draft *Affordable Housing Contribution Scheme* at Attachment D to the report, with the Scheme to come into effect on the date of the publication of the Local Environmental Plan;
  5. Authority be delegated to the General Manager to make minor amendment to the Planning Proposal to correct any drafting errors prior to finalisation of the Local Environmental Plan;
  6. Authority be delegated to the General Manager to make the Local Environmental Plan on behalf of Council, being nominated as the local plan making authority.
- 

**PURPOSE**

This report details the outcome of the public exhibition of the Planning Proposal for land at 1-7 Ramsay Road and 5 and 7 Harrabrook Ave in Five Dock.

*Note that at its meeting on 16 August 20022, Council resolved to defer this matter. The report submitted below is an amended version of the report provided to Council on 16 August 2022.*

**EXECUTIVE SUMMARY**

On 16 March 2021, Council resolved to revise and submit a landowner-initiated Planning Proposal for 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock (PP2020/0005) to the (then) Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

A Gateway Determination was issued, and the Planning Proposal was exhibited. The Planning Proposal seeks to facilitate redevelopment of the site which could allow, with development consent,

a part 3 and 4 storey mixed use development, with part ground floor retail and apartments on the upper levels.

Twelve submissions were received from members of the community and public authorities.

The report recommends that the Planning Proposal be endorsed for finalisation, with a reduction of the maximum FSR on part of the site from 1.71:1 to 1.65:1, to address amenity concerns. The report also recommends that Council adopt the draft *Development Control Plan* and draft *Affordable Housing Contribution Scheme*.

## 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

On 11 December 2020, the subject Planning Proposal was lodged with Council for the redevelopment of 1-7 Ramsay Road and 5 and 7 Harrabrook Avenue, Five Dock.

On 18 February 2021, the Planning Proposal was reviewed by the Local Planning Panel (LPP). The LPP supported recommendations to revise the Planning Proposal, namely to reduce the height of the development and ensure suitable setbacks from adjoining low density residences to the north.

On 16 March 2021, Council resolved to revise and submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination. The revisions were to reduce the maximum height of part of the building to 10m and 14m, revise the maximum floor space ratio as a result of the height revision, further investigate the retention and protection of a significant Lilly Pilli, introduce an active frontage to Ramsay Road and extending 20m along Henley Marine Drive; and include a Detailed Environmental Site Investigation. Council also resolved to amend the Canada Bay DCP and the Affordable Housing Contribution Scheme to support proposed changes to the LEP.

On 3 May 2021, an assessment of the condition of the Lilly Pilli was undertaken by an independent Arborist engaged by Council. The review concluded that the tree has a high risk of failure but low risk of harm. Any development of this site was considered to increase the risk of harm caused by the failure of the tree to unacceptable levels and lead to further deterioration in the condition and health of the tree. The independent Arborist recommended that the tree be removed.

On 24 November 2021, the revised Planning Proposal package was submitted to the DPE seeking a Gateway Determination.

On 3 March 2022, a Gateway Determination was issued allowing community and public authority consultation subject to minor revisions to the Planning Proposal.

## Council meeting of 16 August 2022

On 16 August 2022, the planning proposal was reported to Council seeking endorsement to proceed and be made into a local environmental plan. The proposal seeks to allow for a three and four storey residential flat building with ground floor retail along Ramsay Road. Council resolved to defer the matter to the next Council meeting to enable the applicant to further discuss a number of aspects with Council officers.

In response to the applicant's request and Council's resolution to defer the matter, Council planning officers met with the applicant, and a subsequent written request was received from applicant, requesting variations the planning controls recommended by Council officers, including:

- an increase the maximum height from 10m to 11m (on part of the site), and from 14m to 15m (on the part of the site fronting Ramsay Road) to accommodate a lift overrun and floorspace;

- clarification of the rear setback control requiring a minimum of 9m radius setback from the boundary; and
- an increase the Floor Space Ratio (FSR) control from 1.65:1 to 1.8:1 to accommodate new indicative floor space that could possibly be achieved through detailed design.

This request is discussed under the *Key Issues Raised* section of this report.

## THE SITE

The site is located on the southern boundary of the Canada Bay Local Government Area and comprises seven lots known as 1 and 7 Ramsay Road and 5 and 7 Harrabrook Avenue Five Dock, with a total combined site area of approximately 3,300m<sup>2</sup>. The land has frontages to both Ramsay Road and Henley Marine Drive (see Figure 1).



*Figure 1: Subject site shown with red outline*

The site contains the former Roads and Maritime Services building and workshop at 1 Ramsay Road, a neighbourhood shop at 7 Ramsay Road, and two single storey detached dwellings at 5 and 7 Harrabrook Avenue.

To the north of the site are one and two storey residential houses along Harrabrook Avenue and five commercial terraces fronting Ramsay Road. The Five Dock Town Centre is located approximately 500-600m to the north. To the east the site is bounded by Ramsay Road, a four lane road connecting the suburbs of Five Dock and Haberfield. To the south, the site is bounded by Henley Marine Drive and the suburb of Haberfield in the Inner West Local Government Area. To the west, land comprises one and two storey dwelling houses along Henley Marine Drive and Harrabrook Avenue.

## The Planning Proposal

The Planning Proposal, as exhibited, seeks to amend the *Canada Bay Local Environmental Plan (LEP) 2013* to facilitate redevelopment of the site, which could allow with development consent, a part 3 and 4 storey mixed use development, with part ground floor retail and apartments on the upper levels.

The Planning Proposal, as exhibited, seeks to amend the *Canada Bay Local Environment Plan 2013* (LEP) by:

- rezoning part of the site from R2 Low Density Residential to B1 Neighbourhood Centre;



- increasing the maximum building height on part of the site from 8.5m to 10m and 14m;
- increasing the floor space ratio (FSR) on part of the site from 0.5:1 and 1:1 to 1.71:1;
- reducing the minimum lot size map for 5 and 7 Harrabrook Avenue from 450m<sup>2</sup> to 360m<sup>2</sup>;
- introducing an Active Street Frontage on land with frontage to Ramsay Road and extending 20m along Henley Marine Drive;
- amending Clause 6.12 to introduce an affordable housing contribution of 5% for the site; and
- amending Schedule 1 Additional Permitted uses to allow residential flat buildings on part of the site zoned B1 Neighbourhood Centre.

Amendments are proposed to the *Canada Bay Development Control Plan* (DCP) by incorporating site specific controls, diagrams, and figures to facilitate a desirable development outcome, including controls for:

- building envelope;
- ground and upper level setbacks; and
- tree and landscaping controls.

The *draft Canada Bay Affordable Housing Contribution Scheme* requires future development to provide a contribution towards affordable housing.



VIEW FROM CORNER OF RAMSAY ROAD & HENLEY MARINE DRIVE

Figure 2: Photomontage of indicative built form, 2020 (Source: Squillace Architects 2020)

## Public Exhibition

The Planning Proposal and supporting documentation was publicly exhibited on Council's website, community engagement platform, Collaborate, and the NSW planning portal for 31 days, from 5 April 2022 to 17 May 2022.

Notification letters were sent to people who made submissions prior to the public exhibition and to owners and residents within 100m radius of the site.

Twelve submissions were received, including one from Transport for NSW.

The submissions from landowners and residents included a number of form letters from residents expressing concern about the planning proposal prior to public exhibition. The issues raised in these submissions have been addressed in this report.

Key issues raised in public exhibition are discussed below. All matters raised in submissions are addressed in detail in Attachment A.

Amendments requested by the applicant following the Council meeting on 16 August 2022 are also addressed in the Key Issues section below.

### **Key Issues Raised**

#### *Traffic*

There are a number of concerns raised in the submissions related to traffic. They include:

- that traffic generated from future development would add to the traffic congestion experienced in the area and the cumulative effect has not been considered;
- an increase to the amount of commercial activity on the right of way, safety risks and hazards associated with the current uses and lack of parking will impact congestion on Harrabrook Avenue; and
- the location of the basement car park on a blind bend and a choke point of the road.

#### *Response:*

Reference to the traffic generation rates nominated in the RMS Guide to Traffic Generating Developments indicate that the development envisaged by the Planning Proposal could be expected to generate up to 15 vehicles per hour during peak periods.

The projected level of traffic activity expected to be generated by the Planning Proposal is relatively minor when compared with the previous use of the site as a Motor Registry. Future traffic generated by the site will not have any unacceptable traffic implications in terms of road network capacity.

Further assessment of traffic will be undertaken at the development assessment stage when the type and intensity of development is known (number and mix of dwellings). Planning controls set the upper limit of development that may be acceptable. If the proposed development creates unacceptable traffic impacts, the maximum yield may not be realised.

The Right of Way (ROW) is wide enough to accommodate two-way traffic provided no vehicles or items obstruct vehicle movements. Photos submitted show a combination of illegally parked vehicles as well as rubbish and skip bins located in the right of way. *The Conveyancing Act 1919* stipulates that the responsibility to maintain access rests with the parties providing the benefit. This is not a compliance issue that Council is able to enforce and is a civil matter. The draft DCP requires future development to adhere to the terms of the ROW and ensure that all parking that is generated to be provided on site.

Transport for NSW has requested the proposed vehicular access be located as far from Ramsay Road as possible at the detailed design stage. The draft DCP identifies a preferred driveway location from Henley Marine Drive, which is located at the lowest point of the site and at the furthest distance from Ramsay Road.

#### *Parking:*

- A submitter has noted that the use of on-street parking to accommodate retail parking is an inadequate response and fails to consider the detrimental impact to local residents and existing commercial premises.

#### *Response:*

Parking for the proposed retail tenancy is required to be contained within the development site at rates set out in the *Canada Bay Development Control Plan*. As this planning proposal is seeking to intensify the use of the land, it is appropriate that future development not be permitted to rely on on-street parking to satisfy private demand for parking.

Concept plans submitted with the planning proposal indicate that sufficient parking can be provided on site to comply with relevant car parking controls. The number and allocation of parking spaces (retail, visitor and residential) will be further assessed and determined when a development application is prepared and assessed.

### *Height and Character*

- The submissions suggest that a development of 14m does not respond to the scale of the existing low-density residences on Harrabrook Avenue and that the substation building on the eastern side of Ramsay Road should not be used as a height reference. There is concern that the height of the building will create new impacts and the low-density residential character of the locality will be diminished.

#### *Response:*

It is acknowledged that the character of the area surrounding the neighbourhood centre comprises low density residences. The planning proposal provides for a maximum height of 10m (three storeys) where the rear boundary of dwelling houses adjoins the subject site and 14m (four storeys) for that part of the land with a frontage to Ramsay Road. These building heights combined with the envelope outlined in the draft DCP seek to respond to the character of the area, with a transition in height from the proposed development to the low-density residences to the west.

Whilst the substation building on Ramsay Road is not a residential building, it is a building that sets the scale of development in the neighbourhood centre. The part of the site with a maximum 14m height would front Ramsay Road and be considered as part of the neighbourhood centre. It is important to note that the proposed DCP provisions require a three storey street frontage height (approx. 10.6m) on Ramsay Road with the fourth storey set back.

The proposed maximum building height of 14m is considered acceptable given the location of the site within a neighbourhood centre and due to the size of the land being sufficient to accommodate a range of building heights.

### *Amenity Impacts*

There are a number of concerns raised in the submissions related to amenity impacts. They include:

- loss of privacy, ability for overlooking and decrease of ambient light; and
- neighbouring residents on Harrabrook Avenue will endure additional noise disruption and odours emanating from garbage and/or grease traps from commercial activity.

#### *Response:*

The building envelope has been established to reduce amenity impacts for existing dwelling houses to the north and west of the site. To address potential privacy and amenity issues, the proposed DCP requires deep soil areas and landscaping to be provided along the boundary of existing residential properties. The draft DCP will require a minimum of 20% of the site area to be landscaped and the building will be required to be set back a minimum 9m from the northern boundary, consistent with the *Apartment Design Guide*.

Further changes are recommended to the proposed building envelope to remove the cantilever on the Ramsay Road frontage and to reduce the footprint of the building to improve the amount of landscaping/deep soil planting area and ensure a 9m setback is provided along all site and rear boundaries to low density zones. These amendments result in a minor reduction to the proposed floor space ratio from 1.71:1 to 1.65:1.

As the site is located within a neighbourhood centre, it is not unreasonable for business uses to occur, provided they do not unreasonably impact the amenity of the surrounding residents. The initial use of the proposed commercial/business floor space will be the subject of a development application and will be approved through a development assessment process. Noise and other amenity impacts will need to be addressed depending on the nature of the use proposed.

### *Public Interest*



- Three submitters believe that the planning proposal is not in the public interest and that the proposal serves the financial gain of the developer and there is no benefit for the current owners and occupiers.

*Response:*

Council must assess planning proposals in accordance with the *Environmental Planning and Assessment Act 1979* and State Government guidelines to determine whether the proposal exhibits strategic and site-specific merit. The proposal will provide for the orderly development of the land where future development proceeds in accordance with the maximum recommended floor space ratio, building height and the development controls outlined in the draft DCP.

*Further amendments requested by the applicant*

Following the deferral of the planning proposal at the Council meeting on 16 August 2022, the applicant has requested the following changes to the planning controls:

- increasing the maximum height from 10m to 11m (part of the site), and from 14m to 15m (part of the site fronting Ramsay Road), to accommodate a lift overrun and floorspace;

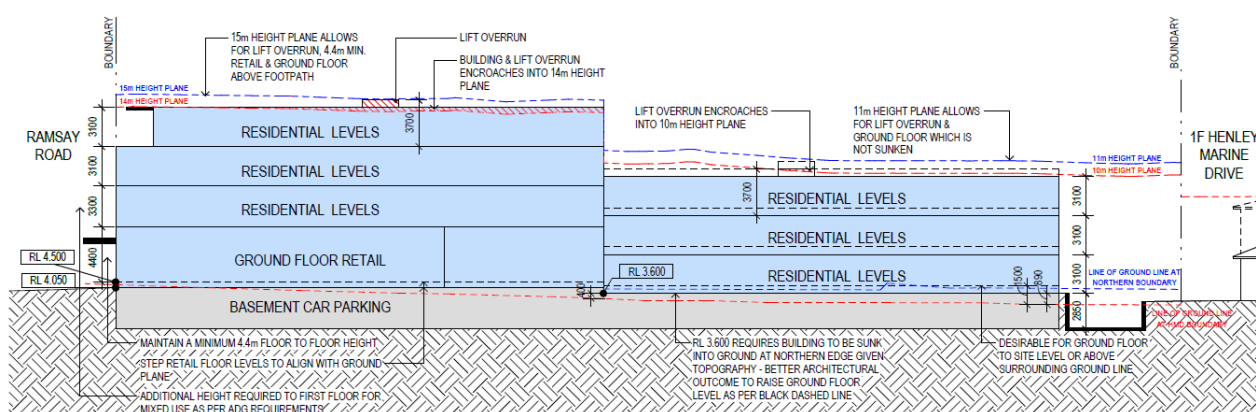


Figure 3: Section showing indicative height, 2022 (Source: Squillace Architects 2022)

- clarification of the rear setback control requiring a minimum of 9m radius setback from the boundary; and
- increasing the Floor Space Ratio (FSR) control from the recommended 1.65:1 to 1.8:1 for the part of the site to be zoned B1 Neighbourhood Centre, to potentially accommodate new indicative floor space.

*Response:*

*i) Building height*

Exhibited	Requested by applicant post-exhibition	Recommendation
14m (part of site fronting Ramsay Road)	15m (part of site fronting Ramsay Road)	14.5m (part of site fronting Ramsay Road)
10m (remainder of site)	11m (remainder of site)	10m (remainder of site)

It is acknowledged that given the slope of the land, some flexibility on the maximum height may be required to accommodate the building, including lift overrun, depending on its the location. As such the applicant has requested that the maximum building heights for the site be increased from 14m and 10m to 15m and 11m respectively.

For the part of the site fronting Ramsay Road, the applicant has indicatively conceived the first floor level as having a 3.3m floor-to-floor height, which is greater than that required by the draft

Development Control Plan (DCP). As this site is located in a small neighbourhood centre, it is unlikely that there will be demand for commercial uses on the first floor, and thus a maximum building height of 15m for this part of the site is not considered necessary. However, a maximum building height of 14.5m would likely accommodate all or most of any lift overrun as well as accommodating more generous floor to ceiling heights for non-residential uses at ground floor level. Additionally, a maximum building height of 14.5m would also ensure an appropriate 4 storey built form outcome, as exhibited.

It is therefore recommended that the maximum building height for the part of the site fronting Ramsay Road be increased from 14m (as exhibited) to 14.5m. to 14.5m.

No change to maximum building height is recommended for the remainder of the site, as the remainder of the site is anticipated to be fully residential. Any lift overruns in this portion of the site would result in a minor variation in building height; and could be resolved at the DA stage. Retaining the 10m maximum building height, as exhibited, ensures as appropriate 3 storey built form outcome in this part of the site.

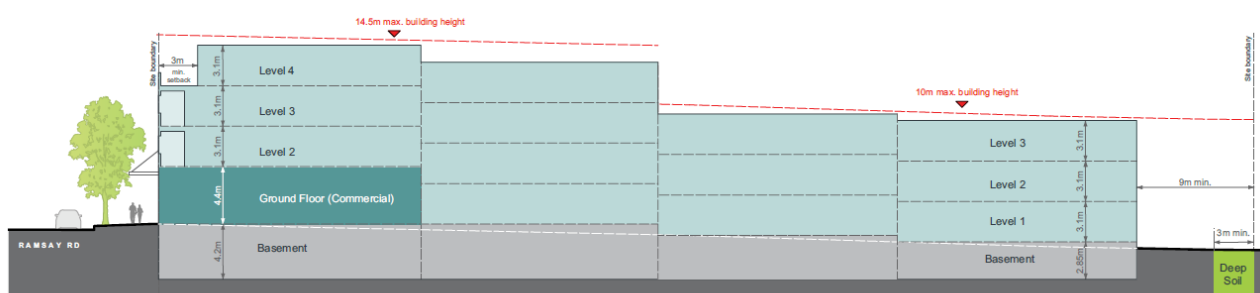


Fig G3.68 Building Envelope Section A-A

Figure 4: Section showing indicative height control in draft DCP, 2020 (Source: Studio GL 2022)

## ii) Rear setback

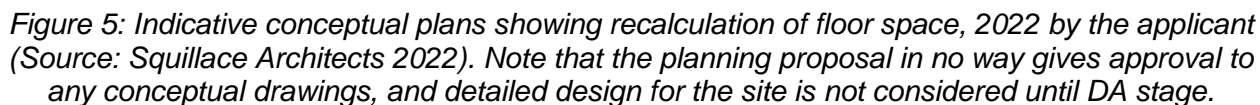
Following exhibition, the applicant has requested that the 9m rear setbacks be clarified to allow it to be measured as a radius from the boundary. Whilst this was the intent of the exhibited draft DCP, this feedback from the applicant has been incorporated, and the DCP drawings have subsequently been amended to clarify this intent.

## iii) FSR

Exhibited	Requested by applicant post-exhibition	Recommendation
1.7:1	1.8:1	1.65:1

The draft planning proposal was exhibited with a maximum FSR of 1.7:1 across the site. Following exhibition, Council officers, recommended an FSR of 1.65:1 for the site in the report to Council on 16 August 2022. This recommendation was based on recommended setback requirements to address amenity impacts via separation between the site and existing low density residential to the north (fronting Harrabrook Avenue), and revised DCP controls to improve building presentation to Henley Marine Drive and to facilitate deep soil planting and landscaping.

The applicant has subsequently requested that the maximum FSR control be increased to 1.8:1, based on an amended indicative concept and their potential floorspace recalculations.



Concerns are raised regarding increases to building bulk associated with an increased FSR of 1.8:1, particularly in terms provision of the amount of private open space within the subject site, and relationship of the future development to the low density residential development immediately adjoining the site. As such, the recommendation of a maximum FSR of 1.65:1 of the 16 August 2022 Council report remains unchanged.

- the *Canada Bay Local Environment Plan 2013 (LEP)* and map by:
  - reducing the maximum floor space ratio (FSR) on part of the site from 1.71:1 to 1.65:1. This represents a recalculation of the maximum FSR taking into account setback requirements to address amenity impacts, controls to improve building presentation to Henley Marine Drive and a building footprint that facilitates deep soil planting and landscaping.
  - Increasing the maximum building height from 14 metres to 14.5 metres for part of the site fronting Ramsay Road to allow for the slope of the land and to accommodate a four storey building as intended.
- the *Canada Bay Development Control Plan (DCP)* by new or amended provisions:
  - to ensure the removal of trees on site will be offset by replacement planting;

- to require the use roof colours and materials that minimise the heat island effect;
- to require all parking generated by the development to be provided on site;
- to require any use of the laneway to be consistent with the terms of the right of carriageway applying to the land;
- to clarify the minimum amount of commercial floor space to be provided; and
- to clarify and support recommended maximum height and setback requirements.

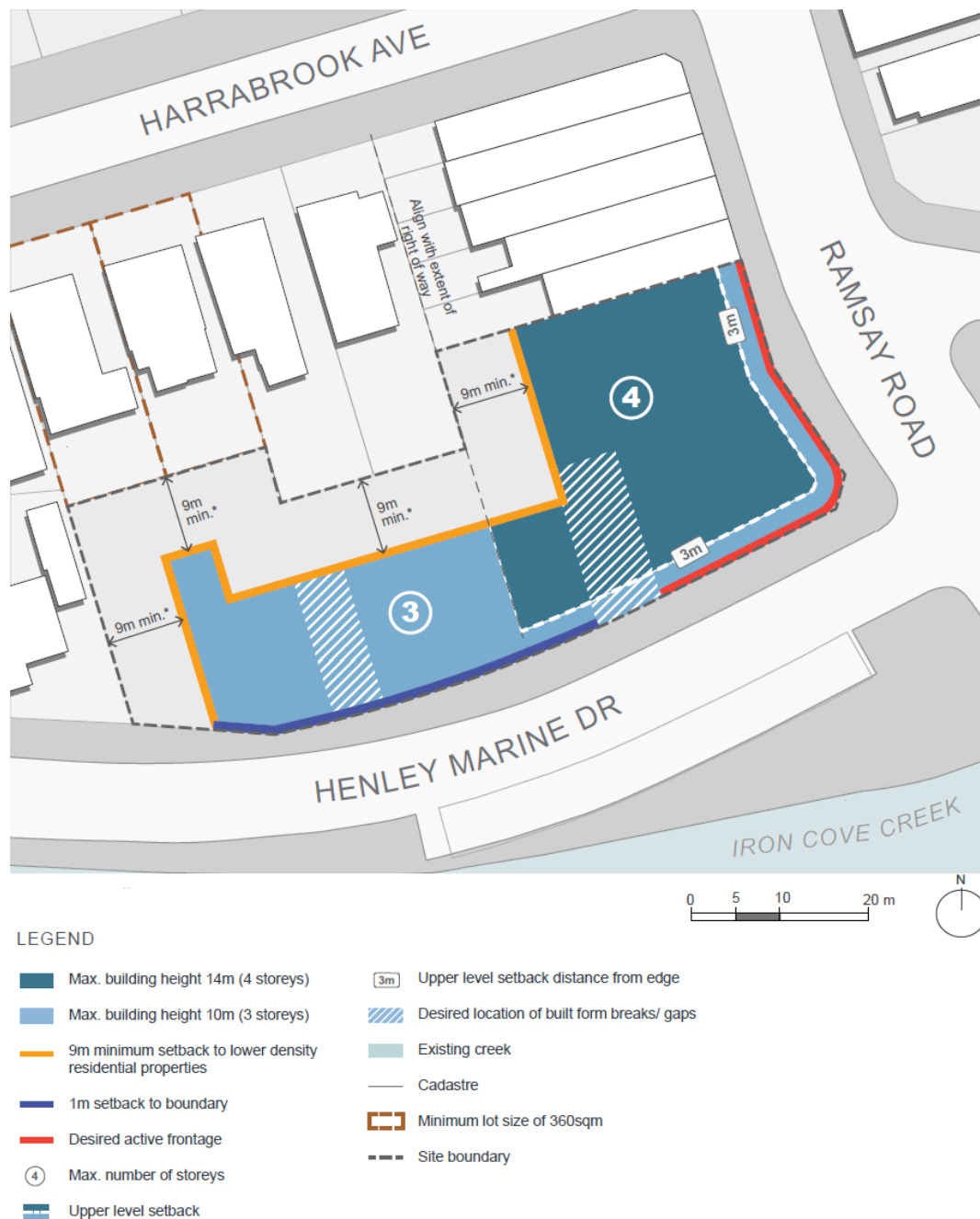


Figure 6: Recommended Building Envelope Plan (Source: Draft DCP)

**TIMING**

The Gateway Determination allows Council to be the local plan making authority for this Planning Proposal. Should Council resolve for the Planning Proposal to proceed, Council officers will work with the Department of Planning and Environment and the Parliamentary Counsel Office to finalise the LEP.

The Gateway Determination requires Council to make the LEP by 3 December 2022. Council has met the exhibition and reporting milestones for this Planning Proposal and is on track to complete the LEP by December 2022. However, any re-exhibition of the planning proposal would mean that Council would not be able to meet this timeframe requirement.

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The Planning Proposal seeks to amend the *Canada Bay LEP 2013*, *Canada Bay DCP* and *Canada Bay Affordable Housing Contribution Scheme*. It has been prepared in accordance with the following legislation and plans:

- *Environmental Planning and Assessment Act 1979*;
- *Environmental Planning and Assessment Regulations 2000*;
- *Eastern City District Plan*, released by the Greater Sydney Commission;
- *Canada Bay Local Strategic Planning Statement* assured by the Greater Sydney Commission on 25 March 2020; and
- *Canada Bay Local Housing Strategy*, adopted by Council on 15 October 2019.

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report.

**ITEM 9.3                      RETURN AND EARN****Reporting Manager      Manager Sustainability and Waste****Attachments:              Nil**

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That Council notes that, following a thorough investigation, no suitable sites for a 'Return and Earn' reverse vending machine within the City of Canada Bay LGA have been identified.

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**PURPOSE**

This report is in response to a Notice of Motion (Councillor Di Pasqua) from the ordinary Council meeting on 28 September 2021. The report outlines the findings of the investigation to assess suitable sites for the installation of a reverse vending machine (RVM) for return and earn within the City of Canada Bay Council area.

**REPORT**

In September 2021, Council considered a Notice of Motion on reverse vending machines (RVM) and resolved:

1. *THAT Council notes that the Return and Earn program has encouraged recycling within the Canada Bay LGA.*
2. *THAT Council endorses the opportunity to install a reverse vending machine within the Canada Bay LGA, as soon as possible if practicable.*
3. *THAT Council seek a staff report and workshop to be delivered by the end of the year to discuss this motion and to identify possible sites that are suitable.*

Council and TOMRA have subsequently explored various potential RVM sites to increase the container recycling capacity within the City of Canada Bay. Citizen Blue Five Dock is the only return and earn recycling depot in the area since the removal of the RVM at Briar's Sports Club, Concord.

Community support for RVMs in City of Canada Bay is high. The *Weigh in on Waste Strategy Community Survey*, undertaken in 2019, assessed community satisfaction, attitudes, and needs for waste management and resource recovery. The survey, which was undertaken prior to the removal of the Briar's Sports Club RVM, indicated that 44% of respondents had used the existing RVM; 48% were aware of it but had not used the RVM; and 9% were not aware of its location. Respondents also indicated that the availability of more return and earn stations (or RVMs) would facilitate the use of the service.

The locations investigated included Concord RSL, Cintra Park car park, Massey Park Golf Club, and Five Dock Leisure Centre. An internal panel with representatives from Council's Property, Parks and Recreation, and Sustainability and Waste teams assessed each of the sites. The sites above have all been deemed unsuitable for a reverse vending machine on public land for the reasons outlined below:

**Concord RSL**

This location is not suitable due to recent changes in ownership, current shared use for COVID testing and the ongoing redevelopment of the site. This site can be further investigated when the development is completed, however the current masterplan may limit the use of this site due to the potential increased traffic at the site.



**Cintra Park car park**

The RVM would reduce the availability of nine (9) car spaces within the car park, and this car park is currently being used by a variety of users, including Sydney Metro workers for the development of the North Strathfield station. The additional traffic pressure for the operation of the RVM as well as further loss of car park spaces for park users were key considerations in the final recommendation for the site.

**Massey Park Golf Course**

This site was deemed unsuitable by TOMRA due to the proximity to residential areas and high slope of the site ground.

**Five Dock Leisure Centre**

The centre is located less than 200m from the Citizen Blue Bulk collection point in Five Dock. TOMRA has advised that the location is not suitable due to proximity to Citizen Blue's automated depot, and contractual considerations with the not-for-profit organisation. This site can be reassessed in the future when the Parramatta Road planning proposal is realised.

**Existing locations outside City of Canada Bay**

There are several reverse vending machines, in addition to the Five Dock Depot, within close proximity to the City of Canada Bay. A list is provided below:

- Return and Earn Strathfield Council Carpark - 5 Churchill Ave, Strathfield NSW 2135
- Return and Earn Sydney Markets - 318 Parramatta Road Cnr Hammersmith Street and Flemington Road, Homebush West NSW 2140
- Return and Earn Reverse Vending Machine - 28 Robert St, Rozelle NSW 2039
- Return and Earn TOMRA Reverse Vending Machine - Foster Ln, Leichhardt NSW 2040
- Return and Earn Reverse Vending Machine - 2 Crown St, Henley NSW 2111

Whilst no suitable locations for a reverse vending machine were found as part of the investigations undertaken with TOMRA, if any new potential sites are identified or any new technology emerges, Council will continue to work with TOMRA to explore these.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the recommendations of this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Council has adopted a *Resource Recovery and Waste Strategy* (2021). One of the key priorities of this strategy is to increase recycling. Council provides a yellow recycling bin service for all residential properties throughout the City of Canada Bay which collects containers and recycles them as part of a processing contract with VISY. Council also offers a recycling service as part of its commercial waste service offering.

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report

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**ITEM 9.4 CITY OF CANADA BAY ENVIRONMENT ADVISORY COMMITTEE  
MINUTES - 18 AUGUST 2022****Reporting Manager** Manager Sustainability and Waste**Attachments:** 1. Environment Advisory Committee Minutes - 18 August 2022 [↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That the minutes of the City of Canada Bay Environment Advisory Committee Meeting held 18 August 2022, attached to the report be received and noted.

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**PURPOSE**

The City of Canada Bay Environment Advisory Committee seeks Council's endorsement of the attached minutes and associated recommendations/actions.

**REPORT**

This report provides Council with the minutes of the City of Canada Bay Environment Advisory Committee from the meeting held on 18 August 2022.

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

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

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**

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



## Environment Advisory Committee Minutes

Thursday 18 August 2022 6.30pm – 9.00pm

Council Chambers / Online

**Committee attendances:** Kylie Tang (KT), David Mansford (DM), Alyssa Brown (AB), Kate Egan (KE), Danny Ruspandini (DR), Sally Ash (SA), Rolf Muller (RM), Robyn Lindner (RL), Daniel Yi (DY), Tailoi Ling (TL)

**Apologies:** Christina Rojas (CR), Cristina Maree Profilio (CP)

**Council attendance:** Robert Adamson (RA), Gabriella Love (GL), Belinda Koytz (BK)

**Chair:** Clr Charles Jago (CLR JAGO)

**CLR JAGO opened the meeting at 6.38pm**

**Business arising from previous minutes (standing item)**

1	Nil	
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### Announcements/Introductions

All member of the group introduced themselves

### Code of Conduct and Charter

BK provided a presentation on the obligations and responsibilities of the committee in relation to the Code of Conduct and the Committee Charter

### Council Presentation

BK/GL presentation on projects and initiatives that the Council has undertaken for the last 4 years outlined through the Environmental Strategy 2020.

- Council environmental targets, strategies, and plans
- Urban Canopy, Biodiversity and Waterways programs
- Sustainable Transport and Climate resilience
- Community Energy programs
- Council operational programs to reduce Greenhouse Gas Emissions
- Resource Recovery and Waste management including services and key projects

**ACTION: RA to send presentation to committee.**

DM enquired why bulk household waste collection (BHC) is collected twice annually rather than via bookings and the reason for the decision. BK explained that there is a mixed view within the community about how the service should run. Council requires a balance between providing an efficient service and minimising waste to landfill. Any service changes will be considered in the new contract.



## Environment Advisory Committee Minutes

Thursday 18 August 2022 6.30pm – 9.00pm

Council Chambers / Online

TL asked if residents in multi-unit dwellings (MUDs) could be provided a service variation to ensure all vacating premises could access the service. BK explained that this would potentially be unmanageable in large buildings as Council potentially could service them every day and this would increase rates considerably. It is also important that residents are responsible and mindful of the materials they buy. Residents always have an option to engage a private waste collector to assist.

### Planning Workshop - Priorities

**Action: RA to distribute a copy of the priorities and send out to EAC.**

### General Business

- TL wanted to know if attendance by Zoom for future meetings could be accommodated with the committee agreeing to set meetings for face to face but option provided if unable to attend.

**ACTION:** Group members to advise Rob prior if wanting to attend online and a link will be sent out. The group agreed that meetings will generally happen in person. The group also decided if majority of the group cannot make it in person, the meeting would move online.

- BK explained the structure for meetings moving forward will be to arrive from 6pm with a 6.30pm start.
- Committee expressed they would like a speaker on Urban Forestry from Council's team at the next meeting.

**ACTION: BK/RA to organise speaker and distribute Urban Canopy Strategy before next meeting.**

- Monica Cologna the Director of Planning will be attending the next meeting.
- BK explained that volunteering is a facet of the committee and shifts can be offered to members for festivals such as Ferragosto and Concord Carnival. Materials will be shared with member throughout their time on the committee which we encourage the group to share in their networks.
- If there are any discussion points committee members would like to discuss, please let RA and BK know and it will be added to the General business portion of the agenda.

**Action: RA to invite CJ to all meetings a year in advanced**

- All committee members are happy to share email information between one another.

**MEETING CLOSED AT 8.47PM**



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**ITEM 9.5 COMMUNITY ENGAGEMENT STRATEGY AND COMMUNITY ENGAGEMENT POLICY REPORT****Reporting Manager** Manager, Place Management**Attachments:**

1. **Community Engagement Strategy** (*Provided in Attachment Booklet*)
2. **Community Engagement Policy** (*Provided in Attachment Booklet*) [⇒](#)
3. **Public Exhibition Submissions** (*Provided in Attachment Booklet*) [⇒](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That Council:

1. Notes the feedback received during the exhibition period from Thursday 16 June to Friday, 15 July 2022.
  2. Adopts the Community Engagement Policy and Community Engagement Strategy with amendments as recommended in Attachment 1 and promotes the final documents through Council's communication channels.
- 

**PURPOSE**

This report presents the draft *Community Engagement Strategy* and draft *Community Engagement Policy* for Council's consideration and for adoption.

The documents were placed on public exhibition from Thursday 16 June to Friday, 15 July 2022.

The report attachment provides a summary of the public submissions on the draft *Community Engagement Strategy* and draft *Community Engagement Policy*.

**EXECUTIVE SUMMARY**

The public exhibition of the draft *Community Engagement Strategy* and draft *Community Engagement Policy* was promoted via Council's communications channels and received 247 visits to Collaborate Canada Bay. The Strategy was read 75 times and the Policy was read 67 times. In total, 4 submissions were received. Council officers reviewed the submissions and actioned one change to the draft *Community Engagement Strategy*, outlined in this report. The draft *Community Engagement Policy* remains as per the original draft.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

**BACKGROUND/DISCUSSION**

At the Council meeting of 14 June 2022, the Council resolved the following:

1. *The draft Community Engagement Policy and draft Community Engagement Strategy attached to the report, be placed on public exhibition.*
2. *Following the public exhibition period, a further report, including details of any submissions, be submitted to Council.*

**Community Engagement Policy**

Council's existing *Community Engagement Policy* (adopted 2017) provides a framework for how Council will undertake community engagement on issues or decisions for which Council is responsible. The policy outlines the seven key principles which guide community engagement,

including social justice, inclusiveness, and participation rights of all. A number of strategies and plans, as well as detailed individual engagement plans are governed by this policy.

This policy is reviewed after each Council election, and in this instance, very minor amendments only, relating to clarification of the role of Council's *Community Participation Plan*, have been made. Council's *Community Participation Plan* is required under the *Environmental Planning and Assessment Act 1979*, and guides community participation and engagement on land use planning matters.

The draft Policy is provided at Attachment 2.

### **Community Engagement Strategy**

Under the *Local Government Act 1993*, all NSW councils must prepare and implement a community engagement strategy. Council's *Community Engagement Strategy* is to be reviewed every four years in line with the election of a new Council and the review of the CSP. Many engagement activities, including the community engagement surrounding the review of the CSP, are guided by Council's *Community Engagement Strategy*. Due to COVID-19, the Council election was postponed until 2021, as was the review of this strategy.

The draft *Community Engagement Strategy* builds on the strategy adopted in 2018 and is positioned as a public facing document that explains community engagement, Council's purpose, and principles for engaging the community, our social justice principles, and the consultation planning process.

The updated Strategy is provided at Attachment 1. One amendment was made in response to community feedback submitted during the public exhibition period as outlined below.

### **Public exhibition**

The draft *Community Engagement Strategy* and draft *Community Engagement Policy* were placed on public exhibition from Thursday 16 June to Friday, 15 July 2022.

#### Methods

Council sought feedback on the draft documents from the community via surveys on Council's engagement website, Collaborate Canada Bay. Council also invited feedback via mail and email.

#### Promotion

Digital copies of the documents were available on Collaborate Canada Bay. Hard copies of the document were available upon request, and officers mailed out printed copies to one resident.

Exhibition promotion included:

- Email notification to Collaborate Canada Bay database – reach of 2,958
- Facebook - 1 post reaching 1,100
- Instagram - 1 post reaching 613
- Website home page tile

#### Community submissions — 5 total submissions

- 4 survey submissions
- 1 email submission
- 247 visits to Collaborate
- 75 reads of Strategy on web browser
- 67 reads of Policy on web browser

Two submissions were supportive of the Strategy and Policy. One submission offered some constructive feedback regarding more inclusive language around chronically ill people and providing ways for them to participate in community engagement. Council has broadened language on page

13 of the strategy where referring to people with disability to include “people with chronic illness”. Two submissions challenged Council’s commitment to community engagement and offered suggestions including improving accessibility, clarity of information, increasing the length of consultations, and establishing more effective targeting of stakeholders through communications channels. All of these suggestions are valid and are included in the strategy. Adoption of the Policy and Strategy will provide a strong platform to focus on comprehensive consultation efforts.

A summary of each of the community and staff matters raised during public exhibition along with a recommendation is provided in Attachment 3 — Community Engagement Policy and Strategy Summary of Submissions.

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

There are no risk considerations associated with this report.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

Under the *Local Government Act 1993*, all NSW councils must prepare and implement a community engagement strategy. The strategy must:

- be based on social justice principles
- identify relevant stakeholder groups in the community
- outline the methods Council will use to engage each of these groups, and
- allow sufficient time to undertake the engagement.

**ITEM 9.6 RHODES COMMUNITY COMMITTEE MINUTES - 25 AUGUST 2022****Reporting Manager** Place Manager Rhodes**Attachments:** 1. **25 August 2022 Rhodes Community Committee Meeting Minutes**  
[↓](#)

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That the minutes of the meeting of the Rhodes Community Committee held 25 August 2022 be received and noted.

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**PURPOSE**

This report contains the minutes of the 2022-2024 Rhodes Community Committee establishment meeting (attached), that was held on Thursday 25 August 2022.

**REPORT**

This report provides Council with the Rhodes Community Committee minutes from the meeting held on 25 August 2022.

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

The Committee requested that consideration be given for the next scheduled meeting to be brought forward from November 2022 to assist with committee establishment. The Chair has reviewed this request, and an earlier meeting date has been identified for October 2022.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

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

Direction 3: Vibrant Urban Living

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

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

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

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

**FINANCIAL CONSIDERATIONS**

NIL

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

## Rhodes Community Committee 2022-2024

When:	Thursday, 25 August. 5:45pm for 6pm start, 8pm finish.
Where:	The Meeting Space, Rooms 2+3, The Connection
Chair:	Deputy Mayor. Cllr Stephanie Di Pasqua
Attendees:	Christopher Castley, Sean (Hsuan-Hua) Chang, Geoff Coffill, Cllr. Andrew Ferguson, Rameses Florentino, Elizabeth Golez, Jing Hong, Ruiqi Hu, John Kipritidis, Trevor Oates, Nathan Connor, Monita Patel, Chiral Yadava, Daniel (Kye-Ho) Yi, Nazia Zabin.
Guest Presenters:	Brendan Kerin, First Nations representative Evan Hutchings, Director Corporate Services and Strategy Monica Cologna, Director Community and Environmental Planning Angus MacDonald, Manager Communications and Media
Apologies:	Mayor, Cllr Angelo Tsirekas, Harvey Baden, Uma Srinivasan
Minute Taker:	Saskia Vromans - Place Manager Rhodes

### Meeting Minutes:

No.	Item	Details
1.	<b>Welcome &amp; Acknowledgement</b>	Acknowledgement of Country Smoking Ceremony
2.	<b>Declaration of Pecuniary Interests</b>	None
3.	<b>Introductions</b>	Each Committee member briefly introduced themselves
4.	<b>Governance of Council committee overview</b>	Evan Hutchings, Director of Corporate Services and Strategy, presented on the governance requirements of the Committees of Council. It included an overview of: <ul style="list-style-type: none"> <li>• RCC Charter meaning and purpose</li> <li>• Confidentiality</li> <li>• Conflicts of Interest</li> <li>• Media interactions</li> <li>• How to report operational matters</li> </ul>
5.	<b>Place Management Update</b>	Updated committee on the achievements of the previous committee and what issues and ideas can carry over from the last committee. Upcoming programs included: <ul style="list-style-type: none"> <li>• Reimaging Lunar New Year</li> <li>• Moon Festival</li> <li>• Bulk household waste changes.</li> </ul>
6.	<b>7:20-7:40pm Rhodes Communications: Priorities and Opportunities</b>	Angus MacDonald, Manager Communications & Media shared the suite of communications tools applied in Rhodes, including the propose of: <ul style="list-style-type: none"> <li>• Good Living newsletter,</li> <li>• At Rhodes E-news,</li> <li>• social media and other tools applied</li> </ul> Any feedback about improving communications to come through the Place Manager Rhodes.
7.	<b>Next Meeting</b>	Thursday 25 November is the established meeting date. Committee members requested that an earlier meeting be arranged if possible. The Chair noted that this request would be considered and accommodated if possible.
	<b>Close</b>	8pm



**ITEM 9.7                      PROPOSED MOTION TO LGNSW CONFERENCE 2022 - MATTRESS PRODUCT STEWARDSHIP SCHEME****Reporting Manager      Manager Sustainability and Waste****Attachments:            1.      LGNSW Conference 2022 Mattress Recycling Motion and Note [↓](#)**

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**RECOMMENDATION OF DIRECTOR COMMUNITY AND ENVIRONMENTAL PLANNING**

That City of Canada Bay Council submits the motion and accompanying note, attached to the report, to the upcoming Local Government New South Wales (LGNSW) Annual Conference for LGNSW to advocate to the Federal Government for a transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

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**PURPOSE**

For Council to consider submitting a Motion to the 2022 LGNSW Annual Conference seeking support in advocating to the Federal Government for a transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

**REPORT**

The 2022 LGNSW Annual Conference is being held in October 2022. The conference provides the opportunity for councils in NSW to submit, consider and debate motions relating to strategic local government issues which affect members state-wide and introduce new or emerging policy issues and actions.

One such issue that Council may wish to submit a motion to the Conference on is the financial impact of mattress collection and recycling, which costs individual councils hundreds of thousands of dollars each year.

On average, residents within the City of Canada Bay present around 3500 mattresses per year for recycling through Council's Bulk Household collection service. The cost to collect and recycle a mattress in Sydney varies but is approximately \$35-\$40 per mattress. They are also very expensive to send to landfill due to their weight and volume.

The Australian Bedding Stewardship Council (ABSC) is launching a product stewardship scheme for mattresses in January 2023, which will impose a revised product stewardship fee (PSF) of \$10 applied to a mattress at the point of manufacture or import into the Australian market. The scheme is voluntary, which means that mattress manufacturers and importers are not obliged by legislation to pay the PSF. In late 2021, the ABSC initially consulted with government and industry on a \$17-20 PSF and received feedback from mattress manufacturers that a major section of the market would not participate in the scheme if the fee was at that level. ABSC has now lowered it to \$10 per mattress.

ABSC has advised in its summary information for stakeholders, that from the PSF collected, only a portion would go towards accredited mattress recyclers and, that in the first year of operation, there would not be a portion of the fee passed onto collectors (such as councils), which they have termed as a 'collector's rebate'. They have also advised that once the scheme is fully operational, the portion of the PSF passed onto mattress collectors (such as councils) is likely to be small, and that the scheme is unlikely to cover the costs of collection and recycling of mattresses.

It is considered that changes to the scheme to a co-regulated approach are necessary to ensure all mattress manufacturers participate and contribute towards the costs of collecting and recycling mattresses, which should not be borne by councils.

Accordingly, it is recommended that Council submit the Motion and note attached to this report, to the conference, seeking the support of LGNSW in advocating to the Federal Government for a



transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

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

Motions to the 2022 LGNSW Conference must be submitted by 12 midnight on Monday 25 September 2022.

## Mattress Product Stewardship Scheme

### Motion

That Local Government NSW calls on the Federal Government for a transition to a co-regulatory or mandatory product stewardship scheme for mattress collections and recycling.

### NOTE

Mattress collection and recycling costs individual councils hundreds of thousands of dollars each year. The cost to collect and recycle a mattress in Sydney varies but is typically in the vicinity of \$35-40 per mattress. Mattresses are also very expensive to send to landfill due to their weight and volume.

The Australian Bedding Stewardship Council (ABSC) is launching a product stewardship scheme for mattresses in January 2023, which will impose a revised product stewardship fee (PSF) of \$10 applied to a mattress at the point of manufacture or import into the Australian market. The scheme is voluntary, which means that mattress manufacturers and importers are not obliged by legislation to pay the PSF. In late 2021, the ABSC initially consulted with government and industry on a \$17-20 PSF and received feedback from mattress manufacturers that a major section of the market would not participate in the scheme if the fee was at that level. ABSC has now lowered it to \$10 per mattress.

ABSC has advised in its summary information for stakeholders, that from the PSF collected, only a portion would go towards accredited mattress recyclers and, that in the first year of operation, there would not be a portion of the fee passed onto to collectors (such as councils), which they have termed as a 'collector's rebate'. They have also advised that once the scheme is fully operational, the portion of the PSF passed onto mattress collectors (such as councils) is likely to be small, and that the scheme is unlikely to cover the costs of collection and recycling of mattresses.

Changes to the scheme to a co-regulated approach is considered to be essential to ensure all mattress manufacturers participate and contribute towards the costs of collecting and recycling mattresses, which should not be borne by councils.

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## 10 CITY SERVICES AND ASSETS DIRECTORATE REPORTS

### ITEM 10.1 URBAN TREE CANOPY STRATEGY SIX MONTHLY UPDATE - JANUARY TO JUNE 2022

**Reporting Manager** Acting Manager Parks and Recreation  
Urban Forester

**Attachments:** Nil

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#### RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS

That the report on the implementation of Council's Urban Tree Canopy Strategy for the period 1 January 2022 to 30 June 2022 be received and noted.

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#### PURPOSE

Council's *Urban Tree Canopy Strategy* (2019) is the key strategic framework which sets out priorities and actions that need to be undertaken to achieve Council's goal of increasing our city's urban tree canopy from 18% to 25% by 2040.

Regular data analysis and reporting is important to track Council's progress towards meeting our increased canopy cover target. This is an action outlined in the *Urban Tree Canopy Strategy*. This report is the third of a series of six-monthly reports providing an update on progress and responds to the following resolution of Council made on 18 May 2021:

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

#### EXECUTIVE SUMMARY

This report provides data on the number of trees planted and removed across the City of Canada Bay for the period of 1 January 2022 to 30 June 2022. On public land, 780 trees were planted, 565 trees/shrubs were assumed to have been planted on private land and 390 existing trees were removed. The net gain in trees planted for the period was 955 trees (including 405 shrubs).

Tree removals have increased over the past 18 months. Council has come close to achieving set public planting targets (1,500 per annum), however private planting targets are not being met (1,000 per annum). A renewed focus on protecting existing trees and planting more advanced trees that are more likely to establish successfully will be the focus for the next period.

#### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 2: Sustainable and Thriving Environment

Goal STE 2: Increase urban tree canopy

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

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

#### BACKGROUND/DISCUSSION

Council adopted its Environment Strategy and Urban Tree Canopy Strategy in 2019. These strategies outline Council's objective to increase canopy cover across the Council area on both

public and private land. Increased canopy has many scientifically proven benefits including: reducing heat; providing clean air; and improved amenity, biodiversity and habitat. There is a wealth of social, economic and cultural benefits to promoting, protecting and increasing our urban forest.

There are also many challenges to meeting our increased canopy cover target, including:

- Climate change: intensity of flooding, droughts, urban heat islands.
- Limited public and private permeable space available for planting. Conflicts with above and below ground infrastructure.
- Urban intensification: prevalence of suburban blocks building large duplexes; lack of plantable space in new developments.
- Requests for tree removals on private property are the major contributing factor to canopy cover decline across the city.
- Community perceptions and conflicts (e.g. blocking views, vandalism, illegal removals, objection to tree litter, lack of understanding of benefits).

To address these challenges, the Urban Tree Canopy Strategy has both short and long-term recommendations to achieve Council's goals.

An Urban Forester position was created and filled in late 2021 and has begun undertaking many of these recommendations. The Open Spaces and Sustainability teams have developed a comprehensive program to educate stakeholders regarding common tree issues and both teams continue to grow our tree canopy on public land, whilst supporting residents to do the same on private land. This includes free tree giveaways, an educational tree trail, educational videos, collaboration pages and updated web information.

## **Public Land**

### *Planting program for public land*

Since 2019, Council has received three grants from the Department of Planning, Industry and Environment for tree planting projects in the City of Canada Bay. These grants are being used, along with Council funding to *Grow Our Canopy* within the area.

- The program has seen 750 trees planted from January - June 2022, with a further 700 trees planned for planting by the end of Spring 2022. This includes streets, parks and two in-road tree planting projects in the Concord area.
- 30 trees have been planted by Council's Garden Services team across the LGA.

### *Removals*

A total of 29 public tree were removed during this 6-month period. These trees were generally removed from streets or public parks due to their age and where a safety risk had been identified. This is the lowest number of public removals in the past 3 reports. Replacement planting, where appropriate, at or near each location, is included in the planting figures above.

### *Sydney Metro West Project*

Eighty (80) mature Council trees were removed in the North Strathfield area as part of the Sydney Metro West Project. Council staff are collaborating with Sydney Metro West regarding the opportunity to replace as much of the lost canopy as possible through the 2:1 replacement planting scheme which govern's Council's agreement with Sydney Metro West for the construction works.

## **Private Land**

### *State Government Public Tree giveaway and mapping*

The State Government has a free tree giveaway program which encourages the public to register the tree they plant to be mapped. Council has been promoting this program and there has been a total of 540 registrations for our area for the period 1 April 2018 to 30 June 2022.

Thirty five (35) trees were registered in the LGA for the period 1 January 2022 to 30 June 2022. It is not possible to confirm if these trees were actually planted and if so, where.

#### *Tree Giveaways for local residents*

Council ran two free resident public tree giveaways during the period 1 January 2022 to 30 June 2022, with a total of 125 trees and 405 shrubs provided to residents for planting on their own properties. These programs are well received by the community but it is also not possible to confirm if these trees are actually planted.

#### *Tree Removal Applications and exempt provisions*

Council receives applications from residents through our tree pruning and removal permit application process. These applications are assessed and a permit is issued approving removal or outlining conditions for pruning, where appropriate. The permits also stipulate various conditions, including a condition of replacement planting.

Council also receives requests to remove trees via development applications (DAs). Typically, when consent is granted for the removal of a tree via a development application, replacement planting is required as a condition of consent. Staff are continuing to investigate methods of how capturing this replacement planting data.

Council also receives a small number of development applications relating to trees on private land that form part of a heritage item or are within a heritage conservation area. Council's Development Control Plan (DCP) contains controls which aim to conserve and enhance the treescape and environmental amenity of the area. Under the Local Environmental Plan, development consent is required to remove a tree on private land in these locations. This level of detail is currently tracked in the system and is included in the figures below.

Trees can also be removed under the exempt provisions detailed in clause C5.1 - Pruning and Removal of Trees of Council's DCP. Council does not currently track these, however our tree canopy mapping will capture this data every four years.

For the period 1 January 2022 to 30 June 2022 a total of 183 trees were approved for removal under the above applications. The majority of these applications were tree permit applications. Assessment of these applications takes into consideration issues such as tree type, tree location, trees classified as weeds, and damage caused by the tree. Development applications relating to heritage items and conservation areas also consider factors such as cultural/historic elements of plantings, streetscape contribution, and overall context. Where a tree is approved for removal via a DA condition, replacement planting is typically required, subject to site suitability.

It is important to note that not all of the trees removed contribute effectively to the City's canopy, for example due to their size and species. Council's current data does not track the number of trees that were planted on private land to offset the trees approved for removal, and Council officers will continue work to see whether this data could be captured in the future.

#### *Illegal Tree Removals / Vandalism*

Council typically receives reports of illegally removed trees from residents or staff. These may be as part of a development consent or may be reports where a tree was removed without a permit.

For the period 1 January 2022 to 30 June 2022, 18 reports were made with claims of illegal removals. A total of 18 private and public (mature / protected) trees were found to have been removed without permission. All matters were investigated by tree officers but the lack of evidence often prevents staff from taking further action. This is an area staff are currently reviewing.

In addition, approximately 80 (10%) of our newly planted trees were vandalised, removed, poisoned, snapped, lopped or destroyed in the period from January-June 2022. There were six (6) cases of vandalism to large trees. Council officers take action where appropriate and educate and inform the community on the impacts of vandalising trees. Council endeavours to replace these effected trees at or near the same location.

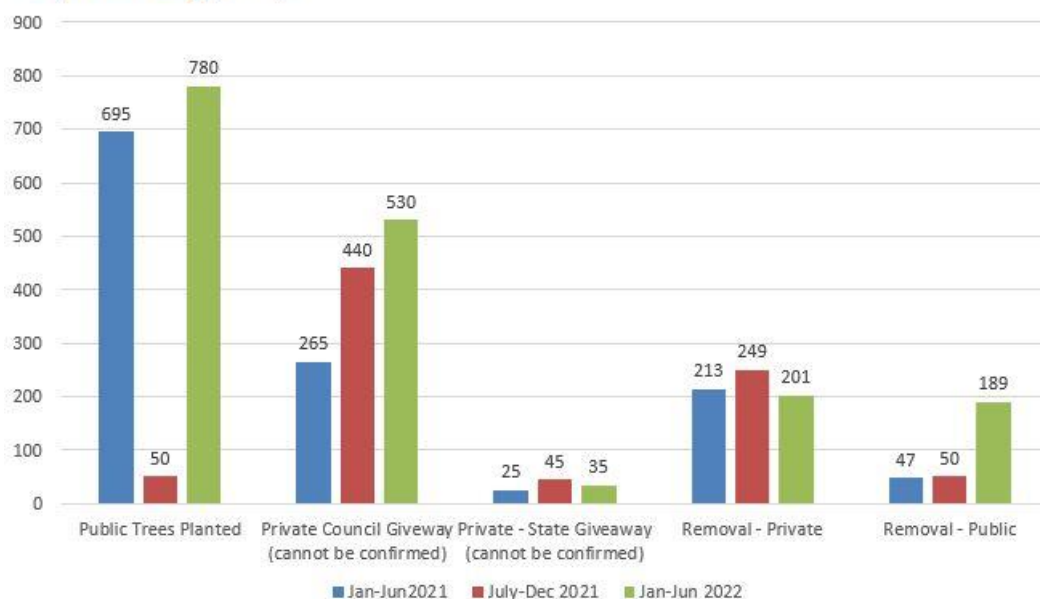
### Tree plantings and removals January-June 2022

	No. of trees removed	No. of private trees registered	No. of public trees planted
Public removals	29 poor health 80 Sydney Metro West 80 vandalism		
Private removals	183 tree permits/DAs 18 illegal removals		
Trees planted			780
Tree giveaway		125 trees 405 shrubs	
State Gov registrations		35	
<b>TOTAL</b>	<b>390</b>	<b>565 combined</b>	<b>780</b>

## Tree Planting Targets vs Actuals\*



## Planting and Removals - 18 month trend by category



### Conclusion

In summary, Council has continued to make steady progress towards its tree planting targets with a notable increase in planting over the last 6 months. Staff will continue to work on the identified areas for improvement, noting the mid-term (5 Year) review of the Urban Canopy Strategy is scheduled to take place in 2023-24.

### RISK CONSIDERATIONS

There are no significant risk considerations associated with this report.

### FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

### LEGISLATIVE AND POLICY CONSIDERATIONS

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



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**ITEM 10.2                      RHODES    RECREATION    CENTRE    VOLUNTARY    PLANNING  
AGREEMENT- DEED OF VARIATION 3****Reporting Manager    Manager Buildings and Property****Attachments:**

1.    **List of the Amendments within the DOV#3 - Confidential (*Provided in Attachment Booklet*)**
2.    **Deed of Variation 3 (DOV#3) - Confidential (*Provided in Attachment Booklet*)**

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That authority be delegated to the General Manager, on behalf of Council, to execute the Deed of Variation 3 between the City of Canada Bay and Walker Street Development Pty Ltd and Billbergia Pty Ltd, attached to the report as Attachment 2.

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**PURPOSE**

The purpose of this report is to seek approval to finalise and execute the Deed of Variation 3 between City of Canada Bay and Walker Street Development Pty Ltd and Billbergia Pty Ltd.

**EXECUTIVE SUMMARY**

The City of Canada Bay Council entered into a Voluntary Planning Agreement (VPA) with Walker Street Development Pty Ltd and Billbergia Pty Ltd in December 2014 (Developer) for the Rhodes West Station Precinct. Council is seeking to modify this VPA through a third Deed of Variation (DOV#3).

On 5 April 2022, a report was tabled with Council to provide an overview of the variations and confirm the intent to exhibit the DOV#3 upon finalisation of negotiations.

Upon finalisation of terms for the DOV#3, exhibition commenced on 1 August 2022 and continued through to 30 August 2022. This report recommends that Council execute the DOV#3 as exhibited.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5:            Civic Leadership

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

**BACKGROUND/DISCUSSION**

The City of Canada Bay Council (Council) entered into a Voluntary Planning Agreement (VPA) with Walker Street Development Pty Ltd and Billbergia Pty Ltd in 2014 for the Rhodes West Station Precinct (Developer).

The Land subject to the VPA includes, 23 Marquet Street, 11-21 Marquet Street, 6-10 Walker Street, 12 Walker Street, 14 Walker Street and 34 Walker Street, Rhodes.

**Dispute**

On 3 February 2022 Council received a Dispute Notice in accordance with Clause 29 of the VPA.

The nature of the Dispute with Council concerned the interpretation of further uplift being applied through the VPA in the instance where an increase in Gross Floor Area (GFA) is granted through any future consent to their development consent.

Council is of the opinion that the VPA can, and should apply to any additional floor space which may be approved as the result of any approval granted which increases the GFA of the

development. The Developer contends that the only relevant uplift to be considered through the VPA is what was in place through the Canada Bay Local Environmental Plan 2013 (Amendment 6) (LEP), gazetted in 2015. On 31 March 2022, Council resolved for the General Manager to negotiate with the Developer in relation to the Dispute Notice. These negotiations were subsequently undertaken.

On 5 April 2022 Council resolved:

1. *THAT Council authorise the General Manager to finalise negotiations between the City of Canada Bay Council (Council) and Walker Street Development Pty Ltd and Billbergia Pty Ltd (Developer) by preparing and negotiating the terms of a third Deed of Variation to amend the current Voluntary Planning Agreement to give effect to the offer, as detailed within the body of this report.*
2. *THAT following the preparation of the third Deed of Variation, the third Deed of Variation be placed on Public Exhibition for a period of 28 days.*
3. *THAT a further report be prepared and submitted to Council to advise of the outcome of the public exhibition and any further action to be taken.*

The key terms proposed in the DOV#3 include:

1. Affordable Housing Contributions are paid to Council as required by the LEP (ie applicable to the floor space which might be approved in excess of that permitted by the LEP immediately before the State Environmental Planning Policy Amendment (Rhodes Precinct) 2022 (SEPP Amendment);
2. For floor space which was permitted on the Land immediately prior to the SEPP Amendment, whether or not currently approved, the current VPA rates continue to apply;
3. For non-residential floor space which might be approved in excess of that permitted by the LEP immediately before the SEPP Amendment, the current VPA rates continue to apply;
4. For residential floor space which might be approved in excess of that permitted by the LEP immediately before the SEPP Amendment, a new contribution rate is included of \$498 per sqm;
5. The payments of the additional contributions are made prior to the issue of Occupation Certificates relating to the use of the relevant floor space; and
6. No contributions will be required under the VPA in respect of any floor space which becomes permissible as a result of any future amendment to the LEP.

The Summary of the amendments forming the DOV#3 is shown at Attachment 1 and in the DOV#3 document at Attachment 2.

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

The DOV#3 was placed on public exhibition for a period of 28 days, commencing on 1 August 2022 and finishing 30 August 2022, via Council's Collaborate webpage.

The consultation material was viewed by at least 411 residents seeking feedback on the DOV#3.

## Submissions

Council received a total of 2 submissions:

The items raised within these submissions are listed at Table 1 below.

Items raised	No of times raised	Type of Response	Council Response
Adding height will increase the need for additional infrastructure. Where is the money from the additional contributions going?	2	objection	The money received from additional contributions will be spent on infrastructure within the Rhodes community, including open space, community facilities.
The community are concerned that the variation may be corrupt	1	objection	The variation is for any further uplift that may be applicable should a modification to the development approve any additional residential uplift. The negotiated outcome provides Council with a significant increase in contributions that may be levied through our current Development Contributions plan. This represents a fair outcome for the Rhodes community. These contributions will be used for the Rhodes community, through open space, recreation or community facilities. Council's negotiations have been undertaken in accordance with Council's Planning Agreements Policy and overseen by Council's lawyers.

## Next Steps

- Execution of the DOV3
- Development of the Rhodes Recreation Management Model
- Councillor briefing on Rhodes Recreation Centre management model

## FINANCIAL CONSIDERATIONS

The Deed of Variation notes that any costs in excess of the Estimated Costs incurred in the construction and fit out of the Recreation Centre, are to be borne by the Developer. The total estimated Monetary Development Contributions available under this VPA are \$69,420,000. As such, the Estimated Costs for the Rhodes Recreation Centre are within the Monetary Development Contributions received under this VPA and there is no resultant financial impact to Council.

Whilst the nature of the Dispute will have no adverse financial impact on the contributions payable under the VPA for GFA approved through the current Development Consent, it will affect Council's ability to benefit from further contributions received for any additional floor space which may be approved as a result of the SEPP Amendment.

As noted above, if the rates within the VPA were applied to the additional residential uplift permitted by the SEPP Amendment, then Council would receive an additional contribution under the agreement of up to \$34.3 Mil (now including 23 Marquet Street and dependant on the Developer seeking the maximum yield from the Land). Council would also separately receive affordable housing contributions.

The offer that has been negotiated with the Developer will set a rate of \$498 per sqm for the additional gross floor area used for residential purposes that was facilitated by the SEPP Amendment. This equates to an additional contribution to Council of \$15.38 Mil (dependant on the Developer seeking the maximum yield from the Land, and that yield being for residential purposes). Council will still separately receive the affordable housing contributions of up to \$15.2 Mil., (dependant on the Developer seeking the maximum yield from the Land, and that yield being for residential purposes)

It should be noted that at the time the VPA was originally negotiated the SEPP Amendment was not envisaged and Council had only expected contributions based on the approved development upon the Land, estimated at \$69.4 Mil. These contributions were never at risk because of the Dispute. The negotiated outcome recommended in this report increases the original contributions within the VPA by \$15.38Mil, should the Developer seek approval for the maximum yield from the Land, and that yield being for residential purposes.

Under Council's current Developer Contributions plan the amount of contributions Council would receive for the proposed increase in GFA would have been approx. \$5.4 Mil (subject to a further proposal being forthcoming) as a result of the SEPP Amendment. The negotiated outcome has enabled Council to increase the maximum contributions to up to \$15.38 Mil. This is considered to be an appropriate outcome for Council.

#### **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 this report recommends finalising the DOV#3 in accordance with the Act. The Planning Agreement has also been prepared in accordance with the *Canada Bay Planning Agreement Policy*.

The Rhodes Place Strategy 2021 has been considered as part of the negotiations for the DOV#3.

The City of Canada Bay's Affordable Housing Contributions Scheme has also been considered as part of the negotiations for the DOV#3.

**ITEM 10.3                      CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 25 AUGUST 2022****Reporting Manager      Acting Manager Roads and Traffic****Attachments:**            1.    **City of Canada Bay Local Traffic Committee Minutes - 25 August 2022 (*Provided in Attachment Booklet*)** [↗](#)

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 25 August 2022, attached to the report, be adopted.

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**PURPOSE**

To report the City of Canada Bay Local Traffic Committee Minutes of 25 August 2022 to Council.

**REPORT**

This report contains the minutes for the City of Canada Bay Local Traffic Committee held on 25 August 2022 for Council's adoption.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 4:            Infrastructure and Transport

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with the report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

**ITEM 10.4 CITY OF CANADA BAY ACCESS AND INCLUSION COMMITTEE  
MEETING MINUTES - 31 AUGUST 2022****Reporting Manager** Manager Library and Community Services**Attachments:** 1. Minutes of City of Canada Bay Access and Inclusion Committee  
Meeting - 31 August 2022 [↓](#)

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That the minutes of the ordinary meeting of the City of Canada Bay Access and Inclusion Committee held 31 August 2022, attached to the report be received and noted.

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**PURPOSE**

The purpose of this report is to present the minutes of the first meeting of the new City of Canada Bay Access and Inclusion Committee, so that they may be noted.

**REPORT**

This report contains minutes of the City of Canada Bay Access and Inclusion Committee meeting held on the 31 August 2022. The new Committee has been appointed from August 2022 until the remainder of the current Council term (September 2024).

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

**FINANCIAL CONSIDERATIONS**

Administration of the Access and Inclusion Committee is provided for in the 2022/23 Operating Plan and Budget. There is no additional financial impact relating to this project.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

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

## **MINUTES**

Held in the Halliday and Hudson Rooms, City of Canada Bay Civic Centre,  
Drummoyne

**Wednesday, 31 August 2022**





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**Minutes of a City of Canada Bay Access and Inclusion Committee Meeting  
Held on Wednesday 31 August 2022****At the Halliday and Hudson Rooms, City of Canada Bay Civic Centre,  
Drummoyne****Commencing at 10.00am****Present:**

Coral Arnold	Community Member
Jill Hodder	Community Member
Adam Clarke	Community Member
Nicole Bradshaw	Community Member
Robyn Ryan	Community Member
Nehmet Houssami	Community Member
Andrea Natoli	Participate Australia
Min Jung Cha	Ebenezer Mission
Kim Becherand	Touched by Olivia Foundation
Jeanette O'Hara	Life Member
Jack Nolan	Life Member
Angelo Tsirekas	Mayor
Julia Little	Councillor

**Officers in attendance:**

Philip Edney	Manager Library and Community Services
Melissa Blain-Woodley	Community Development Coordinator
Isha Kariavasam	Library Officer, Administration

**NOTES**

The meeting commenced at 10.00am and concluded at 11:15am.

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**1 WELCOME/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 Council pays respect to Elders past and present and extends this respect to all Aboriginal people living in or visiting the City of Canada Bay.

**2 APOLOGIES****APOLOGIES**

Apologies were received on behalf of Jack Nolan and Min Jung Cha.

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

Nil

**4 CONFIRMATION OF MINUTES**

Nil

**5 REPORTS****ITEM 5.1 CITY OF CANADA BAY CODE OF CONDUCT****RECOMMENDATION**

That the City of Canada Bay Access and Inclusion Committee Members note and formally acknowledge the Code of Conduct Policy.

*Note: Evan Hutchings – Director, Corporate Services and Strategy presented the Access and Inclusion Committee Charter and Council's Code of Conduct. He highlighted the importance of disclosure of pecuniary and non-pecuniary interests by Committee Members at meetings.*

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**ITEM 5.2 ACKNOWLEDGEMENT - JACK NOLAN AND JEANETTE O'HARA**

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**RECOMMENDATION**

That the Committee acknowledges Jack Nolan and Jeanette O'Hara as honorary members of the City of Canada Bay Access and Inclusion Committee.

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*Note: Mayor Angelo Tsirekas placed on record the contributions made by Jack Nolan and Jeanette O'Hara over the past years and welcomed them as Life Members to the Access and Inclusion Committee.*

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**ITEM 5.3 DISABILITY INCLUSION ACTION PLAN**

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**RECOMMENDATION**

That the presentation on the Disability Inclusion and Action Plan as attached to the report be received and noted.

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*Note: Karen Judd, Senior Strategic Planner (Social) presented the 44 actions that were identified by Council based on Council's Disability Inclusion Action Plan 2021-2025 (DIAP). Of the 44 actions, 3 have been completed, 19 ongoing, 11 identified as future projects and 1 action is identified to be dropped due to insufficient funding.*

Council's Disability Inclusion Strategies and Actions are aligned to the following Focus Areas of the NSW Disability Inclusion Action Plan:

- Attitudes and behaviours
- Liveable communities
- Employment
- Systems and processes

*'Raising awareness of the benefits of employing people living with disability' - an outcome under Employment was identified as the initial priority the Committee will discuss. A working group was formed with Adam Clarke, Nicole Bradshaw, Kim Becherand, Andrea Natoli and Robyn Ryan. Initial meeting of this working group will be held on 22 September to discuss key activities relating to this action and will continue to meet in between Access and Inclusion Committee meetings until the actions are completed and outcome achieved.*

**6 GENERAL BUSINESS**

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**ITEM 6.1 INSUFFICIENT COMMUNITY TRANSPORT IN LGA**

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Kim highlighted there is a lack of transport for community members who are transport disadvantaged, particularly those on Home Care packages as there are not enough service

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## Minutes to City of Canada Bay Access and Inclusion Committee Meeting

31 August 2022

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providers in the local area. Chair requested this to be taken up as an agenda item at the next meeting.

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**ITEM 10.5 MAJORS BAY RESERVE RECREATION PRECINCT MASTERPLAN****Reporting Manager** Acting Manager Parks and Recreation

**Attachments:**

1. **Majors Bay Reserve Masterplan One Page** (*Provided in Attachment Booklet*)
2. **Majors Bay Reserve Masterplan full document** (*Provided in Attachment Booklet*) [⇒](#)
3. **Majors Bay Reserve - Round 2 Engagement Report** (*Provided in Attachment Booklet*) [⇒](#)

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That Council:

1. Adopt the Masterplan for Majors Bay Reserve attached to the report.
  2. Continue to engage with the community on implementation of the Masterplan.
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**PURPOSE**

To recommend the draft Masterplan for Majors Bay Reserve (Attachment 2) be adopted by Council. By adopting the draft Masterplan, it will enable the delivery of the Majors Bay Reserve Recreation project which is funded under the Department of Planning, Industry and Environment, NSW Public Spaces Legacy Program (PSLP).

Council first considered adoption of the draft masterplan at the 16 August 2022 Council Meeting and resolved as follows:

*That consideration of the matter be deferred to a Councillor Workshop in order to discuss the matters raised by residents in the Public Forum at the Council Meeting, with a subsequent report to be prepared and submitted to the next Ordinary Meeting of Council.*

**EXECUTIVE SUMMARY**

Council has been successful in obtaining \$4,750,000 under the NSW Governments Public Spaces Legacy Program to deliver recreational improvements at Majors Bay Reserve, Concord West. Council conducted two rounds of community engagement in 2022 to aid in development of the Masterplan and design process prior to on-ground works commencing.

The site has a strong sporting presence with the creation of Council's first synthetic soccer pitch and has a long history of other sports including baseball and cricket. The nearby Concord RSL was recently sold to a private group and a separate development assessment is with Council for determination. The site is adjacent to the Ecological Endangered Community (EEC) of Sydney Turpentine Iron Bark Forest, with foreshore pathways stretching around Majors Bay and into the Yaralla Estate.

The Masterplan has been developed to ensure each of the existing aspects of the site are preserved and complimented without taking away the connection to nature and existing vegetation.

The elements included in the Masterplan are:

- Main play area with inclusive playground, outdoor fitness area and accessible toilets
- Youth areas including multi-use courts, parkour area and pump track facilities
- Biodiversity education shelter and protected biodiversity corridors
- New tree planting
- Mangrove boardwalk

- Off-road parking; and
- Improved entry points, wayfinding and accessible pathways.

Following the adoption of the Masterplan, the project will proceed to delivery of the first program of capital works by June 2023.

### **STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

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

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

### **BACKGROUND/DISCUSSION**

Council has successfully obtained \$4,750,000 funding under the Department of Planning, Industry and Environment, NSW Public Spaces Legacy Program (PSLP) for Majors Bay Reserve recreation precinct. The funding will enable the delivery of quality passive recreational improvements. It is possible that, while commitments for expenditure will be in place by 30 June 2023, not all of the project delivery will be complete. The funding will need to be guaranteed before commencement of the project as the 2022/23 budget does not provide for any funding from Council, so the confirmation of the extension to the grant timeframes is crucial to allow the project to proceed.

Staff have consulted with the community and relevant stakeholder groups to develop a Masterplan for Majors Bay Reserve Precinct.

An initial round of community engagement was conducted in May 2022, which informed a revised Masterplan which was presented for further feedback in the second round of community engagement.

Feedback provided in the first round of community engagement in May 2022, demonstrated a lack of community support for the following items:

- Location of proposed fenced dog off leash area
- Number of picnic shelters and loss of green space
- Deakin Street carpark
- Detail on project and staging
- Parking pressure

### ***Community Engagement Results – Round 2***

The following is a summary of the second round of consultation conducted for Majors Bay Reserve Masterplan. Refer to the attached Community Engagement report for full details.

Council received 110 submissions from the community: 53 surveys, 46 emails and 11 drop-in forms.

Overall, many participants felt the long-term plans for the reserve did not match their vision for the space. Many participants wanted to maintain as much green space as possible while upgrading joining pathways and planting new trees. While the variety of recreational opportunities offered during the consultation period was noted by many participants, adjacent neighbours believe the upgrades will attract too many people to the reserve and destroy the current tranquillity of the place.

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

- Preserving and enhancing nature and biodiversity
- Overdevelopment of the park



- Need for additional parking
- Concern of noise to neighbours

This important community feedback has been incorporated into the final draft Masterplan.

A revised draft Masterplan was presented to Council on 16 August 2022. Council resolved as follows:

*“That consideration of the matter be deferred to a Councillor Workshop in order to discuss the matters raised by residents in the Public Forum at the Council Meeting, with a subsequent report to be prepared and submitted to the next Ordinary Meeting of Council.”*

### **Resident and Community Stakeholder Meeting**

Council staff subsequently met with the residents who raised matters in the public forum to understand their interests and to work toward solutions for the draft Masterplan.

The meeting with residents and community members resulted in the following changes to the Masterplan:

- Repositioning of pathways
- Relocating the main play areas along with the outdoor fitness and all abilities “Changing Places” toilet facility
- Relocating the multi-use courts and parkour area
- Relocating Intermediate pump track
- Relocating the picnic facilities
- Incorporating vegetation regeneration in the Endangered Ecological Community (EEC) buffer zone
- Review of the mangrove boardwalk positioning in combination with the Deakin St boardwalk

### **Final Draft Masterplan**

The feedback from the community from the two formal engagement rounds and the stakeholder meeting has been incorporated into the final draft Masterplan. The main features are summarised below.

### **Biodiversity and Nature**

The number of proposed tree removals has been minimised with Council’s Urban Forester reviewing the concept design to assess existing tree health to inform the proposed design. Only trees of poor health and vigour will be approved for removal.

The proposal to extend the car park at the rear of the former Concord RSL site has been removed to protect and provide a buffer to the Endangered Ecological Community (EEC) of Sydney Turpentine Iron-bark Forest (STIF) in the adjacent Yaralla Estate.

Council’s planning team has advised what is permissible in the buffer zone, which is mapped in Council Local Environmental Plan. The remnant bushland at Yaralla Estate is valued highly and the Masterplan aims to protect and enhance this significant natural area.

A shelter near the foreshore walkway to be utilised as a Biodiversity Education hub has been incorporated to allow outdoor education adjacent to the precious and valuable remnant STIF.

The proposed kayak jetty has been removed as many kayakers told us that the site was not ideal. This also limits the impact on the mangroves and estuarine area. A connection to the Parramatta River will still be provided via the proposed boardwalk which will allow for immersion and interpretation of nature as a side path along the foreshore walkway. The proposed boardwalk investigations are ongoing with the proposal to minimise harm to mangroves while providing a continuous foreshore walkway. The design and location will be developed as part of detailed design in consultation with community and stakeholders.

***Response to over-development***

Many community members had concerns that the proposal would result in the park becoming overdeveloped. This feedback has been taken on-board and the number of playgrounds proposed has been reduced from two to one. Inclusive and nature adventure themes will be incorporated into the one family play area. The location has been selected away from the Endangered Ecological Community in Yaralla Estate and relocated nearer to Nullawarra Avenue.

Council's Recreation and Open Space Strategy, which takes into account Council's growing population, has informed the development of this Masterplan and has indicated the need for the elements included in the final draft.

***Parking***

In both rounds of consultation, the community expressed the view that there was not enough parking at Majors Bay Reserve. In Round 2 of consultation, Council presented ideas for increased parking at the rear of the former Concord RSL site and angled parking along Norman Street. The parking at the rear of the former Concord RSL site is unviable when considering the Endangered Ecological Community, which is protected by legislation and the value this remnant bushland holds. The preference from the community was for the angled parking along Norman Street. The draft Masterplan failed to clearly indicate that the proposed angled parking was off-road, by means of a slip-lane divided by a median strip. The final draft Masterplan has addressed this issue.

Parking pressure as a result of the current Development Application before Council for the redevelopment of the former RSL is being considered separately but with understanding of this proposed Masterplan.

***Noise***

In Round 2 of community engagement and the stakeholder meeting held in August 2022, residents along the west of Majors Bay Reserve, near Nullawarra Avenue had concerns that the noise from the multi-use courts would be an issue. The final draft Masterplan has taken this into account and the courts' location has been moved further away.

***Pathways***

Council heard from stakeholders who use or live close to the park and pathways have been adjusted to minimise risk to users and maximise privacy to nearby residents.

***Pump track facilities***

Council's Recreation and Open Space Strategy identifies the lack of recreational activities for youth. Data indicates that only a small percentage of youth participate in organised sport (such as soccer, cricket and baseball). The provision of pump track facilities would be an asset to the youth in the area, in a similar way to the successful Five Dock Park skate facility.

To ensure good passive surveillance of the pump track, the intermediate pump track has been positioned close to Norman Street, while being away from residential areas. This is not inline with what some community members requested, with their preference being placed near or within the EEC buffer area. Council staff do not support the requested location as it provides poor passive surveillance and may impact on the buffer zone.

Both the intermediate and junior pump track design and locations will be developed as part of detailed design in consultation with community and stakeholders.

The delivery of the items funded by the PSLP is required by 30 June 2023. To enable progression to detailed design, further consultation and delivery, the Masterplan first needs to be adopted by Council.

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

The delivery of the items funded by the PSLP is required by 30 June 2023. To enable progression to detailed design, further consultation and delivery, the Masterplan first needs to be adopted by Council.

The main risk related to this report is the timeline for delivery of the project under the grant funding agreement timelines. The project must be completed by 30 June 2023. Council officers have worked with DPIE to extend the timeframe for expenditure of the grant funds to 30 June 2023. It is possible that, while commitments for expenditure will be in place by 30 June 2023, not all of the project delivery will be complete. Further negotiations are taking place to ensure that the funding is guaranteed before commencement of the project. The 2022/23 budget does not provide for any funding from Council, so the confirmation of the extension to the grant timeframes is crucial to allow the project to proceed.

**FINANCIAL CONSIDERATIONS**

The NSW DPIE PSLP has fully funded the delivery of indicated elements of the Masterplan. The elements not funded by the grant will be delivered as Stage 2 works. Council has been awarded \$4,750,000 towards the project. The remainder of the proposed works will be funded over time.

In addition, the NSW Department of Planning and Environment Metropolitan Greenspace Program has awarded \$350,000 toward the delivery of the Deakin Street boardwalk with matched funding from Council.

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

Council officers have worked with DPIE to extend the timeframe for expenditure of the grant funds to 30 June 2023. It is possible that, while commitments for expenditure will be in place by 30 June 2023, not all of the project delivery will be complete. Further negotiations are taking place to ensure that the funding is guaranteed before commencement of the project. The 2022/23 budget does not provide for any funding from Council, so the confirmation of the extension to the grant timeframes is crucial to allow the project to proceed.

The items that were ineligible for funding under the grant include the redevelopment of amenity buildings. These assets and the timing of their renewal are considered under relevant Asset Management Plans.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

The proposed project aligns with the following adopted Council strategies:

- Biodiversity Strategy
- Urban Tree Canopy Strategy
- Recreation and Open Space Strategy
- Foreshore Access Strategy
- Dogs in Public Places Strategy
- Let's All Play Strategy

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

- Everyone Can Play design principles
- Premier's Priority: Greener public spaces
- Premier's Priority: Greening our City
- Community Engagement as per IAP2 community engagement principles

- NSW Governments Architect's Designing with Country principles
- NSW Public Space Charter principles.

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**ITEM 10.6 REQUEST FOR FEE RELIEF FOR BARNWELL PARK GOLF CLUB DUE TO THE IMPACT OF COVID-19**

**Reporting Manager** Acting Manager Parks and Recreation  
Director Corporate Services and Strategy

**Attachments:** 1. Letter from BPGC Sep 21 [↓](#)

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That Council:

1. Accepts Barnwell Park Golf Club's offer for a payment of \$5,000 (inc GST) of the outstanding amount owed to Council.
  2. Waives the remaining amount of \$9,014 (inc GST) in acknowledgement of the significant impact of Covid-19 on Barnwell Park Golf Club's operations.
- 

**PURPOSE**

To present for Council's consideration, a request from Barnwell Park Golf Club seeking relief for the 'BP Club Members Annual Block Booking Fee' due to the impact of Covid-19 on their operations.

**EXECUTIVE SUMMARY**

Council officers have been liaising with representatives of Barnwell Park Golf Club (the Club) for an extended period concerning relief for 'BP Club Members Annual Block Booking Fee' due to the impact of Covid-19. The Club has not paid this fee for the two Covid-19 lockdown periods (7 months in total) but has paid all fees due outside these periods. The Club assert that they have been negatively impacted through the closure of the clubhouse, reducing the Club's main source of income. The outstanding amount owed to Council is \$14,014 (inc GST).

Council officers recently met with representatives from the Club who indicated they were not able to repay the outstanding amount in full, but in good faith are willing to provide a payment of \$5,000 (inc GST) toward this amount.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

**BACKGROUND/DISCUSSION**

The operating model at Barnwell Park Golf Course provides Council with income from the green fees (the fee paid to play golf) minus a service fee paid to a service provider who operates and manages the course on Council's behalf.

Barnwell Park Golf Club (the Club) is a not-for-profit community-based organisation. The Club pays a monthly fee to Council for the reservation of booking times for their members during peak periods which facilitates weekly competitions.

The Club has written to Council requesting fee relief covering the two lockdown periods for Covid-19 from April to July 2020 (4 months) and July to September 2021 (3 months). The service (i.e. reserved tee times) continued to be supplied during these periods, however the Club assert that Covid-19 had a significant impact on their financial position and that they did not have the benefit of rental relief available to other community organisations during Covid-19.

The Club's main revenue stream is from the selling of food and drinks from the clubhouse, therefore the mandatory closure of the clubhouse during Covid-19 had a significant impact on their income. As the Club owns the clubhouse, they were not entitled to the rental relief afforded to organisations operating from Council owned facilities. The Club also wanted to retain members through Covid-19 through the continuation of member competitions which depended upon the reservation of tee times at peak periods.

The Club has provided their Business Activity Statements (BAS) from the affected months during Covid-19 which have been analysed by Council's Finance team. The analysis has concluded that the revenue loss claim is substantiated.

### **Options**

In light of the above, the following options can be considered by Council:

1. That all outstanding fees (\$14,014 inc GST) owed by the Club remain due.
2. That Council accepts the Club's offer for the payment of \$5,000 (inc GST) and waives the remaining amount of \$9,014 (inc GST) in acknowledgement of the significant impact of Covid-19 on the Club's operations.
3. That Council waives all outstanding booking fees (\$14,014 inc GST) owed by the Club as an acknowledgement of the significant impact of Covid-19 on the Club's operations.

This report recommends the selection of Option 2 as a reasonable compromise in the circumstances.

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

There are no timing implications associated with the outcomes from this report.

### **FINANCIAL CONSIDERATIONS**

Subject to the option chosen, the financial impact to Council ranges from \$0 to \$14,000 (inc GST). The recommended option (Option 2) will result in \$9,014 (inc GST) of the amount owed being waived (or \$8,195 ex GST). Figures with GST excluded reflect the actual monetary loss to Council.

Provision for this doubtful debt was made in the 2021/22 financial accounts for the amount of \$12,740 (ex GST). Subject to Council's decision, this amount can be partially reversed by the equivalent amount received from the Club, if any (e.g. if Option 2 is supported, \$4,545 (ex GST) would be reversed).

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

The 'Barnwell Park Golf Members' Annual Block Booking Fee' is an arrangement directly between Council and the Barnwell Park Golf Club. The Fee is not contained with Council's adopted fees and charges. Council therefore has the ability to waive the fee in part or full outside of the obligations of S610E of the Local Government Act 1993.

Thursday 30<sup>th</sup> September 2021

Mr Peter Montague  
Acting Manager, Parks & Recreation  
City of Canada Bay  
15-17 Regatta Road  
FIVE DOCK NSW 2046

Dear Peter,

**Re: Monthly License Fee Relief Covering the Two (2) Lockdown Periods of Apr – Jul 2020 (4 Mths) & Jul – Sep 2021 (3 Mths)**

I refer to our previous discussions and emails on the above subject and formally submit this letter for consideration of Canada Bay Council for said relief.

**Overview**

As you may or may not know, our Club was on the brink of closing its doors in 2015 - we had actually set the date, based on the cash flow trend to call in administrators which we estimated as April 2015. Fortunately, due to lots of hard work by the new board (and quite possibly a miracle!) we turned things around. With that in mind, it is understandable that we are extremely reluctant to reduce our safety margin (Cash Flows) and would prefer to continue to grow our club for the benefit of our members and the greater Canada Bay community.

It is then important to look at the impact that COVID has had on the Club Revenues.

**Club Revenues**

**General Trade:**

Firstly, the Club's main revenue stream is driven primarily from selling drinks. COVID lockdowns and restrictions have caused significant losses on drinks revenue which in turn relies heavily on catering turnover – for example, Carmen's on the Park functions were immediately cancelled and even after the first lockdown, have been limited to far smaller numbers than capacity. Functions are the cream on top of our normal bar trade. Without functions, the bar trade is barely at break even, even before lockdown.

Next, membership fees and golf competition fees. On the face of it, these areas are potentially positively impacted by COVID restrictions, lockdowns etc. However, this impact is smaller than one might expect.

**Membership Fees:**

Most members that have joined due to COVID have done so on specials which are offered to attract members when close to half the financial year has passed. These deals are heavily discounted (\$149 or \$99 compared to \$575 for full annual membership) and come with a bar tab of \$50 or \$25. The cost to the Club with affiliation fees and associated golf player insurance is circa \$80 a person. Not a great percentage of these people have re-joined – it appears that they were just there for lock down to get a discount on the green fees. We had approximately 50 to 60 more members than a normal year. The profit on those say 60 equates to about \$420 for the whole year.

Our retention rate on new members was 40-50%, maybe 60% in the very best year.





As demonstrated above, we don't make much money from COVID related new memberships in the year they join, nor do we make a windfall profit the next year with them paying the full fee, as they generally don't re-join. The new members that stay on tend to be those that join because they already have a friend or relative who is already a member.

**Golf competition Fees:**

The Club's policy is to return comp fees to the field as prizes at the rate of 60% of the total fees for that day's competition, although that may vary from time to time due to the size of the field playing. In July 2020, competition participation was 1,107 rounds. The approximate profit made from that ( $1,107 \times \$6.50 \times 40\%$ ) was \$2,878.20.

In July 2021 competition participation was 1,433 rounds. The approximate profit made from that ( $1,433 \times \$6.50 \times 40\%$ ) was \$3,725.80.

July 2021 was a particularly large month, **but the margin between last year and this year was just under \$850.00.**

Unfortunately, we cannot annualise that as an estimated COVID increase as subsequently our fields have been reduced in size from 4 players every eight minutes to 2 players every five minutes, notwithstanding the number of members that cannot participate because of the 5-kilometre restrictions currently in force.

The Club's accounting processes charge golf-related expenses to golf income cost centres.

Memberships fees are also used to pay the licenced Club fixed and variable costs, such as bar staff, utilities & general Insurance etc.

However, COVID has also seen the move away from physical cards to the MiScore app. The cost for this app is \$16.48 per member who uses it. We currently estimate this to be at least 200 members, which is an additional cost to the Club of \$3,296 per annum.

**Ongoing costs for running golf include:**

- \$80 per player affiliation and insurance, \$34,800 per annum
- Golf administration software \$9.00 + GST per member - 2021 cost \$3,930
- Canada Bay Council annual fees \$21,848 + GST

Therefore, total golf costs per annum are circa \$76,400. The modest increase in COVID related income does not mean that the Club has made any windfall from COVID.

**In Summary**

When you consider all of this above you will see that any increase in participation during COVID has had very little effect on our bottom line, and by no way has positively affected our cash reserves.

Given the increased participation rates on the course across every day of the week. Council, however, would be making much more income with the increase in social rounds and competition rounds. There would be little extra cost to Council that goes with the COVID related packed course. Council has benefited from the Club and its volunteers' hard work and effort in delivering, in partnership with the Pro-shop, a good golf product despite the challenges that the multiple stakeholder model within which we work.



Our membership has been trending up, with some bumps along the way, but it has been going in the right direction at an increasing rate over the last 6 years.

Rightly or wrongly, we had assumed that Council had granted the concession on the block booking fee, based on the concession's information available on Council's website about relief from ground rents, fees etc. This was further compounded when we had heard nothing to the contrary for a significant period of time.

Therefore, we continue to ask for this relief as most Councils, Government Bodies, Lenders and Businesses extended relief during COVID to not for profit organisations & sporting Clubs just like Barnwell Park Golf Club.

We trust that this meets with your favourable consideration and look forward to your response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Grant Marshall', is written over the typed name.

Grant Marshall – President  
Barnwell Park Golf Club Limited

**ITEM 10.7                      OUTCOMES FROM INVESTIGATION INTO AN EXTENSION OF THE SEASON AT COUNCIL'S SWIMMING CENTRES****Reporting Manager      Acting Manager Parks and Recreation****Attachments:              Nil**

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**RECOMMENDATION OF DIRECTOR CITY SERVICES AND ASSETS**

That:

1. Council's swimming season at Cabarita and Drummoyne Swimming Centres from September through April remains unchanged.
  2. The petition signatories be informed of Council's decision.
- 

**PURPOSE**

Following receipt of a petition and a Council resolution at the meeting of 17 May 2022, this report details the outcomes from the investigation into the extension of the opening season at Council's swimming centres at Cabarita and Drummoyne.

**EXECUTIVE SUMMARY**

The outcomes from the investigation into the extension of the opening season at Council's swimming centres at Cabarita and Drummoyne indicate an estimated monthly cost of \$116,516 for both centres or \$60,465 for just Cabarita Swimming Centre. This amount is comprised of:

- Increased subsidy payment to Council's service provider
- Increased utility costs

In addition to the financial implications, an extended swimming season will:

- result in an inequitable level of subsidy to a relatively small proportion of residents
- will impact Council's ability to undertake facility maintenance/upgrades
- adversely impact Council's environmental footprint

Accordingly, it is not recommended to extend the current season at Council's swimming centres.

**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

**BACKGROUND/DISCUSSION**

Following receipt of a petition and a Council resolution at the meeting of 17 May 2022, officers have undertaken an investigation into the proposed extension of the swimming season at Council's two swimming centres. Council resolved as follows:

1. *That Council officers consider the request made through the petition from the residents both near and surrounding Cabarita Pool, to extend the opening time from the 1st September to the 31st May, commencing in Spring 2022.*
2. *That consideration of this matter include that, in view of the relatively mild weather in the month of May, more use can be made of the pool use for an extra month, rather than closing on the 30 April.*

3. *That the report referred to in 1 above be extended to include options for year round opening at both Cabarita and Drummoyne pools.*
3. *That the pool operator be consulted on the proposal.*
4. *That a report be prepared and submitted to Council as soon as practicable.*

**Attendance**

Attendances in recent years are included at *Attachment A*. The single largest determinant of attendance at an outdoor aquatic facility is the weather. Typical attendance follows an 'inverted U' pattern throughout the season with peak attendance in the warmer months and reduced attendance at the beginning and end of the season. While there is a group of dedicated swimmers who would continue to use the facilities in an extended season, overall attendance, and therefore overall income, would be significantly reduced. For comparative purposes, this report has used attendances in April 2022 as an indicator of attendance in an extended swimming season.

**Management Agreement**

Council has a Management Agreement with Belgravia Leisure (BL) to manage and operate Council's two outdoor aquatic facilities at Cabarita and Drummoyne from 1 September through 30 April each season. The agreement was the outcome of a tender in 2015 and recently commenced the third of three options which will expire in 2025.

Council sets the fees and charges for swimming and BL retains all income as well as being paid a subsidy.

It is considered unrealistic for BL to operate at the existing level of subsidy during an extended season due to a combination of reduced attendance (and therefore reduced income) and limited ability to run profitable programs (i.e. swim school). BL has provided Council with the level of subsidy it would require in order to extend the swimming season. This amount is included in the financial considerations.

**Utility Costs**

All utility costs (gas, electricity and water) are paid by Council under the current Management Agreement.

The greatest contributor to utility costs is the cost of heating the water. Once the concrete pool surrounds and shell get heated in the warmer months, there is limited need for additional heat. Once these surrounds cool during the colder months, the gas boiler is needed throughout the day and at night to maintain water temperature. Consequently, the majority of water heating cost is incurred from August-October and March-April. The average monthly utility cost to operate the pools is included in the financial considerations.

While more difficult to quantify, there would also be an increased environmental impact to maintain water temperature throughout the winter months.

**Facility Maintenance and Upgrade**

Council is responsible for the majority of maintenance and all upgrades of facilities to ensure they meet a satisfactory standard. Both of Council's facilities are ageing and on constrained sites presenting challenges with contemporary standards for health, accessibility, plant and floodlight maintenance.

It is not anticipated that operational and capital expenditure would significantly increase with an extended season. However, Council's capacity to undertake off-season works would be impacted. Recent upgrades such as the accessible ramp and lift at Cabarita would have been difficult to undertake during normal operations. Improvements requiring the pool to be emptied (e.g. recent improvements to water circulation rates at Cabarita or pool shell repairs at Drummoyne) would be impossible to complete while the facility is operating.

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

There are financial risks outlined below if Council were to extend the current 8-month swimming season.

**FINANCIAL CONSIDERATIONS**

The financial impact of an extension of the current swimming season includes:

- Increased subsidy to the service provider
- Additional cost of utilities

The estimated monthly cost to Council of operating both swimming centres for an additional month is conservatively forecast to be at least \$116,516. The estimated additional monthly cost to Council of operating just Cabarita Swimming Centre for an additional month is \$60,465.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

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

**CONCLUSION**

In response to the Council Resolution, officers have completed an investigation into an extension to the current operating season at Council's swimming centres.

Council provides a substantial subsidy to facilitate the current 8-month swimming season. The investigation concludes that an extension of the opening season will require an additional and unfunded cost to Council due to:

- Increased subsidy payment to service provider due to reduced income
- Increased utility costs to heat water in colder temperatures

In addition to the financial implications, an extended swimming season will:

- result in an inequitable level of subsidy to a relatively small proportion of residents, will impact Council's ability to undertake facility upgrades, and
- adversely impact Council's environmental footprint.

Accordingly, it is not recommended to extend the current season at Council's swimming centres.

## 11 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS

### ITEM 11.1 UPDATED INVESTMENT POLICY - ADOPTION

**Reporting Manager** Manager Finance

**Attachments:** 1. Investment Policy 2022 (*Provided in Attachment Booklet*) [↗](#)

#### RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That Council's Investment Policy as publicly exhibited and attached to the report be adopted.

#### PURPOSE

At its Meeting of 14 April 2022, Council resolved to publicly exhibit the updated Investment Policy to reflect requirements of TCorp. No submissions were received during the exhibition period and as such the Policy is now recommended for adoption by Council.

#### EXECUTIVE SUMMARY

Council has received approval from TCorp to borrow funds in conjunction with the redevelopment of Concord Oval.

To be eligible for funding by TCorp, Council was required to manage its investment portfolio within portfolio limits nominated by TCorp going forward and to update its Investment Policy to reflect this commitment.

Council's current investment portfolio exceeds TCorp limits in some instances. To address this issue, all non-complying investments would be "grandfathered" under the agreement with TCorp. Council's Investment Policy is also required to be updated to reflect the Portfolio limits mandated by TCorp. For the avoidance of doubt, all new investments made by Council would need to comply with the updated Investment Policy, but no investments made previously that were compliant with the prior investment policy at the time of purchase would need to be divested

#### STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

#### BACKGROUND/DISCUSSION

The TCorp investment framework which Council was required to adopt in its policy is shown below

Column A			Column B Portfolio Limit	Column C Counterparty Limit	Column D Maximum Tenor
Long Term Debt Rating					
S&P	Moody's				
AAA	Aaa		100%	100%	Not applicable
AA+ to AA-	Aa1 Aa3	to	100%	100%	5 years

Column A				
Long Term Debt Rating		Column B	Column C	Column D
S&P	Moody's	Portfolio Limit	Counterparty Limit	Maximum Tenor
A+ to A	A1 to A2	100%	100%	5 years (Floating Rate Notes) 3 years (All other investments)
A-	A3	40%	20%	3 years
BBB+	Baa1	30% (a 10% sub limit applies to investments rated BBB)	10%	3 years
BBB	Baa2		5%	12 months
BBB- and below: ADIs with a branch within your LGA	Baa3 and below: ADIs with a branch within your LGA	5%	5%	12 months
BBB- and below: Other	Baa3 and below: Other		\$250,000	12 months
Other Investments	Eligible	100%	100%	Not applicable

*Other Eligible Investments includes the investments made by Council in TCorpIM funds, TCorp term deposits, and bonds issued by TCorp or other Australian state government central borrowing authority.*

Council was advised in April 2022 that its investment portfolio had two investments that fell outside of the proposed updated Investment Policy limits and would need to be managed in agreement from TCorp.

- A term deposit with AMP which matured on the 4th May 2022 for \$2M.

Council reinvested that deposit in a higher rated entity upon maturity. This brought Council within both the portfolio and Counterparty limits relating to BBB investments.

- Floating Rate Note (FRN) with Teachers Mutual Bank (rated BBB) for \$850k which matures on 15 June 2026.

Although this investment is well beyond the maximum tenor of 12 months, TCorp has allowed Council to hold to maturity.

In addition, TCorp has agreed to the following modification to its standard investment framework.

- Council being provided with an exemption to invest in FRN's with a rating of A+ to A for a maximum tenor of 5 years



This modification aligns with Council's existing Investment policy with respect to Investments rated A- and above. Longer dated FRN's yield higher returns and so this decision supports Council's financial position.

Prior to accepting the loan relating to the Concord Oval redevelopment, TCorp's determination to grant the loan was subject to:

- (a) prior to signing a loan agreement, Council acknowledging TCorp's balanced investment framework and its obligations to comply on an on-going basis and
- (b) Council agreeing to adopt TCorp's balanced investment framework at the earliest reasonable opportunity.

To achieve the requirements, Council's Investment Policy was updated to reflect the investment framework outlined above.

At its Meeting of 14 April 2022, Council resolved to publicly exhibit the updated Investment Policy to reflect requirements of TCorp, with the public exhibition occurring from 19 April 2022 to 17 May 2022.

No submissions were received during the exhibition period and as such the Policy is now recommended for adoption by Council.

### **TIMING / CONSULTATION**

Council exhibited the policy from 19 April 2022 to 17 May 2022.

### **LEGISLATIVE AND POLICY CONSIDERATIONS**

<https://www.olg.nsw.gov.au/wp-content/uploads/Investment-Order-12-1-2011.pdf>

Local Government ACT 1993 – Investment Order –Dated 12<sup>th</sup> January 2011.

**ITEM 11.2 CASH AND INVESTMENT REPORT FOR AUGUST 2022****Reporting Manager** Manager Finance**Attachments:** 1. **Investment Report August 2022** (*Provided in Attachment Booklet*) [⇒](#)**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That the Cash and Investments Report for August 2022 attached to the report be received and noted.

**PURPOSE**

To present Council's Investment portfolio performance for August 2022.

**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 end of August Cash and Investments Report 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 end August 2022**

The Cash at Bank and Cash Investments are summarised below:

Month	Cash At Bank	Cash Investments	Total Cash
August 2022	\$5,719,762.29	\$145,871,887.70	\$151,591,649.99

The detailed Schedule of Investments held as of 31st August 2022 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
08/09/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	125	1.78%	06/05/22	Term Deposits
09/09/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	364	0.39%	10/09/21	Term Deposits
13/09/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	123	1.77%	13/05/22	Term Deposits
15/09/22	Bank of Queensland	BBB+	\$2,000,000.00	363	0.95%	17/09/21	Term Deposits
22/09/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	111	1.93%	03/06/22	Term Deposits
30/09/22	MyState Ltd	BBB+	\$2,000,000.00	364	0.45%	01/10/21	Term Deposits
03/10/22	Westpac Bank	AA-	\$3,000,000.00	367	0.80%	01/10/21	Term Deposits
10/10/22	AMP Bank	BBB	\$2,000,000.00	367	0.80%	08/10/21	Term Deposits
11/10/22	National Australia Bank	AA-	\$3,000,000.00	180	1.20%	14/04/22	Term Deposits
14/10/22	National Australia Bank	AA-	\$2,000,000.00	371	0.39%	08/10/21	Term Deposits
27/10/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	62	2.43%	26/08/22	Term Deposits
03/11/22	Commonwealth Bank of Australia	AA-	\$2,000,000.00	64	2.54%	31/08/22	Term Deposits
08/11/22	National Australia Bank	AA-	\$2,000,000.00	270	0.70%	11/02/22	Term Deposits
10/11/22	Bank of Queensland	BBB+	\$3,000,000.00	210	1.50%	14/04/22	Term Deposits
08/12/22	Commonwealth Bank of Australia	AA-	\$3,000,000.00	216	2.43%	06/05/22	Term Deposits
05/01/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	244	2.62%	06/05/22	Term Deposits
12/01/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	216	3.06%	10/06/22	Term Deposits
02/03/23	Bank of Queensland	BBB+	\$2,000,000.00	216	3.50%	29/07/22	Term Deposits
09/03/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	223	3.45%	29/07/22	Term Deposits
16/03/23	Macquarie Bank	A+	\$2,000,000.00	365	1.20%	16/03/22	Term Deposits
21/03/23	AMP Bank	BBB	\$1,000,000.00	210	3.70%	23/08/22	Term Deposits
02/05/23	AMP Bank	BBB	\$2,000,000.00	545	1.00%	03/11/21	Term Deposits
04/05/23	MyState Ltd	BBB+	\$2,000,000.00	365	2.93%	04/05/22	Term Deposits
04/05/23	Commonwealth Bank of Australia	AA-	\$2,000,000.00	363	3.18%	06/05/22	Term Deposits
08/06/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	307	3.69%	05/08/22	Term Deposits
23/06/23	National Australia Bank	AA-	\$3,000,000.00	365	0.60%	23/06/22	Term Deposits
06/07/23	Commonwealth Bank of Australia	AA-	\$2,500,000.00	335	3.74%	05/08/22	Term Deposits
17/07/23	Commonwealth Bank of Australia	AA-	\$3,000,000.00	381	0.60%	01/07/22	Term Deposits
28/07/23	National Australia Bank	AA-	\$3,000,000.00	364	0.65%	29/07/22	Term Deposits
03/08/23	National Australia Bank	AA-	\$2,000,000.00	367	0.65%	01/08/22	Term Deposits
16/02/26	National Australia Bank	AA-	\$2,000,000.00	1461	1.04%	16/02/22	Term Deposits
20/10/22	Westpac Bank	AA-	\$1,500,000.00	367	0.47%	18/10/21	ESG TD
18/11/22	Westpac Bank	AA-	\$2,000,000.00	364	0.54%	19/11/21	ESG TD
02/12/22	Westpac Bank	AA-	\$2,000,000.00	364	0.58%	03/12/21	ESG TD
13/04/23	Westpac Bank	AA-	\$3,000,000.00	364	1.89%	14/04/22	ESG TD
30/10/23	Westpac Bank	AA-	\$1,000,000.00	732	1.11%	28/10/21	ESG TD
19/02/24	Westpac Bank	AA-	\$1,000,000.00	550	2.32%	18/08/22	ESG TD
04/03/24	Westpac Bank	AA-	\$2,000,000.00	637	1.68%	06/06/22	ESG TD
14/11/24	Westpac Bank	AA-	\$1,500,000.00	825	1.62%	12/08/22	ESG TD
02/12/24	Westpac Bank	AA-	\$1,500,000.00	913	1.62%	03/06/22	ESG TD
17/02/25	Westpac Bank	AA-	\$2,000,000.00	914	2.02%	18/08/22	ESG TD
24/02/25	Westpac Bank	AA-	\$2,500,000.00	914	2.10%	25/08/22	ESG TD
20/11/25	Westpac Bank	AA-	\$1,500,000.00	1189	1.87%	19/08/22	ESG TD
17/02/26	Westpac Bank	AA-	\$2,500,000.00	1279	2.24%	18/08/22	ESG TD
24/02/26	Westpac Bank	AA-	\$2,000,000.00	1279	2.31%	25/08/22	ESG TD
03/03/26	Westpac Bank	AA-	\$2,000,000.00	1369	2.22%	03/06/22	ESG TD
28/10/22	Teachers Mutual Bank	BBB	\$1,000,000.00	1096	3.05%	28/10/19	ESG FRN
23/12/26	Commonwealth Bank of Australia	AA-	\$2,000,000.00	1917	2.15%	23/09/21	ESG FRN
03/02/23	Bank of Queensland	BBB+	\$2,000,000.00	1635	3.23%	13/08/18	Floating Rate Notes
06/02/23	Newcastle Permanent Building Society	BBB	\$2,000,000.00	1707	3.66%	05/06/18	Floating Rate Notes
24/02/23	RACQ Bank	BBB+	\$1,500,000.00	1096	3.32%	24/02/20	Floating Rate Notes
16/08/23	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1826	3.23%	16/08/18	Floating Rate Notes
08/02/24	ANZ Bank	AA-	\$1,500,000.00	1826	3.36%	08/02/19	Floating Rate Notes
29/08/24	ANZ Bank	AA-	\$1,500,000.00	1827	3.20%	29/08/19	Floating Rate Notes
14/11/24	Citibank	A+	\$1,000,000.00	1827	3.20%	14/11/19	Floating Rate Notes
12/02/25	Macquarie Bank	A+	\$2,000,000.00	1827	3.14%	12/02/20	Floating Rate Notes
06/05/25	Royal Bank of Canada	AA-	\$1,000,000.00	1096	2.96%	06/05/22	Floating Rate Notes
09/12/25	Macquarie Bank	A+	\$2,000,000.00	1651	1.96%	02/06/21	Floating Rate Notes
15/06/26	Teachers Mutual Bank	BBB	\$850,000.00	1825	2.42%	16/06/21	Floating Rate Notes
19/08/26	ING Bank	A	\$500,000.00	1826	2.73%	19/08/21	Floating Rate Notes
18/08/27	Commonwealth Bank of Australia	AA-	\$1,100,000.00	1826	3.30%	18/08/22	Floating Rate Notes
15/12/22	NTTC	AA-	\$2,000,000.00	808	0.90%	28/09/20	Fixed Rate Bond
15/12/23	NTTC	AA-	\$2,000,000.00	1186	1.00%	15/09/20	Fixed Rate Bond
15/12/24	NTTC	AA-	\$2,000,000.00	1206	1.00%	27/08/21	Fixed Rate Bond
15/06/25	NTTC	AA-	\$2,000,000.00	1496	1.10%	11/05/21	Fixed Rate Bond
18/08/25	Commonwealth Bank of Australia	AA-	\$1,500,000.00	1096	4.20%	18/08/22	Fixed Rate Bond
24/08/26	Suncorp Metway	A+	\$2,000,000.00	1587	3.25%	20/04/22	Fixed Rate Bond
	AMP Bank	BBB	\$1,004,471.03		2.30%		AMP 31Day Notice
	AMP Bank	BBB	\$192.35		0.50%		AMP Business Saver
	Commonwealth Bank of Australia	AA-	\$0.00		0.20%		CBA At Call
	Macquarie Bank	A+	\$2,289.25		1.00%		Macquarie CMA
	Macquarie Bank	A+	\$9,914,935.07		1.85%		Macquarie CMA
	<b>31/08/22</b>		<b>\$145,871,887.70</b>		<b>1.93%</b>		
	<b>TOTAL INVESTMENTS at 31/07/22</b>		<b>\$141,563,044.18</b>				
	<b>Net Increase/(Decrease) in Investments</b>		<b>\$4,308,843.52</b>				

**FINANCIAL CONSIDERATIONS**

Interest received on cash investments in August was \$237,835.98. The balance of cash and investments increased from \$143.5M in July to \$151.6M in August 2022.

**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 11.3                      AUDIT RISK AND IMPROVEMENT COMMITTEE MINUTES - 30 AUGUST 2022****Reporting Manager      Manager Governance and Customer Services****Attachments:            1.      Audit Risk and Improvement Committee Minutes - 30 August 2022**

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**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That the Minutes of the Audit Risk and Improvement Committee meeting held 30 August 2022 as attached to this report be adopted.

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**PURPOSE**

To provide Council with the minutes of the Audit Risk and Improvement Committee meeting held on 30 August 2022.

**REPORT**

An Audit Risk and Improvement Committee Meeting was held on 30 August 2022. A copy of the minutes of the meeting is attached.

**STRATEGIC DIRECTION**

This report supports Our Future 2036 outcome area:

Direction 5:            Civic Leadership

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

**FINANCIAL CONSIDERATIONS**

There are no financial considerations associated with this report.

**LEGISLATIVE AND POLICY CONSIDERATIONS**

Compliance with the Local Government Act 1993 and other relevant Acts.

**RISK CONSIDERATIONS**

There are no risk considerations associated with this report.

# **CITY OF CANADA BAY AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING**

## **MINUTES**

Held in the Halliday and Hudson Rooms, City of Canada Bay Civic Centre,  
Drummoyne

**Tuesday, 30 August 2022**

**Minutes of a City of Canada Bay Audit Risk and Improvement Committee Meeting****Held on Tuesday 30 August 2022****At the Halliday and Hudson Rooms Room, City of Canada Bay Civic Centre, Drummoyne****Commencing at 4.30pm****Present:**

Dennis Vaccher	Independent Member (Chairperson)
Michael Ellacott	Independent Member
Cr Bazouni	Councillor
Cr Megna	Councillor

**Officers in attendance:**

Mr J Clark	General Manager
Mr E Hutchings	Director Community & Environmental Planning
Ms M Lee	Manager Governance and Customer Services
Mr M Wohlfiel	Manager Finance

**Guests:**

Ash Pather	Crowe (External Auditor)
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**NOTES**

The meeting commenced at 4.34pm and concluded at 5.32pm.



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**1 WELCOME/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****APOLOGIES**

Nil

*Note: Councillor Bazouni advised he would be late to the meeting.*

**LEAVE OF ABSENCE**

Nil

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

Councillor Megna disclosed a less than significant non-pecuniary interest in relation to Item 5.1 – Operation Whitney – Update and Council Response for the reason that:

"I was a witness for ICAC in that hearing."

**4 CONFIRMATION OF MINUTES****MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD  
23 NOVEMBER 2021**

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**RECOMMENDATION**

Moved: Mr Vaccher

Seconded: Mr Ellacott

That the minutes of the Audit Risk and Improvement Committee Meeting of 23 November 2021 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

**CARRIED**

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**5 REPORTS****ITEM 5.1 OPERATION WITNEY - UPDATE AND COUNCIL RESPONSE**

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*Note: Cr Bazouni arrived at 4.47pm*

**RECOMMENDATION**

That:

1. The Audit Risk and Improvement Committee note ICACs report in relation to Operation Witney.
  2. The Audit Risk and Improvement Committee note Council's response to date in relation to the ICAC findings in relation to Operation Witney.
  3. A further report on Council's response to the ICAC recommendations made to Council in relation to Operation Witney be submitted to the next meeting of the Committee, with that report to include any other action that Council proposes to take, or takes, in response to other recommendations in ICAC's report.
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**ITEM 5.2 DRAFT FINANCIAL STATEMENTS 2021-2022**

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**RECOMMENDATION**

That the Audit Risk and Improvement Committee note the Draft Financial Statements as attached to the report.

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**ITEM 5.3 AUDIT RISK AND IMPROVEMENT COMMITTEE - OFFICE OF LOCAL GOVERNMENT GUIDELINES UPDATE**

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**RECOMMENDATION**

That the Audit Risk and Improvement Committee note the Office of Local Government Update regarding membership requirements for Audit Risk and Improvement Committees.

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**ITEM 5.4 FRAUD AND CORRUPTION - DOCUMENT REVIEW**

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**RECOMMENDATION**

That the Audit Risk and Improvement Committee note the update in relation to the Fraud and Corruption document review.

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**6 GENERAL BUSINESS**

Nil

*Note: It was requested that an update on the Internal Audit program and the Fleet Audit be brought to the next scheduled Audit Risk and Improvement Meeting.*

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CHAIRMAN

**12 NOTICES OF MOTION****ITEM 12.1 NOTICE OF MOTION - HONOURING PETER WOODS - RENAMING OF JELlicoe STREET CLOSED SPACE TO PETER WOODS PLACE**

Submitted by: Councillor Michael Megna

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**MOTION**

That:

1. The naming of Jellicoe Street closed space be named “Peter Woods Place”.
  2. The Majors Bay Chamber of Commerce be asked to supply input into the proposal.
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**BACKGROUND FROM COUNCILLOR MICHAEL MEGNA**

The City of Canada Bay Council recently celebrated the life of Emeritus Mayor Peter Woods, who passed away in June this year.

Peter was a long-standing alderman, councillor, and Mayor of Concord Council. He was also elected to the inaugural term of Canada Bay Council.

Peter was a co-architect of the merged councils of Concord and Drummoyne in December 2000. He was also a long serving President of the Local Government Association, President of the Australian Local Government Association, and International local government bodies.

One of Peter’s earliest legacies was the revitalisation of Majors Bay Road in Concord, turning it from a long, bland retail and commercial strip to a vibrant community hub and popular eat-street destination.

I propose that, to honour Peter and his lasting contribution to Concord, Canada Bay and Majors Bay Road in particular, the Jellicoe Street closed area be named “Peter Woods Place”.

**ITEM 12.2 NOTICE OF MOTION - METRO**

Submitted by: Councillor Carmel Ruggeri

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**MOTION**

That:

1. The State Government be requested to provide funding for the construction of a suitable car parking facility at the site of Council's Kings Road car park to cater for the significant increase in parking demand that will result from the opening and operation of the Metro Station at Five Dock.
  2. The General Manager request a meeting with the Minister for Transport, David Elliott MP, to receive Council's representations in relation to this matter.
  3. Support of the Member for Drummoyne be sought in Council's representations.
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**BACKGROUND FROM COUNCILLOR CARMEL RUGGERI**

In response to a Mayoral Minute at the Ordinary Meeting of 19 October 2021 Council resolved to advocate for the delivery of the program of initiatives outlined in the Mayoral Minute, including the General Manager writing to representatives from Sydney Metro West. One of those initiatives was the creation of additional parking to replace what has been lost to construction. It is my understanding that the state government has no plans to provide that parking, or any other parking facilities to replace those lost. Further, there are also no plans for commuter parking for when the Metro becomes operational.

Council is very supportive of the Metro as it is an important piece of State infrastructure that will deliver many benefits to Sydney. However, these benefits should not be achieved to the detriment of local businesses and residents of Five Dock. Although construction of the Metro is in its very early stages at Five Dock, availability of parking has immediately become a huge issue for the businesses and residents of Five Dock, and for the surrounding community members that frequent Five Dock. This issue will become even greater without a solution for commuter parking when the Metro is operational. It would be expected that residents of surrounding suburbs within the City of Canada Bay, such as Abbotsford, Drummoyne and Rodd Point, will also drive and park in residential streets to access the Metro, further adding to the problems.

I have lived in Five Dock most of my life, and I am excited about the Metro and the benefits it will deliver. However, I'm genuinely concerned about the impacts on businesses that the reduction in available parking will create, both in the immediate and long term. I am also concerned about the impacts on local neighbourhood streets resulting from commuter parking if it is not catered for through a dedicated parking facility. Unlike other locations where Metro stations are either proposed or exist, such as Parramatta or Chatswood, Five Dock is not a large commercial centre but rather a village with this fact needed to be taken into consideration in all decision making relating to the Metro.

In terms of a solution, Council has ownership of the existing Kings Road Car Park. In its current form it contributes to accommodating the vehicles of customers of local shops and businesses. It certainly cannot address emerging or future parking issues. It is however the one identified location that, if developed into a multi-storey car park, could significantly address those issues. As it is the Metro that is the catalyst of the parking issues at Five Dock, I believe that it is incumbent upon the State Government to fund the solutions. Council officers have estimated that the current construction costs of a suitable car parking facility at Kings Road Five Dock would be in the vicinity of \$18 to 20 million. I am seeking Council's support to request that the State Government commit to providing funding to construct a car park at the site of the Kings Road car park for the purposes of satisfying increased

parking demands resulting from the Metro at Five Dock. The support of the Member for Drummoyne is also sought.



**ITEM 12.3                      NOTICE OF MOTION - CITY OF CANADA BAY'S TREE CANOPY**

Submitted by:                      Councillor Andrew Ferguson

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**MOTION**

That:

1. A report be prepared and submitted to Council on options for expanded or new initiatives to increase the tree canopy in the City of Canada Bay local government area.
  2. A report be prepared and submitted to Council on the feasibility, options and costs of conducting an audit on an appropriate cross section of sites in the Council area where duplexes have been built in the last 12 months where there were trees removed, including whether suitable replacement trees have been reinstated.
  3. Council generally opposes the removal of mature healthy trees in the City of Canada Bay LGA by state government agencies e.g. Metro.
  4. Council supports the replacement of mature trees that have been removed by state government agencies with suitable mature trees.
  5. Council officers enter into discussions with staff of other councils with a view to developing a joint approach to seeking the replacement of mature trees removed by state government agencies with suitable mature trees.
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**BACKGROUND FROM COUNCILLOR ANDREW FERGUSON**

It is acknowledged that the City of Canada Bay Council area's tree canopy is below the metropolitan average.

However, the initiatives that Council has implemented in recent years in increasing tree canopy in the City of Canada Bay local government area is also acknowledged.

It is my desire for Council to commit to increasing the tree canopy with the objective of not just 'catching up' but hopefully in future years being a leader in the Sydney metropolitan area.

**ITEM 12.4 NOTICE OF MOTION - ROSS MANIACI**

Submitted by: Councillor Stephanie Di Pasqua

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**MOTION**

That:

1. Council work with Mr Maniaci's family to consider an appropriate way to honour former Drummoyne Mayor, Mr Ross Maniaci.
  2. Options be presented to a Councillor workshop as soon as practicable.
- 

**BACKGROUND FROM COUNCILLOR STEPHANIE DI PASQUA**

The City of Canada Bay Council has a significant population of Aeolian migrants and descendants. By 1921, Aeolians were the largest regional group to become naturalised Australians and by the 1970s, there were more than 30,000 Aeolian migrants in the local community.

Aeolian migrants worked hard and opened many businesses in the local area, particularly around the Five Dock area and neighbouring suburbs. In many ways, they played an integral part in shaping the culture of our community as we know it, and Italo-Australian culture in NSW more broadly.

Most recently, our community's affiliation with the Aeolian Islands was recognised through the commissioning of an exhibition by Cristina Neri and Rosalie Paino at Five Dock Library, titled From Volcanoes They Sailed.

In the August 2022 edition of the City of Canada Bay news, Council highlighted the contribution of Aeolians and particularly, a prominent figure of the Italian community, Mr Ross Maniaci.

Mr Maniaci became the Mayor of Drummoyne in 1977, making him the first of Italian origin from the Aeolian Islands. Ross served as an Alderman of Drummoyne for several years, including as Deputy Mayor in 1975 and 1976.

Mr Maniaci was one of the founding members of the Associazione Isole Eolie (Association of the Aeolian Islands) and supported the Sister City relationship which established between the Comune di Lipari (Council of Lipari) and Drummoyne Council, and ultimately the City of Canada Bay Council. This Sister City relationship was reaffirmed in 2020 when the Mayor of Lipari (at the time), Mr Marco Giorgianni visited Sydney.

Given the significance of Mr Maniaci's achievements and the importance of this for local Aeolians and Italians more broadly, this motion seeks to recognise and honour Mr Maniaci appropriately for his contribution and service.

Councillors Ruggeri, Megna, Cordaro and I have received correspondence from Mr Maniaci's family seeking that a street or square be dedicated in honour of Mr Maniaci. His family still live in the area and are still active in the Italian community.

**ITEM 12.5                      NOTICE OF MOTION - SYDNEY CRICKET CLUB 125 YEARS**

Submitted by:                      Councillor Stephanie Di Pasqua

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**MOTION**

That:

1. The City of Canada Bay congratulate the Sydney Cricket Club on its 125<sup>th</sup> anniversary.
  2. The City of Canada Bay promote to locals the celebration event at Drummoyne Oval to be held on 3 October 2022.
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**BACKGROUND FROM COUNCILLOR STEPHANIE DI PASQUA**

I would like to draw Council's attention to a significant milestone for a beloved local sports club.

On 3 October 2022, the Sydney Cricket Club is hosting a celebration event to mark 125 years since the club's first season in the Sydney first grade competition.

Then named the Balmain Electorate Cricket Club, the Tigers competed in Sydney's premier first grade competition for the first time in 1897. Over the course of the following 125 years the 'Tigers' have competed in first grade under several guises until 2007 when the club formed a partnership with the Sydney Cricket Ground Trust and became the Sydney Cricket Club.

Since 1946-47 the Sydney Cricket Club first grade side has called our own Drummoyne Oval home, hosting some of cricket's greatest and most famous names at Sydney's most picturesque sporting facility.

I would like to extend the club's invite for their celebration event on Monday 3 October 2022 to our local community.

On the public holiday Monday, the club's celebration will feature men's and women's cricket, family-friendly entertainment, and the chance to meet the club's international players past and present. Sydney Cricket Club's men's first grade will play the men's SCG XI, and the club's women's first grade will play the women's SCG XI. In an exciting new format, the two games will be played concurrently, with alternating innings.

I encourage locals to come along to the event and celebrate the wonderful history of our local club and ask Councillors to join me in congratulating the club on their 125<sup>th</sup> anniversary.

**13        NOTICES OF MOTION OF RESCISSION**

**14        MATTERS OF URGENCY**

**15        QUESTIONS WITH NOTICE**

**16 CONFIDENTIAL MATTERS**

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**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 16.1 AFFORDABLE HOUSING**

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 16.2 TENDER OUTCOME FOR THE LEASING OF THE RHODES PARK CAFE - 'KOKODA CAFE'**

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

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

**ITEM 16.3 FOOTPATH DINING FEE WAIVER - SYDNEY METRO WORKS - GREAT NORTH ROAD**

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

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

**ITEM 16.4 DIVESTMENT OF 283 CONCORD ROAD, CONCORD WEST**

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

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

**ITEM 16.5 NOTICE OF MOTION - LEGAL MATTER - GOVERNANCE**

This matter is considered to be confidential under Section 10A(2) - (g) of the Local Government Act, as it deals with advice concerning litigation, or advice as comprises a

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discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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.

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**17        CONFIDENTIAL RESOLUTIONS**

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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.

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