

ORDINARY COUNCIL MEETING

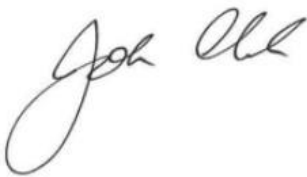
SUPPLEMENTARY AGENDA

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

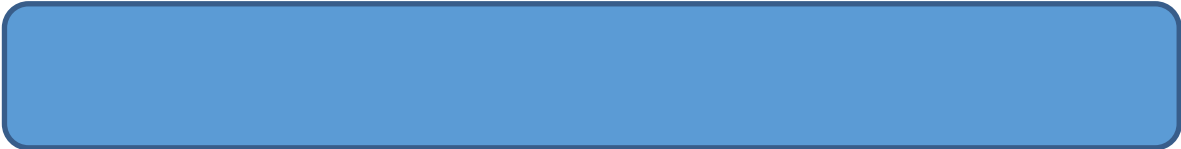
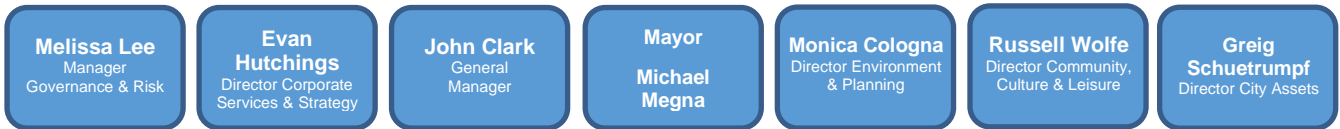
Council Chambers, City of Canada Bay Civic Centre, Drummoyne

Tuesday, 16 July 2024

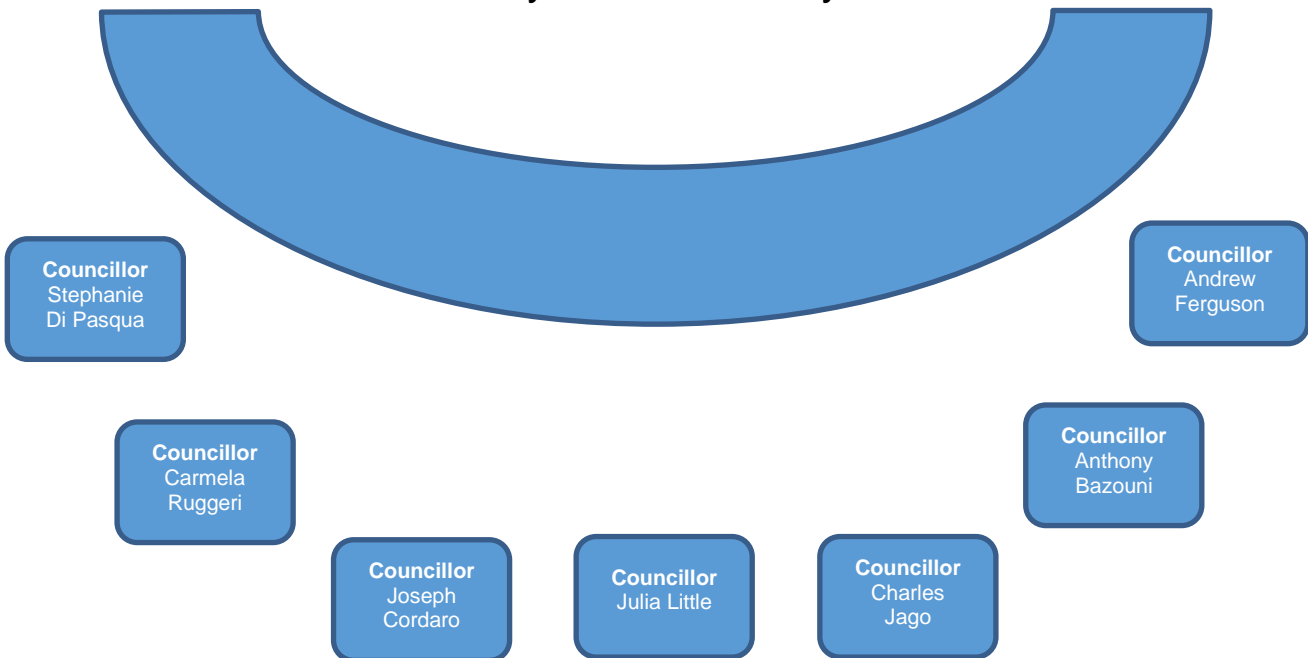
Beginning at 6:00 PM for the purpose of considering and determining matters included in this agenda.



John Clark
General Manager



**Councillors
 City of Canada Bay**



Statement of Ethical Obligations

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

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

**Supplementary Agenda for an Ordinary Council Meeting
to be held on Tuesday 16 July 2024
at the Council Chambers, City of Canada Bay Civic Centre, Drummoyne
Commencing at 6:00 PM**

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9 ENVIRONMENT AND PLANNING DIRECTORATE REPORTS

ITEM 9.8 DRAFT LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN FOR THE HOMEBUSH TOD

Reporting Manager Manager Strategic Planning

Attachments: Nil

RECOMMENDATION OF DIRECTOR ENVIRONMENT AND PLANNING

That delegation be granted to the General Manager to determine whether to provide consent to the Minister for Planning and Public Spaces to make a Local Infrastructure Contribution Plan for the Homebush TOD.

PURPOSE

To outline options relating to the making of a Local Infrastructure Contributions Plan for the Homebush Transport Orientated Development (TOD) precinct.

EXECUTIVE SUMMARY

A draft Local Infrastructure Contribution Plan has been prepared by the Department of Planning, Housing and Infrastructure to set out the local infrastructure required to meet the demand from new development in the Homebush Transport Oriented Development precinct, and to authorise the imposition of conditions requiring contributions that council can levy on developers to fund the necessary land and works.

The Minister for Planning and Public Spaces (Minister) may direct Council to make the draft Local Infrastructure Contributions Plan or Council may grant consent to the Minister to make the Plan. Given the timeframes associated with the TOD program, Council will have limited ability to influence the content of the draft Contributions Plan and limited ability to make the draft Contributions Plan within the timeframes required by the Minister.

It is recommended that Council grant delegation to the General Manager to determine whether to provide consent to the Minister to make a Local Infrastructure Contribution Plan for the Homebush TOD. This will enable a view to be formed on the content of the draft Plan once received and a decision made as to whether consent should be provided.

STRATEGIC DIRECTION

This report supports Our Future 2036 outcome area:

Direction 5: Civic Leadership

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

BACKGROUND/DISCUSSION

On 7 December 2023, the NSW Government announced the Transport Oriented Development (TOD) Program to create more homes close to transport, jobs and services. As part of the TOD Program, the Homebush Precinct (Precinct) was identified for State-led accelerated rezoning. The Precinct includes land within the suburbs of North Strathfield and Strathfield in the City of Canada Bay.

The exhibition of an *Explanation of Intended Effect* (EIE) outlining proposed changes to the *Canada Bay Local Environmental Plan 2013* is anticipated to be placed on public exhibition soon.

To support plans for additional housing within the Precinct, the Department of Planning, Housing and Infrastructure (DPHI) has prepared a *draft Homebush TOD Local Infrastructure Contribution Plan* (draft Contributions Plan). The draft Contributions Plan has been prepared to authorise the imposition of conditions under s7.12 of the *Environmental Planning and Assessment Act 1979* (the Act) on development applications within the Precinct, to require payment of contributions which are a fixed levy determined as a percentage of the cost of carrying out development. The contributions collected will fund local infrastructure in the City of Canada Bay. A copy of the draft Contributions Plan has not yet been made available to Council.

The Act enables councils to make contributions plans for their areas. The Act also outlines the following two options for the Minister in relation to the making of the draft Contributions Plan:

1. The Minister may direct Council to approve the draft Contributions Plan.

This direction would require Council to publicly exhibit the draft Contributions Plan, consider submissions made during the period of public exhibition, make amendments to the draft Contributions Plan as deemed appropriate and approve the Plan.

If Council failed to approve the draft Contributions Plan in accordance with the direction of the Minister, the Minister could make the Plan.

2. The Minister may also make the draft Contributions Plan without first providing a direction to Council to do so, provided Council provides consent, in writing, to the Minister making the draft Contributions Plan.

The Minister is likely to direct Council to approve the draft Contributions Plan prepared by DPHI and therefore Council will not have the ability to make its own Contributions Plan for the Homebush TOD precinct.

As the draft Contributions Plan relates to the infrastructure needs within the Homebush TOD precinct, and many of the infrastructure items in the works schedule will have a nexus with the planning changes recommended by State Government, it is considered that DPHI is the appropriate authority to administer the making of the draft Contributions Plan, in parallel with the State-led rezoning of the Precinct. Similarly, following the exhibition of the EIE for the Homebush TOD, amendments to the master plan may necessitate consequential updates to the draft Contribution Plan. Again, the DPHI would be best placed to administer this process.

It is also expected that the Minister will require the draft Contributions Plan to be made before the finalisation of the planning changes associated with the Homebush TOD. It is important that the draft Contributions Plan be exhibited concurrently with the *Explanation of Intended Effect* for the Homebush TOD so as to provide certainty that an appropriate strategy will be in place to fund local infrastructure.

The local government elections in September and the caretaker period prior to the election will limit the ability of Council to make the Contributions Plan within the timeframes associated with the TOD program.

Should the Council provide consent to the Minister to make the draft Contributions Plan, Council can provide a submission on the draft Contributions Plan when it is placed on public exhibition. Council would also have the ability to review the Plan in the future and where deemed appropriate revise the Plan or integrate the Plan into the Canada Bay Local Infrastructure Contribution Plan.

On balance, it is deemed appropriate for Council to provide consent to the Minister for Planning and Public Spaces to make the draft Contributions Plan for the Homebush TOD, at the appropriate time. However, in circumstances where the draft Contributions Plan has not yet been provided to Council, it is recommended that delegation be granted to the General Manager to determine whether consent will be provided to the Minister to make the Plan, once it is available.

TIMING / CONSULTATION AND / OR RISK CONSIDERATIONS

The draft Contributions Plan will be placed on public exhibition for a period of 28 days in accordance with the requirements of the Act.

Providing consent to the Minister to make the Contributions Plan will limit Council's ability to make changes to the draft Contributions following public exhibition. However, as outlined in the report, Council Officers had limited involvement in the preparation of the draft Contributions Plan or the EIE for the Homebush TOD.

Until such time as the Council has been provided with a copy of the draft Contributions Plan, it is deemed to be premature to provide consent to the Minister to make the Plan. Upon receipt of the draft Contributions Plan, a view can be formed on its content and a decision made as to whether consent should be provided.

Should Council decline to grant consent to the Minister, the Minister could direct Council to make the draft Contributions Plan and if it does not do so within the required timeframes, the Minister could then make the Plan.

FINANCIAL CONSIDERATIONS

Local infrastructure contributions are essential to fund infrastructure needs arising from new development. The funding assists in the delivery of a wide range of infrastructure items, including parks, community facilities, local roads, footpaths, stormwater drainage and traffic management.

It is important that a Local Infrastructure Contribution Plan be prepared and made concurrently with the finalisation of plans for the Homebush TOD.

LEGISLATIVE AND POLICY CONSIDERATIONS

Provisions relating to the making of Local Infrastructure Contribution Plans are outlined in the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation 2021*.