

## MEETING NOTICE

### The **Ordinary Meeting** of **Bayside Council**

will be held in the Rockdale Town Hall, Council Chambers,  
Level 1, 448 Princes Highway, Rockdale  
on **Wednesday 11 September 2019 at 7:00 pm.**

## AGENDA

**1 ACKNOWLEDGEMENT OF COUNTRY**

**2 OPENING PRAYER**

**3 APOLOGIES**

**4 DISCLOSURES OF INTEREST**

**5 MINUTES OF PREVIOUS MEETINGS**

5.1 Minutes of the Council Meeting - 14 August 2019.....3

**6 MAYORAL MINUTES**

Nil

**7 PUBLIC FORUM**

Members of the public, who have applied to speak at the meeting, will be invited to address the meeting.

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.

**8 REPORTS**

8.1 Draft Wolli Creek and Bonar Street Precincts Urban Renewal Area  
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The meeting will be video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace  
**General Manager**

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## Council Meeting

11/09/2019

Item No	5.1
Subject	<b>Minutes of the Council Meeting - 14 August 2019</b>
Report by	Fausto Sut, Manager Governance & Risk
File	SF18/3019

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## Officer Recommendation

That the Minutes of the Council meeting held on 14 August 2019 be confirmed as a true record of proceedings.

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## Present

Councillor Bill Saravinovski, Mayor  
Councillor Joe Awada, Deputy Mayor  
Councillor Liz Barlow  
Councillor Ron Bezic  
Councillor Christina Curry  
Councillor Tarek Ibrahim  
Councillor Petros Kalligas  
Councillor James Macdonald  
Councillor Ed McDougall  
Councillor Scott Morrissey  
Councillor Michael Nagi  
Councillor Dorothy Rapisardi  
Councillor Paul Sedrak  
Councillor Andrew Tsounis

## Also Present

Meredith Wallace, General Manager  
Michael Mamo, Director City Performance  
Debra Dawson, Director City Life  
Michael McCabe, Director City Futures  
Colin Clissold, Director City Presentation  
Fausto Sut, Manager Governance & Risk  
Samantha Urquhart, Manager Property  
Karin Targa, Major Projects Director  
Clare Harley, Manager Strategic Planning  
Josh Ford, Coordinator Statutory Planning  
Ali Rizwan, Development Manager  
Colin Mable, Executive Engineer  
Christine Stamper, Acting Head of Communications & Events  
Taif George, IT Technical Support Officer  
Anne Suann, Governance Officer

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The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.05 am.

The Mayor informed the meeting, including members of the public, that the meeting is being video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

## **1 Acknowledgement of Traditional Owners**

The Mayor affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

## **2 Opening Prayer**

Reverend Martin Goodwin from Rockdale Uniting Church in Rockdale opened the meeting in prayer.

## **3 Apologies**

RESOLUTION

Minute 2019/149

Resolved on the motion of Councillors Nagi and Tsounis

That the following apology be received and leave of absence granted:

- Councillor Vicki Poulos

## **4 Disclosures of Interest**

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Item 8.6 on the basis that he is not only a local resident but a member of an organisation that operates in close proximity to where monies will be spent, but stated he would remain in the Chamber for consideration and voting on the matter.

## **5 Minutes of Previous Meetings**

### **5.1 Minutes of the Council Meeting - 10 July 2019**

RESOLUTION

Minute 2019/150

Resolved on the motion of Councillors Nagi and Ibrahim

That the Minutes of the Council meeting held on 10 July 2019 be confirmed as a true record of proceedings.

## **5.2 Minutes of the Extraordinary Council Meeting - 17 July 2019**

### RESOLUTION

Minute 2019/151

Resolved on the motion of Councillors Tsounis and Morrissey

That the Minutes of the Extraordinary Council meeting held on 17 July 2019 be confirmed as a true record of proceedings.

## **5.3 Minutes of the Extraordinary Council Meeting - 31 July 2019**

### RESOLUTION

Minute 2019/152

Resolved on the motion of Councillors Awada and Ibrahim

That the Minutes of the Extraordinary Council meeting held on 31 July 2019 be confirmed as a true record of proceedings.

## **6 Mayoral Minutes**

There were no Mayoral Minutes.

## **7 Public Forum**

Details associated with the presentations to the Council in relation to items on this agenda can be found in the individual items.

### **8.1 Draft Planning Proposal - 146-154 O'Riordan St, Mascot**

- Larissa Brennan, Town Planning Consultant from LJB Urban Planning, speaking for the Officer Recommendation, addressed the Council.
- Siobhan McInerney, architect from PTW, speaking for the Officer Recommendation addressed the Council.

### RESOLUTION

Minute 2019/153

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That Council considers the recommendation of the Bayside Local Planning Panel from 16<sup>th</sup> July 2019 to forward the draft Planning Proposal for land known as 146-154 O'Riordan Street, Mascot to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

- 2 That pursuant to section 3.34 of the *Environmental Planning & Assessment Act 1979* (EPAA) the draft Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination, which is to include:
  - a a condition for a Building Height Plane clause, or similar, applying to the northern and eastern side boundaries to make provision for appropriate building setbacks and height controls as they relate to the adjacent park, zoned RE1 Public Recreation, (Heritage Item I82 - Mascot Oval and Lionel Bowen Park) and the R3 Medium Density Residential Zone to the east.
- 3 That should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.
- 4 That Council note that a draft letter of offer for a Voluntary Planning Agreement has not been submitted to Council, by the proponent.

Division on planning matter

For: Councillors Saravinovski, Kalligas, Rapisardi, Nagi, Ibrahim, McDougall, Macdonald, Bezic, Barlow and Awada

Against: Councillors Tsounis, Sedrak, Morrissey and Curry

The Motion was carried.

## 8 Reports

### Item 8.1 was dealt with in Public Forum

#### 8.2 Planning Proposal - 8 Princess Street, Brighton-Le-Sands

##### RESOLUTION

Minute 2019/154

Resolved on the motion of Councillors Macdonald and Nagi

- 1 That Council acknowledges the submissions received during the Public Exhibition of the Planning Proposal and the officer's response to them.
- 2 That Council, in accordance with Section 3.36(1) of the *Environmental Planning & Assessment Act 1979*, forwards a copy of the Planning Proposal and relevant supporting information to the Department of Planning, Infrastructure and Environment (the DPIE) requesting that the draft Local Environmental Plan be finalised and notified.

Division on planning matter

For: Councillors Saravinovski, Kalligas, Rapisardi, Nagi, McDougall, Macdonald, Bezic, Barlow and Awada

Against: Councillors Tsounis, Sedrak, Morrissey and Curry

Abstained: Councillor Ibrahim

The Motion was carried.

### **8.3 Draft Bayside Local Strategic Planning Statement**

#### RESOLUTION

Minute 2019/155

Resolved on the motion of Councillors Rapisardi and Nagi

- 1 That Council notes the preliminary desktop research, contained within the Discussion Papers, that informed the first round of community consultation (Attachments 4-12 within the Council officer's report).
- 2 That Council endorses the Draft Local Strategic Planning Statement (Attachment 1 within the Council officer's report) for public exhibition under the requirements of Environmental Planning and Assessment Act 1979 No 203.
- 3 That Council notes the changes to community consultation methods that have been informed by, and designed to adapt to, the outcomes of previous stages of community consultation.

Division on planning matter

For: Councillors Tsounis, Saravinovski, Kalligas, Sedrak, Morrissey, Curry, Rapisardi, Nagi, Ibrahim, McDougall, Macdonald, Bezic, Barlow and Awada

The Motion was carried.

### **8.4 PCYC Lease Matter - 9 Ador Avenue, Rockdale**

#### RESOLUTION

Minute 2019/156

Resolved on the motion of Councillors Awada and Nagi

- 1 That the attachments to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it

- would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council note the intention to enter into a 5 year lease to the Police Citizens Youth Club NSW pursuant to Section 47 of the Local Government Act 1993, situated at 9 Ador Avenue, Rockdale, for use as a community recreational facility.
  - 3 That Council note the intention to enter into a heads of agreement for a long term lease pursuant to the Local Government Act 1993 with the Police Citizens Youth Club NSW upon completion of the 5 year lease at 9 Ador Avenue, Rockdale.
  - 4 That the General Manager be authorised to finalise lease terms and sign and approve documentation required to enter into the 5 year lease to Police Citizens Youth Club NSW.
  - 5 That a further report be tabled to endorse a long term lease to the Police & Community Youth Clubs NSW and the proposed redevelopment of the indoor recreation facility situated at 9 Ador Avenue, Rockdale.

## **8.5 SSROC HVAC Tender**

### RESOLUTION

Minute 2019/157

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
- 2 That Council endorses the decision by the SSROC tender evaluation panel to create a panel of contractors, as detailed in the body of this report, for the provision of Heating Ventilation and Air-conditioning (HVAC) Maintenance Services.



## **8.6 Tender - Ramsgate Baths - Beach Nourishment Project**

Councillor Tsounis had previously declared a Less than Significant Non-Pecuniary Interest and remained in the Chamber.

### RESOLUTION

Minute 2019/158

Resolved on the motion of Councillors Tsounis and Macdonald

- 1 That Attachment 4 to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Neumann Contractors Pty Ltd for Contract (100123821) being for the reclamation and placement of 28,000m<sup>3</sup> of sand within Ramsgate Baths for the amount of \$700,354 (ex GST).

## **8.7 Tender - Arncliffe Park Drainage and Synthetic Field**

### RESOLUTION

Minute 2019/159

Resolved on the motion of Councillors Nagi and Ibrahim

- 1 That Attachment 1 to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Polytan Asia Pacific Pty Ltd for the Contract F19/675 being for the construction of drainage and a synthetic playing field at Arncliffe Park, Arncliffe for the amount of \$3,279,208.50 exclusive of GST.

## 8.8 Tender - Rockdale Park

### RESOLUTION

Minute 2019/160

Resolved on the motion of Councillors Tsounis and McDougall

- 1 That the attachments to this report be withheld from the press and public as they are confidential for the following reason:

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Scape Constructions Pty Ltd for Contract F19/473 being for the construction works for Rockdale Park amenities, playground and water feature for the amount of \$2,015,465.66 exclusive of GST.

## 8.9 Kerbside Clean Up Services - Harmonisation

### RESOLUTION

Minute 2019/161

Resolved on the motion of Councillors Tsounis and Awada

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:

With reference to Section 10(A) (2) (a), (d)(i) of the Local Government Act 1993, the attachment relates to personnel matters concerning particular individuals (other than Councillors) and commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That Council harmonise the domestic 'bulky/dry waste' kerbside clean up service across the entire local government area to provide all residents with the same level of service:
  - that is scheduled on set dates for each address
  - that offers each household four set services in a calendar year
  - that allows each household to present a maximum of three cubic metres per collection date.

- 3 That the harmonised clean up collection service starts from January 2020.
- 4 That each household continues to comply with rules set by Council on what material is accepted, how the material should be presented, where the material is to be presented and when the material is to be presented. These rules are provided on:
  - Council's website in the annual digital Waste & Cleansing Services Guide
  - Bayside Waste Services App (updated each calendar year)
  - Council's Waste & Recycling Calendar (delivered annually via mail drop-off).
- 5 That this matter be reviewed in twelve (12) months.

### **8.10 Draft Engagement and Communications Strategy 2019 Update**

#### RESOLUTION

Minute 2019/162

Resolved on the motion of Councillors Barlow and Nagi

That Council endorses the draft Engagement and Communications Strategy 2019 which includes the provision of the Community Participation Plan to go to exhibition for 28 days.

### **8.11 Ward Boundary Review**

#### RESOLUTION

Minute 2019/163

Resolved on the motion of Councillors McDougall and Nagi

- 1 That the Council receives and notes this report.
- 2 That the Council consults with the Electoral Commissioner and the Australian Statistician as required by the Local Government Act.
- 3 That the Council approves the proposed Ward Boundaries as detailed in the report to be placed on public exhibition for a period of at least 28 days and a further 14 days to receive any community submissions.
- 4 That the Council receives a further report at the completion of the public exhibition period for final endorsement of the Ward Boundaries for submission to the NSW Electoral Commission in preparation for the 2020 Local Government election.

### **8.12 LGNSW Conference - Attendance and Motions**

#### RESOLUTION

Minute 2019/164

Resolved on the motion of Councillors Tsounis and Awada

- 1 That Councillors Nagi, Awada, Saravinovski, McDougall and others are to inform the General Manager if they will attend the 2019 LGNSW Conference as voting delegates.
- 2 That Council submits the proposed motions as included in the body of the report to the 2019 LGNSW Conference subject to the following:
  - Delete Motion 4 regarding the fire emergency services levy.
  - Submit a motion seeking a fuller review of the Building Certification regime by the NSW Building Commission and to include measures to lessen the impact on the industry of the escalating public liability insurance premiums, mandatory quality assurance measures for certifiers particularly in relation to large scale developments, and ensure that the Building Professionals Board has appropriate local government industry representation.
- 3 That the General Manager or nominee be authorised to make minor editorial amendments to the adopted motions, before they are submitted to LGNSW.

### **8.13 Procurement Policy - Review and Update**

#### RESOLUTION

Minute 2019/165

Resolved on the motion of Councillors Tsounis and Macdonald

That Council adopts the revised Procurement Policy as attached to this report.

### **8.14 Statutory Financial Report - June 2019**

#### RESOLUTION

Minute 2019/166

Resolved on the motion of Councillors Barlow and Bezic

That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

### **8.15 Disclosure of Interest Return**

RESOLUTION

Minute 2019/167

Resolved on the motion of Councillors Barlow and Awada

That the information be received and noted.

### **8.16 Response to Question - Parking Issues in Valda Avenue and Marsh Street, Arncliffe**

The response was received.

### **8.17 Response to Question - The Ralan Group Voluntary Administration**

The response was received.

## **9 Minutes of Committees**

### **9.1 Minutes of the Bayside Traffic Committee Meeting - 7 August 2019**

RESOLUTION

Minute 2019/168

Resolved on the motion of Councillors Rapisardi and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 7 August 2019 be received and the recommendations therein be adopted.

## **10 Notices of Motion**

There were no Notices of Motion.

## **11 Questions With Notice**

### **11.1 Question With Notice – Arncliffe Aurora – Lease Agreement**

Councillor Nagi asked the following question:

In December last year I moved a Notice of Motion asking staff to develop a draft 5 year lease agreement for Arncliffe Aurora to occupy Arncliffe Park. The draft lease was to reflect the arrangements already in place for Gardiner Park.

While the Sport and Recreation Committee have considered this in general terms, now that the tender for a synthetic field at Arncliffe has been agreed at this Council Meeting tonight it is even more pressing that the terms of the agreement and tenure over Arncliffe Park be brought to Council for consideration and resolution.

Can I ask that the draft lease be tabled at the August Sport and Recreation Committee and that it be listed on the agenda for the September Council Meeting?

## **11.2 Question With Notice – Bexley Bowling Club**

Councillor Tsounis asked the following question:

It is good news we hear today that a development application has been lodged for the improvement of the former Bexley Bowling Club. However, in the light of the Ralan collapse and the delays in the construction of the Arncliffe Youth Centre, I feel that some questions need to be asked.

The tender for this site was approved over three years ago and further delays would be a disservice to the community, and may no longer meet the needs of the community.

- 1 Is the proponent the same entity that originally applied / submitted the tender?
- 2 Does the proponent, as at the date of lodgement, have the financial capacity to deliver the project?
- 3 Has a construction program been provided with the development application?
- 4 Has asbestos been identified on the site and has the proponent considered this in the program?
- 5 What assurances or guarantees are being offered by the proponent to deliver the project on time?
- 6 When is it anticipated and how long will the public exhibition period be for this application?

The Mayor closed the meeting at 8.59 pm.

Councillor Bill Saravinovski  
**Mayor**

Meredith Wallace  
**General Manager**

## Council Meeting

11/09/2019

Item No	8.1
Subject	<b>Draft Wollli Creek and Bonar Street Precincts Urban Renewal Area Contributions Plan 2019</b>
Report by	Michael McCabe, Director City Futures
File	SF19/1893

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## Summary

In 2016 Rockdale Council prepared an infrastructure contributions plan for the Urban Renewal Area of Wollli Creek and Bonar Street precincts. This plan was submitted to IPART for review, being the first stage of the process that would enable Council to exceed the \$20,000 cap imposed by the Minister of Planning. In January the Minister advised Council of changes required to be made to the contribution plan to enable this plan to be considered an 'IPART reviewed contribution plan' eligible for a higher cap. This report identifies the impact of these changes and recommends an amendment be made to the contributions plan, which will enable a higher rate of contribution to be collected.

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## Officer Recommendation

That the Draft Wollli Creek and Bonar Street Precincts Urban Renewal Area Contributions Plan 2019 be placed on public exhibition for 28 days.

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## Background

Bayside Council currently has 6 development contributions plans:

- Rockdale Section 94 Contributions Plan 2004 (amendment 5)
- Rockdale Section 94A Development Contributions Plan 2008
- Rockdale Contributions Plan 2016 Urban Renewal Area 2016
- Ramsgate Commercial Centre Development Contributions Plan 2006
- Botany Section 7.11 Development Contributions Plan 2016 (amendment 1) and
- Botany Section 94A Development Contributions Plan 2016.

A new contribution plan is being prepared for the priority precinct area of Arncliffe and Banksia.

A consolidated Bayside S7.11 plan (previously S94) and S7.12 plan (previously S94A) will be prepared in 2020 utilising the population forecasts and strategies being developed as part of the Bayside Local Environmental Plan (LEP).

A separate, earlier review of the Rockdale Urban Renewal Area Contributions Plan is required as a result of a letter issued by the Minister for Planning in January 2019. The letter

sets out the Ministers' requirements for changes to the Contribution Plan to enable Council to increase the contribution levy for the Urban Renewal Area. It should be noted that the proposed changes to the Rockdale Urban renewal Area Contributions Plan will continue to apply to the area after the introduction of the Arncliffe and Banksia and consolidated Bayside contribution plans are introduced.

In 2016 Rockdale Council prepared an infrastructure contributions plan for the Urban Renewal area of Wollie Creek and Bonar Street precincts. Due to the large scope and cost of the infrastructure required for this area Council sought to charge a contribution rate above the cap of \$20,000 set by the Minister for Planning in 2012. For Council to have a contribution plan that exceeds this cap requires the plan to be an 'IPART reviewed contribution plan'.

In July 2016 the first stage of this process commenced with the submission of the contributions plan to IPART for review. The IPART review was completed on 20 December 2016 and made 32 recommendations. The Department of Planning and Environment reported to the Minister on the IPART recommendations and the Minister provided advice to the Council on the contributions plan on 22 January 2019. The Minister identified 13 changes that need to be made to the Rockdale Contributions Plan 2016 Urban Renewal Area. When these changes are made and the amended plan is adopted by Council it will be deemed an 'IPART reviewed Contribution Plan'. This will allow Council to charge the higher capped contribution amounts specified in the Environmental Planning and Assessment Act 1979, Section 7.17 Direction, as per Table 1.

**Table 1:** Maximum contributions permitted in the Rockdale Urban Renewal Area by Ministerial Direction

<b>Relevant period</b>	<b>Maximum amount of contribution</b>
1 July 2018 to 30 June 2019	\$30,000 for each dwelling or each residential lot
1 July 2019 to 30 June 2020	\$35,000 for each dwelling or each residential lot
On and from 1 July 2020	An amount determined in accordance with the applicable contributions plan, if the contributions plan is an IPART reviewed contributions plan

The most significant amendments required by the Minister are:

- flood and stormwater works below the railway line removed      \$25 million
- road widening of the Princes Highway removed      \$10.7 million
- acquisition of stratum for a community facility removed      \$1.4 million
- embellishment costs for Bonar St community park revised      \$1.6 million

The total value of the works is reduced as per Table 2, by \$39.4 million (15%).



**Table 2:** Change to work schedule required by Minister of Planning

Per URA plan		As adopted	New plan 2019
Roads & traffic	Land	\$ 30,920,062	\$ 32,645,387
	Works	\$ 65,682,459	\$ 42,160,874
Flood & stormwater	Land	-	\$ -
	Works	\$ 71,391,080	\$ 49,361,104
Social Infrastructure	Land	\$ 70,300,552	\$ 74,801,149
	Works	\$ 15,252,523	\$ 15,337,680
Plan administration		\$ 2,473,261	\$ 2,235,308
	<b>Total</b>	<b>\$ 256,019,937</b>	<b>\$ 216,541,502</b>

The total population predicted within the area was reduced due to a change in the recommended method of valuing workers, shown in Table 3.

**Table 3:** Change to predicted population proposed by IPART

Predicted population	As adopted	New plan 2019
Residents	15,685	15,685
Workers(3w = 1r)	3,051	1,017
<b>Total</b>	<b>18,736</b>	<b>16,702</b>

Table 4 identifies the future contributions that can be levied once the new plan is adopted. It shows that although the maximum contribution will be lifted to \$35,000 per dwelling on 1 July 2019 only the 3+ bedroom dwelling contribution rates will reach this cap.

**Table 4:** Change to contribution resulting from adoption of 2019 Contributions Plan

Dwelling type	Contribution		
	As adopted 2016	New Plan 2019	Cap of \$35,000 applies until 1 July 2020
0-1 bedroom	\$ 20,000	\$22,111	\$22,111
2 bedroom	\$ 20,000	\$31,013	\$31,013
3+ bedrooms	\$ 20,000	\$37,669	\$35,000

The letter from the Minister of Planning also advised that Council may, once the amended plan is adopted, apply for funding from the Local Infrastructure Growth Scheme (LIGS). This

scheme may provide funding of \$369 million for a 3 year period only, to benefit infrastructure that helps unlock housing in the specified growth areas including Rockdale in Bayside.

The majority of recent developments in Wolli Creek and Bonar Precincts were lodged prior to the Rockdale Contributions Plan 2016 Urban Renewal Area coming into effect on 30 March 2016. Therefore Council has limited opportunity to claim LIGS funding.

The 13 amendments identified in the letter from the Minister for Planning are more significant than what is defined by the EP&A Regulation clause 32 as an amendment. Therefore a new contribution plan has been prepared (Refer **Attachment 4**). The requirements for advertising a new plan and an amendment are the same. The significant change resulting from creating a new plan is that the work schedule items have be indexed to June 2019 values.

The current plan applies to a development application or application for CDC submitted after the date on which the plan took effect. The recommendation is to retain this clause to prevent developers from being levied with unexpected contribution levies.

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## Financial Implications

Adoption of the new plan by Council will increase the development contribution levied on developments in the Wolli Creek and Bonar Street Precincts. This will enable the works identified within the plan to be funded.

Not applicable	<input type="checkbox"/>
Included in existing approved budget	<input checked="" type="checkbox"/>
Additional funds required	<input type="checkbox"/>

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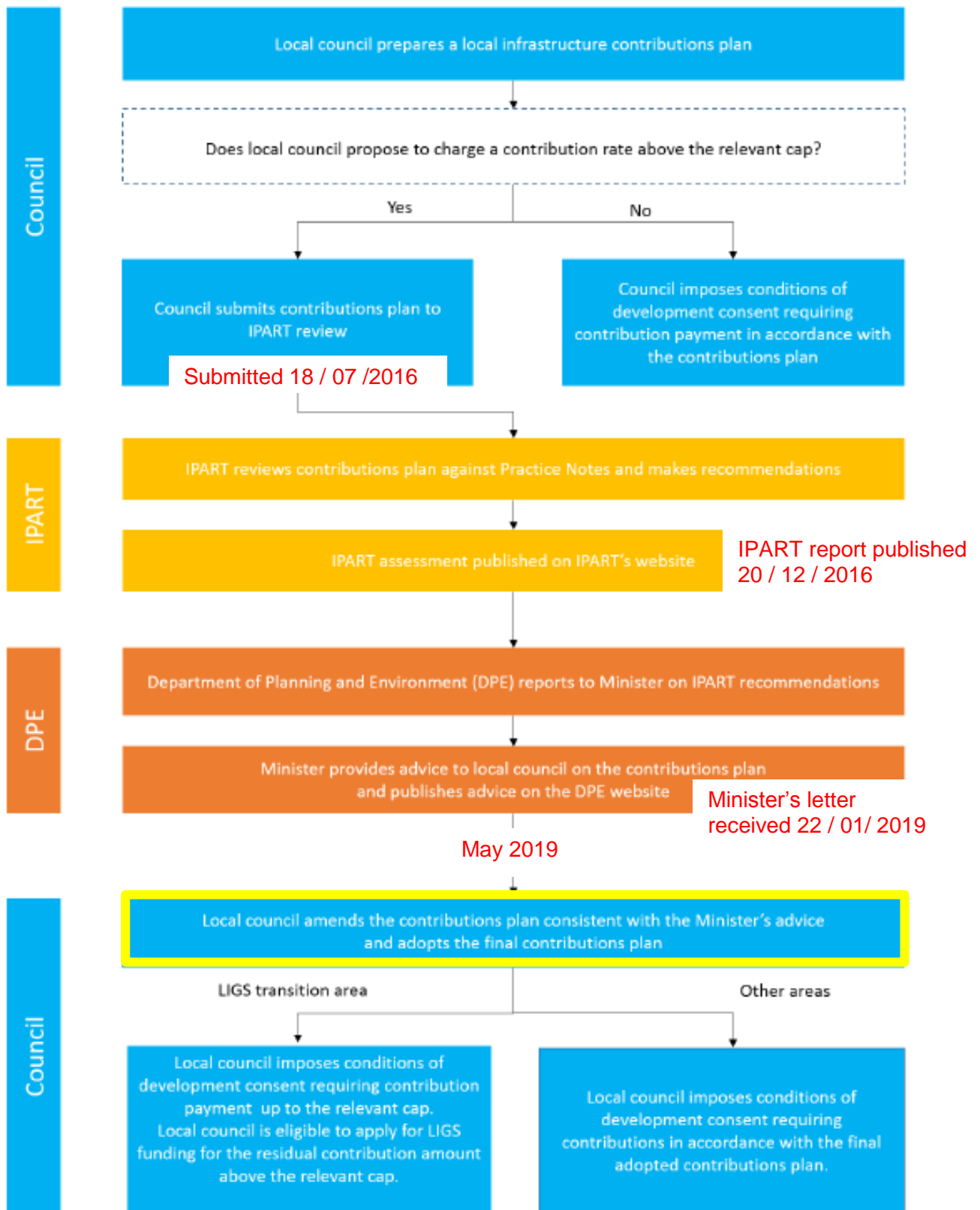
## Community Engagement

An exhibition period of 28 days is required by legislation, prior to adoption of a new plan.

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## Attachments

- 1 IPART Review Process [↓](#)
- 2 Ministers letter to Council [↓](#)
- 3 Draft Wolli Creek and Bonar Street Precincts Urban Renewal Area Contributions Plan 2019 [↓](#)





**Anthony Roberts MP**

Minister for Planning, Minister for Housing, Special Minister of State

IRF17/511

Ms Meredith Wallace  
General Manager  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

Dear Ms <sup>Meredith</sup> Wallace

I am writing in relation to the *Rockdale Contributions Plan 2016 – Urban Renewal Area* dated March 2016 (RCP) which Council submitted to the Independent Pricing and Regulatory Tribunal (IPART) for assessment.

Upon completing its assessment, IPART made 32 recommendations in relation to RCP. I have considered these recommendations and require Council amend RCP by making 13 changes before Council is eligible to apply for funding from the Local Infrastructure Growth Scheme (LIGS). These changes are outlined in Attachment 1.

These 13 changes will need to be made to RCP and adopted by Council before it meets the requirements of Clause 5(3) of the *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction* dated 28 July 2017 and deemed an 'IPART reviewed contribution plan'. You will need to advise the Department once this process is completed and provide evidence that the changes have been made.

The Amendment Direction allows Council to charge the capped contribution amounts described in Clause 6B for development approved in accordance with an 'IPART reviewed contributions plan'.

In accordance with the LIGS funding guidelines, Council may apply for funding from the LIGS once the 13 requested changes have been made and the subsequent plan adopted by Council. Funding will be issued subject to budget allocation and funding rounds being open.

IPART also made recommendations to RCP to be addressed as part of the next review of the plan. These matters are outlined in Attachment 2.



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Should you have any questions in relation to this matter, please contact Ms Megan Nugent, A/Director, Developer Contributions and Agreements at the Department on 9274 6517.

Yours sincerely



22 JAN 2019

**Anthony Roberts MP**  
Minister for Planning  
Minister for Housing  
Special Minister of State

Encl: Attachment 1: Required amendments to RCP prior to LIGS funding  
Attachment 2: Matters to be considered in the next review of RCP

IRF17/511

**Attachment 1: Required amendments to RCP prior to LIGS funding****Rockdale Contributions Plan – Urban Renewal Area**

IPART No.	Minister's required amendments to RCP prior to LIGS funding
1.	Remove from the essential works in RCP 2016 the portion of the cost of undergrounding 33kV State Rail power lines in the RURA (\$4,726,358) which is for public amenity improvement only. (page 42)
3.	Remove from the cost of essential transport works in RCP 2016, works for planted verges and other streetscape works that are outside the RURA on Bonar St, Booth St and another new road (sub-item 9.1), comprising: – \$3,012,971 for item WB1.1.1, and – \$1,460,228 for item BS1.3.6. (page 47)
4.	Remove \$10,730,904 for item WC2.3.1 being road widening works between Brodie Spark Drive and Burrows Street <sup>1</sup> .
5.	Reduce (by \$212,469) the cost of the intersection improvement at Bonar St and Guess Ave (item WC1.4.2) to reflect an upgrade of splitter islands rather than a 4-leg roundabout. (page 47)
7.	Remove \$7,623,606 in costs from the transport essential works in RCP 2016 in line with the recommended adjustments in Table 3.2. (page 51)
12.	Remove \$15,251,532 from the cost of essential stormwater infrastructure 5 stormwater items: WC1.1.4 (\$408,836), WC2.1.2 (\$1,472,562), WC2.1.3 (\$512,760), WC4.1.1 (\$11,384,812) and WC4.1.2 (\$1,472,562); and Revise the cost of essential stormwater infrastructure by \$3,634,952 from RCP to the costs provided by JWP to IPART for the following stormwater items: WC1.1.1 (\$1,999,283), WC1.1.2 (\$3,707,200), WC1.1.3 (\$4,128,960) and WC3.1.1 (\$1,090,241) <sup>1</sup>
14.	Remove \$6,561,813 in costs from the stormwater essential works in RCP 2016 in line with the recommended adjustments in Table 4.2.
17.	Remove costs of \$1,436,631 associated with acquisition of stratum for a community facility from RCP as stratum is not covered by the Essential Works List <sup>2</sup>
19.	Remove \$905,981 for SWSOOS aqueduct pathway and embellishment between Arncliffe St and the Princes Hwy (items WC4.2.1 and WC4.2.2) from the plan <sup>1</sup> (page 85)
21.	Remove the embellishment costs for the Bonar Street Community Park (\$2,377,858) from RCP 2016 and replace with the revised embellishment costs of \$766,709 Council provided to IPART as referenced on Page 97 of IPART's report <sup>3</sup>
22.	Remove \$592,987 from the cost of open space embellishment in RCP 2016 for reduced additional factors (12% indirect costs and 10% council on-costs) in the base cost estimates for Wolli Creek Town Park and Thompson Street Reserve. (page 93)
23.	Remove \$257,893 from the cost of open space embellishment in RCP 2016 for a lower contingency allowance of 15% in cost estimates for Wolli Creek Town Park and Thompson Street Reserve. (page 93)
26.	Reduce plan administration costs in RCP 2016 to equate to 1.5% of the reduced capital costs which results from this assessment. (page 101)

**Notes:**<sup>1</sup> IPART recommendation amended<sup>2</sup> Stratum for community facility is not defined as essential works under the Practice Note<sup>3</sup> Reduced rate of embellishment considered reasonable

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**Attachment 2: Matters to be considered in the next review of RCP****Rockdale Contributions Plan – Urban Renewal Area**

IPART No.	Matters to be considered by Council in the next review of RCP
6.	Review the land acquisition cost estimates for transport infrastructure in RCP 2016 based on Council's policy for land to be dedicated free of cost by a developer, and reduce the land costs in RCP 2016 where land is dedicated free of cost without any offset contributions. (page 51)
8.	For transport works 'in progress' and which are likely to be delivered in stages, Bayside Council consider the need to split the works items into sub-items to allow more accurate cost estimates for each item, where feasible. (page 51)
9.	Include the completion dates for all completed transport works in RCP 2016 and the work schedule. (page 51)
10.	Index transport works estimates (but not actual costs) to current dollars, Bayside Council apply the more cost-reflective ABS PPI (Road and Bridge Construction) instead of the CPI. (page 51)
11.	Review item WC2.3.1 and local road widening works in consultation with RMS to determine the scope of works and access treatments along the western side of Princes Highway between Brodie Sparks Road and Argyle Street <sup>1</sup> .
13.	<p>Undertake further studies to demonstrate the nexus between the proposed flood mitigation and stormwater infrastructure and the expected development in the RURA. These studies are required to:</p> <ul style="list-style-type: none"> <li>– determine the base flood levels, depths and hazards that existed prior to rezoning and development</li> <li>– determine the additional impacts on the flood levels, depths and hazards caused by redevelopment, and</li> <li>– determine the works required to mitigate the flood levels, depths and hazards at full redevelopment to achieve acceptable targets (page 68)</li> </ul>
15.	Index stormwater works estimates (but not actual costs) to current dollars, Bayside Council apply the more cost-reflective ABS PPI (Road and Bridge Construction) instead of the CPI. (page 72)
16.	<p>Review the approach to apportionment of stormwater costs in RCP 2016 on completion of further studies to establish nexus and determine the flood mitigation and stormwater works for the RURA. This review should consider:</p> <ul style="list-style-type: none"> <li>– the distribution of demand for the works arising from the development and resulting benefits across different areas of the RURA, and</li> <li>– the apportionment of costs to those who create the need or demand for the stormwater works. (page 77)</li> </ul>
18.	<p>Establish the open space requirements in the plan based on a needs-based assessment of the RURA which considers:</p> <ul style="list-style-type: none"> <li>– the demands of the demographic for accessible active and passive open space, and</li> <li>– the options to meet the demands with an audit of existing and accessible open space, both inside and outside the RURA. (page 85)</li> </ul>
20.	Review the cost of open space embellishment for the Wolli Creek Town Park to ensure that only base level embellishment is included for the park (page 93)
21.	Review the reasonable base level embellishment costs for the Bonar Street Community Park <sup>1</sup> .
24.	To index open space embellishment estimates (but not actual costs) to current dollars, Bayside Council apply the more cost-reflective ABS PPI (Non-Residential Building Construction) instead of the CPI (page 93)

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25.	Undertake a holistic review of apportionment methods for open space and community facility costs <sup>1</sup> .
27.	Prioritise infrastructure delivery setting out in the contribution plan and the work schedule an indicative timetable for infrastructure provision based on known or assumed plans for development, in tranches of three years, if necessary (Page 103)
32.	<p>Revise RCP 2016 to present its contents in a way that more fully complies with the requirements of the Environmental Planning and Assessment Regulation 2000, particularly in relation to:</p> <ul style="list-style-type: none"> <li>- clearly labelling and illustrating in maps the location and extent of all of infrastructure items, particularly stormwater, but also open space and transport</li> <li>- more systematically demonstrating nexus for the proposed infrastructure, based on all relevant technical studies and related information, and</li> <li>- updating the work schedule with more detail about proposed infrastructure components and costs, and more specific estimates of the staging of delivery. (page 113)</li> </ul>

Note:

<sup>1</sup>IPART recommendation amended



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# Wolli Creek and Bonar Street Precincts Urban Renewal Area Contributions Plan 2019



This plan was prepared by Council staff based on IPART review and the amendment direction from the Minister for Planning Anthony Roberts MP, dated 22 January 2019.



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# 1 Introduction

On 22 January 2019 the Minister for Planning issued a letter stating his requirements to allow the Rockdale Contribution Plan URA to be an IPART Reviewed Plan.

The letter sets out 32 recommendations, of which 13 must be adopted before the plan can be deemed to be an IPART reviewed plan. A further 19 recommendations are to be considered at the next review of the plan.

This contributions plan supersedes Rockdale Contributions Plan 2016 – Urban Renewal Area.

Rockdale's Urban Renewal Area is immediately south of Wolli Creek and the Cooks River on either side of the Illawarra rail line.

Since the early 2000s the Urban Renewal Area has been undergoing redevelopment from an industrial area to a high density, mixed use residential and employment area.

The redevelopment is to be sustained by the provision of new and upgraded local infrastructure including roads, flood mitigation and stormwater drainage facilities, open space and recreation facilities, and community facilities.

The Local Infrastructure needs of the Urban Renewal Area were first described in the Rockdale 1998 contributions plan and subsequently in the Rockdale 2004 Contributions Plan, which has been amended on several occasions. Consent authorities have used these predecessor plans to impose development contributions as consent conditions on developments are approved in the area.

Several factors led to the comprehensive review of this plan, namely:

- ▶ The scope of works evolved.
- ▶ Land and works costs increased.
- ▶ Changes to the development assumptions and population projections for the area.

This contributions plan updates the predecessor plans and contains the following:

- ▶ A schedule of Local Infrastructure with a total value (in 2019 dollars) of around \$217 million.
- ▶ A schedule of contribution rates for various classes of developments that are expected in the area.
- ▶ Provisions enabling reasonable contributions to be imposed on development.
- ▶ Information on how the contribution rates were calculated.
- ▶ Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- ▶ Specific provisions on the role of accredited certifiers in imposing and collecting development contributions.
- ▶ Various other provisions related to the fair and transparent administration of contributions involving development in the Urban Renewal Area.

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## 2 Plan summary

### 2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers. A brief description of each section is provided below:

#### Section 2 – Plan Summary

This section identifies both the land and development that this plan applies to as well as the contributions rates that apply to development.

#### Section 3 – How are the contributions rates calculated?

This section explains how the contributions for development in the Urban Renewal Area are calculated. The expected development is described as well as summaries of the infrastructure strategies that have informed the schedule of works funded by this contributions plan and the associated nexus of the contributions to the projected development. It also provides the formulas and approach for how the contribution rates have been calculated.

#### Section 4 – How and when will contributions be imposed on development?

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and complying development certificates.

#### Section 5 – How and when a contribution requirement can be settled?

This section explains how consent conditions requiring the payment of contributions can be settled, typically by cash payment. It also provides Council's requirements for considering alternative means to satisfy contribution requirements under this plan through the use of Voluntary Planning Agreements and Works In Kind arrangements.



#### Section 6 – Other administration matters

This section outlines other administrative arrangements surrounding the operation of this plan, including a Dictionary of terms used in this plan.

#### Appendices

The appendices include schedules and maps of the Local Infrastructure that has been or will be delivered under this plan. A series of technical studies were prepared to inform the land use and infrastructure planning for the Urban Renewal Area. The information this plan relies upon is also listed in the appendices.

## 2.2 Name and commencement of plan

This plan is called Urban Renewal Area Contributions Plan 2019

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

## 2.3 What is this plan's purpose?

The primary purpose of this plan is to authorise:

- ▶ The Council, when granting consent to an application to carry out development to which this plan applies; or
- ▶ An accredited certifier, when issuing a Complying Development Certificate for development to which this plan applies.

To require a section 7.11 contribution to be made towards the provision, extension or augmentation of Local Infrastructure that is required as a consequence of development in the Urban Renewal Area, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

- ▶ To provide a clear and transparent basis for levying contributions under the provisions of section 7.11 of the EP&A Act.
- ▶ To provide the framework for the efficient and equitable determination, collection and management of section 7.11 contributions in the Urban Renewal Area.
- ▶ To establish the relationship between the expected development and proposed Local Infrastructure to demonstrate the required contributions are reasonable.
- ▶ To update the assumptions underpinning the predecessor plans (Rockdale Section 94 Contributions Plan 2004 and its amendments, or CP 2004) as it relates to the Urban Renewal Area.

- ▶ To update the CP 2016 in accordance with the requirements of the Minister to have an IPART reviewed plan.
- ▶ To allow for the provision of facilities as works in kind in lieu of a monetary contribution.
- ▶ To provide for the dedication of land at no cost to Council in lieu of a monetary contribution.
- ▶ To ensure that the broader community is not unreasonably burdened by the provision of Local Infrastructure required as a result of development in the Urban Renewal Area.

## 2.4 What land and development does this plan apply to?

Subject to Section 2.5, this plan applies to the Urban Renewal Area, the extent of which is shown in Figure 1 over the page.

This plan applies to the following types of development:

- ▶ Residential Accommodation development that would result in a net increase in dwellings.
- ▶ Other development that would create a net increase in demand for the Local Infrastructure items to be provided under this plan.

## 2.5 What development is exempted?

This plan DOES NOT apply to the following types of developments:

- ▶ Development proposed by or on behalf of the Council.
- ▶ Seniors housing development (other than self-contained dwellings forming part of seniors housing development).
- ▶ Public schools, public hospitals and emergency services.
- ▶ Development exempted from section 7.11 contributions by way of a direction made by the Minister for Planning under section 7.17 of the EP&A Act.

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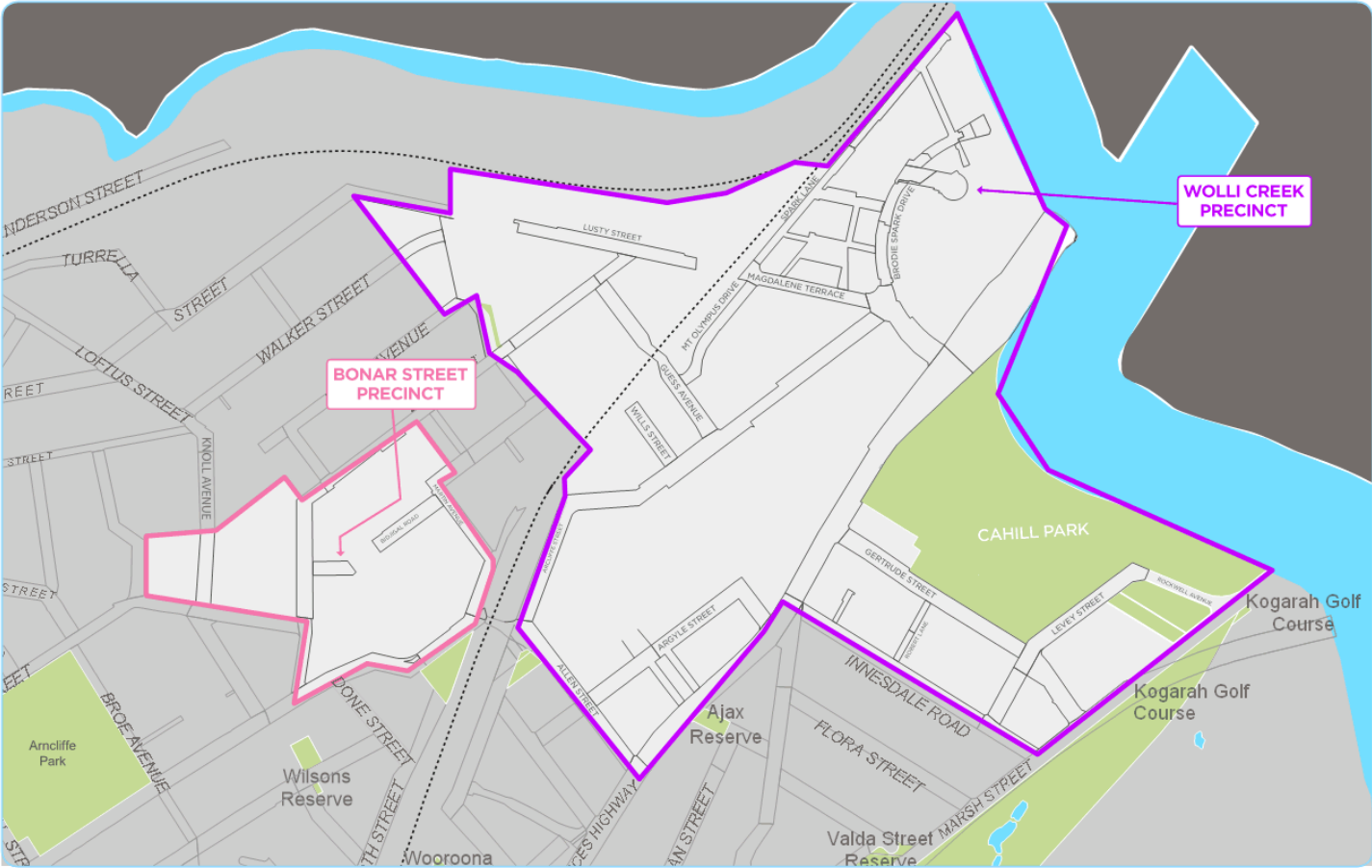


Figure 1  
Land affected by this plan.

Note: Area included in Wollongong Creek precinct is shaded purple.  
Area included in Bonar Street precinct is shaded pink.

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### 2.6 What Local Infrastructure will be provided under this plan?

The types of Local Infrastructure which are covered by this plan include the following:

- ▶ Roads, traffic, parking and streetscape facilities, including upgrades to existing roads and intersections, new and widened roads, cycleways, footpath treatments, street furniture etc.
- ▶ Flood mitigation and stormwater drainage facilities, including culverts and gross pollutant traps, etc.
- ▶ Open space and recreation facilities, including new and upgraded parks, etc.
- ▶ Community facilities, including multi-purpose community floor space.

The costs of administering this plan will also be met by contributions imposed under this plan.

A summary of the costs of Local Infrastructure to be met by development approved under this plan and predecessor contributions plans is shown in Table 1.

More details on the demand for Local Infrastructure, the relationship of the Local Infrastructure with the expected development, and specific facilities to be provided are included in Part 3 of this plan.

### 2.7 What are the contribution rates for Local Infrastructure?

Table 2 summarises the total cost of infrastructure to be funded by this plan, as well as the contribution rates for the various categories of Local Infrastructure in this plan. Part 3 of this plan itemises the infrastructure to be provided under this plan, including 'essential infrastructure' as defined by the Department of Planning and Environment, and how the contribution rates have been derived.

Despite the contribution rates shown in Table 2 the Consent Authority will not impose a monetary contribution on residential development that exceeds the cap imposed by the Minister for Planning.

LOCAL INFRASTRUCTURE TYPE	SUB CATEGORY	TOTAL COST TO BE MET BY ENTIRE URBAN RENEWAL AREA DEVELOPMENT
Roads, traffic, parking and streetscape Infrastructure	Land	\$32,645,387
	Works	\$42,160,874
Flood mitigation and stormwater drainage Infrastructure	Land	\$0
	Works	\$49,361,104
Social Infrastructure	Land	\$74,801,149
	Works	\$15,337,680
Plan administration (1.5% of costs of works)		\$2,235,308

**Table 1**  
Summary of infrastructure costs.





LOCAL INFRASTRUCTURE TYPE	SUB CATEGORY	PER RESIDENT	PER WORKER	PER 0-1 BED DWELLING	PER 2 BED DWELLING	PER 3 BED OR MORE DWELLING
Roads, traffic, parking and streetscape	Land	\$1,954.61	\$651.54	\$3,333.45	\$4,675.59	\$5,678.94
	Works	\$2,524.30	\$841.43	\$4,305.08	\$6,038.43	\$7,334.24
Flood mitigation and stormwater management	Land	-	-	-	-	-
	Works	\$2,955.40	\$985.13	\$5,040.30	\$7,069.68	\$8,586.78
Social Infrastructure	Land	\$4,478.57	\$1,492.86	\$7,638.01	\$10,713.29	\$13,012.29
	Works	\$918.31	\$306.10	\$1,566.14	\$2,196.72	\$2,668.12
Plan management and administration	-	\$133.83	\$44.61	\$228.25	\$320.15	\$388.85
<b>Totals</b>	-	<b>\$12,965.02</b>	<b>\$4,321.67</b>	<b>\$22,111.23</b>	<b>\$31,013.86</b>	<b>\$37,669.22</b>

**Table 2**  
Summary of contribution rates.

**Note:** On 21 August 2012 the Minister for Planning issued a Direction to Council that caps section 7.11 contributions for residential development.  
On 17 July 2017 The Minister for Planning issued an amended direction that raised the cap on s7.11 contributions where Council has an IPART reviewed plan.  
The new caps are:

RELEVANT PERIOD	MAXIMUM AMOUNT OF CONTRIBUTION
1 July 2019 to 30 June 2020	\$35,000 for each dwelling or residential lot
On and from 1 July 2020	An amount determined in accordance with the applicable contribution plan, if the contributions plan is an IPART reviewed contributions plan

This plan is consistent with the Minister’s Direction in that it authorises that section 7.11 contributions on residential development not to exceed the cap.  
Where the sum of the contributions for a particular development calculated under this plan and any other contributions plan adopted by the Council exceeds the cap that applies per residential lot or dwelling, the total amount included in the consent shall not exceed the cap.  
The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.  
The monetary section 7.11 contribution rates shown in Table 1 reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation and fluctuations in land values (see Section 6.3).  
Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.



## 3 How are the contribution rates calculated?

This part of the plan explains the expected development of the Urban Renewal Area, the infrastructure necessary to support this development, and the way the contributions for that infrastructure have been calculated including the costs which have been included in the calculation.

### 3.1 Expected demand for Local Infrastructure

#### 3.1.1 Area context

The Urban Renewal Area is situated either side of the Illawarra Railway Line and on the southern side of Wollie Creek and the Cooks River. Much of the land is very low lying and flood prone.

The area enjoys excellent access to the rail, road and regional open space networks which has led to the State Government and Council designating it as a priority location to accommodate much of LGA's future population growth.

The area includes the development precincts of Wollie Creek and Bonar Street. The Wollie Creek precinct is the larger precinct surrounding Wollie Creek railway station and reflects the area that was rezoned for mixed use urban renewal in the early 2000s. The Bonar Street precinct lies to the south west and is situated closer to Arncliffe railway station. This precinct was rezoned for higher density residential development in 2008.

The infrastructure planning for these precincts was undertaken at different times, which is reflected in the separate contributions plans that previously applied to the Urban Renewal Area (i.e. the 'predecessor plans'). The precincts are however contiguous, are being planned with similar types of infrastructure, and the infrastructure in each area links to other precinct's infrastructure to a large extent.

For example:

- ▶ The flooding and stormwater facilities provided upstream in Bonar Street precinct will benefit developments in the Wollie Creek precinct.
- ▶ Parks to be provided in Wollie Creek precinct will be utilised by the new populations living in Bonar Street precinct.

It is therefore reasonable to consolidate the precincts into one contributions plan comprising the Rockdale Urban Renewal Area contributions catchment. This plan consolidates the infrastructure items required for the entire Urban Renewal Area and spreads the apportioned cost of this infrastructure over the same area.

Prior to its rezoning and the commencement of redevelopment, the entire Urban Renewal Area was a traditional industrial and related employment area accommodating factories, warehouses and the like. Redevelopment is now well underway, and the Urban Renewal Area is now evolving from an industrial area into a high density mixed use, residential and commercial area.

#### 3.1.2 Expected development

The full development of the Urban Renewal Area is expected to have the following characteristics:

- ▶ A town centre with the highest development densities focused around the Wollie Creek railway station and Brodie Spark Drive. Most of the non-residential uses will be located in this area.
- ▶ High density residential uses on certain land west of the railway and on land south of Cahill Park.
- ▶ Highway service businesses located along the Princes Highway.
- ▶ Mixed land uses in other areas.
- ▶ Effective and direct road, pedestrian and cycling links to surrounding networks.
- ▶ An open space network and public domain network focused on existing and new parks and streets and along the waterfront.

The anticipated arrangement of these land uses is shown in the structure plans for the Wollie Creek and Bonar Street precincts shown in Figures 2 and 3.



Figure 2 Wollie Creek Precinct Structure Plan (source: Rockdale DCP 2011, Part 7.1).

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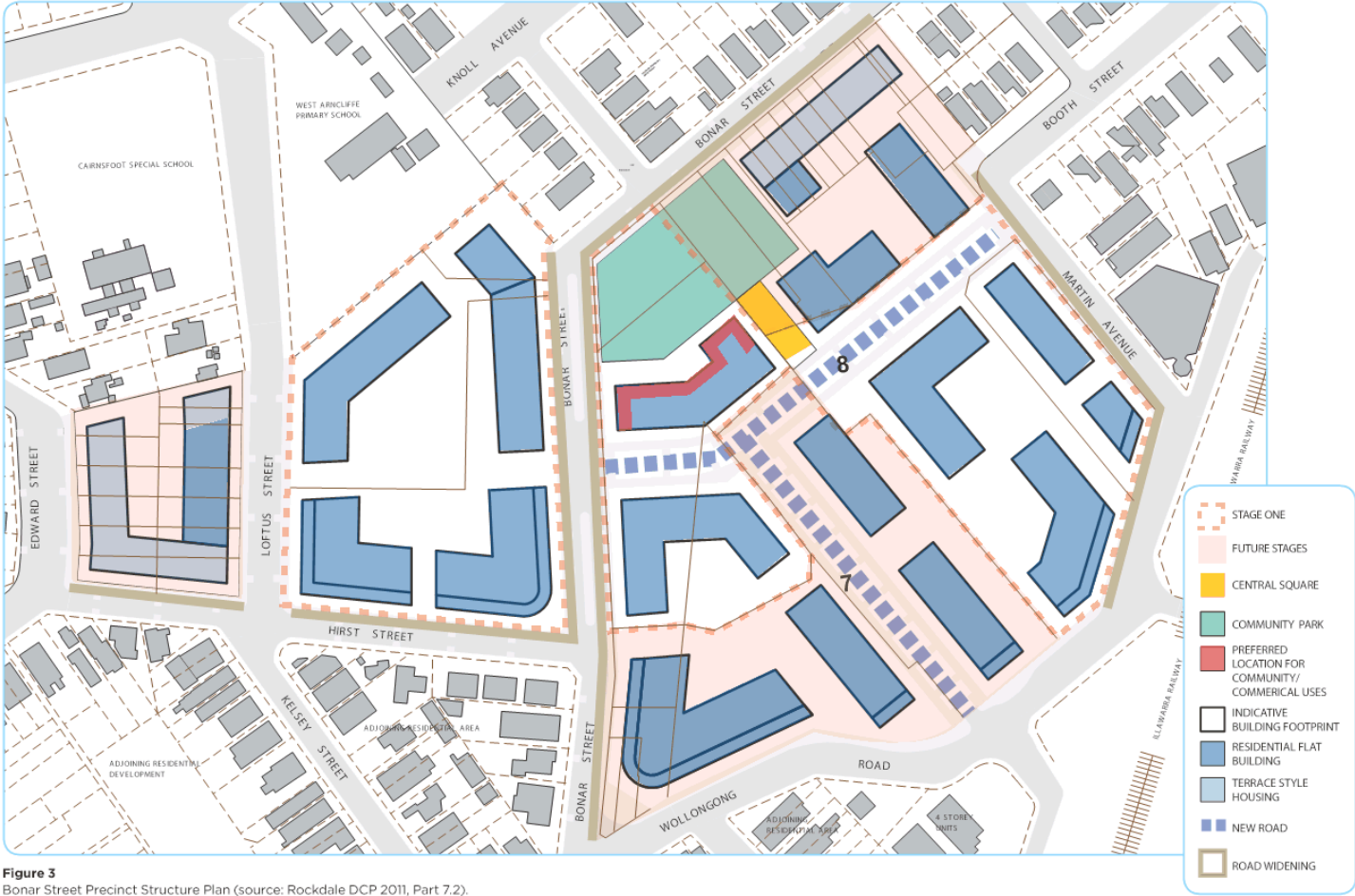


Figure 3 Bonar Street Precinct Structure Plan (source: Rockdale DCP 2011, Part 7.2).

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The land use planning strategy for the Urban Renewal Area has evolved since its inception in the early 2000s. A balanced mix of high density residential, as well as commercial and retail developments was originally anticipated, particularly in the Wollli Creek precinct. For example it was originally envisaged that Wollli Creek would accommodate 3,700 dwellings accommodating 7,600 residents, and there would be 7,200 workers at full development.<sup>1</sup>

Current projections for Wollli Creek are for significantly more dwellings and residents, and significantly fewer workers.

There has been much less non-residential development approved in the area than was originally envisaged, reflecting a priority in market demand for residential uses. This trend is likely to continue and has resulted in the employment forecast for the Urban Renewal Area being significantly reduced.

CP 2004 anticipated a mix of employment land uses with an overall average employment density of 1 worker for every 30 square metres of gross floor area. That anticipated employment density has been retained in this plan in order to estimate the anticipated number of workers that will come to the Urban Renewal Area each day.<sup>2</sup>

Approvals for the redevelopment of the area's former industrial sites began in the mid-2000s. Development has proceeded generally in accordance with the approved planning strategy. Council has tracked the development applications in the area. Significant high density mixed use development has been completed in the areas around Discovery Point and Brodie Spark Drive, while high density residential development has occurred around Bonar Street, Lusty Street and Gertrude Street.

Table 3 shows a summary of the developments approved up to mid-2015.

Council has combined the information on approvals with the planning constraints on the remaining development sites to determine the expected maximum development potential in the Urban Renewal Area. The results of that analysis are shown in Table 4.

1. Rockdale Contributions Plan 2004, page 61.  
2. Rockdale Contributions Plan 2004, page 58.

URBAN RENEWAL AREA	RETAIL AND COMMERCIAL FLOOR AREA (M <sup>2</sup> )	NET DWELLING INCREASE
Bonar Street precinct	60	864
Wollli Creek precinct	14,244	4,078
<b>Total Urban Renewal Area</b>	<b>14,304</b>	<b>4,942</b>

**Table 3**  
Approved developments in Urban Renewal Area up to mid-2015.

URBAN RENEWAL AREA	RETAIL AND COMMERCIAL FLOOR AREA (M <sup>2</sup> )	NET DWELLING INCREASE
Bonar Street precinct	60	1,363
Wollli Creek precinct	37,482	6,459
<b>Total Urban Renewal Area</b>	<b>37,542</b>	<b>7,822</b>

**Table 4**  
Total maximum development potential in Urban Renewal Area.

The planning for the Urban Renewal Area in the early 2000s envisaged that the development would take place over a timeframe of up to 25 years - that is, by about 2030. In 2015 around 60 percent of the total available development potential had either been constructed or approved. While it is possible that not all of the approved development will convert into completed development, the 2030 development horizon for the area remains valid.

### 3.1.3 Expected population

The demand for local infrastructure to support the Urban Renewal Area redevelopments arises from both the developments themselves and the populations that will live and work in them. Contributions for local infrastructure are therefore based on the population expected to be accommodated in each development and the ultimate population of the entire Urban Renewal Area.

Table 5 shows the assumptions used to estimate these populations.

	ASSUMPTION	SOURCES
Residential development	Each bedsit or 1 bedroom dwelling is likely to accommodate 1.7 residents. Bedsit or 1 bedroom dwellings will comprise 29.95% of all dwellings.	2011 Census of Population and Housing for Wollri Creek area.
	Each 2 bedroom dwelling is likely to accommodate 2.39 residents. 2 bedroom dwellings will comprise 61.16% of all dwellings.	Council data on dwelling approvals in Urban Renewal Area 2006-2015.
	Each 3 or more bedroom dwelling is likely to accommodate 2.91 residents. 3 or more bedroom dwellings will comprise 8.89% of all dwellings.	
Non-residential development	Overall average worker occupancy of non-residential floor space: 1 worker per 30 square meters of gross floor area.	CP 2004, page 58.

**Table 5**  
Assumptions used for population estimate.

Contributions for residential accommodation development in this plan are determined by first calculating the per person rate and converting that rate to a per dwelling rate. This plan adopts a set of average occupancy rates shown in Table 5 for this purpose. These rates are also used to determine any existing population on a development site for the purpose of establishing the net increase in infrastructure demand that is attributable to a particular development.

Using the assumptions in Table 5 it is expected that the Urban Renewal Area will accommodate 15,685 residents and 3,051 workers. IPART recommends that workers be apportioned costs equal to one third the costs apportioned to residents.<sup>3</sup>

For the purposes of calculation the population to share the costs, the worker population of 3,051 will be counted as 1,0017 resident equivalents, giving a combined population of 16,702 as the basis for sharing the infrastructure costs among the Urban Renewal Area developments.

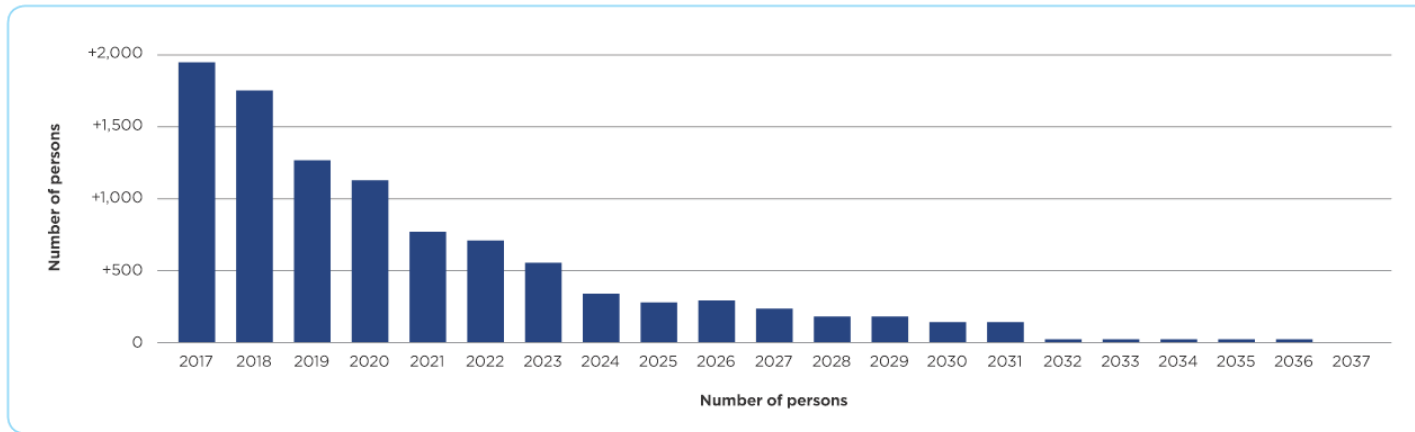
Figure 4 shows the expected profile of the population increase in the Urban Renewal Area from 2012 onwards. It shows most of the expected development being occupied by the early 2030s.

The demographic characteristics of a development area are important in understanding the future social infrastructure needs of that area. A major change in land use, such as from industrial to residential, will generate new social infrastructure demands relevant to the characteristics of the expected population.

Council has undertaken an assessment of the likely characteristics of the future population of the Urban Renewal Area. A summary of this assessment follows:

- ▶ The area is currently mainly occupied by young working age residents and their very young children. Persons aged 0-4 years and 20-39 years make up around three quarters of the resident population. The primacy of these age groups will not materially change over time, with these groups still anticipated to comprise over 68% of the population in 2036.
- ▶ In 2016, compared to the Greater Sydney average the Urban Renewal Area had significantly fewer numbers of school-age children, older workers, empty nesters and retirees; and had significantly greater numbers of young workers and tertiary students.
- ▶ Child-less couples are the dominant household type. Group households make up around 15% of all households, which is high compared to Greater Sydney (4%). Families and singles with children make up only 20% of total households, with is lower than Greater Sydney average. The dominance of couple-only and single person households is expected to continue throughout the development horizon.

<sup>3</sup>. Paragraph 1.5.4 in the IPART review of the Rockdale Urban Renewal Area Contributions Plan.



**Figure 4**  
Profile of Urban Renewal Area population increase (source: <https://forecast.id.com.au/baysidensw/components-of-population-change?WebID=1260>).

- ▶ In 2016 the average household size was 2 persons per dwelling.
- ▶ Over half of residents in 2016 were in rented dwellings, compared to the Sydney average of 32%.
- ▶ The area is highly multi-cultural, with 68% of residents born overseas and 47% having arrived recently in the country. The dominant cultural group is Chinese, with 35% of the residents having Chinese ancestry which is higher than the Sydney average. Some 66% of the population have a non-English speaking background, which is considerably higher than the Greater Sydney average. This cultural diversity is likely to persist in the future.
- ▶ The resident population is comparatively highly educated, with 48% having a bachelor degree or higher. Some 42% of the adult population in 2016 identified as managers or professionals, which is similar to the proportion in Greater Sydney.
- ▶ The area in 2016 had similar rates of persons in full-time employment and unemployment rates compared to the Greater Sydney average. The rate of workforce participation among residents was higher than the Sydney average.

- ▶ Compared to Greater Sydney, the use of public transport for the journey to work is high and rates of car ownership are low.<sup>4</sup>

This social profile points to a need to provide the Urban Renewal Area development with accessible and multi-purpose open space, open space linkages and community facilities suitable for a population that is ethnically diverse, and that has a predominance of young working age people, with some having young children.

<sup>4</sup> Summary drawn from the Wollri Creek - Bonar Street Precinct Community Profile accessed at <https://profile.id.com.au/baysidensw> (June 2019).

### 3.1.4 Demand for infrastructure

Prior to the commencement of mixed use development in the Urban Renewal Area, public amenities and services were essentially designed to cater for the predominantly industrial development that existed in the area at that time. To support the full re-development of the Urban Renewal Area, significant augmentation and upgrading of existing infrastructure and public amenities is required.

The Local Infrastructure needs likely to be generated by this development were investigated as part of, and following, the rezoning of the land to permit mixed use development. Those investigations concluded that the redevelopment would have the following Local Infrastructure impacts:

- ▶ Increased pressure on the existing vehicle and pedestrian access networks requiring capacity upgrades to roads and intersections.
- ▶ Increased pressure on the existing stormwater drainage facilities which already struggle to cope with the water run-off from significant storm events.
- ▶ Increased demand for active and passive recreation facilities such as sports fields, sports courts, playgrounds, walking trails, cycle paths, recreation centres and community facilities.

In order to provide a safe, convenient and amenable urban redevelopment, new and upgraded roads, traffic, parking and streetscape facilities; flood mitigation and stormwater management facilities; and social infrastructure including open space and recreation facilities and community facilities, will be required.

Section 3.2 of this plan summarises the cost of land and works required for each of these Local Infrastructure types, the nexus between the development and the infrastructure, and how the contribution rates are calculated.

Further detail on the costs, indicative timing for delivery and locations of the Local Infrastructure is included at Appendices A and B.

### 3.1.5 Contribution rates based on entire development

This plan constitutes an update of predecessor contributions plans. Developments in the Urban Renewal Area that have already been approved have been subject to a requirement to make contributions under the predecessor plans. Those contributions were required for the full suite of Local Infrastructure required to sustain all of the development in the area. Some of the infrastructure items in the predecessor plans have been completed while others have not.

Future development will be subject to a requirement to make contributions under this plan. Contributions in this plan have been calculated based on the updated cost to provide the full suite of Local Infrastructure that is required to sustain all of the development in the area. This includes the completed cost of infrastructure that has already been provided in advance of this development, as well as the infrastructure that is yet to be provided. This method of calculation has been adopted to ensure all of the expected development, both previous and future, makes an equitable and reasonable contribution toward all of the Local Infrastructure required for the Urban Renewal Area.



### 3.2 Infrastructure schedule and nexus

The delivery of new Local Infrastructure to support Urban Renewal Area development will include the acquisition of land and carrying out of capital works. Council is also anticipating future expenditure in administering this plan so that it remains valid and the contribution rates remain reasonable.

The infrastructure necessary to support the expected development in the Urban Renewal Area has been identified through various technical studies and cost estimates. The list of studies and other information sources informing this plan and its predecessor plans is included in Appendix C.

The following section describes the scope and total costs of the various items of Local Infrastructure that is included in this plan. Further detail on specific items, their estimated costs and staging, and location maps are included in Appendices A and B.

#### 3.2.1 Roads, traffic, parking and streetscape infrastructure

##### OBJECTIVES

The objectives for planning for access in the Urban Renewal Area are:

- (a) Facilitate safe, accessible and convenient movement to, from, and within the area.
- (b) Create a permeable road network that facilitates efficient vehicular access to and circulation within the area which can be conveniently used by all modes of transport.
- (c) Encourage use of public transport and alternative transport modes to help prevent further congestion of the regional road system.
- (d) Manage the scale of development and the provision of parking to match the capacity of the road network.
- (e) Create a town centre that is the heart of the precinct with high quality streetscapes, active building edges, high quality pedestrian environment and good access to transport links.
- (f) Encourage and increase the multiple functions performed by streets.

##### NEEDS ASSESSMENT AND INFRASTRUCTURE STRATEGY

###### *Roads, traffic and parking infrastructure*

Planning for the traffic needs of the Urban Renewal Area development commenced in the early 2000s when the area was being rezoned to permit mixed use commercial and residential development. These assessments informed the strategies and works schedules in the predecessor contributions plans. The access planning for the Urban Renewal Area was updated with the completion for the Wolli Creek and Bonar Street Precinct Traffic Study prepared by Bitzios Consulting in 2013.

To achieve the objectives for safe and convenient access for the Urban Renewal Area developments, the following will be required to be provided:

- ▶ New roads.
- ▶ Upgrading of existing roadways.
- ▶ Changing layout of some roads, including constructing a one way circuit.
- ▶ Widening of some existing roads.
- ▶ Improved linkages to the arterial road system including Princes Highway and Marsh Street, including additional signalised intersections and the upgrading of some existing signalised intersections.
- ▶ New and adjusted traffic management facilities, such as traffic signals, signs, etc.
- ▶ Provision and management of the supply of on-street parking by appropriate signage and line marking, and integrated into the streetscape design.
- ▶ Accommodation of additional alternative transport modes on roadways, such as bicycles, bus priority, the provision of bus stops and bus shelters, etc.
- ▶ Safety improvements to the two existing road underpasses beneath the Illawarra Railway.

The proposed access network for the area is described in sections 7.1.5 and 7.2 of the Rockdale DCP 2011, including the proposed new and widened roads. The specifications for the proposed works are contained in the Wollli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

This plan facilitates the delivery of the proposed access network by:

- ▶ Identifying the land required for access infrastructure that will be dedicated free of cost by developers of land.
- ▶ Identifying the access infrastructure works that will be carried out by the developers of the land as part of their developments.
- ▶ Identifying the access infrastructure works, the costs of which will be met by section 7.11 contributions.

This plan continues the implementation of the predecessor contributions plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area. This plan also integrates an updated infrastructure costs assessment and includes some of the works recommended in the 2013 Wollli Creek and Bonar Street Precinct Traffic Study.

#### **Streetscape and public domain works**

The quality of the street environment that existed at the start of the Urban Renewal Area redevelopment reflected the area's use as an industrial employment area. That is, the streets contained basic footpaths and few if any facilities for people to gather.

The Urban Renewal Area developments will create increased street life and demand for public domain improvements. The streets will experience greater movement and pressure for active street uses such as cafes and seating. Streets will also perform an important function as pedestrian and cycle connectors to existing and planned open space. Council's policy is that streets must comfortably accommodate vehicular, cycle and pedestrian use, and reduce conflict between these forms of access.<sup>5</sup>

<sup>5</sup> Wollli Creek and Bonar Street Precinct Public Domain Plan, p9.

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The proposed streetscape works include the following:

- ▶ Landscaping and embellishment of road verges, including the provision of footpaths, paving, street trees, turfing and other planting.
- ▶ New kerb and gutter.
- ▶ Landscaping and embellishment of traffic islands and roundabouts.
- ▶ Street furniture, such as decorative street lighting, seating, bollards, bins.

The specifications for the proposed works are contained in the Wollli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

The proposed streetscape works in the Urban Renewal Area have the following main purposes:

- ▶ To provide reasonable landscaping to the frontage of new development.
- ▶ To upgrade and widen footpaths to allow for the greater population.
- ▶ To mitigate the impact of increased traffic.
- ▶ To provide streets and public domain of a standard that is suitable as an additional recreation resource for the additional population.

The anticipated Urban Renewal Area development should be accountable for the full cost of delivering the new street environments because the works are needed to provide extra capacity for the additional population and to mitigate the impact of the new development and the significantly increased population in the area.

Both residential and non-residential development in the town center should be levied contributions for these facilities on the basis that both residents and workers will demand the facilities.

**NEXUS AND APPORTIONMENT**

The need for all of the access infrastructure is generated by the expected development in the Urban Renewal Area. The contribution rates are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Despite this, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is subject to contributions calculated under CP 2004. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

Land required for the new and widened roads will be dedicated free of cost to the Council by the developer of land at the time of development. Dedication without cost is reasonable as the value of the land has been accounted for in the transfer of development rights from the dedicated portion of the site to the residual or development portion of the site.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per-resident or per-worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand. The predecessor plan adopted a complicated rates calculation for non-residential development based on trip generation benchmarks published by the RMS. This plan does not continue this approach on the grounds that:

- ▶ The anticipated amounts and varieties of non-residential floor space and workers are much lower than when the area was initially planned; and
- ▶ Vehicle trips as an apportionment method does not adequately address the multi-function purpose of the street network for pedestrians and cyclists as well as cars.

**CONTRIBUTION RATES CALCULATION**

Table 6 below summarises the roads, traffic, parking and streetscape infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found in Appendices A and B.

	COST	CONTRIBUTION PER WORKER	CONTRIBUTION PER RESIDENT
Land acquisition	\$32,645,387	\$651.53	\$1,954.58
Construction	\$42,160,874	\$841.43	\$2,524.30
<b>TOTAL</b>	<b>\$74,806,261</b>	<b>\$1,492.96</b>	<b>\$4,478.88</b>

**Table 6**  
Summary of roads, traffic, parking and streetscape infrastructure costs.  
Note: values adjusted in accordance IPART recommendations.

Contribution rates are calculated on the expected population in the area, both residents and workers. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents and workers that are expected will live and work in the Urban Renewal Area.

The contribution formula for roads, traffic, parking and streetscape infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left( \frac{\$INF}{PR+W} \right)$$

Where:

$\$INF$  = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the roads, traffic, parking and streetscape infrastructure items required to meet the development of the Urban Renewal Area (refer Table 6).

$PR+W$  = The expected total number of residents and workers that will generate the demand for the roads, traffic, parking and streetscape infrastructure (i.e. 18,736).



To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rates shown in Table 5.

### 3.2.2 Flood mitigation and stormwater drainage infrastructure

#### OBJECTIVES

The objectives for planning for flood mitigation and stormwater management in the Urban Renewal Area are:

- (a) Provide flood protection to the area which is appropriate to the scale, value and intensity of the development that is likely to occur.
- (b) Implement appropriate strategies to ensure safety and minimise damage to property as a result of a pre-existing flood risk.
- (c) Ensure no increase in flood level as a result of development in the Urban Renewal Area.
- (d) Ensure that development sites in the area are satisfactorily drained.
- (e) Implement water management strategies to minimise the effect of stormwater pollution on nearby waterways, encourage water conservation and reduce stormwater runoff to minimise flooding.

#### NEEDS ASSESSMENT AND INFRASTRUCTURE STRATEGY

The Urban Renewal Area is generally low-lying, with ground levels in the Wolli Creek precinct predominantly between RL 2.00 and 5.00 (Australian Height Datum). Most of the land in the Bonar Street precinct is on higher land that drains towards the Wolli Creek precinct. Flooding is known to occur in all parts of Wolli Creek and in much of the Bonar Street precinct. The majority of the Urban Renewal Area is located below the design flood level.

The low lying nature of the Urban Renewal Area was a key factor in its historic development as an industrial area. Such uses have tended to locate in low lying and flood affected areas because of long standing community expectations

that residential housing should not locate in these flood affected areas. This traditional settlement pattern was evident in many other parts of southern Sydney, including Mascot, Alexandria, Marrickville and Tempe.

The competition for land means that many of these areas are coming under pressure for conversion to housing. With that conversion there is a need to maintain the community's expectation that the areas where people live, and the safe evacuation routes, will be flood-free. Council's DCP requires buildings to be built to a design floor level which is the design flood level plus freeboard.

Flood mitigation work is essential if the Urban Renewal Area is to be redeveloped for residential, commercial or other non-industrial purposes. The rezoning of the area to permit such redevelopment depended on adequate flood management and flood protection of the development in the area in order to satisfy the requirements of planning directions issued by the Minister for Planning.

IPART has advised that Council must undertake further studies to identify the flood mitigation and drainage works required in the area from the SWSOOS downstream that will be required as a result of growth, before they can be included in this plan.

The Urban Renewal Area is served by a stormwater drainage system that suffers frequent overland flows and ponding of stormwater due to tidal influences. Redevelopment of the area is unlikely to result in a substantial increase in the volume of stormwater runoff generated. However, consistent with Council's policy, the intensity and value of development which is likely to occur in the area will require a higher standard of stormwater servicing to be implemented than presently exists, necessitating the implementation of an appropriate, reasonable and equitable funding mechanism to deliver the needed facilities. Section 7.11 contributions are the proposed mechanism.

Stormwater management in the Urban Renewal Area will be dealt with through providing increased trunk drainage facilities. Water quality management measures, such as gross pollutant traps, are also proposed to be constructed.

On-site detention is not encouraged in the Wolli Creek precinct as the land is located at the lower end of catchment and detaining storm water could exacerbate the risk of local flooding. Because of its higher level, on-site detention of water is to be implemented for development in the Bonar Street precinct.

The proposed infrastructure strategy includes the acquisition of land for facilities and the construction of facilities. This contributions plan continues the implementation of the predecessor contributions plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area and recommendations in the IPART review of 2017. This plan also integrates an updated infrastructure costs assessment.

**NEXUS AND APPORTIONMENT**

The contribution rates are calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

Despite this, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is the subject to contributions calculated under CP 2004. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per-resident or per-worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand.

**CONTRIBUTION RATES CALCULATION**

Table 7 below summarises the flood mitigation and stormwater drainage infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found at Appendices A and B.

	COST	CONTRIBUTION PER WORKER	CONTRIBUTION PER RESIDENT
Land acquisition	\$0	\$0	\$0
Construction	\$49,361,104	\$985.13	\$2,955.40
<b>TOTAL</b>	<b>\$49,361,104</b>	<b>\$985.13</b>	<b>\$2,955.40</b>

**Table 7**  
Summary of flood mitigation and stormwater drainage infrastructure costs and contributions.

Contribution rates are calculated on the expected population in the area, both residents and workers. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents and workers that are expected will live and work in the Urban Renewal Area.

The contribution formula for flood mitigation and stormwater drainage infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left( \frac{\$INF}{PR+W} \right)$$

Where:

**\$INF** = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the flood mitigation and stormwater drainage infrastructure items required to meet the development of the Urban Renewal Area (refer Table 7).

**PR+W** = The expected total number of residents and workers that will generate the demand for the flood mitigation and stormwater drainage infrastructure (i.e. 18,736).



To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

### 3.2.3 Social infrastructure

In this plan 'social infrastructure' includes all Local Infrastructure required to sustain the social life of, and community wellbeing in, the Urban Renewal Area. Social infrastructure includes open space and recreation facilities, and community facilities.

#### OBJECTIVES

The objectives for open space and recreation facilities in the Urban Renewal Area include the following:

- (a) Ensure that the nature and distribution of public spaces, buildings and facilities enhances the public domain and links key features and activities within Wollli Creek.
- (b) Enhance local pedestrian and cycle routes and link them with the regional networks, residential areas, work, shopping and recreation activities and public transport nodes.
- (c) Retain, manage and upgrade environmentally significant areas, including Wollli Creek Wetlands and the Cooks River.

The objectives for community facilities in the Urban Renewal Area include:

- (a) Continue Council's role in resourcing and supporting local community based groups commensurate with population growth.
- (b) Provide community facilities and deliver community services in response to community needs arising from growth in the resident and worker population.
- (c) Provide community facilities in locations of high demand and/or good accessibility.

## NEEDS ASSESSMENT AND INFRASTRUCTURE STRATEGY

### *Open space and recreation*

The anticipated open space demands for the Urban Renewal Area were assessed as part of the studies that informed the predecessor contributions plans. These studies included an Open Space Strategy prepared in 2001,<sup>6</sup> The open space requirements were refined and updated in the original and subsequent versions of the development control plan for the area, and detailed implementation documents were prepared including a public domain plan and technical manual.<sup>7</sup>

These analyses concluded that the supply of open space and recreation facilities that existed in the area before the redevelopment commenced would only satisfy the demands of the existing population at that time. There was no spare capacity to meet the additional needs of the expected population increase in the area. Additional or augmented facilities would be required if the additional needs of the incoming population were to be met without reducing the standard of facilities enjoyed by existing residents.

Council's approach to meeting future demands in the Urban Renewal Area is twofold:

- ▶ Acquisition of strategic land that contributes to the network of open space currently provided.
- ▶ Embellishment of the existing parkland and improvements to the existing public domain (including embellishment of the proposed open space land acquisitions).<sup>8</sup>

This balanced and practical approach remains valid.

6. Don Fox Planning, Rockdale Section 94 Contributions Plan: Open Space Strategy, prepared for Rockdale City Council (November 2001).

7. Rockdale Development Control Plan 2011; Jane Irwin Landscape Architecture, Wollli Creek and Bonar Street Precinct Public Domain Plan, prepared for Rockdale City Council 2011; Wollli Creek and Bonar Street Precinct (Public Domain Technical Manual 2011).

8. CP 2004, p69.

The proposed open space network for the area is described in section 7.1.6 of the DCP and in section 3.1.4 of the Public Domain Plan. The strategy includes new parks and enlarged existing parks as well as embellishments on existing and new open space. The specifications for the proposed works are contained in the Wolli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual.

Previous contributions plans identified a works schedule and costs apportionment that reflected the Open Space Strategy and that would meet the needs of the development that was then anticipated in the Urban Renewal Area. This plan continues the implementation of these plans, with some modifications to the scope of works that reflect the evolving development circumstances of the area. This plan also integrates an updated costs assessment.

#### **Community facilities**

Council provides and supports many community services and facilities. Existing facilities include community centres, meeting halls, senior citizens centres, child care centres and pre-schools, cultural centres, volunteer emergency services and libraries. The Urban Renewal Area will generate significantly more residents and workers who will demand similar services to those that are currently provided.

Council has previously identified that there is little capacity in the existing facilities that can cater for the increased demands that will occur as a result of the Urban Renewal Area development.<sup>9</sup>

All sectors of the community share the need for some type of cultural facility or community service at some time. Some types of community services are age specific (such as child care, youth centres or senior citizens centres) while others are generic and used by people of all ages (such as exhibition space and libraries).

Council seeks to provide community services that are able to provide for the demand of the whole population of all ages. Accordingly, the provision of multi-use facilities that are able to be adapted for use for a broad range of purposes will best address these demands. Council therefore sees the provision of multi-purpose floor space as a community service priority.

The predecessor contributions plans authorised contributions to be levied on Urban Renewal Area development for a range of purposes including a new

multi-purpose community facility, an occasional child care centre, new library buildings and library resources / bookstock. This plan will instead only levy for the costs of a new multi-purpose community centre, with the Urban Renewal Area's demands for other community facilities to be met from other funding sources.

Council plans to provide a centre of approximately 400 square metres to meet the new community's needs. This size would allow for kitchen and amenities as well as areas to be cordoned off so that multiple uses could operate.

With a planned resident and worker population in the Urban Renewal Area of more than 18,000, this equates to a rate of community facilities provision of 21.3 square metres per 1,000 population. This is well below the prevailing rate of provision of similar classes of community facilities floor space for the LGA as a whole, which is 87 square metres per 1,000 population.<sup>10</sup> The levying of the full cost of the facility on the Urban Renewal Area population is reasonable in that the development would not be required to provide any more community facilities, and in fact would provide a lesser quantum, than those currently enjoyed by the LGA population.

The facility will be provided by Council acquiring floor space in a yet-to-be-determined mixed use development located within the Urban Renewal Area. This approach is preferred as it enables the community center to integrate with the other non-residential uses in the area, and is less expensive than acquiring land and developing a stand-alone building. This contributions plan includes the cost of acquiring land in stratum. Acquisitions of stratum land is not specifically listed in the Essential Works List (EWL) in the DPE Practice Note. The inclusion of this item is not included, as recommended by IPART, subject to DPE clarifying whether stratum land is included in the definition of land in the Practice Note. It is recognised that the fit-out component of the facility would not meet the definition of essential infrastructure included in the IPART practice note.

9. Rockdale Contributions Plan 2004, p149 and p151.

10. In 2008 Rockdale Council provided 25,847 square metres of community services floor space; 9,439 square metres of which comprised halls, senior citizens centres and community centres. In 2014 the estimated resident population of the former Rockdale LGA was 108,072, meaning that there were 87 square metres of floor space for community centre-type floor space per every 1,000 residents.

**NEXUS AND APPORTIONMENT**

The need for most of the social infrastructure is generated by the expected development in the Urban Renewal Area. The contribution rates for most of the social infrastructure are therefore calculated on the assumption that the full cost of the infrastructure is shared among the expected development.

The exceptions are:

- ▶ Cahill Park land acquisitions and works.
- ▶ Cook Park embellishments.

Cahill Park, although located in the Urban Renewal Area, is a facility that attracts users from further afield. It is therefore appropriate that the costs of land acquisition and the embellishments at Cahill Park be met by the anticipated population growth in the LGA between the commencement of the Urban Renewal Area development (2004) and 2031.

Cook Park is located along the Botany Bay foreshore and Council plans to augment these facilities to cater for the future population growth. The existing facilities at Cook Park are enjoyed by residents from further afield as it provides a safe beach environment. It is anticipated that the population of the Urban Renewal Area will demand the additional Cook Park facilities as much as the populations that will occupy other recent and future developments in the LGA. It is therefore appropriate that the costs of the embellishments at Cook Park be met by the anticipated population growth in the LGA between the commencement of the Urban Renewal Area development (2004) and 2031.

For the other social infrastructure items the demand for which is fully apportioned to Urban Renewal Area development, the expected contributions will not fund the full cost of the infrastructure. This is because the estimated cost of the infrastructure has increased significantly since the predecessor contributions plan was prepared. In excess of 60 percent of the expected development in the Urban Renewal Area is subject to contributions calculated under the predecessor plan. As a result, Urban Renewal Area development contributions will be insufficient to meet the cost of Urban Renewal Area infrastructure. Council will therefore find other sources to fund the contributions shortfall.

The costs will be shared between the expected resident and worker population. Contributions will be levied on a per-resident or per-worker basis. The resident demand for the infrastructure is assumed to be the same as the worker demand.

**CONTRIBUTION RATES CALCULATION**

Table 8 below summarises the social infrastructure costs and contributions. A detailed breakdown of these costs and maps showing the locations of these facilities can be found at Appendices A and B.

	COST	CONTRIBUTION PER WORKER	CONTRIBUTION PER RESIDENT
Land acquisition	\$74,801,149	\$1,492.86	\$4,478.57
Construction	\$15,337,680	\$306.10	\$918.31
<b>TOTAL</b>	<b>\$90,138,829</b>	<b>\$1,798.96</b>	<b>\$5,396.89</b>

**Table 8**  
Summary of social infrastructure costs and contributions.

Contribution rates are calculated on the expected resident population in the area. This involves dividing the total costs of land acquisition and capital works by the projected total number of residents that are expected will live in the Urban Renewal Area.

The contribution formula for social infrastructure can be expressed as:

$$\text{Contribution per resident or worker (\$)} = \sum \left( \frac{\$INF}{PR+W} \right)$$

Where:

**\$INF** = The estimated cost, or if the facility has been completed, the indexed actual cost, of providing each of the social infrastructure items required to meet the development of the Urban Renewal Area (refer Table 8).

**PR+W** = The expected total number of residents and workers that will generate the demand for the social infrastructure (i.e. 18,736).





To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

### 3.2.4 Plan administration

#### OBJECTIVES

The development contributions scheme for the Urban Renewal Area commenced in the early 2000s. It is anticipated that the full development of the Urban Renewal Area will not occur for at least another 15 years. There will be a need to monitor and update the assumptions underpinning this plan so that the contribution rates remain reasonable.

#### STRATEGY

Council has used its resources to draft this contributions plan (including the various strategies prepared under predecessor plans which have been incorporated in this plan). The research that has been undertaken to formulate this plan relates to the future demands of future growth in the Urban Renewal Area. It is reasonable for the costs associated with drafting of the plan to be recouped through contributions.

The costs that Council has incurred in this regard include the following:

- ▶ Preparation of this plan, including the review and amendment of the provisions of the predecessor plans which have been incorporated in this plan.
- ▶ The commissioning of external technical advice, costings and land valuations used to prepare the works schedule in this plan.

Additionally, Council is required to manage, monitor and maintain the contributions plan. The effective coordination and administration of the plan will involve many tasks, some of which include:

- ▶ Administering the plan generally and ensure that the contributions are used to provide the public facilities for which they were intended and in a manner and time dictated by new development.
- ▶ Monitoring the receipt and authorise the expenditure of contributions in respective accounts and the recoupment of the costs of facilities already provided.
- ▶ Assessing the merit of land proposed by developers to be dedicated to the Council.
- ▶ Monitoring the dedication and development of land contributions.
- ▶ Recommending to Council the appropriate management and expenditure of funds in accordance with the adopted works schedules.
- ▶ Recommending to Council the appropriate interim use of dedicated land, the acquisition of appropriate land for the identified public purpose or the re-use of existing Council facilities (including land) for an alternative public purpose under the terms of the contributions plan.
- ▶ Monitoring and programming works identified in the works schedules.
- ▶ Regularly reviewing the works schedules in accordance with levels of contributions received and expended and seek Council's adoption of updated schedules.
- ▶ Regularly reviewing the contribution rates in accordance with construction costs, land costs, levels of demand, population and demographic changes and recommend to Council amendments where necessary.
- ▶ Determining the appropriate time for provision of public facilities having regard to the works schedule, the availability of funds, demand generated by development, the time funds have been held, expected additional funds, alternative and supplementary funding sources and maintenance implications.

- ▶ Monitoring the implications arising from development including the demands created for additional facilities for which contributions are not currently sought, the needs of specific one-off developments, the costs of development and land acquisition, the extent and type of development and the effect of this on the works schedules .
- ▶ Advising Council of appropriate management, expenditure and policy implications regarding development contributions including those arising from legal decisions and State government policy making.
- ▶ Determining the extent and implications of recurrent costs and assess the implications to Council in providing for these.
- ▶ Assessing whether a credit or reassessment of the contribution may be appropriate and how that may be determined.
- ▶ Reviewing and determining the suitability of proposed works in kind and material public benefits in accordance with the objectives, key principles and works schedules of this plan.
- ▶ Preparing and making available the accountability information required by the EP&A Regulation.
- ▶ Providing advice to applicants and the general public regarding the operation of the plan.

Consultant studies are also commissioned by Council from time to time in order to determine the value of land to be acquired, the design and cost of works, as well as to review the development and demand assumptions of the contributions plan. Council is also required to engage the services of legal professionals from time to time to assist in the administration of this plan.

**NEXUS, APPORTIONMENT AND CONTRIBUTION RATES CALCULATION**

As plan administration costs arise directly as a result of the development in the Urban Renewal Area, it is reasonable that the costs associated with preparing and administering this plan be recouped through contributions from development in that area. Costs associated with the ongoing administration and management of the contributions plan will be levied on all applications that are required to make a contribution under this plan.

Costs included in this plan for these purposes are determined based on the Independent Pricing and Regulatory Tribunal (IPART) benchmark of an allowance equivalent to 1.5% of the cost of construction works identified in this plan.<sup>11</sup>

	COST	CONTRIBUTION PER WORKER	CONTRIBUTION PER RESIDENT
Plan administration costs (1.5% of the total works schedule cost that is apportioned to development in the plan - IPART benchmark)	\$2,235,308	\$44.61	\$133.83

**Table 9**  
Summary of plan administration costs and contributions.

To determine the total contribution that would apply to a proposed development, multiply the contribution rate by the proposed net additional residents and workers in the proposed development.

To determine the contribution rate per dwelling, multiply the contribution rate by the relevant assumed occupancy rate shown in Table 5.

<sup>11</sup> Independent Pricing and Regulatory Tribunal of New South Wales (2014), Local Infrastructure Benchmark Costs, page 63.





### 3.3 Infrastructure costs

Table 10 shows the cost components of Local Infrastructure that have been included and that have been excluded, for the purposes of calculating contribution rates in this plan.

INCLUDED COMPONENTS	EXCLUDED COMPONENTS
<p>The capital cost of the Local Infrastructure, based on comparable projects and accepted industry rates or costings provided by a qualified estimator.</p> <p>Current land values provided by Council or independent valuers.</p> <p>Items on the Essential Works List in DPE Practice Note.</p>	<p>The costs associated with any proposed Local Infrastructure (capital and land costs) that are intended to serve the existing population, to make up for any existing deficiency of provision or to satisfy an existing demand in the community.</p> <p>Any assured grants, subsidies or funding from other sources which may be payable in respect of any nominated Local Infrastructure item.</p> <p>Any recoverable funding that has been provided for Local Infrastructure that may have otherwise been provided under section 7.11.</p> <p>Any Local Infrastructure that may be required by the population but which another organisation or government agency is responsible for providing.</p> <p>Maintenance and recurrent expenses for the continued operation of the provided Local Infrastructure.</p> <p>Fit out of Community Facility.</p> <p>Items for public amenity improvement only.</p>

**Table 10**  
Infrastructure costs components used for calculation of rates.

## 4 How and when will contributions be imposed on developments?

### 4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a Complying Development Certificate (CDC), and subject to other provisions of this plan, to impose a condition requiring a contribution under section 7.11 of the EP&A Act on that approval for:

- ▶ The provision, extension or augmentation of Local Infrastructure to be provided by Council; and/or
- ▶ The recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Accredited certifiers should also refer to Section 4.6 of this plan as to their obligations in assessing and determining applications.

### 4.2 Land contributions

This plan authorises the Consent Authority, other than an accredited certifier,<sup>12</sup> when granting consent to an application to carry out development to which this plan applies, to impose a condition under section 7.11(1) of the EP&A Act requiring the dedication of land free of cost to Council for the provision, extension or augmentation of Local Infrastructure to be provided by Council.

Wherever land required under this plan is situated within a development site, the Consent Authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

<sup>12</sup> Note: the EP&A Act does not allow an accredited certifier other than a Council to impose a condition requiring the dedication of land free of cost.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan. Council may at its discretion offset the value of the land against contributions for the same facility category. Only land ascribed a value under this plan shall be entitled to an offset, as explained in Section 4.3.

### 4.3 Infrastructure provision philosophy

Consent Authorities will facilitate the provision of Local Infrastructure by requiring developers to make monetary and / or land contributions via section 7.11, and also to directly undertake works on or near the development site.

Generally:

- ▶ If the infrastructure is listed in this plan's works schedule then that infrastructure will be provided using section 7.11 contributions collected from developers in the Urban Renewal Area.
- ▶ If the infrastructure land or works is not included in this plan then the developer shall provide that land or directly undertake those works at no cost to Council or other developers in the Urban Renewal Area.

Table 11 summarises the approach:

LOCAL INFRASTRUCTURE TYPE	DELIVERY MECHANISM
Land for new roads Land for widening of existing roads Land for flood mitigation and stormwater facilities Land for social infrastructure	For land identified in the works schedule of this plan: - Council to acquire the land using section 7.11 contributions. - If contributions plan land is located on a development site, the developer may offer land to Council and receive a contribution offset up to the value of the land, or part thereof, identified in this plan.  For other land: - Section 7.11 condition - dedication free of cost to Council. - No contribution offset will be given as the value of land has been transferred to the developable portion of the site at the rezoning stage.
New roads construction Widening of existing roads On-street parking works Streetscape works Flood mitigation and stormwater works Social infrastructure works	For works identified in this plan: - Section 7.11 contribution condition and developers encouraged to carry out works in kind. - Contribution offset will be given for any works in kind up to the value of the works identified in this plan. If part of the works are undertaken then a portion of the value will be granted as an offset.  For other works: - Condition of consent requiring developer to carry out works. - No contribution offset given.

**Table 11**  
Infrastructure provision philosophy.

**4.4 Cap on section 7.11 contributions**

On 21 August 2012 the Minister for Planning issued a Direction to Council that caps section 7.11 contributions for residential development.

On 17 July 2017 The Minister for Planning issued an amended direction that raised the caps on s7.11 contributions where Council has an IPART reviewed plan.

The caps are:

RELEVANT PERIOD	MAXIMUM AMOUNT OF CONTRIBUTION
1 July 2019 to 30 June 2020	\$35,000 for each dwelling or residential lot
On and from 1 July 2020	An amount determined in accordance with the applicable contribution plan, if the contributions plan is an IPART reviewed contributions plan

This plan is consistent with the Minister’s Direction in that it authorises section 7.11 contributions on residential development not to exceed the cap.

Where the sum of the contributions for a particular development calculated under this plan and any other contributions plan adopted by the Council exceeds the cap that applies per residential lot or dwelling, the total amount included in the consent shall not exceed the cap.

**4.5 Contributions to only reflect net increase in infrastructure demands**

In order for contributions to be reasonable, the Consent Authority shall only impose a section 7.11 contribution on a development that reflects the net increase in the demand for Local Infrastructure included in this plan.

The net increase in infrastructure demand is calculated by subtracting the existing resident population of the development site from expected resident and worker population of the proposed development using the assumptions contained in Table 5 of this plan. Any existing resident population on a development site shall be assumed to have an infrastructure demand credit.

Note that no existing demand credit will be made for the workforce that existed on a site immediately prior to commencement of redevelopment in the Urban Renewal Area as the future workers of the area will be an entirely new workforce with different needs and requirements.

The existing population on a development site, if any, shall only be determined by the Council in accordance with the assumptions in this plan. Accredited certifiers shall seek Council’s written advice on the infrastructure demand credit, if any, applying to a Complying Development Certificate.

**4.6 Latest rates to be used**

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 7.11 contribution rates shown in Table 2 reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation and fluctuations in land values (see Section 6.3).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.



**4.7 Obligations of accredited certifiers**

**4.7.1 Complying development certificates**

This plan requires that, in relation to an application made to an accredited certifier for a CDC:

- ▶ The accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan.
- ▶ The amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section.
- ▶ The terms of the condition be in accordance with this section.

**PROCEDURE FOR DETERMINING THE CONTRIBUTION AMOUNT**

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11(6) of the EP&A Act such as that envisaged in Section 4.5 of this plan, or an exemption or part or the whole of the development under Section 2.5 of this plan, the accredited certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in Table 1 of this plan taking into account any exempt development specified in Section 2.5 and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with Section 6.3 to reflect the indexed cost of the provision of infrastructure.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed Local Infrastructure demand relating to existing development.

**TERMS OF A SECTION 7.11 CONDITION**

The terms of the condition required by this section are as follows:

Contribution

*The developer must make a monetary contribution to Bayside Council in the amount of \$ [insert amount] for the purposes of the Local Infrastructure identified in the Urban Renewal Area Contributions Plan 2019 (Wolli Creek and Bonar Street).*

<i>Roads, traffic, parking and streetscape infrastructure</i>	- Land	\$ [insert amount]
	- Works	\$ [insert amount]
<i>Flood mitigation and stormwater drainage infrastructure</i>	- Land	\$0
	- Works	\$ [insert amount]
<i>Social Infrastructure</i>	- Land	\$ [insert amount]
	- Works	\$ [insert amount]
<i>Plan administration</i>		\$ [insert amount]

*Note: The contribution payable will not be less than the contribution specified in this certificate. Time for payment*

*The contribution must be paid prior to any work authorised by this complying development certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.*

Works in kind agreement

*This condition does not need to be complied with to the extent specified in any planning agreement of works in kind agreement entered into between the developer and the Council.*

#### 4.7.2 Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the CDC or development consent.

The accredited certifier must ensure that the applicant pays contribution fees prior to any work authorised by the certificate commences (in accordance with section 167L of the E P & A Regulations). The applicant must provide a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council. Council cannot accept an Occupation Certificate without the payment of all fees. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

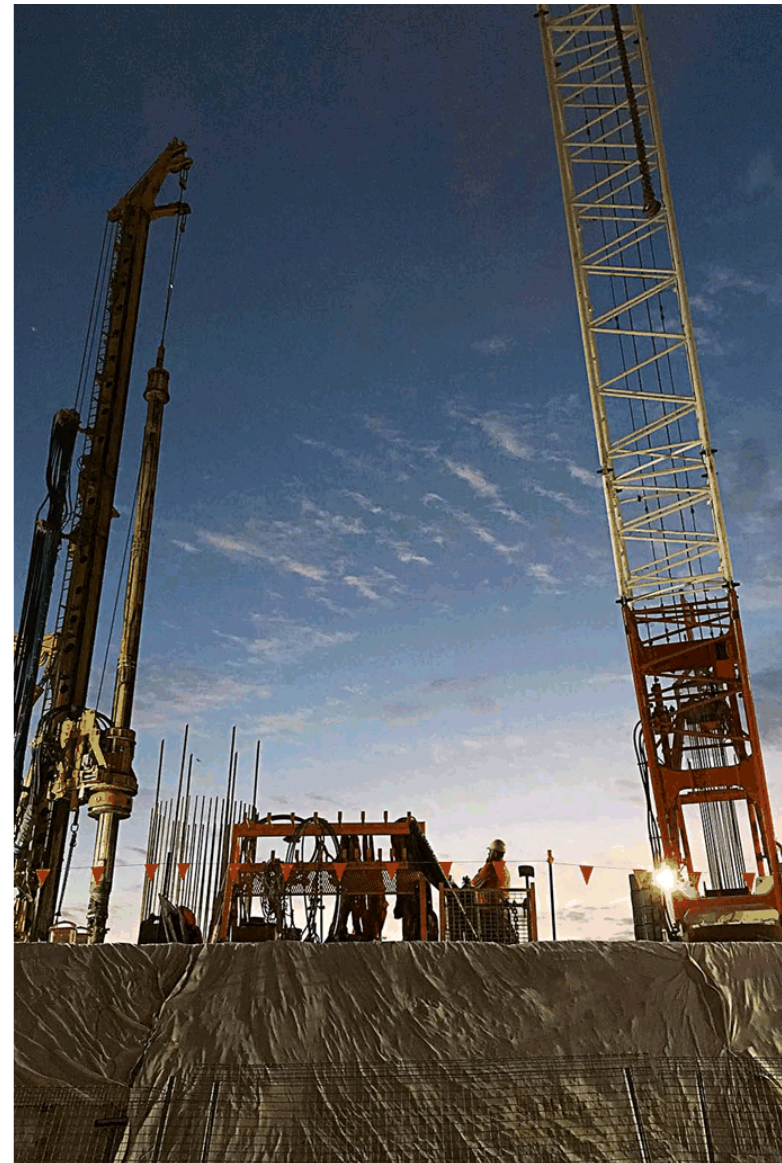
The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

#### 4.8 Variation to contributions authorised by this plan

The Council may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.



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## 5 How and when can a contribution requirement be settled?

### 5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- ▶ For development where no further approvals are required – before the development consent is issued.
- ▶ For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (line plan).
- ▶ For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works above the floor level of the ground floor.
- ▶ For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by section 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contributions amounts to be updated in accordance with the relevant indexes (see Section 6.3).

### 5.2 Process for deferred payments

Council may accept a written request for the deferred or periodic payment of a section 7.11 contribution if the applicant (including any other person entitled to act upon the relevant consent) satisfies Council that:

- ▶ Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case, or would cause the applicant undue hardship;
- ▶ Deferred or periodic payment will not prejudice the timing or the manner of the provision of the Local Infrastructure for which the contribution was required;
- ▶ There will be no prejudice to the community deriving benefit from the public amenity or service required by the proposed development; and
- ▶ There will be no prejudice to the operation of this contributions plan.

The decision to accept a deferred or periodic payment is at the sole discretion of Council.

Council may accept deferred or periodic settlements of contributions over a maximum period of 5 years from the date on which the contribution would otherwise be payable by way of equal six monthly instalments (plus interest and Council charges), or as otherwise agreed to by Council.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the amount of the contribution, or the outstanding balance, plus any interest or charges required by Council, on condition that:

- (a) The bank guarantee requires the bank to pay the guaranteed amount unconditionally to Council where it so demands in writing if the applicant has defaulted on the payment of the contribution, or any instalment of the contribution (including interest and Council charges), under the terms of their deferred or periodic payment agreement with Council.

- (b) The guarantee prohibits the bank from:
  - i. Having recourse to the applicant or other person entitled to act upon the consent; and
  - ii. Having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount.
- (c) The bank's obligation under the guarantee is discharged:
  - i. When payment is made to Council in accordance with the terms of the bank guarantee; or
  - ii. If the related consent lapses; or
  - iii. If Council otherwise notifies the bank in writing that the bank guarantee is no longer required.
- (d) The applicant pays to Council:
  - i. Interest on the contribution, or the outstanding balance, at the overdraft rate on and from the date when the contribution would have been otherwise payable; and
  - ii. An administration charge of 2% on the contribution, or the outstanding balance, at the end of each six monthly period, such payments to be made when each instalment of the contribution is due.

Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under section 88E of the Conveyancing Act 1919 to be registered on the title to the land to which the relevant application relates.

Where Council agrees to a request for deferred or periodic payment, the applicant will be required to lodge a section 4.55 application to modify the development consent to specify the new payment arrangements.

### 5.3 Can the contribution be settled by dedicating land or undertake works?

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 7.11 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- (a) The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.
- (b) If the developer has already received a development consent containing a condition requiring a section 7.11 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

#### 5.3.1 Offers and agreements generally

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land will be accepted by Council only under the following circumstances:

- ▶ Council will generally only accept offers of works or land that are items included in the schedule of Local Infrastructure in this plan;
- ▶ Council determines that the works in kind are, or the land to be dedicated is, appropriate; and

- ▶ The value of the works to be undertaken or the land to be dedicated is at least equal to the value of the contribution assessed in accordance with this plan, or where the value of the proposed works in kind or the land to be dedicated is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

In assessing the request, Council will take into account the following:

- ▶ Consistency with the detailed design of the facilities, as agreed to by Council.
- ▶ The proposed works or land dedication will not constrain the future provision of facilities identified in the works schedule, or conflict with what Council has prioritised.

Plans and cost estimates of the proposed works, or a valuation by a registered valuer of the land to be dedicated, are to be prepared and submitted by the applicant.

Should an offer of works in kind or land dedication be accepted, Council will establish with the applicant the following as relevant:

- ▶ An acceptable standard for workmanship and materials.
- ▶ Timing of inspection of works in progress.
- ▶ A program for completion of the works or dedication of the land.
- ▶ An appropriate defects liability period.

The decision to accept settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council.

### 5.3.2 Reimbursement of land and works values in excess of contribution requirements

Council will consider reimbursing an applicant who provides works in kind in excess of the monetary contribution payable by their development, under the following circumstances:

- ▶ The works in kind provided by the development are for a facility that is identified in this contributions plan and for which the development would have been required to pay a contribution.
- ▶ The amount of the reimbursement is limited to the value of the facility identified in the contributions plan, adjusted to reflect cost changes over time as allowed by this plan.
- ▶ The reimbursement will be drawn only from the monies available in the same contributions fund from which the facility would have normally been funded.
- ▶ Council is satisfied that sufficient monies would become available in that contributions fund to fully fund the facilities required to be provided under that fund.
- ▶ If Council has previously agreed to the applicant offsetting their works in kind against another contributions fund, any future contributions received would be used to fully reimburse these offsets in the first instance.

Where Council agrees to reimburse an applicant over a period of time they will be required to enter into a deed of agreement with Council to establish the arrangements under which the reimbursement will be made.

## 6 Other administration matters

### 6.1 Relationship of this plan to other contributions plans

This plan repeals CP 2004 to the extent that CP 2004 authorises the imposition of section 7.11 contributions on development in the Urban Renewal Area.

This plan however does not affect development consents containing requirements for developments to make contributions under a previous plan.

Contributions imposed on developments under CP 2004 and paid to Council will be applied to the specific Local Infrastructure described in that plan.

### 6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC submitted after the date on which this plan took effect.

A development application or application for a CDC that was submitted, but not yet determined, on or before the date on which this plan took effect, shall be assessed under the contributions plan or plans that applied at the date of submission of the application.

### 6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

#### 6.3.1 Contribution rates in this plan

Council will - without the necessity of preparing a new or amending contributions plan - make changes to the contribution rates set out in this plan to reflect movements in the value of land acquisition and works.

The Consumer Price Index (All Groups Index) for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for services and for land that has already been acquired by the Council in anticipation of development.

The Established House Price Index for Sydney, as published by the Australian Bureau of Statistics, will be used to update the contribution rates for land that is yet to be acquired by the Council.

The Producer Price Index (Roads and Bridges) as published by the Australian Bureau of Statistics, will be used to update the contribution rates for works.

#### 6.3.2 Contribution amounts in consents

A monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

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#### 6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the works schedule to this plan.

#### 6.5 Accountability and access to information

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- ▶ Particulars sufficient to identify each development consent for which contributions have been sought.
- ▶ Nature and extent of the contribution required by the relevant condition of consent.
- ▶ Name of the contributions plan under which the condition of consent was imposed.
- ▶ Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's Administration Office and may be inspected upon request.

#### 6.6 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in the applicable Environmental Planning Instrument or the EP&A Act, except as provided for below.

In this plan, the following words and phrases have the following meanings:

**CDC** Means complying development certificate.

**Consent Authority** Has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

**Council** Means Bayside Council.

**CP 2004** Means Rockdale Section 94 Contributions Plan 2004 (Incorporating Amendments 1-5). Effective 1 June 2004 and last amended by Council on 4 November 2010.

**EP&A Act** Means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** Means the Environmental Planning and Assessment Regulation 2000.

**LGA** Means Local Government Area.

**Local Infrastructure** Means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

**Urban Renewal Area** Means all of the land shown in Figure 1.

## Appendix A Infrastructure schedule summary

REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
<b>ROADS, TRAFFIC, PARKING AND STREETScape</b>					
<b>Land</b>					
WC 2.5.7	Pt 22 Guess Avenue, Wollie Creek	Acquire land for new link road (RT3)	CPI	\$2,632,472	Completed
WC 3.3.5	32 Levey Street, Wollie Creek	Acquire land for new link road (RT2)	CPI	\$76,474	Completed
WC 4.5.3	Pt 55-93 Princes Highway, Wollie Creek	Acquire land for new link road (RT1)	HI	\$21,126,129	Adjacent redevelopment
WC 4.5.4	Pt 34-38 Arncliffe Street, Wollie Creek	Acquire land for new link road (RT14)	HI	\$8,810,312	Adjacent redevelopment
<b>Total</b>				<b>\$32,645,387</b>	
<b>Works</b>					
BS 1.2.1	Block bounded by Bonar St, Wollongong Rd, Martin Ave and Booth St	Construct and landscape internal access roads (including pedestrian / cycle links through precinct to Bonar St, Wollongong Rd, Martin Av, community park)	PPI	\$2,028,935	Partially complete. Timing with adjacent redevelopment
BS 1.2.2	Block bounded by Bonar St, Wollongong Rd, Martin Ave and Booth St	Bidjigal Rd East	PPI	\$390,224	Completed
BS 1.3.1	Bonar St, Hirst St, Martin Ave and Wollongong Road	Widen existing streets / carriageways within and around precinct (Bonar Street, Hirst Street, Martin Avenue, Wollongong Road), including raised threshold, stormwater pipes and median in Bonar Street	PPI	\$2,390,862	Partially complete. Timing with adjacent redevelopment
BS 1.3.2	Wollongong Road and Bonar Street	Traffic / pedestrian management facilities on existing roads within and around precinct (roundabouts, traffic lights, intersection improvements and pedestrian islands, crossings, safety fence)	PPI	\$186,624	Ongoing
BS 1.3.3	Streets within and near the precinct	Provide / upgrade pedestrian / cycle links to Arncliffe and Turrella stations and to adjoining areas	PPI	\$307,109	Ongoing
BS 1.3.4	Loftus St, Hirst St and Wollongong Rd	Upgrade existing bus stops within precinct (lighting, seating, shelters)	PPI	\$162,936	Adjacent redevelopment
BS 1.3.6	Existing streets on the perimeter of the precinct opposite development sites	Streetscaping and on-street car parking management facilities on the opposite sides of streets to development sites	PPI	\$680,927	Partially complete. Timing with adjacent redevelopment
BS 1.3.7	Wollongong Rd/Bonar St	Ban right turn from Bonar St onto Wollongong Rd	PPI	\$334,132	Short term (next 3 years)

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REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
WB 1.1.1	Wolli Creek	Streetscape design and embellishment	PPI	\$7,868,075	Partially complete. Timing with adjacent redevelopment
WC 1.4.1	Lusty Street	Road improvements Lusty - turn bays at west and east ends	PPI	\$675,246	Adjacent redevelopment (west end in next 5 years)
WC 1.4.2	Bonar Street and Guess Avenue	Intersection improvements (RT20)	PPI	\$18,681	Timing with 30-32 Guess Ave development (next 2 years)
WC 1.4.3	SWSOOS aqueduct between Thompson and Lusty Streets	Underpass	PPI	\$46,384	Requires feasibility investigation in masterplanning of Thompson St Reserve
WC 2.4.1	Princes Highway to Arncliffe Street	New link road (RT1)	PPI	\$2,366,304	When land becomes available
WC 2.4.2	Princes Highway and Gertrude Street	Intersection improvements (RT1A)	PPI	\$1,839,182	When new road link in place (land dependent)
WC 2.4.3	Gertrude St (west extension) and Arncliffe St	Intersection improvements (RT1B)	PPI	\$261,163	When new road link in place (land dependent)
WC 2.4.4	Brodie Spark Drive between Magdalene Terrace and Princes Highway	Road widening (RT5)	CPI	\$1,938,787	Completed
WC 2.5.1	Arncliffe St, Guess Ave, My Olympus Bvd, Magdalene Trc	One-way circuit	PPI	\$3,910,287	Design completed (complete in next 2 years)
WC 2.5.10	Magdalene, Brodie Spark and Arncliffe St roundabout	Intersection improvements (RT12)	CPI	\$413,429	Completed
WC 2.5.2	Various locations within development area	Public transport improvements (PT1)	PPI	\$191,963	Ongoing
WC 2.5.3	Magdalene Terrace to Guess Avenue	New link road (Mt. Olympus Boulevard) (RT3)	CPI	\$1,921,673	Completed
WC 2.5.4	Bonar St, Thompson St	Install Roundabout	PPI	\$157,020	Short term (next 3 years)
WC 2.5.6	Guess Ave Underpass	Improve Pedestrian and Cycleway Facilities	PPI	\$286,448	Design completed (complete in next 2 years)

REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
WC 2.5.8	Magdalene Terrace, west of Arncliffe Street	Road widening and reconstruction (RT4)	CPI	\$1,602,306	Completed
WC 2.5.9	Princes Highway and Brodie Spark Drive	Intersection improvements (RT11)	CPI	\$2,360,373	Completed
WC 3.3.1	Levey St (opposite Gertrude St) to Marsh St	New link road (RT2)	PPI	\$1,556,106	Land available. Requires discussion with Transport Dept
WC 3.3.2	Gertrude Street (east extension) and Marsh Street	Intersection improvements (RT2A)	PPI	\$1,368,955	Land available. Requires discussion with Transport Dept
WC 3.3.4	Gertrude St (north side) between Princes Hwy and Levey St	Road widening (RT1C)	PPI	\$1,450,252	Land available. Can complete short term (next 3 years)
WC 4.3.1	Arncliffe Street between Magdalene Terrace and SWSOOS	Road widening (RT6)	PPI	\$1,408,102	Partially complete. Timing with adjacent redevelopment
WC 4.3.2	Wollongong Road at Illawarra Railway Line	Safety improvements to railway underpass (RT17A)	PPI	\$75,368	Short term (3 years)
WC 4.3.3	Arncliffe St South from Guess Ave to SWSOOS	Streetwidening and embellishment	PPI	\$1,469,616	Design completed (complete in next 2 years)
WC 4.3.4	Arncliffe St South from SWSOOS to Allen St	Streetwidening and embellishment	PPI	\$827,850	Adjacent redevelopment
WC 4.5.1	Princes Highway to new mid-block access road	new link road (RT14) Argyle to Bonnie Doon	PPI	\$1,351,109	Adjacent redevelopment
WC 4.5.2	Princes Highway, West Botany Street and future link road	Intersection improvements (RT13)	PPI	\$266,495	Subsequent to creation of Gertrude St west extension
WC 1.2.2	Lusty St Reserve	Cycle connection over SWSOOS to Thompson St	PPI	\$47,951	In conjunction with Thompson St Reserve improvements
<b>Total</b>				<b>\$42,160,874</b>	

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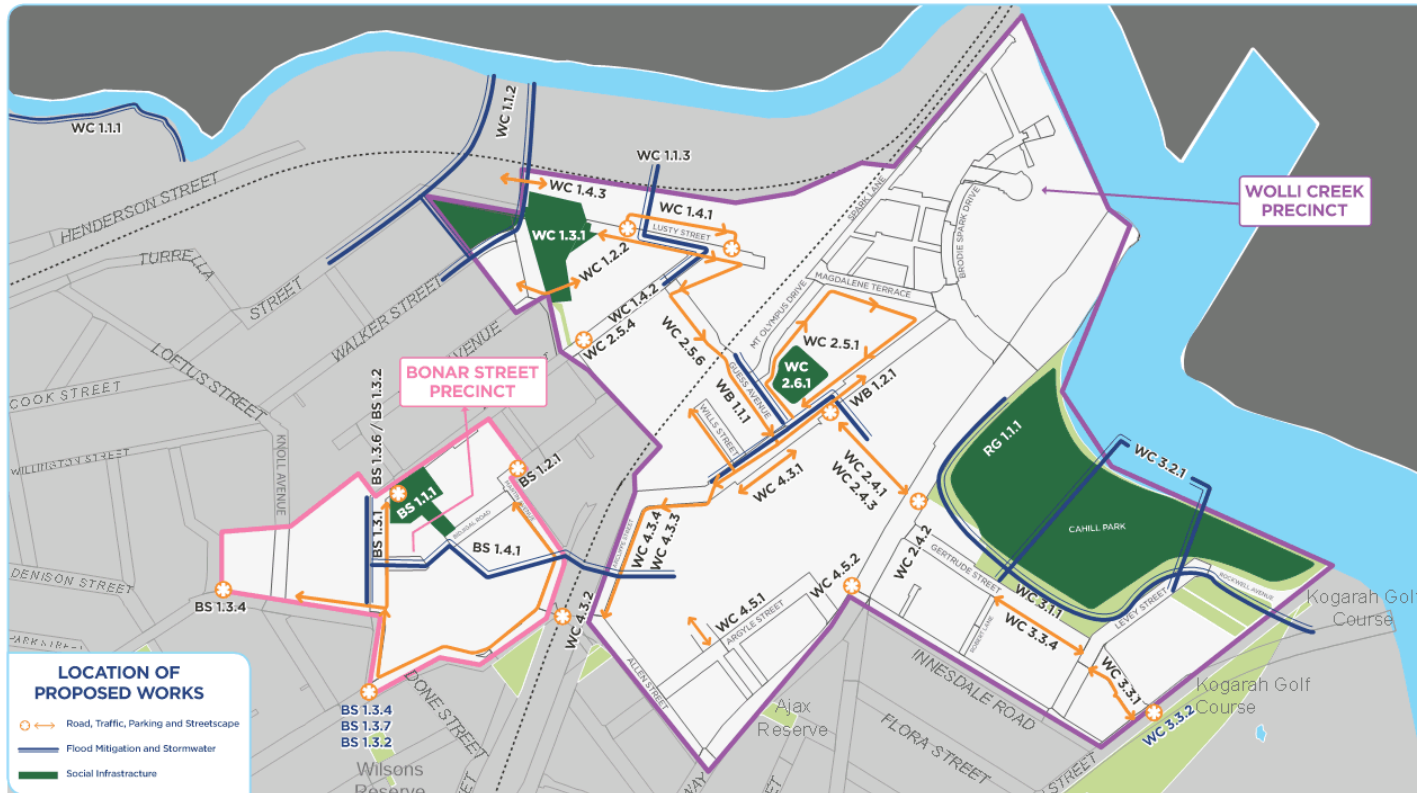
REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
<b>FLOOD MITIGATION AND STORMWATER MANAGEMENT</b>					
<b>Land</b>					
Nil acquisitions for flood or stormwater					
<b>Works</b>					
BS 1.4.1	Bonar Street to SWSOOS	Trunk stormwater / floodwater improvements from Bonar St to the SWSOOS	PPI	\$31,957,475	Adjacent redevelopment of stormwater network and priorities as determined in review of Floodplain Risk Management Plan
BS 1.4.2	Bonar Street to SWSOOS	Trunk drainage within 9-11 Wollongong Rd Arncliffe	CPI	\$1,209,029	Completed
WB 1.2.1	All drainage systems in Wolli Creek	Provide water quality improvements (FS13)	PPI	\$623,633	Short term (3 years)
WC 1.1.1	East Hills Railway embankment at Henderson St	Construct levee to prevent overflow from Wolli Creek (FS1)	PPI	\$2,201,984	Consider as part of review of Floodplain Risk Management Plan
WC 1.1.2	Walker St / Thompson St	Provide drainage system to area (FS3)	PPI	\$4,100,319	In conjunction with Thompson St Reserve improvements
WC 1.1.3	Wolli Creek Precinct 1	Provide drainage system for precinct (FS4) Lusty St	PPI	\$4,564,391	Partially completed (WC1.1.6), consider as part of review of Floodplain Risk Management Plan
WC 1.1.6	Wolli Creek Precinct 1	(FS4) – Stage 1 Completed	CPI	\$1,931,118	Completed
WC 3.1.1	Cahill Park	Construct levee around perimeter of park (FS7)	PPI	\$1,204,031	Consider as part of review of Floodplain Risk Management Plan
WC 3.2.1	Wolli Creek Precinct 3	Provide enhanced stormwater drainage for precinct (FS14)	PPI	\$1,569,124	Prioritised in accordance with revised Floodplain Risk Management Plan
<b>Total</b>				<b>\$49,361,104</b>	

REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
<b>SOCIAL INFRASTRUCTURE</b>					
<b>Land</b>					
BS 1.1.3	47 Bonar Street, Arncliffe	Acquire for Bonar Street community park	HI	\$5,210,689	Underway
BS 1.1.4	49 Bonar Street, Arncliffe	Acquire for Bonar Street community park	HI	\$4,419,968	Underway
BS 1.1.5	Residue 47-49 Bonar Street (sale), Arncliffe	Acquire for Bonar Street community park	HI	-	Underway
WC 1.1.5	Pt 25 Lusty Street, Wolli Creek	Acquire land for park	HI	\$9,805,251	When land becomes available
WC 1.3.2	56 Walker Street, Turrella	Acquire to enhance Ray Oxford Reserve	HI	\$4,695,936	When land becomes available
WC 2.6.2	2 Guess Avenue (Lot 101, DP 808944)	Acquire for Wolli Creek town park	HI	\$25,220,798	When land becomes available
WC 2.6.3	16 Guess Avenue (Lot 102, DP 808944)	Acquire for Wolli Creek town park	HI	\$21,536,351	When land becomes available
RG 1.2.1	12-16 Gertrude Street, Wolli Creek	Acquire for Cahill Park	CPI	\$2,916,578	Completed
RG 1.2.2	18 Gertrude Street, Wolli Creek	Acquire for Cahill Park	CPI	\$995,578	Completed
<b>Total</b>				<b>\$74,801,149</b>	
<b>Works</b>					
BS 1.1.1	Bonar Street community park	Park embellishment	PPI	\$816,985	After dedication of land
WC 1.3.1	Ray Oxford Reserve (incl. Thompson St & Walker Reserves)	Park embellishment	PPI	\$664,018	Land acquisition
WC 2.2.2	Multi-purpose community centre - Location TBD	Fit Out	PPI	\$3,174,208	Dependent on determination of suitable land/space
WC 2.6.1	Wolli Creek Town Park	Park embellishment	PPI	\$4,881,325	Land acquisition
RG 1.1.1	Cahill Park	Park embellishment	PPI	\$5,368,704	Underway
RG 1.2.2	Cook Park, Botany Bay foreshore	Park embellishment	PPI	\$432,440	Complete
<b>Total</b>				<b>\$15,337,680</b>	

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REF	PROPERTY DESCRIPTION	PROJECT	INDEXATION METHOD	2019 VALUE	STATUS / TRIGGER (2019)
<b>PLAN MANAGEMENT AND ADMINISTRATION</b>					
BS 9.1.1	Urban Renewal Precinct	Plan preparation and administration	-	\$2,235,308	Ongoing

# Appendix B Infrastructure location maps



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BS1.4.1 – TRUNK STORMWATER/FLOODWATER IMPROVEMENTS FROM BONAR STREET TO THE SWSOOS

# Appendix C List of supporting information

## List of Supporting Documents

### Roads, traffic, parking and streetscape

- ▶ Wollli Creek Traffic and Transport Study 2013, Bitzios Consulting
- ▶ Wollli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual

### Flood mitigation and stormwater management

- ▶ Bonnie Doon Pipe & Overland 2D Flood Study, December 2011, WMA Water
- ▶ Bonar Street Upgrade Drainage Design (DRAFT); NA89913059 - 001/Report 001 Ver 1, September 2013, Cardno
- ▶ Bonar Street Bonar Street Upgrade Project - Design Options Assessment; NA89913059 - 001/Report 002 Ver 3, February 2014, Cardno
- ▶ Bonar Street Development Precinct Drainage Study February 2014, Jamie Milner
- ▶ Peer review of the TUFLOW modelling for the Bonar Street Upgrade Project (BSUP) at Bonar and Bidjigal Road, Arncliffe; April 2014, BMT WBM Pty Ltd

### Social infrastructure

- ▶ Wollli Creek and Bonar Street Precinct Public Domain Plan and Technical Manual

### Demographics

- ▶ id - the population experts (profile and forecast data) accessed at <https://profile.id.com.au/baysidensw>

### Other

- ▶ Rockdale Section 94 Contributions Plan 2004 (Incorporating Amendments 1-5)
- ▶ Rockdale Development Control Plan 2011
- ▶ Independent Pricing and Regulatory Tribunal of New South Wales (2014), Local Infrastructure Benchmark Costs
- ▶ Ministerial direction regarding caps on contribution plans:  
<https://www.planning.nsw.gov.au/-/media/Files/DPE/Directions/94e-direction-signed-by-minister-2017-07-17.pdf?la=en>

### IPART Review

- ▶ <https://www.ipart.nsw.gov.au/Home/Industries/Local-Government/Local-Infrastructure-Contributions-Plans/Current-and-completed-assessment-of-plans>

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## Council Meeting

11/09/2019

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Item No	8.2
Subject	<b>Draft Planning Proposal - 2 and 4 Guess Avenue, Wolli Creek</b>
Report by	Michael McCabe, Director City Futures
File	F18/24

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## Summary

On the 13<sup>th</sup> December 2017, Council resolved that it no longer requires No's 2 (Lot 101 DP 808944) and 4 (Lot 102 DP 808944) Guess Avenue, Wolli Creek for a public purpose.

Accordingly, Council engaged an independent Planning Consultant, File Planning and Development Pty Ltd (FPD), to prepare a Planning Proposal to amend the Land Reservation Acquisition Map and determine appropriate zoning and development controls for the site. Technical studies have also been completed to inform the draft Planning Proposal.

An analysis of open space provision in the catchment area has identified that a component of open space should be provided on the site to implement Action 67(b) of the Eastern City District Plan which states that Councils and other relevant authorities are responsible for:

*67. Maximising the use of existing open space and protect, enhance and expand public open space by:*

*b) Investigating opportunities to provide new open space so that all residential areas are within 400m of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space.*

The provision of an area of 4,000 sqm is preferable to facilitate a range of recreational activities within the space, to serve Wolli Creek.

The original submitted draft Planning Proposal recommended that:

- an area of 4000sqm (being all of Lot 102 DP 808944 (3,577sqm), and a portion of Lot 101 DP 808944 (423sqm), be retained as RE1 – Public Recreation zone, for the purpose of public open space;
- the Land Reservation Acquisition Map Layer of the Rockdale LEP 2011 continue to apply over the entirety of Lot 102 DP 808944 to facilitate the acquisition of the site for the purpose of public open space;
- a site specific amendment to the Rockdale DCP 2011 be prepared post-Gateway Determination, requiring the identified portion of Lot 101 DP 808944 to be delivered as publicly accessible open space (through subdivision or land dedication) as part of future redevelopment of Lot 101 DP 808944; and
- the balance of Lot 101 DP 808944 be rezoned to the adjacent land use - B4 Mixed Use - and the following controls be applied to the portion of land to be zoned B4 Mixed Use:
  - Height of Building – 42 metres

- Floor Space Ratio – 3:1

The draft Planning Proposal would require Council to enter into negotiations with the owners of Lot 102 (Property NSW) to acquire all of Lot 101; and with the owners of Lot 101 (National Truck Spares) to acquire a 423sqm portion of Lot 101.

On the 15<sup>th</sup> August 2019, the Bayside Local Planning Panel (Panel) considered the draft Planning Proposal. The Panel has made recommendations about the draft Planning Proposal, which are contained later in this report, and in **Attachment 1**.

An addendum was provided to the Bayside Local Planning Panel, that identified the proposal is to include a 423sqm portion of land within Lot 101 on the proposed Land Reservation Acquisition Map (as per **Figure 1 & 2**). The intent of the draft Planning Proposal is not impacted by this more robust mechanism to achieve the same intent. However, it is important to note, as the original submitted draft Planning Proposal identified this portion of land as instead being secured through inclusion in a Development Control Plan. Inclusion in the Land Reservation Acquisition Map in the Rockdale Local Environmental Plan 2011 also means that this 423sqm portion of land would remain zoned RE1 Public Recreation, and the Height of Building map and Floor Space Ratio map (both currently not applicable to the site) would remain unchanged for this portion of land.

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## Officer Recommendation

- 1 That, pursuant to section 3.34 of the Environmental Planning & Assessment Act 1979 (EP&A Act), the draft Planning Proposal for land known as Lots 101 and Lot 102 in DP808944 be submitted to the Department of Planning, Industry & Environment (DPIE) for a Gateway Determination, incorporating the proposed amendments to the Rockdale Local Environmental Plan 2011 outlined in Figures 2-5 of this report.
- 2 That, should a Gateway Determination be issued by DPIE to permit exhibition of the Planning Proposal, a post-exhibition report be provided to the Bayside Local Planning Panel and Council, outlining any submissions received during the exhibition period.

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## Background

On the 13<sup>th</sup> December 2017, Council resolved that it no longer requires No's 2 and 4 Guess Avenue, Wollie Creek for a public purpose as follows (resolution number 2017/263):

1. *That Council endorse the prioritisation of option 2 as noted in the body of this report (Table 8)\*.*
2. *That Council is of the opinion that it no longer requires the properties for a public purpose.*
3. *That Council take steps to amend the zoning of the land and the land acquisition reservation map in the Rockdale LEP so that the relevant properties are no longer designated for acquisition for a public purpose. This would involve the preparation of a planning proposal to be provided to the Minister.*
4. *That Council acknowledge that staff continue to advance matters associated with the options outlined in the report with a further report to be submitted to Council in early 2018.*

5. *That the Mayor and General Manager be authorised to undertake any statutory obligations and priority actions arising from these matters.*

\* *The report containing Table 8 is a confidential document and cannot be reproduced in this report. In summary, option 2 in Table 8, recommended the potential to consider a Planning Proposal to amend the zoning of the site.*

Accordingly, Council engaged an independent Planning Consultant, File Planning and Development Pty Ltd (FPD), to prepare a Planning Proposal to amend the Land Reservation Acquisition Map and determine appropriate zoning and development controls for the site. FPD engaged a number of technical consultants to prepare the necessary technical studies to inform the draft Planning Proposal.

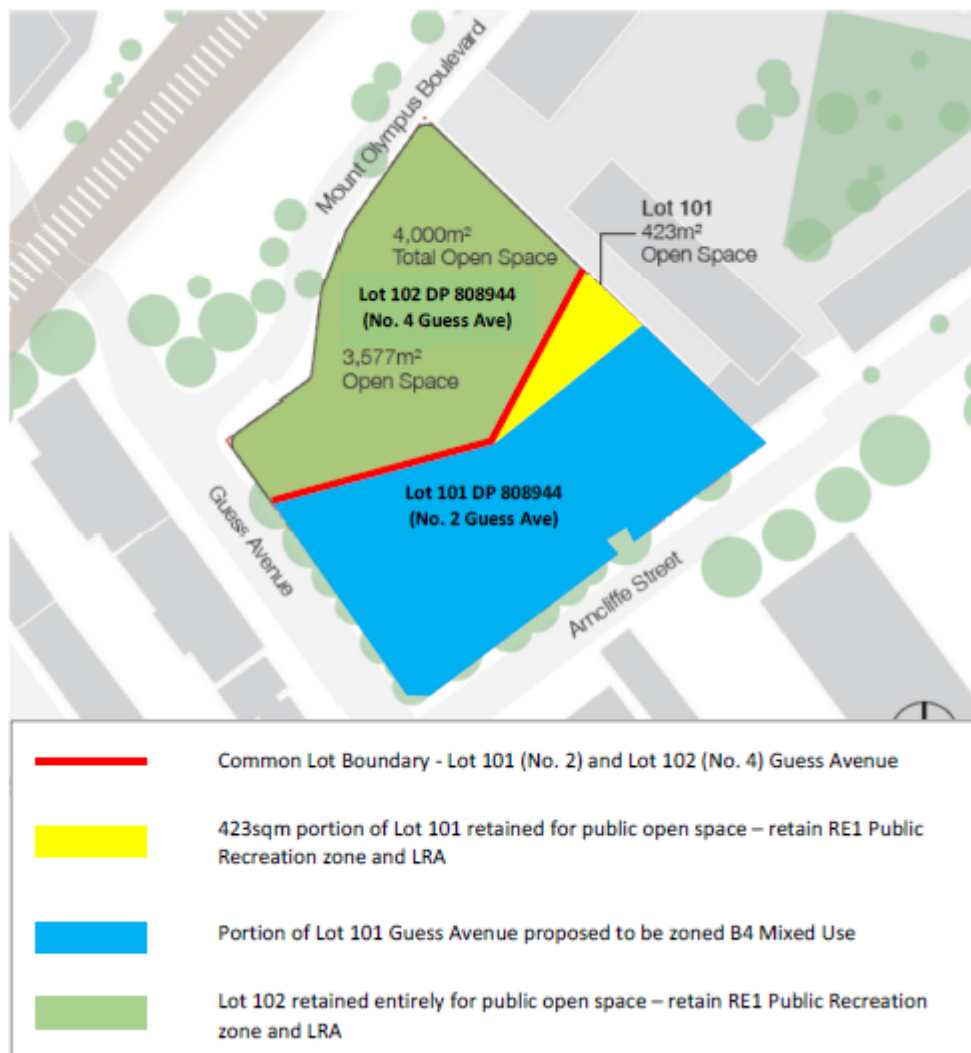
FPD prepared the draft Planning Proposal (**Attachment 2**) in accordance with the Department of Planning, Industry and Environment's publication '*Planning Proposals – A Guide to Preparing Planning Proposals*'. FPD also prepared a report for the Bayside Local Planning Panel (**Attachment 3**). The recommendations of the Bayside Local Planning Panel are included later in this report.

FPD prepared an independent assessment of the options for the site, and project managed other specialist consultants in the areas of:

- Urban design – SJB Architects
- Open space – SGS Economics and Planning
- Flooding and stormwater - Northrop
- Traffic - Bitzios
- Aeronautical – Landrum and Brown
- Contamination - Senversa
- Commercial and Retail Demand Assessment– Hill PDA

The draft Planning Proposal recommends that the site provides for public open space at the subject site, over the northern portion of the site (Lot 102) which comprises 3,577sqm of the site. This recommendation is based on consideration of open space demand to service existing and planned development within the Wolli Creek area. The assessment of open space needs has been informed by an open space study prepared by SGS Economics and Planning in accordance with the Government Architect's draft Guidelines, *Greener Places; Greener Places Urban Tree Canopy Guidelines*; and *Greener Places Open Space Recreation Guide*. SGS concluded that a component of open space should be provided on the site to meet the Government Architect draft Guideline criteria of proximity to public open space (200m walking distance), and that an area of 4,000 sqm would be preferable to achieve a diversity of recreational activities within the space to serve Wolli Creek.

The proposed open space comprises all of Lot 102 (3,577sqm) and a portion of Lot 101 (423sqm), to provide a consolidated area of open space (refer **Figure 1**).

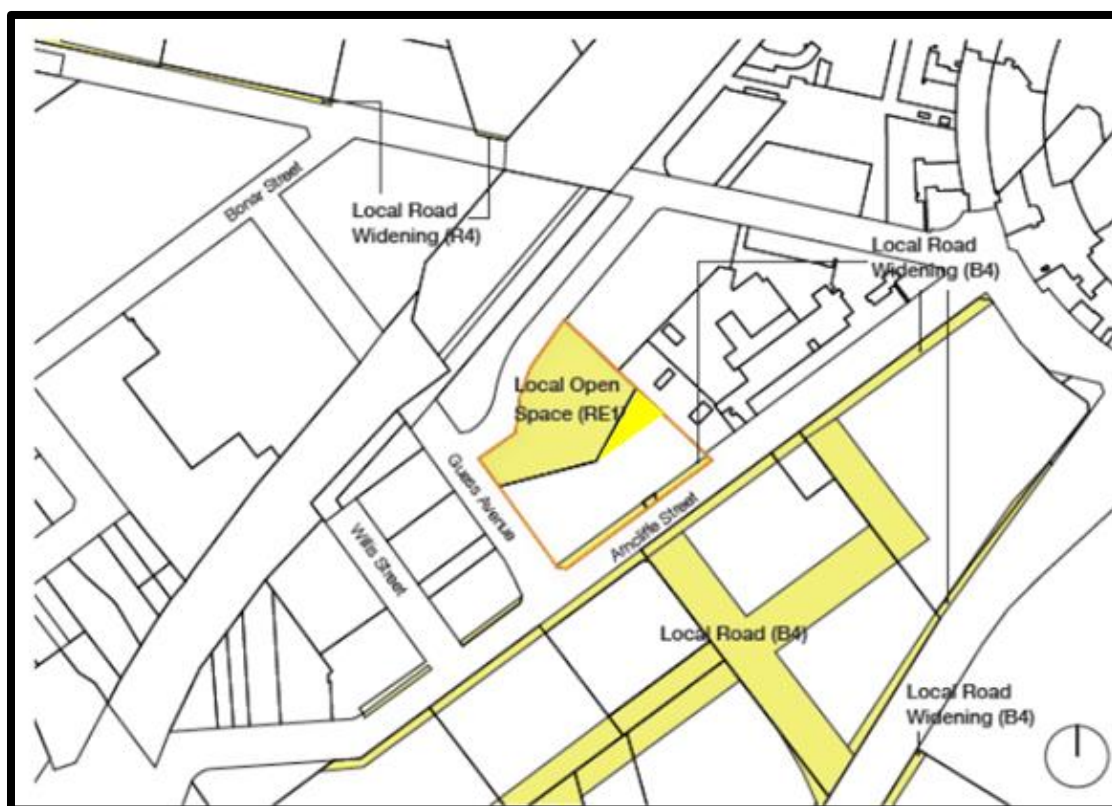


**Figure 1:** Intended zoning and land reservation outcome

The original submitted draft Planning Proposal recommended that a site specific amendment to the Rockdale DCP 2011 be prepared post-Gateway, requiring this portion of Lot 101 be delivered as publicly accessible open space as part of a future redevelopment of Lot 101. However, the draft Planning Proposal would still need to be amended to identify the retention of a 423sqm portion of Lot 101 (as illustrated in **Figure 1**) on the Land Reservation Acquisition Map for the site, if a site specific DCP amendment were to be pursued as a supplementary mechanism to the LEP for achieving the intended delivery of land to be utilised for public open space.

An addendum was provided to the Bayside Local Planning Panel, that identified the proposal is to include a 423sqm portion of land within Lot 101 on the proposed Land Reservation Acquisition Map (as per **Figures 1 & 2**). The intent of the draft Planning Proposal is not impacted by this more robust mechanism to achieve the same intent. However, it is important to note, as the original submitted draft Planning Proposal identified this portion of land as instead being secured through inclusion in a Development Control Plan. Inclusion in the Land Reservation Acquisition Map in the Rockdale Local Environmental Plan 2011 also means that this 423sqm portion of land would remain zoned RE1 Public Recreation, and the Height of Building map and Floor Space Ratio map (both currently not applicable to the site) would remain unchanged for this portion of land.

The draft Planning Proposal also recommends that the Land Reservation Acquisition Map of the Rockdale LEP 2011 continues to apply over the entirety of Lot 102, as illustrated in **Figure 2**.



**Figure 2: Proposed Land Reservation Acquisition Map**

The draft Planning Proposal is supported by an Urban Design Report and Commercial and Retail Demand Assessment which demonstrates that Lot 101 could potentiate the following indicative development scheme, if Lot 101 is rezoned to B4 Mixed Use Zone (except for the 423sqm of land identified in **Figure 1**):

- two separate buildings of 12 and 6 storeys;
- 144 apartments (12,220sqm of residential floor space);
- 115sqm of commercial floor space to accommodate a retail/ café tenancy on the ground floor of the 12 storey building overlooking the park; and
- 99 car parking spaces across two basement levels.

The Urban Design Report (refer **Attachment 2**) includes, but is not limited to, an analysis of:

- Site and urban context;
- Built form massing;
- Solar access and overshadowing;
- Design principles;

- Open space testing;
- Indicative building footprints;
- Landscape sections; and
- Access and movement.

To facilitate the delivery of 4,000sqm of public open space in this location, the draft Planning Proposal will need to be amended to include a requirement to provide at least 423sqm of Lot 101 as publicly accessible open space proposed to be connected to the open space recommended for Lot 102. The Wollie Creek Special Precinct within the Rockdale DCP 2011 would continue to apply, except where varied by any site specific controls.

In response to the Bayside Local Planning Panel's recommendations, and the further work undertaken to respond to those recommendations, the draft Planning Proposal is now proposed to incorporate the following amendments to the Rockdale LEP 2011:

- Removing the Land Reservation Acquisition Map applying to Lot 101, except for 423sqm of land (identified in **Figures 1 & 2**);
- Rezone Lot 101 (except the identified 423sqm) to B4 Mixed Use (see **Figure 3**);
- Apply a maximum height of buildings of 42 metres to Lot 101 (except the identified 423sqm - see **Figure 4**); and
- Apply a maximum floor space ratio of 3:1 to Lot 101 (except the identified 423sqm - see **Figure 5**).

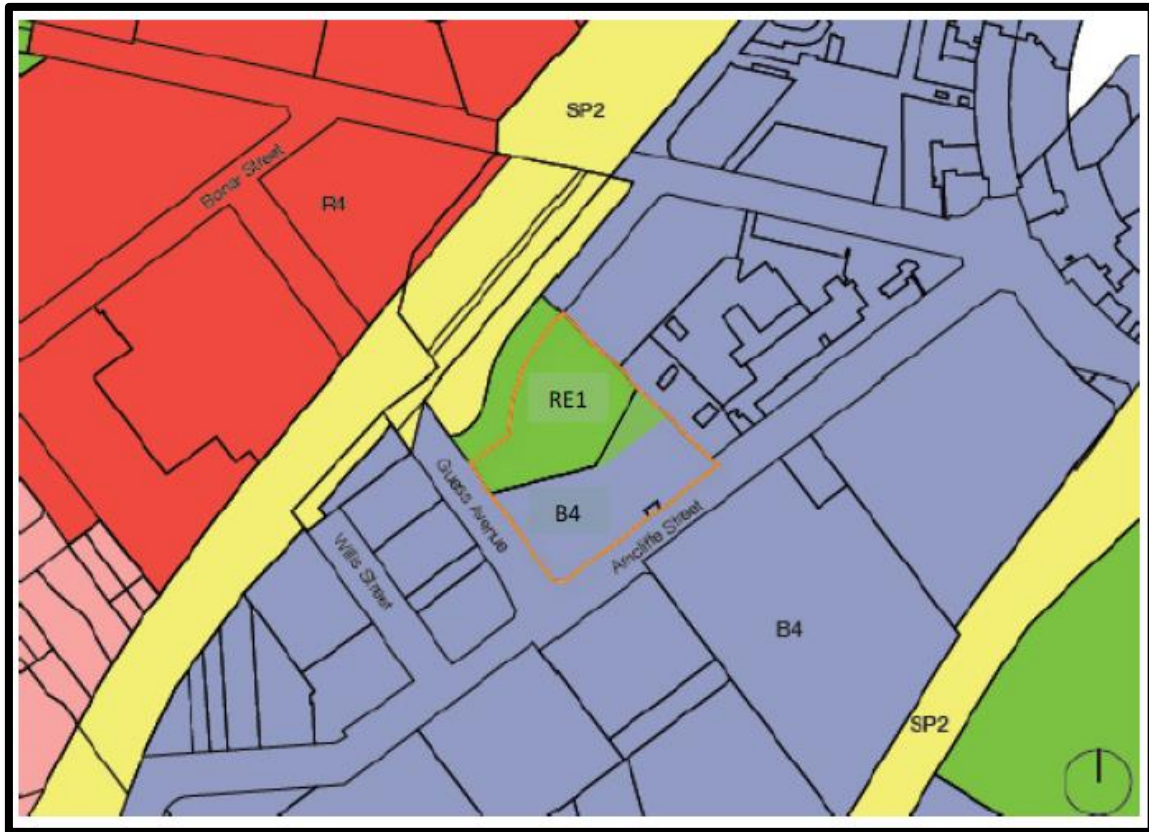


Figure 3: Proposed Land Zoning Map

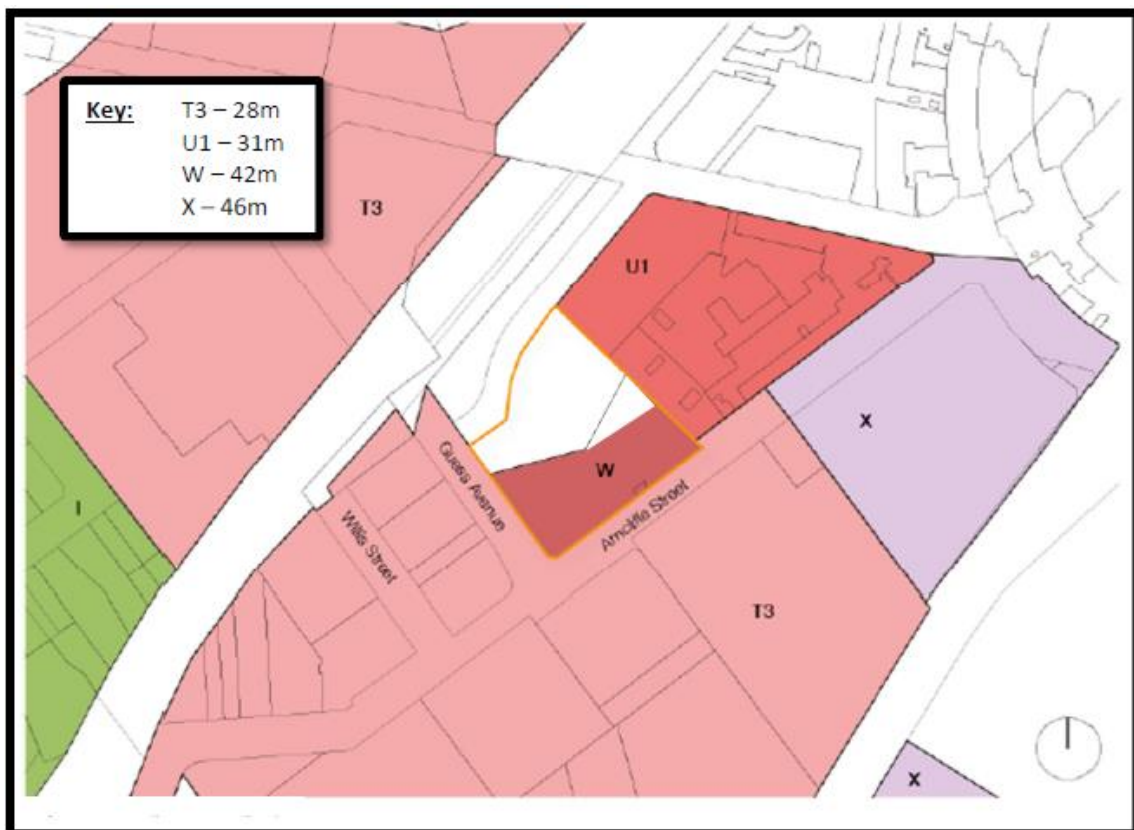


Figure 4: Proposed Height of Building Map



**Figure 5:** Proposed Floor Space Ratio Map

Figures 6, 7 and 8 illustrate the proposed arrangement for open space and buildings if the Planning Proposal were to proceed as recommended.





Figure 6: Indicative Masterplan

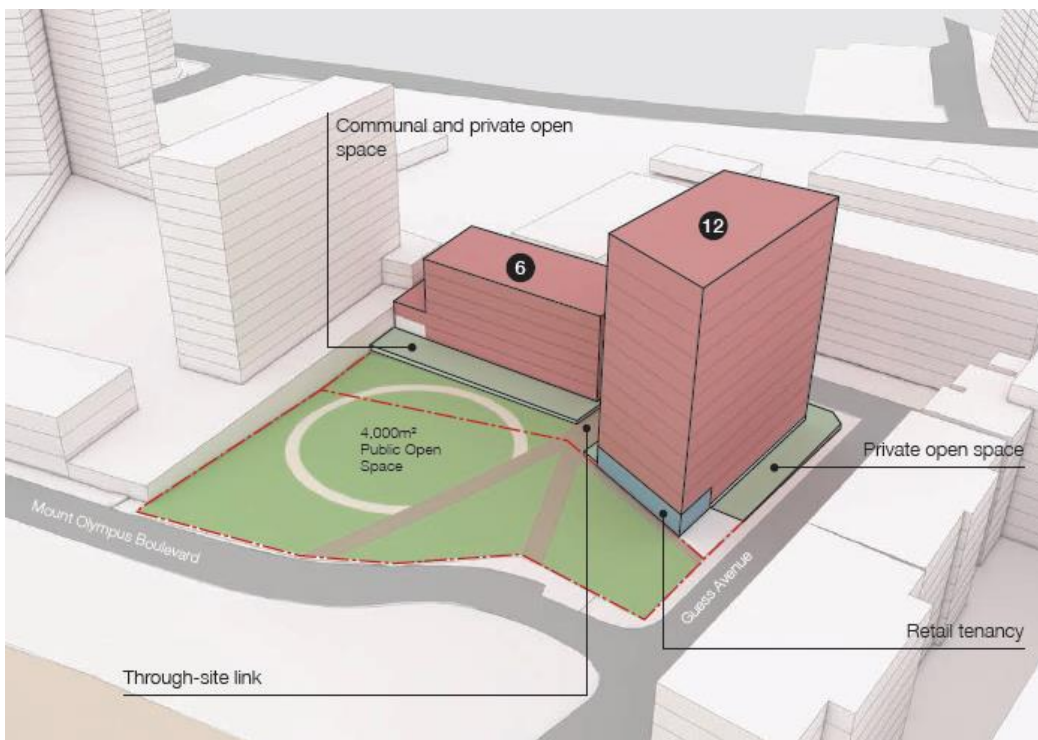


Figure 7: Urban Design Report Extract - Indicative built form massing diagram (view north-west)



**Figure 8:** Urban Design Report Extract - Indicative site plan and public open space diagram

**Applicant:**

Bayside Council

**Owner:**

- Lot 101 (No. 2 Guess Avenue):  
National Truck Spares (formerly 'Nippon Truck Spares'):
  - Director: Mr Nicholas Trevallion
  - Director: Mr Adrian Trevallion
  - Director: Ms Barbara Trevallion
  - Secretary: Mr Nicholas Trevallion

National Truck Spares previously initiated a request for Council to purchase Lot 101. In response Council declined the request. The land owner requested that Council's decision be reviewed by the Secretary of the Department of Finance, Services and Innovation (DFSI) in accordance with section 27A of the Land Acquisition (Just Terms Compensation) Act. The review confirmed the decision of Council to not acquire the land.

- Lot 102 (No 4 Guess Avenue): NSW Government (Property NSW)

Property NSW have made representations to Council about the draft Planning Proposal in a letter dated 22<sup>nd</sup> July 2019. The letter from Property NSW is included as **Attachment 4**, and Council's response as **Attachment 5**.

### Site Description:

The subject site comprises 7,765 sqm of land at 2 and 4 Guess Avenue, Wolli Creek, legally referred to as Lots 101 and 102 (respectively) in Deposited Plan 808944, as shown in bold red in **Figure 9**:



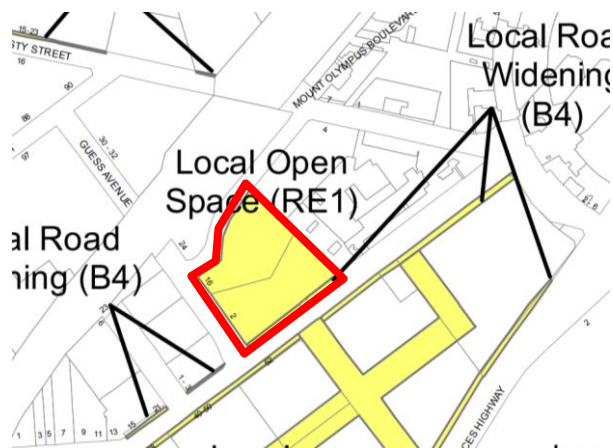
**Figure 9: Site Context Map**

(Source: Land and Property Information [www.maps.six.nsw.gov.au](http://www.maps.six.nsw.gov.au))

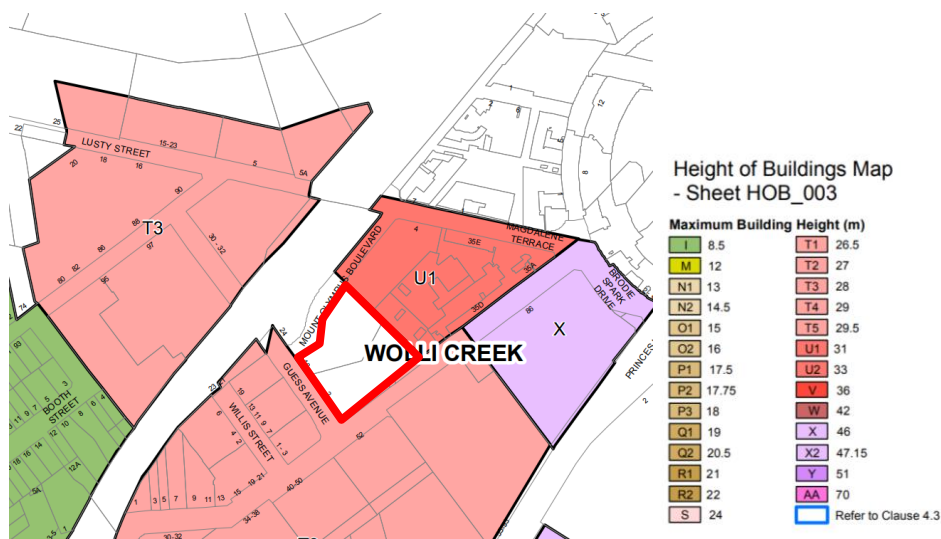
The site is bound by Mt Olympus Boulevard to the north, Guess Avenue to the west, Arncliffe Street to the south and by high density residential development to the east.

### Current Planning Controls:

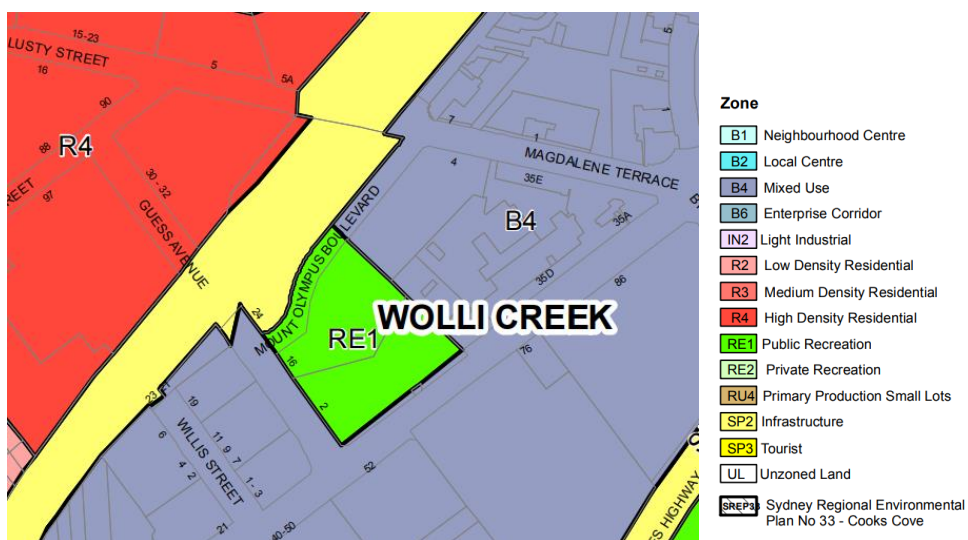
The relevant *Rockdale Local Environmental Plan 2011* (Rockdale LEP 2011) extracts (refer to **Figures 10-13**, below) for the subject site and surrounding land are provided below, describing the current planning controls for height of buildings; floor space ratio, zoning and land reservation acquisition:



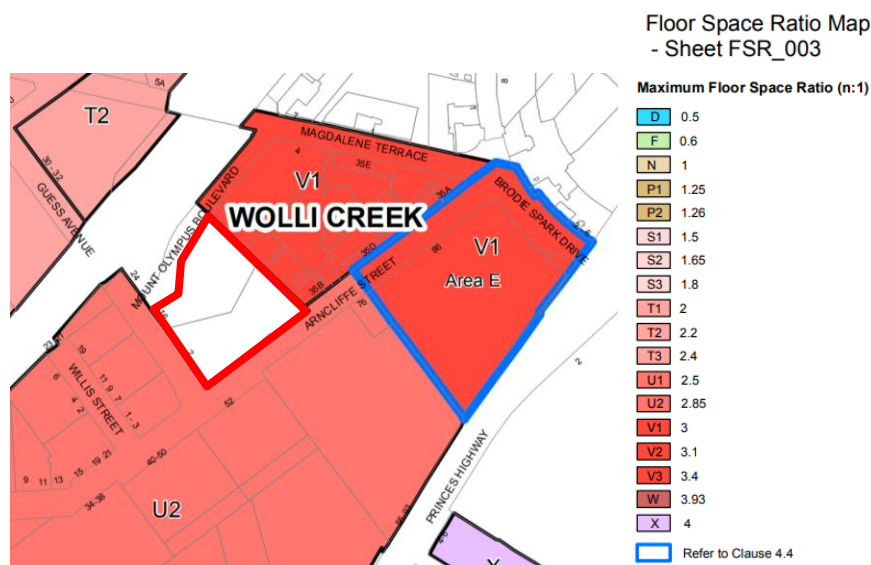
**Figure 10 – Rockdale LEP 2011 Land Reservation Acquisition Map\_LRA\_003**  
 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))



**Figure 11 – Rockdale LEP 2011 Height of Buildings Map\_HOB\_003**  
 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))



**Figure 12 – Rockdale LEP 2011 Land Zoning Map\_LZN\_003**  
 (Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))



**Figure 13 – Rockdale LEP 2011 Floor Space Ratio Map\_FSR\_003**  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))

## Summary of Draft Planning Proposal

In summary, the original submitted draft Planning Proposal sought to amend the following provisions in the Rockdale LEP 2011:

- Removing the Land Reservation Acquisition Map applying to Lot 101, except for the 423sqm of land identified in **Figure 1**;
- Rezone Lot 101 (except the identified 423sqm) to B4 Mixed Use;
- Apply a maximum height of buildings of 42 metres to Lot 101; and
- Apply a maximum floor space ratio of 3:1 to Lot 101.

In response to the Bayside Local Planning Panel's recommendations, and the further work undertaken to respond to those recommendations, the draft Planning Proposal is now proposed to incorporate the following amendments to the Rockdale LEP 2011:

- Removing the Land Reservation Acquisition Map applying to Lot 101, except for 423sqm of land (identified in **Figures 1 & 2**);
- Rezone Lot 101 (except the identified 423sqm) to B4 Mixed Use (see **Figure 3**);
- Apply a maximum height of buildings of 42 metres to Lot 101 (except the identified 423sqm - see **Figure 4**); and
- Apply a maximum floor space ratio of 3:1 to Lot 101 (except the identified 423sqm - see **Figure 5**).

## Assessment of Draft Provisions:

The draft Planning Proposal provides an assessment of the proposed provisions and concludes that the proposed zoning, FSR, Height of Buildings and retention of the Land Reservation Acquisition Layer are the most appropriate outcomes for the site in terms of the relevant strategic planning framework and site specific merit.

## Justification:

### NSW Environmental Planning & Assessment Act 1979 (EP&A Act)

The NSW Department of Planning & Environment's *A Guide to Preparing Planning Proposals* - issued under s3.33 (3) of the EP&A Act - provides guidance and information on the process for preparing Planning Proposals. The draft Planning Proposal prepared by FPD has been prepared in accordance with the latest version of this *Guide* (dated August 2016).

### Section 9.1 Ministerial Directions (formerly known as 'section 117 directions')

Section 9.1 Ministerial directions (s9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s9.1 direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified.

FPD have identified the following Ministerial directions as being relevant to the draft Planning Proposal:

- 3.1 Residential zones
- 3.4 Integrating land use and transport
- 3.5 Development near regulated airports and Defence airfields
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementing the Metropolitan Plan
- 6.2 Reserving land for a public purpose

The draft Planning Proposal concludes that there are no inconsistencies with the terms of the relevant Ministerial directions.

### State Environmental Planning Policies (SEPPs):

FPD have identified the following SEPPs as being relevant to the draft Planning Proposal:

- SEPP No 55 – Remediation of Land
- SEPP No 65 – Design Quality of Residential Apartment Development

- SEPP (Building Sustainability Index) 2004
- SEPP (Infrastructure) 2007

The draft Planning Proposal concludes that there are no inconsistencies with the identified SEPPs.

### **Strategic Planning Framework**

FPD have identified the following strategic plans as being relevant to the draft Planning Proposal:

- Greater Sydney Region Plan – A Metropolis of Three Cities
- Eastern City District Plan
- Draft Greener Places Policy
- Bayside Community Strategic Plan 2030
- Rockdale Residential Strategy 2007
- Rockdale Urban Strategy 2010
- Rockdale Open Space and Recreation Strategy 2010
- Wolli Creek and Bonar Street Public Domain Plan 2011

The draft Planning Proposal concludes that there are no inconsistencies with the Strategic planning framework.

### ***Practice Note PS 06-009 Changes to the Land Acquisition Process for Reserved Land***

On 27 April 2006, DPIE (then Department of Planning) released a Practice Note to advise Councils, State agencies and the community of changes to the EP&A Act regarding the procedure for owner-initiated acquisition of land reserved for public purposes.

The draft Planning Proposal is consistent with the Practice Note, as the relevant steps have been followed since the owner of Lot 101 initiated a request for Council to purchase Lot 101. The draft Planning Proposal is the mechanism for initiating the relevant amendments to the Land Reservation Map, Land Zoning Map, Height of Building Map and Floor Space Ratio Map.

## **Other Considerations**

### **Traffic Impact Assessment**

FPD engaged a Traffic Consultant to assess the likely traffic impacts of the draft Planning Proposal. The traffic consultant's report is included as an appendix to the draft Planning Proposal.

### **Preliminary Height Assessment**

FPD engaged an Aeronautical consultant to assess the likely impacts of the draft Planning Proposal on the Obstacle Limitation Surface and the PANS-OPS. The Aeronautical consultant's report is included as an appendix to the draft Planning Proposal.

### **Retail and Commercial Demand Assessment**

FPD engaged a Retail and Commercial consultant to inform the draft Planning Proposal. The consultant's report is included as an appendix to the draft Planning Proposal.

### **Bayside Local Planning Panel Recommendations**

On the 15<sup>th</sup> August 2019, the Bayside Local Planning Panel (Panel) considered the draft Planning Proposal. The Panel raised the following concerns about the draft Planning Proposal which are contained in the Panel's report (refer **Attachment 1**) and are reproduced as follows:

1. *Whether there is adequate justification for the deletion of some 3,700m<sup>2</sup> of future local open space, in an area which has experienced significant population growth;*
2. *Whether the local community has an expectation that the entire site would be developed as a park in the future;*
3. *Whether the amenity of the future open space will be compromised by development on Lot 101 up to 12 storeys; and*
4. *Whether the proposed 3:1 FSR and maximum building height of 42 metres are appropriate controls for Lot 101 when zoned B4.*

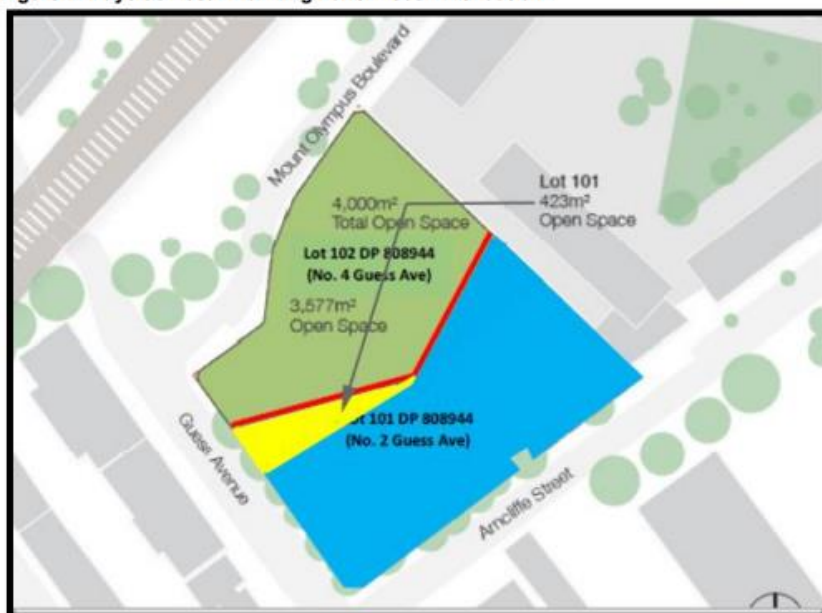
The Panel's report gave further consideration to the four matters above to provide the following recommendations to Council:

*That the Bayside Local Planning Panel recommends that Council proceed with the draft Planning Proposal for 2 and 4 Guess Avenue, Wollie Creek, as prepared by FPD Pty Ltd and outlined in this report subject to the following matters being further investigated and resolved by Council prior to submission to the Department of Planning Industry and Environment for a Gateway Determination:*

- 1 *Amend the zoning map as recommended by the Panel in Figure 1 of this report.*



Figure 1: Bayside Local Planning Panel Recommendation.



- 2 Carry out further investigations (as highlighted in the SGS Report) in relation to:
  - a. Ways to improve pedestrian access to nearby regional open space, in particular Cahill Park on the eastern side of the Princes Highway, Bayside Local Planning Panel 15/08/2019 including enhanced pedestrian links and the feasibility of a pedestrian bridge over the Highway.
  - b. Better pedestrian connections to other existing public open space that may be enhanced.
- 3 Investigate FSR and building height controls which will achieve a lower density and height than proposed for the future built form on the part of the site to be zoned B4. This investigation should include consideration of surrounding density controls, minimising the impact on the amenity of the future local park, activating any proposed buildings with the future park, and creating a more appropriate relationship between future buildings and open space.

### Consideration of the Bayside Local Planning Panel's Recommendations

#### Recommendation 1:

The Panel recommended the 423sqm portion of Lot 101 to be retained for acquisition on the Land Reservation Acquisition Map (as shown in **Figures 1 and 2** of this report) be relocated to the Guess Avenue frontage of the site, as shown above in Figure 1 of the Panel's report (see **Attachment 1**).

SJB Planning and Design were engaged by FPD to prepare the Urban Design Study supporting the draft Planning Proposal. SJB have provided the following comments in response to the Panel's recommendation:

- *The brief provided to SJB was to balance the provision of public open space and mixed-use development on the subject site*
- *The proposed land use configuration within the draft Planning Proposal places land uses in areas best suited to the environmental conditions and statutory requirements*
- *Impacted by overshadowing from adjacent development and building separation requirements, the eastern portion of the site is less appropriate for residential uses and compromises the capacity to achieve Apartment Design Guide compliance. Hence, the south-west portion of the site was marked as the best location to deliver development on the site*
- *The provision of public open space within the overshadowed north-east portion of the site can provide opportunities for some shaded refuge in the hot summer months and passive recreational use*

### Recommendation 2:

The Panel's second recommendation comprised two components, 'a' and 'b' requiring Council to conduct further investigations. These are addressed as follows:

- Ways to improve pedestrian access to nearby regional open space in particular Cahill Park to the east of the Princes Highway have been considered.*

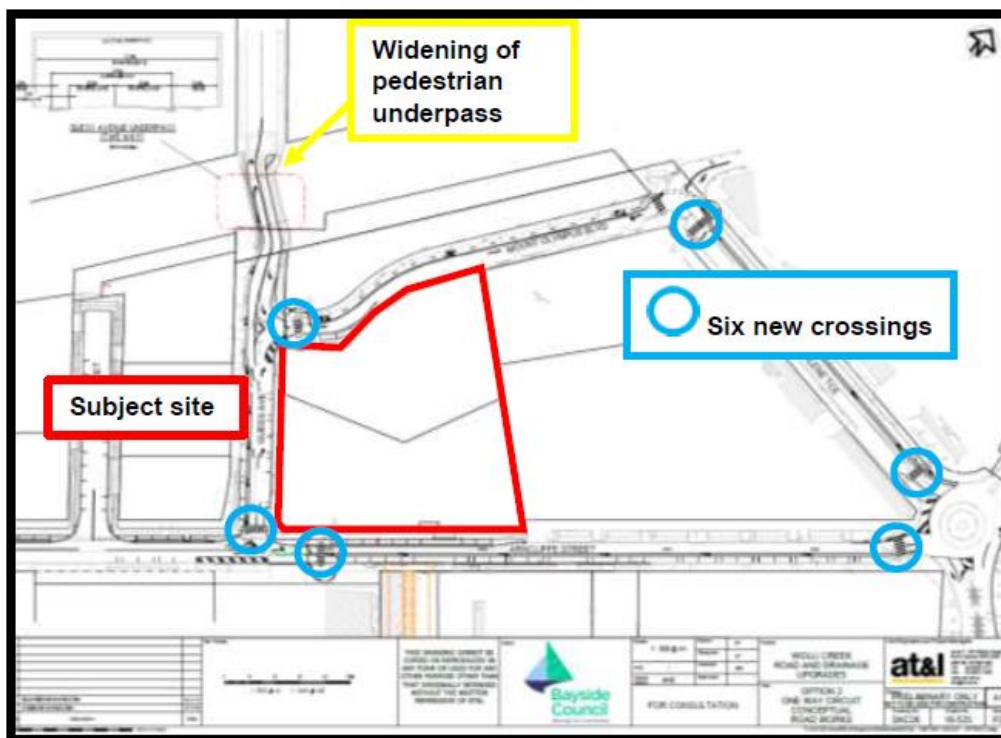
Council officers are currently considering the following options to improve pedestrian access to Cahill Park and these are summarised in the table below:

Option	Issues	Feasibility
Pedestrian overpass (over Princes Highway to Cahill Park)	<ul style="list-style-type: none"> <li>• Estimated cost of a minimum \$7 Million.</li> <li>• Not included in the Contributions Plan (non-essential infrastructure – as determined by IPART)</li> <li>• Not included in the Draft State Infrastructure Levy (Regional Infrastructure upgrades)</li> </ul>	Feasible but unfunded
Pedestrian tunnel (under Princes Highway to Cahill Park)	<ul style="list-style-type: none"> <li>• High groundwater table (proximity to Cooks River)</li> <li>• Low lying land.</li> <li>• High flood risk.</li> </ul>	Not feasible
Pedestrian underpass adjacent to Cooks River (under Princes Highway bridge).	<ul style="list-style-type: none"> <li>• Tide will impact ability to use the underpass, inaccessible at high tide.</li> <li>• Will require support from the owners of Discovery Point as it will open access to the Discovery Point site.</li> </ul>	Most feasible

- Better pedestrian connections to other existing public open space that may be enhanced.*

Council has prepared a detailed design of the roads surrounding the subject site. The improvements include:

- Addition of 6 pedestrian crossings (that 3 have been marked earlier in 2019) and widening of pedestrian path under Guess Avenue rail bridge as illustrated below:



- Widening of pedestrian paths and construction of a cycle network
- Construction of one way traffic network to prioritise active transport and reduce 'rat running'.

Council staff further advise that the construction of these public domain and transport improvements will be completed within the next 2 years. The aim of the works is to enhance access to the subject site and to the following public open spaces:

- Cahill Park (to the east);
- Thompson street reserve (to the west); and
- Bonar Street Reserve (to the south west).

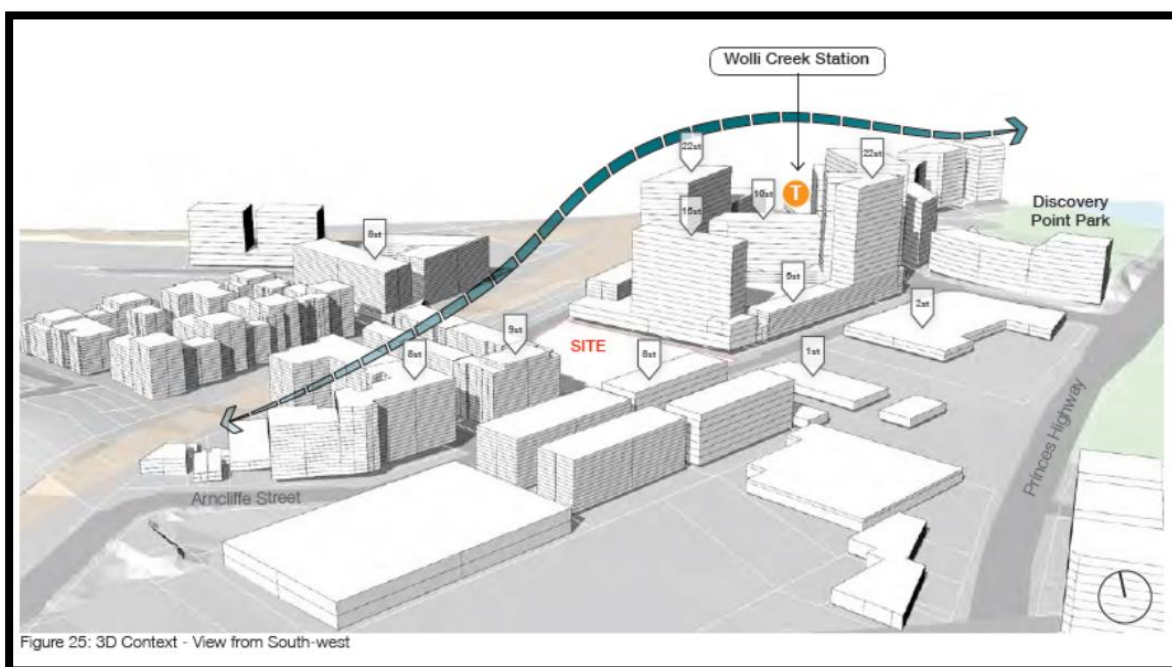
In addition, Council officers note that the Inner West Council is investigating an improvement to the connection between Wolli Creek and Tempe to the north, through construction of a shared path adjacent to the rail bridge over the Cooks River. The aim of this connection is to improve access to Kendrick Park and the Cooks River cycle route which provides a network of parks to the north west. This proposal also includes a connection over Wolli Creek from Discovery Point to Waterworth Park in the Canterbury-Bankstown LGA, to be located at the junction of Wolli Creek and Cooks River.

### Recommendation 3:

In relation to the third recommendation, FPD have provided the following additional justification for the proposed height and FSR:

*The planning proposal has been informed by an Urban Design Study prepared by SJB. As part of the study a detailed analysis was carried out of the surrounding built form controls as well as the existing built form and character. It is noted that many buildings in the surrounding area significantly exceed the height controls under the Rockdale LEP including a 15 storey building adjacent to the site within a 31m height control.*

*The figure below shows the site in the context of the surrounding built form and highlights the existing height transitions from taller buildings around the Wollri Creek town centre of 22 storeys to 8 and 9 storeys to the south and west of the site. This illustrates that the proposed 12 storey tower fits within the wider built form context.*



*A detailed analysis has also been carried out to consider the amenity impacts of the proposal. The open space to be retained has been located on the northern side of the site to maximise solar access. This is evident in the solar analysis which shows that the park receives excellent solar access from 10am onward in midwinter.*

*The built form has also been designed to maximise activation of the open space through the location of retail/ café uses on the ground floor of the 12 storey building overlooking the playground and the location of ground floor private open space overlooking the park within the 6 storey building.*

*Further, solar analysis has been carried out to consider impacts on adjoining residential buildings. Based on the solar analysis it is expected that all existing apartment buildings would be able to maintain a minimum of 2+ hours of direct*

*solar access to a minimum of 70% of their dwellings, to comply with the Apartment Design Guide.*

*Notwithstanding the above, further built form testing of the implications of a range of different building heights could be considered, having consideration for the relationship between the built form and the park, and the overshadowing of adjoining apartment buildings, whilst ensuring a feasible development outcome.'*

In conclusion, Council officers consider that the issues raised in the Panel's report and recommendations have been satisfactorily addressed. As noted in the Panel's report, consideration will be given to any submissions made by the community following public exhibition, where the Planning Proposal may be updated before being reported back to the Panel and Council.

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## Financial Implications

- |                                      |                                     |   |
|--------------------------------------|-------------------------------------|---|
| Not applicable                       | <input type="checkbox"/>            |   |
| Included in existing approved budget | <input checked="" type="checkbox"/> | The assessment of the Draft Planning Proposal has been included in an existing approved budget for the project. |
| Additional funds required            | <input type="checkbox"/>            |   |
- 

## Community Engagement

Should the Planning Proposal proceed through Gateway, community consultation will be undertaken in accordance with section 3.34(2)(c) of the *Environmental Planning & Assessment Act 1979*.

The specific requirements for community consultation will be listed in the Gateway Determination, including any government agencies that are to be consulted, and the requirements for a public hearing, if deemed necessary by the DPIE.

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## Attachments

- 1 Bayside Local Planning Panel report [↓](#)
- 2 Draft Planning Proposal (under separate cover) [⇒](#)
- 3 FPD Report to the Bayside Local Planning Panel [↓](#)
- 4 Letter from Property NSW [↓](#)
- 5 Letter to Property NSW [↓](#)

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**MINUTES**

of a meeting of the  
**Bayside Local Planning Panel**  
held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Thursday 15 August 2019 at 6.12 pm.**

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**Present**

Robert Montgomery, Chairperson  
Jan Murrell, Independent Expert Member  
Stephen Moore, Independent Expert Member  
Jesse Hanna, Community Representative

**Also Present**

Clare Harley, Manager Strategic Planning  
Fausto Sut, Manager Governance & Risk  
Michael McCabe, Director City Futures  
Josh Ford, Coordinator Strategic Planning  
John McNally, Urban Planner  
Howard Taylor, Urban Planner  
Helena Miller, Director, MG Planning  
Michael File, Consultant Planner, File Planning  
Anna Johnston, Consultant Planner, File Planning  
Tracey Hau, Senior Urban Designer, SJB Architects  
Lauren Thomas, Governance Officer  
Wolfgang Gill, IT Support Officer

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The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:12 pm.

**1 Acknowledgement of Traditional Owners**

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

**2 Apologies**

There were no apologies received.

**3 Disclosures of Interest**

There were no disclosures of interest.

#### 4 Minutes of Previous Meetings

Nil

#### 5 Reports – Planning Proposals

##### 5.1 Draft Planning Proposal - 2 and 4 Guess Avenue, Wolli Creek

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- 1 Michael File, Director – File Planning, for the officer's recommendation and responded to the Panel's questions.
- 1 Anna Johnston, File Planning, for the officer's recommendation and responded to the Panel's questions.

*Note: Due to Council's interest in the site (i.e. future acquisition), File Planning was engaged to prepare an independent assessment of the options for the site and to prepare the draft Planning Proposal.*

##### Panel Commentary

It is recognised that this Planning Proposal was initiated following an earlier resolution of the Council relating to acquisition commitments for open space. Indeed, it is valid for a Council to review its future commitments based on contemporary practice in provision of open space, population change, ability to acquire public land and demand for local, district and regional open spaces.

The Panel acknowledges the correspondence from the NSW Department of Planning Industry and Environment dated 16 July 2019 in that department's capacity as the owner of Lot 102 and Council's reply dated 22 July 2019.

The Panel supports retention of the RE1 zone over part of the site. However, the Panel is concerned about the following aspects of the proposal.

- 1 Whether there is adequate justification for the deletion of some 3,700m<sup>2</sup> of future local open space, in an area which has experienced significant population growth;
- 2 Whether the local community has an expectation that the entire site would be developed as a park in the future;
- 3 Whether the amenity of the future open space will be compromised by development on Lot 101 up to 12 storeys; and
- 4 Whether the proposed 3:1 FSR and maximum building height of 42 metres are appropriate controls for Lot 101 when zoned B4.

In arriving at a recommendation, the Panel considered a number of aspects relating to the four matters listed above. These considerations are summarised as follows:

**1 Justification for Reduction in Open Space**

Prima facie it would seem counter-intuitive to reduce the provision of open space areas in this location, which is characterised by multi-storey apartment buildings. However, SGS Economics and Planning carried out a detailed review of open space demand based on contemporary practice. This review concluded that a local park of 4,000m<sup>2</sup> in this location is adequate to meet demand for existing and future population. Open spaces larger than 4,000m<sup>2</sup> would typically provide district type facilities such as playing fields. SGS notes that district facilities are available within the area in good proximity to the site. The SGS analysis highlighted, that beyond the site, it will be important to consider access to major district and regional reserves where access is constrained due to the absence of river crossings and barriers to crossing the Princes Highway as a pedestrian.

**2 Community Expectation**

Given that the entire area of lots 101 and 102 is currently zoned RE1 Public Recreation, it is likely that the local community would have an expectation that the whole site would become a public park in the future.

Should this planning proposal proceed, there will be opportunity for the community to be heard through the public consultation process required by Part 3 of the *Environmental Planning and Assessment Act, 1979* and the conditions of any future Gateway Determination.

**3 Amenity of Proposed Open Space**

As presented, this planning proposal would facilitate 6 storey and 12 storey residential towers, as shown in the indicative built form massing diagram within the Urban Design Report prepared by SJB Architects. The location of such large towers immediately adjoining the eastern edge of the proposed 4,000m<sup>2</sup> park is likely to have significant impacts on the amenity of the park.

The Panel considers that the amenity of the future open space would be greatly improved with height and density controls for Lot 101 being less than proposed. It is also recommended that proposed 423m<sup>2</sup> of open space to be retained on Lot 101 (shown in Figure 1 of the Officer's report) should be mirror-imaged to the south, so that a larger open space frontage to Guess Avenue is provided. See figure 1 below:



Figure 1: Bayside Local Planning Panel Recommendation.



**4 Density Controls for Lot 101**

The Panel considers that the density control settings for Lot 101 are crucial to ensure that the amenity of the reduced area local park is protected. It is noted that the planning proposal adopts the FSR and height controls which are significantly higher than those which apply to land adjoining to the east and south.

The Panel considers that there is insufficient justification for the proposal to adopt these higher density controls. The location of tower buildings adjacent to the reduced area of open space is undesirable and has the potential for adverse impact on the amenity of the future local park.

**Recommendation to Council**

That the Bayside Local Planning Panel recommends that Council proceed with the draft Planning Proposal for 2 and 4 Guess Avenue, Wollie Creek, as prepared by FPD Pty Ltd and outlined in this report subject to the following matters being further investigated and resolved by Council prior to submission to the Department of Planning Industry and Environment for a Gateway Determination:

- 1 Amend the zoning map as recommended by the Panel in Figure 1 of this report;
- 2 Carry out further investigations (as highlighted in the SGS Report) in relation to:
  - a. ways to improve pedestrian access to nearby regional open space, in particular Cahill Park on the eastern side of the Princes Highway,

Bayside Local Planning Panel

15/08/2019

including enhanced pedestrian links and the feasibility of a pedestrian bridge over the Highway.

- b. Better pedestrian connections to other existing public open space that may be enhanced.
- 3 Investigate FSR and building height controls which will achieve a lower density and height than proposed for the future built form on the part of the site to be zoned B4. This investigation should include consideration of surrounding density controls, minimising the impact on the amenity of the future local park, activating any proposed buildings with the future park, and creating a more appropriate relationship between future buildings and open space.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reasons for Panel Recommendation**

- The Panel supports retention of the RE1 zone over part of the site.
- The Panel is concerned that the height and density controls proposed for the B4 zone are too high and will create unacceptable impacts on the future local park.
- As this Planning Proposal has the effect of reducing the area of future local open space in this locality, it is essential that the controls on adjoining land will facilitate exceptional amenity for the future local park. It is also important to ensure that linkages to other open space areas are enhanced.

**5.2 Planning Proposal - Rockdale Town Centre: Interchange Precinct (471-511 Princes Highway; 2-14 Tramway Arcade; and 6 & 14 Geeves Avenue, Rockdale)**

An on-site inspection took place at the property earlier in the day.

The following people spoke:

- Ms Anna Anglekis, interested resident, spoke against the officer's recommendation.
- Ms Kate Bartlett, Director - Mecone, spoke for the officer's recommendation and responded to the Panel's questions.

**Recommendation to Council**

That the Bayside Local Planning Panel recommends to Council that it and the Proponent finalise and update the Planning Proposal Report, the Draft DCP amendments, and relevant supporting documents as outlined above and prepare a heritage assessment of buildings at 471-477 Princes Highway and 6-14 Geeves Avenue, Rockdale prior to referral of the draft Planning Proposal to the Department of Planning, Industry and Environment for a Gateway Determination.

<b>Name</b>	<b>For</b>	<b>Against</b>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reasons for Panel Recommendation**

- The Panel acknowledges that the site is within a key strategic location for Rockdale and that it is desirable for development controls to be brought into line with those applying to other key sites within the area.
- The public benefit of formalising and enhancing the pedestrian link from Rockdale Station to the Princes Highway is an important aspect of the proposal.
- The Panel agrees that a heritage assessment should be carried out to further inform the proposal prior to forwarding for a Gateway Determination.

**6 Reports – Development Applications**

Nil.

The Chairperson closed the meeting at 6:49 pm.

Certified as true and correct.

Robert Montgomery  
Chairperson

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**Bayside Local Planning Panel 15/08/2019**

Item No [By Governance]  
 Subject **Draft Planning Proposal: 2 and 4 Guess Avenue, Wolli Creek**  
 Report by FPD Consultant Planners  
 File

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On 13 December 2017, Bayside Council resolved that the previously planned open space at 2 and 4 Guess Avenue, Wolli Creek was beyond its capacity to deliver and that the land was no longer required for a public purpose.

A draft Planning Proposal has been prepared on behalf of Council by FPD planning consultants to look at an appropriate future use for the site in light of the Council resolution. The draft Planning Proposal recommends progression of a Planning Proposal for the site which provides for a public open space area onsite covering the northern lot (4 Guess Avenue) and part of the southern lot (2 Guess Avenue).

This recommendation has been made after consideration of open space demand to service existing and planned development in the Wolli Creek area. The assessment of need has been informed by an open space study by SGS Economics and Planning in accordance with the Government Architects Draft Guidelines, *Greener Places*, *Greener Places Urban Tree Canopy Guidelines* and *Greener Places Open Spaces for Recreation Guide*. Detailed Urban design advice was also sought from highly regarded urban designers SJB Architects.

SGS concluded that a component of open space should be provided on the site to meet the Government Architect draft Guideline criteria for proximity to public open space (200m walking distance) and that an area of 4,000sqm would be preferable to achieve a diversity of recreational activities within the space.

As mentioned above the draft Planning Proposal seeks to retain the northern portion of the site as open space comprising 4,000sqm of the 7,765sqm site. This location is considered to be most desirable from an urban design and solar access perspective. The proposed 4,000sqm also exceeds the minimum criteria for local open spaces in the Government Architect NSW draft guidelines (3,000sqm) and services demand for local open space within the local area.

This land would accommodate a new local park fronting Mt Olympus Boulevard and Guess Avenue which has been located to maximise solar access. The RE1 Public Recreation zone and acquisition provisions would continue to apply to 4 Guess Avenue requiring Council to negotiate acquisition with the current landowner, Government Property NSW.

The open space comprises all of 4 Guess Avenue (3,577sqm) and a portion of 2 Guess Avenue (423sqm) to provide a consolidated area for open space. It is envisaged that the component of 2 Guess Avenue would be delivered as publicly accessible open space as part of a future redevelopment of this lot.

An indicative concept plan has been developed that identifies the potential of the remaining 3,765sqm of 2 Guess Avenue to be redeveloped to comprise:

- two separate buildings of 12 and 6 storeys respectively
- 144 apartments (12,220sqm of residential floor space)

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- 115sqm of commercial floor space to accommodate a retail / café tenancy on the ground floor of the 12 storey building overlooking the park, and
- 99 car parking spaces across two basement levels.

The Planning Proposal would be facilitated by the following amendments to the Rockdale LEP for 2 Guess Avenue:

- rezone to B4 Mixed Use
- apply a maximum height of buildings of 42m
- apply a maximum floor space ratio (FSR) of 3:1, and
- remove the obligation of Council to acquire the land.

A site-specific amendment to the Rockdale DCP is also recommended to be prepared.

This would include a requirement to provide at least 423sqm (approximately 10%) of 2 Guess Avenue as publicly accessible open space to compliment the park to be provided on 4 Guess Avenue. It would also include built form controls, design guidelines for the through site link and public domain interface, and the landscape concept plan for the proposed park.

The Wolli Creek Special Precinct within the Rockdale DCP would continue to apply, except where varied by the site specific controls.

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### Officer Recommendation

- 1 That the Bayside Planning Panel recommend to Council that the draft Planning Proposal for 2 and 4 Guess Avenue, Wolli Creek be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination for the reasons outlined in the report, in particular:
    - (i) The proposed open space exceeds the minimum requirement for open space in the locality,
    - (ii) the planned open space represents a good urban design and solar access outcome,
    - (iii) The proposed RE1 zoned land is within Councils financial capacity to acquire and develop as local open space, and
    - (iv) The portion of land to be zoned B4 Mixed Use is in context and of similar character with the surrounding built form in the locality.
- 

### Background

**Applicant:**

Bayside Council

**Owner:**

Government Property and Nippon Trucks

**Site description:**

The subject site comprises 7,765 sqm of land at 2 and 4 Guess Avenue in Wolli Creek. The site has frontage to Arncliffe Street, Guess Avenue and Mt Olympus Drive. The subject parcels of land are described in the following table.

Item	Bayside Planning Panel 15/08/2018
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	2 Guess Avenue	4 Guess Avenue
Title details	101/808944	102/808944
Land area	4,188sqm	3,577sqm
Ownership	Nippon Trucks	NSW Government Property
Existing and previous development	Sheds and hard stand areas.	Vacant land which has been subject of recent remediation.  The site previously comprises sheds and hard stand areas.
Existing and previous uses	Truck repairs and spare parts.	Vacant. The site was previously used by Sydney Water as a depot and laboratory.
Existing vegetation	The site is largely cleared of vegetation, but has large established trees along its street frontages to Arncliffe Street and Guess Avenue.	The site is almost entirely cleared of vegetation with the exception of a single tree fronting Guess Avenue.

## Report

### Planning History

Wolli Creek has been undergoing a transformation over the past decade from a predominantly industrial area into an urban precinct comprising a new town centre focused around Wolli Creek Railway Station and high density residential buildings supported by new streets, parks, public open space and foreshore connections.

To support this renewal the site at 2-4 Guess Avenue was identified to be acquired by Bayside Council to accommodate a new park. This position is formalised in the *Rockdale Local Environmental Plan 2011* (Rockdale LEP) which zones the site RE1 Public Recreation and identifies Council as the relevant acquisition authority.

On the 13 December 2017, Council resolved that it no longer required 2 and 4 Guess Avenue, Wolli Creek for a public purpose. This resolution was made to address a shortfall in the local infrastructure contribution funds available for acquisition of open space within the area.

The Council resolution is outlined below (resolution number 2017/263):

*That Council endorse the prioritisation of option 2 as noted in the body of this report (Note: option 2 outlined no acquisition 2-4 Guess Avenue and rezoning of the site)*

*That Council is of the opinion that it no longer requires the properties for a public purpose.*

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Bayside Planning Panel 15/08/2018

*That Council take steps to amend the zoning of the land and the land acquisition reservation map in the Rockdale LEP so that the relevant properties are no longer designated for acquisition for a public purpose. This would involve the preparation of a Planning Proposal to be provided to the Minister.*

*That Council acknowledge that staff continue to advance matters associated with the options outlined in the report with a further report to be submitted to Council in early 2018.*

*That the Mayor and General Manager be authorised to undertake any statutory obligations and priority actions arising from these matters.*

This report has been prepared on behalf of Council and seeks to progress a Planning Proposal for the site having consideration to the open space demand to service existing and planned development in the Wollli Creek area.

### **Supporting Evidence**

In the preparation of the draft Planning Proposal to look at an appropriate future use of the land, Council engaged external planning experts FPD to prepare an independent assessment of the options for the site and project manage other specialist consultants in the areas of;

- Urban design – SJB Architects
- Open space – SGS Economics and Planning
- Flooding and stormwater - Northrop
- Traffic - Bitzios
- Aeronautical – Landrum and Brown
- Contamination - Senversa
- Commercial and Retail Demand Assessment– Hill PDA

A draft Planning Proposal report prepared consistent with the DPE A Guide to Preparing Planning Proposals 2018 is attached to this report which contains a full assessment of the strategic and site specific merit of the proposal.

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### **Community Engagement**

Should the Planning Proposal proceed through Gateway, the Planning Proposal will be subject to community consultation in accordance with Sections 56(2)(c) of the Environmental Planning and Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway determination, including any governmental agencies that are to be consulted in relation to the Planning Proposal.

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### **Attachments**

- 1 Draft Planning Proposal (including appendices)

Item

Bayside Planning Panel 15/08/2018



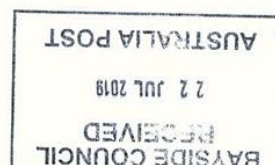
**Planning,  
Industry &  
Environment**

Development and Transactions  
Housing and Property Division  
Department of Planning, Industry and Environment  
Level 4, 66 Harrington Street, Sydney NSW 2000

16 July 2019

Ms Meredith Wallace  
General Manager  
Bayside Council  
444 – 446 Princes Highway  
ROCKDALE NSW 2216

By email: [Meredith.Wallace@bayside.nsw.gov.au](mailto:Meredith.Wallace@bayside.nsw.gov.au)



Dear Ms Wallace,

**Proposed rezoning of 4 Guess Avenue, Wolli Creek (the Property)**

We refer to the Property and Bayside Council's (Council) letter to Property NSW (PNSW) of 13 June 2019, when it formally advised that despite its previous representations, the Property's current zoning may remain as RE1 Public Recreation. Since then Council has also advised that should the existing zoning and reservation remain, Council would not necessarily propose to acquire the Property immediately.

As you are aware, on 13 December 2017, Council resolved that the Property was no longer required for a public purpose and that it would take steps to remove the land acquisition reservation and rezone the property (2017 Resolution).

Council further advised that it intended to rezone the property to B4 Mixed Use. PNSW relied on this advice and the 2017 Resolution and, in preparation for the sale of the Property, proceeded to spend significant public funds to demolish all improvements and remediate the Property to a standard suitable for residential use. The sale of the Property at the rezoned B4 Mixed Use value was intended to recover the substantial investment made in the Property, with net proceeds to be returned to government in FY2019/20.

We note that, Council has not kept PNSW advised of its changing position regarding the zoning of the Property despite being aware of the steps being taken by PNSW.

PNSW was first aware of Council's shift in position and move away from the 2017 Resolution after it pressed Council for an update through its General Manager in March 2019. PNSW was only advised in April 2019 that there may be a potential for the Property to remain zoned RE1, or that if the Property did remain RE1, that Council may not necessarily acquire the Property immediately. Had Council disclosed this position, PNSW would have considered alternatives for the Property, including a decision not to proceed with the costly demolition and remediation of the Property.

Council has advised the reason that the Property may remain zoned as RE1 is based on Council's independent planning consultant identifying that neighbouring developments did not have the

[www.property.nsw.gov.au](http://www.property.nsw.gov.au)  
Property NSW | ABN 91 840 597 406  
Place Management NSW | ABN 51 437 725 177  
Teacher Housing Authority NSW | ABN 50 007 468 870  
Waste Assets Management Corporation | ABN 56 784 733 957



recommended access to open space in accordance with relevant policies including the *Greater Sydney Commissions Eastern District Plan* (Plan). Action 67 of that Plan requires that high density development should be located within 200 metres of open space. It is noted that the Draft Plan was a public document when the 2017 Resolution was made by Council.

PNSW has relied on Council's advice and the 2017 Resolution with respect to the rezoning of the Property and has committed public funds for remediation and associated works to assist with its disposal on the open market.

PNSW is of the view that Council has not implemented its own lawful decisions in a timely manner and may, therefore, not be fulfilling its obligations and responsibilities under the *Local Government Act 1993* (Act). Further, Council is aware that PNSW has spent public funds on the preparation of the Property for disposal, and while Council knew that PNSW was doing so, it failed to advise PNSW regarding the potential change in its adopted approach with respect to the Property's future zoning and potential for delay in any subsequent acquisition.

PNSW is now at risk that the planned disposal of the Property will not achieve the desired outcome for the government. Accordingly, PNSW seeks from the Council urgent confirmation that Council, acting in accordance with its obligations, including those under the Act, will undertake the necessary steps to acquire the Property without undue delay should the RE1 zoning and the reservation on the Property remain.

We understand that Council's Planning Committee is meeting in July 2019 to consider the future zoning of the Property and that there is an ordinary meeting of Council on 14 August 2019. We formally request that this letter be provided to the Bayside Local Planning Panel for their consideration prior to the meeting and that this item be put on Council's Agenda for discussion.

Please do not hesitate to contact the undersigned if you have any queries.

Yours sincerely



**Leon Walker**  
Executive Director, Development and Transactions  
Housing and Property Division



22 July 2019

Our Ref: F18/24:19/218444  
Contact: Michael McCabe on 0402893241

Mr Leon Walker  
Executive Director, Development and Transactions  
Property NSW  
PO Box N408  
Grosvenor Place NSW 1220

Dear Mr Walker

**Re: Proposed rezoning of 4 Guess Avenue, Wolli Creek (the Property)**

I refer to your letter dated 16 July 2019 regarding the rezoning of 4 Guess Avenue, Wolli Creek.

As you are aware, Council is in the process of preparing a Planning Proposal, as per the resolution of Council dated 13 December 2017. In order to progress the Planning Proposal, Council was required to engage an independent consultant and undertake a variety of studies and investigations to inform the Planning Proposal. As a result of the findings of the studies, the independent consultant will be recommending a scheme resulting in the retention of a portion of existing RE1 zoned land. Council has no influence over the recommendations of the independent consultant.

Property NSW has been made aware of the steps involved in the Planning Proposal process. Planning Proposals are required to align with the relevant Strategic Planning Framework in place at the time of lodgement and assessment of a Planning Proposal, rather than at the time of a Council resolution. As such, the directions of the Greater Sydney Commissions *Eastern City District Plan* require consideration.

As outlined in Council's previous letter dated 13 June 2019, the independent consultants recommended scheme is being modelling for flood impact and upon completion of this, the matter will be reported to the Bayside Local Planning Panel. The target date for this meeting is now 15 August 2019, pending the receipt of the flood modelling. We anticipate Council will resolve on the Bayside Local Planning Panel recommendations at the meeting scheduled for 11 September 2019.

Should Council resolve to support the retention of the RE1 zoning on the Property, the next step would be for Council to resolve on whether to progress with the purchase of the Property. This decision of Council if required is scheduled for the meeting dated 9 October 2019.

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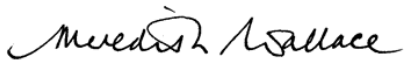
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We will notify you of Council's September resolution which may be the trigger for you to consider and engage with Council on sale terms if Council resolved to retain the RE1 zoning.

As per your request, your letter dated 16 July 2019 will be attached to reports provided to the Bayside Local Planning Panel and Council.

Should you require any further information, please feel free to contact me.

Yours faithfully



Meredith Wallace  
**General Manager**

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## Council Meeting

11/09/2019

Item No	8.3
Subject	<b>Short Term Rental Accommodation Planning Policy, Regulation and Code of Conduct - Submission to NSW Department of Planning, Industry and Environment</b>
Report by	Michael McCabe, Director City Futures
File	F18/679

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## Summary

The NSW Department of Planning, Industry and Environment (DPIE) has sought feedback on proposed amendments to the NSW planning framework in relation to Short-Term Rental Accommodation (STRA), including the introduction of exempt and complying development pathways, and new safety standards for dwellings used for STRA.

The proposed amendments also include a Code of Conduct that sets out the rights and obligations of STRA industry participants, provides resolution of disputes and complaints concerning the conduct of STRA industry participants, and outlines the compliance and enforcement approach that applies for contraventions of the Code by STRA industry participants.

The proposed amendments are contained in the Short-Term Rental Accommodation Discussion Paper 'A New Regulatory Framework' (see **Attachment 1**).

Council staff have prepared a draft submission for Council's consideration, and endorsement, at this Council meeting.

The purpose of this report is to:

- (i) highlight the key changes proposed to the planning framework, and how STRA is proposed to be regulated; and
- (ii) seek Council's endorsement for the attached submission.

Council's endorsement of the attached submission (**Attachment 2**) is sought, so that the submission can be made to DPIE with the exhibition period ending on 11 September 2019.

It is noted that the exhibition period closes on the same day that this report is being considered by Council. DPIE have confirmed that they will accept a final version of Council's submission following Council's resolution.

---

## Officer Recommendation

That Council endorses the draft submission to the Department of Planning, Industry and Environment, in relation to draft planning instruments and Regulations that will introduce the state-wide planning framework and mandatory Code of Conduct for Short-Term Rental Accommodation (STRA).

---

## Background

The existing regulatory system for Short Term Rental Accommodation (STRA) in NSW comprises a voluntary Code of Conduct for industry, some scope for owners' corporations to use strata laws to manage STRA impacts and locally derived planning controls.

Currently, the Rockdale Local Environmental Plan 2011, the Botany Bay Local Environmental Plan 2013 and the Botany Local Environmental Plan 1995 do not contain any specific controls for STRA. There are also no controls in the accompanying Development Control Plans. This has caused some uncertainty for industry and Council navigating the permissibility of the use. In addition, some communities and businesses have raised concerns regarding impacts on amenity, noise, parking, safety, 'quasi hotels' and housing availability.

## Policy History

The Holiday Rental Code of Conduct was originally adopted by NSW in 2012 and revised as a national code in 2015 with the key objective of encouraging acceptable standards of behaviour for holiday rental guests.

In 2015-2016, the NSW Legislative Assembly Committee on Environment and Planning recommended that the NSW Government amend planning laws to regulate STRA.

During 2017, further consultation was undertaken with the community through a NSW Government Options Paper, which presented regulatory options for responding to STRA.

The Options Paper was exhibited for 14 weeks. The consultation revealed broad, state-wide support for:

- a standard definition and approach to planning controls;
- the strengthening of the existing Code of Conduct;
- introduction of mandatory compliance;
- a robust complaints management scheme; and
- strata schemes to prohibit or restrict STRA on strata schemes.

On 5 June 2018, the NSW Government announced their intent for a proposed policy framework for STRA in NSW, to be implemented by amending planning instruments and strata and Fair Trading legislation. DPIE sought feedback on proposed changes to planning instruments to introduce the state-wide planning framework between October and November 2018.

In November 2018 Bayside Council provided a submission to DPIE in response to the consultation period (**Attachment 3**). In summary the submission:

- noted and supported the inclusion of a definition for 'short term rental accommodation' in the Standard Instrument Order and therefore all Local Environmental Plans;
- noted and supported the permissibility of short term rental accommodation in all zones in which dwellings are permissible;

- supported the proposed amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* but requested that appropriate car parking provisions be included;
- supported the proposed amendments to the Strata Schemes Management Act 2015 which proposed that owner's corporations be allowed to make a by-law that prohibits the use of a lot for short term rental accommodation where the lot is not the principal place of residence for the owner or tenant.

### **Proposed State Environmental Planning Policy (Short-Term Rental Accommodation) 2019 (STRA SEPP)**

The proposed new SEPP will be specifically created for STRA land use planning controls. A summary of the STRA SEPP is as follows:

- Introduce a new definition for hosted and non-hosted STRA, as well as other relevant definitions including 'Greater Sydney' and clarify the types of residential accommodation in which STRA is permitted;
- Repeal existing STRA provisions in local planning instruments;
- Introduce an exempt development pathway for STRA, including general requirements and limits on the days the activity can take place depending on location and host presence;
- Introduce a Complying Development pathway for non-hosted STRA on bushfire prone land and flood control lots, including general requirements;
- Provide that non-hosted STRA bookings of 21 or more consecutive days do not count towards the applicable day limit;
- Identify regional councils that nominated different day limits for non-hosted STRA during the October-November exhibition, within the announced thresholds (including Ballina Shire, Lake Macquarie, Clarence Valley Shire and Muswellbrook Shire).

### **Environmental Planning and Assessment (Short-Term Rental Accommodation) Regulation 2019**

The proposed SEPP will be supported by amendments to the Environmental Planning and Assessment Regulation 2000 (the Regulation). The amendment will provide for visitor safety, by requiring dwellings used for STRA to meet new safety standards. These standards are detailed in the 'Short-Term Rental Accommodation Fire Safety Standard' and summarised below:

#### All Dwellings

- no more than 2 persons/bedroom or 12 persons, whichever is the lesser;
- installation of smoke alarms; and
- installation of a lighting system in hallways.

#### Dwellings in Multi-Unit Buildings Only

- installation of entry doors openable from inside without a key;

- installation of self-closing doors;
- installation of a fire extinguisher and fire blanket in the kitchen; and
- the making of an Evacuation Plan.

#### Standalone Dwellings Only

- installation of heat alarms for dwellings located above a garage.

### **Code of Conduct and Supporting Amendment Regulation**

The draft Code sets out the obligations of STRA industry participants and provides processes and enforcement mechanisms to manage and respond to Code breaches. The Code must be declared by Regulation to take effect. The Amendment Regulation also contains other key elements to support the operation of the Code, such as the penalty unit amounts for offences under the Code.

### **Proposed Industry-Led STRA Property Register**

The NSW Government is considering the introduction of a mandatory STRA registration system as part of the new regulatory framework. This responds to support from some councils, communities and stakeholders for a registration system, both before and after the Government's announcement of the policy in 2018.

Council is supportive of the proposed multifaceted approach to regulating STRA, noting that the various layers of the proposed legislative framework for regulating STRA will be more robust than the approach first put to the community in 2018. The current submission provides an opportunity for Council to inform DPIE that the concerns raised in Council's submission of November 2018 still apply, along with some additional concerns identified in the current submission, included in **Attachment 2**.

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## **Financial Implications**

Not applicable



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## **Community Engagement**

The attached submission has been prepared in response to DPIE's request for submissions on the proposed Policy, Regulation and Code of Conduct for STRA.

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## **Attachments**

- 1 Short-Term Rental Accommodation Discussion Paper 'A New Regulatory Framework' [↓](#)
- 2 Draft Submission on STRA September 2019 [↓](#)
- 3 Submission on STRA November 2018 [↓](#)



SHORT-TERM RENTAL ACCOMMODATION

## A new regulatory framework

Discussion paper

August 2019





Published by NSW Department of Planning, Industry and Environment and Department of Customer Service

[dpie.nsw.gov.au](http://dpie.nsw.gov.au) | [customerservice.nsw.gov.au](http://customerservice.nsw.gov.au)

Title: A new regulatory framework

Discussion paper

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## Background

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The Short-term Rental Accommodation (STRA) industry was estimated to be worth \$31.3 billion nationally in 2016. NSW's share equalled approximately 50% of that figure, with STRA creating jobs, benefiting the economy and providing income for property owners. At the same time, the NSW Government has also heard that STRA can cause problems for communities if not adequately managed.

In June 2018, the NSW Government announced a policy for STRA in NSW including:

- A state-wide planning instrument permitting the use of dwellings for STRA under certain conditions, including limits on the days the activity can take place
- A mandatory Code of Conduct that will apply to online booking platforms, letting agents, hosts and guests
- Clarification that strata schemes can adopt a by-law that prohibits STRA where a lot is not a host's principal place of residence. Any such by-law will need to be adopted by special resolution, with 75 per cent of votes supporting the proposal at a general meeting.

The Department of Planning, Industry and Environment (DPIE) and Department of Customer Service (DCS) are responsible for implementing the announced policy.

The new policy followed a Parliamentary Inquiry into the adequacy of the regulation of short-term holiday letting in New South Wales in 2015-16 and an Options Paper in 2017. More about the policy history can be found at [planning.nsw.gov.au/STRA](http://planning.nsw.gov.au/STRA).

### Call for feedback

DPIE and DCS are now seeking feedback on the instruments which will introduce the announced state-wide planning framework and the mandatory Code of Conduct for STRA and related regulation.

Feedback is also sought about the proposed introduction of an industry-led STRA property register.

### An integrated policy framework

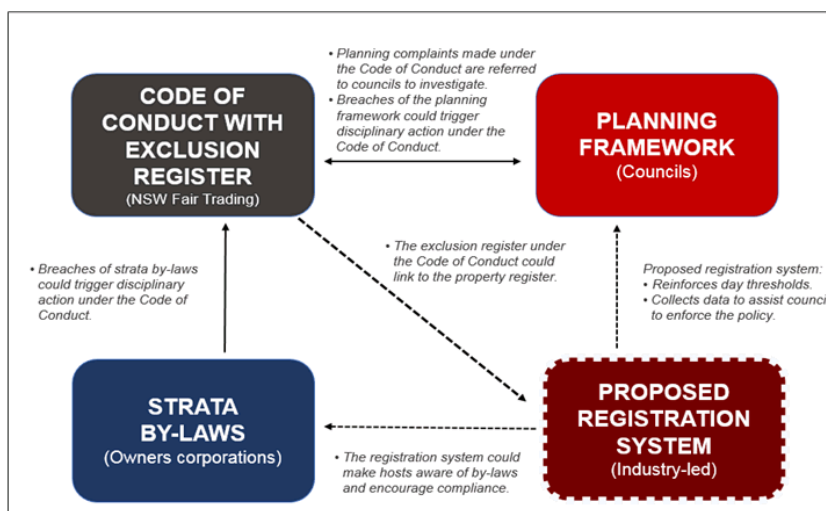
The Government policy for STRA seeks to enable local economies to continue to benefit from STRA, while protecting communities from anti-social behaviour such as increased noise for neighbours. The policy is intended to operate as a cohesive and integrated system where each component of the regulatory framework works together. This is summarised in Figure 1.

The proposed introduction of a STRA property register has the potential to strengthen the STRA regulatory framework. For example, the register could:

- provide planning authorities with data about STRA properties that can be used to enforce planning laws
- draw on the Code of Conduct's exclusion register to enforce compliance
- be used as an avenue to raise hosts' awareness of their obligations under the planning framework and relevant strata by-laws.

The NSW public now has an opportunity to review and provide feedback on the detail of the STRA policy elements, as well as how they interact as a whole.

Figure 1: Overview of integrated STRA framework



## This document

This document explains the draft planning instruments, the Code and Amendment Regulation, as well as the proposed scope of a new STRA property register. It also highlights specific aspects of the regulatory framework for feedback. A summary of questions is at Appendix 1. The document should be read in conjunction with the full draft planning instruments, Code and Amendment Regulation which have been published alongside this document.

## Planning instruments

Following consultation in 2018, DPIE is seeking further feedback on the draft:

- *State Environmental Planning Policy (Short-term Rental Accommodation) 2019*, which introduces exempt and complying development pathways for STRA, within day thresholds and other key criteria.
- *Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019* and the accompanying 'Short-term Rental Accommodation Fire Safety Standard', which introduces new safety standards for dwellings used for STRA.

## Code of Conduct

The NSW Parliament passed the *Fair Trading Amendment (Short-term Rental Accommodation) Act 2018* (the Act) on 14 August 2018, which provided for the introduction of a new mandatory Code of Conduct for STRA industry participants.

A draft Code of Conduct for the Short-term Rental Accommodation Industry (the Code) has now been developed with input from key government agencies and the STRA Advisory Committee. The Committee consists of industry, community and government stakeholders (see Appendix 2 for the list of members).

A draft *Fair Trading Amendment (Code of Conduct for Short-term Rental Accommodation Industry) Regulation 2019* (the Amendment Regulation) has also been developed. The Amendment Regulation will declare the Code for the purposes of s 54B(1) of the Act and support the Code's implementation.

Feedback is sought on the draft Code and the draft Amendment Regulation.

## Registration system

The NSW Government is also seeking feedback about the scope of a potential industry-led register for STRA. Feedback is sought on the:

- Role of industry in developing and managing a registration system
- Process for registering a property
- Information required to be included on the register
- Verification of the register's accuracy and completeness and the associated reporting
- Access to information on the register
- Costs associated with establishing and managing the register
- Time needed to develop a registration system.

## Other issues

Other issues that the NSW Government is seeking feedback on in this document are:

- when the regulatory framework should commence
- the proposed scope of the review of the STRA regulatory framework 12 months after it commences, which the Government has committed to completing.

## How to make a submission

**The closing date for submissions is close of business 11 September 2019.**

Interested organisations and individuals are invited to provide a submission on any matter relevant to the proposed draft planning instruments, the draft Code, the draft Amendment Regulation and the introduction of a STRA property register. You may wish to comment on only one or two matters of particular interest, or all of the issues raised. Discussion questions are posed throughout the document, which you may choose to answer or not.

We prefer to receive submissions via the online form below. We request that any documents provided to us are produced in an 'accessible' format. Accessibility is about making documents more easily available to those members of the public who have some form of impairment (visual, physical, cognitive). Further information on how you can make your submission accessible is contained at <http://webaim.org/techniques/word/>.

Additional copies of this paper and the proposed Code of Conduct and Amendment Regulation can be downloaded from [www.planning.nsw.gov.au/STRA](http://www.planning.nsw.gov.au/STRA) or at [www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms](http://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms). Printed copies can be requested from NSW Fair Trading by phone on 13 32 20, or DPIE at [sth1@planning.nsw.gov.au](mailto:sth1@planning.nsw.gov.au).

Please provide your feedback by:

- Making a submission at [www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms](http://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms).
- Mail to:

Director, Housing Policy  
NSW Department of Planning, Industry and Environment  
GPO Box 39, Sydney NSW 2001

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### *Important note: Release of submissions*

All submissions will be made publicly available. If you do not want your personal details or any part of your submission published, please indicate this clearly in your submission together with reasons. Automatically generated confidentiality statements in emails are not sufficient. You should also be aware that, even if you state that you do not wish certain information to be published, there may be circumstances in which the Government is required by law to release that information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). It is also a statutory requirement that all submissions are provided to the Legislation Review Committee of Parliament.

### *Evaluation of submissions*

All submissions will be considered. The proposed planning instruments, Code of Conduct and Amendment Regulation may be amended, as considered appropriate and necessary, to address issues identified in the consultation process. If further information is required, targeted consultation may be held before the STRA regulatory framework is finalised.

## Planning Instruments

### Summary of the planning framework

At present, STRA is regulated differently in different local government areas (LGAs) across NSW, undermining certainty for hosts and communities. The planning framework announced as part of the NSW Government policy for STRA seeks to provide much needed state-wide consistency in the definition and permissibility of STRA. The proposed planning framework includes:

- A new definition for STRA.
- New 'exempt' and 'complying' approval pathways that enable STRA within day limits:
  - Where the host is present, STRA is 'exempt development' for 365 days per calendar year.
  - Where the host is not present, and the site is not on bushfire prone land or a flood control lot, STRA is 'exempt development' for:
    - 180 days in Greater Sydney
    - 365 days in regional areas; except where a council varies this to no lower than 180 days.
- Where the host is not present, and the booking is for 21 or more consecutive days, the booking will not count towards the above day thresholds.
- Minimum safety and evacuation requirements for dwellings used for STRA.

### Previous consultation

STRA in NSW has been the subject of consultation for a number of years, including during a Parliamentary Inquiry and an Options Paper. The NSW Government is committed to ensuring that diverse views inform the policy, to strike the right balance between supporting those who wish to engage in home sharing and those who are concerned by its impacts.

Most recently, DPIE sought feedback on proposed changes to planning instruments to introduce the state-wide planning framework between 5 October and 16 November 2018. 543 submissions were received from councils, communities and hosts across NSW, expressing diverse views:

- **Councils** were generally supportive of a state-wide definition for STRA, approval pathways and safety standards, but some held mixed views regarding the number of days STRA can take place. Councils reiterated the importance of an enforceable planning framework aligned with the Code of Conduct.
- **STRA industry and hosts** were generally supportive of the proposed amendments and Government position; but noted the potential impact of additional safety standards and day limits on STRA activity.
- **Community groups, strata bodies and residents** expressed mixed support for the proposed amendments. Some welcomed the additional regulation, while others felt it should go further.
- **Traditional accommodation providers** raised concerns regarding the impact of STRA on their business and regarding existing regulation.

The submissions received during this previous exhibition, as well as exhibition materials, are available at [planspolicies.planning.nsw.gov.au](https://planspolicies.planning.nsw.gov.au). Feedback received has informed the draft SEPP and Regulation.

## Overview of draft instruments

The draft planning instruments and Regulation are available at [www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms](http://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms).

### *State Environmental Planning Policy (Short-term Rental Accommodation) 2019*

The proposed *State Environmental Planning Policy (Short-term Rental Accommodation) 2019* (STRA SEPP) is a new SEPP specifically created for STRA land use planning controls. The proposed SEPP will:

- Have a delayed commencement, to provide a suitable transition period and align with the commencement of the Code of Conduct (Clause 2).
- Clarify the aims of the policy, relating to supporting STRA, managing its impacts, providing for guest safety and clarifying the types of residential accommodation where STRA can take place (Clause 3).
- Introduce a new definition for hosted and un-hosted STRA, as well as other relevant definitions including 'Greater Sydney' and clarify the types of residential accommodation in which STRA is permitted (Clause 4).
- Apply state-wide (Clause 5), repealing existing STRA provisions in local planning instruments (Schedule 1).
- Require that the draft STRA SEPP be reviewed after it commences (Clause 8).
- Introduce an exempt development pathway for STRA, including general requirements and limits on the days the activity can take place depending on location and host presence (Clauses 9, 11 and 12).
- Introduce a complying development pathway for un-hosted STRA on bushfire prone land and flood control lots including general requirements (Clauses 10, 13 and 14).
- Provide that un-hosted STRA bookings of 21 or more consecutive days do not count towards the applicable day limit (Clauses 12 and 13).
- Identify regional councils that nominated different day limits for un-hosted STRA during the October-November exhibition, within the announced thresholds (Clauses 12 and 13):
  - Ballina Shire – 180 days across the LGA.
  - Lake Macquarie – 180 days across the LGA.
  - Clarence Valley Shire – 180 days in areas shown on the Clarence Valley Short-term Rental Accommodation Area Map.
  - Muswellbrook Shire – 180 days in areas shown on the Muswellbrook Short-term Rental Accommodation Area Map.

Regional councils can continue to nominate reductions in un-hosted STRA permissibility to no lower than 180 days, by writing to DPIE. To have the reduced thresholds apply at policy commencement, requests should be included in a submission to this consultation.
- Include savings provisions for undetermined development applications and exempt development provided for under any existing planning provisions (Clause 15).

### **A note about Planning for Bush Fire Protection**

Planning for Bush Fire Protection 2006 (PBP 2006) contains provisions for 'holiday lets'. PBP 2006 is currently under review and will be updated according to the Government's policy regarding STRA. A pre-release version of Planning for Bush Fire Protection 2018 has been published.



### Key changes from what has been previously exhibited

Most of the provisions of the STRA SEPP reflect the policy that Government announced in June 2018 and that DPIE consulted on in October-November 2018. However, refinements have been made based on feedback received, where it aligns with the powers of the planning system and Government policy.

**Table 1: Key changes to previously exhibited policy**

	Current approach	Previous proposal	Reason
Structure	The state-wide policy is proposed to be introduced through a standalone SEPP and accompanying Safety Standard under the EP&A Regulation.	The 2018 Explanation of Intended Effect proposed that the state-wide policy would be introduced via amendments to the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .	This approach presents the most workable solution for users of the policy.
STRA on flood control lots	STRA on flood control lots is proposed to be complying development when the host is not present, including meeting standards relating to certification the land is not high risk and access and refuge.	The 2018 Explanation of Intended Effect proposed no unique provisions for STRA on flood control lots.	This responds to feedback from councils and flooding experts that additional safety standards are required for STRA on flood control lots.
STRA on bushfire prone land	In addition to being complying development, STRA on bushfire prone land will be required to meet additional standards relating to access to roads, evacuation plans and fire hydrants.	The 2018 Explanation of Intended Effect did not propose these additional standards.	DPIE received feedback during exhibition that these standards are required.
	The STRA SEPP will not provide a development application pathway for STRA on bushfire prone land > BAL40 risk rating.	The 2018 Explanation of Intended Effect proposed to allow STRA on BAL40 properties as a development application.	DPIE received feedback during exhibition that the safety risk is too high and that STRA would be unlikely to be approved on BAL40 properties.
Un-hosted STRA bookings of 21 or more consecutive days	Un-hosted bookings of 21 or more consecutive days will not contribute to applicable day thresholds; but will still need to meet the safety standards.	The 2018 Explanation of Intended Effect did not propose this for bookings of 21 days.	The exemption reflects feedback that longer bookings tend to have fewer amenity impacts and are a key support to a mobile workforce.

## A new regulatory framework

	Current approach	Previous proposal	Reason
Varying days within LGA	Under the STRA SEPP, some regional councils have nominated different permissibility in different parts of their LGAs (within day thresholds announced by Government).	The 2018 Explanation of Intended Effect did not nominate day thresholds for regional councils but invited regional councils to nominate their preference.	The proposed days reflect thresholds requested by councils following exhibition of the Explanation of Intended Effect.

## Environmental Planning and Assessment (Short-term Rental Accommodation) Regulation 2019

The proposed SEPP will be supported by amendments to the *Environmental Planning and Assessment Regulation 2000* (the Regulation). The amendment will provide for visitor safety, by requiring dwellings used for STRA to meet new safety standards. These standards are detailed in the 'Short-term Rental Accommodation Fire Safety Standard' and summarised below. These are consistent with those that were exhibited in 2018.

**Table 2: Proposed safety requirements applying to dwellings used for STRA**

Dwelling type	Recommended standard
All dwellings	<ul style="list-style-type: none"> <li>No more than 2 persons/bedroom or 12 persons, whichever is the lesser.</li> <li>Installation of smoke alarms in each bedroom, and the smoke alarms are interconnected where there is more than one alarm.</li> <li>Installation of a lighting system in hallways that is activated by the smoke alarm system.</li> </ul>
Dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings)	<ul style="list-style-type: none"> <li>Entry doors should be openable from inside the dwelling without a key.</li> <li>Installation of a self-closing device and smoke seals to all edges of the door, if the door opens onto a shared corridor and entrance doorway.</li> <li>Installation of a fire extinguisher and fire blanket in the kitchen.</li> <li>Making an Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system.</li> </ul>
Standalone dwellings only (Class 1a buildings)	<ul style="list-style-type: none"> <li>Installation of heat alarms in single dwellings which are located above a garage. This would be required only where the garage is not accessible to the guest/s.</li> </ul>

- 1. What is your view on the form of and provisions in the STRA SEPP, Regulation and Safety Standard?**
- 2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?**
- 3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?**

# Code of Conduct and supporting Amendment Regulation

The draft Code sets out the obligations of STRA industry participants and provides processes and enforcement mechanisms to manage and respond to Code breaches. The Code must be declared by Regulation to take effect. The Amendment Regulation also contains other key elements to support the operation of the Code, such as the penalty unit amounts for offences under the Code.

The following sections provide more detail and context on both the Code and Amendment Regulation and seek feedback on specific elements.

The draft Code and Amendment Regulation are available at [www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms](http://www.planningportal.nsw.gov.au/exhibition/have-your-say-short-term-rental-accommodation-reforms)

## Code of Conduct

### *Objectives of the Code*

The principal objectives of the proposed Code are set out in the Code itself, which are to:

- (a) set out the rights and obligations of STRA industry participants
- (b) provide for resolution of disputes and complaints concerning the conduct of STRA industry participants
- (c) outline the compliance and enforcement approach that applies for contraventions of the Code by STRA industry participants
- (d) facilitate the oversight of the STRA industry.

### *Definitions*

The Code's definitions are generally consistent with those used in the Act and the Amendment Regulation. The terms 'booking platform', 'letting agent', 'host' and 'guest' are used to refer to the industry participants defined in s 54A of the Act. Specifically:

- booking platform means a person who, in trade or commerce, provides an online booking service that enables persons to enter into short-term rental accommodation arrangements
- letting agent means a person who carries on business as an agent to enable persons to enter into short-term rental accommodation arrangements
- host means a person who, pursuant to a short-term rental accommodation arrangement, gives another person the right to occupy the residential premises to which the arrangement relates
- guest means a person who, pursuant to a short-term rental accommodation arrangement, is given the right to occupy the residential premises to which the arrangement relates.

'Facilitator' is also used to refer to the prescribed classes of short-term rental accommodation industry participants in clause 22B of the Regulations (see page 12 for a discussion about prescribed classes of STRA industry participants).

The Code also provides that:

- *Commissioner* means the Commissioner for Fair Trading in the NSW Department of Customer Service
- *Secretary* means the Secretary of the Department of Customer Service.

## *Industry participants' obligations*

Section 54B(2)(a) of the Act provides the Code may 'set out the rights and obligations of short-term rental accommodation industry participants'. Part 5 of the Code imposes general obligations on all STRA industry participants to:

- act honestly and in good faith
- comply with the Commissioner's requests to produce information about the operation of the STRA industry or the Code
- comply with directions the Commissioner issues as part of compliance or enforcement action
- not knowingly misrepresent a person's identity to avoid a provision of the Code.

### **4. *Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?***

Section 54B(2)(e) of the Act provides the Code may 'require the provision of information or reports to the Secretary relating to the short-term rental accommodation industry and the operation of the code'. This information is intended to be used to monitor, evaluate and inform the further improvement of the STRA regulatory framework.

### **5. *What types of STRA information will be useful for the Secretary to collect to inform the further improvement of the Code and the STRA regulatory framework? Why?***

Part 5 of the Code also imposes specific obligations on different industry participants. Booking platforms', letting agents' and facilitators' specific obligations relate to:

- informing hosts and guests about:
  - the Code
  - that the booking platforms and letting agents are bound by the Code
  - the available complaints process
  - any complaints or disputes that arise due to a STRA arrangement
- restrictions on facilitating STRA arrangements for hosts, hosts in relation to specific premises or guests, who are listed on the exclusion register (the exclusion register is discussed below)
- keeping records of STRA arrangement transactions.

Hosts' specific obligations relate to:

- representing their STRA property accurately to guests
- holding an appropriate level of public liability insurance
- providing guests with appropriate contact information for the host or other emergency service providers
- providing neighbours, including an owners corporation where relevant, with information such as the host's contact details
- complying with any restrictions on participating in the STRA industry imposed on them due to listings on the exclusion register.

Guests' specific obligations relate to:

- their behaviour and the behaviour of any visitors, including ensuring they do not act in a way that unreasonably impacts on STRA properties' neighbours
- taking reasonable care of the STRA premises or host's property at the premises
- complying with any restrictions on participating in the STRA industry imposed on them where they are listed on the exclusion register.

### **6. *Are the specific obligations on booking platforms, letting agents, hosts, guests and facilitators in the Code adequate? If not, what other obligations should be considered for each of these industry participants? Why?***

## Complaints

Section 54B(2)(f) of the Act provides the Code may 'provide for the resolution of disputes and complaints concerning the conduct of short-term rental accommodation industry participants'.

Part 6 of the Code sets out the complaints handling process. It provides that a person may lodge a complaint with the Commissioner about an alleged Code contravention. Complainants may be industry participants such as hosts and guests, or non-industry participants such as neighbours and owners corporations. The Commissioner may determine the form in which a complaint must be made and the supporting information to be submitted.

Part 6 also sets out when the Commissioner may dismiss a complaint, provides certain procedural standards to ensure fairness to the parties to the complaint, and sets out some of the considerations the Commissioner may take into account when handling a complaint.

### **7. *Is the complaints process detailed in part 6 of the Code sufficient? If not, what other matters should be considered or set out in the process? Why?***

## Compliance and Enforcement

Section 54B(2) of the Act provides that the Code may, among other things:

- (d) provide for warnings to be given to short-term rental accommodation industry participants who contravene the code
- (g) authorise the keeping of a register (the exclusion register) containing the details of short-term rental accommodation industry participants who have failed to comply with the code
- (h) regulate or restrict access to the exclusion register
- (i) prohibit or restrict persons whose details are listed on the exclusion register from entering into, or participating in, short-term rental accommodation arrangements.

The Code provides that the Commissioner for Fair Trading may take disciplinary action where an industry participant is found to have contravened the Code. Disciplinary action could include:

- issuing a warning notice to an industry participant
- issuing a direction to an industry participant requiring them to act or stop acting in certain ways
- recording a 'strike' against a host, a host in relation to specific premises or a guest
- recording a host, a host in relation to specific premises or a guest on the exclusion register.

## Strikes

Part 7 of the Code requires the Commissioner to record a host, a host in relation to specific premises or a guest on the exclusion register where they have received two strikes within a two-year period. The Code sets out the circumstances under which the Commissioner can record a strike, which include where:

- a guest fails to comply with an obligation to a neighbour and the failure is not minor. For example, where a guest is found to have acted violently towards someone in a neighbouring property
- a host misrepresented the state of STRA premises when advertising the premises for rent or in communications to guests
- a host failed to comply with their insurance obligations and the failure is not minor
- a serious contravention of the Code occurs
- the Commissioner is satisfied that it is appropriate to record a strike.

### **8. *Are the grounds for recording a strike fair and reasonable? What other matters (if any) should the Commissioner consider when deciding whether to record a strike? Why?***

## Exclusion register

The Code provides that a host, a host in relation to specific premises or a guest who is listed on the exclusion register will be listed for a period of five years. A host or guest who is listed will not be permitted to participate in the STRA industry for the duration of their listing. A host that is listed with reference to specific premises will not be permitted to rent out those specific premises for STRA for the duration of their listing.

The Code requires booking platforms and letting agents to prevent participation in the STRA industry by hosts, hosts in relation to specific premises, or guests who are listed on the exclusion register. The Code also requires hosts not to rent out STRA properties to guests who are listed on the exclusion register.

To enable booking platforms, letting agents and hosts to comply with these obligations, the information on the exclusion register could be incorporated into the proposed STRA property register. Access to exclusion register information could also be facilitated using other methods such as making the information publicly searchable online. These potential solutions could impact people's privacy adversely. The Government aims to implement a solution that balances industry participants' right to access to information to comply with their Code obligations with the privacy rights of hosts and guests.

### 9. *What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?*

#### Secretary's review of disciplinary action

The Code provides that an industry participant may apply to the Secretary for a review of the Commissioner's decision to:

- issue a warning notice or direction against the participant
- record a strike against them as a host, host in relation to specific premises or guest.

In particular, the Code provides that:

- if an industry participant wants disciplinary action to be reviewed, they must apply for a review within 21 days of receiving notice of the disciplinary action
- the Secretary must decide a review within 28 days
- the Secretary may determine the form of the review application
- the Secretary may decide to impose alternative or additional disciplinary action as a result of the review.

Appeals about listings on the exclusion register are handled under the Amendment Regulation (see below for discussion).

### 10. *Is the review process clear and sufficient? What other matters (if any) should be considered? Why?*

#### *Penalty notice offences and civil penalties*

Section 54C of the Act provides that 'A short-term rental accommodation industry participant who contravenes a provision of a code of conduct that is identified by the code as an offence provision is guilty of an offence.' Section 54D of the Act provides that a 'court may...order a short-term rental accommodation industry participant to pay a monetary penalty if the court is satisfied that the participant has contravened a provision of a code of conduct that is identified by the code as a civil penalty.'

The Code identifies the provisions that are penalty notice offences for the purposes of s 54C and civil penalty provisions for the purposes of s 54D of the Act. **Appendix 3** contains a list of all these provisions.

- 11. Are the proposed penalty notice offence and civil penalty provisions appropriate? What provisions should or should not be identified as penalty notice offence and/or civil penalty provisions? Why?**

## Amendment Regulation

The Amendment Regulation amends the Fair Trading Regulation 2012. The Amendment Regulation will declare the Code of Conduct, prescribe classes of STRA industry participants, exclude particular STRA industry participants, provide for appeals against exclusion register listings and enable the Secretary to recover costs by imposing fees.

### *Prescribed classes of STRA industry participant*

Clause 22B of the Amendment Regulation aims to capture STRA industry participants that are not already covered in the definitions in section 54A of the Act.

Under clause 22B(1), 'persons who provide property management services for residential premises subject to a STRA arrangement are prescribed for the purposes of paragraph (e) of the definition of short-term rental accommodation industry participant in section 54A of the Act'.

Clause 22B(2) provides that 'property management services' include services such as 'creating listings, rental pricing, guest vetting and communications and check-in services'.

This clause is intended to capture organisations that provide end to end property management services specifically to hosts of STRA properties. Examples of these organisations are MadeComfy, Hey Tom and Airsorted.

- 12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?**

- 13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?**

### *STRA industry participants excluded from Code of Conduct*

Certain STRA operators that fall within the Act's definition of STRA industry participant are excluded from having to comply with the Code under clause 22C. These STRA operators have been excluded from having to comply with the STRA regulatory framework because these types of accommodation are not covered by the STRA package, including the planning law changes. These types of accommodation are covered by other regulatory arrangements and planning system requirements.

- 14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?**

- 15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?**

## *Appeals against listing on exclusion register*

Clause 22D sets out that a person may appeal to the Secretary about the Commissioner for Fair Trading's decision to list them as an excluded host, host in relation to specific premises or guest on the exclusion register.

### **16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?**

## *Fees and cost recovery*

The Commissioner for Fair Trading will be responsible for administering and enforcing the Code and the exclusion register. Section 54B(3)(b) of the Act provides that a regulation may 'authorise the Secretary to recover from short-term rental accommodation industry participants the costs incurred by the Secretary in connection with the enforcement and administration of the code'.

Clause 22E of the Amendment Regulation provides that the Secretary may impose fees on STRA industry participants to recover costs.

The NSW Government will seek to put in place arrangements that provide for the appropriate administration and enforcement of the STRA policy and are of least cost. The NSW Government intends the administration and enforcement of the Code to be cost neutral to government. These costs will include the development and maintenance of the exclusion register, complaint handling and compliance activity.

Potential cost recovery methods may involve:

- all industry participants, or only particular categories of industry participants, such as booking platforms and letting agents, contributing towards the total cost of administering and enforcing the Code
- costs being apportioned to each contributing industry participant according to the proportion of:
  - total number of premises rented out or advertised for rent
  - total number of days that STRA properties were rented out,
  - total STRA revenue, or
  - attributed complaints and reviews received under the Code
- the same fee being charged to all industry participants who contribute to cost recovery.

### **17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?**

### **18. How should costs be apportioned across different STRA industry participants? Why?**

## *Penalties*

### **Civil penalty for contravention of code of conduct**

Clause 22F sets out the penalty unit amounts for civil penalty offences in the Code.

### **Schedule 1 penalty notice offences**

The amendment to Schedule 1 of the Fair Trading Regulation 2012 prescribes \$550 as the amount for penalty notice offences under the Code. This is consistent with all the other amounts that are listed in the Schedule for other penalty notice offences under the *Fair Trading Act 1987*.

### **19. Is the proposed penalty notice offence amount appropriate? Why or why not?**



## Proposed industry-led STRA property register

The NSW Government is considering the introduction of a mandatory STRA registration system as part of the new regulatory framework. This responds to support from some councils, communities and stakeholders for a registration system, both before and after the Government's announcement of the policy in 2018.

The following outlines the potential scope, intent and outcomes of a registration system for STRA. DCS and DPIE are seeking feedback to inform the design of the system. Feedback is particularly sought from industry participants (including booking platforms, letting agents, hosts and guests), who would be responsible for developing and administering the registration system.

### Intention of registration

A register has the potential to greatly strengthen responses to complaints about STRA. This is because a register could provide information about which properties are used for STRA and the number of days that properties are let.

The register also has the potential to:

- support the integration of the STRA regulatory framework by consolidating data about all STRA properties, including their compliance with local council regulations and exclusion register status
- assist NSW Fair Trading to administer the Code of Conduct through, for example, confirming if a property that is subject to a complaint is registered for STRA
- assist with monitoring the effectiveness of the STRA regulatory framework and provide key data for the 12-month review.

Any registration system would apply to all STRA properties, including those let through online booking platforms, letting agents and other providers.

### Industry is best placed to administer the register

STRA industry participants already hold much of the information that would need to be included in an effective STRA property register. Additionally, industry also has in place existing systems and processes that collect real-time STRA data.

The Government would propose to make industry responsible for funding, developing and administering it under relevant legislation or instruments. This approach could enable the development of a registration system that:

- leverages existing data and systems
- delivers the outcomes sought by much of the industry and its customers
- provides scope for industry innovation
- minimises duplication and red tape.

This approach would also enable industry to choose the appropriate governance structure, as well as design a funding method that reflects the levels of involvement of different STRA participants.

#### **20. How can industry be organised to develop and manage the registration system?**

- 21. What would be the costs to industry in establishing and maintaining the register? How would industry propose to meet these costs?**
- 22. What role should the Government play in developing or overseeing the register, if any?**

## Proposed outcomes from having a register

While industry would be responsible for designing the detail and operation of the register, the Government has identified a number of outcomes that the register would need to deliver including:

- Enabling all properties used for STRA to be individually and uniquely identified
- Ensuring only registered properties are made available as STRA
- Providing an up-to-date, accurate and accessible source of data on STRA premises in NSW, including number of stays (days) and compliance and enforcement action.

- 23. Are there other outcomes a register should deliver?**
- 24. How can the approach ensure registration applies to all STRA operators, regardless of how the property is advertised for rent?**
- 25. What audit and verification processes would be needed to ensure accuracy of data?**
- 26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?**

## Register data collection

The scope and quality of the information held on the register would be keys to the register's success.

For the register to be effective, it will likely need to hold:

- The name and contact details of the host
- The street address of the property
- The number of days properties are booked for STRA
- If in a strata building, whether STRA complied with the bylaws
- Records of any breaches, enforcement action or 'strikes'
- Confirmation that the host or property is not listed on the exclusion register.

Information for the register could potentially be collected from a variety of sources, including industry participants and Government. For example:

- hosts, booking platforms or letting agents could be required to register STRA properties
- platforms and letting agents could be required to provide real-time data on bookings (days)
- NSW Fair Trading could provide data on upheld complaints, enforcement action and strikes, and exclusion register status.

- 27. What information should the register collect? Why?**
- 28. What role should different industry participants (e.g. hosts and booking platforms) play in the registration process?**
- 29. What role should Government play in the registration process or providing information for the register?**

## Access to information on the register

Information on the register could facilitate compliance with the STRA regulatory framework. For example:

- Local councils could use the information to enforce compliance with day thresholds
- Industry participants, such as booking platforms, could access the information to ensure they are only advertising registered STRA properties that are not listed on the exclusion register, and which are within the permitted maximum number of days.
- NSW Fair Trading could use the information to confirm whether properties subject to complaints have been used for STRA.

Community members may also wish to be able to confirm whether properties apparently being used for STRA are registered or excluded. However, the register would need to appropriately protect individuals' privacy and safeguard the personal information on the register. This means it may be inappropriate for the STRA property register to be publicly available.

- 30. Should any information on the register be made publicly available? If so, what information could be made available and why?**
- 31. Should industry be required to report registration information, including number of stays (days), to Government and/or local councils? If so, how frequently? Why?**
- 32. Should any information on the register be made publicly available? Why?**

## Other issues

### Commencement date for STRA regulatory framework

#### *When could the planning instruments, Code, Amendment Regulation and industry-led register start?*

We are seeking feedback about when the STRA regulatory framework should commence.

Potentially all elements of the new STRA regulatory framework could come into force at the same time. This would include the regulatory elements discussed in this document, as well as the changes to strata legislation. However, given the time that industry may need to develop and establish the register, this is likely to mean that the regulatory framework cannot commence until 2020.

Alternatively, a staged implementation is an option. Under this approach, the planning instruments, Code, Amendment Regulation and strata legislation amendments could potentially come into force towards the end of 2019, and the register could commence in 2020. This would provide industry with the time needed to develop and establish the register, while ensuring other elements of the framework commence this year.

Under either approach, the NSW Government would seek to publish the final Code, Amendment Regulation and planning instruments a number of months in advance of the commencement date. This would provide hosts, councils and communities with the time needed to transition to the new system.

#### *What will affected parties need to do to prepare for the start of the STRA regulatory framework?*

Once the final planning instruments, Code and Amendment Regulation are published, hosts, platforms and letting agents will need to take steps to ensure they comply with their new obligations. For example:

- Booking platforms and letting agents will need to update their websites and terms and conditions to comply with their notification obligations under the Code
- Hosts may need to update the insurance for the STRA property and ensure safety standards required under planning instruments are in place.

Government agencies including NSW Fair Trading and DPIE will need to:

- develop the processes and systems needed to administer the STRA regulatory framework. These include complaints handling processes and compliance programs
- undertake information and education activities to communicate the impending changes to affected stakeholders, including STRA hosts and guests.

STRA industry participants will also need to develop and establish the STRA property register, if one is implemented. This is likely to involve establishing appropriate governance arrangements, developing an online registration system and putting in place relevant processes.

**33. How much lead time would industry need to develop and establish the proposed STRA property register? Please provide reasons.**

**34. When should the STRA regulatory framework start? Please provide reasons.**

### *What are the next steps?*

When the consultation period closes, DCS and DPIE will analyse all feedback received and make any necessary refinements to the policy.

Once the planning instruments, the Amendment Regulation and the Code have been finalised by the Minister for Better Regulation and Innovation and the Minister for Planning and Public Spaces, they will be submitted to the Governor for approval. Once approved by the Governor, they will be published on the official NSW Government website for online publication of legislation at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

### Review of regulatory framework after 12 months

The NSW Government has committed to reviewing the STRA regulatory framework 12 months after all policy elements have commenced. The review will be an opportunity to:

- consider the outcomes of the STRA policy
- identify elements that may need to be reconsidered or amended
- ensure the policy is meeting its key objectives and responding to diverse needs and expectations.

### *Scope of the review*

The review will need input from councils, communities, hosts and industry. Accordingly, we welcome initial feedback now about the proposed scope of the review, including suggested considerations and potential data sources.

The review of the STRA policy may consider:

- Whether the policy is meeting its objective to support STRA as a home sharing activity and contributor to local economies, while managing social and environmental impacts.
- Changes in STRA activity over time, including those caused by the new regulatory framework, and whether policy changes are needed.
- Compliance with the regulatory framework, including whether monitoring and enforcement is working efficiently and effectively.
- Whether the policy is sufficiently responsive to complaints.
- The extent to which the planning framework, Code of Conduct, strata laws and registration system operate effectively as part of a cohesive regulatory framework.
- Whether all elements of the regulatory framework are well understood by councils, communities and hosts.
- Improvements needed to ensure the policy meets its objectives and stakeholders' needs and expectations, if any.

### *Administering the review*

It is the NSW Government's intention the review of the policy will commence only after all elements of the policy have been in force for at least 12 months, including the planning framework, Code of Conduct and any registration system. This should provide sufficient time to observe the initial impact of the framework.

The review will call on a variety of information sources, within and beyond Government (including from councils and industry), and may include surveys, booking data, complaints and feedback.

**35. Do you support the proposed scope of the review? What additional considerations might be necessary?**

**36. What data sources could the NSW Government use to inform the review? How can industry and councils assist with data collection for the review?**

## Appendix 1 – Summary of questions

Topic	Question	Page number
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	2. Are there any elements of the draft instrument that are open to misinterpretation or require further clarification?	8
	3. What are your views on new policy elements relating to days, flood control lots and bushfire prone land?	8
Code: Industry participants' obligations	4. Are the general obligations for industry participants adequate? If not, what other general obligations should be considered? Why?	10
	5. What types of STRA information will be useful for the Secretary to collect to inform the further improvement of the Code and the STRA regulatory framework? Why?	10
	6. Are the specific obligations on booking platforms, letting agents, hosts, guests and facilitators in the Code adequate? If not, what other obligations should be considered for each of these industry participants? Why?	10
Code: Complaints	7. Is the complaints process detailed in part 6 of the Code sufficient? If not, what other matters should be considered or set out in the process? Why?	11
Code: Compliance and Enforcement	8. Are the grounds for recording a strike fair and reasonable? What other matters (if any) should the Commissioner consider when deciding whether to record a strike? Why?	11
	9. What are potential ways to facilitate industry participants' access to the exclusion register while limiting potential privacy impacts? What factors should be considered?	12
	10. Is the review process clear and sufficient? What other matters (if any) should be considered? Why?	12
Code: Penalty notice offences and civil penalties	11. Are the proposed penalty notice offence and civil penalty provisions appropriate? What provisions should or should not be identified as penalty notice offence and/or civil penalty provisions? Why?	13

## A new regulatory framework

Topic	Question	Page number
Amendment Regulation: Prescribed classes of STRA industry participant	12. Does clause 22B(1) appropriately capture end to end property management services that specifically service STRA properties? Why or why not?	13
	13. What other organisations or persons should be prescribed classes of STRA industry participants (if any)? Why?	13
Amendment Regulation: STRA industry participants excluded from Code of Conduct	14. Is it appropriate to exclude the STRA industry participants set out in clause 22C? Why or why not?	13
	15. What other STRA operators (if any) should be excluded from being covered by the Code? Why?	13
Amendment Regulation: Appeals against listing on exclusion register	16. Is the appeals process clear and sufficient? What other matters (if any) should be considered? Why?	14
Amendment Regulation: Fees and cost recovery	17. Which industry participants should contribute to the cost of administering and enforcing the Code? Why?	14
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Proposed industry-led property register	20. How can industry be organised to develop and manage the registration system?	15
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## A new regulatory framework

Topic	Question	Page number
	26. Should there be separate or additional penalties for failure to register? If so, which industry participants should they be imposed on?	16
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12-month review of regulatory framework	35. Do you support the proposed scope of the review? What additional considerations might be necessary?	19
	36. What data sources could the NSW Government use to inform the review? How can industry and councils assist with data collection for the review?	19



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## Appendix 2 – STRA Advisory Committee Members

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DCS convened an STRA Advisory Committee to provide input into the development of the Code of Conduct specifically.

The following industry, community and government stakeholders are members of the Committee:

- Airbnb
- Home Away/Stayz
- Real Estate Institute of New South Wales
- Property Council of Australia
- Holiday Rental Industry Association
- The Accommodation Association of Australia
- Property Owners Association New South Wales
- Estate Agents' Co-Operative Inc.
- Owners Corporation Network (OCN)
- Strata Community Association
- Department of Premier and Cabinet
- Destination New South Wales
- Tenants' Union of New South Wales
- Restaurant and Catering Industry Association of Australia
- Local Government NSW
- Australian Federation of Travel Agents.

## Appendix 3 – Proposed penalty notice and civil penalty offences under the Amendment Regulation and Code

Code provision from Part 5 – Rights and Obligations of Industry Participants	Penalties
<p>5.1.3 An industry participant must comply with a request made by the Commissioner to produce information relating to the operation of the short-term rental accommodation industry or this code. The Commissioner will use this information to monitor, evaluate and inform the further development of the regulatory framework for short-term rental accommodation.</p>	<p>Penalty notice offence: Maximum penalty: 1,000 penalty units in the case of a corporation or 200 penalty units in any other case Penalty notice offence amount: \$550 (individuals and corporations)</p>
<p>5.2.7 A booking platform must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement that is entered into using its online booking service. The record must be:</p> <ul style="list-style-type: none"> <li>• kept for 5 years after the end of the occupancy period</li> <li>• in a readily producible form.</li> </ul>	
<p>5.3.7 A letting agent must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement that is entered into using the letting agent's services. The record must be kept:</p> <ul style="list-style-type: none"> <li>• for at least 5 years after the end of the occupancy period</li> <li>• in a readily producible form.</li> </ul>	
<p>5.4.9 A host who is recorded on the exclusion register is either entirely prohibited from participation in the short-term rental accommodation industry, or prohibited only in relation to specific premises as listed on the exclusion register.</p>	
<p>5.4.10 A host must not offer premises for short-term rental accommodation if the premises is recorded on the exclusion register as an excluded premises with respect to the host.</p>	
<p>5.4.11 A host must not enter into a short-term rental accommodation arrangement with a guest if the guest is recorded on the exclusion register as an excluded guest.</p>	
<p>5.5.2 Guest obligations to neighbours</p>	

## A new regulatory framework

Code provision from Part 5 – Rights and Obligations of Industry Participants	Penalties
5.5.4 A guest must not copy, or knowingly retain, any keys, security passes or other instrument that facilitates access to the premises, after the end of the occupancy period.	
5.5.6 A guest must notify the host or the host's representative of any dispute or complaint about a guest's or visitor's behaviour as soon as possible after the event or incident has occurred.	
5.5.7 A guest who is recorded on the exclusion register as an excluded guest must not participate in the short-term rental accommodation industry as a guest.	
5.6.3 A facilitator, acting on behalf of a host must keep a record of the full particulars of each transaction involving a short-term rental accommodation arrangement the facilitator enters into on behalf of the host. The record must be kept: <ul style="list-style-type: none"> <li>• for at least 5 years after the end of the occupancy period</li> <li>• in a readily producible form.</li> </ul>	
5.1.4 An industry participant must comply with any direction issued by the Commissioner under part 7.	Penalty notice offence:
5.1.5 An industry participant must not knowingly misrepresent the identity of a person seeking to enter into, or entering into, a short-term rental accommodation arrangement, or the premises subject to a short-term rental accommodation arrangement, if the purpose of the misrepresentation is to avoid a provision of this code that applies because the person or the premises is recorded on the exclusion register.	<p>Maximum penalty: 1,000 penalty units in the case of a corporation or 200 penalty units in any other case</p> <p>Penalty notice offence amount is \$550 (individuals and corporations).</p> <p>Civil penalty:</p> <p>Monetary penalty not to exceed 10,000 penalty units (in the case of a corporation) and 2,000 penalty units (in any other case).</p>
5.2.5 A booking platform must ensure that: <ul style="list-style-type: none"> <li>• premises are not advertised on the booking platform's online booking service for short-term rental accommodation if: <ol style="list-style-type: none"> <li>i. the details of the host for the premises match the details of a person recorded on the exclusion register as an excluded host, or</li> <li>ii. the premises are recorded on the exclusion register as excluded premises</li> </ol> </li> <li>• a guest does not use the booking platform's online booking service to enter into a short-term rental accommodation arrangement if the guest's details match those of a person recorded on the exclusion register as an excluded guest.</li> </ul>	<p>Civil penalty:</p> <p>Monetary penalty not to exceed 10,000 penalty units (in the case of a corporation) and 2,000 penalty units (in any other case).</p>

A new regulatory framework

Code provision from Part 5 – Rights and Obligations of Industry Participants	Penalties
<p>5.3.4 A letting agent must not:</p> <ul style="list-style-type: none"> <li>• advertise or offer premises for short-term rental accommodation if:                             <ul style="list-style-type: none"> <li>i. the details of the host for the premises match the details of a person recorded on the exclusion register as an excluded host, or</li> <li>ii. the premises are recorded on the exclusion register as excluded premises</li> </ul> </li> <li>• otherwise facilitate the host for the premises entering into a short-term rental accommodation arrangement for the premises if:                             <ul style="list-style-type: none"> <li>i. the details of the host match the details of a person recorded on the exclusion register as an excluded host, or</li> <li>ii. the premises are recorded on the exclusion register as excluded premises.</li> </ul> </li> </ul>	

## **Bayside Council Submission: Amendments to Short-Term Rental Accommodation Planning Framework**

Council is supportive of the NSW Department of Planning, Industry and Environment's proposed multifaceted approach to regulating Short Term Rental Accommodation (STRA), noting that the various layers of the proposed legislative framework for regulating STRA will be significantly more robust than the approach first put to the community in 2018.

Council takes this opportunity to reiterate the concerns raised in Council's submission of November 2018 regarding potential issues surrounding STRA. In addition to those concerns that the proposed legislative framework for STRA will need to address, the following additional concerns have been identified by Council:

### **1. Proposed State *Environmental Planning Policy (Short-Term Rental Accommodation) 2019 (STRA SEPP)***

Council notes and supports the introduction of a SEPP specific to Short-Term Rental Accommodation (STRA). The inclusion of a standard definition of STRA and the distinction between 'hosted' and 'non-hosted' STRA provides greater certainty for industry and Council's in this regard.

It is noted that the proposed exempt and complying approval pathways are based on different levels of risk where a host is or is not present, and the number of days of operation in a calendar year. The SEPP also includes specific controls in relation to flood prone and bushfire prone land.

Council supports the proposed amendments, however, Council requests that further consideration be given to appropriate car parking requirements for STRA as part of the exempt and complying provisions.

### **2. Building Class and Fire Safety**

Despite the proposed STRA SEPP, issues remain in relation to change of building code classification as a result of the change of use from a residential flat building (BCA Class 2) to a place of shared accommodation (BCA Class 3).

It has been well established in building regulation (before the creation of the Building Code of Australia in 1990) that places of shared accommodation require a higher level of fire safety measures and management compared to long term residential accommodation, due to the degree of familiarity of the occupants to the building and immediate environment.

Any planning control that permits STRA in a building not already approved as a BCA Class 3 building, must contain a condition that requires an assessment and an upgrade, if applicable, of fire safety measures.



16 November 2018

Our Ref: F10/47

Our Contact: Manager Strategic Planning, Clare Harley 0404 163 594

Attention: Secretary  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir / Madam

**Re: Bayside Council Submission – Short Term Rental Accommodation Planning Framework (STRA)**

Thank you for the opportunity to provide a submission in relation to Short Term Rental Accommodation Planning Framework (STRA).

Please find attached the Bayside Council submission in relation to the STRA regarding amendments to the Standard Instrument Order and the Codes State Environmental Planning Policy. This submission was endorsed at the November 2018 Bayside Council meeting.

If you have any queries regarding this submission please contact Clare Harley, Manager Strategic Planning on 0404 163 594.

Yours sincerely

Meredith Wallace  
General Manager

**Eastgardens Customer Service Centre**  
Westfield Eastgardens  
152 Bunnerong Road  
Eastgardens NSW 2036, Australia  
ABN 80 690 785 443 Branch 004

**Rockdale Customer Service Centre**  
444-446 Princes Highway  
Rockdale NSW 2216, Australia  
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W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

Postal address: PO Box 21, Rockdale NSW 2216



Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

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### **Amendments to Short-term Rental Accommodation Planning Framework**

#### **1. Proposed amendments to the Standard Instrument Order 2006**

Council notes and supports the inclusion of the definition for '*short-term rental accommodation*' (STRA) in the Standard Instrument Order, and its incorporation into all Standard Instrument LEPs, including the Rockdale LEP 2011, Botany Bay LEP 2013 and Botany LEP 1995.

The inclusion of a standard definition for STRA will provide greater certainty for industry and Council's navigating the permissibility of STRA, particularly in relation to concerns raised by the community and businesses regarding impacts on amenity, noise, parking, safety, 'quasi hotels' and housing availability.

Council supports the key changes to the Standard Instrument Order 2006, which include:

- provision of a definition for the activity, to be known as '*short-term rental accommodation*';
- that STRA is not a form of '*tourist and visitor accommodation*'; and
- identifying that STRA will be permissible in all zones in which dwellings are permissible.

#### **2. Proposed amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

It is noted that the proposed exempt and complying approval pathways are based on different levels of risk where a host is or is not present and the number of days of operation in a calendar year.

Council supports the proposed amendments to the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)*. However, Council requests that the Department give further consideration to appropriate car parking requirements for STRA as part of the exempt and complying provisions.

#### **3. Noise and amenity impacts**

The Department does not propose to amend existing powers under *the Protection of the Environment Operations Act 1997* and Division 9.2 of the *Environmental Planning and Assessment Act 1979*.

Council notes that no changes are proposed in this regard, and that additional regulatory measures relating to noise and amenity impacts are proposed in the Mandatory Code of Conduct being developed by NSW Fair Trading.

#### **4. Mandatory Code of Conduct**

The proposed amendments also include a mandatory Code of Conduct for online accommodation platforms, letting agents, hosts and guests. The Code will include a new dispute resolution process to resolve complaints and this is being developed by NSW Fair Trading.

The Code of Conduct will include provisions to resolve complaints about STRA, including anti-social behaviour, and will be readily accessible to hosts, guests and impacted third parties, such as neighbours.

Council notes and supports the proposed mandatory Code of Conduct being developed by the NSW Fair Trading. However, Council requests the opportunity to provide comment further on the proposed Mandatory Code of Conduct prior to it being formally adopted.

#### **5. STRA in strata settings**

The Strata Schemes Management Act 2015 is proposed to be amended to allow owners' corporations (by a 75% majority vote) to make a by-law that prohibits the use of a lot for STRA where the lot is not the principal place of residence of the owner or tenant.

However, if the lot is the principal place of residence for the owner or tenant, a by-law cannot prevent the lot being used for STRA. If the host does not own the property, they will be required to obtain owner permission to undertake STRA.

NSW Fair Trading will also develop guidelines to advise owners corporations on how they can use other existing strata laws to help deal with short-term holiday letting.

Council notes and supports the proposed amendments to the *Strata Schemes Management Act 2015*.



## Council Meeting

11/09/2019

Item No	8.4
Subject	<b>Tender - Ador Reserve Sporting Amenities</b>
Report by	Karin Targa, Major Projects Director
File	18/35227

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## Summary

Bayside Council is implementing the construction of a new sporting amenities building at Ador Reserve. This report recommends the appointment of a contractor to undertake the works.

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## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
  3. That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Kellyville Building Pty Ltd for Contract F19/482 being for the construction works for the Ador Reserve Sporting Amenities for the amount of \$1,333,657.20 exclusive of GST.
- 

## Background

The City Projects Program for 2019/2020 includes the renewal of the Ador Reserve Sporting Amenities.

A presentation was given to Council in May 2019 on the concept design of the new sporting amenities. The location plan and concept were endorsed and it was resolved to proceed with detailed design, documentation and tender of the project.

## The Tender Process

Council invited open tenders for the construction works for Ador Reserve Sporting Amenities on Tuesday 16 July 2019. The tender period stipulated in the documents was a 4-week tender period. The Tender closed at 10.00 am on Tuesday 13 August 2019.

## Tenders Received

Sixteen (16) tender submissions were received, as follows (in alphabetical order):

- Cooper Commercial Constructions Pty Ltd;
- Cumnock Constructions Sustainability Pty Ltd;
- Every Trade Building Services Pty Ltd;
- Hibernian Contracting Pty Ltd;
- J+CG Constructions Pty Ltd;
- Kellyville Building Pty Ltd;
- Lanskey Constructions;
- Lloyd Group Pty Ltd;
- Mansfield Corporation Pty Ltd;
- Matrix Group Co Pty Ltd;
- Midson (NSW) Pty Ltd;
- Patterson Building Group Pty Ltd;
- Rapid Construction Pty Ltd;
- Rebuilt Projects Pty Ltd;
- RELD Group Pty Ltd; and
- Specbuilt Constructions Pty Ltd.

#### **Directors of the Companies That Provided Tender Submissions**

<b>Company Name</b>	<b>Director</b>
Cooper Commercial Constructions Pty Ltd	Dale Poland
Cumnock Constructions Sustainability Pty Ltd	Peter Coe & Judith North Coe
Every Trade Building Services Pty Ltd	Francois Tarabay
Hibernian Contracting Pty Ltd	Martin Breen
J+CG Constructions Pty Ltd	Mark Guerreiro
Kellyville Building Pty Ltd	B Bruton
Lanskey Constructions	Paul Lanskey & Ross Williams
Lloyd Group Pty Ltd	Clinton Lloyd & Dustin Lloyd
Mansfield Corporation Pty Ltd	Bruce Mansfield
Matrix Group Co Pty Ltd	Troy Loh

<b>Company Name</b>	<b>Director</b>
Midson (NSW) Pty Ltd	Tony Vickers & Bruce Bennett
Patterson Building Group Pty Ltd	Paul Richardson
Rapid Construction Pty Ltd	Ian Holswich
Rebuilt Projects Pty Ltd	Hass Nazzal
RELD Group Pty Ltd	Elie Esber & Reuben Lagos
Specbuilt Constructions Pty Ltd	Alexander Vidakovic

### **Late Tenders**

No late tenders were received.

### **Assessment Methodology**

The tender submission assessment and scoring is outlined in the confidential supporting attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the request for tender documents.

The tender submitted by Kellyville Building Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints.

### **Proposed Program**

The preliminary program submitted with the Kellyville Building Pty Ltd tender has the following project milestones:

<b>Milestone</b>	<b>Date</b>
Contract award	11 September 2019
Construction Commencement	30 September 2019
Project complete	June 2020

The program does not include a wet weather allowance.

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### Financial Assessment of Kellyville Building Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Kellyville Building Pty Ltd in relation to the construction works for the Ador Reserve Sporting Amenities.

Details on the assessment are included in the confidential supporting attachment to this report.

### Tender Recommendation

References were checked for Kellyville Building Pty Ltd and it was found that Kellyville Building Pty Ltd is a reputable building contractor that delivers high quality work. The referees indicated that they would re-employ Kellyville Building Pty Ltd if the opportunity would arise.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Kellyville Building Pty Ltd for an amount of \$1,333,657.20 exclusive of GST.

Kellyville Building Pty Ltd has in place insurances of \$20 Million Contract Works and Public Liability and they have the statutory workers compensation policy in place. Kellyville Building Pty Ltd have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

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### Financial Implications

Funding is included in the 2019/2020 City Projects program budget for the construction of the project.

Not applicable

Included in existing approved budget

Additional funds required

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### Community Engagement

Consultation with the general community and sporting clubs was undertaken as part of the design process, feedback from the community and clubs was positive.

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### Attachments

Tender - Ador Reserve (confidential)

## Council Meeting

11/09/2019

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Item No	8.5
Subject	<b>Tender - Syd Frost Memorial Hall &amp; Amenities</b>
Report by	Karin Targa, Major Projects Director
File	SF19/1192

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## Summary

Bayside Council is upgrading the Syd Frost Hall and constructing new amenities. This report recommends the appointment of a contractor to construct the works.

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## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
  3. That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Matrix Group Co. Pty Ltd for Contract F19/633 being for the construction works for Syd Frost Hall and Amenities project for the amount of \$625,500.00 exclusive of GST.
- 

## Background

The City Projects Program for 2019 / 2020 includes the refurbishment and extension of Syd Frost Hall and Amenities.

A presentation was given to Council in May 2019 on the concept design for the refurbishment of Syd Frost Hall and the extension of the new amenities. The concept design was endorsed by Council with minor changes to the door configuration and the detailed design, documentation and tender of the project was undertaken.

## The Tender Process

Council invited open tenders for the construction works for the Syd Frost Hall and Amenities on Tuesday 16 July 2019. The tender period stipulated in the documents was a 4-week tender period. The Tender closed at 10.00 am on Tuesday 13 August 2019.

## Tenders Received

Thirteen (13) tender submissions were received, as follows (in alphabetical order):

- 2020 Projects Pty Ltd;

- Decocorp Constructions;
- Every Trade Building Services Pty Ltd;
- Lloyd Group Pty Ltd;
- Mainstay Projects Pty Ltd;
- Mansfield Corporation Pty Ltd;
- Matrix Group Co Pty Ltd;
- Raguz Building Services PTY LTD;
- Rapid Construction Pty Ltd;
- Rebuilt Projects Pty Ltd;
- RELD Group Pty Ltd;
- Sullivans Construction; and
- Synergy Construction NSW Pty Ltd.

**Directors of the Companies that Submitted Tender Submissions:**

2020 Projects Pty Ltd	Joe Touma
Decocorp Constructions	Denis Cutura
Every Trade Building Services Pty Ltd	Francois Tarabay
Lloyd Group Pty Ltd	Clinton Lloyd & Dustin Lloyd
Mainstay Projects Pty Ltd	James Duignan
Mansfield Corporation Pty Ltd	Bruce Mansfield
Matrix Group Co Pty Ltd	Troy Loh
Raguz Building Services PTY LTD	Ilija Raguz
Rapid Construction Pty Ltd	Ian K Holswich
Rebuilt Projects Pty Ltd	Hass Nazzal
RELD Group Pty Ltd	Elise Esber & Reuben Lagos
Sullivans Construction	Damian Sullivan
Synergy Construction NSW Pty Ltd	Luke Andonopoulos & Joel Andonopoulos

## Late Tenders

No late tenders were received.

## Assessment Methodology

The tender submission assessment process and scoring are outlined in the confidential supporting attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the request for tender documents.

The tender submitted by Matrix Group Co Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints.

## Proposed Program

The preliminary program submitted as part of the Matrix Group Co Pty Ltd tender has the following project milestones:

Milestone	Date
Contract award	11 September 2019
Construction Commencement	16 October 2019
Project complete	April 2020

The program does not include a wet weather allowance.

## Financial Assessment of Matrix Group Co Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Matrix Group Co Pty Ltd in relation to the construction works for the Syd Frost Hall and Amenities.

Details on the assessment are included in the confidential supporting attachment to this report.

## Tender Recommendation

References were checked for Matrix Group Co Pty Ltd and it was found that Matrix Group Co Pty Ltd is a reputable building contractor that delivers high quality work. The referees indicated that they would re-employ Matrix Group Co Pty Ltd if the opportunity would arise.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Matrix Group Co Pty Ltd for an amount of \$ 625,500.00 exclusive of GST.

Matrix Group Co Pty Ltd has in place insurances of \$20 Million Contract Works and Public Liability and they have the statutory workers compensation policy in place. Matrix Group Co Pty Ltd have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a good track record and name in the industry.

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### **Financial Implications**

Funding is included in the 2019/2020 City Projects program budget for the construction of the project.

Not applicable

Included in existing approved budget

Additional funds required

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### **Community Engagement**

Consultation with the general community was undertaken as part of the design process, feedback from the community was positive.

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### **Attachments**

Tender - Syd Frost Hall (confidential)



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## Council Meeting

11/09/2019

Item No	8.6
Subject	<b>Tender - Cahill Park Seawall Stage 2</b>
Report by	Karin Targa, Major Projects Director
File	SF19/7002

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## Summary

The City Projects Program for 2019/2020 includes the construction of the remainder of the Cahill Park seawall.

This report recommends the appointment of a contractor to construct the works.

Cahill Park seawall stage 1 was completed in March 2019 and included reach 2, 3 and 4. Stage 2 works include reach 1 to reach 5.

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## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
  - 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Land and Marine Ocean Engineering Pty Ltd for Contract F19/801 being for the construction works for Cahill Park Seawall Stage 2 for the amount of \$710,977.27 exclusive of GST.
- 

## Background

Stage 1 of the Cahill Park seawall was renewed in 2018/2019 financial year. Budget has been included in the 2019/2020 financial year to complete the seawall renewal for the complete length of Cahill Park.

Cahill Park is bound by the Princes Highway on the west, Marsh Street to the east and Gertrude Street and Levey Street to the south and south-east. The park is owned by Crown Lands and is managed by Bayside Council. Cahill Park Seawall is located on the southern bank of the Cooks River in Wolli Creek between Tempe Bridge, Princess Highway and Giovanni Bridge, Marsh Street.

The previous height of the Cahill Park seawall did not prevent the inundation of Cahill Park during extreme rain events and tidal surges. This previously damaged park infrastructure and affecting public accessibility. The frequency of inundation from tidal and rainfall events

caused damage to both public and private property and infrastructure, as well as being a public nuisance.

The existing seawall along the length of the park was in varying states of dilapidation and requires complete renewal along some reaches and in other areas, a minimum of minor maintenance. Some sections of the seawall in reach 5 have completely collapsed, exposing the alluvial fill behind the seawall to erosion. The re-construction of the seawall will be at a higher level which will prevent park inundation during tidal surges and high tide events and during minor storm events. Stage 1 of the Cahill seawall was completed in March 2019 and captured Reach 2, 3 and 4 works. Stage 2 works is a continuation of the works to complete Reach 1 and Reach 5.

Cahill Park is used for passive recreation such as picnicking and walking. The regional Cooks River Cycleway also traverses the park generally along the riverfront, providing a thoroughfare for cyclists and walkers. The park also contains a playing field, tennis courts, a rowing club on the riverfront, and a newly constructed playground.

Due to the highly urbanised areas surrounding Cahill Park, there is a need for the provision of naturalised, green environments that act as refuge from the dense urban surrounds which can be provided through the design of the seawall and park area. The design of the seawall plays an important role in reinventing the character of the park as a riverfront destination.

The Cahill Park Seawall Upgrade (stage 2) includes:

- Demolition of dilapidated concrete boat ramp with associated steps;
- Repair of dilapidated seawall, renewal of failed sections;
- Construction of new terraced seawall designed to encourage foreshore ecosystem establishment;
- Introduction of a new viewing platform with a grassed picnic area;
- New paved seating area with bike racks;
- Stormwater drainage;
- Tree planting;
- New native garden beds;
- Completion of the pathway circuit connecting the foreshore to Rockwell Avenue;
- Improved pedestrian safety with sandstone logs defining the edge between the footpath and car park. The sandstone logs also provide informal seating;
- Introduction of pre-cast living tiles and sandstone logs to Reach 1 to encourage marine habitat growth; and
- Replenishment of seawall planting vegetation in Reach 2 to Reach 4 to encourage marine habitat diversity and ensuring structural stability of the seawall.

## The Tender Process

Council invited open tenders for the construction works for Cahill Park Seawall Stage 2 on Tuesday 16<sup>th</sup> July 2019. The tender period stipulated in the documents was a 4-week tender period. The Tender closed at 10:00 am on 13<sup>th</sup> August 2019.

## Tenders Received

Nine (9) tender submissions were received from the following companies, in alphabetical order:

- Antoun Civil Engineering (Aust)
- Civil Mechanical Engineering Contractors Pty Ltd
- Civil Works NSW Pty Ltd
- Enter Building Group Pty Ltd
- Land & Marine Ocean Engineering Pty Ltd
- R. A. Smith Contracting Pty Ltd
- Talis Civil Pty Ltd
- Total Earth Care Pty Ltd ATF The Irrawong Trust
- Undercover Landscapes Pty Ltd

## Directors of the Companies that Provided Tender Submissions:

Company	Company Directors
Antoun Civil Engineering (Aust)	Robert Antoun
Civil Mechanical Engineering Contractors Pty Ltd	Paul Gallo
Civil Works NSW Pty Ltd	Marlena Gabriel, Laudy Gabriel & Fred Gabriel
Enter Building Group Pty Ltd	Peter Oreb
Land & Marine Ocean Engineering Pty Ltd	Adam Fitzhenry
R. A. Smith Contracting Pty Ltd	Robert Arthur Smith
Talis Civil Pty Ltd	Brian Govindasamy
Total Earth Care Pty Ltd ATF The Irrawong Trust	Andrew McGahey
Undercover Landscapes Pty Ltd	Paul Vale

No late tenders were received.

### Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the request for tender documents.

Land & Marine Ocean Engineering Pty Ltd has been identified as offering best value for money based on Evaluation Matrix Scoring under the following criteria:

- Price offered (including exclusions and qualifications);
- Non-price capabilities:
  - Delivery Program Information;
  - Capacity to deliver; experience and competency of the company and project resource and Staff; and
  - Site specific construction methodology including Site Management Plan.

### Proposed Program

The preliminary program submitted with the Total Earth Care tender has the following project milestones:

Milestone	Date
Contract award	September 2019
Construction commencement	October 2019
Project complete	February 2020

The program does not include a wet weather allowance.

### Financial Assessment of Total Earth Care

Corporate Scorecard was engaged to undertake a Financial Assessment to assess the financial viability, capacity and risk of Land & Marine Ocean Engineering Pty Ltd in relation to the construction of Cahill Park Seawall Stage 2. Details on the assessment are included in the confidential supporting document.

### Tender Recommendation

References were checked for Land & Marine Ocean Engineering Pty Ltd and it was found that Land & Marine Ocean Engineering Pty Ltd is a competent contractor capable of delivering projects with a similar scope, scale and complexity to Cahill Park seawall. The referees confirmed Land & Marine Ocean Engineering Pty Ltd delivered projects for their

entities meeting the expectation on program, budget and quality. Referees indicated that they would engage Land & Marine Ocean Engineering Pty Ltd in future works. Land & Marine Ocean Engineering Pty Ltd is currently completing a large scale civil marine construction works at Tench Reserve for Penrith City Council.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Land & Marine Ocean Engineering Pty Ltd for an amount of \$710,977.27 exclusive of GST.

Land & Marine Ocean Engineering Pty Ltd has in place insurances of \$20 million Public Liability and they have the statutory workers compensation policy in place. Land & Marine Ocean Engineering Pty Ltd has a certified Quality Assurance Management System in compliance with AS/NZS ISO 9001:2008.

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### Financial Implications

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| Not applicable                       | <input type="checkbox"/>            |
| Included in existing approved budget | <input checked="" type="checkbox"/> |
| Additional funds required            | <input type="checkbox"/>            |

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### Community Engagement

Not applicable for the tender process.

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### Attachments

Assessment to Tender Report. (confidential)

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## Council Meeting

11/09/2019

Item No	8.7
Subject	<b>Tender - Bonar Street Drainage</b>
Report by	Karin Targa, Major Projects Director
File	F19/800

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## Summary

Bayside Council is upgrading the stormwater drainage in Bonar Street, Arncliffe (Stage 1). This report recommends the appointment of a contractor to construct the works.

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## Officer Recommendation

- 1 That the attachment to this report be withheld from the press and public as it is confidential for the following reason:  
  
With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachments relate to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
  - 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from SD Group Civil and Infrastructure Services for Contract F19/800 being for the construction works for Bonar Street Drainage for the amount of \$1,635,171.03 exclusive of GST.
- 

## Background

Bonar Street and Bidjigal Road are located in Arncliffe. The road and stormwater drainage upgrades are at the southern end of Bonar Street and the south-western end of Bidjigal Road, Arncliffe.

With the redevelopment of the Bonar Street Precinct as high rise residential units, designs were prepared for the reconstruction of Bonar Street incorporating critical infrastructure elements identified in the section 7.11 plan. The designs were prepared by Cardno Consulting in 2014.

Currently, a pumping system transports stormwater from Bidjigal Road West to Bidjigal Road East through a small pipe running over the existing overland flow path. The system is inadequate during major storm events. In addition, with the construction of the proposed Synthetic Field at Arncliffe Park, it has become essential to undertake the connection works at the rear of property 13-15 Wollongong Road to alleviate the pinch point causing flooding.

The Bonar Street Development Precinct Drainage Study and Catchment Risk Management Plan outlines the importance of the drainage structures necessary to attempt to protect the new residential units in the Bonar Street precinct. The drainage system will run along Bonar

Street then down Bidjigal Road (West) through the rear of the property at 13-15 Wollongong Road and into the existing detention tank under Bidjigal Road (East).

Council has been in negotiations with the Owner's Corporation of the property to sign a deed of agreement which will provide a license to carry out the works and establish a drainage easement in order to protect Council's investments. The matter is being handled by the Council's Property Team and will be resolved before construction commences.

The proposed construction staging will require the car park at the rear of 13-15 Wollongong Road to be temporarily closed off to vehicular access to enable extensive excavation to be undertaken. Access will be provided to the warehouse entrances at all times during construction works. The design uses precast culverts.

Council as part of Stage 1 works intends to construct:

- Two 3m wide culverts side by side;
- Create a future easement by a deed of agreement with owners corporation at 13-15 Wollongong Road, Arncliffe; and
- Sewer diversion works along Bidjigal Road West and in private property 13-15 Wollongong Road, Arncliffe which are approved by Sydney Water Corporation.

### **The Tender Process**

Council invited open tenders for the construction works for Bonar Street Drainage on Tuesday 16<sup>th</sup> July 2019. The tender period stipulated in the documents was a 4-week tender period and was extended for an additional 10 days. The Tender closed at 10:00 am on 22<sup>nd</sup> August 2019.

### **Tenders Received**

Four (4) tender submissions were received from the following companies, in alphabetical order:

- Athassel Civil Pty Ltd
- Awada Civil Engineering
- R A Smith Contracting Pty Ltd
- SD Group Civil and Infrastructure Services

### **Directors of the Companies that Provided Tender Submissions**

<b>Company</b>	<b>Company Directors</b>
Athassel Civil Pty Ltd	Patrick Morrissey & Jo Morrissey
Awada Civil Engineering	Frank Awada
R A Smith Contracting Pty Ltd	Robert Arthur Smith
SD Group Civil and Infrastructure Services	Shannon Darcy

### Late Tenders

No late tenders were received.

### Assessment Methodology

The tender submission assessment and scoring is outlined in the confidential supporting attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the request for tender documents.

SD Group Civil and Infrastructure Services has been identified as offering the best value for money based on Evaluation Matrix Scoring under the following criteria:

- Price offered (including exclusions and qualifications).
- Non-price capabilities, past experience, track record and proposed delivery program and work methodologies that demonstrate their understanding of the challenges and risks specific to the project.

### Proposed Program

The preliminary program submitted with the SD Group Civil and Infrastructure Services tender has the following project milestones:

Milestone	Date
Contract award	September 2019
Procurement of culverts	September – November 2019
Construction commencement	25 <sup>th</sup> November 2019
Project complete	31 <sup>st</sup> January 2020

The program doesn't include a wet weather allowance.

### Financial Assessment of SD Group Civil and Infrastructure Services

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of SD Group Civil and Infrastructure Services in relation to the construction works for Bonar Street Drainage.

Details on the assessment are included in the confidential supporting document.



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### **Tender Recommendation**

References were checked for SD Group Civil and Infrastructure Services and it was found that SD Group Civil and Infrastructure Services is a reputable building contractor that delivers high quality work. The referees indicated that they would re-employ SD Group Civil and Infrastructure Services if the opportunity would arise. SD Group Civil and Infrastructure Services have successfully completed the Bay 1A Apron Upgrade at Sydney International Airport.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from SD Group Civil and Infrastructure Services for an amount of \$1,635,171.03 exclusive of GST.

SD Group Civil and Infrastructure Services has in place insurances of \$20 million Contract Works and Public Liability and they have the statutory workers compensation policy in place. SD Group Civil and Infrastructure Services have an Integrated Management System in compliance with ISO 9001, ISO 14001 and AS 4801 guidelines and has a SD Group Civil and Infrastructure Services track record and name in the industry.

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### **Financial Implications**

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| Not applicable                       | <input type="checkbox"/>            |
| Included in existing approved budget | <input checked="" type="checkbox"/> |
| Additional funds required            | <input type="checkbox"/>            |
- 

### **Community Engagement**

Consultation has been undertaken with the Body Corporate at 13-15 Wollongong Road, Arncliffe.

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### **Attachments**

Attachment to Tender Report (confidential)

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## Council Meeting

11/09/2019

Item No	8.8
Subject	<b>Classification of 5,9 &amp; 9A Bryant St Rockdale - Property Acquisition from Churches of Christ Property Trust</b>
Report by	Michael McCabe, Director City Futures
File	F19/144

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## Summary

Council, at its meeting on the 12 December 2018, resolved to:

- Acquire 5, 9 & 9A Bryant St, Rockdale from the Churches of Christ Property Trust.
- Publically notify that 'The Council has acquired the land and classify the acquired land as operational land in accordance with the Local Government Act 1993.'

The properties are zoned RE1 Public Recreation, and reserved under the Rockdale LEP 2011. Council has now acquired the subject land, and are undertaking the statutory classification process under the Local Government Act to classify the subject land as operational land. Public consultation has now concluded.

This report advises the outcome of the public consultation period and seeks Council endorsement to classify the subject land as operational, in accordance with the Local Government Act 1993.

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## Officer Recommendation

- 1 That Council notes that no submissions were received relating to the statutory advertising of its intention to classify Lots 15 & 16 in DP 6362, and Lot A in DP 414614.
  - 2 That Council classify the land, Lots 15 & 16 in DP 6362, and Lot A in DP 414614, as operational in accordance with Section 31(2) of the Local Government Act 1993.
- 

## Background

### Acquisition

In 2012, the Rockdale Town Centre Masterplan acknowledged the Strategic nature of Council landholdings within the Rockdale Core. Subsequently the subject parcels within this report were reserved by Council to enable a revitalised Civic Area.

In 2018, discussions between Council and the Churches of Christ Property Trust to purchase their properties commenced. The acquisition was undertaken by agreement. The acquired properties consisted of:

- 5 Bryant Street, being lot 15, in deposited plan 6362, having an area of 474.2 square metres and owned by the Churches of Christ Property Trust.

- 9 Bryant Street, Rockdale. Being lot 16 in Deposited Plan, 6362, having an area of 474.2square metres, and owned by the Churches of Christ Property Trust.
- 9A Bryant Street, being lot A in Deposited Plan 414614, having an area of 297.2 square metres. Owner being Churches of Christ Property Trust.

Combined site area is approximately 1,245 square metres.

### Exchange and Settlement

Following agreement and finalisation of contract terms, Contracts were exchanged between Council and Churches of Christ on 13 May 2019. Settlement over the subject properties took place on 15 July 2019.

In accordance with the Local Government Act 1993 Council is required to undertake the classification of this land. In December 2018, Council resolved to classify the subject land as operational, subject to the statutory classification process.

### Public Consultation

The public consultation period commenced on 30 July 2019 and concluded on 27 August 2019. The consultation period advertised the proposed resolution and allowed the public to make written submissions on the land becoming operational.

Upon closure of the consultation period there are no records of any submissions being received and in compliance with the Local Government Act 1993, Council can now resolve to classify Lots 15 & 16 in DP 6362, and Lot A in DP 414614 as operational land.

### Relevant Legislation

The following sections of the Local Government Act 1993 are relevant:

- section 25 requires all public land to be classified as either community or operational;*
- 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.*

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### Financial Implications

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| Not applicable                       | <input checked="" type="checkbox"/> |
| Included in existing approved budget | <input type="checkbox"/>            |
| Additional funds required            | <input type="checkbox"/>            |
-

## **Community Engagement**

Public consultation has been undertaken, pursuant to Section 34 of the Local Government Act 1993.

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## **Attachments**

Nil

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## Council Meeting

11/09/2019

Item No	8.9
Subject	<b>11 Henderson Street Turrella - Fire Report</b>
Report by	Michael McCabe, Director City Futures
File	F19/15

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## Summary

Council is in receipt of correspondence from Fire & Rescue NSW dated 6 August 2019 advising that an inspection of the indoor paintball centre at 11 Henderson Street Turrella by one of their Authorised Fire Officers has identified concerns relating to fire safety. A copy of the report and recommendations has been referred to Council as required by Part 9.3 Sch.5 Part 8 (17) of the Environmental Planning and Assessment Act 1979.

An inspection of the site was undertaken by a Council Fire Safety Officer on 19 August 2019, which confirmed the defects raised by Fire & Rescue NSW that needed actioning.

A Notice of Proposed Order (Fire Safety Order) requiring the rectification of fire safety issues was served on the owner of the property via their property manager, with a copy forwarded to the business operator and Fire & Rescue NSW on 30 August 2019.

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## Officer Recommendation

- 1 That the Report Reference number BFS 19/1623 (7487) dated 6 August 2019, forwarded on behalf of the Commissioner of Fire and Rescue NSW, be tabled at Council's meeting as required by Part 9.3 Sch.5 Part 8 (17), of the Environmental Planning and Assessment Act 1979.
  - 2 That Council continue with compliance action, including but not limited to the issue of an Order (Fire Safety Order), requiring the upgrading of fire safety measures at 11 Henderson Street Turrella, in conjunction with the building owner, the business operator and their fire consultants.
  - 3 That Council notify Fire & Rescue NSW of Council's actions in relation to this matter
- 

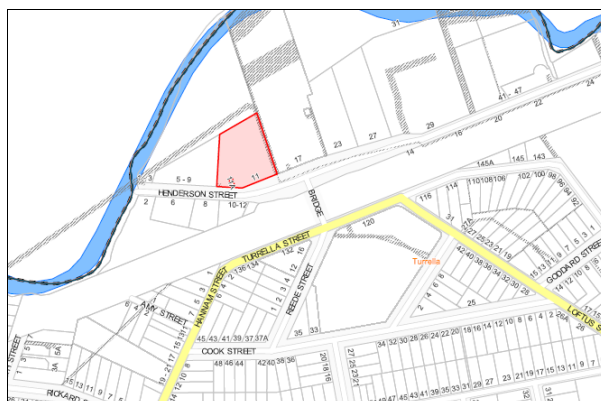
## Background

On the site is an industrial building, approximately 2112sq.m. in gross floor area. The land falls approximately 2m to the rear. The building is being used under DA-2012/127 approval as an indoor paintball centre at 11 Henderson Street Turrella since 2012.

The site is adjacent on the eastern boundary to 17 Henderson St, which contains an industrial complex comprising 37 industrial units. To the north, the site is bounded by No. 1-3 Henderson Street, is a storage depot.

On the western boundary, the site is adjacent to No. 5-9 Henderson Street, Turrella which is an industrial building with a shared driveway.

The site is opposite Turrella Railway Station and is located on the northern side of the Railway line.



Council received correspondence from Fire & Rescue NSW on 6 August 2019 advising that an inspection of the property revealed deficiencies in:

- Exit signs being obscured by paint or not illuminated
- A directional exit sign facing the wrong direction
- Hose reels covered in paint and their nozzles not housed in their holder.

A site inspection was undertaken by a Council Fire Safety Officer with the operator of the paintball facility on 19 August 2019, which confirmed the defects raised by Fire & Rescue NSW and also identified the following item that needed actioning;

- The exit to the eastern side was partly obstructed, and
- The rear exit discharged to open space to the rear of the site but access to the street was obstructed by fencing.

A Notice of Proposed Order (Fire Safety Order) requiring the rectification of fire safety issues was served on the owner of the property via their property manager, with a copy forwarded to the business operator and Fire & Rescue NSW on 30 August 2019.

### Financial Implications

Not applicable

### Community Engagement

Not Applicable

### Attachments

- 1 Fire Notice - 11 Henderson Street Turrella [↓](#)
- 2 Fire & Rescue Report - 11 Henderson Street Turrella [↓](#)

30 August 2019

Our Ref: P Cox / ES-1992/30

Ms F Leone  
C/- Commercial Property Group  
PO BOX 511  
BANKSTOWN NSW 2200

Dear Sir/Madam

### NOTICE OF PROPOSED FIRE ORDER

Section 9.34 & Schedule 5 of the Environmental Planning and Assessment Act 1979

#### **Premises: Lot 2 DP 568141 - 11 Henderson Street, Turrella**

Bayside Council is in receipt of a letter from Fire & Recue NSW which raises concerns relating to fire safety issues at the subect site.

An inspection of the subject site was undertaken by a Council Fire Safety Officer on 19 August 2019 to carry out an inspection of the the fire safety issues raised.

The inspection revealed that Exit signs were not illuminated, incorrctly positioned or were obscured by paint and Fire Exits were inoperable or discharged into an area blocked from access to the street.

Accordingly, Bayside Council intends to give you the attached Fire Order, in accordance with Section 9.34 & Schedule 5 of the *Environmental Planning & Assessment Act, 1979* (the "Act"), which will require you to do or refrain from doing the things specified in proposed Order, within the period specified in the proposed Order.

You may make written representation to Bayside Council, within **twenty eight (28) days** from the date of this notice as to why the Order should not be given or alternatively as to the terms of or period of compliance within the Order. Council will consider any written representation made concerning the prospered Order and determine whether to: issue the Order as proposed, issue a modified Order; or no longer issue the Order.

However, if written representation is not made to Council within **twenty eight (28) days** from the date of this Notice; the proposed Order will be unchanged and issued.

Council will not proceed with the Proposed Order if the terms of the Order are satisfied within **twenty eight (28) days** from the date of this Notice.

If you have any queries in relation to this Notice or the proposed Order attached, please contact the undersigned on 0419 588889 or [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au).

Yours sincerely



Paul Cox  
**Senior Building Certifier (Fire)**  
Attach.

CC [julian@diehardindoorpaintball.com.au](mailto:julian@diehardindoorpaintball.com.au)



**PROPOSED FIRE ORDER**

*Section 9.34 & Schedule 5 of the Environmental Planning and Assessment Act 1979 (EP&A Act)*

*Order specifying standards and work that will satisfy those standards under cl 1 of Part 4 of Schedule 5 of the EP&A Act.*

**DATE:****ORDER NUMBER:** 1 in Part 2 of Schedule 5 of the EP&A Act**TO WHOM:** Ms F Leone**PREMISES:** 11 Henderson Street, TURRELLA NSW 2205**To do what:**

To do or refrain from doing such things as are specified in the order so as to ensure or promote adequate fire safety or fire safety awareness, in particular:

1. Repair and clean all Illuminated Exit Signs within the building so that they are clearly visible at all times in accordance with Australian Standard 2293.1.

It is also suggested that you obtain hard clear plastic covers that could be attached over the top of exit signs with Velcro buttons. Spare covers can then be kept for easily replacing paint affected covers.

2. Reposition and install additional directional Illuminated Exit Signs within the laser tag area so the directional signs give a clear guidance to occupants to the required exits in accordance with Australian Standard 2293.1.
3. Provide a clear path of travel to all required exits within the building, on to the outside open space and to the roadway of Henderson Street via doors that swing in the direction of egress and have push (panic) bar latch activation in accordance with Clause 186 of the Environmental Planning & Assessment Regulation 2000 and Parts D1 & D2 of the Building Code of Australia.

**Reasons for the Order:**

1. Provisions for fire safety or fire safety awareness are not adequate to ensure or promote the safety of persons in the event of fire.
2. To improve the current level of fire safety at the premises.
3. To ensure fire safety measures will be capable of operating in a manner which they were originally designed and implemented or to a standard no less than specified in the specified schedule.

**Period for Compliance with the Order:**

The terms of the Order are to be complied with within **twenty eight (28) days** from the date of the order.

**Right of Appeal against the Order:**

Pursuant to Section 9.36 Schedule 5 Part 4 (4) of the Act, a person on whom an order is served may appeal to the Land and Environment Court of New South Wales against the Order or a specified part of the Order, within **twenty eight (28) days** after the service of the Order.

**Failure to Comply with the Order:**

Failure to comply with this Order is an offence under Section 9.37 of the Act.

Council may commence legal proceedings in the Land and Environment Court of NSW or issue Penalty Infringement Notices pursuant to Section 9.58 of the Act.

In addition, Council may also choose to exercise its powers pursuant to Section 9.36 Schedule 5 Part 11 (33) of the Act to do all such things that are necessary or convenient to give effect to the terms of the order, including the carrying out any work required by the order.

**Notes for your assistance:**

Should you require any assistance understanding the Order or require further information, contact Paul Cox on 0419 588889 during business hours. Please note that Council cannot provide legal advice to you and therefore recommends that you seek your own legal advice in this regard.

Unclassified



File Ref. No: BFS19/1623 (7487)  
TRIM Ref. No: D19/46821  
Contact: Station Officer Paul Scott

6 August 2019

General Manager  
Bayside Council  
PO Box 21  
ROCKDALE NSW 2216

Email: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir/Madam,

**Re: INSPECTION REPORT  
LASER SEIGE  
11 HENDERSON STREET TURRELLA ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 4 July 2019, in relation to the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*On the weekend I visited the above premises for a children's party. On entering I looked around for the fire exits and could not find any obvious signs. I went on a search and did find a fire exit door. The premises does not have any windows as it is a laser game place. I would like someone to inspect the place as I feel it does not meet proper fireproof guidelines.*

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 28 May 2019 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.

Fire and Rescue NSW  
Community Safety Directorate  
Fire Safety Compliance Unit  
[Firesafety@fire.nsw.gov.au](mailto:Firesafety@fire.nsw.gov.au)

ABN 12 593 473 110  
1 Amarina Ave  
Greenacre NSW 2190

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)  
T (02) 9742 7437  
F (02) 9742 7483

Page 1 of 3

Unclassified

**Unclassified**

- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

**COMMENTS**

The following items were identified as concerns during the inspection:

**1. Essential Fire Safety Measures****1A. Fire Hose Reels (FHR)**

A. The following was observed in the paintball section of the premises;

- The FHR did not have a legible operating instruction contrary to the requirements of Clause 4.3 of Australian Standard (AS) 1221-1997 and clause 11 of AS2441-2005;
- Multiple FHR were not ready for operations as the nozzle was not housed in the interlock device contrary to the requirements of Clause 2.2.7 of AS1221-1997;
- All hose reels were 'painted' by paint balls and may not be visible to occupants, preventing initial firefighting activities contrary to the requirements of Clause 10 of AS2441-2005.

**1B. Access and Egress**

A. Contrary to the requirements of Clause E4.5 and E4.6 of the of the National Construction Code 2019 Volume One, Building Code of Australia (NCC), the following was observed;

- Multiple exit signs in the paintball section of the premises were 'painted' and are not visible to direct occupants to the nearest exit,
- Exit signs in the laser tag part;
  - Were not installed in sufficient number to direct occupants to an exit;
  - Directed occupants into a wall.

FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building.

Unclassified

### RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS19/1623 (7487) for any future correspondence in relation to this matter.

Yours faithfully



Paul Scott  
Team Leader Fire Safety Compliance  
Fire Safety Compliance Unit

Unclassified

## Council Meeting

11/09/2019

Item No	8.10
Subject	<b>Delivery Program &amp; Operational Plan 2018/19 - 12 Month Progress Report</b>
Report by	Michael Mamo, Director City Performance
File	F18/519

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## Summary

This report provides the statutory twelve month progress report on Council's Delivery Program 2018/21 and Operational Plan for the financial year ended 30 June 2019. The report notes that 84% of the actions in the Operational Plan have been completed.

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## Officer Recommendation

That the report be received and noted.

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## Background

Council adopted the current Delivery Program 2018/21 and annual Operational Plan 2018/19 in June 2018. Subsequently Council reviewed its Delivery Program and adopted an Operational Plan for 2019/20 in June 2019.

In accordance with s 404(5) Local Government Act 1993, Council must report progress every six months on the Delivery Program (and Operational Plan).

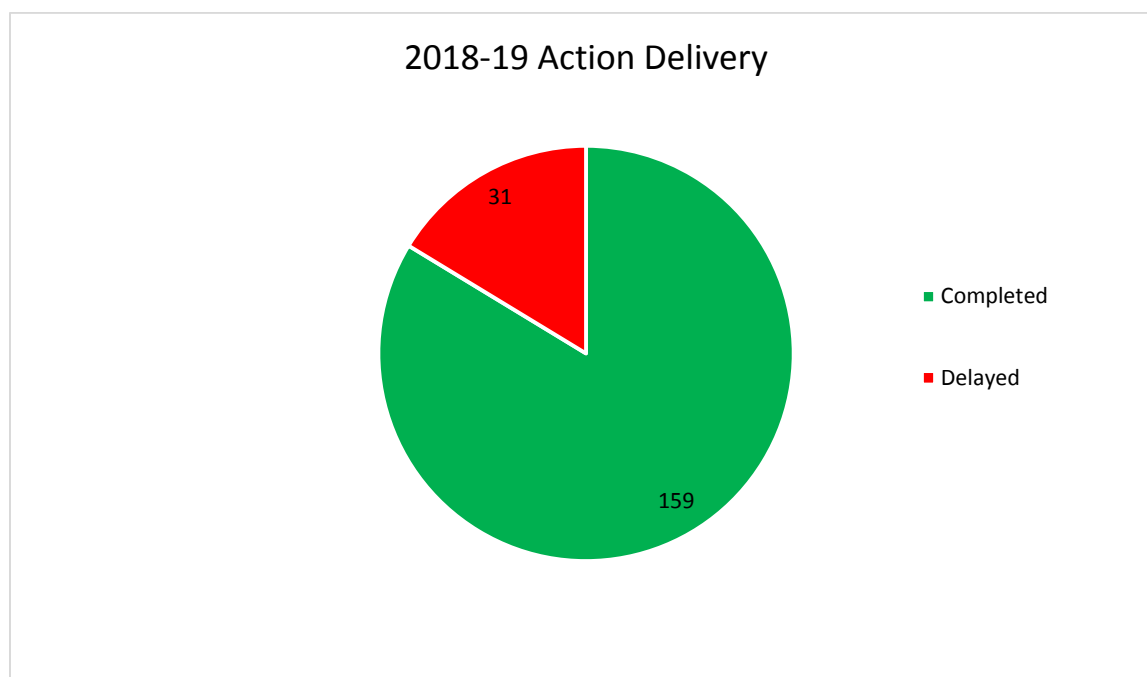
The attached report, details the progress of each action in the Delivery Program 2018/21 and annual Operational Plan for 2018/19 as at 30 June 2019 (12 months). The next six monthly report in February 2020 will concern the Delivery Program and the first six month progress of delivering the current Operational Plan i.e. 2019/20.

The Delivery Program/Operational Plan is structured under the themes of the Community Strategic Plan being:

- Theme One - In 2030 Bayside will be a vibrant place
- Theme Two - In 2030 our people will be connected in a smart city
- Theme Three - In 2030 Bayside will be green, leafy and sustainable
- Theme Four - In 2030 we will be a prosperous community

## Summary

The Operational Plan 2018/19 includes 190 actions across four themes. As seen from the chart below, 84% of the actions have been completed for the 2018/2019 Financial Year. 16% have been "Delayed" to start in the 2019/2020 Financial Year.



For ease of reading a list of 'Delayed' actions is listed below with associated comments.

### Theme One - In 2030 Bayside Will be a Vibrant Place

Action	Annual Comment
Revise Library model to incorporate all libraries	A significant amount of work has been undertaken to revise and harmonise Bayside's library model. A restructure of the unit was completed and implemented in February 2019 including the permanent appointment of a new Manager. Business processes were updated and harmonized across all libraries. Harmonisation of library systems were finalised, and new technology introduced including a new print management and public PC booking solution. Implementation of outstanding recommendations from the library review completed in 2016 has also progressed including the completion of building condition and operational sustainability assessments of Bexley and Brighton Libraries. The outcome and recommendations of the assessments will be submitted to Council in July 2019 for consideration.
Review Bayside Heritage Conservation Areas and Heritage items to inform the new Bayside LEP and DCP	Council developed the scope for the Bayside Indigenous Heritage Strategy and Bayside Heritage Strategy, developed working groups and engaged consultants. Consultants finalised the Bayside Indigenous Heritage Strategy and Bayside Heritage Strategy discussion papers and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Preparation of the strategies which is on track to meet the project milestones, with strategies due in October 2019 to inform the Bayside LEP and DCP.
Review and update the Rockdale Town Centre Master Plan	Council staff have undertaken a review of the current master plan and development controls with existing and approved building forms analysed to establish the contextual opportunities and constraints of the town centre. Built form diagrams have been developed to respond

Action	Annual Comment
	to the established context and provide a cohesive built form strategy for the town centre and to finalise LEP and DCP controls for the Rockdale Town centre. Staff have also ensured that the Rockdale Town Centre is included as part of the State Government Kogarah Collaboration Health and Education Precinct.
Progress Cook Cove Project	Not progressing any acquisition at this time
Prepare SEPP 64 Policy regarding Outdoor Advertising	Council staff reviewed SEPP 64 and identified opportunities for the development of a Bayside specific Outdoor Advertising policy
Manage Parks, Recreation and Open Space bookings through online booking system	Decision on the preferred system was delayed Implementation will occur once system is fully developed Some preparatory work has been conducted
Assess site conditions at Botany Golf Course to inform future recreation uses and environmental management	Desktop review of Botany Golf Course site conditions has commenced. The Bayside Social Infrastructure Strategy is also being progressed and will assist Council and the community in decision making for this asset in the future.
Manage Community bookings through online booking system	Extensive online booking EOI process conducted. Preferred supplier identified. Further work to customise system is now being conducted for future implementation. This will be finalised in early 2020.
Improve traffic flow at Wentworth Avenue; Page Street and Baker Street intersections	80% design has been submitted to RMS for approval. This approval is pending. Additional funding is being sought.
Implement Fire Safety Awareness and Action Program including the property database for Annual Fire Safety Statements	Database integration of all Annual Fire Safety Certificates issued on properties within the LGA have now found on one system has been completed. As a result of the State Government requesting Council to have a stronger focus on investigating buildings with Aluminium Composite Panel and undertake relevant action if required meant a delay in delivering a final Fire Safety Awareness and Action Program, how the draft has been complete.
Harmonise Permit Parking policy	Fees and charges harmonised. Harmonised permit process implemented. Policy under review.
Finalise and implement the Brighton Le Sands Master Plan	Council has established a Brighton Le Sands Working Party and engaged consultants to develop urban design forms for the area, undertake economic analysis and prepare a community engagement plan. The Brighton Le sands Working party have provided feedback into this process particularly in relation to urban design options. It is anticipated the Masterplan will be released by November 2019 for community consultation.
Develop the Arncliffe – Banksia s.7.11 Development Contributions Plan	Draft work schedule is with quantity surveyor for pricing works items. Next stage is review by Strategic Asset Committee
Develop a Community	Preliminary background research has been undertaken to inform



Action	Annual Comment
Housing Provider governance framework	Council governance arrangements
Develop a Bayside s.7.11 Development Contributions Plan to consolidate Rockdale and Botany Bay Plans	Council is preparing background work including the Bayside Housing Strategy and the Social Infrastructure Strategy to inform the preparation of the Bayside Development Contributions Plan in 2020.
Design and install safety barriers in significant locations	Further locations identified. Design and installation pending allocation of funding.
Design and document access improvements to Botany Town Hall including a lift.	This project has been put on hold pending the completion of the Conservation Management Plan and the Social Infrastructure Strategy. This project will be listed in the 2019/20 Capital Works Program.
Deliver Sporting facilities and bookings Policy to ensure community focused sports and recreation services.	Draft allocation Policy has been developed and is designed to support community participation. This is ready to go to the October Sport and Recreation Committee meeting.
Deliver Sport and Recreation services to the Community through Council's Aquatic Centres, Golf Courses, Tennis and Squash Courts and other facilities	All Sport and Recreation services continue to be offered to the public. The review of Golf Courses continues. Botany Pool services are currently under review. Botany Pool along with the Golf Courses review are due be completed in 2020/21.

## Theme Two - In 2030 Our People Will be Connected in a Smart City

Action	Annual Comment
Establish the Sport and Recreation working party with sporting clubs' key stakeholders.	The terms of reference were not established. The benefits of having this working party will be reviewed.
Educate local primary school students on the role of local government	Project delayed due to resourcing issues.
Develop Bayside Council Reconciliation Action Plan to provide a framework of practical actions to build respectful relationships and create opportunities engagement with our Aboriginal community	Reconciliation Action Plan on hold pending recruitment of specialist position.
Develop a Social Media Strategy including policy; framework and content management approach across all platforms.	Work has begun on putting together a Social Media Strategy and Policy. It will also contain guidelines for managing and distributing content across all platforms.  It is currently behind schedule due to other more pressing issues that

Action	Annual Comment
	required the team's attention.

### Theme Three - In 2030 Bayside Will be Green, Leafy and Sustainable

Action	Annual Comment
Water quality improvements to enhance riparian zones and waterway assets	80% detailed design of Water Quality improvements to Coolibah Reserve, Bardwell Valley.
Upgrade Stormwater Infrastructure at Arncliffe St, Willis St and Guess Ave	Detailed design 95% complete, to be tendered in next 3 months.
Review condition of the seawall at Sandringham	Project deferred to 2019-2020
Investigate water quality and drainage infrastructure in and near Sir Joseph Banks Park to inform future planning	Project deferred to 2019-2020
Improve water quality and manage stormwater in Dominey Reserve and downstream	Project deferred until 2020 due to timing of supporting funding.
Develop Bayside Environmental Strategy to assist in forward planning for infrastructure, assets and inform land use decisions	Council developed the scope for the first stage of the Environmental Strategy, developed a working group and engaged consultants. An Environmental Discussion paper was then completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Council has now commenced a review of Local Environmental Plan (LEP) and Development Control Plan environmental controls to be integrated into the draft Bayside LEP

### Theme Four - In 2030 We Will be a Prosperous Community

Action	Annual Comment
Implement self- service human resources system	This project has been delayed. Before implementing the Self-Service System, a post implementation review had been completed of the main payroll system. The post implementation review was completed in June 2019.
Implement Bayside Economic Strategy	The strategy has undergone some consultation in conjunction with the development of the Local Strategic Planning Statement and is on track to be delivered in 2020.

### Financial Implications

- Not applicable
  - Included in existing approved budget
  - Additional funds required
- 

### Community Engagement

Not Applicable

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### Attachments

Revised Draft Delivery Program & Operational Plan 2018/19 - 12 Month Progress Report [↓](#)

# Bayside 2030



**Delivery Program 2018-2021**  
**Operational Program 2018-2019**

**Progress Report 1 July 2018 to 30 June 2019**

## 1.1 Integrated Planning & Reporting overview

The Delivery Program and Operational Plan are a part of Council's Integrated Planning and Reporting framework. This Delivery Program shows our response to the community's long-term goals, identified through community engagement and documented in the Community Strategic Plan. It is a commitment to our community from the elected Council and identifies the actions our organisation will take to work towards that commitment.

As well as the work that we do throughout the LGA, Council has an important role to play in advocating for and partnering with other agencies to achieve local outcomes.

The Delivery Program is linked to the Workforce Management Plan, Long Term Financial Plan and Asset Management Strategy. They have been developed to ensure that Council is in the best possible position to deliver community priorities while continuing to provide services at current levels.

The 2018 - 2021 Delivery Program is designed as the single point of reference for activities undertaken throughout the organisation for the three years 2018-2021. All plans, projects, activities, funding and resource allocations are directly linked to the Delivery Program.

The Delivery Program is structured on the themes outlined in the Community Strategic Plan - Bayside 2030.

All plans, projects, activities, funding and resource allocations are directly linked to the Delivery Program. The Council's one-year Operational Plan for 2018 - 2019 sits within the Delivery Program. It spells out the actions and projects that will be undertaken by the Council in 2018 - 2019 towards achieving the commitments made in the 2018 - 2021 Delivery Program.

## 1.2 How to read this document

This document is structured on the four themes being informed by the Community Strategic Plan and Delivery Programs. The themes are:

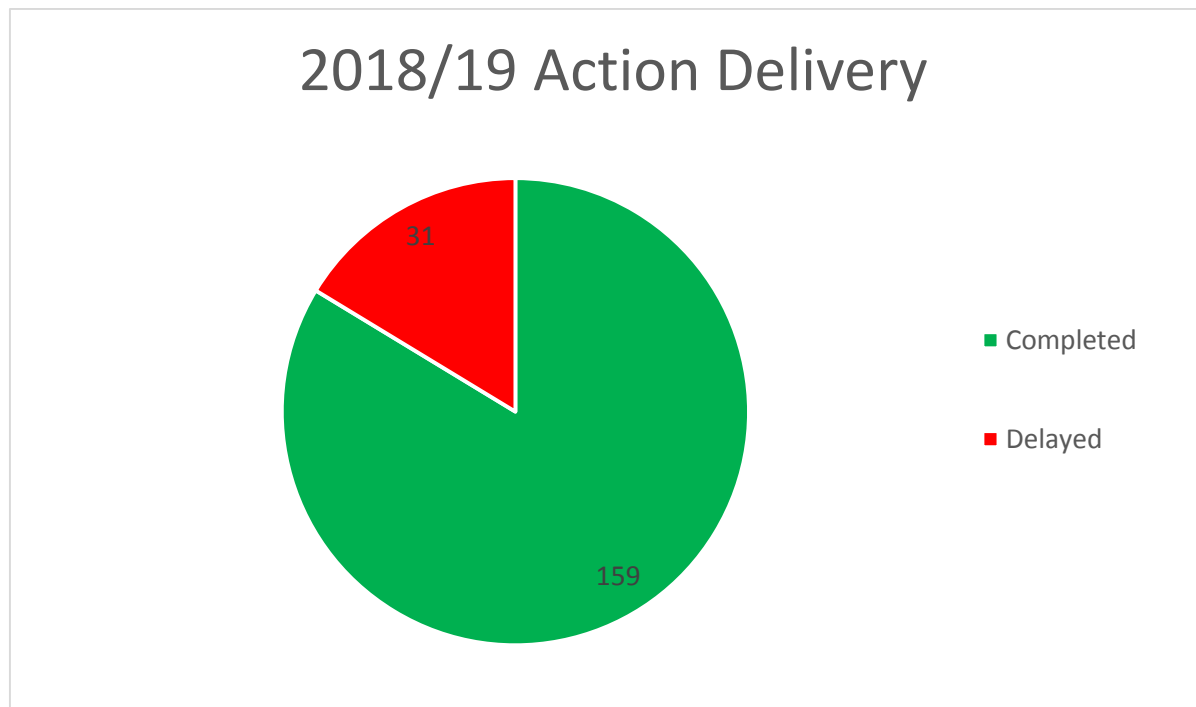
- Theme One - In 2030 Bayside we will be a vibrant place.
- Theme Two - In 2030 our people will be connected in a smart city
- Theme Three - In 2030 Bayside will be green, leafy and sustainable
- Theme Four - In 2030 Bayside will be a prosperous community

## 2 Overall Performance

### 2.1 Key Operational Achievements

The Operational Plan 2018/19 includes 190 actions across four themes. As seen from the chart below, 84% of the actions have been “Completed” for the 2018/2019 Financial Year. 16% have been “Delayed” to start in the 2019/2020 Financial Year.

Chart – Status Summary after 12 Months – 1 July 2018 to 30 June 2019



The following are selected achievements for 1 July 2018 to 30 June 2019

### **Theme One - In 2030 Bayside we will be a vibrant place**

- Branded gateway signage and new suburb signing being installed across the local government area.
- Park landscaping and seawall improvement works at Cahill Park and Pine Park substantially completed and opened to public before Christmas.
- Improve the foreshore parks at Cahill Park and Pine Park Project completed
- Preparations underway for April 2019 Arts Festival with program drafted and planning underway to deliver 25 events.
- Contributed to and or coordinated the following community safety forums: Let's Talk Youth Safety, Water Safety and Crime Prevention Week information session at Rockdale in conjunction with NSW Police.
- Council received a \$2.5 million grant from the NSW government for LEP/DCP review to prepare background studies, undertake community engagement and develop new planning controls.
- Community engagement for the Local Strategic Planning Statement commenced
- Council made submissions on F6 Project and participated in Stakeholder Group meetings.
- Arncliffe and Banksia Precinct planning controls completed.
- Sporting fields and facilities have been mapped and updated on Council's Website.
- 456 school parking patrols required with 892 completed

### **Theme Two - In 2030 our people will be connected in a smart city**

- 2018/19 Community Grants program was successfully implemented
- Deliver of home shopping service for aged and people with disability was delivered
- 4 community play sessions have been conducted - August 2018, November 2018 twice and March 2019

- Youth attendance at Bayside drop-in and school holiday programs continues to increase. School holiday program activities are typically at capacity and with a wait list.
- Local History and Museum Services has delivered multiple events and exhibitions including Rockdale Opera Company's 70th Anniversary at Rockdale and Mascot, 'What's your story?' at the George Hanna Memorial Museum.
- Collaborated with the Botany History Trust on multiple events including a plaque unveiling to commemorate the Battle of Beersheba and two Armistice Day events.
- Youth attendance at Bayside drop-in and school holiday programs continues to increase
- Talking Bayside has a membership to 300 people
- The annual Ron Rathbone Local History Prize attracted 29 entrants
- Home Library Service delivers to 110 housebound residents and visit 14 nursing homes. A further 4 nursing homes in the Bexley area have been added to the Service
- Council held two pop up libraries, one at Eastlakes to celebrate South Eastern Community Connect's 40th Anniversary and one at the Mascot Memorial Park Christmas Markets and Carols
- Bayside Council Volunteer Policy has been approved

### **Theme Three - In 2030 Bayside will be green, leafy and sustainable**

- Council's recycling calendars, clean up dates and Waste Services App information were delivered to Bayside residents
- Council's Waste Services App was awarded Highly Commended in the Sustainable Projects Award category of the Keep Australia Beautiful NSW Sustainable Cities Awards.
- Council was awarded Winner of the Circular Economy category of the Keep Australia Beautiful NSW Sustainable Cities Awards for the creation of Bayside Council's WARR Strategy 2030.
- Council consulted, designed, and introduced a new Waste Avoidance and Resource Recovery (WARR) Strategy 2030.








- Over \$2M of new fleet was delivered by December 2018, to support the delivery of waste services
- Council conducted a range of community environmental workshops and events including National Tree Day, wetland talks, energy efficiency workshop as well as working with large businesses with planting events and continuing Council's Bushcare program.
- High level review of stormwater drainage related to the revised Bayside West Precinct area completed
- Floodplain Risk Management Committee established; quarterly meetings held




### **Theme Four - In 2030 Bayside will be a prosperous community**


- At the NSW Local Government Conference, the Mayor and Councillors successfully raised the motion of foreshore erosion along Botany Bay, securing funding.
- 8 students have commenced and been inducted into Council's workforce.
- Council delivered 4 workshops with BEC on Women Returning to Work, Partnered with IESMI to provide information to residents in employment, estimated 150 people attended
- An Employment and Economic Development Background Paper was completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement
- The key focus in 'Providing excellence in customer service across Bayside Council community touch points' was the implementation of a new contact centre solution

## 1: In 2030 Bayside will be a vibrant place



### *My place will be special to me*





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
1. Gateway sites are welcoming and attractive	2. Advocate to Roads & Maritime Services (RMS) to improve appearance and maintenance of major gateway sites on RMS roads	3. Advocacy letter with Mayoral Minute sent to Minister for Road, Maritime and Freight	4. Letter sent. New signage in place and maintenance agreement timeframes being met. Continued advocacy by Council with Roads & Maritime Services (RMS).	
5. Gateway sites are welcoming and attractive	6. Improve the foreshore parks at Cahill Park and Pine Park	7. Program complete	8. Project completed.	
9. Gateway sites are welcoming and attractive	10. Improve traffic flow at Wentworth Avenue; Page Street and Baker Street intersections	11. Implement approved programs	12. 80% design has been submitted to RMS for approval. This approval is pending.  Additional funding is being sought.	
13. Roads rates and rubbish are not forgotten	14. Deliver an efficient street sweeping program across the Bayside Local Government area	15. Mechanical street sweeping twice per month for all streets within the LGA.	16. Street sweepers have met the guarantee of service sweeping every street within the LGA at least twice a month and collected 2,424t of debris from our streets and gutters throughout the year.	
17. Roads rates and rubbish are not forgotten	18. Provide an effective cleaning program of town centres	19. Public Domain cleaning program improved with increased resources.	20. Council utilised new state-of-the-art plant and equipment including a ride-on footpath scrubber, high pressure water cleaning system and a mechanical footpath sweeper. This has led to an expansive and more productive Town Centre cleaning program. Routine cleaning programs have been effectively conducted.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
21. Roads rates and rubbish are not forgotten	22. Undertake litter campaigns and enforcement	23. Litter management and enforcement undertaken, and strategies implemented	<p>24. An additional 30,000L of temporary mobile bin capacity was introduced to the beachfront area in the warmer season to deal with increased waste generation. An additional 6,300L of fixed bin infrastructure and litter prevention signage was implemented throughout Cook Park &amp; on the 8km beach in February 2019.</p> <p>An upgrade of all community public place waste bins was rolled out for the Mascot Station Precinct, including the installation of larger custom made stainless steel bin enclosures and an increase in fixed bin capacity of over 2,500L to the entire precinct. This will assist with bin accessibility, bin overflow issues, less heavy vehicle collections and a cleaner City.</p>	
25. Traffic and parking are a thing of the past	26. Enforce NSW Road Rules School Parking Patrol Program	27. Minimum annual target of 456 school patrols conducted	28. 456 patrols required with 892 Completed. Target exceeded.	
29. Traffic and parking are a thing of the past	30. Harmonise Permit Parking policy	31. Outcomes of consultation reported	32. Fees and charges harmonised. Harmonised permit process implemented. Policy under review.	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
33. Traffic and parking are a thing of the past	34. Implement priority short term actions from Brighton Le Sands Parking Strategy	35. Implementation commenced 36.	37. Proposals submitted to Brighton Le Sands Working Party and Bayside Traffic Committee for consideration. Endorsed projects implemented in the Boulevard and Princess Street. Angle parking to be implemented in Hercules Road.	



*Our places are accessible to all*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
38. Assets meet community expectations	39. Administer Council’s Graffiti Removal Program in accordance with Council’s policy	40. Graffiti removed in accordance to Service Standard 41.	42. Graffiti removal program continues to be delivered in accordance with the safety levy collected on the west side of Bayside, wherein 100% graffiti is removed within the required 72 hour response period.	
43. Assets meet community expectations	44. Assess site conditions at Botany Golf Course to inform future recreation uses and environmental management	45. Site assessment complete	46. Desktop review of Botany Golf Course site conditions has commenced. The Bayside Social Infrastructure Strategy is also being progressed and will assist Council and the community in decision making for this asset in the future.	


Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
47. Assets meet community expectations	48. Audit and monitor existing lease, seasonal permits and licenses for sporting facilities and open space	49. Harmonised and accessible database	50. All applications have been processed seasonally.  Meetings with Associations to increase participation for residents in the LGA.  Sporting fields across the LGA are generally at capacity in winter and summer utilisation is increasing with maximum use at many grounds.	
51. Assets meet community expectations	52. Deliver Parks and Open Space bookings through effective systems and procedures	53. Improvements actioned 54.	55. Processes and procedures have been reviewed and documented.  All forms have been reviewed and simplified.  Improved software has been investigated.	
56. Assets meet community expectations	57. Deliver Sport and Recreation services to the Community through Council's Aquatic Centres, Golf Courses, Tennis and Squash Courts and other facilities	58. Service review conducted with recommendations for improvements 59.	60. All Sport and Recreation services continue to be offered to the public.  The review of Golf Courses continues.  Botany Pool services are currently under review.  Botany Pool along with the Golf Courses review are due be completed in 2020/21.	
61. Assets meet community expectations	62. Deliver the Botany Aquatic Centre upgrade feasibility and concept design	63. In Capital Works Program	64. Council undertook community consultation, prepared background paper to inform redevelopment options and reviewed potential funding sources	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
65. Assets meet community expectations	66. Design and document access improvements to Botany Town Hall including a lift.	67. Tender documentation complete 68.	69. This project has been put on hold pending the completion of the Conservation Management Plan and the Social Infrastructure Strategy. This project will be listed in the 2019/20 Capital Works Program.	
70. Assets meet community expectations	71. Develop and maintain key partnerships to improve community safety	72. Partnerships maintained 73.	74. Attended all relevant interagency and Police Area Command meetings including domestic violence, Liquor Accord, St George Police Area Command. Liaison with Police occurs with hot spots and across major issues such as Domestic Violence and water safety.	
75. Assets meet community expectations	76. Ensure Council's properties and facilities are fit for purpose and meet statutory requirements.	77. All programmed maintenance work completed.	78. Council's Properties and Facilities have been well maintained meeting all statutory compliance requirements. This ensured all properties and facilities are fit for purpose.	
79. Assets meet community expectations	80. Harmonise processes for asset condition monitoring	81. New process drafted 82.	83. Asset condition and asset performance rating templates developed and deployed for assessments of various asset categories including buildings, playgrounds, and fitness equipment and recreation assets.	
84. Assets meet community expectations	85. Implement Fire Safety Awareness and Action Program including the property database for Annual Fire Safety Statements	86. Plan operational 87.	88. Database integration of all Annual Fire Safety Certificates issued on properties within the LGA have now found on one system has been completed. As a result of the State Government requesting Council to have a stronger focus on investigating buildings with Aluminium Composite Panel and undertake relevant action if required meant a delay in delivering a final Fire Safety Awareness and Action Program, how the draft has been complete.	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
89. Assets meet community expectations	90. Improve real estate portfolio through strategic management & actioning priorities	91. Portfolio priorities actioned 92.	93. Work is on track and continuing to improve the real estate portfolio by managing expiries and debt management, being stage 1	
94. Assets meet community expectations	95. Investigate grants and funding opportunities to enhance Sport and Recreation facilities within Bayside LGA	96. Grant applications submitted 97.	98. Sporting Clubs were encouraged and supported to apply for Grants as they became available.	
99. Assets meet community expectations	100. Review Community Services and Facilities to inform asset management	101. Review complete and recommendations identified 102.	103. Council developed the scope for the Social Infrastructure Strategy, developed a working group and engaged consultants. A Social Infrastructure discussion paper was then completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Preparation of the Social Infrastructure Strategy (which includes community facilities) is on track to meet the project milestones, with a strategy due in October 2019 to inform the Bayside LEP and DCP.	
104. Assets meet community expectations	105. Work with Department of Education (DoE) to explore opportunities for shared use of facilities	106. Identify priority areas and facilities for shared use	107. Opportunities have been identified  Access to Department of Education facilities needs to be considered through a cost benefit analysis.  This analysis needs to occur on a case by case basis.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
108.Bayside provides safe and engaging spaces	109.Bayside West (Arncliffe, Banksia) Strategic Infrastructure planning active transport routes and intersection upgrades	110.Investigations and planning commenced 111.	112.Council has taken into consideration the Arncliffe and Banksia Green Plan and other strategic transport plans to inform long term infrastructure planning including the preparation of the Draft Arncliffe and Banksia Development Contributions Plan	
113.Bayside provides safe and engaging spaces	114.Comply with Council's obligations under the Development Agreement to progress the construction of the Arncliffe Youth Centre	115.Construction commenced	116.Council has complied with the requirements of the Development Agreement.	











Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
117.Bayside provides safe and engaging spaces	118.Coordinate the anti-hooning task force	119.Task force established 120.	<p>121.The Taskforce held an inaugural meeting on 29 May 2018 which was jointly hosted by Bayside Council and the NSW Police. Attendees included all emergency agencies.</p> <p>122.At the meeting, a brainstorming session was undertaken where the following measures were suggested:</p> <ul style="list-style-type: none"> <li>•Speed / red light camera at the intersection of Bay Street and General Holmes Drive.</li> <li>•Signage – clear messaging on walkway overpass “be considerate”.</li> <li>•Extending participation and awareness of the local Area Command’s Community Precinct Committees.</li> </ul> <p>Following the scheduled agenda items, there was general agreement that regular meetings were not necessary and that the Brighton Le Sands Working Group or the Bayside Traffic Committee were the appropriate forums to discuss any further action required to deter hoons. This was further confirmed to Council via Council Meeting 8 May 2019 - agenda item 8.11.</p>	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
123.Bayside provides safe and engaging spaces	124.Develop a Bayside Housing Strategy including Affordable Housing strategies	125.Draft completed 126.	127.Council developed the scope for the Housing Strategy, developed a working group and engaged consultants. A Housing Strategy Discussion paper was completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. An initial draft Housing Strategy has been developed and Council has commenced background work on a Bayside Affordable Housing Policy which will be finalised once the Housing Strategy is complete	
128.Bayside provides safe and engaging spaces	129.Review and expand the Summer Rangers Program in Cook Park in partnership with Waste and Cleansing.	130.Revised program successfully completed December 2018 to April 5 2019 131.	132.Program extended from 12 weeks to 26 weeks with 23 dedicated shifts performed by Regulations staff specifically on the beachfront from Kyeemagh to Dolls Point through Cook Park.(weather Permitting) Over 2000 'Don't be a Tosser' litter bags supplied to patrons by patrols.	
133.Bayside provides safe and engaging spaces	134.Review open space in Wollli Creek and develop a strategy	135.Draft action plan reported 136.	137.A review of the open space requirements in Wollli Creek was completed and will be reported to Council in relation to the Wollli Creek Town Park in September 2019	
138.Bayside provides safe and engaging spaces	139.Review Parks Plan of Management and Master Plan - Fisherman's Club and Muddy Creek environs	140.Acquire land 141.	142.The Development Application for the demolition of the Fisherman's Club building is currently being assessed. The Muddy Creek Master Planning process has commenced, with a lead consultant appointed and community engagement underway. The current timeline for the finalisation of the Muddy Creek Masterplan is Q2 of 19/20. The finalised Master Plan will inform the revised Plan of Management for the Area.	



Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
143.Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	144.Deliver maintenance to Council's civil assets being Roads, Drainage and footpaths.	145.Program and conduct maintenance as per agreed targets	146.Council's roads drains and footpaths were maintained to agreed service levels - Council attended to 1,785 customer requests including 298 for storm water drainage, 336 potholes, 55 kerb maintenance requests, 619 for footpath maintenance, 335 for street sweeping with 142 inspections throughout the year.  Council has proactively repaired 203 footpath defects, 21 kerb and gutter defects and 52 potholes during the 2018/19 year.	
147.Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	148.Deliver Sporting facilities and bookings Policy to ensure community focused sports and recreation services.	149.Policy implemented and reviewed annually in line with community expectations	150.Draft allocation Policy has been developed and is designed to support community participation.  This is ready to go to the October Sport and Recreation Committee meeting.	
151.Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	152.Enforce the Companion Animal Act	153.100% of reported Dog Attacks recorded on Office of Local Government (OLG) Companion Animals Register (CAR)	154.A total of 66 reports of Dog Attacks reported to Council for the financial year and entered on the Register within 72 hours. A further 7 reports were made to Police with action being taken by them as the investigating body.	
155.Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	156.Ensure all passive and recreational parks and associated infrastructure is well maintained and fit for purpose	157.All scheduled work completed year to date	158.Passive and recreational parks are well maintained and fit for purpose, Maintenance Mowing Programs have been delivered on weekly/fortnightly and monthly programs to provide fit for purpose Parks and Open Space. Associated infrastructure, landscaping, gardens, trees have been maintained within schedules. Park furniture is actively managed through property maintenance.	







Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
159. Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	160. Implement the Disability Action Inclusion Plan	161. 100% of identified actions implemented	162. Internal working group has met throughout the year and priority actions have been implemented. To be reported through the Office of Local Government by October 2019.	
163. Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	164. Manage Parks, Recreation and Open Space bookings through online booking system	165. Booking System implemented	166. Decision on the preferred system was delayed  Implementation will occur once system is fully developed  Some preparatory work has been conducted	
167. Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	168. Prepare Bayside Open Space and Recreation Strategy	169. Consultation engaged and draft complete	170. Council developed the scope for the Social Infrastructure Strategy, developed a working group and engaged consultants. A Social Infrastructure discussion paper, paper was then completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Preparation of the Social Infrastructure Strategy (which includes open space and recreation) is on track to meet the project milestones, with a strategy due in October 2019 to inform the Bayside LEP and DCP.	
171. Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	172. Undertake background design and documentation for a synthetic playing field at Gardiner Park	173. DA Approved	174. Concept design completed with the project handed to the Major Projects Delivery Unit for delivery	
175. Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	176. Undertake background design and documentation for a synthetic playing field, lighting upgrades and stormwater upgrades in Arncliffe Park	177. DA approved 178.	179. Detailed design complete, construction tendered in July 2019.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
180. People who need it can access affordable housing	181. Advocate for the strengthening of NSW Government policy to facilitate affordable housing across NSW	182. Attend quarterly meetings with key advocacy groups including SSROC as well as ongoing discussions with State Government agencies and Eastern City District Councils	183. Attended and participated in SSROC meetings, Shelter NSW affordable housing discussions and LEP Review Technical Working Groups as well as submitted Council submission in support of amendments to SEPP 70 (Affordable Housing) to facilitate Affordable Housing Contribution Schemes across Sydney. Council is preparing the Bayside Housing Strategy to better understand housing diversity across the LGA	
184. People who need it can access affordable housing	185. Develop a Community Housing Provider governance framework	186. Governance framework adopted & implemented	187. Preliminary background research has been undertaken to inform Council governance arrangements	
188. SMART cities – making life better through smart use of technologies	189. Build and launch a Bayside Council App to enable easier requests, connection and communication with our customers	190. App in operation	191. Application integration capacity has been established to provide connectivity with internal systems for external facing Applications.	
192. SMART cities – making life better through smart use of technologies	193. Deploy mobile CCTV cameras in accordance with Council's CCTV Camera Management Protocol, in response to identified illegal dumping hotspots, reports of anti-social behaviours and requests from police	194. Internal CCTV Committee meet quarterly 100% CCTV cameras deployed within 5 working days	195. Internal CCTV Committee meets quarterly and 100% CCTV mobile cameras deployed within 5 working days as required	
196. SMART cities – making life better through smart use of technologies	197. Explore opportunities to use technology to provide better outcome for the community	198. SMART City Technology Framework drafted	199. Business Improvement and Innovation unit has been formed to assist Council in adopting technology that assists community goals	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
200.SMART cities – making life better through smart use of technologies	201.Investigate ways to integrate smart building technology to improve management of public buildings to improve operational efficiency, reduce energy costs and improve security	202.Feasibility report completed	203.Electronic locking systems implemented with new buildings and Wi-Fi access at major facilities. Smart cities to be considered as part of a future community strategic plan as technology becomes more reliable and robust for public networks.	
204.We welcome tourists to our city	205.Rebranding of Bayside signage	206.Commence implementation 207.	208.Target achieved and exceeded. A suite of 102 large park signs completed. 4 new entry signs completed.	
209.We welcome tourists to our city	210.Short term use strategy for Mascot Administration Building and Coronation Hall	211.Occupation of site implemented. 212.	213.During the 2018/2019 the short-term use strategy for the Mascot Administration Building and Coronation Hall was developed and endorsed by Council. This strategy centered on the leasing the subject buildings and to date Council has a tenancy for the Coronation Hall Building and have secured offers for the Administration Building.	





*Our places are people focused*





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
214.Local areas are activated with cafes, restaurants and cultural events	215.Conduct food shop inspections	216.100% number of proactive and reactive inspection of food premises conducted	217.100% of all programmed retail food premises were inspected. This is a total of 835 food premises.	
218.Local areas are activated with cafes, restaurants and cultural events	219.Deliver an inclusive Bayside Council Events Program which adds value to our community and City, activates public spaces and invigorates town centres	220.Delivered in accordance with approved program	221.The current yearly program is on track. All events have been held in accordance with Council's resolution. Highlights have included the NYE Fireworks, Lunar New Year, Seniors Garden Party, Anzac Day Dawn Service. Plans are in hand for Bayside's Spring Fair and Bayside's Food and Wine Festival.	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
222. Local areas are activated with cafes, restaurants and cultural events	223. Deliver Bayside Arts Festival including Sculptures @ Bayside, the Visual Arts prize and photography competition.	224. Deliver 25 participatory community art events across the LGA	225. Arts Festival delivered with all events oversubscribed. The Festival featured 31 sculptures and participation estimated at 10,000 people.	
226. Local areas are activated with cafes, restaurants and cultural events	227. Engage with the local arts community through the Georges River and Bayside (GRAB) Arts and Cultural Forum	228. Co-deliver 4 events Engage with over 100 artists over the year	229. Successful visual arts GRaB forum held during the Bayside Arts Festival May 2019,	
230. Local areas are activated with cafes, restaurants and cultural events	231. Identify opportunities for public art through development applications and place-based planning and ensure that they comply with Council's Public Art policy.	232. 4 public art projects delivered	233. Place based public art was delivered through Sculptures of Bayside and the acquisition of the Hippo. Two public art pieces were delivered through private development and one art exhibition staged in Rockdale library exhibiting a local artist's work.	
234. Local areas are activated with cafes, restaurants and cultural events	235. Implement Bayside Council Community Safety Plan, with a focus on external partnerships, addressing community perceptions of safety	236. 6 Community Safety Forums conducted	237. 6 safety sessions delivered across the year.	
238. Local areas are activated with cafes, restaurants and cultural events	239. Partner with community organisations to deliver a wide range of community events including Seniors Month and Youth Week activities	240. Deliver a 5% increase in participation year on year Deliver an 80% participant satisfaction score	241. Seniors Week, Youth Week, NAIDOC, Harmony Day and Bayside Arts Festival were delivered in partnership a range of community organisations.	
242. Local areas are activated with cafes, restaurants and cultural events	243. Support and celebrate our culturally diverse community through community led local and place-based initiatives	244. Support community led local and place-based initiatives	245. Partnership with TAFE to train local CALD community members in order to successfully undertake community events. Commenced Coffee with Council Project at two sites in Eastlakes.	




Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
246. My community and Council work in partnership to deliver better local outcomes	247. Consolidate Bayside planning environment through development of new Planning Controls (Local Environmental Plan (LEP) and Development Control Plan (DCP))	248. Background studies complete	249. Council has engaged consultants to prepare technical studies across a range of issues including Housing, Heritage and Transport. In developing these technical studies background discussion papers were prepared and were subject to extensive stakeholder engagement. These discussion papers and community input were used to help develop the Bayside Local Strategic Planning Statement. The Technical Studies will guide the development of the Bayside Local Environmental Plan and Development Control Plan. Council has met the necessary timeframes in 18/19	
250. My community and Council work in partnership to deliver better local outcomes	251. Develop a Bayside Council Voluntary Planning Agreement Policy	252. Voluntary Planning Agreement Policy completed	253. Draft Policy being reviewed by Council staff prior to reporting to Council	
254. My community and Council work in partnership to deliver better local outcomes	255. Develop a Bayside s.7.11 Development Contributions Plan to consolidate Rockdale and Botany Bay Plans	256. Demographics study to inform new plan complete	257. Council is preparing background work including the Bayside Housing Strategy and the Social Infrastructure Strategy to inform the preparation of the Bayside Development Contributions Plan in 2020.	
258. My community and Council work in partnership to deliver better local outcomes	259. Develop a Local Strategic Planning Statement	260. Draft Local Strategic Planning statement completed	261. Council has prepared a draft Local Strategic Planning Statement following the completion of discussion papers and community consultation, to be considered at the August 2019 Council meeting	
262. My community and Council work in partnership to deliver better local outcomes	263. Develop the Arncliffe – Banksia s.7.11 Development Contributions Plan	264. Plan drafted	265. Draft work schedule is with quantity surveyor for pricing works items. Next stage is review by Strategic Asset Committee	




Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
266. My community and Council work in partnership to deliver better local outcomes	267. Plan for and advocate to minimise the impact of the proposed F6 / WestConnex	268. Strategies implemented	269. Council submissions F6 - Project Overview August 2018, Environmental Impact Statement December 2018, Preferred Infrastructure Report April 2019. Council staff met fortnightly with RMS staff to identify opportunities to minimise impacts of Stage 1 F6 including supporting the development of the Recreation Needs Analysis and negotiating opportunities of open space compensatory work to be delivered by RMS. Council also met with NSW Department of Planning and Environment to discuss the proposed F6 project. Council has also provided comment in relation to the M5 and proposed compensatory open space resources being delivered and its urban design impact at Arncliffe	
270. My community and Council work in partnership to deliver better local outcomes	271. Prepare SEPP 64 Policy regarding Outdoor Advertising	272. Policy adopted by Council	273. Council staff reviewed SEPP 64 and identified opportunities for the development of a Bayside specific Outdoor Advertising policy	
274. My community and Council work in partnership to deliver better local outcomes	275. Progress Cook Cove Project	276. Resolve land acquisition	277. Not progressing any acquisition at this time	
278. My community and Council work in partnership to deliver better local outcomes	279. Progress planning proposals to amend the Local Environmental Plan and Development Control Plan	280. No. of Planning Proposals determined	281. Two Planning Proposals were submitted for notification to the NSW Department of Planning & Environment.  One Planning Proposal was exhibited.  Ten Planning Proposals were either already under assessment, or were lodged for assessment, and have been progressed during this reporting cycle.  The Arncliffe and Banksia Precincts 2018 SEPP was notified 12 October 2018.	




Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
282. My community and Council work in partnership to deliver better local outcomes	283. Work with NSW Department of Planning and Environment to finalise the LEP and DCP amendments for the Bayside West Priority Precinct – Arncliffe and Banksia	284. Project completed	285. Arncliffe and Banksia Precinct planning controls completed. State Environmental Planning Policy Arncliffe & Banksia Precincts 2018 was notified by the NSW Department of Planning & Environment on 12 October 2018. Development Control Plan adopted by Council in December 2018	
286. Places have their own village atmosphere and sense of identity	287. Finalise and implement the Brighton Le Sands Master Plan	288. Master Plan completed	289. Council has established a Brighton Le Sands Working Party and engaged consultants to develop urban design forms for the area, undertake economic analysis and prepare a community engagement plan. The Brighton Le Sands Working party have provided feedback into this process particularly in relation to urban design options. It is anticipated the Masterplan will be released by November 2019 for community consultation.	
290. Places have their own village atmosphere and sense of identity	291. Review and update the Rockdale Town Centre Master Plan	292. Recommended actions identified for LEP and DCP amendments	293. Council staff have undertaken a review of the current master plan and development controls with existing and approved building forms analysed to establish the contextual opportunities and constraints of the town centre. Built form diagrams have been developed to respond to the established context and provide a cohesive built form strategy for the town centre and to finalise LEP and DCP controls for the Rockdale Town centre. Staff have also ensured that the Rockdale Town Centre is included as part of the State Government Kogarah Collaboration Health and Education Precinct.	
294. Places have their own village atmosphere and sense of identity	295. Undertake Centres analysis to inform new planning controls in LEP and DCP and ensure land use tables promote activity in Centres that is responsive to place	296. Draft Strategy completed	297. Draft Employment and Centres Strategy being progressed. Discussion Paper finalised and used to inform community workshops and the draft Bayside Local Strategic Planning Statement.	



Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
298.Public spaces are innovative and put people first	299.Improve the vibrancy of village centres at Banksmeadow; Swinbourne Street and Kingsgrove village centres	300.Complete works as planned.	301.Kingsgrove Town Centre will be completed in August 2019.  Banksmeadow Town Centre will be completed in August 2019.  Swinbourne Town Centre has been rescheduled pending traffic study outcomes.	
302.Public spaces are innovative and put people first	303.Respond to community complaints about unauthorised development, uses or unsafe structures	304.Complaints responded to in Accordance with Council's Enforcement Policy (ongoing)	305.Health & Environmental Compliance received a total of 2,690 customer requests in the 2018/19 financial year. 100% were actioned in accordance with Council's Enforcement Policy.	
306.Public spaces are innovative and put people first	307.Review and update Bayside Parks Plan of Management	308.Brief prepared for update in 2019/20	309.Staff have attended State Government workshops, successfully received funding to commence this project; a working group established, collation of background data commenced including the identification of reserves that require an updated Plan of Management under the new State Government legislation.	
310.Public spaces are innovative and put people first	311.Use digital platforms to increase utilisation and better customer experience when booking sporting facilities and open space parks	312.Implement and use digital platform	313.Sporting fields can be easily identified via the website  This provides a simple but effective means of visual communication.  This website page is constantly used by officers when assisting the public with booking applications.	



Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
314. There is an appropriate community owned response to threats	315. Adhere to NSW Government / Police guidelines for security at major events	316. Safe events with mandatory adherence to guidelines	317. Events Team continue to receive up to date strategy & intelligence briefings by police and security operators. Every major event is compliance checked by local and state authorities.	
318. There is an appropriate community owned response to threats	319. Design and install safety barriers in significant locations	320. Barriers installed	321. Further locations identified. Design and installation pending allocation of funding.	
322. There is an appropriate community owned response to threats	323. Support Bayside Local Emergency Management Committee and provide assistance to Emergency agencies	324. Management of the Local Emergency agencies is ongoing, and support provided as required	325. Council has chaired 4 Local Emergency Management Committee's and attended 4 Regional Emergency Management meetings throughout the year and provided assistance to Emergency agencies for incidents within the LGA on 14 occasions (Mascot Towers, Botany Road water main etc). The Botany Bay Precinct Emergency Sub-Plan was updated, endorsed and adopted during the period. Details of the Bayside EMPlan and Botany Bay sub-plan are available on Council's website at <a href="https://www.bayside.nsw.gov.au/community/community-safety">https://www.bayside.nsw.gov.au/community/community-safety</a>	

### *Our places connect people*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
326. Our heritage and history are valued and respected	327. Collaborate with Sydney Water to deliver usable open space on Sydney Water land under license to Council to maintain.	328. Strategies identified & confirmed	329. Discussions with Sydney Water have been progressed and have resulted in construction licenses for Mutch Park Skate Park and Rhodes Reserve construction. Sydney Water has completed the works at Linear Park and Council will be planning what work is required to integrate the adjacent Council owned spaces in 2019/2020.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
330.Our heritage and history are valued and respected	331.Deliver ongoing Local History and Museum Services	332.Exhibitions and projects delivered	333.Community History has been very active this year and worked closely with the Botany Historical Trust to commemorate the Battle of Beersheba and Armistice Day. Additionally, they have worked with local members of the community to present events including; Death in the air, life on the ground, The Pemberton Baths, and The Botany Wool Talk. Exhibitions have included; the Rockdale Opera Company's 70th Anniversary, 'What's your story', and Anzac Day. The annual Ron Rathbone Local History Prize was successful in attracting new entrants from the community and generating a continued interest in Community across the LGA. In the background to this the Community History Team has been working steadily to prepare for the incoming exhibition 'People and Planes'.	
334.Our heritage and history are valued and respected	335.Maintain Heritage Conservation Management Plans Register for key community facilities	336.Register developed	337.Register included in corporate asset management system to identify buildings with local and/or state heritage listing.	
338.Our heritage and history are valued and respected	339.Prepare Conservation Management Plans for individual buildings	340.CMPs developed	341.Council's heritage advisory consultant provided heritage advice for Sir Joseph Banks Park, Botany Town Hall, Wilsons Cottage and Lydham Hall Conservation Management Plans and provided advice to Council staff for planned works that are scheduled to occur on sites with existing CMPs	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
342. Our heritage and history are valued and respected	343. Review Bayside Heritage Conservation Areas and Heritage items to inform the new Bayside LEP and DCP	344. Draft Strategy completed	345. Council developed the scope for the Bayside Indigenous Heritage Strategy and Bayside Heritage Strategy, developed working groups and engaged consultants. Consultants finalised the Bayside Indigenous Heritage Strategy and Bayside Heritage Strategy discussion papers and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Preparation of the strategies (which includes is on track to meet the project milestones, with strategies due in October 2019 to inform the Bayside LEP and DCP.	
346. Our heritage and history are valued and respected	347. Revise Library model to incorporate all libraries	348. Investigate alternatives and formulate recommendations	349. A significant amount of work has been undertaken to revise and harmonise Bayside's library model. A restructure of the unit was completed and implemented in February 2019 including the permanent appointment of a new Manager. Business processes were updated and harmonized across all libraries. Harmonisation of library systems were finalised and new technology introduced including a new print management and public PC booking solution. Implementation of outstanding recommendations from the library review completed in 2016 has also progressed including the completion of building condition and operational sustainability assessments of Bexley and Brighton Libraries. The outcome and recommendations of the assessments will be submitted to Council in July 2019 for consideration.	








Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
<p>350. Walking and cycling is easy in the city and is located off road in open space where possible</p>	<p>351. Develop the Bayside Integrated Transport and Infrastructure Plan incorporating the Bayside Cycling Strategy</p>	<p>352. Consultants engaged and Draft being prepared</p>	<p>353. Council developed the scope for the Transport Strategy, developed a working group and engaged consultants. A Transport Discussion paper was then completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Preparation of the Transport Strategy is on track to meet the project milestones, with a draft strategy to inform the Bayside LEP and DCP and bike plan due in October 2019.</p>	
<p>354. We are one city with shared objectives and desires</p>	<p>355. Manage Community bookings through online booking system</p>	<p>356. Systems being used</p>	<p>357. Extensive online booking EOI process conducted.</p> <p>Preferred supplier identified.</p> <p>Further work to customise system is now being conducted for future implementation.</p> <p>This will be finalised in early 2020.</p>	






## 2: In 2030 our people will be connected in a smart city




### *The community is valued*






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
358. Aboriginal culture and history are recognised and celebrated	359. Develop Bayside Council Reconciliation Action Plan to provide a framework of practical actions to build respectful relationships and create opportunities engagement with our Aboriginal community	360. Reconciliation Action Plan Drafted	361. Reconciliation Action Plan on hold pending recruitment of specialist position.	
362. All segments of our community are catered for – children, families, young people and seniors	363. Administer Bayside Council's community grants and Financial Assistance programs	364. Grants Programs implemented	365. 2018/19 Community Grants program was successfully implemented as per Council's Community Grants and Donations Policy. 22 projects were funded under community grants and a range of projects delivered to seniors and youth as well as general donations.	
366. All segments of our community are catered for – children, families, young people and seniors	367. Collaborate with local service providers to support the delivery of enhanced service delivery models in-line with FACS' Early Intervention Reform Approach	368. Participation in relevant children, family and youth inter-agencies	369. Continuing to provide support to ABCD projects including Bangladeshi Women's group, Nepalese parenting, youth peer support and leadership.	
370. All segments of our community are catered for – children, families, young people and seniors	371. Deliver home shopping service for aged and people with disability	372. Service provided in accordance with funding guidelines	373. Home Shopping Service was delivered in accordance with Commonwealth Home Support Program Guidelines.	
374. All segments of our community are catered for – children, families, young people and seniors	375. Manage and deliver relevant and effective services and programs and support services for children, aged & people with disability	376. Service provided in accordance with regulatory, legislative and funding guidelines.	377. Services have continued to be delivered through The Commonwealth Home Support Program. The new Child Care Subsidy arrangements have been implemented throughout the year. Children and aged care services are operating and meeting all regulatory and legislative requirements.	








Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
378.All segments of our community are catered for – children, families, young people and seniors	379.Manage and operate Family Day Care Service	380.100 Education and Care Service Visits provided	381.175 Education and Care support visits have been conducted.	
382.All segments of our community are catered for – children, families, young people and seniors	383.Manage and operate Long Day Care Centres	384.Utilisation rate above 85%	385.The Child Care Centres have a combined utilisation rate of 88%	
386.All segments of our community are catered for – children, families, young people and seniors	387.Manage and operate Meals on Wheels program	388.Service provided in accordance with funding guidelines	389.Service has been provided in accordance with the Commonwealth Home Support Program Guidelines.	
390.All segments of our community are catered for – children, families, young people and seniors	391.Manage and operate School Aged Care (Before and After School Care/Vacation Care)	392.Utilisation rate above 85%	393.School Aged Care combined utilisation rate is 86%	
394.All segments of our community are catered for – children, families, young people and seniors	395.Monitor effectiveness of Council's direct Community services.	396.Implement agreed service review improvements	397.Review of Aged and Disability Services was finalised. Following Council approval services were transitioned to local community-based organisations. Youth and Children's services continue to be benchmarked and monitored. The Community Grants and Donations Program was reviewed and updated with a new policy.	
398.All segments of our community are catered for – children, families, young people and seniors	399.Review and develop Bayside Place Based Social Plan (including Aging, Disability, Youth, CALD, Families and Children plans)	400.Ongoing implementation of actions identified in Plans	401.Bayside is continuing to support a range place based and other community development projects on both sides of the LGA that derive from social planning.	
402.All segments of our community are catered for – children, families, young people and seniors	403.Support local youth through provision of and support for youth drop in activities and school holiday activities, providing a soft entry point for Youth Service providers	404.Increase in participation by 5% year on year	405.Youth attendance at Bayside drop-in and school holiday programs continues to increase. School holiday program activities are typically at capacity and with a wait list.	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
406.All segments of our community are catered for – children, families, young people and seniors	407.Support Seniors Groups and Associations to become incorporated and to deliver relevant creative aging programs to their members	408.Members are satisfied with range and delivery of programs	409.Seniors groups received direct support in a variety of ways including through the Seniors Month Program, the TAFE partnership training program and consultation relating to the development of a Bayside Seniors Services collaboration. One on one support is available to seniors' groups as required.	
410.Cultural diversity is reflected and celebrated in the city's activities	411.Develop and implement a Community Capacity Building program with partners to support and celebrate our culturally diverse community through local and place-based initiatives	412.8 local place-based initiatives with attendance targets	413.Community Capacity Building contributed to and delivered initiatives such as: Migrant Info Day, Children's Week, International Day Disability, Intergenerational Knitting Group, Intergenerational Singing Projects, Girls Yoga and commenced Eastlakes development project	
414.Cultural diversity is reflected and celebrated in the city's activities	415.Review National Days and Cultural Events Program	416.National Events held as scheduled.	417.Council has held several Flag Raising ceremonies in the Rockdale Town Hall to celebrate a number of National Days.	
418.Cultural diversity is reflected and celebrated in the city's activities	419.Strengthen our commitment to "Welcome Nation" program for refugees.	420.Minimum of 5 refugees supported with employment experience and training.	421.Two of our refugees have secured permanent employment with Council.	
422.Flexible/care support arrangements for seniors, children and people with disabilities are available across the Bayside	423.Deliver Bayside Home Library Service	424.Service levels maintained or increased	425.Home Library Services are highly valued by the residents who receive them. Overall numbers have been stable for almost 2 years now. There is capacity to promote and expand this service which is something we will focus on in the coming year. Annual loans have exceeded 8,500.	


Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
426.Flexible/care support arrangements for seniors, children and people with disabilities are available across the Bayside	427.Deliver community play session throughout Bayside to support families and children	428.4 community play sessions held with a minimum 10 family's participation	429.4 community play sessions have been conducted - August 2018, November 2018 twice and March 2019 with approximately 15 families attending.	
430.Opportunities for passive and active activities are available to community members, including people with pets	431.Deliver ongoing programs and events across all libraries to enhance life-long learning opportunities for the range of demographic groups within the community	432.Programs implemented	433.The library continues to collaborate with relevant service providers to meet existing and emerging needs / interests of the community. The library innovates and we introduced new activities to include Scratch Two which extends the original code club, Little Green Sparks which is a stem-based science program, partnerships with the ATO and BEC to support local business needs across three locations; Eastgardens, Rockdale, and Sans Souci. Bayside Library secured two rounds of grant funding from the State Library of NSW and Telstra to extend out Tech Savvy Seniors programs to support the digital literacy needs of older people. These sessions take place in a range of community languages. This is a high need area for people when many of the services they depend on are moving to online forums; including service providers such as Service NSW. To meet this need we have expanded our programs to offer one on one coaching for individuals to extend the basic learning from Tech Savvy Seniors Sessions.	
434.Opportunities for passive and active activities are available to community members, including people with pets	435.Promote and hold Community pet 'microchip day' to promote responsible pet ownership	436.Complete 1 microchip day	437.2 Microchip days were held with the assistance of our Local Vets at Bexley, Kogarah, Mascot and Maroubra on 25th and 27th June 2019.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
438. We are a healthy community with access to active recreation and health education	439. Co-deliver Connecting Communities program in partnership with South Eastern Sydney Local Health (SESLHD) through Council's Memorandum of Understanding with SESLHD, and using the Asset Based Community Development (ABCD) approach	440. 4 ABCD Projects delivered	441. Six Asset Based Community Development Projects being supported. Projects include Nepalese parenting, Student leadership and disability support.	
442. We are a healthy community with access to active recreation and health education	443. Collaborate with Office of Sport to contribute to positive regional outcomes, planning and grants opportunities	444. Commencing funded projects in line with approved program  445. 100% response to regional requests.	446. Council Officers continue to work closely with the Office of Sport to be aware of any opportunities within the LGA.  Strategic meetings are held with relevant stakeholders to maximise any opportunities.  Grant applications are encouraged and supported by Council.	
447. We are a healthy community with access to active recreation and health education	448. Conduct minimum of 4 Food handling Workshops with food businesses across our Local Government Area.	449. Completion of 4 food handling workshops April – June 2019	450. Five (5) food handling workshops were hosted by Council between April 2019 - June 2019. Various locations across the local government area. Minimum requirement is four (4). Exceeded target.	
451. We are a healthy community with access to active recreation and health education	452. Construct a skate park at Mutch Park to increase recreation opportunities for youth.	453. Skate park open	454. Project has progressed as per the construction program; the project will be completed by 30 September 2019.	
455. We are a healthy community with access to active recreation and health education	456. Establish the Sport and Recreation working party with sporting clubs' key stakeholders.	457. 4 working party meetings conducted	458. The terms of reference were not established.  The benefits of having this working party will be reviewed.	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
459. We are a healthy community with access to active recreation and health education	460. Partner with local and NSW stakeholders to advocate on behalf of the community and deliver local health initiatives	461.4 initiatives delivered	462. Council works in partnership with Connecting Communities meetings (NSW Health and other state agencies) and advocate on behalf of Bayside communities. As a result, additional health initiatives to address social isolation and increasing access to local services are being implemented.	
463. We are a healthy community with access to active recreation and health education	464. Promote and support active recreation, leisure and sporting activities and initiatives	465. Work with clubs and associations to increase participation in active recreation	466. Sports and recreation continues to meet with relevant stakeholders to encourage Sport and Recreation opportunities.  All facilities continue to be booked to community groups looking to encourage sporting opportunities and recreation programs.  Programs include Seniors opportunities, pre-school group participation through to our regular dance, aerobic and sporting group competitions for males and females.	
467. We are a healthy community with access to active recreation and health education	468. Review the effectiveness of the Food Handling Workshops, identify specific issues and develop a tailored educational program.	469. Tailored education program developed	470. A review of the Food Handling Workshop was undertaken which included the purchasing of the GlitterBug products which allowed food business owners to see the effectiveness of hand washing, as well as sanitising demonstrations using bleach and the incorporation of quiz to test their knowledge. All attendees received 95% and above and as such, received a Certificate of Attendance that went towards points in favour of their next routine inspection.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
471. We can participate in cultural and arts events which reflect and involve the community	472. Funding opportunities for events identified and pursued	473. Pursue agreed funding opportunities	474. Council has actively sort and been successful in obtaining corporate sponsorship for several events during the past 12-month period namely, Carols by the Sea, the Lunar New Year Festival, Bayside Garden Competition which will be judged in September and the Bayside Food and Wine Fair to be held in October. All sponsors are included on the event's promotional material.	
475. We can participate in cultural and arts events which reflect and involve the community	476. Hold Pop up Libraries in target areas where a library does not currently operate	477. 4 pop up libraries established each year	478. Our Pop-up library is proving a great way to increase visibility of Library Services at Community Events and locations. The community response has been positive and created an opportunity to enquire about services, collections and programs available at our permanent library locations. This year we held 3 pop up libraries and worked on a number of collaborative programs to support community activities and events.	

*We are unified and excited about the future*





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
479. Community leadership is developed and supported	480. Media support to promote Council's reputation and image	481. Community Newsletters Media & Press Releases Facebook posts Twitter feeds	482. Council continues to keep the community and key stakeholders informed and up to date. The quarterly community newsletter has been produced and distributed to 60,000 households. The monthly e-newsletter has been prepared and distributed to over 40,000 registered emails. Daily posts are shared on Facebook and Twitter. Media Releases are prepared and distributed to local newspapers.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
483. Community leadership is developed and supported	484. Work with key stakeholders including NSW Family and Community Services (FACS), South East Sydney Local Health District (SESLHD), community partners and NGOs to map existing services and identify gaps	485.4 Stakeholder planning days conducted. Service map developed.	486. A further two meetings (total of six) were held with partners including Family and Community Services, Health, Housing and other Councils. Service gaps were identified, and issues mapped. Projects arising from this work are being developed.	
487. The city is run by, with and for the people	488. Assist specialised areas/groups with community event planning and promotion	489. 18 events held in partnership	490. The Events Team are happy to work with other business units to ensure their events or programs are a success. In the past 12 months the team has assisted City Life to hold a movie night at the Botany Pool, organised plaque unveiling for special projects as well as offering advice and support to a number of external organisations such as the Mascot RSL Sub Branch for their Pre-Anzac Day March and St Catherine's Greek Church for their Easter Processions.	
491. The city is run by, with and for the people	492. Represent council and the community's interests on regional boards and forums such as the Mayoral Aviation Council and the SSROC	493. Participated in relevant forums	494. Continued membership and advocacy at SSROC. Councillor attendance at the Australian Mayoral Aviation Council identified the need to review membership in terms of cost/benefit in light of the established partnership between Council and the Sydney Airport Corporation Limited, which includes membership on the Sydney Airport Community Forum and the Sydney Airport Planning Coordinators Forum.	
495. We are all included and have a part to play in the city	496. Citizenship Ceremonies conducted and presided over by the Mayor - to recognise our diversity and acknowledge our newest citizens	497. Citizenship Ceremonies held	498. Council has held 10 ceremonies throughout the past 12 months welcoming over 1200 new citizens.	
499. We are all included and have a part to play in the city	500. Educate local primary school students on the role of local government	501. 12 civics workshops delivered to local schools	502. Project delayed due to resourcing issues.	

*We benefit from technology*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
503.Council engages with us and decision making is transparent, and data driven	504.Community Forums are held twice yearly to inform the community of Council's progress	505.Two Community Forums convened and well attended	506.The community forums have been cancelled for the year 2019. A combination of increased online presence offering multiple avenues to ask Council direct questions and a more targeted engagement approach on specific projects has led to the decision to cancel 2019 forums.	
507.Council engages with us and decision making is transparent and data driven	508.Council's Integrated Planning and Reporting is responsive and accountable	509.Integrated Plans delivered	510.Six monthly reporting on Operational Plan completed. New Integrated Planning & Reporting software implemented.	
511.Council engages with us and decision making is transparent and data driven	512.Develop and maintain the 'Talking Bayside' Community Panel	513.300 residents signed up and actively participating in panel	514.Talking Bayside has been reviewed. Talking Bayside has a new project page and a promotional plan was put in place to reconnect with old members and create new members. The successful campaign has increased profile and raised membership to 300 people.	
515.Council engages with us and decision making is transparent and data driven	516.Engage the community through a variety of methods as outlined in Council's Communication & Community Engagement Strategy	517.Ongoing identification and delivery of a diverse range of engagement methods	518.The draft Engagement and Communications Strategy is complete. A resource page has been developed for staff which guides the delivery of a diverse range of engagement methods for the community. The number of projects being consulted on continues to grow.	
519.Council engages with us and decision making is transparent and data driven	520.Media support to promote Council's reputation and image	521.Community Newsletters Media & Press Releases Facebook posts Twitter feeds	522.Council continues to keep the community and key stakeholders informed and up to date. The quarterly community newsletter has been produced and distributed to 60,000 households. The monthly e-newsletter has been prepared and distributed to over 40,000 registered emails. Daily posts are shared on Facebook and Twitter. Media Releases are prepared and distributed to local newspapers.	









Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
523. Technological change has been harnessed and we are sharing the benefits	524. Develop a Social Media Strategy including policy; framework and content management approach across all platforms.	525. Strategy adopted and implementation commenced	526. Work has begun on putting together a Social Media Strategy and Policy. It will also contain guidelines for managing and distributing content across all platforms.	
527. Technological change has been harnessed and we are sharing the benefits	528. Develop Bayside Council Digital Technology Strategy	529. Strategy adopted and implementation commenced	530. A Digital Strategy has been prepared and endorsed by the Executive and has been presented to the Councillors at GM Briefing.	
531. Technological change has been harnessed and we are sharing the benefits	532. Publish Council's events calendar – providing quarterly updates to the community	533. Update and publish 4 Events Calendars	534. Regular Events Committee meetings held to ensure Event information is up to date. And a quarterly event is published featuring the highlights from major events, library programs or community projects. Four calendars are produced each year and distributed at various outlets across the LGA.	
535. We are a digital community	536. Increase access to online digital resources throughout library services.	537. Increased usage of online resources by 10%	538. As awareness of electronic resources grows so do our statistics. This has been assisted through related activities and strategies such as pop-up libraries and programs that use and promote e-resources such as our film club and range of tech savvy senior programs. Annual usage statistics demonstrated a percentage increase from 2017/2018 to 2018/2019 of approximately 1120%. Most of this usage can be attributed to the increasing popularity of Digital eMagazines	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
539. We can access information and services online and through social media	540. Community and stakeholders are informed about Council business, news and activities.	541. Various communication mediums updated with relevant news	542. The biggest change to Council's external communications in the past 12 months has been the use of our social media platforms - Facebook and Instagram to promote key messages and disseminate information. The content and consistency of posting has greatly increase council's engagement on both platforms and our likes and followers are growing.  The Communications Team will continue to build on this, while also ensuring that the more traditional forms of communication are not neglected.	
543. We can access information and services online and through social media	544. Council's website continues to provide accessible and up to date information on activities; events and services across Bayside	545. Website is continuously reviewed and updated to meet community expectations	546. Lots of work in the back end to enhance the user experience. New work commencing on the front facing customer aspect of the website to explore online options that meet customer expectation and enhance the overall online experience, minimizing the need to attend Council offices.	
547. We can access information and services online and through social media	548. Council's website is accessible and up to date	549. Updates to ensure relevant content	550. Content is currently being reviewed to ensure it meets customer expectation. Analysis of search functionality to ensure information that our customers are seeking, is readily available and easily understood.	
551. We can access information and services online and through social media	552. Key documents are available in alternative formats and community languages	553. Action Plan implemented	554. Council provides information on how to access support to read or view all documents, correspondence and information. This includes support for the hearing impaired, visually impaired and non-English speaking community.	
555. We can access information and services online and through social media	556. Prepare system capability and data to enable public mapping of key Council infrastructure and services	557. Available for public use	558. Public Maps capability has been developed and tested. Opportunity created for inclusion into Council's web page	

### 3: In 2030 Bayside will be green, leafy and sustainable


#### *Our waste is well managed*







Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
559.I can reduce my waste through recycling and community education	560.Implement Councils Waste Avoidance Resource Recovery Strategy (WARRS) 2030 + Action Plan.	561.Strategies aligned with Council and regional objectives	562.Council consulted, designed, introduced and adopted a new Waste Avoidance and Resource Recovery (WARR) Strategy 2030. It was endorsed by Council in July 2018. Council's WARR Action Plan for 2018/19 has been successfully delivered.  Council was awarded Winner of the Circular Economy category of the Keep Australia Beautiful NSW Sustainable Cities Awards for the creation of Bayside Council's WARR Strategy 2030.	
563.I can reduce my waste through recycling and community education	564.Inform residents about Councils Domestic Waste and Clean Up programs	565.Recycling Calendars and Waste Services Guides delivered Information provided on Council's website and Mobile App	566.Council's recycling calendars clean up dates and Waste Services App information were delivered to all Bayside residents. This information can also be accessed by all residents on Council's website, Council's Customer Services and Waste Services App, which includes a digital Waste & Cleansing Services Guide 2019. In 2018, Council's Waste Services App was awarded Highly Commended in the Sustainable Projects Award category of the Keep Australia Beautiful NSW Sustainable Cities Awards.	
567.I can reduce my waste through recycling and community education	568.Meet statutory compliance and reporting obligations	569.100% compliance with statutory reporting	570.Council has completed all required statutory compliance and reporting obligations.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
571.I can reduce my waste through recycling and community education	572.Program and offer interactive recycling education programs to 35 schools and at 6 community events per annum	573.35 school workshops and 6 community education events held	574.In 2018/19 Council conducted the following education and regulation programs and/or workshops:  1.Education programs to 108 school classes (2,875 students), 2.Ten (10) Regional Illegal Dumping (RID) Operation Jacobs, 3.Three (3) RID Operation Tangarra, 4.Two (2) Community Education Movie Nights, 5.One (1) Kid's Recycling Workshop, 6.Fourteen (14) School Worm Farm & Compost Workshops, 7.Six (6) Community Education Workshops.	
575.I can reduce my waste through recycling and community education	576.Seek funding through the NSW Environment Protection Authority's 'Waste Less, Recycle More' Waste and Resource Recovery Initiative.	577.Ongoing management of current available funding	578.A number of programs and initiatives were design, implemented and/or reviewed within this financial year, with funding approved and provided by NSW EPA, i.e.:  579.Beach Litter Bin Prevention program.  Community Recycling drop off Facilities.	
580.I can reduce my waste through recycling and community education	581.Undertake the management of essential waste and recycling services to over 62,000 households	582.Domestic Waste services conducted in line with Statutory requirements	583.Domestic Waste Services have been conducted in line with statutory requirements to over 63,000 households or 170,000 residents. Services included: * kerbside bin management, * kerbside clean-up services, * kerbside on-call and booked services, * community recycling drop-off events, and * litter management.  Over \$2M of new fleet was delivered by December 2018, to support the delivery of these essential services.	






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
584. Illegal Dumping is a thing of the past	585. Ascertain hotspots through mapping and analysing reported incidents of illegal dumping	586. Proactive and reactive strategies to reduce illegal dumping identified and implemented	587. In 2018/19, Council continued and updated a thorough analysis of known 'hotspots' determined by street and suburb, utilising a new level of data sophistication.  This program guides the successful relocation of multiple CCTV solar cameras to data supported known 'hotspots' areas, as required.	
588. Illegal Dumping is a thing of the past	589. Investigate incidents of illegal dumping and enforce compliance	590. 100% reported incidents investigated	591. All incidents were investigated by Council or the Sydney Regional Illegal Dumping (RID) Squad. In 2018/19, Council and RID investigated 3,496 incidents.  In 2018/19, Council and RID conducted monthly operations, targeting hotspot areas, providing educational information in letter boxes, engaging the community and installing education / deterrence signage.	
592. Illegal Dumping is a thing of the past	593. Maintain the contaminated land management and recording system through the development process	594. Implications of review identified	595. All Site Audit Statements received by Council were entered into the applicable Councils database at the time of receipt and sent to GIS for addition to the pathways system.	
596. Illegal Dumping is a thing of the past	597. Remove and dispose of illegally dumped materials throughout the City	598. Illegally dumped materials removed within identified timeframe	599. Program was delivered in alliance with Regional Illegal Dumping Squad (RID) with all requests investigated (3496) and collected by Council or those responsible for the offence.	

### *We are prepared for Climate Change*






Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
600. Our city is prepared and able to cope with severe weather events	601. Botany Bay Foreshore Beach Flood Plain Risk Management Study and Plan	602. Completed	603. This is a two year project with the component scheduled for 18/19 (Flood Study Review) completed	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
604. Our city is prepared and able to cope with severe weather events	605. Improve water quality and upgrade infrastructure at Russel Ave and Bardwell Valley	606. Design complete and community engagement commenced	607. Detailed design of Bardwell Valley Water Quality device is 80% complete.	
608. Our city is prepared and able to cope with severe weather events	609. Investigate upgrades to trunk drainage in response to the land use changes in Bayside West precinct	610. Upgrades identified	611. High level review of stormwater drainage related to the revised Bayside West Precinct area completed. Works required identified in draft Arncliffe and Banksia Development Contributions Plan work schedule.	
612. Our city is prepared and able to cope with severe weather events	613. Undertake two-dimensional Flood Study Review of the Bardwell Creek Drainage Catchment	614. Study completed	615. Bardwell Creek Flood Study Review completed and available on Council website.	
616. Our city is prepared and able to cope with severe weather events	617. Upgrade Stormwater Infrastructure at Arncliffe St, Willis St and Guess Ave	618. Construction underway	619. Detailed design 95% complete, to be tendered in next 3 months.	
620. Waterways and green corridors are regenerated and preserved	621. Carry out turf maintenance of approx. 400 parks and reserves and approx. 150 lineal kilometres of grass verges	622. Manage and maintain all turf areas effectively	623. Maintenance Programs have been delivered on weekly/fortnightly and monthly schedules to provide fit for purpose Parks and Open Space. Sports field renovations delivered prior to winter season commencement, examples. Topdressing, Aeration, Fertilising, weed spraying & over sowing at Sports fields. Grass verge maintenance programs performed at required frequencies.	
624. Waterways and green corridors are regenerated and preserved	625. Develop an integrated water management needs analysis for Bayside Council	626. Scope of future work identified	627. Final draft of water management strategy completed with priority actions identified. This Strategy will be reported to Executive	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
628. Waterways and green corridors are regenerated and preserved	629. Implement key priorities in Council's adopted Biodiversity Strategy to protect and enhance natural areas	630. Agreed priorities implemented	631. Council undertook bushland regeneration in 18 priority natural areas. Across Bayside 80 hectares of natural areas had management works undertaken and over 15,000 plants planted. In comparison to last financial year there was registered Bushcare volunteer increase from 86 to 138 and approximately 600 in-kind to 1709 hours annually	
632. Waterways and green corridors are regenerated and preserved	633. Improve water quality and manage stormwater in Dominey Reserve and downstream	634. Recommendations identified for extension to open space	635. Project deferred until 2020 due to timing of supporting funding.	
636. Waterways and green corridors are regenerated and preserved	637. Improved tree canopy across LGA	638. Delivered in accordance approved plan	639. Continuation of Street Tree Planting program at various locations across the LGA. Council planted an additional 784 trees throughout the 2018-19 financial year.	
640. Waterways and green corridors are regenerated and preserved	641. Investigate water quality and drainage infrastructure in and near Sir Joseph Banks Park to inform future planning	642. Consultants engaged and water quality investigations complete	643. Project deferred to 2019-2020	
644. Waterways and green corridors are regenerated and preserved	645. Maintain all garden areas on council assets within LGA	646. Maintenance programs delivered as scheduled	647. Garden areas have been maintained throughout the Local Government Area, garden crews attend to all required maintenance on a monthly schedule to ensure service delivery. With Plants and materials being sourced through Bayside's Joint Venture Partner the Bayside Garden Centre.	


Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
648. Waterways and green corridors are regenerated and preserved	649. Manage and maintain all trees within LGA	650. Maintenance programs delivered as scheduled	651. Tree Management and maintenance is conducted through the customer request system and also following set maintenance schedules. Both street trees and park trees are maintained by qualified tree services team. Private trees are managed by the Tree Management Officer within the Parks and Open space department throughout the LGA.	
652. Waterways and green corridors are regenerated and preserved	653. Protect and restore the health of waterways and wetlands through planned Gross Pollutant Traps (GPTs) inspection and cleaning program	654. Program implemented	655. Council serviced 61 GPTs throughout the year preventing 145.24 t of waste from entering our waterways throughout the Local Government Area	
656. Waterways and green corridors are regenerated and preserved	657. Undertake Landscape Maintenance Services	658. Landscape maintenance services conducted in line with maintenance schedules	659. Council has continued to provide landscaping maintenance services within all active parks and passive parks. Council has also have delivered landscaping services for town centres, city gateways, memorial sites, and other council initiatives.	
660. Waterways and green corridors are regenerated and preserved	661. Water quality improvements to enhance riparian zones and waterway assets	662. Documentation and specification complete	663. 80% detailed design of Water Quality improvements to Coolibah Reserve, Bardwell Valley.	
664. We increase our use of renewable energy	665. Installation of water and energy efficiency initiatives in community buildings	666. Installations commenced	667. Council identified a range of energy and water initiatives for Council facilities to reduce its environmental footprint. From this Council initiated a procurement process for the installation of solar at Rockdale Town hall and completed a Heritage Impact Statement. LED lighting replacement completed at Bexley Depot Offices and energy and water efficiency upgrades at AS Tanner Hall and Amenities completed	





Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
668. We understand climate change and are prepared for the impacts	669. Develop Bayside Environmental Strategy to assist in forward planning for infrastructure, assets and inform land use decisions	670. Strategy underway	671. Council developed the scope for the first stage of the Environmental Strategy, developed a working group and engaged consultants. An Environmental Discussion paper was then completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Council has now commenced a review of Local Environmental Plan (LEP) and Development Control Plan environmental controls to be integrated into the draft Bayside LEP	
672. We understand climate change and are prepared for the impacts	673. Implement community sustainability program of events and workshops	674. 12 workshops conducted	675. Council conducted a range of community environmental workshops and events including National Tree Day, wetland talks, energy efficiency workshop as well as working with large businesses with planting events and continuing Council's Bushcare program.	
676. We understand climate change and are prepared for the impacts	677. Plan for the effects of climate change on the floodplain with the Floodplain Management Committee	678. Identification of Floodplain Risk Management initiatives	679. Floodplain Risk Management Committee established; quarterly meetings held.	
680. We understand climate change and are prepared for the impacts	681. Review condition of the Cahill Park Sea Wall	682. Works identified	683. Cahill Sea Wall has been reviewed scoped and included in the contract works currently underway in Cahill Park.  Work is expected to be complete early 2019	
684. We understand climate change and are prepared for the impacts	685. Review condition of the seawall at Sandringham	686. Investigations complete and findings produced	687. Project deferred to 2019-2020	




## 4: In 2030 we will be a prosperous community

### *Local housing, employment and business opportunities are generated*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
688. Bayside will be a 30 minute city – residents work locally or work off site – no one has to travel more than 30 minutes to work	689. Advocate for an integrated, accessible and affordable transport system	690. Attend workshops, meetings & regular discussions with key stakeholders including cycling groups, RMS, Transport NSW. Make submissions to major transport project Environmental Assessments i.e. the F6.	691. Council made a number of submissions on the F6 Stage 1 project, met with State Government representatives to discuss Stage 1 F6, Sydney Gateway project and South East Transport Strategy. Council has also commenced the development of the Bayside Transport Strategy and has undertaken extensive community and stakeholder engagement to develop the Bayside Transport discussion paper.	



### *Opportunities for economic development are recognised*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
692. Major employers support/partner with local small business	693. Administer Local Area Funds	694. Program prepared	695. Program identification is ongoing as part of the development of the city projects program.	
696. Major employers support/partner with local small business	697. Implement Bayside Economic Strategy	698. Strategy drafted	699. The strategy has undergone some consultation in conjunction with the development of the Local Strategic Planning Statement and is on track to be delivered in 2020.	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
700. We are an international hub for transport and logistics related business	701. Finalise a qualitative Risk Assessment of Botany Industrial areas	702. Recommendations actioned	703. The first stage of this project is developing the Land Use Limitations Study which is providing an overarching perspective to Qualitative Risk assessment of Botany Industrial Area. This is almost at completion and consultants have now been engaged to undertake a more detailed review of the current Qualitative Risk assessment and identification of the next critical steps. This review is anticipated to be completed by October 2019.	
704. We are an international hub for transport and logistics related business	705. Manage the Airport Business Unit	706. Council will meet its contractual services with evidence of receiving no penalty points for non-delivery of services	707. Council no longer has the contract to manage the Airport Business due to unsuccessful tender bid.	
708. We are an international hub for transport and logistics related business	709. Provide advocacy and representations on traffic issues and freight movements associated with the developments and operations of Port Botany and Sydney Airport	710. Attend quarterly meetings with Port Botany Consultative Committee and Port Botany Planning Manager, Sydney Airport Community Liaison Group and Sydney Airport Planning Coordination team	711. Staff attended Port Botany Consultative Committee, Sydney Airport Community Forum, Sydney Airport Planning meetings, Sydney Gateway briefing, South East Transport Strategy Working Group. Sydney Airport and Sydney Port are members of Council's Transport Strategy Working Group	




***The transport system works***



Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
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Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
712. We can easily travel around the LGA – traffic problems and gridlock are a thing of the past	713. Develop Bayside Employment and Economic Development Strategy to identify opportunities for activation of local areas	714. Draft Strategy completed by 2019	715. Council developed the scope for the Employment and Economic Development Strategy, developed a working group and engaged consultants. An Employment and Economic Development Background Paper was completed and utilised as part of extensive community engagement for the development of Bayside Local Strategic Planning Statement. Council is now working with consultants on the next stages of the project, with the project due for completion in October 2019 to inform the Bayside Local Environmental Plan.	
716. We can easily travel around the LGA – traffic problems and gridlock are a thing of the past	717. Implement the Road Safety Program with annual matching funding from NSW Roads and Maritime Services	718. Program complete	719. Road Safety Program completed. Grant Funding approved for 2019-2020 projects by RMS. Program planning commenced for next financial year projects.  List of projects completed in Quarter 3 & Quarter 4  January 2019 – June 2019  3 x Child Restraint Check Days were held on 12 February, 9 April & 11 June 2019  1 x Helping Learner Driver workshops held 16 March 2019	



***Transparent & accountable governance***

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
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Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
720.Ethical Governance	721.Enhance public access to information	722.Decrease in numbers of formal applications	723.Undertaking awareness strategies in the use of proactive release and disclosure log to provide access to wider public interest issues. Further digitisation of Council records to facilitate simplified access process.	
724.Ethical Governance	725.Review improve and lobby for change at State Government; Regional and Local level to advocate and exchange information to inform and improve decision making	726.Implement agreed strategies	727.Advocacy on behalf of the community continues on issues of transport congestion; traffic improvement; and funding opportunities to ensure Council is taking advantage of any and all opportunities for Bayside residents and businesses.	
728.High Standards of Customer Service	729.Participate in the National Local Government Customer Service Network Benchmarking Program and report performance	730.Evaluate results and prepare action plan	731.The mystery shopping initiative was completed with the outcome showing an improvement in the overall performance of the Customer Service Team and against other Councils / industry.  Participating National Local Government Customer Network Benchmarking Program will be explored in 2019/20 once customer experience performance KPIs are reviewed.	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
732.High Standards of Customer Service	733.Provide excellence in customer service across Bayside Council community touch points	734.Baseline satisfaction increased by 10%	<p>735.The key focus in 'Providing excellence in customer service across Bayside Council community touch points' was the implementation of a new contact centre solution. This contemporary solution has enabled improved responsiveness and management of calls, improved staff performance and access to data for training and performance reporting.</p> <p>The focus for 2019/20 will shift towards the provision of on-line solutions to improve customer experience.</p>	
736.Skilled Staff	737.Annual Supplier and Staff procurement education programs delivered	738.Agreed program targets achieved	<p>739.Procurement Education for staff is delivered through Induction Programs, Focus Groups and Training Sessions which include the provision of educational resources and one on one support. The Procurement Policy and Procurement Guidelines is available to all staff via the Intranet.</p> <p>Procurement Education for suppliers is delivered through the issuing of information packs to all new suppliers and bi-annual mail outs to existing suppliers in regard to our Procurement Policy, Statement of Business Ethics and 'Doing Business with Bayside' Guide.</p>	


Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
740.Skilled Staff	741.Develop a Bayside Council Volunteer Strategy which supports Council and partners in the recruitment, training and support of volunteers	742.5 positions filled by graduates, trainee ships and apprentices	743.Bayside Council Volunteer Policy and Forms have been created and approved by the Executive and the Staff Consultative Committee. Further, a time sheet system has been developed and implemented to capture the value Bayside Council's volunteers brings to the community.	
744.Skilled Staff	745.Develop and implement graduate, traineeship and apprenticeship programs	746.Volunteer strategy adopted	747.Since 5th of November 2018 8 students have commenced and been inducted. A student program was developed to provide the students with skills required at work and in addition each student was allocated a mentor to support them during their journey into the organisation. Further, Child Care services engage trainees for the traineeship program to address the shortage of Child Care Workers in the market. 5 apprentices have been engaged in trade's area to support training for young people as well as addressing skill shortage in the trade's area.	
748.Skilled Staff	749.Implement Bayside Council's leadership development program for the financial year of 2018 and 2019.	750.Program implemented with 85% attendance	751.The training needs analysis of Managers and Coordinators is completed. Based on the outcome of the training needs analysis a leadership training strategy has been developed and was implemented in accordance with the training plan.	
752.Skilled Staff	753.Implement self- service human resources system	754.System implemented	755.This project has been delayed. Before implementing the Self Service System, a post implementation review had been completed of the main payroll system. The post implementation review was completed in June 2019.	

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
756.Strong Financial Management	757.Implement, monitor and review new financial reporting framework.	758.Evaluation of framework completed and suggested improvements reported.	759.2017/2018 Financial Statement were completed.  The 2018/2019 Financial Statement are currently in progress in accordance with statutory time frames.	
760.Strong Financial Management	761.Review and implement Investment Strategy	762.Adopted Investment Strategy	763.A revised investment policy was approved by Council in June 2019 and an independent investment advisor is to be appointed during the 2019/20 financial year.	

### *We are prepared for a sharing economy*

Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
764.Innovative businesses are supported to locate in Bayside	765.Facilitate bridging programs for students between BEC, TAFE and business	766.4 Employment Action Workshops + 2 Women Return to Work Workshop	767.Delivered workshops with BEC on Women Return to Work, Partnered with IESMI to provide information to residents in employment, estimated 150 people attended.	
768.Innovative businesses are supported to locate in Bayside	769.Partner with Botany Enterprise Centre to deliver Building Better Business Workshop programs for local business operators	770.4 Building Better Business Workshops	771.Four workshops in partnership with BEC completed in 2018: Starting a Business in Australia (August), Moving From Home Based Business to The Next Level, Marketing: On-line, Off Line, Social Media and Women Returning To Work (October 2018).	
772.Local plans and regulations have kept pace with the sharing economy	773.Deliver effective and competitive Complying Development (CDC) and Construction Certificate (CC) Services.	774.Improvements identified and agreed	775.Market share steady at around 15% with 90% of CDCs assessed within 20 days No valid complaints received regarding these application types during this period. Regular messages of appreciation from applicant/customers for timely and efficient service delivery.	



Delivery Program Strategy	Action	Annual Target	Annual Comment	Status
776. Local plans and regulations have kept pace with the sharing economy	777. Investigate and implement opportunities to improve assessment processing times and customer satisfaction for development applications	778. Opportunities identified and agreed	779. Conditions Review has been completed and is in the process of being inputted into the system. Development Services has achieved a significant reduction in the backlog of applications and improved processing times, including a 48% improvement in applications undetermined within 80 days, a 51% improvement in applications undetermined within 100 days and a 34% improvement in applications undetermined over 100 days. Clearing House proceeds consistently three times a week to ensure applications are validated and allocated quickly. Working on improvements towards the Premier's target of 90% of new housing applications processed within 40 days.	

**Council Meeting**

**11/09/2019**

Item No 8.11  
 Subject **2018/19 Budget Carryovers (Revotes) to 2019/20**  
 Report by Michael Mamo, Director City Performance  
 File F18/49

**Summary**

At the end of the 2018/19 financial year, a number of projects were in progress and were not completed at 30 June 2019. These projects will need to be carried over (revoted) into the 2019/20 budget as they will be completed in that financial year.

The proposed revotes will not impact the adopted 2019/20 budget result as they have an external or internal reserve funding source.

**Officer Recommendation**

That in accordance with *Clauses 203 and 211 of the Local Government (General) Regulations 2005*, the proposed revotes of expenditure and reserve funding identified in this report, are adopted by Council and are hereby voted into the 2019/20 adopted budget.

**Background**

At the end of the 2018/19 financial year, a number of projects were in progress and were not completed at 30 June 2019. These projects need to be carried over (revoted) into the 2019/20 budget as they will be completed in that financial year.

The proposed revotes will not impact the adopted 2019/20 budget result as they have an external or internal reserve funding source.

**City Projects Program Carryovers \$15,817,801**

<b>Program</b>	<b>Project Details</b>	<b>\$ Amount</b>	<b>Funding Source</b>	<b>Est. Completion Date</b>
Playgrounds	Arthur Park	22,109	S7.11	Sep-19
Passive Park	Rowland Park	501,870	S7.11	Sep-19
Buildings	Rowland Park Amenities	142,270	S7.11	Sep-19
Passive Park	Sir Joseph Banks (planning)	33,796	S7.11	Sep-19
Thriving Town Centres	Banksmeadow Town Centre	107,255	S7.11	Dec-19
Asset Forward Planning	Botany Aquatic Centre - feasibility and concept	65,457	S7.12	Jun-20

<b>Program</b>	<b>Project Details</b>	<b>\$ Amount</b>	<b>Funding Source</b>	<b>Est. Completion Date</b>
Cycleway	Banks Ave ML1 Heffron to Wentworth	3,912	S7.11	Jun-20
Cycleway	Cook Park Lena - Sanoni	519,884	S7.11	May-20
Cycleway	Cook Park diversion (Barton St carpark)	300,000	S7.12	Sep-19
Cycleway	Denison St ML10 separated path	31,571	S7.11	Sep-19
Cycleway	Page St ML3 Wentworth to Cowper	10,952	S7.11	Sep-19
Cycleway	Wentworth Ave ML2 Bay to Banks	170,435	S7.11	Sep-19
Roads	Wentworth Ave / Baker / Page Streets intersection	394,797	VPA	Sep-19
Buildings	AS Tanner Reserve Amenities	378,699	Infrastructure Levy	Sep-19
Buildings	Cahill Park Amenities / Cafe	91,241	Infrastructure Levy	Sep-19
Playground	Charles Daly Reserve	201,745	Infrastructure Levy	Jun-20
Playground	Kingsgrove Ave Reserve	7,017	Infrastructure Levy	Jun-20
Buildings	Lydham Hall condition assessment	9,135	Infrastructure Levy	Dec-19
Playground	Moorefield Reserve	13,369	Infrastructure Levy	Oct-19
Playground	Studdert Reserve	12,362	Infrastructure Levy	Sep-19
Buildings	Rockdale Park Amenities	24,112	Infrastructure Levy	Sep-19
Buildings	Syd Frost	50,432	Infrastructure Levy	Sep-19
Buildings	Wilsons Cottage	175,520	Infrastructure Levy	Nov-19
Asset Forward Planning	Brighton Le Sands (Masterplan)	112,401	Local Area Fund	Mar-20
Thriving Town Centre	George St Rockdale Carpark	125,000	Local Area Fund	Jun-20
Thriving Town Centre	Kingsgrove Town Centre	431,651	Local Area Fund	Dec-19
Drainage	Gibbes and Cameron Streets	82,751	Stormwater	Sep-19
Asset Forward Planning	Russell Ave - Water Sensitive Design	110,858	Stormwater	Sep-19

<b>Program</b>	<b>Project Details</b>	<b>\$ Amount</b>	<b>Funding Source</b>	<b>Est. Completion Date</b>
Traffic	Hollingshed St Roundabout	1,164	Grant	Jun-20
Traffic	King St Pedestrian Crossing	24,258	Grant	Dec-19
Traffic	Kingsland Rd South	19,403	Grant	Sep-19
Traffic	Kingsgrove Avenue	5,157	Grant	Jun-20
Playgrounds	Grace Campbell Reserve	46,362	Grant	Mar-20
New Council Implementation	Bayside Rebranding Implementation	38,132	NCIF	Dec-19
New Council Implementation	Reservation Management	20,000	NCIF	Dec-19
New Council Implementation	Trim Software (Content Manager)	94,998	NCIF	Jun-20
New Council Implementation	Windows 10 Images	15,000	NCIF	Jun-20
Buildings	Ador Reserve Amenities	21,492	Strategic Priorities	Jun-20
Car Parks	Brighton Le Sands Parking Solution EOI	35,004	Strategic Priorities	Jun-20
Buildings	Former City of Botany Bay property projects	191,146	Strategic Priorities	Jun-20
Buildings	Bryant St Property	7,085,868	Strategic Priorities	Aug-19
Buildings	Mascot Admin Building	564,003	Internal Loan	Jun-20
Street Lighting	SSROC Lighting the Way Project	1,639,255	Internal Loan	Jun-20
Buildings	Arncliffe Youth Centre	6,015	Arncliffe Youth Centre	Nov-19
Buildings	Hillsdale Community Centre	90,000	General Fund	Sep-19
Structures	Ermington St Retaining Wall	91,741	General Fund	Dec-19
Equipment	Events Equipment	92,160	General Fund	Dec-19
Traffic	Galloway St - Mascot Frontage	68,702	General Fund	Sep-19
Traffic	Harrows Rd	3,284	General Fund	Dec-19
Structures	Kingsland Rd Retaining Wall	18,694	General Fund	Oct-19
Asset Forward Planning	Muddy Creek Reserve / Lance Studdert Masterplan	50,000	General Fund	Jun-20
Library	Library Items	155,748	General Fund	Dec-19
Structures	Swinbourne St Retaining Wall	55,062	General Fund	Jun-20
Traffic	Traffic Improvements Program 2018/19	130,500	General Fund	Sep-19

Program	Project Details	\$ Amount	Funding Source	Est. Completion Date
Foreshore	Lady Robinson Beach Nourishment works	223,808	Infrastructure Levy	Jun-20
		223,807	General Funds	
Asset Forward Planning	Special Studies / Strategies	829	S7.11	Oct-19
		5,890	Stormwater	
		20,718	General Fund	
Asset Forward Planning	Botany Bay Foreshore Beach	94,425	Stormwater	Nov-19
		85,841	General Fund	
Passive Park	Cahill Park Masterplan Implementation	200,000	Infrastructure Levy	Sep-19
		83,589	Stronger Community Funds	
		58,826	General Fund	
Playground	Hillsdale Playground Assessment & Design	95,176	S7.11	Feb-20
		31,143	Children's Services	

### Operating Grants and Other Carryovers \$1,479,643

Project Details	Value	Funding Source	Completion Date
Connecting Communities	66,011	Grant	Jun-20
Crown Land Weed Control Hawthorne St Scarborough Park	1,290	Grant	Sep-19
Crown Land Weed Control Sir Joseph Banks Park	727	Grant	Sep-19
Development Control LEP	163,107	Grant	Jun-20
Greater Sydney Weed Action Program 2018/19	6,978	Grant	Sep-19
Local Priority Grant	78,303	Grant	Dec-19
Data Warehouse Records Management	170,000	NCIF	Jun-20
Development Controls DCP	187,987	NCIF	Jun-20
Development Controls LEP	370,786	NCIF	Jun-20
Pathway Civica Migration	53,182	NCIF	Dec-19
Policy Harmonisation	100,000	NCIF	Jun-20
Service Review - Corporate Functions	150,000	NCIF	Dec-19
Website Support	9,480	NCIF	Dec-19
Stronger Community Funds	45,003	NCIF	Jun-20
Grand Pde Brighton Le Sands	76,789	Brighton Baths	Oct-19

### Financial Implications

- |                                      |                                     |  |
|--------------------------------------|-------------------------------------|--|
| Not applicable                       | <input type="checkbox"/>            |  |
| Included in existing approved budget | <input checked="" type="checkbox"/> | Works and projects included in the 2018/19 budget to be revoted into the revised 2019/20 budget. |
| Additional funds required            | <input type="checkbox"/>            |  |
- 

### Community Engagement

Not applicable.

### Attachments

Nil

## Council Meeting

11/09/2019

Item No	8.12
Subject	<b>Statutory Financial Report - July 2019</b>
Report by	Michael Mamo, Director City Performance
File	F09/605.002

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## Summary

This report is provided in accordance with the Local Government (General) Regulations, 2005, Division 5, paragraph 212 and s625 of the Local Government Act, 1993.

The necessary certificate by the Responsible Accounting Officer is included in this report and the Statutory Financial Reports are presented as follows:

- Investment Performance against Benchmark
- Statement of Bank Balances
- Schedule of Investments

As at 31 July 2019, Bayside Council had \$407.6m in cash and investments with an adjusted portfolio return on investments of 2.48%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$8.3m from rates, interest, grants, sale of assets and development planning contributions.
- Expenses from operating activities totalled \$21.7m for payments for employee costs, utilities, waste, contract and infrastructure work, purchase of property.

The restricted cash and investments funding dissection will be included in a future report to Council.

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## Officer Recommendation

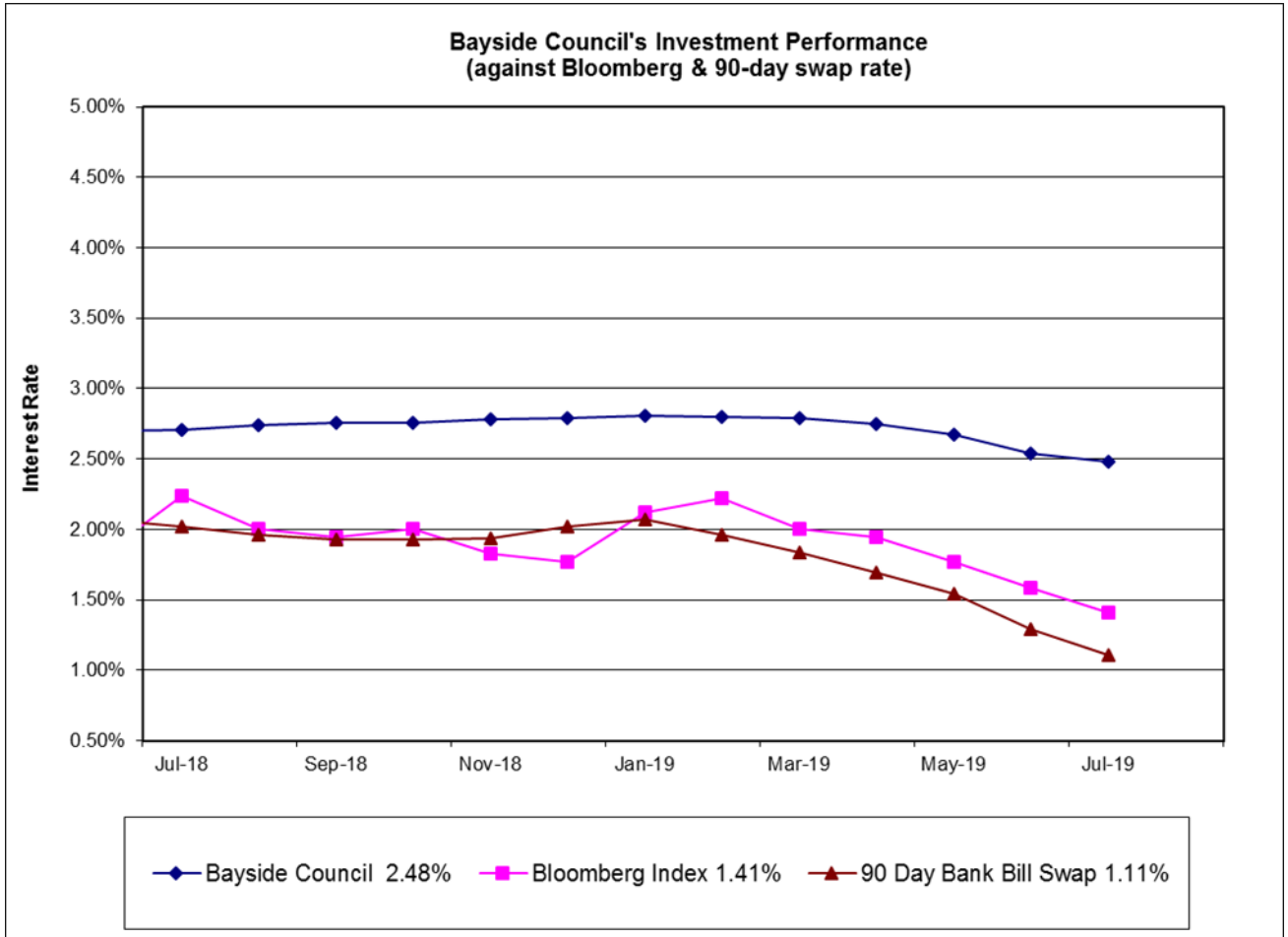
That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

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## Background

The following table shows the performance of Council's investments since July 2018. The Bloomberg (former UBS) Index is used for comparison as this is a generally accepted industry benchmark used by Australian businesses. The 90-day Bank Bill Swap Rate is the worldwide rate that is reviewed by the financial markets every 90 days. This rate underpins the majority of investments which makes it a meaningful comparison for measuring investment performance.

For the current period, Council outperformed the market by 107 basis points. As demonstrated by the investment performance graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.





## Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for July 2019.

<b>STATEMENT OF BANK BALANCES AS AT 31 July 2019</b>		<b>GENERAL FUND</b>
<b>Cash at Bank (Overdraft) as per Bank Statement as at: 30/06/2019</b>		<b>\$723,796</b>
<b>Add: Income from Operating Activities for the Period</b>		
- Rates and other receipts*	\$4,306,743	
- Sundry Debtor Deposits	\$511,971	
- DA Fees, FCDs & Application & Construction Fees	\$701,427	
- Interest	\$710,978	
- Parking and Other Infringements	\$496,465	
- Rents, Leases, Booking Fees, Certificates & Licences	\$246,219	
- Sale of Assets	\$342,887	
- Long Service Levy	\$12,002	
- Grants	\$280,942	
- Insurance Claim/Legal	\$20,100	
- Childcare Income & Subsidies	\$414,834	
- Pool, Golf, Mutch Park & Library Income	\$93,400	
- S.94 & Planning Contributions- various developers	\$211,683	
<b>Total Income from Operating Activities for the Period</b>	<b>\$8,349,651</b>	
<b>Less: Expenses from Operating Activities for the Period</b>		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$8,047,538	
Direct Payroll	-\$5,881,386	
Presented Cheques	-\$147,503	
Property Purchase- 5 Bryant St Rockdale	-\$7,649,980	
Dishonoured cheques	-\$3,156	
Bank Charges (including Agency Fees)	-\$18,156	
<b>Total Expenses from Operating Activities for the Period</b>	<b>-\$21,747,719</b>	
<b>Total Net Movement from Operating Activities:</b>		<b>-\$13,398,068</b>
<b>Investment Activities for the Period</b>		
- Investments redeemed	\$16,000,000	
- Transfer from Short-Term Money Market	\$14,760,000	
- Transfer to Short-Term Money Market	-\$17,550,000	
- New Investments	\$0	
<b>Net Investment Flows for the Period</b>	<b>\$13,210,000</b>	
<b>Funding Activities for the Period</b>		
Loan Repayments	\$0	
<b>Net Funding Flows for the Period</b>	<b>\$0</b>	
<b>Total Net Movement from Investment &amp; Funding Activities:</b>		<b>\$13,210,000</b>
<b>Cash at Bank (Overdraft) as per Bank Statement as at: 31/07/2019</b>		<b>\$535,728</b>
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

## Schedule of Investments

Bayside Council currently holds \$407.6m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 31/07/2019								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
<b>Term Deposits</b>								
Bank of Western Australia	A1	\$5,000,000	20/03/2019	18/09/2019	182	1.33%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	27/03/2019	25/09/2019	182	1.33%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	24/04/2019	23/10/2019	182	1.33%	2.30%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	02/05/2019	30/10/2019	181	1.33%	2.15%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	09/05/2019	06/11/2019	181	1.33%	2.25%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	16/05/2019	14/08/2019	90	2.70%	2.25%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	23/05/2019	18/09/2019	118	1.33%	2.15%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	30/05/2019	25/09/2019	118	1.33%	2.10%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	05/06/2019	09/10/2019	126	1.33%	2.05%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	13/06/2019	16/10/2019	125	1.33%	2.05%	\$5,000,000
						<u>14.67%</u>		
Illawarra Mutual Building Society	A2	\$5,000,000	30/08/2018	29/08/2019	364	1.33%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	28/02/2019	21/08/2019	174	1.33%	2.60%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	3/04/2019	02/10/2019	182	1.33%	2.50%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	9/05/2019	06/11/2019	181	1.33%	2.35%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	30/05/2019	25/09/2019	118	1.33%	2.20%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2019	04/09/2019	90	1.33%	2.15%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2019	11/09/2019	97	1.33%	2.15%	\$5,000,000
						<u>9.31%</u>		
Newcastle Perm Build Society	A2	\$6,000,000	31/01/2019	30/10/2019	272	1.61%	2.50%	\$6,000,000
						<u>1.61%</u>		
ME Bank	A2	\$5,000,000	31/07/2018	01/08/2019	366	1.33%	2.80%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	16/10/2019	252	1.33%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	07/08/2019	182	1.33%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	27/02/2019	27/11/2019	273	1.33%	2.65%	\$5,000,000
ME Bank	A2	\$5,000,000	15/03/2019	11/12/2019	271	1.33%	2.60%	\$5,000,000
ME Bank	A2	\$5,000,000	10/05/2019	14/08/2019	96	1.33%	2.35%	\$5,000,000
ME Bank	A2	\$5,000,000	23/05/2019	25/09/2019	125	1.33%	2.32%	\$5,000,000
ME Bank	A2	\$5,000,000	14/06/2019	23/10/2019	131	1.33%	2.12%	\$5,000,000
ME Bank	A2	\$5,000,000	24/07/2019	19/02/2020	210	1.34%	1.85%	\$5,000,000
ME Bank	A2	\$5,000,000	31/07/2019	04/12/2019	126	1.34%	1.80%	\$5,000,000
						<u>13.32%</u>		
Westpac	AA-	\$10,000,000	31/07/2018	31/07/2019	365	2.67%	2.76%	\$10,000,000
Westpac	AA-	\$3,000,000	01/08/2018	01/08/2019	365	0.82%	2.76%	\$3,000,000
Westpac	AA-	\$5,000,000	09/08/2018	09/08/2019	365	1.33%	2.79%	\$5,000,000
Westpac	AA-	\$5,000,000	30/08/2018	29/08/2019	364	1.33%	2.74%	\$5,000,000
Westpac	AA-	\$5,000,000	10/09/2018	10/09/2019	365	1.33%	2.68%	\$5,000,000
Westpac	AA-	\$5,000,000	09/11/2018	06/11/2019	362	1.33%	2.76%	\$5,000,000
Westpac	AA-	\$5,000,000	28/11/2018	28/11/2019	365	1.33%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	03/12/2018	03/12/2019	365	1.33%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	02/01/2019	08/01/2020	371	1.33%	2.70%	\$5,000,000
Westpac	AA-	\$5,000,000	11/02/2019	11/02/2020	365	1.33%	2.41%	\$5,000,000
Westpac	AA-	\$5,000,000	04/03/2019	04/03/2020	366	1.33%	2.65%	\$5,000,000
Westpac	AA-	\$10,000,000	07/03/2019	11/03/2020	370	2.68%	2.60%	\$10,000,000
Westpac	AA-	\$5,000,000	28/03/2019	25/03/2020	363	1.33%	2.02%	\$5,000,000
Westpac	AA-	\$5,000,000	06/06/2019	04/06/2020	364	1.33%	2.10%	\$5,000,000
						<u>20.80%</u>		
AMP Bank	A1	\$5,000,000	21/02/2019	20/11/2019	272	1.33%	2.80%	\$5,000,000
AMP Bank	A1	\$3,000,000	12/06/2019	11/12/2019	182	0.80%	2.40%	\$3,000,000
						<u>2.13%</u>		

<b>Schedule of Investments cont'd</b>								
National Australia Bank	A1	\$5,000,000	04/09/2018	04/09/2019	365	1.33%	2.65%	\$5,000,000
National Australia Bank	A1	\$5,000,000	09/01/2019	09/10/2019	273	1.33%	2.67%	\$5,000,000
National Australia Bank	A1	\$10,000,000	06/02/2019	06/11/2019	273	2.68%	2.67%	\$10,000,000
National Australia Bank	A1	\$5,000,000	19/03/2019	18/12/2019	274	1.33%	2.48%	\$5,000,000
National Australia Bank	A1	\$5,000,000	24/04/2019	22/01/2020	273	1.33%	2.39%	\$5,000,000
National Australia Bank	A1	\$5,000,000	08/05/2019	13/11/2019	189	1.33%	2.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	30/05/2019	27/11/2019	181	1.33%	2.17%	\$5,000,000
National Australia Bank	A1	\$6,000,000	12/06/2019	23/10/2019	133	1.61%	2.05%	\$6,000,000
National Australia Bank	A1	\$5,000,000	19/06/2019	18/12/2019	182	1.33%	2.00%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20/06/2019	23/10/2019	125	1.33%	2.00%	\$5,000,000
National Australia Bank	A1	\$5,000,000	17/07/2019	29/01/2020	196	1.33%	1.88%	\$5,000,000
NAB- Suncorp FRN	A+	\$2,000,000	12/04/2016	12/04/2021	1826	0.53%	2.59%	\$2,040,561
						<u>16.79%</u>		
ING Direct	A	\$4,000,000	31/08/2017	04/09/2019	734	1.07%	2.75%	\$4,000,000
ING Direct	A	\$3,000,000	12/09/2017	12/09/2019	730	0.80%	2.75%	\$3,000,000
ING Direct	A	\$3,000,000	13/09/2017	18/09/2019	735	0.80%	2.75%	\$3,000,000
ING Direct	A	\$2,000,000	15/09/2017	25/09/2019	740	0.53%	2.75%	\$2,000,000
ING Direct	A	\$1,000,000	06/06/2018	06/12/2019	548	0.27%	2.80%	\$1,000,000
ING Direct	A	\$2,000,000	24/07/2018	04/09/2019	407	0.53%	2.53%	\$2,000,000
ING Direct	A	\$5,000,000	18/12/2018	24/06/2020	554	1.33%	2.70%	\$5,000,000
						<u>5.33%</u>		
<b>Direct Investments (Floating Rate &amp; Fixed Rate Term Deposits -TDs)</b>								
CBA- Bank of QLD FRN	A-	\$2,000,000	26/02/2016	06/11/2019	1349	0.53%	2.62%	\$2,002,880
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.53%	2.65%	\$2,024,940
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.53%	2.89%	\$2,044,580
CBA- Bank of QLD FRN	BBB+	\$1,000,000	18/05/2016	18/05/2021	1826	0.28%	3.03%	\$1,021,610
CBA FRN	AA-	\$2,000,000	12/07/2016	12/07/2021	1826	0.53%	2.34%	\$2,035,800
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	17/09/2019	1134	0.53%	2.23%	\$2,007,700
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.53%	2.97%	\$2,012,300
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.53%	2.66%	\$2,018,880
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	0.80%	2.23%	\$3,054,960
CBA- Greater Bank FRN	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.07%	2.89%	\$4,026,860
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.53%	2.48%	\$2,039,280
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	0.73%	2.55%	\$2,774,833
CBA- Greater Bank FRN	BBB-	\$2,000,000	25/03/2017	29/05/2020	1161	0.53%	2.82%	\$2,012,060
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	0.80%	2.38%	\$3,018,690
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.28%	2.82%	\$1,006,030
CBA- AMP FRN	A	\$2,000,000	06/10/2017	06/10/2020	1096	0.53%	1.88%	\$1,995,960
CBA - Heritage Bank FRN	BBB+	\$2,000,000	27/11/2017	04/05/2020	889	0.53%	2.85%	\$2,011,660
CBA - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	29/11/2017	07/04/2020	860	0.53%	2.48%	\$2,015,320
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.40%	2.85%	\$1,457,946
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	30/11/2018	28/08/2019	271	1.33%	2.70%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	01/03/2019	04/09/2019	187	1.33%	2.60%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	18/04/2019	16/10/2019	181	1.33%	2.40%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	23/05/2019	20/11/2019	181	1.33%	2.25%	\$5,000,000
						<u>16.04%</u>		
FTD= Floating Rate Deposit FRN= Floating Rate Note								
<b>Unlisted Community Bank Shares</b>								
NRMA/AG Shares	Unrated	\$7,552				0.01%		
Bendigo Bank	A2	\$5,000				0.00%		
<b>Total Investments</b>		<b>\$375,212,552</b>				100.00%		
Operating Accounts		\$535,728						
Cash Deposit Accounts		\$21,199,129						
AMP 31 Day Notice Account		\$10,650,806						
<b>Total Investments and Cash</b>		<b>\$407,598,215</b>						
<b>Investment and Cash Flows for Bayside Council:</b>								
		<b>Jun-19</b>	<b>Jul-19</b>	<b>Total Net Movement</b>				
Total Investments		\$391,212,552	\$375,212,552	<b>-\$16,000,000</b>				
Operating Accounts		\$723,796	\$535,728	<b>-\$188,068</b>				
Cash/Short Term Money Market		\$18,402,693	\$21,199,129	<b>\$2,796,436</b>				
AMP 31 Day Notice Account		\$10,632,236	\$10,650,806	<b>\$18,570</b>				
<b>TOTAL Investments and Cash:</b>		<b>\$420,971,277</b>	<b>\$407,598,215</b>	<b>-\$13,373,062</b>				
<b>NOTE:</b> In accordance with current accounting standards Council is required to obtain market values on its investments and hence the inclusion in the above table. It is important to note that Council does not hold any CDOs which have adversely affected many councils in NSW.								
I hereby certify in accordance with Clause 212 of the Local Government (General) Regulation 2005 that the above investments have been made in accordance with Section 625 of the Local Government Act 1993, and Council's investment policies.								
<b>MATTHEW WALKER</b> <b>RESPONSIBLE ACCOUNTING OFFICER</b>								

**Investment Translation**

The following investment information is provided as translation of what the types of investments are:

- \* A Term Deposit is a short term deposit held at a financial institution for a fixed term and attracts interest at the prevailing market rate.
- \* A Bank Bill is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.
- \* A Floating Rate Note is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months and are tied to a certain money-market index such as the Bank Bill Swap Rate (BBSW).
- \* A CDO (Collateralised Debt Obligation) is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Council does not invest in CDOs.
- \* A Capital Guaranteed Note is a longer term investment issued by a financial institution with a fixed coupon that is paid contingent on the performance of the underlying investments, being equities, property bonds etc. In addition, this form of investment also can attract capital growth. The issuer of the note has provided a guarantee that the capital is guaranteed at maturity.
- \* A Floating Term Deposit and Variable Rate Deposits are exactly the same as term deposits except they automatically roll over (reinvest) at the end of the 90-day period for up to 2 years.
- \* Money Market Call Account refers to funds held at a financial institution and can be recalled by Council either same day or overnight.
- \* Unlisted Community Bank Shares refer to bank shares not listed on the Australian Stock Exchange. The local community owns and operates the Bendigo Bank branch which assists the bank in providing banking infrastructure and community support.

**Credit Ratings**

- \* AAA - Extremely strong capacity to meet financial commitments (highest rating).
- \* AA - Very strong capacity to meet financial commitments.
- \* A - Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances.
- \* BBB - Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments.
- \* BB - Less vulnerable in the near term, but faces uncertainties and exposures to adverse business, financial and economic conditions.
- \* B - More vulnerable to non-payment than obligations rated 'BB', but the obligor has the capacity to meet its financial commitment on the obligation.
- \* CCC - Currently vulnerable, dependent upon favourable business, financial and economic conditions to meet its financial commitments.
- \* CC - Currently highly vulnerable.
- \* C - Highly likely to default.

**Financial Implications**

- Not applicable
- Included in existing approved budget
- Additional funds required

**Community Engagement**

Not applicable

**Attachments**

Nil

## Council Meeting

11/09/2019

Item No	8.13
Subject	<b>Response to Notice of Motion - Vanston Parade, Sandringham</b>
Report by	Michael McCabe, Director City Futures
File	F08/752P02

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## Summary

At Council's meeting of 06 June 2019 Councillor James MacDonald submitted a Notice of Motion with respect to Vanston Parade, Sandringham.

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## Motion

- 1 That Council investigate and report back on the feasibility of installing gates at Vanston Parade, Sandringham.
  - 2 That the report includes:
    - a the level of resident and police support for the overnight exclusion of vehicular access to Vanston Parade and possible traffic changes;
    - b the feasibility of closing the road between 9pm and 5am every day, similar to other Council foreshore car-parks along the waterfront;
    - c the cost of implementation and ongoing operations of the gate closure including the initial cost of the installation to create the road closure and any ongoing funding required that is consistent with other road and parks closures operating between 9pm and 5am;
    - d the likely impact this installation will have on the reported incidents of anti-social behaviour in Vanstone Parade, Sans Souci and the likelihood of this leading to further requests for road closures in Bayside;
    - e other measures or options that may be reasonable and appropriate to reduce anti-social behaviour at the location.
- 

## Background

At its meeting of 4th November 2009, Council was presented with a range of community viewpoints about the nature and severity of problems occurring at Vanston Parade, Sandringham. Some forum speakers advised that illegal and anti-social activities occurred almost daily. In contrast, other residents advocated for open access to the area's public places. Council resolved at that meeting "to move immediately to install a surveillance camera in Vanston Parade to quantify the problem over a period of no more than 3 months".

The findings of the investigation and recordings of the surveillance cameras were presented to Council on 19 May 2010.

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## Research Findings

The major findings of the research were as follows:

- Two incidences of a criminal nature were observed in the area
- A very low incidence of anti-social behaviour was observed in the area
- Numerous infringements of parking notices were observed
- No dangerous driving was observed

Council resolved:

- 1 That the report by the Acting Manager - Community & Customer Services on the Research Report Vanston Parade be received.
  - 2 Having regard to the research findings that the existing traffic management arrangements be maintained and that an extension to the allowable period for parking be investigated.
  - 3 That the surveillance camera in place in Vanston Parade Sandringham be removed.
  - 4 That Council liaise with the Police on opportunities to manage public activity in the area.
- 

## Response

- 1 Complaints with respect to anti-social behaviour have been received seeking the installation of gates at Vanston Parade, Sandringham or other options to limit public use of a public road.

Patrols are undertaken during daylight hours by Council Enforcement Officers and they have not raised any significant issues of concern.

In June 2019 Police were asked for a comment with respect to notifications of any events of anti-social behaviour in this street to the Police. A response has not been received and this issue has not been raised by the Police at any recent Bayside Traffic Committee meetings.

Implementation of gates or other devices may have a negative impact to service delivery to the local streets by creating impediments for emergency services, garbage collection, deliveries, visitors and residents during closure periods.

Council staff are currently investigating whether gates or other devices in public roads can be considered under the Transport Administration Act 1989.

2

- a Representation has not been received to implement further exclusions other than the existing "No Stopping 9pm – 5am). Police are able to enforce this parking restriction and/or have the powers to close a road in the event it is necessary.

Further community engagement on this issue has not been undertaken since 2009.

- b Council foreshore carpark are within Cook Park on land zoned for recreational open space and are locked in the evening and reopened in the morning as they do not service residential properties. These gates once locked are not reopened during the night. Therefore, the foreshore carpark management arrangement is not appropriate for a residential street/public road as residents require access at all times. Additionally, emergency access must be maintained at all times for residents and emergency providers.
- c the cost of implementation and ongoing operations of the gate closure

Description	Units	Total per annum
<p>Capital Costs estimated:</p> <p>Includes two gates per entry point plus a concrete median island in the centre of the road to accommodate locking posts. Plus blister islands on each side plus hitching post to lock open. Additional bollards to prevent vehicle access across footpaths. Associated minor landscape treatments for amenity. Signage plus reflective treatments and/or line marking and changes to existing regulatory signage. Additional lighting if required not included.</p>	2 entry points	\$60,000 (one off cost)
Future renewal	Annual depreciation of approx \$800 per year per set of gates	\$1600
<p>Operating Costs</p> <p>Security services to open and close (twice per day) – \$100 per day.</p> <p>- Does not include after-hours call out service.</p> <p>- Assumes self-operation by residents</p>	365 days	\$3,650

Description	Units	Total per annum
Maintenance Costs: (does not include replacement of lost keys, vandalism or administrative costs and overheads)	\$250 per set	\$500
Repainting every 24 months per set of gates per set	\$1,500 per set every 2 years	\$1500
Replacement of signage : \$1000 per set of gates (2 signs per set of gates) every 5 years (note: These costs are best practice for a coastal environment).	\$1,000 per set every 5 years	\$400

- d It is not known if the closure will reduce anti-social behaviour. A street closure will also reduce the amenity of residents living in the area and may impinge on their civil rights or create unnecessary inconvenience such as visitors needing to walk further or deliveries. Further unforeseen impacts may include increase in anti-social behaviour arising from lack of passing traffic, decreased volumes of pedestrians and greater risk to personal safety.

Implementing such a measure is not recommended as it will create a negative precedent for Bayside with substantial costs indefinitely resulting in an unfair cost burden to the general community.

- e A one-way traffic movement could be considered. This is unlikely to resolve the issues of anti-social behaviour being raised however may result in improved public amenity that could include improvements to the cycleway and removal of pedestrian conflicts. This can be further investigated.

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## Attachments

Nil



## Council Meeting

11/09/2019

Item No	8.14
Subject	<b>Response to Question - Arncliffe Aurora – Lease Agreement</b>
Report by	Debra Dawson, Director City Life
File	SF18/3019

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## Question

The following Question With Notice was submitted at Council's Meeting of 14 August 2019 by Councillor Nagi:

In December last year I moved a Notice of Motion asking staff to develop a draft 5-year lease agreement for Arncliffe Aurora to occupy Arncliffe Park. The draft lease was to reflect the arrangements already in place for Gardiner Park.

While the Sport and Recreation Committee have considered this in general terms, now that the tender for a synthetic field at Arncliffe has been agreed at this Council Meeting tonight it is even more pressing that the terms of the agreement and tenure over Arncliffe Park be brought to Council for consideration and resolution.

Can I ask that the draft lease be tabled at the August Sport and Recreation Committee and that it be listed on the agenda for the September Council Meeting?

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## Response

On 14 August 2019, Councillor Nagi requested via a Question with Notice that contractual arrangements with Arncliffe Aurora at Arncliffe Park reflect existing arrangements with those at Gardiner Park.

Given that the existing management of Arncliffe Park rests with the St George Football Association, and with construction to take place during the 2020 season, it is proposed this arrangement with Arncliffe Aurora commences for the winter 2021 season.

This arrangement would involve a permit directly with Council for the winter season and summer access by negotiation in line with the long standing arrangement at Gardiner Park. There will be more decisions for Council to consider shortly including:

- A report on the harmonisation of relevant fees across the entire LGA.
  - A policy on the hierarchy of allocation of fields, the role of the sporting associations, an outline of the contractual expectations and the current and future commitment required to maintain and replace Council's increasing portfolio of synthetic fields.
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## Attachments

Nil

## **Council Meeting**

**11/09/2019**

Item No	9.1
Subject	<b>Minutes of the Botany Historical Trust Meeting - 5 August 2019</b>
Report by	Debra Dawson, Director City Life
File	SF18/3019

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## **Officer Recommendation**

That the Minutes of the Botany Historical Trust meeting held on 5 August 2019 be received and the recommendations therein be adopted.

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## **Summary**

The minutes include the following substantial recommendations:

### **5.4 Planning, Development and Compliance Matters**

- 1 That the Committee notes the information provided about heritage related planning, development and compliance matters.
- 2 That Council Officers provide feedback to the BHT Executive if the owners of 1445-1447 Botany Road, Botany have been made accountable for the removal of heritage features of the site and any associated costs relating to the order issued.
- 3 That Council officers inspect the above site to ensure it is secure and does not have illegal squatters living there.
- 4 That the BHT write to Mr Michael Daley, Member for Maroubra asking for his support in pursuing the restoration for community use of the old Botany Police Station and that copies be sent to Mr Ron Hoenig, Member for Heffron and the Hon. Matt Thistlethwaite, Member for Kingsford Smith.

### **6.7 250<sup>th</sup> Anniversary of Captain Cooks Landing**

That Bayside Council provide the BHT Executive with its plans to commemorate 250 years since the landing of Captain Cook in Botany Bay on 29 April 1770, possibly in conjunction with Randwick Council.

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## **Present**

Vice President Christopher Hanna (Chair)  
Secretary Robert Hanna  
Treasurer Richard Smolenski  
Committee Member Clarence Jones  
Committee Member Jacqueline Milledge  
Committee Member Peter Orlovich

## Also Present

Bobbi Mayne, Manager Customer Experience  
Jenny MacRitchie, Community History Librarian  
Councillor Scott Morrissey

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The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum at 6.35 pm.

### 1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

### 2 Apologies

The following apologies were received:

President Anne Slattery  
Senior Vice President Alice McCann  
Committee Member Barbara Keeley  
Councillor Dorothy Rapisardi  
Director City Life, Debra Dawson

### 3 Disclosures of Interest

There were no disclosures of interest.

### 4 Minutes of Previous Meetings

#### 4.1 Minutes of the Botany Historical Trust Meeting - 6 May 2019

##### Committee Recommendation

Moved by Peter Orlovich, seconded by Robert Hanna:

That the Minutes of the Botany Historical Trust meeting held on 6 May 2019 be confirmed as a true record of proceedings.

## 5 Reports

### 5.1 Community History and Museum

The Community History Librarian spoke briefly about recent events and activities, including the new exhibition about Sydney Airport and the Daredevil Dairyman talk about pilot Reg Annabel that was held on Saturday 27 July 2019. Mr Christopher Hanna, as Chair, thanked the Community History Librarian for her talk. The next talk will be held on Saturday 7 September for History Week, when the Curator will speak about *Sydney Airport: Memories from the Fringe*.

#### Committee Recommendation

Moved by Robert Hanna, seconded by Richard Smolenski:

That the report be received and noted.

### 5.2 2019 BHT Program

The Manager Customer Experience provided an update on the BHT program for the remainder of 2019. There are still vacancies for the Kokoda Track excursion to be held on Thursday 5 September. The general meetings formerly proposed for 7 August and 9 October will not be held as the President is still on leave. The author talk proposed for 19 October will also not be held.

There was some discussion about the next Committee meeting on 4 November and Council's proposal that the AGM and Christmas celebration be held immediately afterwards in the Mascot Library and George Hanna Memorial Museum. The committee was of the opinion that it was much too early for a Christmas celebration and that the Christmas event should be held on a Thursday evening later in November as in the past.

The BHT Executive Committee provided positive feedback on the BHT Newsletter.

#### Committee Recommendation

On the motion of Jacqueline Milledge, seconded by Richard Smolenski:

- 1 That the Committee notes the update and provides feedback on the 2019 Botany Historical Trust program.
- 2 That the Executive meeting be held as usual on Monday 4 November and that the AGM and Christmas celebration be held on Thursday 21 November or Thursday 28 November 2019.

### **5.3 Arthur Park – Proposed Park Upgrade**

#### Memorial Unveiling

The Manager Customer Experience spoke about the upcoming ceremony to rededicate the Arthur Park War Memorial on Thursday 15 August. .

Councillor Morrissey suggested the school captains from Botany, Banksmeadow and St Bernard's schools be invited to attend the unveiling ceremony on 15 August. Manager Customer Experience will contact the schools.

#### Proposed Park Upgrade

Manager Customer Experience spoke to the report and concept plan tabled regarding the proposed upgrade of Arthur Park. The concept plan includes removal of the remaining popular trees, pathway re-alignment and planting of 26 birch trees along the pathway, relocation of the war memorial and interpretative sign, sensory garden and new playground.

Community feedback is invited via Council's Have Your Say website until 19 August 2019. The works are expected to be carried out towards the latter part of the 2019/20 financial year.

The BHT Executive was pleased with the proposed design and suggested that local schools and the community are included in the planting of the 26 new trees which coincides with the historical significance of the park and war memorial.

#### **Committee Recommendation**

On the motion of Richard Smolenski, seconded by Peter Orlovich:

That the Trust:

- 1 Requests that Council invite the school captains of Botany, Banksmeadow and St Bernard's schools to the unveiling of the refurbished war memorial on 15 August 2019.
- 2 Requests that Council notifies the Australian War Memorial about the refurbishment of the park and the new plaque for the Arthur Park War Memorial.
- 3 Supports the proposed concept design for Arthur Park improvements and recommends that the local schools and community participate in the planting of the 26 trees to learn about the historical significance of the park and the war memorial.
- 2 Requests that Council continues to engage with BHT Executive about the project as part of the community consultation process.

## 5.4 Planning, Development and Compliance Matters

Mr Smolenski asked what measures have been taken by Bayside Council to hold the owners of 1445 - 1447 Botany Road, Botany accountable for the removal of heritage features and any associated costs relating to the order issued. The Manager Customer Experience took this request on notice and will follow up with relevant Council staff members to respond.

The Manager Customer Experience will also follow up with relevant Council staff to inspect the property to ensure it remains secure and has not been occupied by squatters.

Mr Smolenski also asked what Council can do about the future of the old Botany Police Station at 1441 Botany Road, Botany. The BHT Executive had some discussion about the future use of the site with suggestions including restoring the property as an example of an old police station and/or using the restored property as community facility.

Two development applications noted:

1. The BHT Executive were notified prior to the meeting of a DA Lodged by Orica Limited to replace the roof of the East Wing of the Orica Administration Building at 16-20 Beauchamp Road, Banksmeadow. The notification period was from 3 July to 17 July.
2. A Development Application was tabled at the meeting for the inaugural Bayside Food and Wine Festival to be held in Mascot Memorial Park on Saturday 19<sup>th</sup> October 2019. The BHT Executive hoped that that the event was a success for the community.

### Committee Recommendation

On the motion of Clarence Jones, seconded by Robert Hanna:

- 1 That the Committee notes the information provided about heritage related planning, development and compliance matters.
- 2 That Council Officers provide feedback to the BHT Executive if the owners of 1445-1447 Botany Road, Botany has been made accountable for the removal of heritage features of the site and any associated costs relating to the order issued.
- 3 That Council officers inspect the above site to ensure it is secure and does not have illegal squatters living there.
- 4 That the BHT write to Mr Michael Daley, Member for Maroubra asking for his support in pursuing the restoration for community use of the old Botany Police Station and that copies be sent to Mr Ron Hoenig, Member for Heffron and the Hon. Matt Thistlethwaite, Member for Kingsford Smith.
- 5 That Ms Milledge contact the Police and Justice Museum to ascertain information about the oldest police stations in NSW.
- 6 That the BHT notes Bayside Council's DA regarding the use of Mascot Memorial Park for the Mascot Food and Wine Festival on 19 October 2019.

## 6 General Business

### 6.1 Dacey Gardens

Ms Milledge expressed her concern and disappointment that the BHT Executive was not consulted about the recent Council works in Dacey Gardens when trees were removed and new signs were installed. She felt that any alterations should reflect the history and significance of the site. The Committee expressed consensus.

### 6.2 Volunteers' Evening

Mr Christopher Hanna exhibited a wooden, decorative gift from Barbara Keeley to the BHT, which was made in Nowra.

### 6.2 Mascot RSL Sub-Branch Centenary

Ms Milledge asked about this event in late April and asked whether anyone from the BHT Executive Committee had been invited. Mr Orlovich responded he had attended as the President's representative. He noted that the Member for Heffron had given an excellent speech and thought it was a pity that it had not been recorded in some way.

### 6.4 Coogee/Randwick RSL Sub-Branch

Mr Orlovich noted he had met a representative from the Coogee/Randwick RSL Sub-Branch who had told him all the minutes from that organisation had been destroyed which was a great pity.

### 6.5 Villers-Bretonneux

Mr Smolenski has recently returned from a trip to Europe and passed around an excellent guidebook titled *Australian Remembrance Trail along the Western Front: a traveller's guide* which he highly recommended.

### 6.6 Snowy Hydro Scheme

Mr Smolenski also noted that in October it will be the 70<sup>th</sup> anniversary of the beginning of the Snowy Hydroelectric Scheme and that he will be attending an event to mark the occasion. He also noted his father was the fourth person to be killed during the Scheme's construction and that he is buried in Cooma cemetery.

### 6.7 250<sup>th</sup> Anniversary of Captain Cook's arrival

Mr Robert Hanna asked what plans Bayside Council has for marking the 250<sup>th</sup> anniversary of the arrival of Captain Cook into Botany Bay in April 2020?

Councillor Morrissey suggested it might be a good idea for Bayside Council to approach Randwick Council and explore the possibility of partnering on initiatives to

support the anniversary around Botany Bay. The Manager Customer Experience agreed to follow up with Bayside Council staff if anything is planned and to contact Randwick Council to discuss this matter.

The committee discussed the issue and on the motion of Clarence Jones, seconded by Richard Smolenski:

That Bayside Council provide the BHT Executive with its plans to commemorate 250 years since the landing of Captain Cook in Botany Bay on 29 April 1770, possibly in conjunction with Randwick Council.

## **7 Next Meeting**

That the next meeting be held in the Mascot Library and George Hanna Memorial Museum at 6.30 pm on Monday, 4 November 2019.

The Chairperson closed the meeting at 8:20 pm.

## **Attachments**

Nil



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## Council Meeting

11/09/2019

Item No	9.2
Subject	<b>Minutes of the Risk &amp; Audit Committee Meeting - 22 August 2019</b>
Report by	Michael Mamo, Director City Performance
File	SF18/3019

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## Officer Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 22 August 2019 be received and the recommendations therein be adopted.

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## Summary

The minutes of the Committee note the receipt of various audit reports including HR Management, Rates Management, Accounts Payable Health Check and Fraud and Corruption Framework audits. The Committee received an update on the status of Project 2020.

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## Present

Jennifer Whitten, Independent External Member  
Lewis Cook, Independent External Member  
Barry Munns, Independent External Member  
Catriona Barry, Independent External Member  
Councillor Liz Barlow

## Also Present

Councillor Dorothy Rapisardi  
Michael Mamo, Acting General Manager  
Fausto Sut, Manager Governance & Risk  
Matthew Walker, Manager Finance  
Natasha Balderston, Coordinator Risk & Audit  
David Nolan, Director Financial Audit Services - Audit Office of NSW  
Cate Trivers, Project Manager – Project 2020  
Kristina Forsberg, Manager People & Organisational Culture  
Mark Cleland, Manager Information Technology  
Antoinette Naudi, Co-ordinator Financial Accounting

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The Chairperson opened the meeting in the Level 2 Conference Room at 6:35pm.

## 1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

## 2 Apologies

The following apologies were received:

Councillor Scott Morrissey

Meredith Wallace, General Manager

Jeremy Morgan, Manager City Infrastructure

## 3 Disclosures of Interest

There were no disclosures of interest.

## 4 Minutes of Previous Meetings

### 4.1 Minutes of the Risk & Audit Committee Meeting - 23 May 2019

#### Committee Recommendation

1. That the Minutes of the Risk & Audit Committee meeting held on 23 May 2019 be confirmed as a true record of proceedings.
2. That the list of outstanding actions be updated:

Item	Action	Responsible Officer
Outstanding 22/11/18 5.1	An annual report of the Risk & Audit Committee will be prepared for the February 2019 meeting.	Committee Chair
23/05/19 6.1	A report come back to the Committee's November 2019 meeting on Council's Legislative Compliance Framework.	Manager, Governance & Risk
22/8/19 5.2	The Committee be notified at the time the full financial statements for 2018/2019 are sent to the NSW Audit Office.	Manager, Finance

22/8/19 5.4	A report come back to the Committee in six months on the effectiveness of the recommendations of the Rates Management Audit in achieving the identified key improvements.	Manager, Finance
22/8/19 5.6	A report come back to the Committee in six months on the progress in implementing the improvements of the Fraud and Corruption Audit.	Manager Governance & Risk
22/8/19 6.1	The Committee meeting schedule be reviewed to ensure future meetings are held on the 4 <sup>th</sup> Thursday in the month to be held.	Manager, Governance & Risk
22/8/19 6.2	That a report come back to the Committee with the replacement audit for the deferred Asset Management Audit.	Internal Auditor

## 5 Reports

### 5.1 Outstanding ICAC Actions Update

#### Committee Recommendation

That the status of implementation of Council's management progress towards finalising the implementation of the Operation Ricco ICAC Action Plan be noted.

### 5.2 Project 2020 Update

#### Committee Recommendation

- 1 That the updated Project 2020 Project Status Report as of August 2019 and notes the major P2020 milestones, project risks and mitigations be received and following in particular noted:
  - a The 2017/18 Financial Statements are with the OLG but the Rating Return audit remains in progress with the audit certificate outstanding.
  - b The 2018/19 Financial Statements are due to be submitted to audit on 23 August 2019.
  - c The High Risk rating for the remediation of the Assets including Land Improvements and Other Structures remains due to ongoing quality assurance and timeframes.
  - d High Risk rating continues in IT due to a number of new system implementations in 2018/19 not yet having been subjected to audit.
  - e Action plans are in place and risks being managed with additional resources from professional firms to support quality and timeframes.

- 2 That it be noted that the NSW Audit Office has provided the Draft Annual Engagement Plan (draft AEP) on 11 August 2019 (refer Attachment 3) advising the proposed audit approach and dates for the audit program, which includes significant detailed testing to source transactions and an estimated audit cost of \$500,000.
- 3 That it be noted that the timeframes in the NSW Audit Office draft AEP align with the P2020 project plan and the 2018/19 financial reporting timetable to finalise the audit in a timeframe which allows Council to meet the statutory reporting deadlines.
- 4 That it be noted the major P2020 Project risks and mitigations (refer Attachments 1 and 2 in the report).
- 5 That it be noted that the status update provided in attachments 4, 5 and 6 to this report for the actions related to the:
  - 2016/17 interim audit management letter
  - 2016/17 final audit management letter
  - 2017/18 interim IT audit management letter
- 6 That the status of actions reported in attachments 4, 5 and 6 of the report, and the validation to be undertaken by Internal Audit, be noted.

### **5.3 Final HR Management Audit Report**

#### **Committee Recommendation**

That the final HR Management audit report be received and noted.

### **5.4 Final Rates Management Audit Report**

#### **Committee Recommendation**

That the final internal audit report on Rates Management be received and noted.

### **5.5 Final Accounts Payable Health Check Report**

#### **Committee Recommendation**

- 1 That the final health check report on Accounts Payable be received and noted.
- 2 That the Risk & Audit Committee receives a report back on the effectiveness of the interim measures implemented to monitor the segregation of duties within the TechnologyOne user access for the Finance and Procurement modules.

## **5.6 Final Fraud and Corruption Framework Audit Report**

### **Committee Recommendation**

That the following be received and noted :

- 1 The final Fraud and Corruption Framework audit report.
- 2 The Fraud and Corruption Strategy.

## **5.7 Audit Plan 2018/19 and Outstanding Audit Recommendations - Progress Report**

### **Committee Recommendation**

- 1 That the progress made on the remaining four audits planned for 2018/19 received and noted.
- 2 That the status of recommendations which are outstanding and those which have become due since the last Risk and Audit Committee meeting be noted.
- 3 That it be noted that Internal Audit will test, and report back to the Committee, to verify those recommendations reported by the business areas as implemented or completed.

## **5.8 Risk Management Overview**

### **Committee Recommendation**

That the following be received and noted:

- 1 The action taken in respect of each of the recommendations and improvement areas in the final Continuous Risk Improvement Program (CRIP) Audit Report.
- 2 The review of the Risk Register.
- 3 The report on the Liability Claims Performance.

## **6 General Business**

### **6.1 Committee Meeting Times**

The Committee's preference was that meeting times be consistently held on the 4<sup>th</sup> Thursday of the month in which the meeting falls.

## **6.2 Deferment of Asset Management Audit**

The Committee was advised by the Internal Auditor that the Executive Committee had agreed to defer the forthcoming Asset Management Audit for 12 months. The deferment was due to the current workload and work being undertaken in this area. A report would be presented to the next meeting with a replacement audit.

## **7 Next Meeting**

The next meeting will be held in the Level 2 Conference Room at the Bayside Administration Centre, Rockdale, 6.30pm on Thursday, 24 October 2019.

The Chairperson closed the meeting at 8:25pm.

## **Attachments**

Nil

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## Council Meeting

11/09/2019

Item No	9.3
Subject	<b>Minutes of the Sport &amp; Recreation Committee Meeting - 26 August 2019</b>
Report by	Debra Dawson, Director City Life
File	SF18/3019

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## Officer Recommendation

That the Minutes of the Sport & Recreation Committee meeting held on 26 August 2019 be received and the recommendations therein be adopted.

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## Summary

The minutes include the following substantial recommendations:

### 5.4.1 Hensley Athletic Field

That the committee endorses the request to explore the widening of the track at Hensley to international standards as part of the project to replace the running track.

### 5.4.4 Arncliffe Aurora Football Club

That a draft permit for the use of Arncliffe Park be presented to the next Sports and Recreation Committee meeting in October.

### 5.4.5 Botany Golf Course and Golf Course Strategy

That the Committee approves a hold-over letter to be issued to the Golf Courses for the next 12 months.

### 5.4.7 Bexley & Scarborough Tennis Courts

- 1 That in relation to Bexley Tennis Courts, the Committee would not support any variation of use or extension of lease beyond 5 years.
  - 2 That staff engage with Golden Goal to determine the viability of a 5-year agreement at the Bexley Courts based on acceptable terms for Council. Should agreement not be reached this is to result in a cessation of discussions.
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## Present

Councillor James Macdonald  
Councillor Scott Morrissey  
Debra Dawson, Director City Life

Scott Field, Manager Sports & Recreation  
Councillor Liz Barlow  
Councillor Vicki Poulos  
Councillor Dorothy Rapisardi  
Councillor Andrew Tsounis  
Michael Mamo, Acting General Manager

### **Also Present**

Gavin Ross, Coordinator Sports & Recreation  
Samantha Urquhart, Manager Property  
Maritza Abra, Coordinator Infrastructure Projects  
Todd McHardy CEO BlueFit Group  
Mr Greg Granville & Consortium Members

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The Chairperson opened the meeting in the Level 2 Multipurpose Room at the Angelo Anestis Aquatic Centre at 6:30 pm.

## **1 Acknowledgement of Traditional Owners**

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

## **2 Apologies**

Apologies were received from Meredith Wallace, General Manager; Councillor Christina Curry; Michael McCabe, Director City Futures; and Clare Harley, Manager Strategic Planning.

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Sport & Recreation Committee Meeting - 24 June 2019**

#### **Committee Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 24 June 2019 be confirmed as a true record of proceedings.



## **5 Reports**

### **5.1 Presentation from Todd McHardy CEO BlueFit Group**

Todd McHardy CEO presented on BlueFit Group's operations at the Angelo Anestis Aquatic Centre and provided a summary of current aquatic centre projects being undertaken by other local Councils across Australia.

#### **Committee Recommendation**

That the Sport & Recreation Committee receives and notes the presentation.

### **5.2 Multi-Sport Facility Options**

Mr Greg Glanville and consortium presented on project concept, principles and concept designs

Concerns were raised regarding

- Identification of land contamination and remediation
- Multiple land owners requiring multiple consents
- Future management structure

The consortium tabled their request for a Letter of Support from Council to submit a grant application

#### **Committee Recommendation**

- 1 That the Sport & Recreation Committee receives and notes the presentation.
- 2 That Council provide in-principle support for a grant submission.
- 3 That Council's commitment will be limited to a formal letter of in-principle support.

### **5.3 Major Projects Sport & Recreation Projects Related Update**

The Committee was presented with a general update on current projects.

#### **Committee Recommendation**

That the Sport & Recreation Committee receives and notes the report.

**General Business Item 6.1 was brought forward to be considered before Items 5.4 and 5.5.**

## **6.1 Arncliffe Park Restoration Project and Arncliffe Aurora Football Club Presentation**

Sam Hassan, the Clubs representative from Arncliffe Aurora Football Club, briefed the Committee on issues pertaining to Arncliffe Park project.

He confirmed that the size of the playing field as per the final designs, indicating a size of 100 m x 64 m.

He raised concerns around:

- The requirement of line markings to also mark out two mini fields, like Ador Avenue Reserve.
- The fencing behind the goals has been set at a height of 2.4 m, this is not sufficient, a height between 3 m -7 m like that used at Ador Avenue Reserve is required in order to be effective.
- Better netting options are required than those used at Ador Avenue Reserve.
- Need for a 3 m runoff bumper zone around the field and a 5 m runoff bumper zone on the sides where player benches are located.

He also requested that the soil excavated be retained so it could be used on site to allow for enhancements such as a potential training field.

### **Committee Recommendation**

That the concerns raised by Sam Hassan be referred to the Major Projects Team.

## **5.4 Property Update**

Samantha Urquhart, Manager Property briefed the Committee with a general update on current property related issues and projects.

### **Committee Recommendation**

That the report be received and noted.

### **5.4.1 Hensley Athletic Field**

The Committee raised concerns that the current track at Hensley Athletic Track did not meet international standards and that a widening of the track to accommodate the required lanes should be considered as part of the rejuvenation of this facility.

**Committee Recommendation**

That the committee endorses the request to explore the widening of the track at Hensley to international standards as part of the project to replace the running track.

**5.4.2 Mutch Park Skate Park**

Concerns were raised the foliage in Mutch Park Squash & Tennis Centre creates safety and aesthetic concerns for the skate park and squash facility.

**Committee Recommendation**

That an assessment of the foliage be included as part of a Safety Plan for the Mutch Park Skate Park which would also consider CCTV and lighting.

**5.4.3 Rockdale Illinden Football Club Update**

The Committee was advised that the Rockdale Illinden Football Club have rejected Council's market rent evaluation and are seeking a private evaluation.

The Club stated the valuation will be received within three weeks.

**Committee Recommendation**

That, at the next meeting of the Sport and Recreation Committee, an update be provided on the negotiations with Rockdale Illinden Football Club and a draft lease with conditions be tabled.

**5.4.4 Arncliffe Aurora Football Club**

The Committee was briefed about a response to the questions with notice from the December and August meetings.

**Committee Recommendation**

That a draft permit for the use of Arncliffe Park be presented to the next Sports and Recreation Committee meeting in October.

**5.4.5 Botany Golf Course & Golf Course Strategy**

The Manager Property advised the Committee that work is currently underway to develop a Draft Golf Course Strategy for the LGA, expected by the end of September for review.

The Committee was briefed on the Golf Course Strategy options relating to how Council could engage with relevant stakeholders affected by this strategy, including the development of a communication and stakeholder engagement plan.

#### **Committee Recommendation**

That the Committee approves a hold-over letter to be issued to the Golf Courses for the next 12 months.

#### **5.4.6 Bexley Bowling Club**

The Committee was updated on discussions with AHEPA.

#### **Committee Recommendation**

That the Committee noted the update.

#### **5.4.7 Bexley & Scarborough Tennis Courts**

The Committee was updated on the current status of negotiations.

#### **Committee Recommendation**

- 3 That in relation to Bexley Tennis Courts, the Committee would not support any variation of use or extension of lease beyond 5 years.
- 4 That staff engage with Golden Goal to determine the viability of a 5-year agreement at the Bexley Courts based on acceptable terms for Council. Should agreement not be reached this is to result in a cessation of discussions.

### **5.5 Preddy's Road Entry - Angelo Anestis Aquatic Centre**

The Committee was briefed on the project, identifying that more detailed information is being sought to inform the project and ensuing designs

Time constraints may prevent this project from being completed before the summer season and a decision on the use of contractors to aid the project was pending.

Concerns regarding some maintenance at the Angelo Anestis Aquatic Centre were raised.

#### **Committee Recommendation**

- 1 That the Sports & Recreation Committee notes that a budget of \$200,000 is available in the City Projects Program for Angelo Anestis Carpark access improvement.

- 2 That this item be a standing item on the Sports and Recreation Committee Agenda.
- 3 That BlueFit be advised of the issue around car park retaining wall capping being addressed and an alternative solution found to avoid the issue recurring.
- 4 That BlueFit be advised of the issue around exposed pipes in the car park gardens and the requirement for landscaping to address the safety issue.

## **6 General Business**

**Item 6.1 – was considered earlier in the meeting, prior to Item 5.4.**

### **6.2 Funding Options for Basketball Courts**

It was requested a discussion around funding options for Basketball Courts in the LGA to be put onto the next agenda.

#### **Committee Recommendation**

That funding options for Basketball Courts in the LGA be put on the next Sport and Recreation Committee agenda..

### **6.3 Integrated Outdoor Fitness Station**

Councillor Andrew Tsounis provided a proposal from “Mango Racing”, who are offering to provide an integrated outdoor fitness station at no cost. It was advised that this would be referred to the relevant Council planning officers.

#### **Committee Recommendation**

That that the proposal from “Mango Racing” be referred to the relevant Council planning officers.

### **6.4 Condition of Shade Sails**

It was asked if there was an audit of the condition of shade sails throughout the LGA. It was advised this would be done by the relevant asset officers.

#### **Committee Recommendation**

That advice be provided at a future committee meeting.

## **6.5 Sports Forum**

The committee was advised of Council's intention to host a Sports Forum on the 25<sup>th</sup> of October, to be presented as a breakfast at the Rockdale Town Hall.

### **Committee Recommendation**

That the Committee noted the update.

## **7 Next Meeting**

That the next meeting be held in the Level 2 Conference Room, Bayside Administration Centre at 6.30pm on Monday, 28 October 2019.

The Chairperson closed the meeting at 9:15 pm.

## **Attachments**

Nil

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## Council Meeting

11/09/2019

Item No	9.4
Subject	<b>Minutes of the Bayside Traffic Committee Meeting - 4 September 2019</b>
Report by	Michael McCabe, Director City Futures
File	SF18/3019

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## Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 4 September 2019 be received and the recommendations therein be adopted.

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## Present

Councillor Dorothy Rapisardi (Convenor)  
Senior Constable Alexander Weissel, South Sydney Police Area Command  
James Suprain, representing Roads and Maritime Services  
Mr Ron Hoenig MP, Member for Heffron  
Les Crompton, representing State Member for Kogarah  
George Perivolarellis, representing State Members for Rockdale and Heffron

## Also Present

Maritza Abra, Acting Manager City Infrastructure, Bayside Council  
Senior Constable, Sarah Trivett, Mascot Police Station, South Sydney Police Area Command  
Agasteena Patel, Coordinator Traffic and Road Safety, Bayside Council  
Lyn Moore, NSW Pedestrian Council  
Rabih Bekdache, Transit Systems  
Mr Mango, BIKEast  
Peter Hannett, St George Bicycle User Group  
Brad Hamilton, TfNSW (Item BTC19.159 General Bridges Crescent, Daceyville)  
Roopa Jogunoori, TfNSW (Item BTC19.159 General Bridges Crescent, Daceyville)  
Andrew Coleman, DEICORP (Item BTC19.156 1-3 Chapel Street, Rockdale)  
Matthew Young, Sbmj Planning (Item BTC19.156 1-3 Chapel Street, Rockdale)  
David Carroll, Senior Parking Patrol Officer, Bayside Council  
Malik Almuhanha, Traffic Engineer, Bayside Council  
Alexandra Vandine, Coordinator Policy and Strategy, Bayside Council (Item BTD19.159 General Bridges Crescent, Daceyville)  
Clare Harley, Manager Strategic Planning, Bayside Council (Item BTD19.159 General Bridges Crescent, Daceyville)  
Robbie Allen, Transport Planner, Bayside Council  
Pat Hill, Traffic Committee Administration Officer, Bayside Council

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The Convenor opened the meeting in the Rockdale Town Hall, Pindari Room at 9:23 am and affirmed that Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

## 1 Apologies

Apologies were received from Councillor Ed McDougall, Sergeant Sandra Dodd - St George Police Area Command Traffic and Colin Drever - St George Bicycle User Group.

## 2 Disclosures of Interest

There were no disclosures of interest.

## 3 Minutes of Previous Meetings

### **BTC19.155 Minutes of the Bayside Traffic Committee Meeting - 7 August 2019**

#### **Committee Recommendation**

That the Minutes of the Bayside Traffic Committee meeting held on 7 August 2019 be confirmed as a true record of proceedings.

## 4 Reports

### **BTC19.156 1-3 Chapel Street, Rockdale and Chapel Lane - Construction Traffic Management Plan for proposed development in Chapel Street precinct**

#### **Committee Recommendation**

- 1 That approval be given to the proposed temporary access between Chapel Lane and Chapel Street (for a maximum period of 18 months).
- 2 That a traffic controller be present during the construction hours to ensure the safety of traffic through this temporary access road.
- 3 That adequate lighting be provided for night-time illumination due to the narrowness of the temporary access to enhance traffic safety.
- 4 That the traffic mirrors proposed by the applicant be maintained in good condition at all times by the applicant.
- 5 That speed humps proposed as part of this construction traffic management plan be implemented during the construction phase and removed after restoration to access via Chapel Lane.
- 6 That the 'Stop' and 'Give Way' priority control at the two bends of temporary access road be provided with signage to comply with Australian Standards.



**BTC19.157 95-97 Baxter Road, Mascot - Proposed 'No Stopping' restriction****Committee Recommendation**

That existing parking conditions be retained outside 95-97 Baxter Road, Mascot.

**BTC19.158 Geddes Street, south of Herford Street, Botany - Proposed 'No Parking' restriction****Committee Recommendation**

That the following restrictions be installed along the western side of Geddes Street, south of Herford Street, Botany:

- 0-10m: 10m statutory 'No Stopping' signposting.
- 10m-60m: 50m 'No Parking' restriction.

**BTC19.159 General Bridges Crescent, Daceyville - Extend Bus Zone (Transport for NSW Bus Layover Proposal)****Committee Recommendation**

- 1 That the Committee note the design for an expanded bus layover area at General Bridges Crescent, Daceyville.
- 2 That Transport for NSW undertake formal community engagement including with the Botany Historical Trust and report the results back to Council.
- 3 That the options considered for bus zone layovers and reasons why they were not chosen be provided to Council.

**BTC19.160 Hale Street, Botany - Proposed construction of new traffic islands, line marking and signage****Committee Recommendation**

- 1 That approval be given for the construction of two new traffic islands, as well as upgraded line marking and required signage in Hale Street between Botany Road and Luland Street, Botany.
- 2 That additional line-marking and 'No Stopping' signs be provided in the 'No Stopping' zone west of the kerb blister island near Underwood Avenue to ensure that it is not treated as a travel lane by cyclists.

**BTC19.161 Hollingshed Lane, between Johnson Street and Alfred Street, Mascot - Proposed 'No Parking' restriction****Committee Recommendation**

That this matter be deferred until such a time that a policy regarding laneway parking restrictions be considered.

**BTC19.162 28-32 Innesdale Road, Wollli Creek - Proposed 34m 'Works Zone'****Committee Recommendation**

That the approval be given to the installation of 34m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat' restriction outside No. 28-32 Innesdale Road, Wollli Creek for the duration of 30 weeks, subject to relevant conditions.

**BTC19.163 Kembla Street east of Hirst Street, Arncliffe - Proposed refuge island as part of DA-2016/68 Condition 15 and disabled parking****Committee Recommendation**

- 1 That the Committee note the proposed options for a pedestrian refuge island in Kembla Street east of Hirst Street, Arncliffe, for endorsement.
- 2 That the Committee endorse Option 2 (attachment 3) for the proposed pedestrian refuge island associated signposting and line marking in Kembla Street, east of Hirst Street, Arncliffe (which is a 2m long top island with 1m painted island) for implementation by the applicant.

**BTC19.164 Lynwen Crescent, west of West Botany Street, Banksia - proposed temporary one-way street during the 2019 Christmas and 2020 New Year period between 7 Dec 2019 and 6 Jan 2020****Committee Recommendation**

- 1 That endorsement be given to the conversion of Lynwen Crescent, Banksia, west of West Botany Street, to a temporary one-way street (anticlockwise direction) to control the traffic flow during the Christmas and New Year period, between 7 December 2019 and 6 January 2020 and that a Traffic Management Plan be submitted to the Roads and Maritime Services for consideration.
- 2 That this event is a Class 2 Event and that a Traffic Management Plan be submitted to the Roads and Maritime Services for approval.

**BTC19.165 Maders Avenue, Kogarah, east of Rocky Point Road - proposed temporary one-way street during the Christmas and New Year period (7 Dec 2019 to 6 Jan 2020)**

**Committee Recommendation**

- 1 That endorsement be given to the conversion of Maders Avenue, Kogarah, east of Rocky Point Road, to a temporary one-way street (anticlockwise direction) to control the traffic flow during the Christmas and New Year period, between 7 December 2019 and 6 January 2020
- 2 That this event is a Class 2 Event and that a Traffic Management Plan be submitted to the Roads and Maritime Services for approval.

**BTC19.166 Middlemiss Street, between Lever Street and Rolfe Street, Rosebery - Proposed 'No Parking' restriction**

**Committee Recommendation**

That a 24m 'No Parking' restriction be placed on the eastern kerb line of Middlemiss Street between No. 7 and No. 9 Middlemiss Street, Rosebery.

**BTC19.167 MS Bike Ride from Sydney to Wollongong - Sunday 3 November 2019 - Proposed TMP & TCP**

**Committee Recommendation**

- 1 That approval be granted to conduct the annual bicycle ride from Sydney to Wollongong through Arncliffe, Kyeemagh, Banksia, Brighton Le Sands, Ramsgate and Sandringham, on Sunday 3 November 2019.
- 2 That concurrence be given to RMS for the establishment of a temporary "Clearway, 4 am – 11 am" restriction on Sunday 3 November 2019:
  - a. Along the northern kerb side of Bestic Street between Jacobson Avenue and General Holmes Drive;
  - b. Along the eastern kerb side of The Grand Parade between Bestic Street and Sellwood Street;
  - c. To remove and reinstate the removable bollards in The Grand Parade (The little Grand Parade) at General Holmes Drive.
- 3 That concurrence be given to event organisers/police/TfNSW to install the temporary restrictions at the following locations:
  - a. "No Left Turn" from Princes Highway into West Botany Street in the southbound direction;
  - b. "No Left Turn" from Flora Street into West Botany Street in the southbound direction;
  - c. "No Right Turn" from West Botany Street to Bestic Street in the eastbound

- direction between 6 am and 7 am due to the sun glare;
- d. "No Entry" along Bestic Street from Jacobson Avenue to General Holmes Drive in the eastbound direction.
- 4 That the proposed 'No Left Turn' from Princess Highway to Gertrude Street be altered to allow for residents to access Gertrude Street from Princes Highway.
  - 5 That access for residents of Valda Avenue to be maintained during the event.
  - 6 That the event organisers be requested to allow State Transit Authority and Veolia Transport's buses exiting from Malua Street to the Grand Parade to travel northbound, as there is no alternative route for the buses.
  - 7 That the organisers of the event advise affected local residents of Bestic Street and The Grand Parade where the proposed "Clearway" and the proposed road closure restriction will be imposed and that the removable bollards in The Grand Parade be temporarily removed by TfNSW.
  - 8 That the organisers of the event comply with all requirements of public authorities for the event.
  - 9 That the event organisers liaise with Council's Operation Services to temporarily remove and reinstate the bollards at The Little Grand Parade with General Holmes Drive to allow cyclists to pass through.
  - 10 That Council authorise the bike riders and Multiple Sclerosis Society to use Cook Park at the corner of The Grand Parade and Carruthers Drive, Sans Souci as a minor water, bike repair and first aid stop and assist them in removing the bollards in The (Little) Grand Parade with General Holmes Drive for the event on Sunday 3 November 2019.

**BTC19.168 4 Prospect Street, Carlton - Proposed 12m 'Works Zone' for 26 weeks**

**Committee Recommendation**

That approval be given for the installation of 12m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat' restriction outside No. 4 Prospect Street, Carlton for the duration of 26 weeks, subject to relevant conditions.

**BTC19.169 Scarborough Lane, Kogarah between Austral Street and Wilson Street- Proposed 'No Parking Saturdays 8 am - 1 pm' along western side and '2P 8 am - 1 pm Sat' along eastern side angle parking spaces**

**Committee Recommendation**

- 1 That approval be given to the installation of 'No Parking, 8am-1pm Saturday' restriction on the western kerb on Scarborough Lane between Austral Street and Wilson Street.

- 2 That approval to be given to the installation of '2P 8am – 1 pm Saturday' along the eastern kerb line in angle parking spaces on Scarborough Lane.
- 3 That approval be given to the installation of 10m statutory 'No Stopping' restrictions along the western kerb line of Scarborough Lane south of Austral Street.

### **BTC19.170 Referrals from Anti-Hooning Taskforce**

#### **Committee Recommendation**

The Anti-Hooning Taskforce has not referred any matters for consideration of the Bayside Traffic Committee.

### **BTC19.171 Matters referred to the Bayside Traffic Committee by the Chair**

#### **Committee Recommendation**

That the matters raised by the Chair be considered.

### **BTC19.172 General Business**

#### **Committee Recommendation**

The representative for Member for Kogarah raised the following items:

- 1 That there is illegal trailer parking occurring in the vicinity of Depena Reserve and that it be noted that Council's enforcement officers have issued infringements for the same.
- 2 That parking and access conditions in Henderson Lane be investigated.

The Convenor closed the meeting at 11:36 am.

## **Attachments**

Nil

## Council Meeting

11/09/2019

Item No	10.1
Subject	<b>Notice of Motion - Smart Technology at future Council Facilities</b>
Submitted by	James Macdonald, Councillor
File	SF18/3019

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## Summary

This Motion was submitted by Councillor James Macdonald.

## Motion

That Council receives a briefing on the Cloudmaster system or equivalent currently installed at Tonbridge Reserve and Bexley Oval, including its full capabilities and the financial impact of utilising these at current and additional sites.

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## Background

### Supporting Statement by Councillors

Council has started to implement smart technology at Tonbridge Reserve and Bexley Oval. It was originally installed for irrigation purposes. However, I understand that this technology has the capability to measure and cost electricity and water usage, lighting controls, controlling of time locks and the possibility of entry and egress to facilities. Could Council receive a presentation at an upcoming General Manager's Briefing Session on any future new sites that this capability could be rolled out to improve the management of the facilities.

### Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

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## Attachments

Nil