

ORDINARY COUNCIL MEETING

AGENDA

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

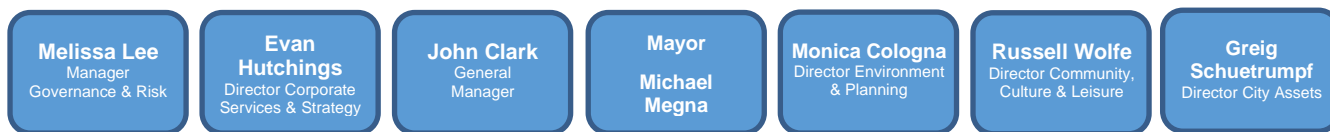
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 18 March 2025

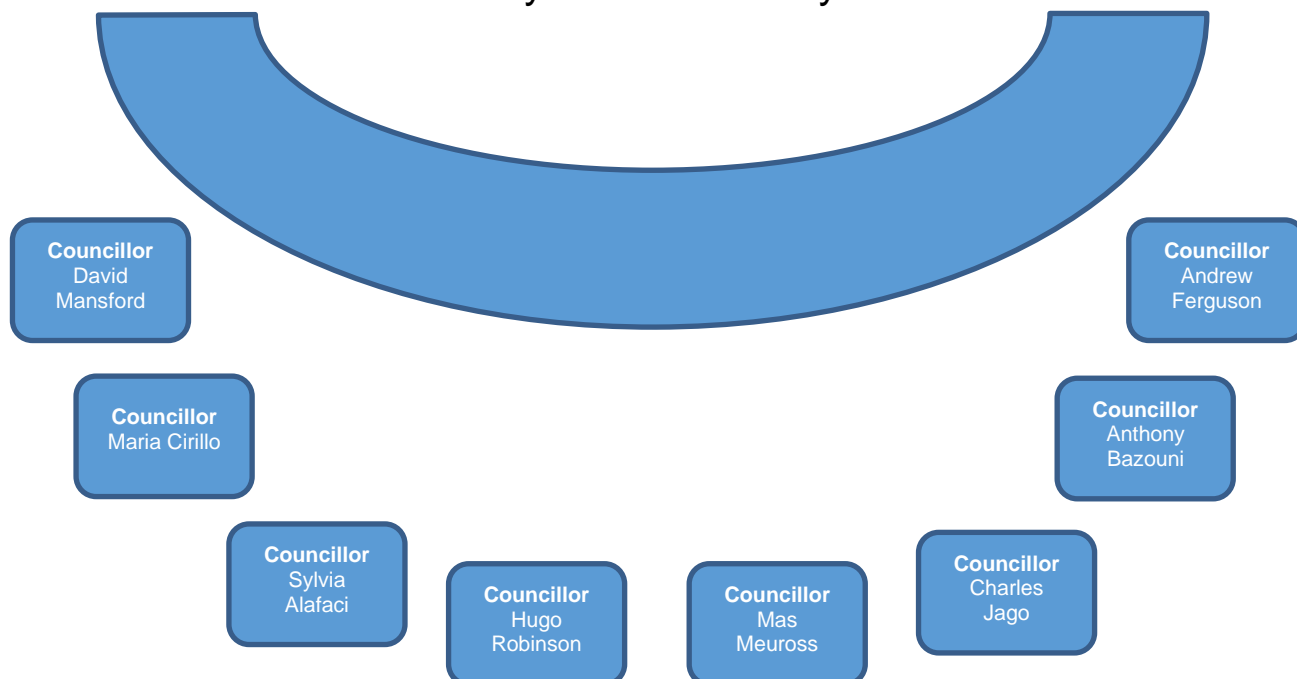
Beginning at 6:00pm for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



Councillors City of Canada Bay



Statement of Ethical Obligations

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

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

Agenda for an Ordinary Council Meeting

to be held on Tuesday 18 March 2025

at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Commencing at 6:00pm

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1 ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

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

3 CONFIRMATION OF MINUTES

3.1 MINUTES OF ORDINARY COUNCIL MEETING HELD 18 FEBRUARY 2025

RECOMMENDATION

That the minutes of the Ordinary Council Meeting of 18 February 2025 copies of which were previously circulated, are hereby confirmed as a true and correct record of the proceedings of that meeting.

4 DISCLOSURES OF INTERESTS

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

5 MAYORAL MINUTE(S)

ITEM 5.1 MAYORAL MINUTE - LIMITS ON HOUSING

Submitted by: Councillor Michael Megna (Mayor)

MOTION

That Council write to the Minister for Planning and Public Spaces and the Secretary of the Department of Planning, Housing and Infrastructure raising concern with:

- a) the disproportionate amount of additional growth being imposed on the City of Canada Bay
 - b) the impact of hasty, ad-hoc decisions will have on the trust of the community and public confidence in our planning system
 - c) the undermining and abandonment of adopted NSW Government Plans and Strategies; and
 - d) the lack of state infrastructure commitments to meet the needs of the additional population planned for the City of Canada Bay.
-

BACKGROUND

I want to address a critical issue that is deeply concerning for the residents of the City of Canada Bay, one that threatens the character, livability, and long-term planning of our community.

Recent decisions by the NSW Government will have a disproportionate and, frankly, unjust impact on our area.

The population of the City of Canada is forecast to double based on planned growth and recent decisions by the NSW Government.

Notably, the Homebush Transport Oriented Development (TOD) precinct is set to accommodate 18,000 new homes or 30% of the total increase in dwellings proposed across all six TOD precincts in metropolitan Sydney.

Additionally, the NSW Government's Housing Delivery Authority recently designated certain residential development sites in the City of Canada Bay as State Significant, representing over 50% of the potential new dwellings identified by the Authority at their February briefing. If these proposals proceed as currently planned, the very strategies that the NSW Government itself has implemented to guide responsible development will be undermined — or worse, abandoned.

These strategies were carefully crafted to ensure sustainable growth, aligned with community needs and values. Abandoning them now would not only be a significant setback, but it would also create uncertainty for all stakeholders — from residents to developers, and particularly for local government.

I urge the NSW Minister for Planning and Public Spaces to recognise that hasty, ad-hoc decisions will have a long-lasting negative impact on the trust and confidence the community places in the government's ability to manage growth and development responsibly and will severely damage public confidence in our planning system.

The City of Canada Bay acknowledges the urgency of the housing crisis. We understand the need to provide new homes to meet the growing demand across our state. Indeed, recent analysis of ABS building approvals data conducted by the Property Council of Australia highlighted that, of all Councils in NSW, Canada Bay is not only on track to meet our National Housing Accord targets for new homes — we are the number one Council in NSW when it comes to our progress towards the target.

We are doing our bit. However, it is essential that the responsibility to accommodate this growth is shared fairly across all of Sydney and New South Wales. It is neither just nor sustainable for our

community to bear a disproportionate burden, particularly when it risks undermining the planning strategies that were developed to ensure balanced and responsible development.

In response to this, I am calling for action. I recommend that the Council formally writes to Paul Scully, the NSW Minister for Planning and Public Spaces, and Kiersten Fishburn, the Secretary of the Department of Planning, Housing and Infrastructure, seeking clear assurances that development across the state will be carried out in a way that is fair, transparent, and consistent with the long-term vision for our communities.

In conclusion, let me be clear: while Council is committed to finding solutions to address the housing needs of our growing population, it is crucial that we do so in an equitable way that respects the principles of good planning, preserves community trust, and ensures the sustainable growth of our City.

ITEM 5.2 MAYORAL MINUTE - "DRUMMOYNE'S GREAT WAR" BY BRENDAN BATEMAN

Submitted by: Councillor Michael Megna (Mayor)

MOTION

That:

1. Council's communications team publicise the launch event for "Drummoyne's Great War" through suitable Council communication channels.
 2. Five Dock Library and Concord Library purchase copies of each volume.
-

BACKGROUND

I am pleased to bring to the attention of the Council and our community, the significant contribution to our area of local resident and author Brendan Bateman.

Brendan has dedicated 15 years to meticulously researching and writing the personal stories of the 95 men commemorated on the Drummoyne War Memorial, who served and died in the First World War. His work has culminated in the publication of a three-volume book titled *Drummoyne's Great War*, set to be released in conjunction with this year's ANZAC Day celebrations.

The narratives captured in these volumes outline the fascinating stories of these individuals from the Drummoyne and Five Dock communities. Their lives paint a picture of our local heritage and our community's connection to the Great War, from those with deep ties to the area to others with more fleeting connections.

These stories are so important not only in preserving the memory of those who served but also in deepening our community's, and future resident's, understanding of our unique history. The production of this book has been endorsed by, and supported by, the Five Dock RSL Sub Branch, who are also hosting a launch event for the volumes on 8 April, ahead of this year's ANZAC Day commemorations.

Given the local significance of this work, and its potential to enhance our engagement with our local history, I propose that Council's communications team publicise the book launch through suitable council communication channels to ensure awareness of this important work in our community.

I also recommend that our libraries purchase copies of these volumes to ensure that this valuable work is readily accessible to all community members.

6 PUBLIC FORUM

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

7 ITEMS RESOLVED BY EXCEPTION

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

8 EXECUTIVE SERVICES DIRECTORATE REPORTS

9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

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

Reporting Manager Manager Statutory Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That Council receive and note the information contained in the report on development application determinations by the Local Planning Panel, and Staff, under delegation for the period 1 February 2025 to 28 February 2025.

PURPOSE

This report outlines development application (DA) determinations by the Canada Bay Local Planning Panel (CBLPP) and Staff under delegation for the period from 1 February 2025 to 28 February 2025.

EXECUTIVE SUMMARY

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

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

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

Items for CBLPP Meeting on 26 February 2025

The following applications were listed for consideration at the CBLPP meeting on 26 February 2025:

- DA2025/0007 – 70 Majors Bay Road, Concord - Demolition of existing building, construction of 4 storey commercial building with ground and first floor retail, second and third floor office and 2 levels of basement gym with 24hr operation. Off street parking at the rear – *The development application was withdrawn by the applicant on 20 February 2025.*
- DA2024/0217 - 17 Denning Street, Drummoyne - Alterations and additions to an existing dwelling or structure – *Approved subject to conditions.*
- DA2024/0253 – 2 Bay Road, Russell Lea and 16 The Parade, Russell Lea - Torrens Title subdivision of the existing Strata (no building work) – *Approved subject to conditions.*
- DA2024/0232 - 8 Walton Crescent, Abbotsford- Amalgamation of two units and foyer – *Approved subject to conditions.*

- DA2024/0243 - Rhonda Place, Concord - Construction of a new two storey dwelling house and hardstand parking - *Approved subject to conditions.*

Items for CBLPP Meeting on 26 March 2025

At the time of writing this report, the following applications are listed for consideration at the CBLPP meeting on 26 March 2025:

- DA2025/0013 – 12 Byrne Avenue, Drummoyne - Construction of a new detached open cabana and enclosed toilet.
- DA2024/0236 – 361P Victoria Place, Drummoyne - Remediation works including demolition, earthworks and capping of contaminated soil to allow the construction of landscaping improvements to public recreation areas (Landscaping improvements do not form part of this development application).

Development Applications - Determined

The following Development Applications have been determined by staff under delegation between 1 February 2025 to 28 February 2025:

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT | DATE DETERMINED & DECISION |
|-------------|-------------|-----------------------------------|---|----------------------------|
| DA2024/0247 | 02.01.2025 | 60 Henry Street, Five Dock | Demolition of rear facade. Alterations to existing internal area over ground and first floor. Additional first floor area | Approved 05.02.2025 |
| DA2024/0129 | 16.07.2024 | 48 Rickard Street, Five Dock | An excavated rear two car garage with a home studio and bathroom above | Approved 06.02.2025 |
| DA2024/0249 | 24.12.2024 | 8 Bayswater Street, Drummoyne | Ground floor alterations and additions to a semi-detached residence | Approved 06.02.2025 |
| DA2025/0003 | 10.01.2025 | 46 Spring Street, Abbotsford | New swimming pool with existing shed to be refurbished to a cabana and extending a patio of approved structures | Approved 06.02.2025 |
| DA2024/0209 | 25.10.2024 | 19 Zoeller Street, Concord | Demolition of existing buildings, construction of a two-storey dwelling with basement and swimming pool and related landscaping | Approved 07.02.2025 |
| DA2024/0239 | 16.12.2024 | 56 Blackwall Point Road, Chiswick | Demolition of existing deck, extension of living area, and construction of a new deck | Approved 07.02.2025 |

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT | DATE DETERMINED & DECISION |
|-------------|-------------|----------------------------------|--|--------------------------------|
| DA2024/0234 | 04.12.2024 | 39 Harrabrook Avenue, Five Dock | Alteration and addition to an existing dwelling | Approved 07.02.2025 |
| DA2024/0211 | 06.11.2024 | 24 Hospital Road, Concord West | Demolition of existing buildings and construction of a new two storey dwelling and related landscaping | Approved 11.02.2025 |
| DA2024/0246 | 23.12.2024 | 30 Empire Avenue, Concord | Demolition of an existing two-storey clad dwelling and associated structures on the site and the construction of an attached two-storey dual occupancy with basement for parking and inground swimming pools | Approved 13.02.2025 |
| DA2024/0242 | 23.12.2024 | 141-145 Victoria Road, Drummoyne | Extension of hours of operation to 5am - 8pm Monday to Friday and signage associated with an existing Recreation Facility (Indoor) | Approved 14.02.2025 |
| DA2024/0212 | 06.11.2024 | 24 Wrights Road, Drummoyne | Strata subdivision of existing residential unit | Refused 17.02.2025 |
| DA2023/0276 | 07.12.2023 | 15-25 Hilly Street, Mortlake | Integrated development including demolition of existing buildings and construction of a new mixed used development with 27 apartments with basement parking and associated external works | Approved – Court 18.02.2025 |
| DA2023/0290 | 10.01.2024 | 23 Phillips Street, Cabarita | Demolition of existing dwelling and associated pool and outbuilding. Construction of new two storey dwelling with basement parking, new pool and associated site works | Approved 18.02.2025 |

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT | DATE DETERMINED & DECISION |
|-------------|-------------|-----------------------------------|---|------------------------------|
| DA2025/0028 | 11.02.2025 | 1 Broughton Street, Drummoyne | Pruning of a tree in a heritage listed area | Approved 19.02.2025 |
| DA2025/0022 | 03.02.2025 | 14 Rider Boulevard, Rhodes | Proposed home business for traditional Chinese medicine clinic | Approved 20.02.2025 |
| DA2024/0060 | 10.04.2024 | 325 Victoria Place, Drummoyne | Demolition of existing buildings, construction of two storey attached dual occupancy, swimming pool, landscaping, fencing, new vehicle crossing and subdivision | Approved 20.02.2025 |
| DA2024/0228 | 28.11.2024 | 81 Renwick Street, Drummoyne | Alterations and additions including a new first-floor extension to an existing building within a Heritage Conservation Area | Approved 21.02.2025 |
| DA2024/0252 | 08.01.2025 | 13 Cavendish Street, Concord West | Construction of one-bedroom secondary dwelling | Approved 21.02.2025 |
| DA2024/0213 | 7.11.2024 | 28 Bennett Avenue, Five Dock | Proposed ground floor additions, first floor addition, car port and rear deck. | Approved 24.02.2025 |
| DA2024/0182 | 26.09.2024 | 20 Edward Street, Concord | Demolition of existing and construction of new dual occupancy house | Approved 25.02.2025 |
| DA2024/0219 | 20.11.2024 | 17 Broughton Street, Drummoyne | Construction of two storey rear addition and single car garage, minor works to exterior of existing residence. | Approved 26.02.2025 |
| DA2024/0232 | 3.12.2024 | 4/8 Walton Crescent, Abbotsford | Proposed minor alterations to the Existing Residential Flat Building and Amalgamation of lot 4, Common Property SP 6446 and lot 13 SP 70264 (units 4 and 5) | Approved – LPP 26.02.2025 |

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT | DATE DETERMINED & DECISION |
|-------------|-------------|--|--|------------------------------|
| DA2024/0253 | 30.12.2024 | 16 The Parade, Russell Lea | Torrens Title subdivision of the existing Strata (no building work) | Approved – LPP 26.02.2025 |
| DA2024/0243 | 17.12.2024 | Rhonda Place, Concord | Demolition of existing structures and Construction of a new two storey dwelling house and hardstand parking space | Approved – LPP 26.02.2025 |
| DA2024/0217 | 27.11.2024 | 17 Denning Street, Drummoyne | Alterations and Additions to an existing dwelling, inclusive of façade, windows and roof works | Approved – LPP 26.02.2025 |
| DA2025/0004 | 10.01.2025 | 1 Rider Boulevard, Rhodes | The proposed development involves the removal of existing combustible ACP cladding panels from selected areas of the façade and replacement of new cladding to comply with the relevant BCA Standards and relevant Australian Standards. | Approved 27.02.2025 |
| DA2025/0025 | 11.02.2025 | 4/45 St Georges Crescent, Drummoyne | Proposed Construction of New Timber Deck, Spa Pool, Front Gate and Associated Landscape Works | Approved 27.02.2025 |

Total Number of DAs Determined = 27

Development Applications - Lodged

The following Development Applications were lodged with Council during the same period, 1 February 2025 to 28 February 2025:

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT |
|-------------|-------------|-----------------------------------|---|
| DA2025/0019 | 03.02.2025 | 34 Hospital Road, Concord West | Demolition of all structures and construction of an attached two storey dual occupancy with basement, swimming pools and associated landscape works |
| DA2025/0022 | 03.02.2025 | 14 Rider Boulevard, Rhodes | Proposed home business for traditional Chinese medicine clinic |

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT |
|-------------|-------------|-------------------------------------|---|
| DA2025/0023 | 03.02.2025 | 34 McGrath Avenue, Five Dock | Demolition of existing garage and associated structures and construction of new carport |
| DA2025/0018 | 04.02.2025 | 42B Drummoyne Avenue, Drummoyne | Change of use, garage to habitable space with separate entry and bathroom, new addition to ground floor, change flat carport roof to pitched |
| DA2025/0017 | 07.02.2025 | 1 Broughton Street, Drummoyne | Pruning of a tree in a heritage listed area |
| DA2025/0024 | 11.02.2025 | 10 Corby Avenue, Concord | Demolition of existing buildings, construction of a two-storey dual occupancy, swimming pool and related landscaping |
| DA2025/0025 | 11.02.2025 | 4/45 St Georges Crescent, Drummoyne | Proposed Construction of New Timber Deck, Spa Pool, Front Gate and Associated Landscape Works |
| DA2025/0028 | 11.02.2025 | 1 Broughton Street, Drummoyne | Pruning of a tree in a heritage listed area |
| DA2025/0030 | 14.02.2025 | 114A Gipps Street, Drummoyne | New balcony and screening at rear of dwelling |
| DA2025/0029 | 17.02.2025 | 240 Victoria Road, Drummoyne | Demolition of an existing single door garage and a lightweight awning to construct a new double carparking carport with an automatic roller door, located at the rear property boundary |
| DA2025/0031 | 20.02.2025 | 14 Brisbane Avenue, Rodd Point | Demolition of existing structures and construction of new two-storey dwelling house with sub-basement level and swimming pool |
| DA2025/0032 | 20.02.2025 | 30 Polding Street, Drummoyne | Removal of two trees |
| DA2025/0026 | 21.02.2025 | 14 Wolseley Street, Drummoyne | Alterations and Additions to Residential Flat Building - Replacement of balcony doors, balustrades, tiles and re-waterproofing to units A11, A12, B11 and B12 and roof |
| DA2025/0027 | 21.02.2025 | 102 Cabarita Road, Cabarita | The demolition of all existing structures and construction of a new two storey dwelling house, swimming pool and associated works |
| DA2025/0034 | 21.02.2025 | 4 Myall Street, Concord West | Alterations and new garage |
| DA2025/0035 | 21.02.2025 | 135 Lyons Road, Drummoyne | Replace carport and new driveway slab |

| DA NO | DATE LODGED | PROPERTY | DESCRIPTION OF DEVELOPMENT |
|-------------|-------------|----------------------------------|---|
| DA2025/0033 | 24.02.2025 | 6 Lamrock Avenue, Russell Lea | Construction of a double storey dwelling |
| DA2025/0036 | 24.02.2025 | 56 Myall Street, Concord West | Single storey extension to rear of existing dwelling and in-ground swimming pool. |
| DA2025/0037 | 27.02.2025 | 22 Wareemba Street, Wareemba | Demolition of existing building, construction of a single dwelling house, inground swimming pool and related landscaping. |
| DA2025/0039 | 28.02.2025 | 33-41 Blaxland Road, Rhodes | Stratum subdivision of 11 lots into 5 lots as per the description on the stratum subdivision plan. |
| DA2025/0040 | 28.02.2025 | 20 Llewellyn Street, Rhodes | Removal of a tree |

Total Number of DAs Lodged = 21

Variations to development standards

There were seven (7) variations made to a development standard (e.g. Building Height, Floor Space Ratio) under the provision of Clause 4.6 of the *Canada Bay Local Environmental Plan, 2013* for the period 1 February 2025 to 28 February 2025:

| DA NO | PROPERTY | LEP DEVELOPMENT STANDARD | JUSTIFICATION | EXTENT | DATE APPROVED |
|-------------|---------------------------------|--|---|------------|---------------|
| DA2023/0276 | 15-25 Hilly Street, Mortlake | Maximum Building Height, Clause 4.3 | The building height will be compatible with neighbouring developments and will not result in any environmental impacts upon surrounding developments. | 7.6m (61%) | 18.02.2025 |
| DA2023/0276 | 15-25 Hilly Street, Mortlake | Maximum Floor Space Ratio, Clause 4.4 | The proposal was amended to reduce the extent of variation to align with recent development outcomes within the precinct and the proposal will be consistent with the objectives of the zone. | 1.01:1 | 18.02.2025 |

| | | | | | |
|-------------|---------------------------------------|--|--|------------------------|------------|
| DA2023/0276 | 15-25 Hilly Street, Mortlake | Apartment Mix, Clause 6.11 | Proposal amended to be only 1 x 1 bedroom apartment short of the control. The development will provide a variety of housing typologies to meet different demographics. | 1 x 1 bedroom dwelling | 18.02.2025 |
| DA2024/0217 | 17 Denning Street, Drummoyne | Maximum Floor Space Ratio, Clause 4.4 | The proposal will reduce the existing non-compliant floor space, and the applicant has demonstrated that there are sufficient planning grounds to vary the floor space ratio development standard | 91.27sqm (33.57%) | 26.02.2025 |
| DA2024/0232 | 4 & 5/8 Walton Crescent, Drummoyne | Maximum Floor Space Ratio, Clause 4.4 | The proposal is minor in nature and the proposed development will result in an additional 20sqm a negligible increase of 1.3% and will not impact on surrounding properties. | 428.8sqm (38.62%) | 26.02.2025 |
| DA2024/0234 | Rhonda Place, Drummoyne | Maximum Floor Space Ratio, Clause 4.4 | The subject site is relatively small at 106.3sqm, which is less than one quarter of the current minimum 450sqm lot size. Due to its size and shape results in an unusual and unique site, justifying some degree of flexibility in applying the standard which | 15.75sqm (29.6%) | 26.02.2025 |

| | | | | | |
|-------------|-------------------------------|--|---|---------------|------------|
| | | | would not apply to standard lots. | | |
| DA2024/0253 | 16 The Parade, Russell Lea | Minimum subdivision lot size, Clause 4.1 | The subject site is located in an area with various sized allotments including less than the 450sqm and will be consistent with the subdivision pattern extending northwest from the site, running between Bay Road and The Parade. | 76sqm (16.8%) | 26.02.2025 |

Land and Environment Court Appeals

The following provides an update on Land and Environment Court appeals as at 28 February 2025:

| DA/APPEAL NO | PROPERTY | DESCRIPTION OF DEVELOPMENT | CURRENT STATUS |
|--------------|-----------------------------------|--|---|
| DA2023/0189 | 9 Seabrook Avenue, Russell Lea | Class 1 appeal against the refusal of a development application for Swimming pool and alterations to existing garage and front fence | No agreement reached at conciliation conference. Awaiting judgement from the Commissioner |
| DA2023/0276 | 15-25 Hilly Street, Mortlake | Class 1 appeal against the deemed refusal of an Integrated development application under the Water Management Act proposing the demolition of existing buildings and construction of a new mixed used development with 27 apartments with basement parking and associated external works | 18 February 2025, appeal upheld with amended plans |
| DA2024/0074 | 12 Preston Avenue, Five Dock | Class 1 appeal against the refusal of alterations and additions to an existing dwelling house for a screened first floor balcony | 3 February 2025, appeal upheld with amended plans |
| DA2024/0138 | 2-4 Denham Street, Rhodes | Class 1 appeal against the deemed refusal of Integrated Development under the Water Management Act for demolition of existing structures (including three (3) existing dwellings), tree removal, construction of a three (3) level basement for 34 | No agreement reached at conciliation conference. Awaiting judgement from the Commissioner |

| DA/APPEAL NO | PROPERTY | DESCRIPTION OF DEVELOPMENT | CURRENT STATUS |
|--------------|--------------------------------------|--|-------------------------------|
| | | car parking spaces, 4 visitor spaces, 68 bicycle parking spaces and eight (8) motor cycle parking spaces, on-site loading bay, construction of 34 dwellings, comprising 30 apartments (including five (5) adaptable apartments) and four (4) multi-dwelling housing (terraces), on-site landscaping, residential amenities and building services | |
| DA2024/0072 | 123 Peninsula Drive, Breakfast Point | Class 1 appeal against the deemed refusal of Integrated development under the Water Management Act for internal alterations and additions to existing heritage building, construction of two new structures, basement, swimming pool and related landscaping | S34AA listed for 7 May 2025 |
| DA2024/0138 | 49 Nield Avenue, Rodd Point | Class 1 appeal against the refusal of demolition of a dwelling and construction of a two-storey dwelling over basement carpark, swimming pool and related landscaping | S34AA listed for 19 June 2025 |

There are four (4) active appeals before the Land and Environment Court.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 9.2 POST EXHIBITION - PLANNING PROPOSAL - 1 KING STREET CONCORD WEST**Reporting Manager** Manager Strategic Planning

- Attachments:**
1. Attachment A - Report on Submissions (*Provided in Attachment Booklet*) [⇒](#)
 2. Attachment B - Planning Proposal - 1 King Street (*Provided in Attachment Booklet*) [⇒](#)
 3. Attachment C - DCP - 1 King Street (*Provided in Attachment Booklet*) [⇒](#)
 4. Attachment D - Local Infrastructure Contributions Plan - 1 King Street (*Provided in Attachment Booklet*) [⇒](#)
 5. Attachment E - Detailed DCP Comments and Response (*Provided in Attachment Booklet*) [⇒](#)
 6. Attachment F - Traffic Assessment Addendum (*Provided in Attachment Booklet*) [⇒](#)
 7. Attachment G - Gas Safety Management Assessment (*Provided in Attachment Booklet*) [⇒](#)
 8. Appendix H - Updated Flood Impact and Risk Assessment (*Provided in Attachment Booklet*) [⇒](#)
 9. Attachment I - Flood Emergency Response Plan (*Provided in Attachment Booklet*) [⇒](#)
-

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That

1. Council notes the Report on Submissions at Attachment A and DCP Urban Design Review at Attachment E, following the public exhibition of the Planning Proposal for 1 King Street, Concord West and part of 19-21 George Street, North Strathfield;
 2. The Planning Proposal at Attachment B be adopted for submission to the Department of Planning, Housing and Infrastructure for finalisation;
 3. The draft *Canada Bay Development Control Plan* (DCP) at Attachment C to the report, be adopted and come into effect upon the gazettal of the Local Environmental Plan amendment;
 4. The draft *Local Infrastructure Contribution Plan* at Attachment D to the report, be adopted and come into effect on the day on which a notice of the decision to approve the plan is published on the council's website;
 5. Authority be delegated to the General Manager to make minor amendments to the Planning Proposal to correct any drafting errors prior to finalisation of the Local Environmental Plan;
 6. The decision of the Housing Delivery Authority to recommend that a proposal for the site be declared Stage Significant Development with a concurrent rezoning process is noted, and that the merit of any revised proposal will be subject to a separate submission by Council to the Department of Planning, Housing and Infrastructure.
-

PURPOSE

To report the outcome of the public exhibition of the Planning Proposal for 1 King Street, Concord West and to seek the endorsement of Council to submit the Planning Proposal to the Department of Planning, Housing and Infrastructure (DPHI) for finalisation.

EXECUTIVE SUMMARY

A Planning Proposal has been prepared for 1 King Street, Concord West, to amend the *Canada Bay Local Environmental Plan 2013* (LEP). The Planning Proposal will enable the redevelopment of the site to facilitate 10 residential flat buildings with part ground floor retail and apartments on the upper levels, providing approximately 600 dwellings.

The Planning Proposal was publicly exhibited from 2 October 2024 to 14 November 2024 in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and a Gateway determination dated 5 August 2024.

A total of 26 submissions were received from members of the community, the Proponent and public authorities. Issues raised relate to traffic, supporting infrastructure, flooding and evacuation, access to existing easements, gas safety requirements, provision of schools, character and amendments to the draft Development Control Plan.

After reviewing and addressing the issues raised in submissions (Attachments A and E), it is recommended that the Planning Proposal be adopted and submitted to DPHI for finalisation. It is also recommended that the draft Development Control Plan and the draft Local Infrastructure Contributions Scheme be adopted.

It is noted that on 7 February 2025, after the exhibition of the Planning Proposal (completed in November 2024), the NSW State Government Housing Delivery Authority (HDA) recommended that a revised proposal for the site, indicatively providing 1,400 dwellings, submitted by the Proponent to the NSW State Government via a separate process, be declared as State Significant Development.

It is important that Council formalise a position on the subject Planning Proposal, which has evolved in response to considerable technical review and stakeholder feedback. Any State Significant Development Application and concurrent rezoning submitted to the Department of Planning, Infrastructure and Environment would be the subject of a separate assessment and submission prepared on behalf of Council.

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

Between March 2023 and August 2023, a Scoping Proposal and draft Planning Proposal was provided to Council for feedback for 1 King Street, Concord West.

On 24 August 2023, the subject Planning Proposal was formally lodged with Council for the redevelopment of 1 King Street, Concord West.

On 30 October 2023, the Planning Proposal was considered by the Local Planning Panel (LPP). The LPP supported recommendations to revise the Planning Proposal, mainly to reduce the height of the development and ensure suitable setbacks from neighbouring low to medium density residences.

On 5 December 2023, Council resolved to revise and submit the Planning Proposal to DPHI for a Gateway determination. The Planning Proposal submitted to DPHI included the following revisions:

- reduction of the maximum height of buildings and the maximum floor space ratio;
- identification of the site on the Active Street Frontages and Key Sites map to provide for Design Excellence; and

- identified land (19-21 George St) on the Land Reservation Acquisition map land for local road widening to facilitate an intersection upgrade.

Council also resolved to amend the Canada Bay DCP and Local Infrastructure Contribution Plan to support proposed changes to the LEP.

The revised Planning Proposal package was submitted to DHPI seeking a Gateway determination which was issued on 5 August 2024, requiring community and public authority consultation subject to a flood study and minor revisions to the Planning Proposal.

In December 2024, DPHI established the Housing Delivery Authority (HDA) to lead a new State Significant Development (SSD) pathway and SSD with a concurrent rezoning process. Developers were invited to submitted expressions of interest (EOI) for major housing developments above approximately \$60 million, which were assessed against the following criteria:

1. Identify high-yield housing proposals by focusing on known high-yield types of residential accommodation.
2. Identify housing projects that can be assessed and constructed quickly by focusing on more compliant, major residential proposals that can commence construction quickly.
3. Drive quality and affordable housing by focusing on housing development proposals that are well-located, have enabling infrastructure and contribute to affordable housing supply.
4. Complement the State Significant Rezoning Policy by providing a potential pathway for major residential proposals that are seeking concurrent rezoning (spot rezoning)

On 7 February 2025, the HDA recommended that an EOI submitted by the Proponent for the subject site be declared SSD. The HDA briefing note suggests that the revised project will deliver 1,400 dwellings, which is over twice the anticipated number of dwellings envisaged under the subject Planning Proposal.

The process for the SSD and concurrent rezoning has not yet been provided to Council, however will likely follow a similar process to other SSD pathways where Council will be invited to make a submission during the public exhibition of the detailed proposal. It is therefore recommended that Council form a position and finalise the current planning proposal.

The Site

The property known as 1 King Street, Concord West (the Site) is approximately 31,390m² in area (approximately 3.14ha) and is irregular in shape.

George Street runs along the western site boundary and the T9 Northern Rail Line runs along the eastern boundary. The Site is accessed off George Street to the west and King Street, which terminates at the north-eastern corner of the Site. Concord West train station is located to the immediate north-east.

The Site is occupied by a large 1.6ha office building built in 1987 that was previously occupied by Westpac as its call centre. The Site also includes a multi-storey carpark ancillary to the primary building, a childcare centre still in use, and a tennis court.

The Site is situated on a relatively narrow strip of land located between the railway line, Homebush Bay Drive (A3) and Powells Creek. Only one point of vehicular access is provided to this 'peninsula' area, which is located approximately 800m to the south of the site at the intersection of George and Pomeroy Street.



Figure 1: The Site shown outlined in red on aerial photograph (Source: Council mapping).



Figure 2: Existing development on site – looking south (Source: Proponent Planning Proposal).

Adjoining development

The area surrounding the Site is in transition and is characterised by a variety of uses that include residential, mixed use and urban services.

To the east of the Site is the T9 Northern Line and Concord West train station. To the east of the Site on the other side of the railway line, there are a mix of low-rise multi-dwelling housing and detached dwellings. Much of the Site is visible from Queen Street, which is parallel to the railway line.

To the west of the Site, along George Street are currently industrial uses that back onto Powells Creek, however this is expected to change as these sites have recently been rezoned to R3 Medium Density Residential.

Land to the south of the Site has recently been rezoned from R3 Medium Density to R4 High Density Residential following the publication of the Homebush Transport Orientated Development SEPP. The existing single story detached housing in this area is anticipated to be redeveloped into multi-dwelling housing over a number of years, with some multi-dwelling housing already surrounding the Site in the immediate vicinity.

To the north of the Site, the land is predominantly zoned R3 Medium Density Residential, however again this has only recently occurred and so currently the dominant built form is single storey detached houses.

The Planning Proposal

The Planning Proposal, as exhibited, seeks to amend the Canada Bay Local Environmental Plan 2013 (the LEP) to facilitate a mixed-use development at 1 King Street, Concord West by:

- Rezoning the land from E4 General Industrial to R4 High Density Residential
- Increasing the maximum height of buildings from 8.5m to heights ranging from 20m to 42m.

- Increasing the floor space ratio (FSR) from 1:1 to 2.46:1, 2.75:1, and 3.09:1.
- Requiring that any future redevelopment of the site provides between 3,500sqm to 5,000sqm of non-residential gross floor area (GFA).
- Identifying the site as part of the 'Homebush North Precinct' on the Key Sites Map and applying additional local provisions including a floor space bonus for building sustainability, design measures to reduce the urban heat island effect, and a maximum number of car parking spaces (all detailed under Part 8 of the LEP) to facilitate development at the site.
- Requiring new buildings on parts of the site to include uses on the ground floor that attract pedestrians, such as shops, restaurants, and gyms.
- Requiring future development on the site to exhibit design excellence in accordance with Clause 6.14 of the LEP.
- Identifying land on the north-eastern corner of George Street and Pomeroy Street (part of 19-21 George Street, North Strathfield) for acquisition by Council for the purposes of a local road.

A draft Development Control Plan was prepared for the site to guide future development and a draft amendment to the Canada Bay Local Infrastructure Contribution Plan was prepared to identify infrastructure works to the intersection of George and Pomeroy Streets.

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 30 working days, from 2 October 2024 to 14 November 2024.

Over 2,750 notification letters were sent to landowners and residents prior to the public exhibition. A further follow-up letter was sent to over 500 people located around the George Street and Pomeroy Street area to clarify the extent of the proposed land acquisition as part of the Proposal.

Twenty-six (26) submissions were received, including from landowners, residents and public authorities.

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

Key Issues Raised

Traffic

The majority of submissions raised concerns with potential traffic congestion resulting from the development, including from development proposed by the Homebush Transport Orientated Development (TOD).

Submissions suggested potential additional works (such as a slip road onto Homebush Bay Drive, improved access to Concord Road, etc) to alleviate traffic issues.

Transport for NSW also requested updated traffic counts, noting that the Transport Study Assessment used 2022 data and needed to consider the impacts of the proposed development and Homebush TOD on intersections in the area, as well as some minor clarifications and inconsistencies in the Proposal.

Response:

The site is located within immediate proximity of Concord West railway station and is to the north of North Strathfield Station, which is proposed to accommodate a metro station by 2032. The location of the site in proximity to high frequency public transport will provide many residents with the opportunity to choose a mode of transport other than a private vehicle. Notwithstanding, the site will generate vehicle trips that contribute towards local traffic congestion.

The Transport Study Report prepared by PWC on behalf of the Proponent found that all intersections except George and Pomeroy Street would operate with minimal delay in 2036 during the morning

and afternoon peak hours, with and without traffic generated from the site. By 2027 without any intervention measures and with background traffic growth alone, George and Pomeroy Street would operate with a Level of Service 'F'. Intersections with a Level of Service of 'F' are characterised by extensive queuing and delays.

Council acknowledged the need to upgrade the Pomeroy and George Street intersection during its initial assessment and requested that the Planning Proposal be updated to facilitate works to the intersection. This resulted in the Proposal reserving land at 19-21 George Street for 'local road', which would enable land for a left turning slip lane to be acquired by Council in the future. Should these works progress, the Level of Service at this intersection would be improved.

The Proponent has provided an updated Transport Modelling Addendum (February 2025) (Attachment F) which reviews and collates the 2022 and 2024 SCATS survey data, assesses the impact of additional development on the intersection of Pomeroy Street and Underwood Road, review of the SIDRA data provided in the Homebush TOD Rezoning Precinct Transport State and further detailed SIDRA intersection outputs.

The updated Transport Addendum concludes that during the period of 2022 to 2024, traffic counts show modest to negative growth at Pomeroy Street/George Street and Pomeroy Street/Underwood Road. The proposed increase density as a result of the subject Proposal is forecast to generate approximately 50 additional vehicles at the Pomeroy Street and Underwood Road intersection, a 3% increase which the Addendum determines to be a minor increase in demand. The Addendum notes concerns regarding the George Street and Pomeroy Street intersection, concluding that by 2027, without intervention measures and background traffic growth alone, the intersection the level of service would exceed capacity. However, the Addendum concludes that the traffic impacts are offset with the intersection upgrades which will optimise the coordination of signals, improving the performance of the intersection.

The Homebush Transport Oriented Development rezoning was finalised following the issue of the Gateway determination for the Planning Proposal. The Homebush TOD will facilitate 18,000 new dwellings and DPHI stated in the Homebush TOD finalisation report (November 2024), that localised transport initiatives will make it easier to walk, cycle and catch public transport to reduce the impact of traffic congestion, which include recommended improvements to intersections including George Street/Pomeroy Street.

Consequently, the impact of 600 dwellings additional dwellings (resulting from this Planning Proposal) represents a 3.3% increase on top of the 18,000 new dwellings resulting from the TOD. It is considered that this is a marginal increase to the projected number of dwellings in the precinct.

Submissions identified potential new road connections, including access to Homebush Bay Drive and across the main northern railway line to Concord Road. There are significant engineering and financial obstacles to achieving these outcomes and such works fall outside the scope of the Planning Proposal.

It is recommended that the Proponent's Transport Modelling Addendum be submitted to DPHI for consideration as part of the finalisation process.

Lack of supporting infrastructure

A number of submissions raised concerns over the lack of supporting infrastructure to accommodate the increase in population resulting from the proposal. Submissions noted that existing services such as schools, medical facilities and public transport are already at or beyond capacity. Subsequently, additional people living in the area must be supported by the necessary infrastructure.

Response:

Contributions are collected for local infrastructure (e.g. roads, recreation and community facilities) through Council's Local Infrastructure Contributions Plan (LICP) which details a comprehensive works list to provide the necessary infrastructure resulting from development.

Infrastructure such as schools and public transport are provided by the NSW Government through School Infrastructure NSW and Transport for NSW (TfNSW). These agencies were notified of the proposal to help inform them of potential service level requirements for an increase in population at the site. School Infrastructure NSW did not provide a submission, but they have been made aware of the forecast population increase in the precinct. TfNSW provided a submission which is referenced above in the Traffic section of this report.

Due to the site being located directly adjacent to the Homebush TOD precinct, the TOD's Infrastructure Delivery and Implementation Plan is relevant to the proposal as it identifies infrastructure that is required to be delivered to support the increase in population in the precinct from the anticipated high density development. It is expected that Government agencies will have regard to the Infrastructure Delivery and Implementation in their forward planning.

Flooding and evacuation.

NSW State Emergency Services (SES) raised concerns in relation to 1 King Street being flood prone, in particular the northern half of the site where the site may become isolated if the roadway is flooded, and for the Flood Emergency Response Plan (FERP) accompanying the Planning Proposal to be updated accordingly.

Response:

The SES does not support shelter-in-place as a primary strategy and does not endorse travelling through floodwater, either by vehicle or on foot. Council officers agree with the SES that residents, visitors, and staff should not travel through floodwater during storm events.

The FERP details under what storm event conditions George Street may be inundated, and how long any inundation would last according to the duration of the storm. The FERP provides estimated times between 90 minutes and 7 hours before flood waters recede and evacuation can take place.

While evacuation is the preferred response to flooding emergencies, it is not always possible in all locations, particularly during flash flooding, as referenced by NSW Planning and Homebush TOD flood study prepared by WMA Water. As such, a shelter-in-place strategy can be considered as a last-resort emergency management option if the flood duration is less than six hours.

Council is working with the landowner at 176 George Street, Concord West (adjacent to 1 King Street) to prepare a flood mitigation plan that will address the extent of flooding at the George Street low point. This solution involves raising the level of the road and creating improved flow paths through to Powell's Creek. Whilst timing and funding of the works is yet to be resolved, Council continues to work towards this long term solution.

The redevelopment of the site will enable a new road to be constructed, thereby facilitating an alternative evacuation route for future residents that avoids the low point on George Street. This outcome is deemed to be an improvement over the existing situation, where properties to the north of the low point are unable to evacuate by vehicle without traversing flood waters.

The Proponent has resubmitted the FERP to Council with the required updated sections in accordance with the SES submission to reflect more contemporary flood practices (Attachment H and I)

Water and Sewerage infrastructure

Sydney Water advised the current water system has capacity to service the proposed development resulting from the Planning Proposal. However, the 600 dwelling development yield will exceed the wastewater threshold. The developer of the site will be required to engage to hydraulic consultant to carry out wastewater modelling and servicing plans to identify any works are carried out. This work must be carried prior to the lodgement of any associated development application (DA)

Response:

Comments regarding the need to manage wastewater are noted and need to be addressed prior to a Development Application being lodged. Consequently, the proposal can proceed and an

engineered solution to wastewater will inform a future DA. The Sydney Water submission has been forwarded to the Proponent of the Planning Proposal to assist in planning for any future development at the site.

Gas infrastructure

Jemena identified a gas pipeline located within proximity of the site. The submission requires a Safety Management Study (SMS) to be prepared with findings to be addressed to Jemena's satisfaction prior to the finalisation of the Planning Proposal.

Response:

The Proponent of the Planning Proposal has prepared and submitted a Safety Management Study (Attachment G) in response to the Jemena submission. It is recommended that this is submitted to DPHI for consideration by Jemena as part of the finalisation of the LEP.

Electrical infrastructure

Ausgrid identifies that a 10ft wide easement exists along the southern border of the site. The easement is used for electricity cables and access and limits the use of land along the southern boundary. Ausgrid also highlighted other requirements that will need to be addressed should the rezoning proceed and a development application prepared.

Response:

In response to Ausgrid's submission regarding the existence of an easement along the southern boundary, the Proponent provided an alternative concept plan. Council reengaged independent design consultants Studio GL to consider the alternative concept plan.

The draft DCP has been updated to accommodate the easement at the southern boundary (see Figure 4 below) and potential deep soil planting within the site. Additional DCP controls (C12 and C15) have been drafted to safeguard the provision of deep soil zones (achieving 15% coverage of the site) and tree canopy coverage (where 20% of the required tree canopy target may be on structures) whilst providing sufficient flexibility to achieve these from new development on the site.



Figure 4 – Extract from updated DCP to show 10ft easement at southern boundary of the site and redistributed deep soil zones around the site (hatched green areas)

Educational Establishment

Various submissions raised concerns regarding the lack of educational facilities in the area to accommodate the increase in population resulting from both the Planning Proposal and the

Homebush TOD. Submissions recommended that the site could be used as a school/educational establishment to meet school placement needs for the projected population from both the Planning Proposal and Homebush TOD.

Response:

School Infrastructure NSW (SINSW) has previously provided advice regarding the Scoping Proposal at the site and were part of the statutory consultation process as required in the Gateway Determination. However no submission or advice has been received from SINSW regarding the viability of the site as a school.

The TOD's finalisation report (page 20), prepared by the Department of Planning, Infrastructure and Housing, advised that School Infrastructure NSW (SINSW) will monitor growth to ensure adequate school capacity is provided, noting additional capacity planning for Wentworth Point Public School and a new primary school servicing the Carter Street Precinct. As the site is adjacent to the TOD, it is considered that any resulting development will be serviced by these schools.

Character

Several submissions raise concerns that high density development at the site will negatively change the family friendly and low density character of the area and lead to other high density developments in the precinct.

Response:

The draft DCP provides for a series of building envelopes to reduce the proposal's bulk, scale and massing in response to the surrounding lower density developed area.

Since the exhibition of the Planning Proposal, the Homebush TOD (effective from on 27th November 2024) rezones the Homebush Precinct (immediately south of the subject site) from the existing low density residential character areas to high density residential development areas.

As a result of the Homebush TOD, the character of the area will significantly change over a period of time to high density apartment living. The Planning Proposal will be consistent with the character of the neighbouring Homebush TOD precinct.

Development Control Plan

The Proponent, Ethos Urban, made a submission in regard to the draft Development Control Plan. The submission raises concerns that the original Planning Proposal concept plan building envelopes were not reflected in the exhibited draft DCP. This includes additional upper level setbacks, changes to indicative building heights, and the location of deep soil planting zones.

The submission argues that the proposed draft FSR would not be achievable if the draft DCP building envelopes, setbacks, etc, were implemented.

Additionally, the draft DCP is required to be further amended to account for the 10ft Ausgrid easement at the southern border of the site (see heading relating to Electrical Infrastructure in this report).

Response:

Council's independent design consultants, who prepared the draft DCP, were reengaged to ascertain if the proposed FSR is achievable following the Proponent's submission, and to look at the impact of the 10ft easement, the location of the local road and the accommodation of deep soil planting.

A detailed response to both submissions, incorporating advice from the Urban Design DCP review by Studio GL can be found at Attachment E – Detailed DCP comments and responses – 1 King St. In summary, they:

- Provided a detailed overlay between the concept plan and draft DCP envelopes to show limited changes between the two designs for the site, where the draft DCP envelopes are preferred to accommodate deep soil zones, tree canopy coverage, landscaping, and reduce overall building mass and bulk.

- Accommodated the 10ft easement and deep soil provisions on the site and further detailed these in additional controls. This is addressed under heading D of this submissions report.
- confirmed that the proposed FSR is achievable under the proposed buildings envelopes outlined in the draft DCP
- Corrected small typos and text to clarify the meaning and application of the controls DCP and removing any duplication in other parts of the Canada Bay DCP regarding EV charging.

It is considered the updated draft DCP is suitable for adoption by Council.

TIMING AND RISK CONSIDERATIONS

Should Council resolve for the Planning Proposal to proceed, the Proposal will be forwarded to the Department of Planning, Housing and Infrastructure for finalisation.

Under the Minister for Planning's *Statement of Expectations Order* (1 July 2024), Council is required to publicly exhibit the planning proposal, respond to submissions, and either resolve to finalise the plan within 115 days of receipt of the Gateway Determination. The Gateway Determination requires the LEP to be finalised by 9 July 2025.

Should Council resolve not to submit the Planning Proposal for finalisation, the Proponent has the ability to utilise the State Significant Development Application and concurrent rezoning pathway as a result of the Housing Delivery Authority's recommendation that the project be identified as state significant development. It is noted that whilst the Proponent may pursue this alternate pathway regardless of Council's decision, given the HDA's recent recommendation, Council's position on this planning proposal will inform any future submission opportunities Council may receive as a stakeholder in a state significant development application process.

FINANCIAL CONSIDERATIONS

Future development will be subject to the *Canada Bay Local Infrastructure Contribution Plan* and the *Canada Bay Affordable Housing Contribution Scheme*.

The Planning Proposal and associated Contribution Plans will ensure that appropriate measures are in place to provide local infrastructure that complements the planned increase in population.

A draft Planning Agreement has also been prepared and exhibited; and is the subject of separate report to Council.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Planning Proposal seeks to amend the *Canada Bay LEP 2013*, *Canada Bay DCP* and *Canada Bay Local Infrastructure 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 former Greater Sydney Commission; and, *Canada Bay Local Strategic Planning Statement* assured by the former Greater Sydney Commission on 25 March 2020.

10 CITY ASSETS DIRECTORATE REPORTS**ITEM 10.1 CITY OF CANADA BAY LOCAL TRAFFIC COMMITTEE MINUTES - 13 FEBRUARY 2025****Reporting Manager** Manager Roads and Traffic

Attachments:

1. City of Canada Bay Local Traffic Committee Agenda - 13 February 2025 (*Provided in Attachment Booklet*) [⇒](#)
2. City of Canada Bay Local Traffic Committee Minutes - 13 February 2025 (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That the minutes and recommendations of the City of Canada Bay Traffic Committee Meeting held 13 February 2025, attached to the report, be adopted.

PURPOSE

To report the City of Canada Bay Local Traffic Committee minutes of 13 February 2025 to Council.

REPORT

The report contains the minutes for the City of Canada Bay Local Traffic Committee held on 13 February 2025 for Council's adoption.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 4: Infrastructure and Transport

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 10.2 DRAFT MASTERPLAN FOR QUEEN ELIZABETH & GODDARD PARKS**Reporting Manager** Manager Project Management Office**Attachments:** 1. **Queen Elizabeth / Goddard Parks draft Masterplan (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR CITY ASSETS

That:

1. Council endorse the draft Masterplan for Queen Elizabeth / Goddard Parks attached to the report for public exhibition.
 2. Following public exhibition, a report be prepared and submitted to Council detailing the outcomes of the public exhibition process referred to in (1) above and to consider the adoption of the final Masterplan for Queen Elizabeth / Goddard Parks.
-

PURPOSE

To seek Council's endorsement of the draft Masterplan for Queen Elizabeth / Goddard Parks (attached to the report) for it to be placed on public exhibition for further input from the community and stakeholders.

EXECUTIVE SUMMARY

The draft Masterplan (MP) for Queen Elizabeth Park (QEP) and Goddard Park has been prepared and Council's resolution is sought to place the draft MP on public exhibition for further input from the community and stakeholders.

Subject to the Council's endorsement and following public exhibition, the final draft MP will be reported back to Council for consideration and adoption.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

Direction 2: Sustainable and Thriving Environment

Goal STE 2: Increase urban tree canopy

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

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

Direction 4: Infrastructure and Transport

Goal IT 3: Encourage active and accessible transport opportunities

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

BACKGROUND/DISCUSSION

The project to develop a draft MP for QEP / Goddard Parks Precinct was originally part of a separate planning project for the Concord Parklands open space corridor and accompanied by an extensive

community engagement process in mid-2023. A Community Engagement Report was published on Council's website in August 2023.

Following further targeted engagement with stakeholders, the final draft MP is now ready for further input from the community and stakeholders through the public exhibition process.

The draft MP provides an illustrative representation of the proposed construction and design outcomes. The MP is a 10-year concept plan and elements are subject to change to accommodate future detailed design constraints and other unforeseen changes provided the overall objectives remain unchanged.

Selected elements highlighted in the draft MP are:

- Development of a new amenity building providing a contemporary public toilet and facilities for sporting users.
- Shared path connection to regional cycleway.
- Improve quality and access to amenities
- Improved drainage across the site
- Increased canopy and continued protection of Sydney Turpentine Ironbark Forest

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

An extensive engagement process has been undertaken with the community and stakeholders as part of the Concord Parklands project. This evidence base is documented in the Community Engagement Report (available on Council's Collaborate site [here](#)) which informed the initial development of the draft plans. Further targeted engagement has been undertaken, notably with the sporting users and the plans revised accordingly.

Subject to Council's endorsement, the draft MP will be placed on public exhibition allowing 4 weeks in total for submissions to be received.

Following public exhibition, appropriate amendments will be made to the draft MP and a final draft MP submitted to Council for consideration and adoption.

FINANCIAL CONSIDERATIONS

The MP is accompanied by an 'Opinion of Probable Cost' (OPC) detailing the anticipated cost of all elements proposed in the MP. This information is not made public to avoid conferring a commercial advantage for potential tenderers in the future.

The OPC is critical in implementing the MP by facilitating the development of future projects for Council's Capital Works Program and applications for external grant funding.

LEGISLATIVE AND POLICY CONSIDERATIONS

The draft Masterplan for QEP is consistent with the categorisation of the land under the Crown Land Management Act 2016 and the Local Government Act 1993.

11 COMMUNITY CULTURE AND LEISURE DIRECTORATE REPORTS

ITEM 11.1 MEMBERSHIP OF COUNCIL COMMITTEES - COMMUNITY REPRESENTATIVES

Reporting Manager Manager Library and Community Services

Attachments:

1. Rhodes Community Committee Charte (*Provided in Attachment Booklet*) [⇒](#)
2. Access and Inclusion Committee Charter (*Provided in Attachment Booklet*) [⇒](#)
3. Environment Advisory Committee Charter (*Provided in Attachment Booklet*) [⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. Council endorse the nominees recommended for membership of the Environment Advisory Committee, circulated under separate cover.
 2. Council endorse the nominees recommended for membership of the Rhodes Community Committee, circulated under separate cover.
 3. Council endorse the nominees recommended for membership of the Access and Inclusion Committee, circulated under separate cover.
 4. All nominees are advised of the outcome of the nomination process.
-

PURPOSE

This report provides recommendations for the appointment of community members to the Environment Advisory Committee, Rhodes Community Committee and the Access and Inclusion Committee.

EXECUTIVE SUMMARY

This report provides a summary of the nomination and selection process for the appointment of community members to the Environment Advisory Committee, Rhodes Community Committee and the Access and Inclusion Committee. The recommendations are for appointments from March 2025 for the remainder of the current Council term.

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

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

BACKGROUND/DISCUSSION

Each Council term, membership of Council Committees is renewed following the local government election. On 12 November 2024, Council resolved to call for expressions of interest for the Environment Advisory Committee, the Rhodes Community Committee and the Access and Inclusion Committee. This report outlines the outcome of the expressions of interest process, including the recommend nominees for membership of the three committees.

The Charters (attached) for all three Committees were reviewed and adopted by Council on 12 November 2024. They provide the criteria for the selection of new members.

An expression of interest process was undertaken from December 2024 to February 2025 seeking nominations from community members to be appointed to the Committees. An assessment process was undertaken for the three committees and all applicants were assessed by Council officers against the selection criteria outlined in the respective committee charter.

Nomination Process

- December 2024 to February 2025, Council called for nominations for the Environment Advisory Committee, Rhodes Community Committee and Access and Inclusion Committee.
- The call for nominations was promoted broadly via Council's communications channels including Council website and social media, Collaborate Canada Bay and direct email to local community networks.
- Online applications were received via the Collaborate Canada Bay website.
- Nominations were received and assessed according to the selection criteria in the Charters. The recommended nominees were selected to provide a diverse mix of backgrounds, experience and community advocacy interests.

Environment Advisory Committee

The Environment Advisory Committee has been established to:

1. Provide an avenue of communication from the community to Council on environmental issues;
2. Promote and raise awareness of environmental issues within the community;
3. Support the implementation of Council's community strategic plan and adopted environmental strategies and policies; and
4. Utilise the skills and experience within our community to provide input to Council project, program and strategy.

Up to 12 community members representing a cross section of the community can be appointed to this committee. This includes:

- six resident representatives (residents from various suburbs, houses, apartments).
- four community representatives (business, community organisations, chambers, sporting groups, scouts, parent and friend groups, churches, etc).
- two student representatives (university students and senior high school students).

Expressions of interest for this committee were open from 10 January to 21 February 2025 and Council received a total of 23 nominations.

Following an assessment process aligned to the Environment Advisory Committee selection criteria representing a diverse mix of environmental advocacy interests/skills, suburbs, student applicants and housing types a list of nominees has been recommended under separate cover.

A reserve list of nominees has been included with the nominee listing and, consistent with the charter, can be utilised in the first two years of the Committee where a member of the group may leave, and a position becomes vacant.

Rhodes Community Committee

The Rhodes Community Committee has been established:

1. As an opportunity to focus on strategic matters affecting the Rhodes peninsula community.
2. To provide an avenue for two-way communication regarding significant or strategic matters between community representatives and Council.
3. To assist Council with connection, communication and engagement of the Rhodes Peninsula community.
4. To enable residents, businesses and other stakeholders who live, work and operate businesses within the Rhodes Peninsula (including areas within postcode 2138), to work together to enhance the liveability of the Rhodes area.

Up to 12 community members can be appointed to this committee including:

- Up to 10 residents living in Rhodes or Liberty Grove.
- Two business or community organisation representatives.

Expressions of interest for this Committee were open from 6 December to 21 February 2025.

A total of 24 nominations were received. No nominations were received from residents living in Liberty Grove.

Following an assessment process aligned to the Rhodes Community Committee selection criteria and representing a diverse mix of advocacy interests and areas within Rhodes, a list of nominees has been recommended. Please refer to the list of recommended nominees which has been circulated under separate cover.

A reserve list of nominees has been included with the nominee listing and is to be utilised where a member of the group may leave, and a position becomes vacant.

Access and Inclusion Advisory Committee

The Access and Inclusion Committee's purpose is to:

1. Provide expertise and advice to Council to assist implementation of the Disability Inclusion Action Plan (DIAP).
2. Promote access, equity, opportunity and raise awareness of the rights of people with a disability, and people who are socially isolated within the community.
3. Contribute to increasing inclusion of people across all sections of our diverse community.
4. Support the implementation of Council's strategies and plans.

Up to ten community members can be appointed to this committee including:

- Four community members, who are local residents, representing a range of disabilities such as physical, sensory, neurological and intellectual disability, or who care for a person with disability.
- Three community members, who are local residents, representing a range of social backgrounds.
- Three community representatives, who are staff employed by not-for-profit organisations, providing disability or inclusion services locally.

Expressions of interest for this Committee were open from 17 December 2024 to 17 February 2025.

A total of 19 applications were received plus one late application. As the number of applications exceeded the number of positions available, the late application was not included in the assessment.

Following an assessment process aligned to the Access and Inclusion Committee Charter and representing a diverse mix of disability, carer and advocacy interests, a list of nominees has been

recommended. Please refer to the list of recommended nominees which has been circulated under separate cover.

A reserve list of nominees has been included with the nominee listing and is to be utilised where a member of the group may leave, and a position becomes vacant.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report. Administration of the Committees is incorporated into the operational budget of the respective teams.

LEGISLATIVE AND POLICY CONSIDERATIONS

There are no legislative considerations associated with this report.

| | |
|--------------------------|--|
| ITEM 11.2 | CITY OF CANADA BAY ARTS AND CULTURE COMMITTEE MEETING MINUTES - 6 MARCH 2025 |
| Reporting Manager | Manager Place and Events |
| Attachments: | <ol style="list-style-type: none">1. City of Canada Bay Art and Culture Committee Meeting Minutes - 6 March 2025 (<i>Provided in Attachment Booklet</i>) ➡2. Art Collection Policy - March 2025 (<i>Provided in Attachment Booklet</i>) ➡ |

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That:

1. The minutes of the ordinary meeting of the City of Canada Bay Arts and Culture Committee held on 6 March 2025, attached to the report, be received and noted.
 2. Council's Art Collection Policy, attached to the report, be updated to reflect a number of administrative changes, as detailed in the report.
-

PURPOSE

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

EXECUTIVE SUMMARY

This report provides Council with the minutes of the City of Canada Bay Arts and Culture Committee meeting held on 6 March 2025.

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

During the meeting the Committee discussed Council's Art Collection Policy. The Committee received a presentation from staff proposing the Policy be updated. The changes are administrative in nature and include: updating the document to reflect Council's new policy format; recent name changes (e.g. renamed Place & Events Team and nomenclature Arts and Culture Committee); renaming the City Art Collection to the Cultural Art Collection to better distinguish it from the Civic Art Collection; addition of First Nations protocols, cultural industry references and reference to Council's Creative Hoardings Policy.

The updated draft Policy is attached to this report and is recommended by the Committee for endorsement by Council.

The Committee also received a presentation from Cultural Capital on the draft Art Strategy for the new Rhodes Recreation Centre. The draft Art Strategy provides a delivery pathway for the commissioning of new public art for the building. The Committee recommends the draft Strategy be adopted by Council.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

ITEM 11.3 RHODES RECREATION CENTRE - ART STRATEGY**Reporting Manager** Manager Place and Events**Attachments:** 1. **Rhodes Recreation Centre - Art Strategy (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR COMMUNITY CULTURE AND LEISURE

That the Rhodes Recreation Centre – Art Strategy, attached to the report, be adopted.

PURPOSE

To present the Art Strategy for the delivery of public art within the new Rhodes Recreation Centre to Council for adoption.

EXECUTIVE SUMMARY

In January 2025, Council appointed public art curators, Cultural Capital, to assist in drafting an Art Strategy for the delivery of public art within the new Rhodes Recreation Centre, which is due to open in September/October 2025. Following a review of the building design and Council's relevant strategic planning documentation, Cultural Capital has produced the Art Strategy for Rhodes Recreation Centre (attached) which provides a delivery pathway for the commissioning of new public art for the building.

The Strategy includes the creative vision designed specifically for the Centre and the locations within the building where public art will be delivered. The Strategy also outlines the order of priority for the artworks to be delivered and provides both an indicative timeframe for delivery and provisional budget allocation.

The Art Strategy was endorsed by the Arts and Culture Committee at its meeting on 6 March 2025.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 3: Vibrant Urban Living

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

BACKGROUND/DISCUSSION

In January 2025, Council appointed public art curators, Cultural Capital, to assist in drafting an Art Strategy for the delivery of public art within the new Rhodes Recreation Centre, which is due to open in September/October 2025. Cultural Capital completed a review of the architect's plans for the building as well as undertaking a site visit and conducting a review of Council's relevant strategic planning documentation, including Council's Community Strategic Plan, Cultural Plan 2033 and Public Art Strategy.

Cultural Capital has produced the Art Strategy for Rhodes Recreation Centre (attached) which provides a delivery pathway for the commissioning of new public art for the building. The Strategy includes the creative vision designed specifically for the Centre and the locations within the building where public art will be delivered. The Strategy also outlines the order of priority for the artworks to be delivered and provides both an indicative timeframe for delivery and provisional budget allocation.

The Art Strategy was presented to the Arts & Culture Committee at its meeting on 6 March 2025, where it was endorsed for Council's consideration.

Following adoption of the Art Strategy, the Place and Events team will work with the public art curator to commence the commissioning and procurement process for delivery of the public art program, which will be overseen by the public art curator. All shortlisted artworks will be reviewed by the Arts and Culture Committee and a recommendation will be made to Council for final approval.

FINANCIAL CONSIDERATIONS

The public art program for Rhodes Recreation Centre is funded through a Voluntary Planning Agreement between Billbergia Group and Council. The total amount of funding available is \$677,000.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Art Strategy for Rhodes Recreation Centre will be delivered in accordance with Council's Public Art Strategy, Art Collection Policy and Procurement Policy.

12 CORPORATE SERVICES AND STRATEGY DIRECTORATE REPORTS**ITEM 12.1 PROPOSED CLASSIFICATION RHODES RECREATION CENTRE-
MARQUET & WALKER STREETS, RHODES AS OPERATIONAL LAND****Reporting Manager** Manager Property Strategy and Leasing**Attachments:** 1. Plan of PT32 [↓](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. In accordance with Section 34 of the Local Government Act 1993, Council undertakes public notification of its intention to classify the Rhodes Recreation Centre, Marquet and Walker Streets, Rhodes as Operational land.
 2. A further report be prepared and submitted to Council on the outcomes of the public notification process.
-

PURPOSE

The purpose of this report relates to the proposed classification of the Rhodes Recreation Centre and associated service delivery areas as Operational land under the Local Government Act 1993.

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 (Developer) in 2014 for the Rhodes West Station Precinct.

Council will own and manage various tenancies within the Rhodes Recreation Centre (the Centre), consisting of an Early Childhood Education and Care Centre, Recreation Centre, Community Spaces, including wet room, Café, Allied Health commercial areas and a Car Park.

This report relates to the proposed Operational classification of the Centre (marked "PT32") in the attached plan).

The Centre is located on the corner of Marquet and Walker Street, Rhodes and is pending formal handover to Council from the Developer.

Specifically, this report seeks endorsement to undertake the statutory advertising that is required prior to a formal resolution to classify the land as operational land under the Local Government Act 1993 (the Act).

The report also outlines the reasons as to why endorsement is sought, and the steps proceeding endorsement.

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

Council entered a VPA with the Developer in 2014 for the Rhodes West Station Precinct, which included the delivery of the Centre located at the corner Marquet and Walker Street, Rhodes, as marked PT32" on the attached plan.

The VPA consists of the construction of a multi-storey residential tower at this site. As a condition of the VPA, it was required that the Developer provide the Rhodes community with several new public amenities, including the constructions and fit-out of a Council owned recreation centre.

The Centre consists of an Early Childhood Education and Care Centre, Recreation Centre, Community Spaces, including wet room, Café, Allied Health commercial areas and a Car Park.

It is anticipated that the Centre is to be transferred to Council mid-2025.

At present, the registration of the existing strata title is pending, noting that prior to the transfer of the Centre to Council, a strata title will be created and registered. Registration is anticipated to occur in June 2025.

Council's adopted management model for some of the spaces within the Centre are of commercial nature, and require Council to enter into lease agreements with various tenants. As such having the land classified as Operational under the Act will provide Council greater flexibility to deal with the land and commercially manage the site.

The Act requires all land to be classified as either Operational or Community.

If a newly acquired or proposed lot is to be classified as operational land (as the first classification) Council can resolve to do this within 3 months of receipt of the parcel and any time prior to its receipt.

Statutory advertising is required before this resolution can occur. To proceed with classifying the land as Operational, Council Officers will be required to undertake the statutory advertising that is required prior to a formal resolution to classify the land as Operational under the Act.

A further report would then be prepared and submitted to Council post the completion of the public notification period, including details of any submissions received.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

Section 31(2) permits Council to resolve to classify land prior to or within three months after its acquisition of the land.

Section 34 requires public notice to be given of classification or reclassification by Council resolution, including:

- Terms of proposed resolution and description of the land concerned; and
- A period of not less than 28 days during which submissions can be made to Council.

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

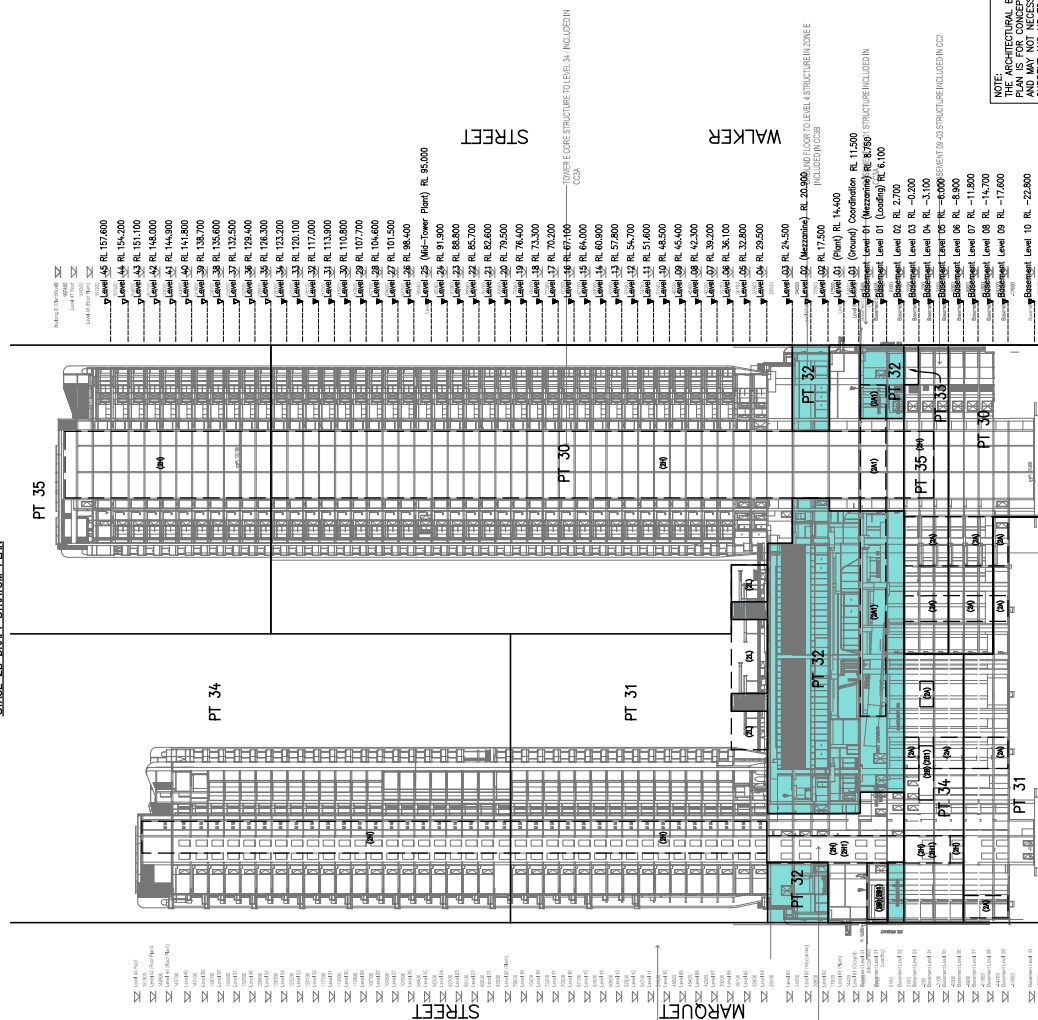
LEGISLATIVE AND POLICY CONSIDERATIONS

Local Government Act 1993

SCHEDULE OF STRATUM LOTS

SECTION A-A

THIS PLAN IS BASED ON PLANS BY
SJB ARCHITECTS
DWG No.: [A-O-0601-CAD(B)]
DATE: 07 JUL 2022



NOTE:
THE ARCHITECTURAL BACKGROUND SHOWN OF THE
PLAN IS FOR CONCEPTUAL DESIGN PURPOSE ONLY
AND MAY NOT NECESSARY BE THE MOST
CURRENT AND UP TO DATE ARCHITECTURAL DATA

SCHEDULE OF WHOLE LOT EASEMENTS

| | |
|--|--|
| EASEMENT FOR CONSTRUCTION PURPOSES | |
| EASEMENT FOR CRANE JIB SWING | |
| EASEMENT FOR NOISE VIBRATION AND DUST | |
| EASEMENT FOR CONSTRUCTION OPERATION PURPOSES | |
| EASEMENT FOR CONNECTION TO SERVICES | |
| EASEMENT FOR SUPPORT & SHELTER | |
| EASEMENT FOR SERVICES | |
| EASEMENT FOR FIRE STAIRS AND PASSAGES | |
| EASEMENT TO ACCESS SHARED FACILITIES | |

PLAN OF
PROPOSED SUBDIVISION OF LOT 101
IN DP 624798 AND EASEMENT WITHIN LOT 102
DP 624798

LGA: CANADA BAY
 Locality: RHODES
 Reduction Ratio: 1: 6000
 Lengths are in metres

Registered

D.P. DRAFT
ISSUE 8: 04 JUL 2023

ITEM 12.2 CASH AND INVESTMENTS REPORT - FEBRUARY 2025**Reporting Manager** Chief Financial Officer**Attachments:** 1. February 2025 Investment Report (*Provided in Attachment Booklet*) [⇒](#)**RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY**

That the Cash and Investments Report for February 2025, attached to the report, be received and noted.

PURPOSE

To present Council's Investment portfolio performance for February 2025.

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 February 2025 Cash and Investments Reports, for Council's consideration.

Certification - Responsible Accounting Officer

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

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS**Summary position as of 28 February 2025**

The Cash at Bank and Cash Investments are summarised below:

| Month | Cash At Bank | Cash Investments | Total Cash |
|------------------|----------------|------------------|------------------|
| 28 February 2025 | \$4,384,373.22 | \$194,103,658.74 | \$198,488,031.96 |

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

| STATEMENT OF CASH INVESTMENTS | | | | | | | |
|-------------------------------|--|------------------|------------------|------|----------|------------|---------------------|
| Maturity Date | Bank/Issuer | Long Term Rating | Fair Value | Term | Interest | Issue Date | Investment Type |
| 06/03/25 | National Australia Bank (NAB) | AA- | \$2,500,000.00 | 231 | 5.32% | 18/07/24 | Term Deposits |
| 13/03/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 300 | 5.20% | 17/05/24 | Term Deposits |
| 20/03/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 260 | 5.40% | 03/07/24 | Term Deposits |
| 24/03/25 | ING | A | \$4,000,000.00 | 335 | 5.20% | 23/04/24 | Term Deposits |
| 03/04/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 252 | 5.32% | 25/07/24 | Term Deposits |
| 10/04/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 279 | 5.40% | 05/07/24 | Term Deposits |
| 17/04/25 | National Australia Bank (NAB) | AA- | \$2,500,000.00 | 261 | 5.30% | 30/07/24 | Term Deposits |
| 23/04/25 | ING | A | \$4,000,000.00 | 365 | 5.21% | 23/04/24 | Term Deposits |
| 01/05/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 266 | 5.00% | 08/08/24 | Term Deposits |
| 08/05/25 | National Australia Bank (NAB) | AA- | \$2,500,000.00 | 246 | 5.00% | 04/09/24 | Term Deposits |
| 15/05/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 246 | 4.95% | 11/09/24 | Term Deposits |
| 19/05/25 | ING | A | \$3,000,000.00 | 367 | 5.23% | 17/05/24 | Term Deposits |
| 29/05/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 253 | 5.00% | 18/09/24 | Term Deposits |
| 05/06/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 258 | 4.98% | 20/09/24 | Term Deposits |
| 12/06/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 217 | 5.05% | 07/11/24 | Term Deposits |
| 19/06/25 | Suncorp Bank | AA- | \$3,000,000.00 | 366 | 5.24% | 18/06/24 | Term Deposits |
| 26/06/25 | Suncorp Bank | AA- | \$2,000,000.00 | 240 | 5.06% | 29/10/24 | Term Deposits |
| 26/06/25 | Bank of Queensland | A- | \$2,000,000.00 | 223 | 5.15% | 15/11/24 | Term Deposits |
| 26/06/25 | Bank of Queensland | A- | \$2,500,000.00 | 154 | 4.90% | 23/01/25 | Term Deposits |
| 03/07/25 | Bank of Queensland | A- | \$2,000,000.00 | 216 | 5.17% | 29/11/24 | Term Deposits |
| 03/07/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 365 | 5.45% | 03/07/24 | Term Deposits |
| 03/07/25 | Bank of Queensland | A- | \$2,500,000.00 | 161 | 4.93% | 23/01/25 | Term Deposits |
| 10/07/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 371 | 5.45% | 04/07/24 | Term Deposits |
| 17/07/25 | National Australia Bank (NAB) | AA- | \$3,000,000.00 | 377 | 5.45% | 05/07/24 | Term Deposits |
| 18/07/25 | ING | A | \$2,500,000.00 | 365 | 5.33% | 18/07/24 | Term Deposits |
| 24/07/25 | Suncorp Bank | AA- | \$2,000,000.00 | 253 | 5.11% | 13/11/24 | Term Deposits |
| 31/07/25 | National Australia Bank (NAB) | AA- | \$2,500,000.00 | 366 | 5.30% | 30/07/24 | Term Deposits |
| 08/08/25 | ING | A | \$2,000,000.00 | 365 | 5.04% | 08/08/24 | Term Deposits |
| 14/08/25 | Suncorp Bank | AA- | \$3,000,000.00 | 210 | 5.00% | 16/01/25 | Term Deposits |
| 26/08/25 | ING | A | \$2,000,000.00 | 368 | 4.90% | 23/08/24 | Term Deposits |
| 04/09/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 371 | 4.90% | 29/08/24 | Term Deposits |
| 11/09/25 | ING | A | \$2,500,000.00 | 372 | 4.93% | 04/09/24 | Term Deposits |
| 25/09/25 | Suncorp Bank | AA- | \$2,000,000.00 | 287 | 5.06% | 12/12/24 | Term Deposits |
| 16/10/25 | ING | A | \$2,000,000.00 | 364 | 5.03% | 17/10/24 | Term Deposits |
| 30/10/25 | ING | A | \$2,000,000.00 | 366 | 5.10% | 29/10/24 | Term Deposits |
| 06/11/25 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 275 | 4.80% | 04/02/25 | Term Deposits |
| 04/12/25 | Suncorp Bank | AA- | \$2,000,000.00 | 301 | 4.78% | 06/02/25 | Term Deposits |
| 22/01/26 | Suncorp Bank | AA- | \$3,000,000.00 | 378 | 4.88% | 09/01/25 | Term Deposits |
| 05/02/26 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 366 | 4.72% | 04/02/25 | Term Deposits |
| 16/02/26 | National Australia Bank (NAB) | AA- | \$2,000,000.00 | 364 | 1.04% | 16/02/21 | Term Deposits |
| 31/08/26 | ING | A | \$2,000,000.00 | 732 | 4.58% | 29/08/24 | Term Deposits |
| 10/09/26 | ING | A | \$2,000,000.00 | 741 | 4.63% | 30/08/24 | Term Deposits |
| 28/10/26 | ING | A | \$2,000,000.00 | 737 | 4.74% | 21/10/24 | Term Deposits |
| 05/11/26 | ING | A | \$16,500,000.00 | 737 | 4.94% | 29/10/24 | Term Deposits |
| 20/11/25 | Westpac | AA- | \$1,500,000.00 | 274 | 1.87% | 19/11/21 | Tailored Deposit |
| 17/02/26 | Westpac | AA- | \$2,500,000.00 | 364 | 2.24% | 18/02/22 | Tailored Deposit |
| 24/02/26 | Westpac | AA- | \$2,000,000.00 | 364 | 2.31% | 25/02/22 | Tailored Deposit |
| 03/03/26 | Westpac | AA- | \$2,000,000.00 | 455 | 2.22% | 04/03/22 | Tailored Deposit |
| 06/05/25 | Royal Bank of Canada | AAA | \$1,000,000.00 | 89 | 4.91% | 06/05/22 | Floating Rate Notes |
| 17/10/25 | Suncorp Covered | AAA | \$1,000,000.00 | 273 | 5.21% | 17/10/22 | Floating Rate Notes |
| 09/12/25 | Macquarie Bank | A+ | \$2,000,000.00 | 365 | 4.90% | 02/06/21 | Floating Rate Notes |
| 13/01/26 | Commonwealth Bank | AA- | \$1,500,000.00 | 365 | 5.25% | 13/01/23 | Floating Rate Notes |
| 24/02/26 | RACQ Bank | BBB+ | \$2,300,000.00 | 365 | 5.63% | 24/02/23 | Floating Rate Notes |
| 15/05/26 | Bendigo Adelaide Bank | A- | \$1,000,000.00 | 452 | 5.42% | 15/05/23 | Floating Rate Notes |
| 15/06/26 | Teachers Mutual Bank | BBB+ | \$850,000.00 | 546 | 5.14% | 16/06/21 | Floating Rate Notes |
| 19/08/26 | ING Bank Covered | AAA | \$500,000.00 | 546 | 4.55% | 19/08/21 | Floating Rate Notes |
| 14/09/26 | Macquarie Bank | A+ | \$1,600,000.00 | 637 | 5.31% | 14/09/23 | Floating Rate Notes |
| 23/12/26 | Commonwealth Bank | AA- | \$2,000,000.00 | 730 | 4.86% | 23/09/21 | Floating Rate Notes |
| 22/03/27 | ING | A | \$1,000,000.00 | 819 | 5.40% | 22/03/24 | Floating Rate Notes |
| 14/05/27 | Bendigo Adelaide Bank | A- | \$800,000.00 | 819 | 5.18% | 14/05/24 | Floating Rate Notes |
| 18/08/27 | Commonwealth Bank | AA- | \$1,100,000.00 | 911 | 5.19% | 18/08/22 | Floating Rate Notes |
| 13/09/27 | AMP | BBB+ | \$1,300,000.00 | 1004 | 5.73% | 13/09/24 | Floating Rate Notes |
| 01/11/27 | Great Southern Bank | BBB+ | \$1,150,000.00 | 1001 | 5.26% | 01/11/24 | Floating Rate Notes |
| 13/01/28 | Commonwealth Bank | AA- | \$1,500,000.00 | 1095 | 5.50% | 13/01/23 | Floating Rate Notes |
| 19/01/28 | Rabobank | A+ | \$1,000,000.00 | 1094 | 5.51% | 19/01/23 | Floating Rate Notes |
| 16/02/28 | Westpac | AA- | \$1,000,000.00 | 1093 | 5.15% | 16/02/23 | Floating Rate Notes |
| 09/05/28 | Bank of Queensland Covered | AAA | \$1,250,000.00 | 1184 | 5.40% | 09/05/23 | Floating Rate Notes |
| 17/08/28 | Commonwealth Bank | AA- | \$1,250,000.00 | 1277 | 5.12% | 17/08/23 | Floating Rate Notes |
| 20/08/29 | ING | A | \$1,800,000.00 | 1642 | 5.17% | 20/08/24 | Floating Rate Notes |
| 27/09/29 | Suncorp Bank | AA- | \$2,100,000.00 | 1735 | 5.36% | 27/09/24 | Floating Rate Notes |
| 15/06/25 | NTTC | AA- | \$2,000,000.00 | 363 | 1.10% | 11/05/21 | Fixed Rate Bond |
| 21/01/30 | Westpac | AA- | \$1,800,000.00 | 1826 | 4.95% | 21/01/25 | Fixed Rate Bond |
| 18/08/25 | Commonwealth Bank | AA- | \$1,500,000.00 | 181 | 4.20% | 18/08/22 | Fixed Rate Bond |
| 24/08/26 | Suncorp Covered | AAA | \$2,000,000.00 | 546 | 3.25% | 20/04/22 | Fixed Rate Bond |
| | AMP | BBB+ | \$14,204,651.56 | | 4.75% | | AMP |
| | AMP | BBB+ | \$500.00 | | 2.50% | | AMP |
| | Macquarie Bank | A+ | \$1,999,999.99 | | 4.40% | | Macquarie CMA |
| | Macquarie Bank | A+ | \$4,963,830.53 | | 3.90% | | Macquarie CMA |
| | Commonwealth Bank | AA- | \$7,134,676.66 | | 4.05% | | CBA BOS |
| | 28/02/25 | | \$194,103,658.74 | | | | |
| | TOTAL INVESTMENTS at 31/01/2025 | | \$194,008,883.94 | | | | |
| | Net Increase/(Decrease) in Investments | | \$94,774.80 | | | | |

FINANCIAL CONSIDERATIONS

The adopted budget for 2024/25 forecast interest earnings of \$6,850,000. Investment income earned for February 2025 amounted to \$731,108.36 which is in line with the revised monthly phased budget. As a result of holding more funds than anticipated and market rates remaining strong, the budget for investment interest, has been revised through the first two quarterly reviews up to \$8,350,000 an increase of \$1,500,000.

LEGISLATIVE AND POLICY CONSIDERATIONS

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

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

ITEM 12.3 NEW COUNCIL TERM PECUNIARY INTEREST RETURNS BY COUNCILLORS**Reporting Manager Manager Governance and Risk****Attachments: Nil**

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That the tabling of pecuniary interest returns for Councillors elected at the September 2024 elections be received and noted.

PURPOSE

The purpose of this report is to table the register of pecuniary interest returns of Councillors elected at the 2024 Local Government elections.

REPORT

The *Local Government Act, 1993* requires elected councillors and designated persons to disclose their relevant pecuniary interests upon being elected or employed by Council.

Having regard to the above, Councillors Alafaci, Bazouni, Cirillo, Ferguson, Jago, Mansford, Megna, Meuross and Robinson were required to lodge a return following the 2024 Local Government Elections. Copies of these returns are tabled.

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

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with this report.

LEGISLATIVE AND POLICY CONSIDERATIONS

Clause 4.21 and clause 4.8 of Council's Code of Conduct, based on the Office of Local Government's Model Code of Conduct for Local Councils in NSW.

ITEM 12.4 COUNCILLOR EXPENSES AND FACILITIES POLICY**Reporting Manager** Manager Governance and Risk**Attachments:** 1. **Draft Councillor Expenses and Facilities Policy (*Provided in Attachment Booklet*)** [⇒](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. The draft Councillor Expenses and Facilities Policy attached to the report be placed on public exhibition for a period of not less than 28 days.
 2. Following the public exhibition referred to in 1. above a further report, including any submissions made, be prepared and submitted to the May 2025 Council Meeting.
-

PURPOSE

To place the revised (draft) Councillor Expenses and Facilities Policy on public exhibition with a view to its adoption following the outcomes being reported to Council in May 2025.

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

Section 252 of the *Local Government Act, 1993* requires the review and adoption of a Councillor Expenses and Facilities Policy within the first 12 months of each Council Term.

The Councillor Expenses and Facilities Policy (as attached) sets out limits and provides clear guidelines in terms of the provision of equipment or expenses provided to councillors to ensure they have the appropriate tools to carry out their civic responsibilities.

The current review brings the policy in line with Council's current policy framework and policy template and has been reviewed using the Office of Local Governments suggested Payment of Expenses and Facilities policy as a guide. The review recommends several minor amendments to the Policy to bring it in line with both other Councils (of similar size) and current technologies that are available, as well as minor typographical and administrative amendments.

These are summarised as follows:

- Setting general travel expenses per Councillor at \$2000 per year (financial)
- Setting professional development expenses per Councillor at \$3000 per year (financial)
- Uplift to ICT facilities and expenses to reflect current requirements and technologies:
 - Availability of both a laptop and iPad (not one or other)
 - For those councillors that have a bring your own device (BYOD) phone, that a nominated percentage (reflective of use in their role as a councillor) be reimbursed
- Addition and deletion of the provision of the following items to reflect current practices:
 - Deletion of Christmas Cards/ Postage stamps/ corporate uniform

- Addition of the availability of parking permits and parking at the Civic Centre when undertaking civic duties
- Addition of Meeting Room 1. for undertaking civic duties
- Updated wording relating to toll tag/ e-tag

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

If endorsed, the Policy will be exhibited for not less than 28 days, with a further report, including details of any submissions, to be prepared and submitted to Council in May 2025.

FINANCIAL CONSIDERATIONS

Expenses and facilities provided to Councillors within the Policy are covered in the existing budget for Councillor expenses and facilities.

LEGISLATIVE AND POLICY CONSIDERATIONS

The Policy has been reviewed in accordance with the *Local Government Act, 1993* utilising the Office of Local Government's Payment of Expenses and Facilities suggested template as a guide.

ITEM 12.5 VOLUNTARY PLANNING AGREEMENT - 1 KING STREET, CONCORD WEST**Reporting Manager** Manager Property Strategy and Leasing**Attachments:** 1. **Final Draft VPA - 1 King Street Concord West (*Provided in Attachment Booklet*)** [↗](#)

RECOMMENDATION OF DIRECTOR CORPORATE SERVICES AND STRATEGY

That:

1. Council approves the draft Voluntary Planning Agreement for 1 King Street, Concord West between the City of Canada Bay and Concord West Property Pty Ltd.
 2. The General Manager be authorised to execute the draft Voluntary Planning Agreement for 1 King Street Concord West and sign all documents as required to register the draft Voluntary Planning Agreement on title as it relates to 1 King Street, Concord West.
-

PURPOSE

The purpose of this report is to seek Council's approval to finalise the draft Voluntary Planning Agreement (VPA) for 1 King Street, Concord West as exhibited.

EXECUTIVE SUMMARY

On 05 December 2023 Council resolved to progress a Planning Proposal for 1 King Street, Concord West to the Department of Planning, Housing and Infrastructure for Gateway determination. The Planning Proposal was issued a Gateway determination on 05 August 2024 and the proposal including the draft VPA was placed on public exhibition between 02 October 2024 to 14 November 2024.

No submissions regarding the draft VPA were received.

This report seeks Council's approval to finalise the draft VPA for 1 King Street, Concord West.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 1: Connected Community

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

Direction 5: Civic Leadership

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

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

At its meeting on 05 December 2023, Council resolved to forward a Planning Proposal for 1 King Street, Concord West (the Site) to the Department of Planning, Housing and Infrastructure for

Gateway determination. Council also resolved that delegation be granted to the General Manager to negotiate the terms and place the draft VPA on public exhibition.

The Site is situated on a narrow strip of land located between the railway line, Homebush Bay Drive and Powells Creek and is approximately 31,380sqm.

George Street, Concord West runs along the western boundary and the T9 Northern Rail Line runs along the eastern boundary. The Site is accessed via George Street to the west and King Street, which terminates at the north-eastern corner of the Site. Concord West Train Station is located to the immediate north-east of the Site.

The Site is currently occupied by a large office building which was constructed in 1987 and was previously occupied by Westpac Bank. The Site also includes a multi-storey carpark ancillary to the primary building, a childcare centre which is still in use and a tennis court.

The Planning Proposal

The Planning Proposal was placed on public exhibition from 02 October 2024 to 14 November 2024 and is the subject of a separate Council report.

| | Existing | Proposed |
|--|------------------------------|-------------------------------|
| FSR | 1:1 | 2.23:1 (including road) |
| Height | 8.5 meters | Up to 42 meters |
| Zoning | E4 General Industrial | R4 – High Density Residential |
| Affordable Housing Contribution | 4% of Gross Floor Area (GFA) | 4% of Gross Floor Area (GFA) |

Table 1 – Key planning control amendments relevant to the draft Voluntary Planning Agreement

The development will include a total of approximately 69,982sqm of gross floor area which equates to a floor space ratio of 2.23:1. The gross floor area comprises approximately: - 65,641sqm residential floor area and 4,229sqm of non-residential floor space.

Voluntary Planning Agreement

The draft VPA has been negotiated and considers the proposed amendments to the planning controls listed in Table 1 above and seeks value for money through the delivery of the following public benefits:

- A new loop road connecting King Street to George Street providing road carriageway, footpaths and street tree planning as shown at Diagram 1 (below) in yellow.
- New open space for community use
- Through-site links for pedestrians and cyclists, as shown at Diagram 1 (below) in green
- Registration of easements for public access as shown in Diagram 1 (below)

Whilst an Affordable Housing contribution is not a direct public benefit within the context of the draft VPA it is considered a public benefit that affects this site, and the value of this contribution needs to be considered when determining value for money as outlined in this report.

If Council resolves to approve the draft VPA, it will proceed directly to the General Manager for execution, at which point it will come into effect.



Diagram 1 – Proposed easements

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The draft VPA was placed on public exhibition between 02 October 2024 to 14 November 2024. The public exhibition included:

- Exhibition on Council's Collaborate page 1,016 page views
- Notification letters issued – 2,752

Council received no submissions.

The draft VPA contains conditions that mitigate the risk to Council, including but not limited to the following:

- Requirements for remediation of the Site
- Dedication of the open space to the satisfaction of Council
- Timing for the dedication of land
- Requirements for registration of the planning agreement on title until all conditions are satisfied
- Bank Guarantee of \$100,000 as performance guarantee noting title of the land is the material guarantee of performance.

FINANCIAL CONSIDERATIONS

The draft VPA proposes public benefit to an amount equivalent to an appropriate share of the uplift in value of the land, given the change in zoning and increase in GFA of the proposed development.

In addition to the public benefits outlined in the draft VPA (i.e. dedication of public open space and the creation of an easement for public access and construction of roads and paths), future development will also be required to contribute towards Affordable Housing.

Council Officers consider the value of both the public benefit and the Affordable Housing contributions reasonable and appropriate given the development proposed.

LEGISLATIVE AND POLICY CONSIDERATIONS

The draft VPA has been prepared in accordance with the provisions of the Environmental Planning and Assessment Act (1979), and the City of Canada Bay Planning Agreement Policy and Procedures Manual.

13 NOTICES OF MOTION**ITEM 13.1 NOTICE OF MOTION - CR ROBINSON - CITY OF CANADA BAY COUNCIL SCHOOLS' TREE COMPETITION**

Submitted by: Councillor Hugo Robinson

MOTION

That:

1. Council officers investigate the establishment of a 'Canada Bay Council Schools Tree Planting Competition' to promote tree planting in private residential dwellings and other accessible locations to educate school children about the importance of growing plants and trees and to increase tree canopy coverage across the LGA.
 2. Following the investigation referred to in 1 above a report be prepared and submitted to a future Council meeting.
-

BACKGROUND FROM COUNCILLOR HUGO ROBINSON

City of Canada Bay Council is falling short of the state average for tree canopy coverage and part of this is due to running out of street space to do this. Private dwellings such as backyards and front yards would be the perfect place to plant in and increase our tree canopy. The aim of this competition is to not only promote the growing of future trees across the LGA but to also educate future generations on the importance of maintaining the environment and beautifying our Council with native flora.

I envisage the competition operating by Council partnering and working with schools to establish a program in which school children can participate in a fun and educative competition to plant native flora either at home, at school or at available public places to be inclusive of children living in apartments or dwellings where planting is not possible.

I propose that each school will have a winner for best tree or plant at the end of the year, but the focus will be on educating students on how much tree canopy coverage matters and how planting native flora benefits our community and our world.

ITEM 13.2 NOTICE OF MOTION - CR MANSFORD - COMMITMENT TO COUNCIL GOLF COURSES

Submitted by: Councillor David Mansford

MOTION

That:

1. Council affirms its commitment to quality and affordable public golf in the City of Canada Bay through its continued investment in Barnwell Park and Massey Park Golf Clubs.
 2. The Mayor write to the Minister for Land and Property, the Hon. Steve Kamper MP advising him of Council's position regarding its public golf courses and the value that Council and the community places on these assets
-

BACKGROUND FROM COUNCILLOR DAVID MANSFORD

Some members of the community, not only golfers, have been alarmed that the state Government has its sights set on golf courses that sit on Crown Land.

Last year the government offered half of Carnarvon Golf Club, located in Auburn in the middle of suburban Sydney, to religious groups for them to bury the dead. They want to turn a thriving golf course into a cemetery. Previous to that announcement, Clover Moore and the NSW government proposed carving off half of Sydney's most popular public golf course, Moore Park Golf Course, to provide open space and parkland to the public. This is despite the fact that the course sits adjacent to Centennial Parklands, Moore Park and Queens Park which provide over 300 acres of open space and parkland.

Sydney's second most popular public golf course is our own Massey Park, around three quarters of which sits on Crown land. Canada Bay's Barnwell Park sits on land that is around 80% Crown land.

Between them these public golf courses are used for nearly 100,000 rounds of golf per year. They generate over \$2m in annual revenue for Council. These Clubs are community hubs and they both house popular restaurants that further help the local economy.

The courses are vital green spaces that provide significant tree canopy and habitat for native birds and other wildlife. These facilities are critical to the health and well-being of many members of our community, especially the elderly.

I believe councils like ours need to convey to the NSW Government that these public golf courses are greatly valued by our community and must be maintained.

ITEM 13.3 NOTICE OF MOTION - CR CIRILLO - TREE APPLICATION FEES AND CHARGES - STRATA COMPLEXES

Submitted by: Councillor Maria Cirillo

MOTION

That:

1. Council officers undertake a review of Council' 2021 decision to categorise multi-residential complexes, including strata residences, as 'Commercial Organisations and Other' for tree application fees and charges
 2. The review referred to in 1. above:
 - a) Recognise that the fee applying to residential (non-strata) applicants is lower than for multi-residential complexes.
 - b) Explicitly identify, consider, and report on any differences in costs associated with assessing applications between residential (non-strata) properties and multi-residential complexes, including strata, to ensure a fair and equitable fee structure.
 - c) Take into account that residents of multi-residential complexes pay strata fees in addition to council rates, fees, and charges, and that these complexes are ineligible for the Eligible Pensioner rate, regardless of the number of pensioners residing within them.
 - d) Consider that the gardens of some multi-residential complexes, such as the Abbotsford Cove gardens, are enjoyed by members of the Canada Bay community who do not reside within the complex.
-

BACKGROUND FROM COUNCILLOR MARIA CIRILLO

In the published *Fees and Charges 2024-2025*, there are three categories for tree preservation application fees:

- Residential (Non-Strata)
- Eligible Pensioner – Residential Non-Strata Only
- Commercial Organisations and Other

In 2021, adjustments were made to how fees and charges for tree applications are applied to certain community entities. As a result, Council resolved, through its Fees and Charges, to classify multi-residential complexes, including strata residences, under the category of "**Commercial Organisations and Other.**"

This reclassification has led to significantly higher fees for multi-residential complexes and strata residences, with these applicants being charged **twice the amount** applied to residential (non-strata) applicants.

City of Canada Bay Council's general policy for determining fees and charges for goods and services considers several key factors, including:

- The cost of providing the service
- The importance of the service to the community
- Prices fixed by the relevant industry body
- Any factors specified in the *Local Government Regulations*

- Equity factors
- The user-pays principle
- Financial objectives
- Customer objectives
- Resource use objectives

14 NOTICES OF MOTION OF RESCISSION

Nil

15 MATTERS OF URGENCY

Nil

16 QUESTIONS WITH NOTICE

Nil

17 CONFIDENTIAL MATTERS

RECOMMENDATION

That

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

ITEM 17.1 PROPERTY ACQUISITION

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

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

ITEM 17.2 PROPOSED SALE OF PROPERTY

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

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

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

BACKGROUND/DISCUSSION

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

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

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

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

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

18 CONFIDENTIAL RESOLUTIONS

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