

## **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 9 June 2021 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 - 12 May 2021 .....3

### **6 MAYORAL MINUTES**

6.1 Mayoral Minute - Council's Community Grants Recipients..... 19

6.2 Mayoral Minute - National Reconciliation Week 2021 .....23

6.3 Mayoral Minute - Waste Conference 2021 .....24

### **7 PUBLIC FORUM**

Members of the public who have applied to speak at the meeting will be invited to address the meeting. Written submissions which are made by members of the public will be provided to Councillors prior to 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.

The meeting will be live streamed on Council's Facebook page for the benefit of the public.

### **8 REPORTS**

8.1 Adoption of 2018-2022 Delivery Program, 2021-2022 Operational Plan including Budget, Fees & Charges & City Projects Program and Long Term Financial Plan.....26

8.2 VPA 119 Robey Street, Mascot - Voluntary Planning Agreement - Letter of Offer ..... 109

8.3 Draft Planning Proposal - Various Investigation Areas (Proposed Amendment 1 to Draft Bayside Local Environmental Plan 2021) ..... 139

8.4	256 Coward Street, Mascot - Through Site Link Dedication Offer, Lot 13 DP 1267730 .....	150
8.5	Update Brighton Baths Athletics Club .....	163
8.6	Update Rockdale Community Centre.....	167
8.7	Tender - Picnic Shelters .....	172
8.8	Sir Joseph Banks Park Regional Play Space - Results of Community Engagement .....	176
8.9	Former Mascot Administration Building - 141 Coward Street Mascot - Lease Proposals Outcome.....	266
8.10	SSROC Tender - Code of Conduct Reviewer Panel .....	270
8.11	Clause 4.6 Variations to Development Standards - Quaterly Report.....	281
8.12	Sundry Debts - Write-off for the Financial Year Ending 30 June 2021 .....	284
8.13	Statutory Financial Report - April 2021 .....	286
8.14	Councillor Fees 2021/2022 .....	292
8.15	Disclosure of Interest Return .....	310
<b>9</b>	<b>MINUTES OF COMMITTEES</b>	
9.1	Minutes of the Sport & Recreation Committee Meeting - 26 April 2021 .....	312
9.2	Minutes of the Botany Historical Trust Meeting - 3 May 2021 .....	322
9.3	Minutes of the Arncliffe Youth Centre Working Party Meeting - 18 May 2021 .....	327
9.4	Minutes of the Bayside Traffic Committee Meeting - 19 May 2021.....	330
<b>10</b>	<b>NOTICES OF MOTION</b>	
10.1	Rescission Motion - Traffic Calming in Suburban Streets of Bexley North ...	335
10.2	Notice of Motion - Traffic Calming works for the Kingsgrove and Bexley North Precinct.....	337
10.3	Notice of Motion - M6 Works Impacting O'Connell Street and Chuter Avenue Sans Souci .....	338
10.4	Notice of Motion - Cuts to Local Bus Services .....	339
<b>11</b>	<b>QUESTIONS WITH NOTICE</b>	

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**



## **Council Meeting**

**9/06/2021**

Item No	5.1
Subject	<b>Minutes of the Council Meeting - 12 May 2021</b>
Report by	Liz Rog, Manager Executive Services
File	SF20/7375

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## **Officer Recommendation**

That the Minutes of the Council meeting held on 12 May 2021 be confirmed as a true record of proceedings.

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## **Present**

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

## **Also Present**

Meredith Wallace, General Manager  
Peter Barber, Director City Futures  
Michael Mamo, Director City Performance  
Colin Clissold, Director City Presentation  
Debra Dawson, Director City Life  
Liz Rog, Manager Executive Services  
Matthew Walker, Chief Financial Officer  
Jourdan Di Leo, Manager Property  
Joe Cavagnino, Manager Procurement & Fleet  
Jeremy Morgan, Manager City Infrastructure  
Karin Targa, Major Projects Director  
Clare Harley, Manager Strategic Planning  
Christine Stamper, Communications & Events Lead  
Lorraine Want, Customer Relationship Advocate  
Suhradam Patel, IT Technical Support Officer  
Lauren Thomas, 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 7:11 pm.

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 Country**

The Mayor 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.

## **2 Opening Prayer**

Reverend Kurt Peters, of St Matthews Anglican Church Botany, opened the meeting in prayer.

## **3 Apologies**

Minute 2021/111

Resolved on the motion of Councillors Awada and Saravinovski

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

- Councillor Petros Kalligas

## **4 Disclosures of Interest**

Councillor Awada declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.2 on the basis that he believes he may have had a coffee with the applicant since the matter was last considered by Council but stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Ibrahim declared a Pecuniary Interest in Item 8.2 on the basis that the proponent is his brother, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Less-Than-Significant Pecuniary Interest in Item 8.2 on the basis that, in 2018, as Mayor, he and Council staff were briefed at Council by the applicant and his consultants. Furthermore, three months ago, he attended a social gathering at a residential address in Beverly Park. He stated he would leave the Chamber for consideration and voting on the matter.

Councillor Poulos declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.7 on the basis that she works for the Parliamentary Secretary for Roads and Transport and stated she would leave the Chamber for consideration and voting on the matter.

Councillor Barlow declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.3 on the basis that she is a member of Fix-It Sisters Shed but stated she would remain in the Chamber for consideration and voting on the matter.

Councillor McDougall declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.2 on the basis that his primary place of residence is within the notification zone and stated he would leave the Chamber for consideration and voting on the matter.

## **5 Minutes of Previous Meetings**

### **5.1 Minutes of the Council Meeting - 14 April 2021**

#### **RESOLUTION**

Minute 2021/112

Resolved on the motion of Councillors Rapisardi and Tsounis

That the Minutes of the Council meeting held on 14 April 2021 be confirmed as a true record of proceedings.

## **6 Mayoral Minutes**

### **6.1 Mayoral Minute - Summer Foreshore Program Recognition of Front Line Staff**

The Mayor made a presentation to each of the following people for their outstanding work in managing visitors to the LGA's foreshore during the Summer COVID-19 restrictions:

- Beach Ambassadors: Tanya; Louise; Takao; Kris; Henry; Cameron; Natalia; Nadia; Rosy.
- Council staff: Paul and Michael.

#### **RESOLUTION**

Minute 2021/113

Resolved on the motion of Councillor Awada

That Council recognises the outstanding work undertaken by the organisation in putting together the 2020-2021 Summer Foreshore Program.

In particular, Council thanks the front-line team of Foreshore Ambassadors, the NSW Police and Bayside Council Staff for their work over the summer with the community and general public ensuring the success the program.

## **6.2 Mayoral Minute - Congratulations to Peter Poulos - preselected as a Member of the Legislative Council**

Peter Poulos was unable to attend the Council meeting, so the Mayor made a presentation to his wife, Councillor Poulos on Peter's behalf.

### **RESOLUTION**

Minute 2021/114

Resolved on the motion of Councillor Awada

That Council congratulates former Councillor Peter Poulos on being pre-selected to the NSW Legislative Council.

## **6.3 Mayoral Minute - Councillor Christina Curry's nomination as a local government representative on the national Women's Safety Taskforce Panel**

### **RESOLUTION**

Minute 2021/115

Resolved on the motion of Councillors Awada and Saravinovski

That Council notes and supports Councillor Christina Curry's nomination as a local government representative on the National Women's Safety Taskforce Panel

## **6.4 Mayoral Minute - Finalists in NSW Local Government Excellence Awards**

### **RESOLUTION**

Minute 2021/116

Resolved on the motion of Councillor Awada

That Council acknowledge the dedicated commitment of all staff involved in the nominated projects, noting our listing as finalists in two categories of the 2021 NSW Local Government Excellence Awards.

## 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 Quarterly Budget Review - March 2021

The following person spoke at the meeting:

- Mr Garnett Brownbill, interested citizen, speaking against the officer recommendation.

#### RESOLUTION

Minute 2021/117

Resolved on the motion of Councillors Bezic and Barlow

- 1 That the Quarterly Budget Review Statement by the Responsible Accounting Officer (RAO) for the quarter ended 31 March 2021 be received and noted.
- 2 That in accordance with Clauses 203 and 211 of the Local Government (General) Regulations 2005, the proposed revotes and variations to the adopted revised budget detailed in the attachment to this report are adopted by Council and the changes to income and expenditure items be voted.
- 3 The City Projects Program projects identified as deferred and associated funding sources be included in the 2021-22 draft budget post exhibition.

### 8.2 Draft Planning Proposal for 1-13 The Boulevarde, Brighton Le Sands

Councillor Awada had previously declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.2 on the basis that he believes he may have had a coffee with the applicant since the matter was last considered by Council but remained in the Chamber for consideration and voting on the matter.

Councillor Ibrahim had previously declared a Less-than-Significant Non-Pecuniary Interest in Item 8.2 on the basis that the proponent is his brother, and left the Chamber for consideration and voting on the matter.

Councillor Saravinovski had previously declared a Less-Than-Significant Pecuniary Interest in Item 8.2 on the basis that, in 2018, as Mayor, he and Council staff were briefed at Council by the applicant and his consultants. Furthermore, three months ago, he attended a social gathering at a residential address in Beverly Park. He left the Chamber for consideration and voting on the matter.

Councillor McDougall had previously declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.2 on the basis that his primary place of residence is within the notification zone and left the Chamber for consideration and voting on the matter.

The following people made written submissions regarding this item:

- Mr Sanjay Colaco, interested citizen speaking for the officer recommendation.
- Mr Dominic Finnegan, interested citizen speaking for the officer recommendation.
- Yasmin Uzunlar, on behalf of the Residents of Brighton-Le-Sands Residents Action Group, speaking for the officer recommendation.
- Name withheld, affected neighbour, speaking for the officer recommendation.

The following people spoke at the meeting:

- Mr Ali Oksuz, affected neighbour, speaking against the officer recommendation.
- Mr Zoher Salem, affected neighbour, speaking against the officer recommendation.
- Dr Erin Giuliani, affected neighbour, speaking for the officer recommendation.
- Mr Fred Erdogan, affected neighbour, speaking against the officer recommendation.
- Mr Elton Ylidiz, affected neighbour, speaking against the officer recommendation.
- Mr Michael Anagnostou, affected neighbour, speaking against the officer recommendation.
- Mr Peter Sara, affected neighbour, speaking against the officer recommendation.
- Mr Stephen Kerr, applicant representative, speaking against the officer recommendation.

## RESOLUTION

Minute 2021/118

Resolved on the motion of Councillors Tsounis and Macdonald

That, based on (i) the findings of an independent expert review of the Planning Proposal, and (ii) the recommendation of the Bayside Local Planning Panel, the Planning Proposal for 1-13 The Boulevarde, Brighton Le Sands not be supported for the following reasons:

1. The draft Planning Proposal does not to give effect to the following **Ministerial Directions**:
  - Direction 2.2, requiring that a planning proposal and its provisions give effect to and be consistent with the Coastal Management Act 2016. This is because:
    - The height of the proposed development is significantly taller than any surrounding development and would be inappropriately scaled for the location and natural scenic quality of the coast; and
    - The proposal makes little effort to avoid or mitigate the adverse impacts of the development on cultural and built environment heritage.

- Direction 2.6, requiring a Planning Proposal Authority consider the potential for contamination of land and, if so, be satisfied that the land can be made suitable for the proposed use. No contamination assessment has been provided by the proponent and this direction cannot be adequately assessed.
  - Direction 3.4, which aims to integrate land use and transport planning, as the proposed significant uplift is in the absence of any mass transit improvement to the area.
  - Direction 7.1, requiring that Planning Proposals be consistent with the **Greater Sydney Region Plan**. In particular, the draft Planning Proposal fails to give effect to:
    - o Objective 11 which is for more diverse and affordable housing. The planning proposal seeks to deliver 180 premium apartments, which does not provide a variability or typology considered appropriate for the centre (under Council's Local Housing Strategy) or in the absence of transport improvements.
    - o Objective 13 of the Greater Sydney Region Plan which aims to identify, conserve and enhance environmental heritage. Shadow diagrams relating to the concept development submitted alongside the draft Planning Proposal indicate overshadowing impacts to Cook Park and mature heritage listed Norfolk Island Pines along The Grand Parade, with no detailed analysis submitted which indicates that this impact is acceptable.
    - o Objective 14 of the Greater Sydney Region Plan which aims to integrate land use and transport to create walkable and 30 minute cities. The provision of car parking on the subject site could be considered to detract from walkable cities, and the proposal intends to add additional density within the centre in the absence of any commensurate increase in public transport provision to nearby major employment centres.
2. The draft Planning Proposal fails to give sufficient effect to the **Eastern City District Plan**, particularly with respect to:
- Planning Priority E5 and Objective 11, which aims to provide for housing supply, choice and affordability with access to jobs, services and transport. The Brighton-Le-Sands local centre is not expected to receive significant investment in regional or district infrastructure in the short term and is not within an existing 10-minute walking catchment of rail, light rail, or regional bus services.
  - Planning Priority E10 which aims to deliver integrated land use and transport outcomes. The proposal is not supported by any increases in the provision of public transport to respond increased densities, noting the lack of existing mass transit accessibility.
3. The draft Planning Proposal is inconsistent with provisions of the **Bayside Community Strategic Plan**, specifically:

- The strategic direction for Bayside to be a 30-minute City, given increased densities are not associated with any active or public transport improvements.
  - The strategic direction for residents to easily travel around the LGA, given that the proposal will result in an increase in the amount of cars and traffic on the roads in the absence of active or public transport investment.
4. The draft Planning Proposal is inconsistent with the **Bayside Local Strategic Planning Statement**, specifically:
- Planning Priority 2 and Action 2.1 which aim for Council to align land use planning with the delivery of assets, given the draft Planning Proposal has not been initiated in response to infrastructure provision (other than car parking provision to provide access to Brighton-Le-Sands, from elsewhere).
  - Planning Priority 5 and Action 5.1, which aim to prioritise opportunities for people to walk, cycle and use public transport in local centres. The increased densities are in response to additional parking provision as opposed to any increase in walking, cycling, or public transport infrastructure.
5. The draft Planning Proposal is inconsistent with the **Bayside Local Housing Strategy 2020**, which:
- Indicates Brighton-Le-Sands as a location for potential redevelopment where public transport improvements are made, which is not occurring in this instance;
  - Identifies the need to protect older walk-up apartments within Brighton-Le-Sands, which is contrary to the outcomes of this planning proposal which proposes demolition of existing walk-up units; and
  - Identifies the need to protect the long-term capacity of development sites that are earmarked for public transport investment. Brighton-Le-Sands is identified as a location for a future mass transit link in *Future Transport 2056*, and the draft planning proposal results in the premature re-development of a key council landholding that could better respond to this infrastructure provision in the future as part of a precinct-wide approach.
6. Council is currently considering the **Masterplan for Brighton-Le-Sands**. It is considered premature to undertake a spot rezoning for changes to land use zoning, height, and density on one site prior to the vision for the wider precinct being endorsed under this master planning process.
7. The draft Planning Proposal has not demonstrated that it can facilitate a development consistent with several provisions of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* (SEPP 65). In particular, a peer review undertaken by Fox Johnston found that the draft planning proposal:
- Is inconsistent with many of the Design Quality Principles listed under SEPP 65; and
  - Does not maintain solar access to surrounding development in accordance with the Apartment Design Guide, significantly overshadowing the property to the south at 4-10 The Boulevard.



8. As a result of the above points, the draft Planning Proposal is considered to lack both strategic and site-specific merit.

#### DIVISION

Division called by Councillor Awada

For: Councillors Curry, Morrissey, Sedrak, Nagi, Rapisardi, Tsounis, Barlow, Bezic, Macdonald, Poulos and Awada

The division was declared carried.

#### **8.9 Bexley North/Kingsgrove Precinct Traffic Calming - Outcomes of Community Engagement Laycock Street, Coveney Street and Shaw Street.**

Councillors Awada, Ibrahim, Saravinovski and McDougall returned to the Council Chamber.

The following person made a written submission to the meeting:

- Mr Domenic Di Donato, interested resident, against the officer recommendation.

The following people spoke at the meeting:

- Mr Anastasios Hormovas, affected neighbour, speaking against the officer recommendation.
- Mr Thomas Faber, interested resident, speaking against the officer recommendation.
- Mrs Milva Speranza, applicant, speaking against the officer recommendation.

#### MOTION

Motion moved by Councillors Sedrak and Saravinovski

That Council notes the outcomes of the community engagement and does not proceed with the implementation of the proposed traffic measures in Shaw Street, Laycock Street and Coveney Street for the Bexley North and Kingsgrove precinct.

#### DIVISION

Division called by Councillor Awada

For: Councillors Curry, Morrissey, Sedrak, Ibrahim, Saravinovski and McDougall

Against: Councillors Nagi, Rapisardi, Tsounis, Barlow, Bezic, Macdonald, Poulos and Awada

The division was declared lost.

**FORESHADOWED MOTION**

Motion moved by Councillors Barlow and Bezic

That Council notes the outcomes of the community engagement and proceeds with the implementation of the proposed traffic measures in Shaw Street for the Bexley North precinct as per Table 1.

The vote was unanimous.

The Foreshadowed Motion was carried.

The Foreshadowed Motion became the Motion.

**RESOLUTION**

Minute 2021/119

Resolved on the motion of Councillors Barlow and Bezic

That Council notes the outcomes of the community engagement and proceeds with the implementation of the proposed traffic measures in Shaw Street for the Bexley North precinct as per Table 1.

## **8 Reports**

**Items 8.1 and 8.2 were dealt with in Public Forum.**

### **8.3 Tender - Kyeemagh Community Centre**

Councillor Barlow had previously declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.3 on the basis that she is a member of Fix-It Sisters Shed and remained in the Chamber for consideration and voting on the matter.

Councillor Saravinovski was not in the Council Chamber for consideration and voting on this matter.

**RESOLUTION**

Minute 2021/120

Resolved on the motion of Councillors Barlow and Bezic

- 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 in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from VBuilt Constructions Pty Ltd for the Contract F20/802 being the for the Kyeemagh Community Centre Roof Works for the amount of \$326,589.00 exclusive of GST.

#### **8.4 Tender - Rockdale Administration HVAC and Roof Replacement**

Councillor Saravinovski was not in the Council Chamber for consideration and voting on this matter.

#### **RESOLUTION**

Minute 2021/121

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That the attachment/s 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 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 Patterson Building Group Pty for the Contract F21/92 being the Rockdale Administration Building HVAC & Roof Works for the amount of \$2,082,515.00 exclusive of GST.

#### **8.5 Tender - Supply and Install Landscape Materials**

Councillor Saravinovski was not in the Council Chamber for consideration and voting on this matter.

#### **RESOLUTION**

Minute 2021/122

Resolved on the motion of Councillors Rapisardi and Tsounis

- 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, in accordance with Regulation 178 (1) (a) of the Local Government Act (General) Regulations 2005, Council accepts the Tender from Tremline Pty Ltd T/A The Hills Bark Blower for the contract F20/522. This contract is for the supply and install of landscape materials under a schedule of rates for a period of three years with two one-year options to extend.

## **8.6 Request for Tender - Management of Affordable Housing Portfolio**

Councillor Saravinovski returned to the Council Chamber.

### **RESOLUTION**

Minute 2021/123

Resolved on the motion of Councillors Tsounis and Barlow

- 1 That the attachment/s 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 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 Evolve Housing Ltd for the Contract F21/9 for the annual base amount of \$1,750 per property exclusive of GST for a period of 5 years.

## **8.7 Australian Rail Track Corporation (ARTC) Intention to Compulsorily Acquire a Temporary Lease at McBurney Avenue Mascot**

Councillor Poulos had previously declared a Less-Than-Significant Non-Pecuniary Interest in Item 8.7 on the basis that she works for the Parliamentary Secretary for Roads and Transport and left the Chamber for consideration and voting on the matter.

### **RESOLUTION**

Minute 2021/124

Resolved on the motion of Councillors Nagi and Tsounis

- 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 note Australian Rail Track Corporation's intentions to temporarily acquire McBurney Avenue Reserve, Mascot (Lot 1 DP127031) for a period of 36 months by way of a Section 30 (Just Term Compensation) Agreement.
- 3 That Council endorse the proposed compensation relating to the market value of the land for a period of 36 months' being \$75,720 plus GST and the loss attributable to disturbance being \$30,000 plus GST.
- 4 That Council delegates to the General Manager to finalise the proposed Section 30 agreement, including the execution of any documentation.
- 5 That the compensation received be expended on a project to benefit the residents of McBurney Avenue, Mascot.

#### **8.8 Proposed Co-Generation plant - Opal Paper and Recycling Mill, Matraville - Community Reference Group Representative**

##### **RESOLUTION**

Minute 2021/125

Resolved on the motion of Councillors Saravinovski and Tsounis

1. That Council nominates Councillor Curry and Councillor Tsounis to be participants in the Community Reference Group hosted by SUEZ in relation to the proposed Co-Generation plant on the Opal Paper and Recycling Mill site:
2. That SUEZ be advised of Council's decision.

**Item 8.9 was dealt with in Public Forum.**

#### **8.10 Expenses & Facilities Policy**

##### **RESOLUTION**

Minute 2021/126

Resolved on the motion of Councillors Poulos and Barlow

- 1 That the attached draft Expenses & Facilities Policy be approved for public exhibition.
- 2 That, following the period of public exhibition, a final draft of the Expenses & Facilities Policy be considered for adoption.

### **8.11 Statutory Financial Report - March 2021**

#### **RESOLUTION**

Minute 2021/127

Resolved on the motion of Councillors Nagi and Barlow

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

## **9 Minutes of Committees**

### **9.1 Minutes of the Bayside Traffic Committee Meeting - 21 April 2021**

The following person made a written submission to the meeting:

- Ms Wen Quan, affected neighbour, against the committee recommendation for BTC21.034 – King Street, Eastlakes - Proposed signposting of 'No Stopping' restrictions.

#### **RESOLUTION**

Minute 2021/128

Resolved on the motion of Councillors Rapisardi and Nagi

That the Minutes of the Bayside Traffic Committee meeting held on 21 April 2021 be received and the recommendations therein be adopted with the exception of Item BTC21.034.

#### **RESOLUTION**

Minute 2021/129

Resolved on the motion of Councillors Morrissey and Curry

That Item BTC21.034 be deferred to further explore traffic management solutions including an on-site meeting with impacted residents.

#### **DIVISION**

Division called by Councillor Awada

For: Councillors Curry, Morrissey, Sedrak, Rapisardi, Saravinovski, Barlow, Bezic, Macdonald, McDougall and Awada

Against: Councillors Ibrahim, Nagi, Tsounis and Poulos

The division was declared carried.

## **10 Notices of Motion**

### **10.1 Notice of Motion - Car Hooning at Reading Road and Rowley Street, Brighton Le Sands**

#### **RESOLUTION**

Minute 2021/130

Resolved on the motion of Councillors McDougall and Poulos

That Council investigates a traffic infrastructure solution to car hooning at the intersection of Reading Road and Rowley Street, Brighton Le Sands.

## **11 Questions With Notice**

### **11.1 Question With Notice - Review of DA2009/10208/C - 1 & 1A Hale Street, Botany and 36-38 Luland Street, Botany**

Councillor Curry asked the following question:

On 9<sup>th</sup> February 2021, against a recommendation for refusal made by Council Officers, the Bayside Planning Panel approved 24/7 operations at 1 and 1A Hale Street Botany and 36-38 Luland Street Botany (DA 2009/10208/C).

Residents have advised that the operations are impacting their right to quiet enjoyment of their homes at night, specifically through excessive sporadic noise.

Can Council officers investigate what actions can be taken to address the residents' concerns, which may include review of the conditions of consent, noise abatement measures, or legal avenues? And can they please provide a report, with recommendations if possible, on or before the next council meeting.

### **11.2 Question With Notice - Hawthorne Street Tennis Court**

Councillor McDougall asked:

When will the Hawthorne Street tennis court EOI come back before a Council meeting?

The General Manager advised that the matter will be reported to the next meeting of the Sport and Recreation Committee and then to the subsequent Council meeting. The timeframe will be June meetings.

### **11.3 Question With Notice - Management of Dumping of Shopping Trolleys**

Councillor Barlow asked the following question:

I refer to the 2005, Local Government Association Code of Practice for Management of Shopping Trolleys. Can Council please re-visit this and make enquiries about the control of dumping of shopping trolleys. The Local Government has a policy about this which I will distribute to Councillors.

## **12 Petitions**

Councillor Barlow tabled a petition, with 864 signatures, that she had received regarding bringing back the public footpath access from Preddys Road to Bardwell Valley Parklands, Angelo Anestis Aquatic Centre and Highgate Street to give them safe access to the pool.

Councillor Curry tabled a petition she had received opposing BP Botany's application for 24/7 operation. The petition has more than 400 signatures.

The Mayor closed the meeting at 10:44 pm.

Councillor Joe Awada  
**Mayor**

Meredith Wallace  
**General Manager**

## **Attachments**

Nil



**Council Meeting**

**9/06/2021**

Item No	6.1
Subject	<b>Mayoral Minute - Council's Community Grants Recipients</b>
File	F19/604

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**Motion**

That Council congratulates the successful recipients for the 33 local community projects and thanks them for their ongoing contributions to the Bayside community.

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**Mayoral Minute**

Councillors you will recall at our April Council meeting we resolved to fund 33 worthy community organisations and their grant projects. I am pleased to advise we met earlier tonight and presented certificates to them.

Bayside Council's Community Grant Program is a unique program that allows Council, local not for profit community organisations, individuals and clubs to work together to improve the provision of community, cultural, artistic, recreational and leisure services for the residents of Bayside.

This financial year Council has granted a total of \$103,582.85 in funding to help support 33 local community projects which include a water bottle refill and recycling project, purchase training equipment to promote health and well-being, raise awareness of dementia through intergenerational activities and Art for Wellbeing Workshops to create a safe and friendly space for new migrants and refugee women living in Bayside.

Please join me in congratulating the recipients and thanking them for their ongoing contributions to the Bayside community, can all the recipients please now join me for a group photo.

**Attachments**

2020-2021 Successful Community Grants [↓](#)

Seeding Grants: Up To \$5,000.00		
Organisation	Program Description	Amount Recommended
2Connect Youth & Community Inc.	Social interaction, skill building, mentoring and leadership opportunities for marginalised young people in the Bayside area.	\$5,000.00
3Bridges Community	Raise awareness of dementia through intergenerational activities.	\$5,000.00
Bay City Care	Provide financial assistance vouchers to women with children experiencing domestic violence.	\$5,000.00
Exodus Youth Worx	Cultural Art Workshop to increase social connection for older Arabic-speaking Women.	\$5,000.00
Sydney Multicultural Community Services	Art for Wellbeing Workshops to create a safe and friendly space for new migrants and refugee women living in Bayside.	\$5,000.00
Fighting Chance (Avenue Botany)	Avenue Learning supporting skill development for people with disability in Botany	\$5,000.00
Windgap Foundation	Host a community market day on International Day of People with Disability.	\$5,000.00
Integricare Early Learning Centre Rockdale Plaza	Let's Talk Speech & Bilingual program to teach language & communication development through play.	\$4,950.00
St George Children with Disabilities Fund Inc,	Music Therapy for children who have significant learning needs to learn and communicate through music and musical instruments.	\$5,000.00
Australian Macedonian Theatre of Sydney	Publish a bilingual Macedonian community magazine.	\$5,000.00
Macedonian Australian Welfare Association	Seniors Connections and Healthy Lifestyles for older Macedonian people in the Bayside area.	\$5,000.00
Rockdale Community Garden	Setup and develop a sustainable community garden.	\$5,000.00
Holdsworth Community Ltd	Seniors Wellbeing Program keeping elderly Bayside participants active and independent.	\$5,000.00

Small Grants: Up To \$2,000.00		
Organisation	Program Description	Amount Recommended
3bridges Community	The HSC Rescue Study Breaks 2021.	\$1,972.05

Small Grants: Up To \$2,000.00		
Organisation	Program Description	Amount Recommended
Bardwell Valley Golf Club	Installation of Nesting Boxes for Native Birds.	\$2,000.00
Botany Family and Children's Centre	Purchase video conferencing solution to facilitate client case conferences and use of facility.	\$1,899.00
CASS Care Ltd	Provide information sessions for seniors to access services online through smart use of technology Zoom.	\$2,000.00
St Matts Community Garden	Purchase stingless native beehive & working bees to establish in community garden.	\$1,526.00
St Vincent de Paul Society NSW	Purchase essential items such as food and toiletries for the homeless in the Bayside.	\$2,000.00
Southern Sydney Women's Domestic Violence Court Advocacy Service	Provide women experiencing domestic and family violence, support, referrals, information and resources in community languages.	\$2,000.00
The Benevolent Society	Promote physical activity, cognitive stimulation and emotional well-being of older participants through improved technology.	\$2,000.00
The Trustee for Raise Foundation	Provide support in early intervention youth mentoring programs for at-risk students at JJ Cahill Memorial School.	\$2,000.00
Rock & Wool	Provision of wool for a community knitting group., knitting blankets for charity.	\$2,000.00
Bardwell Park Infants School P&C Committee	Permanent installation of water bottle refill station.	\$1,365.00
James Cook Boys High School Parents & Citizens Association	Water bottle refill and recycling project.	\$2,000.00
St George Historical Society	New visitor chairs.	\$2,000.00
Pagewood Botany Football Club	Support Windgap Warriors for equipment and jerseys.	\$2,000.00
Arncliffe Aroura Football Club	Purchase computer equipment to facilitate access to online health and wellbeing courses/programs.	\$1,886.85
Kogarah Waratah Football Club	Purchase equipment to increase small sided games during the winter months.	\$2,000.00
Police Citizens Youth Clubs NSW Ltd (PCYC Eastern Suburbs)	New equipment for enhanced capacity to conduct PCYC boxing and Fit for Life.	\$2,000.00

Small Grants: Up To \$2,000.00		
Organisation	Program Description	Amount Recommended
Rockdale City Raiders Football Club	Upgrade playing stripes and training equipment.	\$2,000.00
Rockdale Ilinden Soccer Club Inc	Purchase training equipment to promote health, well-being and lifelong learning.	\$2,000.00
St George District Athletic Club	Purchase a computer to connect to a new computerised timing system.	\$ 1,983.95

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## Council Meeting

9/06/2021

Item No	6.2
Subject	<b>Mayoral Minute - National Reconciliation Week 2021</b>
File	SF21/1752

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### Motion

That Council recognises the importance of the theme of Reconciliation Week 2021 – “More than a Word. Reconciliation takes Action” – and acknowledges Council’s role in the journey towards reconciliation with our First Nations people.

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### Mayoral Minute

With the theme of Reconciliation Week 2021 being “More than a Word. Reconciliation takes Action” I am very proud of the action being taken by Council to promote the incredible contributions made to our community by local First Nations people. Council recognises the cultural significance that the land surrounding Botany Bay holds for our First Nations people and we support and respect their spiritual and social connection to this land.

On Thursday 27 May 2021, to mark the beginning of Reconciliation Week 2021, I announced the winners of Bayside’s First Nations Art Competition. All artwork and artists who entered have a strong connection to the Bayside area. The winning entries of the First Nations Art competition are exhibited in the Rockdale Library and through June they are being exhibited at the Mascot and Eastgardens Libraries.

The digital versions of the artworks will be used in our very first Reconciliation Action Plan, titled “Reflect.” The draft Plan was lodged with Reconciliation Australia during Reconciliation Week and will soon be presented to Council for public exhibition. During the development of the Plan, Council has been engaging broadly with the First Nations community and local organisations to ensure their voices are strongly represented.

Our Reconciliation Action Plan aims at strengthening and setting the framework to guide staff and create a future built on respect, understanding and empowerment. Our Plan is to walk together, acknowledging the past and embracing our rich cultural history. It will also provide the framework for future Reconciliation Action Plans.

Councillors might also recall that on 30 July last year, the Aboriginal Flag was raised at Ramsgate Beach, formally recognising Bayside’s First Nations’ past, present and future. This flag was requested by local First Nations resident, Louise, whose unwavering support for the formal recognition of the indigenous residents was critical in having this flagpole installed.

The location chosen for this flag, on Ramsgate foreshore, is visible to all who pass through the heart of Ramsgate Beach Town Centre and the Grand Parade. Council also collected signatures for a petition that was presented to the NSW Parliament on 14 November 2018, requesting that the Aboriginal Flag fly permanently on top of the Sydney Harbour Bridge alongside the Australian and NSW Flags.

I look forward to considering Council’s Reconciliation Action Plan and, with future public engagement, we will all continue this journey of reconciliation.

## **Council Meeting**

**9/06/2021**

Item No	6.3
Subject	<b>Mayoral Minute - Waste Conference 2021</b>
File	F17/1300

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## **Motion**

That the Mayoral Minute on the Waste 2021 Conference be received.

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## **Mayoral Minute**

### **Background**

This Mayoral Minute summarises the *Waste 2021* Conference, Tuesday 4 May – Thursday 6 May 2021, which I attended with the Director City Presentation and Manager, Waste and Cleansing Services

Waste 2021 is Australia's leading conference for waste management professionals in Australia. Due to COVID-19 restrictions limiting the number of attendees, three hundred and forty seven (347) delegates participated in the *Waste 2021* Conference, including representatives from local government authorities across Australia. There were 88 exhibits set up and operated by government authorities, consultants, equipment and technology providers. There were 132 presenters including Joe Logiacco, Bayside Council's Manager Waste and Cleansing Services.

The *Waste 2021* program covered topics critical to industry including law, policy, markets, infrastructure, technology and innovation.

### **Conference Day 1 – Tuesday May 4**

Day 1 began with an inspiring keynote address from Cate McQuillen (Mememe Productions) on environmental education. This included a call for a national approach to waste education, which was echoed in later presentations and panels.

This was followed by four presentations in relation to Energy from Waste (EFW), giving an overview and understanding of the Policy statements from a NSW and QLD State perspective and two presentations discussing the hurdles and restraints with progressing EFW projects from conception through to realisation, one in NSW and the other in WA.

After the presentations participants elected to attend sessions on Alternate Recycling Pathways, Education, Community Projects, Innovation, including a regional perspective on waste management practices.

The sessions highlighted some of the key challenges facing the waste and resource recovery industry including the need for a national focus and leadership, the need for mandatory recycled content in products and civil works, the need for a greater focus on waste avoidance at the front end of manufacturing and packaging, and the need for workable Energy from Waste solutions within the entire suite of recovery and recyclable initiatives.

**Conference Day 2 – Wednesday May 5**

Day 2 started with 2 keynote addresses by:

- Kate Wislon, Executive Director Climate Change and sustainability, NSW Department of Planning Industry and the Environment
- Joe Pickin, Director, Blue Environment.

These addresses highlighted the importance of data collection as part of developing waste strategy and monitoring performance. Bayside Council is part of a working group with the Southern Sydney Regional Organisation of Councils (SSROC) and the NSW Government to develop methodologies for improving quality and consistency of waste data across NSW.

This was followed by presentations on the Circular Economy which focussed heavily on reuse. The importance of reuse in job creation was flagged with reuse providing significantly higher employment than disposing of waste to landfill.

**Conference Day 3 – Thursday May 6**

The final day of the conference started with a welcome address by the CEO of WMRR, Gayle Sloan and an address by Mike Ritchie, Managing Director, MRA Consulting Group on the "State of Waste a National Perspective".

From early morning until the close of conference, there were separate streams on technology, product stewardship, organics, litter and illegal dumping.

As part of the Illegal Dumping Litter stream, Bayside Council's Manager Waste & Cleansing Services, Joe Logiaccio presented through the theme of "Reducing illegal dumping using surveillance technology, smart data and education". As part of this program, Council designed and trialled several infrastructure solutions, leading to the best-situated waste infrastructure and anti-litter educational signage. This infrastructure, with its custom design and real time data sensors, reaffirmed Bayside Council's reputation as leaders in developing innovative solutions to waste issues. The presentation was well attended and provoked several interesting and thoughtful questions from the audience. A PDF copy of Joe's presentation as well as a You Tube video can be viewed here:

<https://az659834.vo.msecnd.net/eventsairauetprod/production-impactenviro-public/52b65b7095c04a3e9e31887a532398eb>

<https://www.coffswasteconference.com.au/2021/presenters> (enter : "Logiaccio" in the search box).

Details of all presenters and presentations, including PDF presentations will soon be uploaded to You Tube, videos will be accessible via:

<https://www.coffswasteconference.com.au/QuickEventWebsitePortal/2021/waste/Agenda>

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**Attachments**

Nil

## Council Meeting

9/06/2021

Item No	8.1
Subject	<b>Adoption of 2018-2022 Delivery Program, 2021-2022 Operational Plan including Budget, Fees &amp; Charges &amp; City Projects Program and Long Term Financial Plan</b>
Report by	Michael Mamo, Director City Performance
File	SF21/645

## Summary

The Draft Delivery Program & Operational Plan (including budget and fees & charges) were placed on public exhibition for a period of 28 days. The draft 2018-22 Delivery Program and 2021-2022 Operational Plan came off public exhibition on 24 May 2021. As part of the exhibition, initial views were encouraged on Council's challenges with financial sustainability.

Only 7 survey responses were received during the exhibition period. Council has been able to retain a small cash budget surplus of \$40,913, however the 2021-22 budget has an operating deficit before capital revenue of some \$8,077,821. As previously reported to Council, this mainly represents the funding gap between operating revenue and operating expenditure and Council will need to seriously consider options to address this issue for the future.

The report to Council in April 2021 outlined some of the long term financial sustainability challenges facing Council, specifically future deficit operating results excluding capital and reserve movements, as well as a forecasted asset expenditure funding shortfall in excess of \$120 million over the next 10 years.

In this regard, several options are available for Council and previously reported to consider for inclusion as part of future updates to the Long Term Financial Plan. Several actions will be able to be implemented to address the shortfall. However, it is extremely unlikely that the overall long term funding shortfall will be addressed in its entirety without Council contemplating some form of Special Rate Variation in the future to achieve complete harmonisation of rate contributions and ongoing long term financial sustainability as an alternative to significantly decreasing services.

It is noted that during the exhibition period, Independent Pricing and Regulatory Tribunal (IPART) approved Council's application to harmonise its minimum rates over a four-year period. Also, the rates harmonisation legislation has passed through NSW Parliament allowing councils to, amongst other things, harmonise rates immediately from 1 July 2021 or gradually over a maximum of an 8-year period.

This report is based on Council's previous decisions around rates harmonisation, and it is recommended that Council adopts a Rates Harmonisation Path that has been approved by IPART ie, over a 4 year period commencing on 1 July 2021. Extending this pathway will have a significant impact on Council's long term financial sustainability and would require further public consultation. This commences the journey to long term financial sustainability and is consistent with Council's responsibilities to maintain sound financial management over its affairs; an observation also recently expressed by the Risk & Audit Committee.



Some new, changes and clarifications to, the exhibited fees and charges are recommended including road opening permits, statutory fees and interest, animal registration and boarding house tariffs.

The updated Long Term Financial Plan will be provided by separate cover.

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### Officer Recommendation

- 1 That Council notes and acknowledges all feedback received from the community regarding the Draft Delivery Program 2018-2022 and Operational Plan 2021/22.
- 2 That Council adopts the Delivery Program 2018-2022 and Operational Plan 2021/22 (as attached to the report) being the exhibited draft Delivery Program 2018-2022 and Operational Plan 2021/22 as amended by the report.
- 3 That Council adopt a rate harmonisation for a gradual harmonisation period of 4 years commencing on 1 July 2021 as detailed in this report and the attached Delivery Program and Operational Plan.
- 4 That Council establish, as part of rates harmonisation, the rates category and sub-categories as set out in the Delivery Program 2018-22 and Operational Plan 2021/22 and section 4 of this report.
- 5 That Council authorises the General Manager to levy the rates and annual charges for the period 1 July 2021 to 30 June 2022 by service of the rates and charges notices pursuant to the Local Government Act 1993 and the Regulations made there under.
- 6 That Council makes the rates and annual charges for the period 1 July 2021 to 30 June 2022, as outlined in the Revenue Policy 2021-22 within the updated Delivery Program and Operational Plan which includes the general rate increase of 2.0% as determined by the Independent Pricing and Regulatory Tribunal (IPART).
- 7 That Council adopts the Schedule of Fees & Charges for 2021-22 as attached to the report.
- 8 That Council adopts the updated Long Term Financial Plan 2021/22 – 2030/31 (LTFP) and notes the sustainability challenges identified in section 7 of this report and the LTFP.

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### Background

During the integrated planning and reporting cycle, Bayside Council is required to create an Operational Plan for the next financial year and review the existing Delivery Program. These documents are intended to respond to the vision and aspirations set out by the community in the Community Strategic Plan.

Council placed on public exhibition the draft Delivery Program 2018-2022 and Operational Plan 2021-22 (including the proposed budget, City Projects Program, and Fees & Charges). As part of the exhibition process, Council commenced community engagement by way of a survey on the challenges facing Council's long term financial sustainability.

The exhibition period closed on 24 May 2021 and seven responses were received from the community. Only one response raised issue with the Draft Operational Plan.

Due to the rates harmonisation process being undertaken during 2020-2021 this report also highlights the IPART application that was approved in May 2021 for Council's preferred path to rates harmonisation from 1 July 2021. Due to recent changes in legislation Council is required to adopt a final rate harmonisation path.

## Section 1 - Public Exhibition Report

This section details the feedback Council has received during the 28-day public exhibition period. The exhibition period closed on 24 May 2021. Council used its 'Have Your Say' website that provided all the detail and documents relating to the Delivery Program 2018-2022 and Operational Plan 2021-22. Council also developed a simple survey that related to the documents that went on exhibition including the draft Delivery Program/Operational Plan, draft Fees & Charges, and April 2021 Council Meeting Report (report attached).

The public exhibition process resulted in Council receiving only seven responses to the online survey, of which only one made comment on the Operational Plan. Some data from the 'Have Your Say' website includes the following:

- 195 total webpage visits
- 7 engaged visitors (i.e. responses)
- 71 people visited the site & downloaded documents
- 20 people visited the Frequently Asked Questions page

### Survey and Public Submission

While the responses from the public on the survey are appreciated, given the minimal number received, no statistically sound or meaningful analysis is possible. It is anticipated that further consultation will continue to occur on Council's long term financial sustainability.

However, Council did receive one public submission to the Operational Plan from the President of the Manly 16ft Skiff Sailing Club (St George Sailing Club). This submission related to the ... *request for adjustment of the 2021-2022 Operational plan and associated budget. The proposed plan and budget include no allowance for the agreed to public domain works at and around St George Sailing Club, including the carpark. These works are required to be completed before the new club opens, and opening is scheduled for approximately 1<sup>st</sup> March 2022.*

### Response to Public Submission

It is noted that the site occupied by the Club operates under an agreement with the State of NSW as it falls within Crown Land. The Club has undertaken a major redevelopment of its premises.

Council has been liaising with the Club for some time regarding the proposed frontage works associated with the development and the potential for complementary works in the adjoining public domain. Not all the works are the responsibility of the Council.

With the Club now confirming the expected completion date of the construction in February/March 2022, Council will consider the scope, staging and funding of the public domain works to be undertaken. It is proposed to give this issue further consideration and

incorporate necessary works as part of future quarterly budget reviews and/or annual budgetary processes. Council will continue to liaise with the Club on this issue.

#### Resident Petition - Way Street Kingsgrove

Council had received a petition containing 35 signatures from residents and ratepayers within Ward 4 requesting Council to construct a concrete pedestrian footpath along the southern side of Way Street Kingsgrove as they consider its 'poses a serious safety issue for pedestrians who find they mostly need to walk on the roadway'.

To date this matter has been dealt with administratively on a few occasions but had not been formally reported to Council. While not part of the exhibition process, given it was a petition, it is opportune for Council to consider the request in formulating its 2021-22 Operational Plan.

Council receives many requests from the community for the provision of new or replacement footpaths and has increased the funding for this work in recent years. To ensure that the limited funding for new footpaths is appropriately allocated, all locations are assessed and prioritised based on several factors that impact on pedestrian generation such as proximity to schools, playgrounds, shops, and train stations; road safety conditions such as speed and volume of traffic; and the provision of alternate routes, for example a footpath on the opposite side of the road.

The assessment of Way Street Kingsgrove is that it is rated as a 'medium priority' in a list of hundreds of locations. Currently there are many higher priority footpath projects and therefore there is no current plan to undertake footpath construction works in this street.

## **Section 2 - 2021-22 Budget**

The table below identifies the proposed changes to draft 2021-22 Operating Budget.

*Table - Proposes Changes to exhibited Budget*

Item	Description of Change	Value	Funding Source	Reason for Change
Internal Submission	IT Strategy	\$55,700	IT Reserve	Council has engaged independent external consultants to assist in the development of the IT Strategy.
Environment Projects Agreement	Tree Planting Program	\$200,000	Community & Environmental Projects Reserve	Council and Sydney Airport Corporation Limited have an agreement to use part of the funds from the ex-gratia rates on agreed projects
<b>Total</b>		<b>\$255,700</b>		

As these projects are funded from reserves, there is no impact on the forecasted cash budget result. However, it does result in a negative impact on the operating result before capital as shown in the table below.

*Table - adjusted operating results for 2021-22*

Item	As Exhibited	Additional expenditure	Funding Source	Revised	Movement
Cash Budget Result	\$40,913	\$255,700	\$255,700	\$40,913	Nil
Operating Result Before Capital Revenue	(\$7,822,121)	\$255,700	\$0*	(\$8,077,821)	↓

*\*Note: There is no funding source as transfer from reserves are not included in the operating result before capital revenue.*

### Section 3 - 2021/22 City Projects Program

The draft City Projects Program underwent a thorough review to realign and re-prioritise the program, incorporate projects deferred (some \$6.6M) as a result of the Council decision on the March 2021 Quarter Budget Review, recognise additional grant funded programs received as part of the Government stimulus package (some \$4.1M) and additional works (some \$1.6M). This increases the 2021/22 City Projects Program from approx. \$50M as exhibited to approx. \$62.4M.

The Table below details the changes proposed to the exhibited 2021/22 City Projects Program budget for adoption as part of the Operational Plan 2021-22. All the proposed changes to the 2021/22 City Projects Program have identified funding sources and as mentioned above, there is no impact on the forecasted cash budget result.

*Table: Details of the proposed changes for the exhibited City Projects Program (CPP):*

Program	Value (\$)	Net Change/Reason
<b>Deferred CPP</b>		
Beaches and Waterways	\$220,000	Deferred from March Quarter Budget Review
Buildings and Property	\$1,285,000	Deferred from March Quarter Budget Review
Library Resources	\$50,000	Deferred from March Quarter Budget Review
Open Spaces	\$2,081,300	Deferred from March Quarter Budget Review
Plant, Fleet and Equipment	\$1,487,000	Deferred from March Quarter Budget Review
Roads and Transport	\$606,549	Deferred from March Quarter Budget Review
Stormwater Drainage	\$480,000	Deferred from March Quarter Budget Review
Town Centres	\$448,173	Deferred from March Quarter Budget Review

Program	Value (\$)	Net Change/Reason
<b>Total Deferred CPP to be added</b>	<b>\$6,658,022</b>	
<b>New Road Safety Program Grant</b>		
Roads and Transport	<b>\$4,125,000</b>	Additional works funded by grant revenue.
<b>Additional CPP</b>		
Building and Property	\$300,000	Additional works required on project
Roads and Transport	\$710,000	Projects added due to review of renewal priorities
Town Centres	\$621,490	Additional works required on project
<b>Total CPP works to be added</b>	<b>\$1,631,490</b>	
<b>Total added CPP works post exhibition</b>	<b>\$12,414,512</b>	
<b>CPP as Exhibited</b>	<b>\$49,984,672</b>	
<b>Revised CPP - Total</b>	<b>\$62,399,184</b>	

The Table below details the funding sources for the proposed changes to the City Projects Program

*Table: Funding Sources for changes - City Projects Program:*

Funding Source	Value (\$)
Grant Revenue & Unexpended Grants	\$5,425,000
Developer Contributions & Voluntary Planning Agreements	\$1,133,049
Infrastructure Levy	\$3,371,540
Local Area Funds	\$279,423
Internal Reserves	\$2,105,500
<b>Total Funding</b>	<b>\$12,414,512</b>

## **Section 4 - Rate Harmonisation Path & Revenue Policy**

Council would be aware that the Local Government Act was amended in 2016 requiring all amalgamated councils to maintain the rate path for the former councils for a period of 4 years. This was labelled as a 'Rate Freeze' and meant for Bayside Council that the rating structures for former City of Botany Bay Council and former Rockdale City Council were to stay in place until the freeze was lifted, with rates to only increase by the approved IPART rate pegging limit each year.

Until recently the legislation required that, at the expiry of the 'rates freeze' period ie 30 June 2021, all amalgamated councils to undertake a review of their current rating structures to establish one rating structure across the amalgamated local government area, and this was labelled as 'Rates Harmonisation'.

At Bayside Council's Ordinary Council meeting on 10 February 2021 (report attached), based on that legislation, Council resolved on its preferred rate harmonisation strategy over 4-years and rating structure which is summarised below.

### Establishment of Harmonised Rating Categories and Sub-Categories

As the Local Government Act required land to be categorised according to its dominant use as either residential, farmland, mining, or business and the business category was the default category.

The business and residential rating structures of the former Councils are different. While both former Councils have a single residential rating category, the former City of Botany Bay Council has multiple business subcategories compared to former Rockdale City Council, which has only a single ordinary business rating category.

As part of the harmonisation process, the following new rating categories and sub-categories were established:

- Residential - Ordinary
- Business - Ordinary
- Business - Industrial
- Business - Port Botany
- Business - Mall
- Farmland

In accordance with Council's resolution, on 10 February 2021, Council made an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 548 of the Local Government Act 1993. The application asked IPART to consider approving an instrument to be issued to set a transitional minimum ordinary rate from 1 July 2021 for all rating categories which is equivalent to the current minimum ordinary rate for ratepayers in the former Rockdale City Council side of the Bayside Local Government Area (LGA) at \$768.52 (plus the approved IPART rate peg limit in all years during the 4-year transition period).

Council's application was approved by IPART, in May 2021, for the 4-year rate harmonisation path. The IPART instrument and determination are attached to this report.

The IPART approved transitional path is set out in the Table below.

*Table - IPART approve four-year harmonisation pathway*

<b>Rating Year (Starting 1 July)</b>	<b>Minimum Rate Former City of Botany Bay</b>	<b>Minimum Rate Former Rockdale City</b>
2020/21 - Current	\$ 553.62	\$ 768.52
2021/22	\$ 626.26	\$ 783.89
2022/23	\$ 689.89	\$ 803.49
2023/24	\$ 771.53	\$ 823.57
2024/25	\$ 844.16	\$ 844.16

The exhibited Revenue Policy has also been updated to reflect this approval and changes to expected rates revenue from supplementary valuations and other adjustments since exhibition.

## **Section 5 - Recent Local Government Act Changes**

Since Council's resolution of 10 February 2021, the Local Government Amendment Bill 2021 (The Bill) was passed by the NSW Parliament on Thursday 13 May 2021 and it became legislation (attached). As reported at a previous General Manager Briefing Session, the Bill makes important legislative changes regarding rate harmonisation for amalgamated councils. In summary, the key changes include:

- councils can harmonise to one rating structure from either 1 July 2021 or gradually over a timeframe of up to 8 years;
- councils can categorise business rates based on industrial use or non-industrial use;
- council can establish residential sub-categories based on significant differences between the areas in relation to access to or demand for, or the cost of providing, services, or infrastructure;
- Councils can levy special rates for works, services, facilities, or activities provided by the council together with one or more government entities;
- councils can establish a new rating category for environmental land; and
- all councils have discretion to make superannuation payments to councillors from 1 July 2022 by resolution.

A full copy of The Bill is attached.

### Implications

In terms of Bayside Council, this means that Council must either harmonise its rates from 1 July 2021, or adopt a gradual harmonisation process setting a harmonisation period of no more than 8 years.

Council must pass a 'harmonisation resolution' at a Council Meeting to choose between these two options and once adopted it cannot be altered.

As mentioned, Council in February 2021 resolved to make application to IPART to transition to a minimum ordinary rate from 1 July 2021 over a 4-year period for all rating categories. Later, Council in April 2021 (report attached), resolved to conduct the required community consultation process to implement a 4-year harmonisation process. Subsequently IPART approved Council's application to increase its minimum rates over a 4-year period.

This report has been framed in line with the above decisions and its rates harmonisation pathway remains permissible under the recent changes to the Local Government Act.

### Alternate Approaches

Council may consider a different rate harmonisation path as part of adopting 2021-22 Operational Plan. Should this be the case, Council would be required to:

- Adopt the 2021-22 Operational Plan (including Budget and Fees & Charges) before 30 June 2021;
- Determine a new rate harmonisation period and undertake a further 28-day consultation on draft rating structure;
- At a future Council meeting, adopt the rating structure and make the rates before 1 August 2021.

The implications of extending the harmonisation period have previously been extensively reported in terms of its impact on Council's financial position and the inequity of the rating burden. Extending the harmonisation period even further worsens the impact of not moving to harmonise the minimum rate sooner in terms of:

- Extending the loss of future growth in rates revenue;
- Shifting further the rate burden from those ratepayers on the minimum to those on the ad valorem (ie rate payers with higher land value, primarily those who live in single dwelling houses, will be paying more); and
- Extending the rates subsidy to the former Botany ratepayers to more than \$40M if harmonised over 8 years.

As presented to previous General Manager Briefing sessions, the table below shows the comparison of total Bayside rates subsidised by former Rockdale ratepayers since amalgamation and based on three harmonisation scenarios.



Table – Bayside rates subsidy comparison

Year	1 year harmonisation (from 1 July 2021)	4 year harmonisation (from 1 July 2021)	8 year harmonisation (from 1 July 2021)
2016-17	\$ 4,529,753	\$ 4,529,753	\$ 4,529,753
2017-18	\$ 4,642,997	\$ 4,642,997	\$ 4,642,997
2018-19	\$ 4,759,072	\$ 4,759,072	\$ 4,759,072
2019-20	\$ 4,878,049	\$ 4,878,049	\$ 4,878,049
2020-21	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000
2021-22	\$ -	\$ 3,750,000	\$ 4,375,000
2022-23		\$ 2,500,000	\$ 3,750,000
2023-24		\$ 1,250,000	\$ 3,125,000
2024-25		\$ -	\$ 2,500,000
2025-26		\$ -	\$ 1,875,000
2026-27		\$ -	\$ 1,250,000
2027-28		\$ -	\$ 625,000
2028-29		\$ -	\$ -
<b>Total:</b>	<b>\$ 23,809,871</b>	<b>\$ 31,309,871</b>	<b>\$ 41,309,871</b>
<b>Average total subsidy per former Rockdale ratepayer</b>	<b>\$ 509</b>	<b>\$ 669</b>	<b>\$ 883</b>

## Section 6 - Fees & Charges

Fees and charges have been reviewed to ensure that the existing fees recover all costs, including overheads. For 2021-22, where possible, fees and charges have been indexed in line with CPI (2.1%).

The table below identifies the proposed changes to the exhibited 2021-22 Fees & Charges.

Table: Proposed Changes to Exhibited Fees &amp; Charges

Item	Description of Change	Reason for Change
1 Internal Submission	Maximum rate chargeable for Boarding House Tariffs (see page 118)	Added for completeness - statutory set
2 Internal Submission	Maximum interest rate payable on overdue rates & charges (see page 82)	Added for completeness- fee set by NSW State Government
3 Internal Submission	Late fee for lifetime registration payments made more than 28 days after an animal reaches 6 months of age (see page 50)	Fee changed as part of Companion Animals Review by Office of Local Government
4 Internal Submission	Fees for Out of Hours Construction Works (see page 23)	To recover costs of providing out of hours services
5 Internal Submission	Statutory fees set by NSW State Government (see page 15)	As noted in fees & charges - changes in statutory set fees apply at the level advised by NSW State Government

The updated Fees and Charges for 2021-22 for adoption are included as an attachment to this report.

## **Section 7 - Long Term Financial Plan (LTFP)**

In the local government sector, there are several key performance indicators that highlight a council's long term financial sustainability, which focus on the operating result excluding capital revenue, infrastructure asset renewal ratio and asset maintenance ratio.

The cost of goods and services increase each year by an amount greater than our income because of several income constraints (such as rate pegging and other regulations on pricing). This creates a structural financial problem referred to as the 'Income Gap'.

Council does everything within its control to manage the Income Gap by:

- pursuing grants
- maximising discounts through government supply contracts and bulk buying
- working collaboratively with neighbouring councils
- maximising returns on investments
- striving for efficiencies and continuous improvements

As outlined in the report to the April 2021 Council meeting, the draft 2021-22 budget forecasts a surplus cash budget of \$40,913. However, it is important to note that the draft 2021-22 budgeted operating result excluding capital and reserve funding is a deficit of some \$8.08 million, after including adjustments to operating expenditure noted above.

To a large extent the forecast deficit for the operating result excluding capital and reserve funding is largely attributable to Council not being able to fully fund its depreciation expense.

Council's depreciation expense has increased over the past few years because it has delivered new, more functional, and aesthetically pleasing assets. These come about at a higher cost and associated higher maintenance and depreciation costs. Also, the depreciation expense has increased because Council has improved the accuracy and completeness of its inventory of infrastructure assets with updated condition and valuation assessments.

The importance of analysing the depreciation expense is that it identifies the value of funding shortfall for the investment Council is required to make to renew its infrastructure assets, which is some \$82 million over the LTFP period.

In addition to the asset renewal shortfall, Council faces a funding gap for the maintenance of its Infrastructure Assets from the funds available from current operating revenue sources. Over the 10 year LTFP period this is some \$40 million in the base and rates harmonisation over 8 years scenarios. In the improvement initiatives scenario the net funding gap for maintenance is some \$10 million.

In developing the Operational Plan and draft 2021-22 budget, a number of income and expenditure improvements totalling \$1.6 million have been identified and incorporated into the budget for the purposes of beginning to address the overall asset expenditure funding shortfall.

It is proposed to establish a formal financial structure to recognise the funding gap and Council's efforts in reducing that gap. As part of adopting the draft 2020-21 budget Council resolved to create a new financial reserve titled the 'Asset Expenditure Reserve' for the purpose of setting aside funds to meet the expenditure on asset maintenance and asset renewal. Transfers to this reserve will commence with the identified annual budget improvement amount of \$1.6 million, a transfer that will recur each year, and followed by other budget savings, additional revenue and the like identified to assist in meeting the asset maintenance and asset renewal expenditure shortfall.

It is important to note that the initial annual allocation of \$1.6 million to the 'Asset Expenditure Reserve' will not resolve the overall asset expenditure funding shortfall and has been consumed by maintenance on major projects coming online early in the LTFP period.

The shortfall is significant and a serious challenge for the current term of Council, and more so for future Councils, to address ongoing long term financial sustainability and at the same time continue to deliver the services required by the community (at an appropriate level); and achieve Council's asset maintenance and renewal financial requirements.

Council has reviewed its Long Term Financial Plan and has modelled three scenarios as detailed below. In all scenarios, the draft 2021-22 budget includes the changes outlined in this report.

All scenarios use the same base parameters to calculate future years, with major difference being the Improvement Program reflecting the outcome if Council were to achieve all actions identified and the adjustment to rates revenue from growth if the rates harmonisation period was over eight years.

### Base Case

The Base Case is based on the current draft 2021-22 budget and the Rates Harmonisation path over the next 4 years as per the IPART approval which is projected forward based on increases as identified in the scenario assumptions table. The Base Case only includes the current identified budget improvements of \$1.6m per year with funding applied in the next year towards maintenance expenditure.

A summary of the financial performance under the Base Case scenario is that Council will see operating deficits before capital revenue averaging \$8.15 million per year and at the end of year 10 it is projected to have an overall funding deficit for infrastructure asset maintenance and renewal of \$122 million.

### Improvement Program

The improvement program scenario models the financial impact of council achieving the improvement program over 3 years which factors in both increases to revenue and net adjustments to expenditure of some \$5.1m per year from year 3. These improvements, which may impact service delivery, are then allocated to the infrastructure asset maintenance which result in significant improvements to the asset maintenance ratio.

A summary of the financial performance under the Improvement Program scenario is that Council will see operating deficits before capital revenue averaging \$8.15 million per year and at the end of year 10 it is projected to have an overall funding deficit for infrastructure asset maintenance and renewal of \$92 million.

### Alternate Rates Harmonisation

The alternate Rates Harmonisation scenario models the rates harmonisation over the maximum period of 8 years allowed by the recent legislative change and this scenario only includes the current identified budget improvements of \$1.6m for each year.

A summary of the financial performance under the Alternate Rates Harmonisation scenario is that Council will see operating deficits averaging \$8.31 million per year and also results in deficit cash budget results. At the end of year 10 it is projected to have an overall funding deficit for infrastructure asset maintenance and renewal of \$122 million.

All three scenarios commence with a base budget 2021/22 that has a forecast operating deficit before capital revenue and assumes no decision on funding options for the infrastructure renewal gap over the LTFP 10-year period. The operating result before capital revenue is a key long term financial sustainability indicator in the Local Government Sector.

Therefore, the continuation of these results over the long term is not financially sustainable and contrary to Council's responsibilities to maintain sound financial management of its affairs.

It is recognised that the new Council will need to focus on funding options early in its term following the local government election in September 2021 and make decisions on future funding options and model these options in the Long Term Financial Plan.

It is also recognised that the current Council has serious obligations, now that it is aware of the significant issue facing Council, to ensure it does not exacerbate the problem by its decisions on the Delivery Program and Operational Plan including Revenue Policy. This report has been framed with this in mind.

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### Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	This sets the budget for 2021-22

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### Community Engagement

A community engagement process was undertaken on the Draft Delivery Program and Operational Plan.

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### Attachments

- 1 Attachment - Master Post Exhibition DPOP 2021-22 Actions, Budget & Revenue Policy (Under separate cover Attachments Part One) [⇒](#)
- 2 Attachment - Final Fees Charges 2021-22 Post Exhibition (For adoption) (Under separate cover Attachments Part One) [⇒](#)
- 3 Attachment - IPART - Instrument - Bayside Council Minimum Rate 2021 [↓](#)

- 4 Attachment - IPART - Determination-Bayside-Councils-minimum-rate-application-for-2021-22 [↓](#)
- 5 Attachment - Council Meeting 14 04 2021 - Item 8.12 - Draft 2018-2022 Delivery ~ 2022 Fees & Charges + City Projects Program for Public Exhibition [↓](#)
- 6 Attachment - Council Meeting 10 02 2021 - Item 8-1 Rates Harmonisation [↓](#)
- 7 Local Government Amendment Bill 2021 - Schedule 1 Amendment of Local Government Act 1993 No 30 [↓](#)
- 8 Attachment - City Projects Program Adjustments - 9 June 2021 Council Meeting v1 [↓](#)



# LOCAL GOVERNMENT ACT 1993

## INSTRUMENT UNDER SECTION 548(3)(a)

### BAYSIDE COUNCIL 2021-22

This instrument is made by the Independent Pricing and Regulatory Tribunal (IPART) as delegate for the Minister administering the *Local Government Act 1993* (the **Act**) (Delegation of 6 September 2010).

IPART determines under section 548(3)(a) of the Act that Bayside Council may make and levy the following minimum ordinary rates for Year 2021-22 to Year 2024-25 (inclusive):

Year	Minimum ordinary rate – parcels of land within the Former Botany Bay Area	Minimum ordinary rate – parcels of land within the Former Rockdale Area
2021-22	\$626.26	\$783.89
2022-23	\$689.89	\$803.49
2023-24	\$771.53	\$823.57
2024-25	\$844.16	\$844.16

“**Year**” means the period from 1 July to the following 30 June.

“**Former Botany Bay Area**” means the area of the City of Botany Bay immediately before it was dissolved under the *Local Government (Bayside) Proclamation 2016*.

“**Former Rockdale Area**” means the area of the City of Rockdale immediately before it was dissolved under the *Local Government (Bayside) Proclamation 2016*.

In the event that the minimum ordinary rates set out in this instrument for Year 2021-22 to Year 2024-25 are less than the minimum ordinary rates that could otherwise be determined under section 548(4) and (5) of the Act, the minimum ordinary rates may be determined under section 548(4) and (5) of the Act and those rates prevail over those set out in this instrument.

Dated 14 May 2021

**Ms Deborah Cope, Acting Chair**  
**On behalf of the Independent Pricing and Regulatory Tribunal**  
*As delegate for the Minister Administering the Local Government Act 1993*



# MINIMUM RATE APPLICATION **BAYSIDE COUNCIL** FROM 2021-22

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Final Report

May 2021



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## Tribunal Members

The Tribunal members for this review are:

Ms Deborah Cope, Acting Chair

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Mr Mike Smart, Acting Tribunal member

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## Contents

<b>Tribunal Members</b>	<b>ii</b>
<b>1 Executive Summary</b>	<b>1</b>
<b>2 IPART'S minimum rate assessment</b>	<b>3</b>
2.1 Our minimum rate assessment	4
2.2 Rationale for harmonising minimum rates	4
2.3 Impact on ratepayers	8
2.4 Consultation to obtain community views	11
2.5 Ratepayer submissions to IPART	12
<b>A Minimum rate criteria</b>	<b>14</b>

## 1 Executive Summary

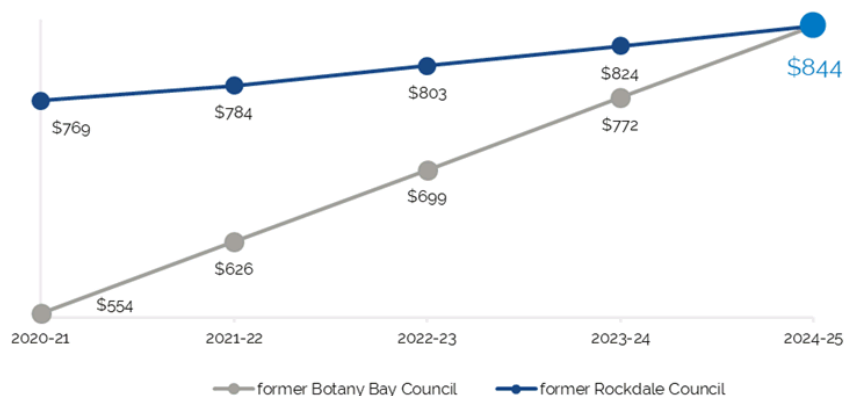
Bayside Council (the council) has proposed a 4-year transition path to harmonise the minimum amount of its ordinary rates (MR), so that by 2024-25, the MR for all rating categories will be \$844.16.

It has proposed its MR harmonisation path in response to:

- ▼ the current legislation requiring councils amalgamated in 2016 to harmonise rating structures of the former council areas, i.e. City of Botany Bay Council (Botany Bay) and Rockdale Council (Rockdale) to one rating structure across the new Bayside Council.<sup>i</sup>
- ▼ the Bill passed by Parliament to allow the harmonisation process to take place over 8 years.<sup>ii</sup>

IPART has approved the MR application in full.

**Figure 1.1 Bayside Council harmonisation path for minimum rates**



No additional revenue from minimum rate harmonisation

### Harmonisation will not result in additional revenue for the council

The council's proposed harmonisation path is shown in Figure 1.1. Harmonising its MR will not increase the council's overall general income above the rate peg increase of 2% in 2020-21 and the assumed rate peg of 2.5% in subsequent years. This is because the council proposes to also harmonise its ordinary ad valorem rates concurrently, resulting in a revenue-neutral position for the council overall. However, due to the variances in existing MR and ordinary rates in former council areas, the impact on ratepayers in the former Botany Bay and Rockdale councils will be different.

IPART has assessed the council's proposed MR structure against the criteria set by the Office of Local Government (OLG) in the *Guidelines for the preparation of an application to increase minimum rates above the statutory limit* (OLG Minimum Rate Guidelines).<sup>iii</sup>

#### Rationale for increasing minimum rates

The council's proposal will share the rates burden more evenly between ratepayers on minimum rates and ratepayers on ad valorem rates, and between ratepayers in the former Botany Bay and Rockdale council areas.

#### Impact on ratepayers

The council considered the impact on ratepayers, in particular its former Botany Bay minimum rate payers and balanced this against the need to distribute the rate burden more equitably across its local government area (LGA). Its proposed 4-year transition will also reduce the bill shock on its former Botany Bay minimum rate payers.

#### Consultation to obtain community views

The council has clearly made the community aware of its proposed harmonisation path, including the reasons for it and the expected outcome for ratepayers. It has adequately sought and responded to community feedback.

This report sets out our decision on Bayside Council's proposed MR structure and explains how and why we reached this decision.

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## 2 IPART'S minimum rate assessment

NSW councils that were amalgamated in 2016 are required to harmonise rates, i.e. both MR and ad valorem rates from 1 July 2021.<sup>iv</sup> This follows a 4-year 'rate freeze' period (subsequently extended for another year), during which time councils had to maintain the rating structures that applied to the former councils.

The legislation currently in force does not allow amalgamated councils to progressively harmonise rates over multiple years, but requires councils to undertake full transition to a new harmonised rating structure by 1 July 2021. A Bill has been passed in Parliament to allow for gradual harmonisation of rates over 8 years.<sup>v</sup> Bayside Council has opted to apply to IPART for a rate harmonisation path that transitions changes to the MR over 4 years, as permitted under the Bill.<sup>vi</sup>

Its MR harmonisation over 4 years (undertaken concurrently with harmonisation of its ordinary ad valorem rates based on the current Bill) will result in all rates being calculated on the same basis for its former Botany Bay and Rockdale council areas by 2024-25.

While assessment of the council's proposed changes to its ad valorem rates<sup>1</sup> is outside the scope of this report, we note that the council intends that the process will not result in additional revenue for the council overall, as any proposed increases in a given pre-merger council area will be offset by decreases in another pre-merger council area. This means that the impacts on each pre-merger council area will vary both for minimum and ad valorem rates.

IPART has assessed the council's application against the 3 criteria for minimum rates as set out in the OLG Minimum Rate Guidelines<sup>vii</sup> and Appendix A.

The council resolved to apply for the proposed MR changes on 10 February 2021.<sup>viii</sup>

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<sup>1</sup> Ad valorem rates are rates based on the value of the land as determined by the NSW Valuer General.

## 2.1 Our minimum rate assessment

We have decided to approve the council's proposed minimum rate amounts from 2021-22 to 2024-25 as outlined in Box 2.1.

We found that the council's application meets the requirements of the criteria in the OLG Minimum Rate Guidelines. Our assessment of the application and reasons for our decision are set out below.

### Box 2.1 IPART Decision – Bayside Council

#### Approved Minimum Rate (\$)

Council	2021-22	2022-23	2023-24	2024-25
<b>Pre-merger</b>				
Botany Bay	626.26	689.89	771.53	844.16
Rockdale	783.89	803.49	823.57	844.16
<b>Post-merger</b>				
Bayside	n/a	n/a	n/a	844.16

**Note:** Both the former Botany Bay and Rockdale councils applied the same minimum amount for each rating category, i.e. residential, business and farmland categories. The council has decided to maintain this structure for its proposed minimum amounts going forward.

## 2.2 Rationale for harmonising minimum rates

Bayside Council noted that its application is necessary to comply with the legislative requirement for it to harmonise its rating structure.<sup>13</sup> Additionally, the council explained its purpose and approach amongst other things is to:<sup>14</sup>

- ▼ maintain the single MR structure that previously applied to the former council areas, to also now apply to Bayside Council
- ▼ establish a rating structure where the distribution of the rates burden is fair and equitable across the whole local LGA
- ▼ minimise the number of years over which certain ratepayers subsidise others due to the inconsistent rating structures of its former councils
- ▼ maintain the same level of rates revenue, while balancing the impact for the majority of ratepayers
- ▼ ensure Bayside Council's ongoing long-term financial sustainability.<sup>14</sup>

### 2.2.1 The council has a large proportion of ratepayers on minimum rates

As a Sydney metropolitan council, Bayside Council has large pockets of high density areas, with a high proportion of ratepayers on minimum rates compared to ratepayers on ad valorem rates (i.e. rates based on value of the land). Typically, minimum rates can be significantly lower than ad valorem rates, however, councils have generally argued that the demand on its services does not vary much between minimum rate payers and ratepayers not paying a minimum rate.

The council's application indicated there are currently around 40,684 ratepayers paying minimum rates from its combined residential and business categories.<sup>2</sup> As seen in Table 2.1 this represents around 58.2% of residential, and 38.6% of business ratepayers. In total around 57.0% of the council's ratepayer base currently pays the MR. In contrast the proportion of income collected from all minimum rate payers in 2020-21 was 34%.<sup>xii</sup>

**Table 2.1 Proportion of ratepayers on the minimum rate (2020-21)**

Ratepayer category	Assessments on the minimum rate	Total number of assessments	Proportion on the minimum rate
<b>Botany Bay</b>			
Residential	14,731	21,893	67.3%
Business	1,104	2,687	41.1%
<b>Rockdale</b>			
Residential	24,177	44,901	53.8%
Business	673	1,911	35.2%
<b>Total Residential</b>	<b>38,907</b>	<b>66,794</b>	<b>58.2%</b>
<b>Total Business</b>	<b>1,777</b>	<b>4,598</b>	<b>38.6%</b>
<b>Total Assessments:</b>	<b>40,684</b>	<b>71,392</b>	<b>57.0%</b>

**Source:** Bayside Council, IPART calculation based on *Minimum Rate Application Part A, Worksheet 2*.

### 2.2.2 Rationale for increasing Botany Bay minimum rates to Rockdale levels

The council is seeking to gradually increase over 4 years, its former Botany Bay MR to equal its former Rockdale MR. In 2020-21 the difference in MR is about \$215 or 39% (based on the current MRs of \$553.62 for Botany and \$768.52 for Rockdale).<sup>xiii</sup>

The council stated that its rationale for increasing Botany Bay MRs to Rockdale levels is to:

- ▼ ensure fairness and equity in levying and collecting minimum rates across the LGA
- ▼ improve the relativity of the level of minimum rates to comparable neighbouring councils (see Table 2.6 in the next section)
- ▼ ensure the council is well placed to meet its long-term objectives to deliver high quality services to its growing population, in light of the rating principles of intergenerational equity (see discussion below on impact of population growth).<sup>xiv</sup>

<sup>2</sup> There are 5 farmland assessments in the former Rockdale LGA. However, none of these ratepayers currently pay the MR as their land values are above the threshold at which MRs apply.

As seen in Table 2.2, in 2020-21, 64% of ratepayers in the former Botany Bay pay the MR. These rates contribute only 28% of the council's total ordinary rates revenue. This means that the remaining 36% of ratepayers on ad valorem rates contribute 72% of ordinary rates revenue.

In the former Rockdale LGA, 53% of ratepayers pay the MR and contribute 38% towards ordinary rates revenue. This means the remaining 47% of ratepayers on ad valorem rates contribute 62% towards ordinary rates revenue.

**Table 2.2 Contribution to rates revenue vs number of assessments (2020-21)**

LGA	Total assessments in LGA	Total ordinary rates revenue (\$ million)	Number assessments on minimum	Assessments on minimum rates	Current minimum rates (\$)	Ord rates collected from minimum (\$ million)	Contribution to ordinary rates from minimum
Former Botany	24,580	31.9	15,835	64%	554	8.8	28%
Former Rockdale	46,817	49.7	24,849	53%	769	19.1	38%
Total Bayside	71,397	81.5	40,684	57%		27.9	34%

**Note:** Numbers may not add due to rounding.

**Source:** Bayside Council, *Application Part B*, p 13.

By 2024-25, the council forecasts 61% of its ratepayer base will pay the MR, while accessing the same level of services as other ratepayers on ad valorem rates see Table 2.4. Without an adjustment in minimum amounts, the gap in contributions to total revenue between MR payers and ad valorem ratepayers would continue to be disproportionate and widen.

As seen in Table 2.3, the council's proposed harmonisation of ordinary and minimum rates, will potentially narrow the contribution gap between minimum and ad valorem rates, with minimum rates contributing 41% to total ordinary rates revenue by 2024-25.<sup>3</sup> The council calculated this will also partly address the disproportionate contributions between Botany Bay and Rockdale minimum rates. By 2024-25 minimum rate contributions to ordinary rates revenue will increase to 33% and 48% for Botany Bay and Rockdale respectively.

<sup>3</sup> At the same time as harmonising the MR, the council proposes to also harmonise its ordinary rates over 4 years. This will mean adjusting ad valorem rates across rating categories so that the same rating structure will apply across rating categories in the LGA.



**Table 2.3 Contribution to rates revenue vs number of assessments (2024-25)**

LGA	Total assessments in LGA	Total ord rates revenue (\$ million)	Number assessments on minimum	Assessments on minimum rates (%)	Minimum rates (\$)	Ord rates collected from minimum (\$ million)	Contribution to ord rates from minimum (%)
Former Botany	24,580	40.7	16,111	66%	844	13.6	33%
Former Rockdale	46,817	48.8	27,736	59%	844	23.4	48%
Total Bayside	71,397	89.6	43,847	61%	n/a	37.0	41%

**Note:** Numbers may not add due to rounding.

**Source:** Bayside Council, *Application Part B*, p 13.

### Impact of population growth

The council also noted that the current NSW rating system does not allow for increased rate revenue in line with population growth.<sup>xv</sup> Typically, to cover the cost of providing services to growing populations, councils in NSW need to make a special variation application to IPART. It noted the recent NSW Productivity Commission recommendation to shift rate revenue growth in line with population growth. It quoted the NSW Productivity Commission finding that the average rates per capita in NSW (\$591 in 2019) is significantly lower than the average for all other states (\$835 per capita).<sup>xvi</sup>

The council considered setting a lower minimum rate but stated this would result in a:<sup>xvii</sup>

- ▼ loss of rates revenue from future growth which it stated would be detrimental to its ability to deliver quality services to a growing population in future years
- ▼ further shift of the rate burden from ratepayers on the minimum to ratepayers on ad valorem rates.

### 2.2.3 Overall assessment of the council's rationale for increasing minimum rates

We found that the council demonstrated it met this criterion.

We consider that the council's rationale for its proposed minimum rate structure is reasonable as it will gradually arrest the existing shift of the rate burden from ratepayers on minimum rates to ratepayers on ad valorem rates.

We compared the council's minimum rates with neighbouring councils and relativities between the council's minimum and ad valorem rate levels. We consider raising the former Botany Bay minimum amounts to the former Rockdale amounts is reasonable, given that the council provides the same services to all ratepayers across its LGA.

We note that the council proposes to transition the minimum rate increases over 4 years to reduce the bill shock on minimum rate payers, particularly in the former Botany Bay LGA. We consider it has proposed a reasonable time period to transition all ratepayers to one MR structure across the LGA

### 2.3 Impact on ratepayers

In this section we look at the comparative impact on minimum rate payers in the former council LGAs, (Botany Bay and Rockdale), the relativities between the council's proposed minimum and ad valorem rates and how its minimum rates compare to neighbouring councils.

Table 2.4 shows Bayside Council's proposed harmonisation path over 4 years. It proposes to:

- ▼ maintain the former Rockdale minimum amounts at current levels indexed by the rate peg for each year
- ▼ increase the former Botany Bay minimum amounts by \$72.64 each year (representing increases of 13.1%, 11.6%, 10.4% and 9.4% respectively between 2021-22 and 2024-25) to equal Rockdale levels by 2024-25.

The impact on minimum rate payers in the former Botany Bay LGA will therefore be greater than the former Rockdale LGA, noting that the impact on the former Rockdale minimum rate payers will be the rate peg only.

**Table 2.4 Bayside Council – 4-year harmonisation path for minimum ordinary rates**

Rating year (1 July)	Annual rate peg <sup>a</sup>	former Botany Bay			former Rockdale		
		Min Rate (\$)	Increase to Min Rate (\$)	Increase to Min Rate (%)	Min Rate (\$)	Increase to Min Rate (\$)	Increase to Min Rate (%)
2020-21	2.0%	553.62	n/a	n/a	768.52	n/a	n/a
2021-22	2.0%	626.26	72.64	13.1%	783.89	15.37	2.0%
2022-23	2.5%	698.89	72.64	11.6%	803.49	19.60	2.5%
2023-24	2.5%	771.53	72.64	10.4%	823.57	20.09	2.5%
2024-25	2.5%	844.16	72.64	9.4%	844.16	20.59	2.5%

<sup>a</sup> We have assumed a rate peg of 2.5% in 2022-23 and subsequent years, as these have not yet been set.

Source: Bayside Council, *Application Part B*, p 4.

In considering its options for rate harmonisation (for both minimum and ordinary rates), the council engaged Morrison Low to identify issues it needed to consider in developing its new rates and revenue policy.<sup>xviii</sup>

Amongst other things, Morrison Low found that:

- ▼ The existing rating structure for the former Rockdale area is somewhat aligned between land values and rates for both the residential and business categories, with residential rates contributing the majority of the council's ordinary rates income.
- ▼ The existing rating structure for the former Botany Bay area is less well aligned, with the business category making a disproportionately higher contribution to total ordinary rates income compared to its relative land value and compared to the residential category which holds the majority of the land value.<sup>xix</sup>

Based on its analysis of the rating structures of its former LGAs, the council will re-distribute ad valorem rates over the 2 former council areas, but transition these changes over 4 years to maintain a revenue neutral position over the harmonisation period.

Table 2.5 shows the council's estimates of its average rates from 2020-21 to 2024-25. We compared the council's current and proposed minimum rates with its proposed average residential and business rates for the former LGAs and calculated that:

- ▼ In the former Botany Bay area, the current minimum rate of \$553.26 (in 2020-21) is around 21% lower than the average residential rate (\$705.10) of ratepayers paying above the minimum rate and around 91% lower than the average business rate (\$6,191.74) of ratepayers paying above the minimum. By 2024-25 these relativities will be maintained at similar levels, i.e. around 19% lower and 87% lower for residential and business ratepayers respectively.
- ▼ In the former Rockdale area, the current MR of \$768.52 (in 2020-21) is around 38% lower than the average residential rate (\$1,238.95) of ratepayers paying above the MR and around 79% lower than the average business rate (\$3,666) of ratepayers paying above the minimum. By 2024-25 these relativities will be maintained at similar levels, i.e. around 32% lower and 78% lower for residential and business ratepayers respectively.

**Table 2.5 Comparison of minimum, residential and business rates (2020-21 to 2024-25)**

Rating category	2020-21	2021-22	2022-23	2023-24	2024-25
<b>Minimum rate former Botany Bay (\$)</b>	<b>553</b>	<b>626</b>	<b>699</b>	<b>772</b>	<b>844</b>
Average residential rate former Botany Bay (\$)	705	781	864	951	1,042
Average business rate former Botany Bay (\$)	6,192	6,303	6,449	6,597	6,749
<b>Minimum rate former Rockdale (\$)</b>	<b>769</b>	<b>784</b>	<b>803</b>	<b>824</b>	<b>844</b>
Average residential rate former Rockdale (\$)	1,239	1,241	1,241	1,241	1,240
Average business rate former Botany Bay (\$)	3,666	3,593	3,684	3,776	3,871
<b>Minimum rate Bayside (\$)</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>		<b>844</b>

**Note:** 2020-21 is included for comparison.

**Source:** Bayside Council, *Application Part A*, Various worksheets.

We also compared the council's proposed minimum rate in 2024-25 to 4 other councils in the Sydney metropolitan area as shown in Table 2.6. Of these, 3 are amalgamated councils from OLG Group 3 that have applied for minimum rate increases in 2021-22. Sutherland Shire is included as it is another OLG Group 3 council although it is not an amalgamated council. It was approved a minimum rate increase in 2019-20.

We found that Bayside Council's proposed minimum rate is the lowest among this group of councils. Its proposed minimum rate will be 12.2% lower than the average residential minimum rate and 11.3% lower than the average business minimum rate for these OLG Group 3 councils in 2024-25.

**Table 2.6 Councils in the Sydney metropolitan area - proposed minimum rates**

Council	Residential (\$) 2024-25	Business (\$) 2024-25
<b>Bayside</b>	<b>844</b>	<b>844</b>
Georges River	1,040	1,400
Canterbury-Bankstown	1,015	1,015
Inner West	915	883
Sutherland Shire	1,014	1,014
<b>Average</b>	<b>947</b>	<b>939</b>
<b>Proposed minimum rate variance from average</b>	<b>-12.2%</b>	<b>-11.3%</b>

**Note:** For councils proposing minimum rate harmonisation over 2021-22 (e.g. Georges River and Inner West), we have assumed rate peg increase of 2.5% per annum after the rates harmonisation to reach the levels shown for 2024-25.

**Source:** IPART calculations based on *Application Part A, Worksheet 2* for Bayside, Georges River, Canterbury-Bankstown, and Inner West. We calculated the Sutherland Shire minimum rate by escalating its existing minimum rate of \$923.40 by the assumed rate pegs from 2021-22 to 2024-25.

The council indicated it also has a Hardship Policy which allows it to provide rates relief to residents encountering difficulty or hardship due to an event or change in circumstances.<sup>xx</sup> In particular it includes:

- ▼ deferment of payment and relief from interest charges for pensioners, where they maintain instalments according to their agreed payment plan
- ▼ a COVID-19 policy that allows residents impacted by the pandemic to enter into flexible formal arrangements that support their current situation without incurring interest charges.

### 2.3.1 Overall assessment of the impact on ratepayers

We found that the council demonstrated it met this criterion.

We note that the former Botany Bay minimum rate payers will be most impacted by the council's proposed rate harmonisation path. However, the council has considered the impact on its ratepayers and balanced this against the need to distribute the rate burden more equitably across its LGA. Additionally, to offset rate shocks, it proposes to transition the rate increases over 4 years.

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A comparison with other OLG Group 3 councils shows that despite the proposed increases, the council's minimum rate will be the lowest in 2024-25 among its OLG group peers and other newly amalgamated councils that are also harmonising minimum rates. The council also has a Hardship Policy to help pensioners and those affected by the COVID-19 pandemic to manage their bills.

## 2.4 Consultation to obtain community views

The council's community consultation was extensive; conducted from 15 October 2020 to 31 December 2020.<sup>xvii</sup> Its coverage of its proposed rate harmonisation path was thorough, widespread and adequately explained the reasons for its proposed rates re-distribution.

It used a variety of engagement methods to promote awareness of and obtain community views on its rate harmonisation path. This included:<sup>xviii</sup>

- ▼ stand-alone Rates Harmonisation webpage including FAQs and rates calculator for ratepayers to input their property details and view the impact of the proposed minimum rate change
- ▼ Rates Harmonisation Customer Service desk
- ▼ Have your Say Form/community survey
- ▼ mail-out of 68,000 letters to residential and business ratepayers, which included individualised rating information for their property
- ▼ local MP briefings and local TV, print and social media coverage
- ▼ council meetings on 9 September 2020 and 14 October 2020 and distribution of associated documents.

### Outcomes from the council's consultation

The council reported it received a high rate of response to its engagement activities. It noted that the response from residential ratepayers was greater than the response from business ratepayers.

Some examples of the volume of response it received include:

- ▼ 4,047 unique visitors to the Rates Harmonisation webpage (averaging 52 people per day)
- ▼ 2,546 unique visitors to its rates calculator (in total the calculator was used 5,253 times)
- ▼ 1,673 unique visitors to the Have your Say Survey, with 2,121 views and 1,086 responses – 72% of responses were in favour of a staged (multi-year rate implementation)
- ▼ 5 Facebook posts that reached 49,801 people
- ▼ 56 phone calls and 145 written submissions (83 from owners of parking spaces at the 'Park n Fly' car park).<sup>xix</sup>

The council reported that it responded to all incoming correspondence and provided further feedback if requested. For example, it continuously updated its Rates Harmonisation webpage and FAQs on its website in response to community queries and to provide further clarification on its proposal.<sup>xxiv</sup>

The council notes it made representation to the Minister for Local Government to advocate on behalf of its residents to provide relief from the single year harmonisation (initially proposed by the OLG). This resulted in a Bill (as discussed above) that would allow (once it commences) for a multi-year gradual harmonisation of ordinary rates.

#### **2.4.2 Overall assessment of the council's consultation**

We found that the council demonstrated it met this criterion.

We consider the council has clearly made the community aware of its proposed harmonisation path, including the reasons for it and the expected outcome for ratepayers. The council also adequately sought and responded to community feedback.

### **2.5 Ratepayer submissions to IPART**

IPART received 114 submissions during the consultation period from 1 December 2020 to 21 March 2021 from Bayside Council ratepayers and interested stakeholders.

The vast majority of submissions were from ratepayers in the former Botany Bay area. These submissions overwhelmingly opposed the proposed MR increase. The key issues raised in the submissions were:

- ▼ the minimum rate increases are unfair, discriminatory and will only help Rockdale residents
- ▼ historically, the former Botany Bay had some of the lowest rates with efficient services – services have declined since amalgamation, most notably parks, pathways, gardening and street cleaning
- ▼ the timing for a rate rise is bad due to economic conditions and COVID, with family, individual and pensioner job losses, council should be looking to save money and reduce rates
- ▼ the reason for rate increases cited by Bayside Council is rate harmonisation, but residents did not ask to be amalgamated, Rockdale and Mascot have no connection
- ▼ the former Botany Bay was the first to be out of debt and is now part of a council reportedly in debt
- ▼ the council has continued to overpopulate the area, there is an oversupply of units, the large building spree in Mascot has increased the population and increased the council's income
- ▼ Rockdale ratepayers have been paying more rates than Botany and are currently disadvantaged – the council should adopt Botany's MR levels rather than the other way around.



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We have assessed the council's application against OLG's MR criteria as required, which are outlined in Appendix A.

We found that the council demonstrated that it has met the criteria for its proposed MR harmonisation path, including because:

- ▼ In response to the Government requirement to harmonise rates, it has carefully considered how best to ensure fairness and equity in levying and collecting minimum rates across the LGA. For example, its proposal will address the disproportionate rate burden between ratepayers paying minimum rates and ad valorem rates as well as residential and business minimum rate payers.
- ▼ Its MR levels will be the lowest among OLG Group 3 councils, particularly in comparison to other amalgamated councils that are also harmonising their rates.
- ▼ It has proposed a 4-year transition path to reduce the rate impact particularly on former Botany Bay minimum rate payers.
- ▼ Its proposal is not intended to increase revenue overall, but will result in a revenue neutral position for the council. This therefore has no impact on reported debt levels of the existing council.
- ▼ Its proposal also seeks to address its growing population, many of whom will also be subject to the minimum rate, given the demographics of the area. Many ratepayers that made submissions acknowledged the population growth in the area, but mistakenly assumed that this would automatically generate additional rates revenue to match the growth in population. However, currently councils can only increase revenue to the maximum set by the rate peg regardless of the increase in population.

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## A Minimum rate criteria

### A.1 Assessment criteria for minimum rate applications

IPART will assess applications for minimum rates above the statutory limit against the following set of criteria (in addition to any other matters which IPART considers relevant):

1. **the rationale** for increasing minimum rates above the statutory amount,
2. **the impact on ratepayers**, including the level of the proposed minimum rates and the number and proportion of ratepayers that will be on the minimum rates, by rating category or sub-category, and
3. **the consultation** the council has undertaken to obtain the community's views on the proposal.

It is the council's responsibility to provide sufficient evidence in its application to justify the minimum rates increase. Where applicable, councils should make reference to the relevant parts of their Integrated Planning and Reporting (IP&R) documentation to demonstrate how the criteria have been met.

**Source:** OLG, [Guidelines for the preparation of an application to increase minimum rates above the statutory limit](#)



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- i Ministerial Directions issued under section 2188C of the Local Government Act 1993 made on 18 May 2017 (as varied by the Determinations made on 17 October 2019, 7 February 2019 and 7 February 2020); Local Government Act 1993 s494(2); Local Government (Council Amalgamations) Proclamation 2016
  - ii [Local Government Amendment Bill 2021](#)
  - iii Office of Local Government (OLG), [Guidelines for the preparation of an application to increase minimum rates above the statutory limit](#).
  - iv Ministerial Directions issued under section 2188C of the Local Government Act 1993 made on 18 May 2017 (as varied by the Determinations made on 17 October 2019, 7 February 2019 and 7 February 2020); Local Government Act 1993 s494(2); [Local Government \(Council Amalgamations\) Proclamation 2016](#)
  - v [Local Government Amendment Bill 2021](#)
  - vi Bayside Council, *Application Part B*, p 6.
  - vii Office of Local Government (OLG), [Guidelines for the preparation of an application to increase minimum rates above the statutory limit](#).
  - viii Bayside Council, Minutes of Council Meeting, 10 February 2021.
  - ix Bayside Council, *Application Part B*, p 5.
  - x Bayside Council, *Application Part B*, p 6
  - xi Bayside Council, *Application Part B*, pp 5-6.
  - xii Bayside Council, *Application Part B*, p 13.
  - xiii Bayside Council, *Application Part B*, p 12.
  - xiv Bayside Council, *Application Part B*, p 12.
  - xv Bayside Council, *Application Part B*, p 14.
  - xvi NSW Productivity Commission, *Review of Infrastructure Contributions in New South Wales, Final Report*, November 2020, p 6.
  - xvii Bayside Council, *Application Part B*, p 14.
  - xviii Bayside Council, *Application Part B*, p 21.
  - xix Morrison Low, *Bayside Council, Rates and Revenue Harmonisation Policy, Briefing Paper*, July 2020, p 13.
  - xx Bayside Council, *Application Part B*, p 22.
  - xxi Bayside Council, *Application Part B*, p 22.
  - xxii Bayside Council, *Application Part B*, pp 24-25.
  - xxiii Bayside Council, *Application Part B*, p 29.
  - xxiv Bayside Council, *Application Part B*, p 28.

**Council Meeting****14/04/2021**

Item No	8.12
Subject	<b>Draft 2018-2022 Delivery Program, 2021-2022 Operational Plan, 2021-2022 Budget, 2021-2022 Fees &amp; Charges + City Projects Program for Public Exhibition</b>
Report by	Paul Reid, Corporate Planner
File	SF21/645

**Summary**

The Local Government Act 1993 regulates an Integrated Planning and Reporting (IPR) framework for all NSW Councils. Accordingly, every year Bayside Council is required to create an Operational Plan for the next financial year and review the existing Delivery Program (DP). These documents are intended to respond to the vision and aspirations set out by the community in the Community Strategic Plan (CSP). This is the last year of the current CSP and DP. New documents will be developed in 2021-22 for the ensuing years.

The draft Operational Plan projects a budget cash surplus of approximately \$40,913 for 2021-22 with existing service levels maintained or enhanced. A capital works program is provided of approximately \$49.9 million.

The projected rates revenue has only been increased by the IPART approved rate peg limit of 2%. However, Council is approaching the end of the 'rate freeze' period for amalgamated councils and therefore it is required (under current legislation) to undertake a review of its rating structure with the objective of establishing one rating structure to be implemented across the whole Bayside Local Government Area (LGA) by 1 July 2021.

The NSW Government has proposed new legislation covering the rates harmonisation process, but at this stage it has not been approved. Therefore, considering the current legislative uncertainty, Council has developed three scenarios for its revenue policy based on the possible outcomes with regard to the proposed legislation and Council's minimum rate applications which have been submitted to IPART and the Office of Local Government (OLG).

This report outlines some of the Long-Term Financial Sustainability challenges facing Council, specifically addressing future deficit operating results excluding capital and reserve movements, as well as a forecasted asset expenditure funding shortfall of around \$124 million over the next 10 years.

The report identifies a number of options available for Council to consider for inclusion as part of the next update to the Long-Term Financial Plan. While a number of actions will be able to be implemented, it is unlikely the overall long term funding shortfall will be addressed in its entirety without Council contemplating some form of Special Rate Variation in the future to achieve ongoing long term financial sustainability without significantly decreasing services.

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**Officer Recommendation**

- 1 That Council receives and notes the report.
  - 2 That Council approves the draft 2018-22 Delivery Program and draft 2021-22 Operational Plan and Budget as well as the 2021-22 Fees & Charges, as attached to this report, to be placed on public exhibition for 28 days for comment by the community.
  - 3 That Council note:
    - 3.1 The Long-Term Financial Sustainability section in this report and the requirement for this Council and future Councils to begin implementing corrective sustainable actions as part of the update to the Long-Term Financial Plan and adoption of future budgets.
    - 3.2 That while there are a number of options for Council to consider in addressing the overall long term funding shortfall, it is unlikely it will be able to be addressed in its entirety without contemplating some form of a Special Rate Variation in the future to achieve ongoing long term financial sustainability without significantly decreasing services.
- 

**Background**

The Local Government Act 1993 regulates an integrated planning and reporting (IP&R) framework for all NSW councils. Accordingly, every year Bayside Council creates an Operational Plan for the next financial year and review the existing Delivery Program. These documents are intended to respond to the vision and aspirations set out by the community in the Community Strategic Plan.

This Delivery Program shows Council's 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.

The Operational Plan for 2021-22 sits within the Delivery Program (see Attachment 1). It sets out the actions and projects that will be undertaken by Council in 2021-22 to achieve the commitments made in the Delivery Program.

**2021-22 Operational Plan Highlights**

A sample of highlights from the 2021-22 Operational Plan include:

Theme One - In 2030 Bayside Will Be a Vibrant Place

- Conduct litter collection along 8km of beachfront mechanically
- Enforce NSW Road Rules School Parking Patrol Program
- Undertake 50 asset condition audits for Council owned buildings

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Council Meeting

14/04/2021

- Finalise feasibility study into Bayside East Flood mitigation options
- Deliver Sculptures @ Bayside & photography competition.

Theme Two - In 2030 Our People Will Be Connected in a Smart City

- Review 10-year Community Strategic Plan and develop a new 4-year Delivery Program & 1-year Operational Plan
- Undertake Play Space Renewal & Shade Improvement Program
- Implement new online services and smart forms for the community
- Conduct minimum of 4 Food handling Workshops with food shops across our Local Government Area
- Develop and maintain the 'Talking Bayside' Community Panel.

Theme Three - In 2030 Bayside Will Be Green, Leafy and Sustainable

- Undertake 22 annual recycling drop events per year
- Carry out turf maintenance of approximately 400 parks and reserves and approximately 150 lineal kilometres of grass verges
- Implement Botany Bay Foreshore Beach Flood Plain Risk Management Study and Plan
- Undertake the management of essential waste and recycling services to over 62,000 households
- Finalise Bayside West Floodplain risk management study.

Theme Four - In 2030 We Will Be a Prosperous Community

- Review and address Long-Term Financial Sustainability challenges
- Implement the Bayside Employment and Economic Development Strategy to identify opportunities for activation of local areas
- Deliver Councillor Induction Program
- Support the Local Government Election process
- Develop & Implement a Customer Experience Strategy
- Deliver effective and competitive Complying Development (CDC) and Construction Certificate (CC) Services.

**2021-22 Financial Overview**

The Financial Plan has been developed within an overall planning framework which guides Council in identifying community needs and aspirations over the life of the Delivery Program. The Financial Plan outlines the financial resources required and how they will be used to achieve our Operational Plan outcomes.

Item 8.12

3

Council Meeting

14/04/2021

The Plan forecasts a cash surplus of \$40,913 for 2021-22. This has been achieved by using the following parameters:

- Rate Peg set by IPART is 2.0%
- Council's approved Rates Harmonisation Strategy (Ordinary meeting 10 February 2021)
- Operational income indexed by CPI at 2.1%
- Full Time Equivalent staff of 761 (excluding casuals)
- Operational expenditure indexed by the components of the LGCI (Local Government Cost Index)
- Proposed new external borrowings of \$1.5 million in the 2021-22 financial year as part of the funding strategy for the Barton Park upgrade project.

As with many councils in NSW, Bayside Council is faced with the issue of costs increasing at a greater rate than our revenue base. As an amalgamated Council, Bayside Council continues to examine strategies to address this issue.

#### **Council's Rating Structure and Rate Harmonisation Strategy**

The Local Government Act was amended in 2016 requiring all amalgamated Councils to maintain the rate path for the former Councils for a period of 4 years. This was labelled as a 'Rate Freeze' and meant that the rating structures for former City of Botany Bay Council and former Rockdale City Council were to stay in place until the freeze was lifted, with rates to only increase by the approved IPART rate pegging limit each year.

Under current legislation, at the expiry of the 'rates freeze' period (30 June 2021 - as amended) all amalgamated councils are required to undertake a review of their current rating structures with the objective of establishing one rating structure to be implemented across the amalgamated local government area, known as Rates Harmonisation.

At Bayside Council's Ordinary Council meeting on 10 February 2021, Council resolved on its preferred rate harmonisation strategy and rating structure which is summarised below:

#### **Establishment of Harmonised Rating Categories and Sub-Categories**

The Local Government Act requires land to be categorised according to their dominant use as either residential, farmland, mining, or business where the business category is the default category.

The current business and residential rating structures of the former Councils are different. While both former Councils have a single residential rating category, the former City of Botany Bay Council has multiple business subcategories compared to former Rockdale City Council which has a single ordinary business rating category.

The following new rating categories and sub-categories are to be established as part of the rates harmonisation process:

- Residential - Ordinary
- Business - Ordinary

Item 8.12

4

Council Meeting

14/04/2021

- Business - Industrial
- Business - Port Botany
- Business - Mall
- Farmland

As part of Council's rate harmonisation strategy, Council's preference is to gradually increase the current former City of Botany Bay minimum rate of \$553.62 (over 4 years) up to the former Rockdale City Council minimum rate of \$768.52 (plus IPART rate peg) such that the minimum rates of the former councils are harmonised at the start of the 2024-25 financial year (i.e., 1 July 2024) across all ordinary rating categories and sub-categories as shown in the table below.

Table 1

Rating Year (Starting 1 July)	Minimum Rate Former City of Botany Bay (\$)	Minimum Rate Former Rockdale City (\$)
2020-21	553.62	768.52
2021-22	626.26	783.89
2022-23	698.89	803.49
2023-24	771.53	823.57
2024-25	844.16	844.16

Over the 4-year harmonisation timeline, the year-on-year minimum ordinary rate for the former Rockdale City Council will only increase by the annual IPART rate peg whereas the minimum ordinary rate for the former City of Botany Bay Council will increase (year on year) at a higher rate over and above the rate peg (as show in the table above) such that in the 2024-25 financial year, the minimum rates for both former councils are the same (harmonised).

As a result of the uncertainty as to whether legislation will be amended to allow for a gradual harmonisation of rates, the revenue policy includes three possible scenarios that could eventuate. These are presented below in order of preference and likelihood.

Scenario	Assumptions	Impact
1	<ul style="list-style-type: none"> <li>▪ IPART application is approved<sup>1</sup>; and</li> <li>▪ The rates Bill is approved by the NSW Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum ordinary rates and ad-valorem ordinary rates harmonised over a 4-year period.</li> </ul>
2	<ul style="list-style-type: none"> <li>▪ IPART application is approved<sup>1</sup>; and</li> <li>▪ The rates Bill is NOT approved by the NSW Parliament.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minimum ordinary rates are harmonised over 4 years.</li> <li>▪ Ad-valorem ordinary rates are harmonised over 1 year</li> </ul>

Council Meeting

14/04/2021

Scenario	Assumptions	Impact
3	<ul style="list-style-type: none"> <li>IPART application is unsuccessful.</li> <li>The rates Bill is NOT approved by the NSW Parliament; and</li> <li>The Deputy Secretary approves Council's application to OLG (upon unsuccessful IPART application).<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>Minimum ordinary rates and ad-valorem ordinary rates are harmonised over 1 year</li> </ul>

<sup>1</sup> As part of the application to OLG, Council has requested that The Deputy Secretary only issue a decision on Councils application after the outcome of the IPART minimum application is known and only if Councils application with IPART is unsuccessful.

All rating scenarios can be found in the 2021-22 Draft Delivery & Operational Plan (Attachment 1 to this report – pages 58-59).

### 2021-22 City Projects Program Highlights

The draft 2021-22 City Projects Program totals \$49.985 million, with funding allocated to the following programs:

Asset Program	Budget (2021-22)
Asset Planning and Systems	\$720,000
Beaches and Waterways	\$308,925
Buildings - new and improvements	\$1,635,000
Buildings - Renewals and Rehabilitation	\$4,333,000
IT and Communications	\$650,000
Library book purchases	\$500,000
Open Spaces - Active Parks	\$11,266,256
Open Spaces - Passive Parks	\$3,165,000
Open Spaces - Playgrounds	\$4,872,661
Plant, Fleet & Equipment	\$5,229,000
Roads and Transport - Bridges and Structures	\$75,000
Roads and Transport - Pedestrian Access and Mobility	\$2,615,000
Roads and Transport - Road Pavements	\$2,114,830

Item 8.12

6

Council Meeting

14/04/2021

Asset Program	Budget (2021-22)
Roads and Transport - Traffic and Road Safety	\$5,785,000
Roads and Transport - Car Parks	\$445,000
Stormwater Drainage - Drainage Infrastructure	\$4,760,000
Stormwater Drainage - Water Quality	\$70,000
Thriving Town Centres	\$1,440,000
<b>Total:</b>	<b>\$49,984,672</b>

The following table is a summary of the funding sources allocated to fund the draft 2021-22 City Projects Program:

Funding Source	Amount (\$'000)
Infrastructure Levy Reserve (former Rockdale SRV)	\$14,062
Section 7.11 Developer Contributions	\$12,099
Grants	\$8,653
Other Reserves	\$8,041
Plant and Equipment Reserve	\$4,738
General Funds	\$1,070
Domestic Waste Reserve	\$561
Strategic Priorities Reserve	\$500
Stormwater Levy Reserve	\$160
IT Reserve	\$100
<b>Total:</b>	<b>\$49,985</b>

Examples of the projects to be delivered as part of this program are:

#### Botany Pool Upgrades

The planned upgrades include:

Item 8.12

7



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Council Meeting

14/04/2021

- New family friendly adventure water play facilities
- 3 new adventure water slides
- New splash pad
- New outdoor family friendly amenities and change rooms
- New plant and equipment for the new facilities

Barton Park Recreational Precinct

This upgrade will provide a welcoming space with accessible facilities, good lighting, walking and cycling connections to open space along the Rockdale Wetlands Corridor. In addition, it will provide the growing population of Arncliffe, Banksia and Wolli Creek access to a variety of recreational activities, including organised sport, family outings, bird watching, and environmental education opportunities. The project will include the delivery of:

- 3 x full size turf fields with lighting
- New tiered grandstand with covered seating
- Sporting amenities including change rooms, canteen, toilets, storage, first aid room
- Fitness walking/running tracks and fitness equipment
- BBQ area, picnic shelters, cycleways / sharepath and seating.

Bexley Town Centre Upgrades

The proposed upgrades are intended to revitalise the town centre by improving amenity, liveability, accessibility and safety. This will include new pavements aimed at minimising the impact on businesses from the recent extension of clear zones. Some of the key elements of the project include:

- New pavements of high quality exposed aggregate concrete
- New street furniture and signage
- New trees and landscaping to screen pedestrians from busy Forest Road, lowering temperatures and creating a welcoming space for outdoor dining;
- Landscaping and measures to improve traffic circulation in the Albyn Street Council carpark.

Depena Playspace

We have an exciting new upgrade planned for this playspace, including updated playground equipment, nature play, new furniture and landscaping. The key elements of this project include:

- Inclusive playground equipment and furniture
- Nature play and sensory play

Item 8.12

8

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Council Meeting

14/04/2021

- Upgrades for the existing swings and slides
- Vibrant new shade sails and wetpour rubber
- Safer access from the carpark and replacement of existing fencing.

Dolls Point Café

This project includes the replacement of the existing cafe at Depena Reserve, on Russell Avenue near Malua Street, Dolls Point. A Development Application is currently being prepared and will need to be assessed and approved before the facility can be constructed. The new building is proposed to include the following improvements:

- New fully accessible cafe with associated kitchen, storage and amenities
- Outdoor dining
- Public amenities including one accessible toilet and one unisex family toilet
- New footpaths to connect the cafe with the playground, carpark and reserve
- Upgrade to the carparking to improve community safety

Bonar Street Stormwater - Stage 2

The works proposed as part of stage 2 include:

- Construction of 3600mm x 1200mm and 1800mm x 900mm RCBC culverts under the road at Bonar Street connecting to the existing culvert under Bidjigal Road
- Sydney Water Corporation Sewer relocation and Water main relocation works to accommodate the culvert construction works
- Ausgrid Electrical relocation including lighting upgrade
- Jemena low pressure gas service relocation
- Telstra and NBN service relocation to accommodate wider street bend
- Ancillary works like re-constructing and re-sheeting the existing road, re-constructing the existing footpath, creating parking bays, constructing kerb & gutter and access ways.

Footpath - Rosebery Shops

The Footpath Rosebery Shops upgrade will include the following proposed treatments:

- Concrete unit paving in the commercial zone
- Insitu concrete in the residential zone
- Paved crossings and augmented kerbs (where possible) at side streets to create safer environment for pedestrians
- Ground level kerb side landscaping

Item 8.12

9

Council Meeting

14/04/2021

- Feature street tree planting where there are no awnings
- Small tree planting under awnings
- New furniture including seats, bike racks, bins.

Item 8.12

10

**2021-22 Fees & Charges**

Fees and charges for 2021-22 have been reviewed to ensure that the existing fees recover all costs, including overheads. Where possible fees have been indexed in line with CPI (2.1%). The draft Fees and Charges for 2021-22 are included in Attachment 2 to this report.

Several new fees have been introduced in 2021-22 to recover some of the cost of a service or provide a better way of charging users for use of services and facilities.

There are also several fees that have been reviewed and increased more than the standard CPI (2.1%). Generally, the fees that are included in this category are priced to recover a more reasonable value for the service, better reflecting the cost incurred in providing the service. This will position Council to achieve cost recovery objectives, as well as realise administrative efficiencies for customers and staff. A summary of key changes proposed to the fees and charges for 2021/22 is provided in Attachment 3 to this report.

**Long-Term Financial Sustainability**

In the local government sector there are a number of key performance indicators that highlight a council's long term financial sustainability, which focus on the operating result excluding capital revenue, infrastructure asset renewal ratio and asset maintenance ratio.

The cost of goods and services increase each year by an amount greater than our income because of several income constraints (such as rate pegging and other regulations on pricing). This creates a structural financial problem referred to as the 'Income Gap'.

Council does everything within its control to manage the Income Gap by:

- pursuing grants
- maximising discounts through government supply contracts and bulk buying
- working collaboratively with neighbouring councils
- maximising returns on investments
- striving for efficiencies and continuous improvements.

The draft 2021-22 budget is forecasting a surplus cash budget of \$40,913. However, it is important to note that the draft 2021-22 budgeted operating result excluding capital and reserve funding is a deficit of around \$7.8 million.

**Operating result - Cash Budget Result compared to Operating Result excluding capital and Reserve Funding:**

It is important to understand the factors that impact on the 'cash budget result' compared to the budgeted 'operating result excluding capital and reserve funding'.

In summary, the 'cash budget result' is the net budget result for all income and expenditure items in the budget, inclusive of capital income and expenditure and funding allocated in the budget from existing financial reserves. It is important for sound financial management for the 'cash budget result' to reflect a surplus position.

Council Meeting

14/04/2021

In terms of the 'operating result excluding capital and reserve funding', this is based on only the operating income and operating expenditure budget items. It excludes all capital income and capital expenditure, as well as all financial reserve movements which are factored into the overall budget. This measure is used to assess the long-term financial sustainability of an organisation over the long term (typically a 10 to 20 year horizon). While it is acceptable to have one-off deficits for this measure; it is not appropriate to have ongoing recurring deficits over the long term. If not addressed, this will ultimately result in the organisation having financial difficulties in meeting its financial commitments in the future and maintaining and replacing its assets.

As mentioned previously, the draft 2021-22 budget is forecasting that Council will be adopting an operating deficit before capital income of around \$7.8 million. This result is due to a combination of:

- a decrease in investment income, due to the historically low interest rate environment
- increases in operating expenses, due to new services coming online
- one off expenditure budget of \$800,000 for the upcoming Council election which will be funded from existing financial reserves
- increased depreciation expenditure, due to the revaluation of assets and new assets being brought online since the formation of Bayside Council.

To a large extent though, the forecast deficit for the operating result excluding capital and reserve funding is largely attributable to Council not being able to fully fund its depreciation expense. Our depreciation expense has increased over the past few years as Council has delivered new, more functional and aesthetically pleasing assets which come at a higher cost and a higher associated maintenance and depreciation costs, in addition to now also having a more accurate and complete inventory of all infrastructure assets based on updated condition and valuation assessments that have been undertaken over the past few years.

Long-Term Asset Expenditure Funding Challenges:

As detailed to Council in previous reports (9 September 2020), workshops and most recently at the General Manager Briefing Session for Councillors held on 30 March 2021, Council has a forecasted infrastructure maintenance and renewal funding shortfall in the order of \$124 million over the next 10 years. This means Council does not have enough capacity in the current budget to meet its infrastructure maintenance and renewal requirements as and when they fall due.

This is based on modelling of our infrastructure assets which aligns with Council's Asset Management Strategy, existing asset management policy and asset management practices. This modelling is underpinned by Council's asset management data which incorporates the most recent information based on regular inspections and valuations of all key assets.

This approach to asset management involves the application of 10-year modelling of maintenance and renewal requirements based on condition assessments, statistical analysis of historical asset investment, existing asset conditions, together with the prioritisation of new or upgraded services. This process informs the preparation of the City Projects Program and enables a longer-term focus towards the consideration of works required in future years.

Item 8.12

12

Council Meeting

14/04/2021

Asset Maintenance Ratio equals 69% for 2021/22 and a projected long term asset maintenance funding shortfall of \$40 million over the next 10 years (\$4 million annually)

In assessing how well a council is maintaining its assets, the industry utilises an indicator known as the asset maintenance ratio. This ratio assesses a council's actual expenditure on maintenance of its assets compared to the required expenditure on asset maintenance. The target for this ratio is to achieve an average of greater than 100% over a rolling 3-year period. Unfortunately, without any additional funding allocated towards asset maintenance in the future, this ratio is forecast to decline to around 70% over the next 10 years. This represents a funding shortfall of around \$40 million over the next 10 years or \$4 million annually for asset maintenance.

Based on the draft 2021/22 budget, the asset maintenance ratio is forecast to be 69%.

If the long-term asset maintenance funding gap is not addressed, it will progressively impact the quality of Councils assets and the community's ability to properly utilise and access those assets into the future.

Asset Renewal Ratio equals 91% for 2021/22 and a projected asset renewal funding shortfall of \$84 million over the next 10 years (\$8.4 million annually)

In addition to asset maintenance, all NSW councils are assessed on how well they renew their existing infrastructure assets. The industry utilises an indicator known as the buildings and infrastructure renewals ratio. This ratio compares the actual renewal expenditure on buildings and infrastructure assets compared to the annual depreciation for those assets. Again, the industry benchmark for this ratio is for a rolling 3-year average of greater than 100%.

Without any additional funding for asset renewal purposes, it is forecast over the next 10 years our asset renewal ratio will also decline to below 70%. This will ultimately result in the asset renewal backlog increasing as Council will be required to defer asset renewals due to a lack of available funding. Based on current projections, there is a forecast asset renewal funding gap of around \$84 million over the next 10 years. If no additional funding is able to be allocated towards asset renewal in the future, this will most likely result in the asset renewal backlog increasing from the current level of around \$13 million to around \$100 million.

It is also important to note that the asset renewal funding gap is largely related to the assets located on the former City of Botany Bay side of the LGA. The following table provides a breakup of the forecast asset renewal requirements by former Council area over the next 10 years.

Item 8.12

13

### Required Asset Renewal Expenditure – Next 10 Years

Item:	Former City of Botany Bay	Former Rockdale City Council	Totals:
Required asset expenditure <sup>A</sup>	\$96.7 million	\$205.6 million	\$302.3 million
Less available funding:			
- Infrastructure Levy (SRV)*	\$0.00	(\$158.5 million)	(\$158.5 million)
- Stormwater Management Charge <sup>#</sup>	(\$6.3 million)	(\$13.5 million)	(\$19.8 million)
- City Projects Program (general funds) <sup>#</sup>	(\$9.1 million)	(\$19.4 million)	(\$28.5 million)
- Grants <sup>#</sup>	(\$3.7 million)	(\$7.8 million)	(\$11.5 million)
<b>Total funding:</b>	<b>(\$19.1 million)</b>	<b>(\$199.2 million)</b>	<b>(\$218.3 million)</b>
<b>10 year funding gap:</b>	<b>\$77.6 million</b>	<b>\$6.4 million</b>	<b>\$84 million</b>

<sup>A</sup> Based on current backlog plus forecast depreciation estimates  
<sup>#</sup> Currently only available for former Rockdale LGA  
 \* Apportioned based on the proportion of asset depreciation by former LGA (32% Botany and 68% Rockdale)

As shown in the table above, over the next 10 years we need to spend around \$302.3 million on asset renewal, with \$205.6 million on the assets in the former Rockdale LGA and \$96.7 million on the assets in the former Botany Bay LGA. In total, there is available funding of around \$218.3 million over the next 10 years for asset renewal purposes, which leaves a net funding gap of \$84 million over that same time frame.

However, due to the existence of the Infrastructure Levy which is currently only paid by former Rockdale City Council ratepayers, the majority of the funding shortfall for asset renewal relates to the assets located in the former City of Botany Bay side of the LGA. It is important to note that the Infrastructure Levy paid by the ratepayers from the former Rockdale City Council is only able to be spent on the assets located in the former Rockdale LGA, this is a requirement under the Local Government Act regarding special rates such as this one. Which means, the funds collected by this levy are unable to be spent on assets in the former City of Botany Bay side of the LGA.

#### Establishing an Improvement Plan and Asset Expenditure Financial Reserve:

In previously considering this challenge in September 2020, Council resolved as follows:

- 1 That Council notes the Long-Term Financial Plan projections outlined in this report including the forecast 10-year asset renewal gap.
- 2 That Council endorses the implementation of the operational improvement plan to achieve an overall net improvement in the operating budget of around \$5 million over a 3-year period which is to be used to offset the increased future annual asset maintenance cost totalling around \$40 million over the next 10 years.
- 3 That Council not proceed with any special rates variation in recognition of the current weak economic climate triggered by the COVID- 19 health crisis. In addition, given the significant impact on the rate payers in the former Botany LGA, of rate harmonisation, Council recognises that simultaneously imposing an SRV is not a fair solution to our funding shortfall.
- 4 That Council develops other options to address the total funding shortfall.

Council Meeting

14/04/2021

As part of developing the draft 2021-22 budget, a number of income and expenditure improvements totalling \$1.6 million have been identified and incorporated into the draft budget for the purposes of beginning to address the overall asset expenditure funding shortfall. In doing so, it is proposed that as part of the draft budget, a new financial reserve is established titled the 'Asset Expenditure Reserve'. The purpose of this financial reserve is to create a mechanism in the budget to transfer on an annual basis the \$1.6 million budget improvement, along with any other future budget improvements that are identified. The funds held in this reserve, are to then be allocated in future budgets towards expenditure on asset maintenance and asset renewal to start addressing some of the future asset expenditure funding shortfall.

It is important to note that the initial annual allocation of \$1.6 million to the 'Asset Expenditure Reserve' will not resolve the overall asset expenditure funding shortfall and will only reduce the current forecast asset expenditure funding shortfall over the next 10 years from around \$124 million to around \$108 million over the next 10 years or \$10.8 million annually.

This still represents a significant challenge for this Council and more so future Councils to address in order to achieve ongoing long term financial sustainability whilst delivering the services required by the community and ensuring our asset maintenance and renewal requirements are achieved.

In terms of the options available for Council to address this financial challenge, they include:

- increasing revenue
- reducing expenditure
- reviewing current asset holdings.

With regard to increasing revenues, the main options available to Council include:

- further reviewing Council's rating strategies, such as the level at which the minimum rate is set in order to maximise growth from rates revenue due to new development activity
- Options relating to increasing rates revenue by way of a Special Rate Variation to address specific funding shortfalls
- Reviewing our user fees and charges to maximise cost recovery activities and reduce the quantum of subsidies provided to different user groups throughout the LGA
- Implement paid parking schemes across the LGA
- Review property rentals and commercialise more of the property portfolio
- Explore revenue opportunities related to advertising throughout the LGA.

With regard to reducing expenditure, the main options available for Council to consider are:

- Reduce overall employee costs, which will impact the type and quality of services Council is able to provide. To address the remaining annual shortfall of \$10.8 million, this would be equivalent to around 120 full time positions
- Rationalise and reduce the type, quality and frequency of services provided across the LGA

Item 8.12

15



Council Meeting

14/04/2021

- Review asset management levels and determine a lower standard for maintaining our assets
- Review property lease agreements and transfer asset maintenance responsibilities onto tenants
- Further reduce discretionary expenditure in the use of overtime, agency staff, contractors and consultants.

Finally, with regard reviewing our asset holdings, Council could consider the following:

- Demolition of existing assets which are no longer fit for purpose. This will result in reducing the annual depreciation expense and annual maintenance expense and remove any future renewal expense for those assets
- Review existing assets and identify surplus assets which could be sold and re-invested in other assets which are able to generate income.
- Consolidate and or repurpose existing assets which better align to the requirements of today's community.

This report recommends that Council notes this section of the report on Long Term Financial Sustainability and the requirement for this Council and future Councils to begin implementing corrective sustainable actions as part of the update to the Long-Term Financial Plan and adoption of future budgets. While there are a number of options for Council to consider in addressing the overall long term funding shortfall, it is unlikely it will be able to be addressed in its entirety without contemplating some form of Special Rate Variation to achieve ongoing long term financial sustainability. Over the next few months, further workshops will be facilitated with Councillors to determine which options are to be incorporated into the next update of the Long-Term Financial Plan and future budgets.

### Financial Implications

Not applicable	<input checked="" type="checkbox"/>	This sets the budget for 2021-22
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input type="checkbox"/>	

### Community Engagement

Council is required to place the draft Delivery Program and Operational Plan and Fees & Charges on public exhibition for 28 days, before the final plans are adopted by Council before 30 June 2021.

Subject to Council's approval, the documents will be on public exhibition for 28 days. Exhibition will consist of the documents being placed on Council's website, and the community will be encouraged to provide feedback on the proposed plans through our Have Your Say Web Site, and by email.

Once the exhibition period has closed, a report will be brought back to Council to consider the public submissions received and to adopt the final 2018-2022 Delivery Program and Operational Plan 2021-22.

Item 8.12

16

**Attachments**

- 1 Attachment 1 - Draft 2018-22 Delivery Program and 2021-22 Operational Plan (Under separate cover Attachments Part One)
- 2 Attachment 2 - Draft 2021-22 Fees & Charges (Under separate cover Attachments Part One)
- 3 Attachment 3 - Summary of Key Changes - draft 2021-22 Fees & Charges (Under separate cover Attachments Part One)

**Council Meeting****10/02/2021**

Item No	8.1
Subject	<b>Rates Harmonisation - Outcomes of Community Engagement, Approval to Submit an Application to Set the Minimum Rates and gradual harmonisation of rates</b>
Report by	Rodney Sanjivi, Financial Performance Manager Paul Reid, Corporate Planner
File	SF20/4213

**Summary**

The purpose of this report is:

- To report back to Council on the outcomes of the community engagement process on rates harmonisation,
- To recommend that Council harmonise the Bayside minimum rate evenly over the next 4 financial years (2021/22 to 2024/25) and submit separate applications to the Independent Pricing and Regulatory Tribunal (IPART) and The Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment by the applicable due dates for reasons outlined in this report.
- For Council to note, in order to meet the legislative uncertainty and ratepayer equity, the draft 2021/22 Operational Plan and budget (including the revenue policy) will be considered by Council in April 2021 for Public Exhibition. If the proposed legislative change has not been passed by the NSW Parliament, the budget will reflect 2 draft rating structures based on:
  - a multi-year rate harmonisation path based on provisions included in the NSW State Government Draft Local Government Amendment (Rates) Bill 2021 (Draft Rates Bill 2021); and
  - a single year rate harmonisation path as per the current legislation

The community engagement for rates harmonisation concluded following a one-month extension to 31 December 2020. The 2 overarching themes arising from the engagement process were:

1. The increase is deemed too large for the former Botany Council residential ratepayers, especially in this time of COVID and existing financial stress; and
2. Any increase should be staged over a number of years as this would soften the impact of any required increase.

In relation to harmonising minimum rates, there are 2 methods available to Council, which are summarised below:

1. Council resolves to submit an application to IPART under section 548 of the Local Government Act 1993 (the Act) to set a transition path over a number of years to harmonise minimum rates; and, or

Council Meeting

10/02/2021

2. Council resolves to submit an application to The Deputy Secretary, Local Government, Planning and Policy, Department of Planning, Industry and Environment (The Deputy Secretary), utilising the temporary delegation issued by the Minister for Local Government under Section 548 of the Act to determine minimum rates applications for the 2021/22 financial year only for new Councils that were amalgamated in 2016. It is noted that Council's ability to use this form of approval (should it be granted by The Deputy Secretary) to harmonise the minimum rate over multiple years would be subject to the Draft Rates Bill 2021 being legislated by the NSW Parliament prior to 1 July 2021. At this stage, it is anticipated the NSW Parliament will determine before the end of May 2021 on whether the Draft Rates Bill 2021 is or is not to be legislated.

IPART has confirmed that Bayside Council has been granted an extension to submit an application to determine a new Bayside minimum rate and that the last day for IPART to receive a complete application is 12 March 2021, whilst an application to The Deputy Secretary must be submitted by 26 February 2021.

The application to the Deputy Secretary is critical to ensure that the rating burden is shared equitably across all ratepayers. In terms of maintaining Council's financial sustainability, the consequence of not doing the latter and the legislation not being passed would mean those on the minimum rate in the former Rockdale City Council of the LGA would receive a significant decrease but all other ad valorem ratepayers in former Botany and Rockdale would have their rates increased to meet the loss of rates revenue.

### Officer Recommendation

1. That Council receive and note the report including the feedback received from the community engagement process around rate harmonisation.
2. That Council submits an application immediately to the Independent Pricing and Regulatory Tribunal (IPART) under section 548 of the Local Government Act 1993 for IPART to consider approving an instrument to be issued to set a transitional minimum ordinary rate from 1 July 2021 for all rating categories which is equivalent to the current minimum ordinary rate for ratepayers in the former Rockdale City Council side of the Bayside Local Government Area (LGA) at \$768.52 (plus the approved IPART rate peg limit in all years during the 4 year transition period). The transitional path to be applied for is to be based on a straight lined 4 year transition as set out in TABLE 1 of this report.
3. That Council also submits an application in accordance with current legislation to the Office of Local Government (OLG), before 26 February 2021, under section 548 of the Local Government Act 1993 for The Deputy Secretary to consider approving an instrument to be issued to set a new minimum ordinary rate for all rating categories which is equivalent to the current minimum rate for ratepayers in the former Rockdale City Council side of the Bayside Local Government Area (LGA) at \$768.52 (plus approved IPART rate peg limit of 2%) effective from 1 July 2021, subject to the following:
  - a) The implementation of this application is dependent on the provisions included in the NSW State Government Draft Local Government Amendment (Rates) Bill 2021 for gradual rate harmonisation being legislated by the NSW Parliament before 1 July 2021 and on this basis Council only implement the new minimum rate on a transitional basis as set out in TABLE 1 of this report.

Item 8.1

2

- b) That as part of the application to be submitted (for reasons outlined in this report) Council request that The Deputy Secretary of the Office of Local Government only issue a decision on Councils application after the outcome of the IPART minimum application (as per recommendation 2 of this report) is known, and only if that is unsuccessful.
- 4. That Council notes that the draft 2021/22 Operational Plan and budget (including the revenue policy) to be considered by Council in April 2021 for Public Exhibition will, to meet the legislative uncertainty and ratepayer equity, reflect 2 draft rating structures based on:
  - a. a multi-year rate harmonisation path based on provisions included in the NSW State Government Draft Local Government Amendment (Rates) Bill 2021 (Draft Rates Bill 2021) utilising the straight lined approach shown in TABLE 2 of this report; and
  - b. a single year rate harmonisation path as per the current legislation

## Background

### A. Rates Harmonisation - Outcome of Community Engagement Process

On 14 October 2020, Council resolved to open community engagement until 30 November 2020. The engagement period was subsequently extended to 31 December 2020.

The consultation process centred on the following:

- A minimum rate will be applied across all rating categories and sub-categories. This will be \$768.52 (plus the IPART rate pegging limit of 2% for the 2021/22 financial year)
- The rating categories and sub-categories to be established are:
  - Residential – Ordinary
  - Business – Ordinary
  - Business – Industrial
  - Business - Port Botany
  - Business – Mall
  - Farmland
- The option, if legislation is changed, to move from a 1 year rate change implementation to a multi-year staged implementation process.

The objective of the engagement process was to provide a widespread awareness program so that all Bayside ratepayers would have the opportunity to have their say. The community engagement process involved the following elements:

- Standalone Rates Harmonisation webpage including FAQ's

## Council Meeting

10/02/2021

- Community Survey
- All ratepayers, both residential and business, received an individual letter with the specific proposed changes to their rates for their property
- Local MP Briefings
- Media releases from council
- Social media campaign
- Incoming correspondence from residents
- Print media coverage
- Council meeting & associated documents
- State Government lower house coverage
- TV coverage on local news outlets
- Rate Harmonisation Customer Service

Outcomes of Consultation Process*Rates Harmonisation Web Page*

In total we had 4,047 unique visitors accessed the rates harmonisation Web Page since 15 October 2020, with 5,623 page views. That's an average of around 52 people per day and it was the 10th most popular page on our site over that period.

*Rates Calculator*

The rates calculator has had 2,546 unique visitors and had been used 5,253 times since it was launched.

*Have Your Say Form/Survey*

In total 1,673 unique visitors accessed the consultation page, with a total of 2,121 page views. We received 1,086 responses, of which 72% were in favour of a staged (multi-year) implementation.

Council Meeting

10/02/2021

*Further feedback and inquiries*

We received 56 telephone calls via Council's call centre along with a high number of phone calls directly to Councillors. We also received 145 written submissions, of which 83 were from owners of parking spaces at the "Park n Fly" car park at the time of finalising this report.

*Data Integrity and Multiple Surveys*

From the IP address data:

- 871 unique IP addresses made a single submission;
- 70 made 2 submissions;
- 9 made 3 submissions;
- 5 made 4 submissions;
- 1 made 5 submissions;
- 1 made 7 submissions; and
- 2 made 8 submissions.

Engagement Themes:

Out of 1,086 survey responses 857 came from former Botany Council residents and 202 from former Rockdale Council residents. There were 27 responses that did not include a 'former' council. The below table shows the options that each category of responses chose.

Former Council Area	One off Change in 2020/21	Stage Implementation	No Option Chosen	Total Responses
Botany	54	683	120	<b>857</b>
Rockdale	108	88	6	<b>202</b>
Non Provided	0	13	14	<b>27</b>

Residential ratepayer engagement in the consultation process was far greater than that of business ratepayers. There was minimal response from business ratepayers.

In conclusion, there were really 2 overarching themes coming out of the engagement process, these are:

- The increase is deemed too large for the former Botany Council residential ratepayers, especially in this time of COVID and existing financial stress; and
- That any increase should be staged over a number of years and that this would soften the impact of the proposed increase.

Item 8.1

5

**B. Setting the Bayside Minimum Rate**Recap of Financial Implications of Harmonising the Minimum Rate

In reiterating the financial implications of setting a minimum rate (as set out in the Council report attached), it's important to outline the core underlying objectives of harmonisation, which is to:

- Develop a rating structure that distributes the rate burden fairly across the amalgamated Local Government Area (LGA); and
- Maintain the same level of rates revenue, while balancing the impact for the majority of rate payers.

It is important to note that through harmonisation, Council will not be increasing its overall rate yield but rather redistributing the rate burden across the LGA. It is to achieve fairness and equity for ratepayers across the LGA that aligns the rating structure to the delivery of core services that are already harmonised across the 2 former LGA's.

In order to maintain the equivalent rates income received and to be financially sustainable, should Council not make any application for the new minimum rate, the following will need to occur:

1. Council will need to reduce the minimum rate paid by ratepayers from the former Rockdale side of the LGA to the same minimum rate as those from the former Botany side of the LGA; and
2. Council will need to increase the rates for all other ratepayers across the whole Bayside LGA (not paying the minimum rate) to an even higher amount to compensate for the rates income lost by not making an application for a new minimum rate.

In addition, the other real impact of setting a minimum rate will be felt on growth in rates revenue that will be realised in future years as population and housing needs grow.

Previous reports have indicated quite clearly the adverse financial impact (i.e. loss of growth in rates) of not moving to harmonise the minimum rate to the higher of the 2 former councils (i.e. Rockdale City Council).

Apart from the loss of future growth in rates revenue, setting a lower minimum rate will shift the rate burden from those ratepayers on the minimum to those on the ad valorem (i.e. rate payers with higher land value will be paying more).

As noted in previous reports and briefing sessions, harmonising the Bayside minimum rate to \$768.52 (plus IPART rate peg) was recommended as it achieves a fair and equitable rating system and protects Councils future financial sustainability such that it can continue to deliver high quality services to the whole of the Bayside LGA.

The full financial implications of a multi-year staged harmonisation can only be modelled once Council has:

- Determined the new minimum rate for Bayside; and
- Determined its preferred options around the phasing strategy to transition to a new minimum rate over a number of years (up to 4 years, should the Draft Rates Bill 2021 be



legislated by the NSW Parliament and, or an approval for a transitional minimum rate is provided by IPART).

In the absence of not knowing whether the Draft Rates Bill 2021 will or will not be legislated by the NSW Parliament, this report recommends that Bayside Council utilise all methods available in order to harmonise the minimum rate over a 4 year period. It is recommended that Council harmonises the minimum rate over a straight lined, 4 year period to be equivalent to the current minimum rate for ratepayers in the former Rockdale City Council side of the Bayside Local Government Area (LGA) at \$768.52 (plus the approved rate peg limit in all years during the 4 year period). The following table sets out the recommended transitional path for the increase to the minimum rate for both ratepayers from former Rockdale City Council and former City of Botany Bay Council (assuming an annual IPART approved rate peg increase of 2%):

**TABLE 1 (4 years straight lined):**

Year	Rating Year starting 1 July	Assumed annual Rate Peg limit *	former Botany minimum	former Rockdale minimum	Bayside
Current	2020/21	2%	\$ 553.62	\$ 768.52	NA
1	2021/22	2%	\$ 623.62	\$ 783.89	\$ 783.00
2	2022/23	2%	\$ 693.62	\$ 799.57	\$ 799.00
3	2023/24	2%	\$ 763.62	\$ 815.56	\$ 815.00
4	2024/25	2%	\$ 831.87	\$ 831.87	\$ 831.00

*\* In setting this transitional path, a rate pegging limit of 2% has been assumed for all 4 years. The transition path may change as a result of a different rate pegging limit being approved by IPART over the 4 year period. However, we expect any change to be small and of a minimal amount and will not materially impact the transition path.*

#### Application methods available to set a new Bayside minimum rate

As previously mentioned in this report, there are 2 methods available to Council in order to harmonise to a new Bayside minimum rate, these are set out in more detail below:

- **IPART minimum rate application process**

Section 548 of the Act allows a council to specify a minimum rate to be levied on each parcel of land. Where a council is proposing to increase the minimum rate above the statutory limit or by more than the rate pegging limit, an application needs to be submitted to IPART for the minimum rate increase.

IPART has the delegation to approve a council to increase the minimum rate on a transitional basis over a number of years. Attached to this report are the Office of Local Government (OLG) "Guidelines for the Preparation of an application to increase minimum Rates above the Statutory Limit" as well as the IPART Application Guide for minimum rate increases.

IPART minimum applications are expected to be determined by 31 May 2021. The determination of the application will be published on IPART's website. The relevant council(s) will also be notified of the outcome of their application.

This report recommends:

- That Council submit an application to IPART before the extended deadline of 12 March 2021 for IPART to issue Council with an instrument which allows for a transitional minimum ordinary rate, which Council can begin implementing from 1 July 2021 for all rating categories as set out in TABLE 1 above.
- **Special Guidelines for The Deputy Secretary to approve minimum rate applications for amalgamated Council (subject to Draft Rates Bill 2021 being legislated)**

On 18 November 2020, the Minister issued a letter to Council detailing the Special Guidelines for new councils that are required to harmonise minimum rates on 1 July 2021. A copy of the Special Guidelines are attached to this report.

The Special Guidelines outline that The Deputy Secretary has been granted a temporary delegation by the Minister for Local Government under section 548 of the Local Government Act 1993 (the Act) to also determine minimum rates applications only for new councils established in 2016 for the 2021-22 financial year.

These Special Guidelines only apply if a new council is seeking to set a harmonised minimum ordinary rate across its new council area that is higher than the current statutory limit of \$554, but no higher than the highest minimum ordinary rate of any one of the former councils or part of a former council area that was previously approved by IPART (plus the 2021-22 rate peg).

A council resolution seeking to utilise the provisions outlined in these Special Guidelines is required to submit an application with supporting documentation directly to Office of Local Government (OLG) by no later than 26 February 2021.

The Deputy Secretary, under delegation from the Minister for Local Government, will determine each application individually, based on its merits and against the assessment criteria.

Applications will be determined within six weeks of receipt, or by 9 April 2021, whichever is the earlier date. The determination of the application will be published on OLG's website. Council will be notified of the outcome of their application, within six weeks of making the application.

Where an application is approved, The Deputy Secretary will issue the council with an Instrument setting out the amount approved.

Under this minimum application method, Council would also require the Draft Rates Bill 2021 to be legislated by the NSW Parliament prior to 1 July 2021 in order to harmonise the minimum rate on a transitional basis over 4 years as set out in TABLE 1 above.

This report recommends in summary:

- That Council also submits an application utilising the Special Guidelines for new councils and the temporary delegation granted to The Deputy Secretary before the deadline of 26 February 2021 to issue Council with an instrument to set a new minimum rate from 1 July 2021 for all rating categories equivalent to the current minimum rate for ratepayers in the former Rockdale City Council side of the Bayside Local Government Area (LGA) at \$768.52 (plus the approved rate peg limit of 2%).

- That subject to the Draft Rates Bill 2021 being legislated by the NSW Parliament, Council apply the new minimum rate on a transitional basis as set out in TABLE 1 of this report.
- That as part of the application to be submitted, Council request that The Deputy Secretary only issue a decision on Councils application after the outcome of the IPART minimum application is known and only if Councils application with IPART is unsuccessful.

#### Proposed Course of Action

It is noted that the IPART minimum application method is considered the preferred approach for Council, as, if approved by IPART, Council's ability to transition the minimum rate over a number of years is not reliant on the Draft Rates Bill 2021 being passed by the NSW Parliament. However, there is still the small risk that the application may not be approved by IPART.

With regard to the minimum application process using the Special Guidelines for The Deputy Secretary, it has limitations, as if approved by The Deputy Secretary, Council will only be able to transition to the new minimum rates over a number of years if the Draft Rates Bill 2021 is passed by the NSW Parliament. It is expected this will occur, however this cannot be guaranteed.

As such, this report recommends Council submit an application utilising both methods to ensure all available options remain active for Council as part of the rates harmonisation process. This is proposed to allow Council the greatest opportunity to be able to harmonise rates gradually over multiple years (4 years straight lined). In this regard, it is recommended (based on advice from the OLG) that the application using the Special Guidelines via The Deputy Secretary will clearly state that a determination is to only be issued to Council if the IPART minimum rate application is unsuccessful.

#### **C. Gradual Rate Harmonisation of Ad-Valorem rates (based on provisions in the Draft Rates Bill 2021)**

Council has previously considered and been briefed on the provisions in the Draft Rates Bill 2021 relating to the gradual harmonisation of rates for newly merged councils in 2016. Council at its meeting on 3 February 2021, unanimously endorsed a submission on the Draft Rates Bill 2021 to change legislation to allow rates of the former councils to be harmonised over a period of no more than 4 years from 1 July 2021. This is on the basis, that councils who take up this option, ensure that no more than 50% of the change in rates occurs in any one of the 4 financial years.

Councillors have previously been briefed on some options which Council may wish to consider in order to harmonise rates over a 4 year period. The following table is summary of the options presented to Councillors, with the attachment to this report providing examples and further analysis of how ratepayers from each of the former councils would be affected as a result of harmonising rates over a 4 year timeframe:

TABLE 2:

	FY 21/22 (Yr1)	FY 22/23 (Yr 2)	FY 23/24 (Yr 3)	FY 24/25 (Yr 4)
Straight lined	25%	25%	25%	25%
1 Yr deferral	-	33%	33%	34%
2 Yr deferral	-	-	50%	50%

Having regard for the community feedback and the provisions in the Draft Rates Bill 2021, it is proposed that subject to the Draft Rates Bill 2021 being passed by the NSW Parliament, Council harmonise rates over 4 years based on the Straight Lined approach set out in TABLE 2 above. This will provide a smoother and softer transition for those ratepayers who are adversely impacted by this change to their rates.

It is important for Council to note, that any ability to harmonise the ad-valorem rates gradually over a number of years is reliant on the Draft Rates Bill 2021 being passed by the NSW Parliament. Due to the uncertainty of this, it will be necessary for the draft 2021/22 Operational Plan and budget (including the revenue policy) to be considered by Council in April 2021 for Public Exhibition to reflect 2 draft rating structures as follows:

- a multi-year rate harmonisation path based on provisions included in the Draft Rates Bill 2021 utilising the straight lined approach shown in TABLE 2 above; and
- a single year rate harmonisation path as per the current legislation (as per scenario 2, which was used for the community engagement undertaken during October to December 2020)

### Financial Implications

- Not applicable ☒
- Included in existing approved budget ☐
- Additional funds required ☐

### Community Engagement

Should Council approve for a minimum rate application to be submitted to IPART, further public consultation will be undertaken by IPART as part of assessing the application.

The draft 2021/22 Operational Plan and Budget will need to include 2 rating structures as set out in this report. If approved by Council at its meeting in April 2021, the documents will be placed on Public Exhibition for 28-days' consultation with the community and reported back to Council as part of the June 2021 meeting to consider adopting the 2021/22 Operational Plan, Budget and final rating structure.

**Attachments**

- 1 Rates Harmonisation - Further Analysis
- 2 OLG Guidelines - Application to Increase Minimum Rates 2021-22
- 3 IPART Fact Sheet Minimum Rates in 2021-22
- 4 IPART Information Paper Minimum Rates in 2021-22
- 5 IPART Application guide for Part B Minimum Rates for 2021-22
- 6 OLG - Special Guidelines for new councils applying to harmonise minimum rates on 1 July 2021
- 7 Resolution - Item 8.6 - Rates Harmonisation - Council Meeting 9 September 2020
- 8 Rates Harmonisation report to 9 September 2020 Council Meeting

Passed by both Houses



New South Wales

## Local Government Amendment Bill 2021

### Contents

	Page
1 Name of Act	2
2 Commencement	2
<b>Schedule 1</b>	<b>Amendment of Local Government Act 1993 No 30</b>
	<b>3</b>

*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2021*



New South Wales

## Local Government Amendment Bill 2021

Act No , 2021

An Act to amend the *Local Government Act 1993* to give effect to certain recommendations made by the Independent Pricing and Regulatory Tribunal and make other amendments concerning the local government rating system; to make further provision about local government elections and certain terms of office and about council area amalgamations; to provide for superannuation contributions for councillors; and for related purposes.

*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

Local Government Amendment Bill 2021 [NSW]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Local Government Amendment Act 2021*.

**2 Commencement**

- (1) This Act commences on the date of assent to this Act, except as provided by this section.
- (2) The following provisions of this Act commence on a day or days to be appointed by proclamation—
  - (a) Schedule 1.1[2]–[4] and [7]–[11],
  - (b) Schedule 1.1[13]–[15] and [17],
  - (c) Schedule 1.1[19]–[31],
  - (d) Schedule 1.1[33].



Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

## Schedule 1 Amendment of Local Government Act 1993 No 30

### 1.1 Amendments concerning local government rating system

#### [1] Section 218CC

Insert after section 218CB—

#### 218CC Proposals for de-amalgamations

- (1) The new council may, within 10 years of the constitution of the new area, submit a written business case to the Minister setting out—
  - (a) a proposal for the de-amalgamation of the new area, whether by reconstituting the former areas or constituting different areas, and
  - (b) the reasons in support of the proposal.
- (2) The Minister must, within 28 days after the business case is submitted, refer the de-amalgamation proposal to the Boundaries Commission with a direction that it conduct an inquiry and report on the proposal.
- (3) Without limiting subsection (2) or section 263, the Boundaries Commission may in its report recommend that—
  - (a) the de-amalgamation proposal be supported, or
  - (b) the de-amalgamation proposal be rejected, or
  - (c) a different de-amalgamation proposal be supported.
- (4) The Minister must ensure that the report of the Boundaries Commission is publicly released within 48 hours after it is provided to the Minister.
- (5) The Minister must, within 28 days after the report is provided to the Minister, provide a written response to the new council setting out—
  - (a) whether or not the Minister supports the de-amalgamation proposal or a different de-amalgamation proposal recommended by the Boundaries Commission, and
  - (b) the reasons for the Minister's decision, and
  - (c) if the Minister supports the de-amalgamation proposal or the different de-amalgamation proposal—the anticipated time frame for giving effect to the proposal.
- (6) The Minister is, by making grants under section 620 or using money otherwise appropriated by Parliament for the purpose, to ensure that the cost of any de-amalgamation of the new area resulting from a business case submitted under this section is fully funded.
- (7) This section extends to new areas constituted before the commencement of this section.
- (8) In this section—

**new area** means the area constituted by the amalgamation of areas (*former areas*) by the relevant proclamation.

**new council** means the council of a new area constituted by section 219.

**relevant proclamation** means the proclamation made pursuant to Chapter 9, Part 1 that amalgamates former areas into the new area and constitutes the new council.

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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**[2] Section 493 Categories of ordinary rates and categories of land**

Omit “4 categories” wherever occurring in section 493(1). Insert instead “5 categories”.

**[3] Section 493(1)**

Insert after the first dot point—

- environmental

**[4] Section 495 Making and levying of special rates**

Insert at the end of section 495 after the note—

- (3) Without limiting subsection (1) or (2), a special rate may be levied for or towards meeting the costs of works, services, facilities or activities (the *intergovernmental project*) provided or undertaken, or proposed to be provided or undertaken, by the council together with one or more government entities (a *project partner*).
- (4) The following provisions apply for a special rate levied for an intergovernmental project—
  - (a) before the rate is levied, the council must include the following information in the draft operational plan for the year in which it is proposed to be levied—
    - (i) the anticipated benefits to the council’s area or local community of the intergovernmental project,
    - (ii) the basis of the council’s opinion, under subsection (2), for the different application of the rate, if any, in relation to different land,
    - (iii) the estimated cost of the intergovernmental project, both for the year and in total,
    - (iv) the estimated contributions to the intergovernmental project, including financial and in-kind contributions, to be made by the council and each project partner, both for the year and in total,
    - (v) the amount of money estimated to be levied by the rate, both for the year and in total,
  - (b) the intergovernmental project does not need to be works, services, facilities or activities within the functions of the council and the rate levied may exceed the value of the part of the project with the council’s functions,
  - (c) if the cost of the intergovernmental project is partly funded by another person or under another arrangement, charge or contribution—the rate levied may be limited to what is needed to fund the proportion of the cost for which the council is responsible,
  - (d) money raised from the rate may be used only for the purpose of funding the intergovernmental project,
  - (e) money raised from the rate is not to be treated as part of the general income of the council,
  - (f) the annual report of the council is to include the following information—
    - (i) the actual cost of the intergovernmental project, and the actual contributions to the intergovernmental project made by the council and each project partner, during the year of the report,

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (ii) a statement explaining the difference, if any, between the actual cost and contributions and the estimated cost and contributions in the council's draft operational plan,
- (iii) the total revenue generated by the rate during the year of the report,
- (iv) the outcomes of the project, and the benefits to the council's area and the local community of the project, during the year of the report,
- (g) despite sections 498(3)(b) and 499(4)(b), the Minister does not need to approve the different application of the rate, if any, in relation to different land.
- (5) Subsection (4) applies despite any other provision of this Act to the contrary.
- (6) In this section—  
*another Australian jurisdiction* means the Commonwealth or another State or a Territory.  
*government entity* means each of the following—
  - (a) the State or another Australian jurisdiction, including the Crown in right of the State or another Australian jurisdiction,
  - (b) a Minister of the government of the State or another Australian jurisdiction,
  - (c) a government sector agency within the meaning of the *Government Sector Employment Act 2013* or a Department or other agency of another Australian jurisdiction,
  - (d) a public authority of the State or another Australian jurisdiction,
  - (e) a person acting on behalf of the State or another Australian jurisdiction or of the Crown in right of the State or another Australian jurisdiction, but does not include a council, county council or joint organisation, or a local authority of another Australian jurisdiction, unless the regulations declare the council, organisation or authority to be a government entity for this section.

**[5] Section 505 Application of Part**

Insert after section 505(a)(vi)—

- (vii) fire and emergency service levies payable under the *Fire and Emergency Services Levy Act 2017*, and

**[6] Section 506 Variation of general income**

Insert at the end of the section—

- (2) Without limiting subsection (1), the order may—
  - (a) specify different percentages for different areas of councils, and
  - (b) specify a methodology for calculating a percentage rather than specifying a particular percentage, including by specifying a base percentage to which an additional figure may be added in specified circumstances.

**[7] Section 514 Categorisation of land for purposes of ordinary rates**

Insert after the first dot point in section 514—

- environmental

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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**[8] Section 514, note**

Insert “environmental,” after “farmland,”.

**[9] Section 515A**

Insert after section 515—

**515A Categorisation as environmental**

- (1) Land is to be categorised as *environmental* if—
  - (a) it is a parcel of rateable land, and
  - (b) its use is constrained because of one or more of the following—
    - (i) development cannot be carried out on the land,
    - (ii) the land has low development potential for business, residential, mining or farming activity, and
  - (c) it is subject to geographical restrictions or regulatory restrictions, and
  - (d) it is used for a purpose that would not be more appropriately categorised as farmland, residential, mining or business.
- (2) In determining whether the matters mentioned in subsection (1)(b) apply, the council must consider—
  - (a) whether the uses permitted on the land are consistent with—
    - (i) the protection, management and restoration of areas of high ecological, scientific, cultural or aesthetic values, and
    - (ii) the prevention of development that could destroy, damage or otherwise have an adverse effect on those values, and
  - (b) matters that may be prescribed by the regulations.
- (3) In this section—

*geographical restrictions*, in relation to land, include the water areas, mud flats, swamps, marshlands, steep slopes or other terrain resulting in physical limitations preventing the carrying out of all, or almost all, residential or commercial development on the land.

*regulatory restrictions* mean restrictions imposed by an Act, environmental planning instrument, conservation agreement, or in some other way, specified by the regulations.

**[10] Section 518 Categorisation as business**

Insert “environmental,” after “farmland,”.

**[11] Section 519 How is vacant land to be categorised?**

Omit “section 515, 516 or 517”. Insert instead “sections 515–517”.

**[12] Section 529 Rate may be the same or different within a category**

Omit section 529(2). Insert instead—

- (2) A sub-category may be determined as follows—
  - (a) for the category “farmland”—according to—
    - (i) the location of the land, or
    - (ii) the intensity of land use, or
    - (iii) the irrigability of the land, or
    - (iv) economic factors affecting the land,

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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- (b) for the category “residential”—according to—
  - (i) whether the land is rural residential land, or
  - (ii) whether the land is in a centre of population, or
  - (iii) whether the land is in a residential area or in part of a residential area,
- (c) for the category “mining”—according to the kind of mining involved,
- (d) for the category “business”—according to a centre of activity.
- (2A) A sub-category may be determined for subsection (2)(b)(iii) only if the council is satisfied on reasonable grounds that it is necessary to identify residential areas because of significant differences between the areas in relation to access to or demand for, or the cost of providing, services or infrastructure.
- (2B) A sub-category must be identified by reference to geographical names or another way prescribed by the regulations for the sub-category if—
  - (a) the sub-category is identified by reference to the location of the land, or
  - (b) the sub-category is identified by reference to the factor mentioned in subsection (2)(b)(iii).

**[13] Section 529(2)(a1)**

Insert after section 529(2)(a), as inserted by item [12]—

- (a1) for the category “environmental”—according to 1 or both of the following—
  - (i) the location of the land,
  - (ii) whether the land is subject to regulatory restrictions,

**[14] Section 529(2)(d)**

Omit the paragraph, as inserted by item [12]. Insert instead—

- (d) for the category “business”—according to 1 or more of the following—
  - (i) whether the land is in a centre of commercial or industrial activity,
  - (ii) whether the land is industrial land,
  - (iii) whether the land is non-industrial land.

**[15] Section 529(2AA)**

Insert after section 529(2A), as inserted by item [12]—

- (2AA) For subsection (2)(d)(ii) and (iii)—
  - (a) land is industrial land if the activities carried out on the land are predominately industrial activities,
  - (b) land is non-industrial land if the activities carried out on the land are predominately not industrial activities.

**[16] Section 529(5) and (6)**

Insert after section 529(4)—

- (5) The regulations may make provision for or with respect to the following—
  - (a) the factors that may or may not be taken into account in determining a sub-category for a category of land for which a sub-category may be determined,

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (b) public consultation requirements to be followed by councils in determining a sub-category, including by applying, with or without modification, provisions of the Act, the regulations or guidelines concerning the preparation, exhibition and publication of strategic council planning documents.

- (6) In this section—  
*geographical name* has the same meaning as in the *Geographical Names Act 1966*.  
*regulatory restrictions* mean restrictions imposed by an Act, environmental planning instrument, conservation agreement, or in some other way, specified by the regulations.  
*strategic council planning document* means a community strategic plan, resourcing strategy, delivery program or operational plan mentioned in Chapter 13, Part 2.

**[17] Section 529(5)(c)**

Insert after section 529(5)(b), as inserted by item [16]—

- (c) the kinds of activities that are, or are not, industrial activities or non-industrial activities for the purposes of this section.

**[18] Section 530**

Insert after section 529—

**530 Special provisions for residential sub-categories**

- (1) This section applies in relation to determining a sub-category (a *residential sub-category*) under section 529 for the category “residential” for rateable land in a council’s area.
- (2) The Minister may, from time to time, issue guidelines for the determination of ordinary rates for rateable land in contiguous urban areas.
- (3) Without limiting subsection (2), the guidelines may provide for when an area is, or is not, a contiguous urban area for this section.
- (4) The highest ordinary rate for rateable land in a contiguous urban area must not exceed the average ordinary rate payable for other rateable land in the area by the factor, if any, prescribed by the regulations.
- (5) Despite subsection (4), the Minister may, by written instrument given to a council on its application—
  - (a) determine a factor for the council that is greater than the factor mentioned in subsection (4), and
  - (b) impose conditions in relation to the use of the determined factor.
- (6) The Minister may, by a further written instrument given to a council, vary or revoke a determination, or a condition of a determination, made or imposed for the council under subsection (5).
- (7) If a council decides to make different ordinary rates for residential sub-categories, the council must—
  - (a) publish the reasons for doing so on its website as soon as practicable after making the rates, and
  - (b) set out the reasons in the council’s statement of revenue policy in its operational plan for the year concerned.

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (8) The Minister may, from time to time, issue written directions to councils concerning—
  - (a) the factors or circumstances that may, or may not, be used by councils in determining a residential sub-category or the ordinary rate for a residential sub-category, and
  - (b) matters to be included in reasons published for subsection (7)(a).
- (9) A council must comply with the guidelines and directions given by the Minister under this section.

**[19] Section 555, heading**

Insert “, other than water supply special rates and sewerage special rates” after “rates”.

**[20] Section 555(1)**

Insert “, other than water supply special rates and sewerage special rates” after “all rates”.

**[21] Section 555(1)(b) and (b1)**

Omit the paragraphs. Insert instead—

- (b) land reserved or acquired under the *National Parks and Wildlife Act 1974*,
- (b1) subject to subsection (3), land that is the subject of a conservation agreement unless it is a kind of conservation agreement excluded by the regulations,

**[22] Section 555(1A)**

Insert after section 555(1)—

- (1A) Without limiting subsection (1), the following land is also exempt from all rates, other than water supply special rates and sewerage special rates—
  - (a) land that is a public place,
  - (b) land used for a public reserve and vested in the Crown, a public body or trustees,
  - (c) land used for a common and vested in the Crown, a public body or trustees,
  - (d) land used for a public cemetery and vested in the Crown, a public body or trustees,
  - (e) land used solely for a free public library and vested in the Crown, a public body or trustees,
  - (f) land acquired under an environmental planning instrument for the public purpose specified in the instrument and not leased for private purposes,
  - (g) land that is held under a lease from the Crown for private purposes and is the subject of a mineral claim granted under Part 9, Division 4 of the *Mining Act 1992* and that the council has declared is not rateable,
  - (h) land that belongs to a public benevolent institution or public charity and is used or occupied by the institution or charity for the purposes of the institution or charity,
  - (i) land that belongs to a public hospital,
  - (j) land that is vested in the Minister for Health and Medical Research, the Health Administration Corporation or the New South Wales Health Foundation,

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (k) land that is vested in a local health district constituted under the *Health Services Act 1997*,
- (l) land that is vested in a university, or a university college, and is used or occupied by the university or college solely for its purposes,
- (m) land that is vested in the Crown or Venues NSW and is described in Schedule 4A, Part 1, 2 or 3 of the *Sporting Venues Authorities Act 2008* and is used or occupied for the purposes of or in accordance with that Act,
- (n) land that is vested in the Crown or the Zoological Parks Board and is used or occupied by the Board for its purposes,
- (o) land that—
  - (i) is vested in the mines rescue company, within the meaning of the *Coal Industry Act 2001*, and
  - (ii) is used for the purposes of a mine rescue station controlled by that company,
- (p) land that is managed by the Teacher Housing Authority and on which a house is erected,
- (q) land that is leased to the Crown for the purpose of cattle dipping,
- (r) land that is specified or described in the regulations as being exempt from all rates, other than water supply special rates and sewerage special rates,
- (s) land that is vested in an Aboriginal Land Council and that is reserved under Part 4A of the *National Parks and Wildlife Act 1974*.

**[23] Section 555(3)**

Omit “within the meaning of the *National Parks and Wildlife Act 1974*”.

**[24] Section 555(4)**

Insert “or (1A)(h)–(o)” after “subsection (1)(e), (f), (g) and (g1)”.

**[25] Section 555(5)**

Omit the subsection. Insert instead—

- (5) A parcel of rateable land is to be valued in accordance with section 28A of the *Valuation of Land Act 1916* to enable rates to be levied on a part of the parcel that is not exempt from rates under this section if it is—
  - (a) a parcel belonging to a religious body partly occupied and used in a way described in subsection (1)(e) and partly in a way that would result in part of the parcel not being exempt from rates under this section, or
  - (b) a parcel belonging to a public benevolent institution or public charity partly used or occupied by the institution or charity for its own purposes and partly for a purpose that would result in part of the parcel not being exempt from rates under this section.

**[26] Section 556**

Omit sections 556 and 557. Insert instead—

**556 What land is exempt from water supply special rates and sewerage special rates?**

- (1) Water supply special rates may not be levied on land to which the council has resolved not to supply water.



Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (2) Sewerage special rates may not be levied on land which the council has resolved not to connect to the council's sewers.
- (3) Subject to subsection (4), water supply special rates and sewerage special rates may be levied on land that is the subject of a conservation agreement unless it is a kind of conservation agreement excluded by the regulations.
- (4) If part of a single parcel of land is the subject of a conservation agreement, any rate levied on that whole parcel is to be reduced by the following percentage—

$$P = \frac{CA}{WA}$$

where—

*P* is the percentage, and

*CA* is the area of that part of the parcel that is the subject of the conservation agreement, and

*WA* is the area of the whole parcel.

**Example.** If a parcel of land would normally be subject to a rate of \$1,000, but 40% of the area of the land is subject to a conservation agreement, that rate is to be reduced by 40% to \$600.

**[27] Section 558, heading**

Omit “water supply special rates and sewerage special”.

**[28] Section 558(1)**

Omit “water supply special rates and sewerage special”.

**[29] Chapter 15, Part 8, Division 2**

Omit the note at the beginning of the Division. Insert instead—

**Note—**

This Division enables a ratepayer to apply for a postponement in certain cases of hardship.

This Division also entitles particular public bodies to a 25% rebate for ordinary rates payable for certain land.

Other rating concessions may be provided under other Acts. For example, section 127 of the *Heritage Act 1977* provides for rates to be levied on heritage valuations determined in accordance with that Act instead of on other valuations.

**[30] Section 591**

Omit the section. Insert instead—

**591 Postponement of rates**

- (1) A council must, in accordance with this section, postpone the payment of rates for land in a rating year where a change in the zoning or other designation of the land under an environmental planning instrument mentioned in section 585 happens if—
  - (a) the change happened within the period of 20 years before the application for postponement is made, and
  - (b) a determination or redetermination made by the Valuer-General of the attributable part of the land value having regard to the change is in force, and
  - (c) the rateable person making the application—
    - (i) occupies the land when the application is made, and

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (ii) owned the land when the change happened, but did not initiate or request the change, and
- (d) the council is satisfied on reasonable grounds that the case falls within a category of hardship for which the council has determined payment should be postponed.
- (2) The amount of the rate postponed is to be the increase in the amount of the rate resulting from the zoning or other designation of the land compared with the rate the would have been payable if the zoning or other designation had not happened.

**[31] Section 595**

Omit the section. Insert instead—

**595 Postponed rates may be written off after 5 years**

- (1) This section applies if 5 years have elapsed since the commencement of a rating year for which part of the rates levied on land have been postponed under this Division.
- (2) The council may write off the part postponed and any interest accrued on that part.
- (3) This section does not affect the right of the council to recover rates and interest, even though they have been written off under this section, if it subsequently appears to the council that they should not have been written off.

**[32] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts**

Insert after Part 40—

**Part 41 Provisions consequent on enactment of Local Government Amendment Act 2021**

**Division 1 Interpretation**

**126 Definitions**

In this Part—

*amending Act* means the *Local Government Amendment Act 2021*.

*equalisation process*—see clause 128.

*gradual harmonisation*—see clause 127.

*harmonisation period*—see clause 127.

*harmonisation resolution*—see clause 127.

*immediate harmonisation*—see clause 127.

*rating category* means a category mentioned in section 514, including as amended by the amending Act.

*rating sub-category* for a rating category means a sub-category for the rating category of a kind permitted under Chapter 15, Part 3, including as amended by the amending Act.

*relevant council* means a council to which a determination of the Minister under section 218CB applied immediately before the day on which Division 2 of this Part commences.

*sub-categorisation process*—see clause 128.

## **Division 2 Rate harmonisation**

### **127 Rate harmonisation for ordinary rates**

- (1) A relevant council must harmonise the ordinary rates for each of its rating categories in accordance with this Part.
- (2) A relevant council may decide to harmonise ordinary rates by passing a resolution (a *harmonisation resolution*)—
  - (a) for the harmonisation to happen from the next rating year occurring after the day on which this Division commences (an *immediate harmonisation*), or
  - (b) for the harmonisation to happen over a period, not exceeding 8 years, specified by the resolution (the *harmonisation period*) after the day on which this Division commences (a *gradual harmonisation*).
- (3) A council is taken to have passed a harmonisation resolution for the purposes of this Part even if the resolution is passed before the day on which this Division commences.

### **128 Ways in which ordinary rates may be harmonised**

- (1) Ordinary rates may be harmonised by a relevant council for a rating category by using—
  - (a) an equalisation process, or
  - (b) a sub-categorisation process.
- (2) An *equalisation process* involves revising the council's existing ordinary rating structure so that it applies consistently within each rating category used by the council.  
**Example.** Creating the same rating structure for all land categorised as residential.
- (3) A *sub-categorisation process* involves revising the council's existing ordinary rating structure by adopting rating sub-categories for rating categories used by the council.

### **129 Process for gradual harmonisation**

- (1) A relevant council must not pass a harmonisation resolution for gradual harmonisation unless—
  - (a) the council has undertaken the consultation process specified by this clause, and
  - (b) the resolution specifies each of the following—
    - (i) the length of the harmonisation period,  
**Note.** Clause 127(2)(b) provides that the period cannot exceed 4 years.
    - (ii) the rating structure for each rating category or rating sub-category that will come into effect when the harmonisation period ends,
    - (iii) the percentage of the increase in rates for each rating category or sub-rating category that will occur in each rating year over the harmonisation period.
- (2) Subject to the regulations, the consultation process to be followed for a gradual harmonisation proposal is to be the consultation process for the adoption of an operational plan under Chapter 15, Part 4.
- (3) The consultation process mentioned in subclause (2) may be followed in combination with the adoption of an operational plan or separately.

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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- (4) The relevant council must ensure that each annual variation in the amount of an ordinary rate for a rating category or rating sub-category during the harmonisation period for a gradual harmonisation does not exceed 50% of the difference between—
  - (a) the ordinary rate structure at the beginning of the harmonisation period, and
  - (b) the ordinary rate structure at the end of the harmonisation period.
- (5) A gradual harmonisation may not be altered by a further resolution of the council—
  - (a) to increase the harmonisation period beyond 8 years, or
  - (b) to make changes to the harmonisation process in contravention of subclause (4).
- (6) In this clause—  
**ordinary rate structure** means the amount of the rate comprised by the total of the amounts referred to in section 497.

#### 130 Relationship of Division with other provisions

This Division applies despite anything to the contrary in other provisions of this Act, particularly section 218CB and Chapter 15, Part 3 as amended by the amending Act.

### Division 3 Conservation agreements

#### 131 Existing exemptions for conservation agreements

- (1) Section 555(1)(b1), as in force immediately before the day of its substitution by the amending Act, continues to apply to—
  - (a) a conservation agreement in force immediately before the day, and
  - (b) a conservation agreement entered into on or after the day if entering the agreement was a condition of—
    - (i) a development consent granted under the *Environmental Planning and Assessment Act 1979* before the day, or
    - (ii) an approval granted under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth before the day.
- (2) In this clause—  
**conservation agreement** has the same meaning as in the *National Parks and Wildlife Act 1974*.

### Division 4 Postponed rates and unpaid rates or charges

#### 132 Application of amendment concerning postponements

- (1) Chapter 15, Part 8, Division 2, as in force immediately before the day section 591 is substituted by the amending Act, continues to apply—
  - (a) to applications for postponement of rates made, but not finally determined, before the day, and
  - (b) to postponements of rates granted before the day that have not lapsed, and
  - (c) to postponements of rates granted before the day that have lapsed, whether before, on or after the day.

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

- (2) Subclause (1), in its application to subclause (1)(c), applies for the period of 20 years.

## **Division 5 Statutory review**

### **133 Minister to review amendments**

- (1) This Minister is to review the amendments made by the amending Act to determine whether—
- (a) the policy objectives of the amendments remain valid, and
  - (b) the terms of the provisions inserted, substituted or amended by the amending Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the end of the period of 2 years following the commencement of this clause.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament as soon as practicable after the review is completed.

### **[33] Dictionary**

Insert in alphabetical order—

*conservation agreement* means—

- (a) a conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
- (b) another agreement relating to the conservation of the land of a kind prescribed by the regulations.

## **1.2 Amendments concerning elections and terms of office**

### **[1] Section 291A Countback to be held instead of by-election in certain circumstances**

Omit section 291A(4)(a)–(c). Insert instead—

- (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner—by a returning officer appointed by the Electoral Commissioner, or
- (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council—by a returning officer appointed by the electoral services provider.

### **[2] Section 291A(5A)**

Insert after section 291A(5)—

- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.

### **[3] Section 310A Postal votes**

Omit section 310A(a). Insert instead—

- (a) the postal vote is received by the returning officer before the time and day following the close of the poll prescribed by the regulations, and

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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**[4] Section 391 The chairperson**

Omit section 391(2) and (3). Insert instead—

- (2) The chairperson holds office for 2 years, subject to this Act.
- (3) The office of chairperson—
  - (a) commences on the day the person elected to the office is declared to be elected, and
  - (b) becomes vacant on the earliest of the following—
    - (i) when the person's successor is declared to be elected to the office,
    - (ii) on the occurrence of a casual vacancy in the office,
    - (iii) the polling day of the ordinary election of councillors of which the person is a councillor.

**[5] Section 400V Chairperson**

Omit section 400V(4). Insert instead—

- (4) The office of chairperson—
  - (a) commences on the day the person elected to the office is declared to be elected, and
  - (b) becomes vacant on the earliest of the following—
    - (i) when the person's successor is declared to be elected to the office,
    - (ii) on the occurrence of a casual vacancy in the office,
    - (iii) the polling day of the ordinary election of councillors of which the person is a councillor.

**1.3 Amendments concerning superannuation payments for councillors**

**Section 254B**

Insert after section 254A—

**254B Payment for superannuation contributions for councillors**

- (1) A council may make a payment (a *superannuation contribution payment*) as a contribution to a superannuation account nominated by a councillor, starting from the financial year commencing 1 July 2022.
- (2) The amount of a superannuation contribution payment is the amount the council would have been required to contribute under the Commonwealth superannuation legislation as superannuation if the councillor were an employee of the council.
- (3) A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the councillor.
- (4) A council is not permitted to make a superannuation contribution payment—
  - (a) unless the council has previously passed a resolution at an open meeting to make superannuation contribution payments to its councillors, or
  - (b) if the councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or
  - (c) to the extent the councillor has agreed in writing to forgo or reduce the payment.

Local Government Amendment Bill 2021 [NSW]  
Schedule 1 Amendment of Local Government Act 1993 No 30

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- (5) The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a mayor or other councillor.
- (6) A person is not, for the purposes of any Act, taken to be an employee of a council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.
- (7) A superannuation contribution payment does not constitute salary for the purposes of any Act.
- (8) Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.
- (9) In this section—  
***Commonwealth superannuation legislation*** means the *Superannuation Guarantee (Administration) Act 1992* of the Commonwealth.  
***superannuation account*** means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth superannuation legislation applies.

## 2021-22 City Projects Program Adjustments – Post Public Exhibition

Program / Sub Program	Description	Amount
<b>Beaches and Waterways</b>		
<b>Foreshore Infrastructure</b>		<b>\$220,000</b>
	Brighton Le Sands Boardwalk	
<b>Buildings and Property</b>		
<b>Building - New and Improvements</b>		<b>\$200,000</b>
	Beach Hut Dolls Point	
<b>Building - Renewals and Rehabilitation</b>		<b>\$1,385,000</b>
	Kyeemagh Community Centre	
	Rockdale Admin Building HVAC and roof	
	Rockdale Community Centre Council Chambers Renewal	
	Brighton Baths Building	
	L'Estrange Park Amenities & Embelishment	
<b>Library Resources</b>		
	Library Project	<b>\$50,000</b>
<b>Open Spaces</b>		
<b>Active Parks</b>		<b>\$2,031,300</b>
	Barton Park Open Space and Recreation Renewal	
	Gardiner Park Synthetic Playing Field	
	Kendall Reserve Monitoring	
	Scarborough Park central Amenities Demoilition	
	Scarborough Park Central Field Rehab and Renewal	
<b>Playgrounds</b>		<b>\$50,000</b>
	Playspace Renewal - Scarborough Park (Tonbridge Reserve)	
<b>Plant, Fleet and Equipment</b>		
	Heavy Plant Purchases	<b>\$1,487,000</b>
<b>Roads and Transport</b>		
<b>Bridges and Structures</b>		<b>\$600,000</b>
	Footbridge Barton Park replacement	
<b>Car Parks</b>		<b>\$135,000</b>
	John Curtin Carpark renewal	
	Increase Car Parking at Bexley	
<b>Pedestrian Access and Mobility</b>		<b>\$3,245,000</b>
	Guess Avenue Pedestrian Improvements	



Program / Sub Program	Description	Amount
	Banksmeadow Public School - RPS pedestrian safety improvements Brighton Street Banksmeadow	
	Bardwell Park Infants School - RSP Crewe Lane Bardwell Park footpath	
	Daceyville Public School - RSP Birdwood Avenue kerb extensions	
	Daceyville Public School, St Michaels Primary School - RSP Banks Avenue Daceyville pedestrian improvements	
	Eastlakes Public School - RSP Florence Av Grafton St Intersection improvement	
	Eastlakes Public School - RSP Florence Av Eastlakes Relocate Pedestrian Crossing	
	Kyeemagh Public School - RSP Bestic Street, Kyeemagh share path improvements	
	Kyeemagh Public School (expansion) - RSP Kyeemagh school Pedestrian enhancement	
	Mascot Public School - RSP Hatfield Av King St kerb extensions	
	Pagewood Public School - RSP Banksia Street Pagewood intersection improvement	
	St Mary and St Mina's Coptic College, St George Girls High School, Kogarah High School, Kogarah Public School - RSP Harrow Road, Hegerty Street Kogarah intersection improvements	
	St Thomas More and Cairnsfoot School - RSP Francis Street Footpath	
	Riverside Drive solar lighting	
<b>Street Lighting</b>		<b>\$283,049</b>
	Bonar Street & Mt Olympus	
<b>Traffic and Road Safety</b>		<b>\$1,178,500</b>
	Athelstane Public School - RSP Raised crossing Wollongong Road	

Program / Sub Program	Description	Amount
	Al Zahra College - RSP Wollongong and Firth pedestrian enhancements	
	Ramsgate Public School - RSP raised pedestrian crossing Florence St Ramsgate	
	St Ursula's College - RSP raised pedestrian crossing upgrade Shaw St Kingsgrove	
<b>Stormwater Drainage</b>		
<b>Drainage Infrastructure</b>		<b>\$400,000</b>
	Bonar Street stormwater stage 2	
<b>Water Quality</b>		<b>\$80,000</b>
	Stormwater Quality Improvement – Coolibah Reserve Wetland	
<b>Town Centres</b>		
<b>Thriving Town Centres</b>		<b>\$1,069,663</b>
	Bexley Town Centre	
	Town Centre - George St Rockdale	
	Bexley Town Centre Public Domain Upgrade	
<b>Total City Projects Program Adjustments</b>		<b>\$12,414,512</b>

## Council Meeting

9/06/2021

Item No	8.2
Subject	<b>VPA 119 Robey Street, Mascot - Voluntary Planning Agreement - Letter of Offer</b>
Report by	Peter Barber, Director City Futures
File	F19/680

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## Summary

DA-2019/319 proposed replacement of an existing illuminated general advertising structure with an integrated digital LED screen, which triggers State Environmental Planning Policy No 64—Advertising and Signage (SEPP64), and potential for public benefits to be delivered through a Planning Agreement.

The Developer, Bishopp Outdoor Advertising Pty Ltd (Bishopp) issued Council with a Letter of Offer dated 9 September, 2020 (**Attachment 1**) to enter into a Voluntary Planning Agreement (VPA). The parties have progressed negotiation of a draft VPA (**Attachment 2**), which includes the following public benefit outcome over a 15-year term of:

- \$22,166.70 + CPI per annum; and
- 5% display time per annum to Council for community messages.

The agreement is consistent with agreements in place over similar advertising signs and generates revenue to benefit the community through road safety and related projects.

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## Officer Recommendation

- 1 That Council endorses and accepts the Voluntary Planning Agreement Letter of Offer from Bishopp dated 9 September 2020, and the agreement negotiated between the parties.
  - 2 That authority be delegated to the General Manager to finalise the draft Voluntary Planning Agreement and place it on Public Exhibition for a minimum of 28 days.
  - 3 That authority be delegated to the General Manager to make amendments, if required following conclusion of Public Exhibition period taking into consideration any submissions, and to execute the Voluntary Planning Agreement.
- 

## Background

The Developer, Bishopp is acting on behalf of the landowners of Lot 1 DP 777200 in this proposal. DA-2019/319 proposed replacement of an existing illuminated general advertising structure with an integrated digital LED screen. The consideration of general outdoor advertising signage is undertaken under Provisions of State Environmental Planning Policy 64 – Advertising and Signage. The Policy sets out planning controls, assessment criteria, and provides an opportunity for public benefit to be derived through the development of outdoor advertising.

It is common practice for Bayside Council to enter into Planning Agreements for monetary benefits, particularly around Sydney Airport. The negotiation of public benefit for outdoor advertising is undertaken on a consistent basis and linked to the area of the proposed sign.

## Proposal

The benefit negotiated in relation to this particular sign is consistent with other similar signs. The offer is a 15-year agreement (which is the life of the development consent) comprised of \$22,166.70 + CPI per annum and 5% display time per annum to Council for community messages.

The display time contribution entitles Council to ten (10) free advertisement uploads per year. The showing will be accommodated in the rotation of paid advertisers that rotate through the screen at 10 second intervals. A Council advertisement will remain in rotation until either Council replaces it with another advertisement or requests that it is removed from the rotation. Council's showing will be consistent through the day and night, meaning there will be an even exposure across all advertisers. In the event that not all of the other advertising slots are sold, Council's frequency of showing will automatically increase.

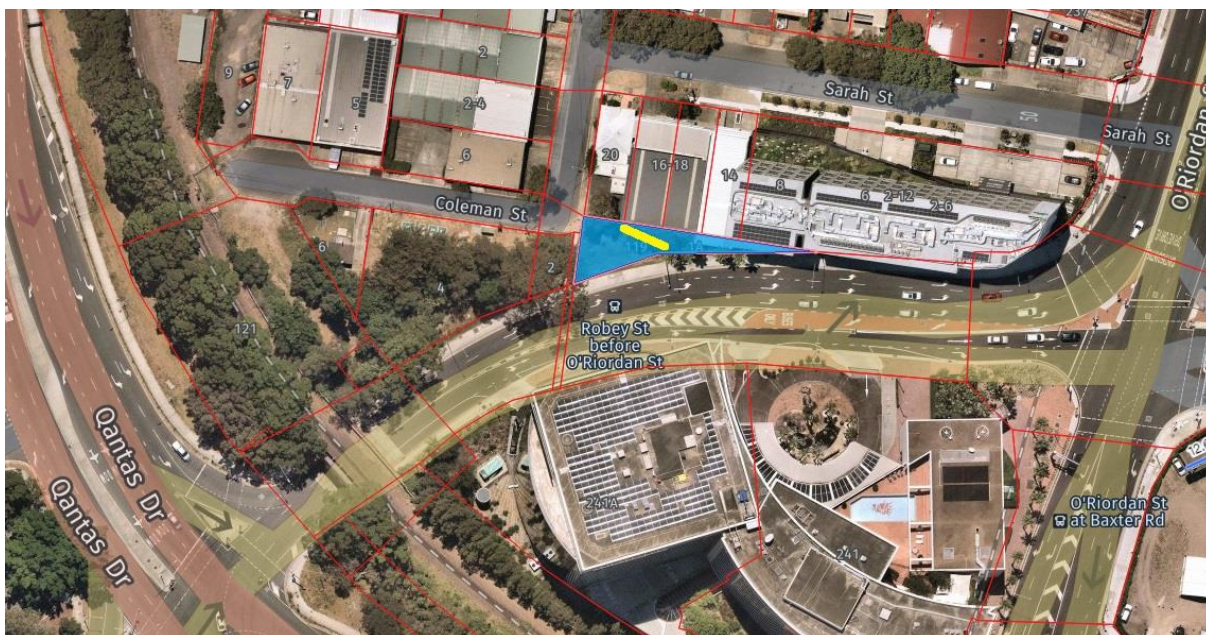


Figure 1: Sign Location

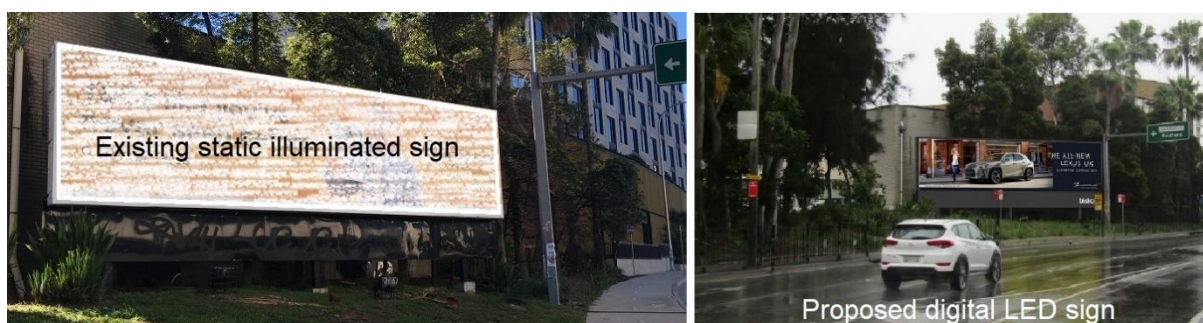


Figure 2: Existing static illuminated sign and the proposed digital LED sign

At the discretion of Council, SEPP 64 monetary contributions are to go towards transport and traffic matters of a public nature, including transport safety, transport amenity improvements,

pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), improving public amenity adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.

---

### Financial Implications

- |                                      |                                     |  |
|--------------------------------------|-------------------------------------|--|
| Not applicable                       | <input checked="" type="checkbox"/> | The Planning Agreement would provide Council with additional funds for road, cycle or pedestrian related improvements. |
| Included in existing approved budget | <input type="checkbox"/>            |  |
| Additional funds required            | <input type="checkbox"/>            |  |
- 

### Community Engagement

If supported, the Draft VPA is required to go on public exhibition for no less than 28 days, prior to execution.

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### Attachments

- 1 Letter of Offer (09.09.2020) [↓](#)
- 2 Draft VPA (17.05.2021) [↓](#)



9 September 2020

Meredith Wallace  
General Manager  
Bayside Council  
444-446 Princes Highway, Rockdale NSW 2216

Dear Ms. Wallace,

**LETTER OF PUBLIC BENEFIT OFFER IN CONNECTION WITH A DEVELOPMENT APPLICATION FOR ADVERTISING SIGNAGE, AT 119 ROBESY STREET, MASCOT**

This letter sets out the offer of Bishopp to enter into a planning agreement (VPA) with the Bayside Council (Council) in relation to the Development Application for 119 Robesey Street, Mascot, being Lot 1 in DP 777200. Bishopp are the proponent for the development application DA-2019/319 currently under assessment.

DA-2019/319

A Development Application has been submitted to Council seeking consent for the replacement of an existing static advertising billboard with a digital advertising billboard. Specifically, this DA seeks approval for:

- The removal of the existing advertising signage on the site;
- The installation of a digital outdoor advertising billboard sign with a display area of 39.94m<sup>2</sup>;
- Minor landscaping works associated with the installation of the new sign, with no tree removal proposed; and
- Minor electrical works associated with the illumination of the proposed sign.

**Details of Public Benefit Offer**

In recognition of the requirements of SEPP64 Advertising and Signage requiring a public benefit, in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979*, Bishopp intends to enter into a VPA with Council. The general nature and extent of the public benefit offer is set out below.

Bishopp offers to Council an annual financial contribution of \$22,166.70. This amount is calculated at a contribution of \$555 per square metre of display.

In addition, it is noted that 2.5 per cent of advertising display time will be made available to Council to promote local initiatives and events. A further 2.5 per cent share of voice will be made available to Roads and Maritime Services for the same purpose.

This offer is subject to the following conditions:

1. The commercial components of the agreement are only valid from the date that the digital advertising display is operational;
2. The agreement is appropriately safeguarded against events that are outside of either party's control, that adversely impact the commercial value of the display, and;
3. Each party is responsible for its own legal costs that are associated with the drafting and finalisation of the VPA.

Should you have any queries in relation to this matter, please do not hesitate to contact me. We would also welcome the opportunity to meet with Council to progress this matter.

Yours sincerely,

A handwritten signature in black ink that reads "Nick".

Nick McAlpine  
Director – Asset Management

## **Voluntary Planning Agreement**

Under s 7.4 of the Environmental Planning and Assessment Act 1979

### **State Environmental Planning Policy No 64 Advertising and Signage (2001 EPI 199) (SEPP64)**

**Lot 1 DP 777200  
119 ROBESY STREET, MASCOT**

Parties:

**Bayside Council**  
ABN 80 690 785 443  
(Council)

and

**Bishopp Outdoor Advertising Pty Ltd**  
ACN 075 519 121  
(Developer)

and

**Mr. Geoffrey William Keato**  
119 Robesy Street, Mascot  
(Land Owner #1)

and

**Mr. Arthur Leslie Robinson**  
119 Robesy Street, Mascot  
(Land Owner #2)

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## Table of Contents

Recitals .....	4
1. Definitions and Interpretation .....	5
1.1 Definitions .....	5
1.2 Interpretation .....	7
2. Planning Agreement under the Act .....	8
3. Application of this Agreement .....	8
4. Operation of this Agreement .....	8
5. Development Contributions .....	8
6. Adjustment of Development Contribution .....	9
7. Late Payment .....	10
8. Consolidation of Payment Dates .....	10
9. Allocation of Display Time .....	10
10. Council's Obligations in respect of the Development .....	11
11. Assignment and Transfer .....	12
12. Council's Acknowledgement .....	12
13. No Fetter .....	13
14. Application of sections 7.11 & 7.12 of the Act to the Development .....	13
15. Registration of this Agreement and caveatable interest .....	13
16. Dispute Resolution .....	13
16.1 Notice of Dispute .....	13
16.2 Response to Notice .....	14
16.3 Negotiation .....	14
16.4 Further Notice if not Settled .....	14
16.5 Mediation .....	14
16.6 Litigation .....	15
16.7 Exchange of Information .....	15
16.8 Continue to Perform Obligations .....	15
17. Not used .....	15
18. GST .....	15
18.1 Defined GST terms .....	15
18.2 GST to be added to amounts payable .....	15
18.3 Tax Invoice .....	15
18.4 GST obligations to survive termination .....	15
19. Notices .....	16
19.1 Service of Notices .....	16
19.2 Effect of receipt .....	16
19.3 Addresses .....	16
20. General .....	17
20.1 Legal Costs .....	17



20.2	Governing Law and Jurisdiction.....	17
20.3	Severability.....	17
20.4	Rights Cumulative .....	18
20.5	Waiver and exercise of rights .....	18
20.6	Survival .....	18
20.7	Amendment.....	18
20.8	Counterparts.....	18
20.9	Entire Understanding.....	18
	Schedule 1 – The Land.....	22
	Schedule 2 – Development Contributions .....	23
	Explanatory Note .....	24

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Page 3 of 26

**Planning Agreement: Lot 1 DP777200, 119 Robey Street, Mascot**

Date:

Parties: **Bayside Council ABN 80 690 785 443**

(Council)

**Bishopp Outdoor Advertising Pty Ltd ACN 075 519 121**

(Developer)

**Geoffrey William Keato**

(Land Owner #1)

**Arthur Leslie Robinson**

(Land Owner #2)

**Recitals**

- A. The Land is jointly owned by Land Owner #1 and Land Owner #2.
- B. The Developer is acting on behalf of Land Owner #1 and Land Owner #2 in relation to the Development.
- C. The Developer has lodged Development Application DA-2019/319 for removal of existing illuminated advertising sign and erection of a new digital illuminated advertising sign which comprises Digital Signage, on the Land.
- D. The terms of this Agreement are consistent with a Letter of Offer dated 9 September 2020.
- E. Council issued the Development Consent on 10 November 2020.
- F. By way of this Agreement, the Developer agrees to provide the Development Contribution in connection with carrying out the Development, on the terms and conditions of this Agreement.
- G. This Agreement between the parties has been entered into for the purposes of satisfying Clause 13 of the *State Environmental Planning Policy No. 64 (Advertising and Signage)* and the Transport Corridor Outdoor Advertising and Signage Guidelines for the provision of the public benefit to be provided in connection with the display of the advertisements in relation to the Development Consent.

Now it is agreed as follows:

## 1. Definitions and Interpretation

---

### 1.1 Definitions

In this Agreement:

**Act** means the *Environmental Planning and Assessment Act 1979 (NSW)*.

**Agreement** means this Voluntary Planning Agreement including all Schedules and the Explanatory Note.

**Business Day** means:

- (a) for the purposes of receiving a Notice, a day which is not a Saturday, Sunday, public holiday or bank holiday in the city in which the Notice is to be received; and
- (b) for any other purposes a day on which the banks are open for business in Sydney, New South Wales other than a Sunday or public holiday in Sydney, New South Wales.

**Construction Certificate** has the same meaning as in section 6.4(a) of the Act.

**Consumer Price Index** means:

- (a) the All Groups Consumer Price Index applicable to Sydney published by the Australian Bureau of Statistics; and
- (b) if this price index is discontinued or abolished or if the items or weighting of the items whose prices are considered vary, so as to change the basis of the price index, then any price index the Council selects that, as nearly as practicable, serves the same purpose.

**Development** means the development the subject of the Development Consent.

**Development Application** has the same meaning as in section 1.4 of the Act and specifically in this Agreement means Development Application DA-2019/319 for the removal of the Existing Signage and erection of the Digital Signage on the Land.

**Development Consent** means the consent (referred to in section 1.4 of the Act) given by Council in respect of Development Application DA-1029/319.

**Development Contribution** means the monetary contribution amount required to be paid by the Developer pursuant to this Agreement.

**Digital Signage** means Signage with a Digital Display Area.

**Digital Display Area** means the area of Signage comprising of digital technology (including but not limited to light emitting diode technology) in a screen configuration used, intended to be used or otherwise set aside for the display of advertisements or other signs, notices, content, devices or representations.

**Existing Signage** means the existing illuminated advertising Signage that is on the Land subject to removal in accordance with the Development Consent.

**First Payment** means the first monthly payment of the Development Contribution.

**First Payment Date** means the date which is 28 days after the date of issue of an

Page 5 of 26

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Occupation Certificate.

**Force Majeure Event** means any of the following events and/or circumstances (and their effects) outside the reasonable control of the Developer:

- (a) any substantive reduction in traffic volume past the Digital Signage which has been affected by road works, changed traffic movements, or any other impact that is not the fault of the Developer; or
- (b) the Digital Signage being damaged, destroyed or inoperative due to any cause other than the negligent act or omission of the Developer.

**GST** means goods and services tax or similar value added tax levied or imposed in Australia under the GST Law or otherwise on a supply.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*.

**GST Law** has the same meaning as in the GST Act.

**Land** means the Land described in Schedule 1.

**Occupation Certificate** means a certificate (referred to in section 6.4(c) of the Act) issued by Council or such other relevant authority including a private certifying authority in respect of the Development.

**Party** means a party to this Agreement including their successors and assigns.

**Public Purpose** means public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.

**Signage** means a sign (including digital LED billboard) and infrastructure which supports a sign on which advertisements or content are displayed, and includes the Existing Signage and any Digital Signage use approved by the Development Consent.

**Tax** means all forms of taxes, duties, imposts charges, withholdings, rates, levies or other governmental impositions of whatever nature and by whatever authority imposed, assessed or charged together with all costs, charges, interest, penalties, fines, expenses and other additional statutory charges, incidental or related to the imposition.

**Term** means the period commencing on the date of an Occupation Certificate and ending on the earlier of:

- (a) 15 years after the date on which the Development Consent becomes effective and operates in accordance with section 4.20 of the Act;
- (b) any lesser period specified in the Development Consent or as agreed in writing between Parties; and
- (c) termination (including deemed termination) of this Agreement.

**Terminating Date** means the earlier of:

- (a) the date of expiration of the Term;

- (b) the date the Parties record in writing, any termination of this Agreement under clause 6.1(c)(i);
- (c) the date this Agreement is deemed to be terminated pursuant to clause 6.1(c)(iii); and
- (d) the date of any termination in accordance with clause 10.2.

**Year** means each calendar year during the Term commencing on the First Payment Date.

## 1.2 Interpretation

In this Agreement, unless the context otherwise requires:

- (a) a reference to one gender includes the others;
- (b) the singular includes the plural and the plural includes the singular;
- (c) a recital, clause, schedule or annexure is a reference to a clause of or recital, schedule or annexure to this Agreement and references to this Agreement include any recital, schedule or annexure;
- (d) any contract (including this Agreement) or other instrument includes any variation or replacement of it and as it may be assigned or novated;
- (e) a statute, ordinance, code or other law includes subordinate legislation (including regulations) and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (f) a person or entity includes an individual, a firm, a body corporate, a trust, an unincorporated association or an authority;
- (g) a person includes their legal personal representatives (including executors), administrators, successors, substitutes (including by way of novation) and permitted assigns;
- (h) a group of persons is a reference to any two or more of them taken together and to each of them individually;
- (i) an entity which has been reconstituted or merged means the body as reconstituted or merged, and to an entity which has ceased to exist where its functions have been substantially taken over by another body, means that other body;
- (j) time is a reference to legal time in Sydney, New South Wales;
- (k) a reference to a day or a month means a calendar day or calendar month;
- (l) a reference to money (including 'AUD' or 'dollars') is to Australian currency,
- (m) unless expressly stated, no Party enters into this Agreement as agent for any other person (or otherwise on their behalf or for their benefit);
- (n) the meaning of any general language is not restricted by any accompanying example, and the words 'includes', 'including', 'such as', 'for example' or similar words are not words of limitation;
- (o) the words 'costs' and 'expenses' include reasonable charges, expenses and legal costs on a full indemnity basis;

- (p) headings and the table of contents are for convenience only and do not form part of this Agreement or affect its interpretation;
- (q) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (r) the time between two days, acts or events includes the day of occurrence or performance of the second but not the first day act or event;
- (s) if the last day for doing an act is not a Business Day, the act must be done instead on the next Business Day;
- (t) where there are two or more persons in a Party each are bound jointly and severally; and
- (u) a provision of this Agreement must not be construed to the disadvantage of a Party merely because that Party was responsible for the preparation of this Agreement or the inclusion of the provision in this Agreement.

## **2. Planning Agreement under the Act**

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- 2.1 The parties mutually acknowledge and agree that this Agreement is a Planning Agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

## **3. Application of this Agreement**

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- 3.1 This Agreement applies to the Land, the Development Application and to the Development.
- 3.2 Nothing in this Agreement affects the operation of any development consent(s) that are ongoing and in force in respect of the Existing Signage on the Land.

## **4. Operation of this Agreement**

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- 4.1 This Agreement takes effects from the date this Agreement is executed by the Parties.

## **5. Development Contributions**

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- 5.1 **Schedule 2** has effect in relation to the Development Contributions to be made by the Developer under this Agreement in relation to the Development Application.
- 5.2 The Developer must make the Development Contributions (as set out in **Schedule 2**) to Council in accordance with this Agreement including as provided in clauses 5.5, 6.1, 7.1 and 8.1.
- 5.3 For the purposes of clause 5.2:
- (a) the Developer acknowledges that it must lodge a Construction Certificate prior to commencement or works associated with the Development Application (pursuant to section 6.7 of the Act);
  - (b) Council acknowledges that the Developer may elect not to take up any development consent granted in relation to the Development Application;
  - (c) the Developer must immediately notify Council in writing of the date a Construction Certificate is issued in relation to the Development Application;
  - (d) the Developer must immediately notify Council in writing of the date an

Occupation Certificate is issued in relation to the Development Application;

- (e) the Developer may not commence use of the Digital Signage approved pursuant to the Development Application without an Occupation Certificate; and
- (f) subject to Council issuing a tax invoice in accordance with this Agreement, the Developer must make the First Payment on the First Payment Date.

5.4 The Developer agrees to make and the Council agrees to accept, the Development Contributions to be applied for the Public Purpose by the Council.

5.5 The Developer and the Council each agree that, on each anniversary of the First Payment Date, the Development Contribution in relation to the Development Consent will be adjusted by the Consumer Price Index for the prior Year.

5.6 The Developer shall cease to be liable for payment of the Development Contributions on and from the Terminating Date.

## **6. Adjustment of Development Contribution**

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6.1 If at any time the use or operation of the Digital Signage by the Developer pursuant to the granted Development Consent permanently ceases for any reason, the Parties acknowledge that:

- (a) the Developer must promptly notify Council in writing of the cessation of the use or operation of the Digital Signage and such notice shall include written evidence to demonstrate that the use or operation of the Digital Signage has permanently ceased;
- (b) Council must, within 10 Business Days after receiving a notice from the Developer under clause 6.1(a), give genuine consideration to any such written notice and written evidence and notify the Developer in writing as to whether or not it is satisfied (acting reasonably) that the use and operation of the particular Signage by the Developer has permanently ceased;
- (c) if:
  - (i) Council notifies the Developer under clause 6.1(b) that it is satisfied that the use and operation of the particular Signage by the Developer has permanently ceased, the Parties may formally record the ceasing of the operation of the particular Signage and mutually terminate this Agreement;
  - (ii) Council notifies the Developer under clause 6.1(b) that it is not satisfied that the use and operation of the particular Signage by the Developer has permanently ceased, then the Developer may serve a notice on Council that it disputes Council's notice and the dispute resolution provisions of this Agreement shall apply; and
  - (iii) Council does not give notice to the Developer of its decision under clause 6.1(b) within 10 Business Days after receiving a notice from the Developer under clause 6.1(a), this Agreement is deemed to be terminated on the date which is 10 Business Days after the Developer's notice to Council under clause 6.1(a).

6.2 (a) If at any time the use or operation of the Digital Signage by the Developer pursuant to the Development Consent is disrupted or suspended due to a

Force Majeure Event for a continuous period of 5 Business Days:

- (i) the Developer may provide written notice to Council which states the Force Majeure Event causing the disruption or suspension and the period of disruption or suspension; and
  - (ii) subject to clause 6.2(b), the obligation to pay Development Contributions is suspended during, but for no longer than, the period that the Force Majeure Event continues and any further period as is reasonable in the circumstances.
- (b) If the period of the Force Majeure Event exceeds 90 days, either Party may, by written notice to the other Party, terminate this Agreement.

## **7. Late Payment**

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- 7.1 Subject to Council issuing tax invoices in accordance with this Agreement, where any payment of a Development Contribution is not made on or before the due date for payment, the unpaid amount will accrue interest at a rate of 2% above the daily Reserve Bank of Australia Cash Rate from the date that payment was due up to and including the date when the overdue amount is paid.
- 7.2 If the Developer has not paid Development Contributions as required under this Agreement for 3 consecutive months, despite Council having issued tax invoices in accordance with this Agreement for each of those 3 months, then the Developer must suspend the use of the Digital Signage the subject of the Development Consent.
- 7.3 Despite a suspension under clause 7.2, the Parties acknowledge and agree that the Developer must, subject to Council issuing tax invoices in accordance with this Agreement, continue to pay Development Contributions as required under this Agreement for the duration of the suspension period under clause 7.2.
- 7.4 If late payment as referred to in clauses 7.1 and 7.2 above is cured, then use of the Digital Signage the subject of the Development Consent may be recommenced for the remainder of the Term (or until such time as a further breach occurs under clause 7.2).

## **8. Consolidation of Payment Dates**

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- 8.1 Without limiting the generality of clause 20.7 of this Agreement, the Parties acknowledge that they may, from time to time, negotiate and execute a variation of this Agreement so as to make provision for the date or dates on which recurrent payments of Development Contributions required by this Agreement are due to be consolidated (with appropriate adjustments) so as to make provision for a recurrent consolidated payment of the total Development Contribution payable.
- 8.2 Notwithstanding any other provision in this Agreement, the Parties acknowledge and agree that the Developer has no liability, and Council has no entitlement to the payment of the Development Contribution for any period after the expiration of the Term or termination of this Agreement. For the avoidance of doubt, any amounts paid by the Developer in excess of its liability for payment of the Development Contribution under this Agreement shall be paid by Council to the Developer within 14 days of written demand.

## **9. Allocation of Display Time**

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- 9.1 In addition to the Development Contributions, subject to clause 9.2, the Developer agrees to allocate (during the whole Term) five percent (5.0%) of the annual display time on the



Digital Signage which is the subject of Development Consent to Council to advertise Council events and community information.

**9.2** The Developer's obligation under clause 9.1 is subject to the following conditions:

- (a) Council shall be entitled to upload ten (10) new advertisements each year. Council must pay any production or service costs (including the Developer's standard charges) in connection with any additional artwork changes or uploads.
- (b) the right to display an advertisement on Digital Signage is personal to Council and cannot be transferred or sold to another person or exchanged for any other benefit or for cash;
- (c) the use of the allocated display time by Council shall be on an annual basis, that is, Council will have 5% of the annual display time to utilise each Year. For the avoidance of doubt, once the allocated time for any one Year has been fully utilised or exhausted by Council in a given Year, Council (as the case may be) may not request use of the Digital Signage until the following Year;
- (d) if at any time during the Term Council does not use its annual allocated display time (or any part thereof) to display an advertisement, then that unused display time is immediately forfeited to the Developer and does not accrue for future use;
- (e) Council must ensure that any advertisement displayed on the Digital Signage does not include the logo or branding of any third party, infringe any third party's intellectual property rights or breach any law or regulation, except that, subject to the Developer's prior consent, Council may include the logo or branding of a third party to identify it as a sponsor of the Council event being advertised;
- (f) Council must provide, seven (7) days' prior written notice to the Developer requesting use of the Digital Signage for the purpose set out in clause 9.1. Upon receipt of the notice from Council, the Developer will, at its discretion and subject to the Developer's operational requirements, allocate the display time on the Digital Signage in accordance with clause 9.1.

## **10. Council's Obligations in respect of the Development**

**10.1** Subject to clause 10.2 and clause 12, Council must:

- (a) not erect, install, plant or otherwise place, or grant to itself or any third party any licence, consent or approval to erect, install, plant or otherwise place, any plant or equipment, vegetation, structure, object, building or work on land owned, managed or controlled by Council which has or will have the effect of obscuring or obstructing visual access to the Signage from any public road for the duration of the Term; and
- (b) provide the Developer with at least one (1) month's prior written notice if it intends to install any plant or equipment, vegetation, structure, object, building or work within the vicinity of the Land.

**10.2** If Council installs any plant or equipment, vegetation, structure, object, building or work which obscures or obstructs the Signage or is in breach of clause 10.1(a), then:

- (a) the Developer may provide written notice to Council requesting Council to remove the obstruction;
- (b) the Development Contribution shall not be payable for the period that the Signage is obscured or obstructed, or Council is in breach of clause 10.1(a);

Page 11 of 26

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and

- (c) if the obstruction or breach continues for a period of five (5) Business Days after the date of the Developer's notice in clause 10.2(a), the Developer may, by written notice to Council, terminate this Agreement.

**10.3** Clause 10.1 does not limit or fetter in any way Council's ability to exercise its rights and responsibilities in relation to road safety or functions as a roads authority under the *Roads Act 1993* including, without limitation, the installation or display of a prescribed traffic control device pursuant to the *Road Transport Act 2013* or otherwise installing or erecting signs or devices related to traffic and pedestrian safety or the regulation of pedestrians and traffic.

## **11. Assignment and Transfer**

---

**11.1** Unless the matters specified in clause 11.2 are satisfied, the Developer is not to assign, transfer, dispose or novate to any person the Developer's rights or obligations under this Agreement.

**11.2** The matters required to be satisfied for the purposes of clause 11.1 are as follows:

- (a) the Developer has, at no cost to Council, first procured the execution by the person to whom the Developer's rights or obligations under this Agreement are to be assigned, transferred or novated, of an agreement in favour of Council on terms that are no less favourable to Council than the terms of this Agreement;
- (b) the Developer has provided evidence to Council to show that the assignee, transferee or novatee is reasonably capable of performing its obligations under the Agreement; and
- (c) the Developer is not in breach of a material term of this Agreement.

**11.3** Any purported dealing in breach of this clause is of no effect.

## **12. Council's Acknowledgement**

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**12.1** Subject to clause 12.2, Council acknowledges and agrees that for the duration of the Term:

- (a) the payment of the Development Contribution and the allocation of display time pursuant to clause 9 is in substitution for the payment of any other fees, rates, charges or levies (Levy Payments) which Council could or may seek to impose on the Developer and its successors or assigns in respect of the Existing Signage and the Development (including any Signage erected or installed on the Land pursuant to the Development Consent);
- (b) Council releases the Developer and its successors or assigns from all liability for Levy Payments in respect of the Existing Signage and the Development (including any Signage erected or installed on the Land pursuant to the Development Consent); and
- (c) Council will not seek to impose levies to the same effect as the Development Contributions.

**12.2** Nothing in clause 12.1 limits or fetters in any way Council's power to impose fees, rates, charges or levies under any Act (including but not limited to the *Local Government Act 1993*), regulation, statutory rule or similar which the Council could or may seek to impose:

- (a) on the owner(s) of the Land; or
- (b) as a standard application fee, lodgement fee or other administrative or processing fee or charge that is payable to Council in connection with any Development Application, modification application, application for a Construction Certificate or similar.

### **13. No Fetter**

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- 13.1** Nothing in this Agreement shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.
- 13.2** For the avoidance of doubt, nothing in this Agreement shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty in relation to:
- (a) assessment and determination of the Development Application;
  - (b) the exercise of Council's functions as a roads authority under the *Roads Act 1993*; or
  - (c) the exercise of Council's functions under the *Road Transport Act 2013* including but not limited to the installation or display of prescribed traffic control devices pursuant to that Act; or
  - (d) any other statutory power or functions relating to installing or erecting signs or devices with respect to traffic and pedestrian safety or the regulation of traffic and pedestrians generally.

### **14. Application of sections 7.11 & 7.12 of the Act to the Development**

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- 14.1** This Agreement excludes the application of Sections 7.11 and 7.12 of the Act to the Development.

### **15. Registration of this Agreement and caveatable interest**

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- 15.1** The Parties agree that this Agreement will not be registered for the purposes of section 7.6 of the Act.
- 15.2** The Parties agree that on execution of this Agreement Council will during the Term have a caveatable interest in the Land and may maintain a registered caveat against the title of the Land, for the sole purpose of protecting against assignment or transfer of the Land in breach of clause 11.1.
- 15.3** Council must at its cost, promptly consent (but no later than three (3) Business Days after the Developer makes a written request) to the registration of any dealing lodged (or to be lodged) by the Developer which does not deprive Council's right under clause 15.2 to be protected against an assignment or transfer of the Land in breach of clause 11.1.
- 15.4** On the expiration of the Term, Council's caveatable interest will lapse, and Council must do everything reasonably required in order to remove any such caveat from the title of the Land in a timely manner.

### **16. Dispute Resolution**

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#### **16.1 Notice of Dispute**

If a Party claims that a dispute has arisen under this Agreement (Claimant), it must

Page 13 of 26

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give written notice to the other Party (Respondent) stating the matters in dispute and designating as its representative a person to negotiate the dispute (Claim Notice).

#### **16.2 Response to Notice**

Within 20 Business Days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

#### **16.3 Negotiation**

The nominated representatives must:

- (a) meet to discuss the dispute in good faith within 10 Business Days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 15 Business Days after they have met.

#### **16.4 Further Notice if not Settled**

If the dispute is not resolved within 15 Business Days after the nominated representatives have met, either Party may give to the other a written notice calling for a resolution of the dispute (Dispute Notice).

#### **16.5 Mediation**

The Parties agree that a dispute shall be mediated if it is the subject of a Dispute Notice, in which case:

- (a) the Parties must agree the terms of reference of the mediation within 5 Business Days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Resolution Institute apply);
- (b) the appointment of a Mediator will be agreed between the Parties, or failing agreement within 5 Business Days of receipt of the Dispute Notice, either Party may request the Resolution Institute apply to appoint a mediator;
- (c) the mediator appointed pursuant to this clause 16.5 must:
  - (i) have reasonable qualifications and practical experience in the area of the dispute; and
  - (ii) have no interest or duty which conflicts or may conflict with his/her function as mediator, he/she being required to fully disclose any such interest or duty before his/her appointment;
- (d) the mediator shall be required to undertake to keep confidential all matters coming to his/her knowledge by reason of his/her appointment and performance of his/her duties;
- (e) the Parties must within 5 Business Days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the Parties agree to be bound by any mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement; and

- (g) in relation to costs and expenses:
  - (i) each Party will bear their own professional and expert costs incurred in connection with the mediation; and
  - (ii) the costs of the mediator will be shared equally by the Parties unless the mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the mediator may require the full costs of the mediation to be borne by that Party.

#### **16.6 Litigation**

If the dispute is not finally resolved at mediation, either Party may commence proceedings in court to litigate the dispute.

#### **16.7 Exchange of Information**

The Parties acknowledge that the purpose of any exchange of information or documents or the making of any offer of settlement pursuant to this clause is to attempt to settle the dispute between the Parties. No Party may use any information or documents obtained through the dispute resolution process established by this clause 16 for any purpose other than an attempt to settle a dispute between the Parties.

#### **16.8 Continue to Perform Obligations**

Each Party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

### **17. Not used**

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### **18. GST**

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#### **18.1 Defined GST terms**

In this clause 18, words and expressions which are not defined in this Agreement but which have a defined meaning in the GST Law have the same meaning as in the GST Law.

#### **18.2 GST to be added to amounts payable**

If GST is payable on a taxable supply made under, by reference to or in connection with this Agreement, the Party providing the consideration for that Taxable Supply must also pay the GST Amount as additional consideration. This clause does not apply to the extent that the consideration for the Taxable Supply is expressly agreed to be GST inclusive. Unless otherwise expressly stated, prices or other sums payable or consideration to be provided under or in accordance with this Agreement are exclusive of GST.

#### **18.3 Tax Invoice**

If a Party is liable for GST on any payments made under this Agreement, the other Party must issue a tax invoice (or an adjustment note) to the liable Party for any GST payable under this Agreement within seven days of a written request. The tax invoice (or adjustment note) must include the particulars required by the GST Law to obtain an input tax credit for that GST.

#### **18.4 GST obligations to survive termination**

This clause 18 will continue to apply after expiration of termination of this Agreement.

## **19. Notices**

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### **19.1 Service of Notices**

A notice, consent, approval or other communication under this Agreement (Notice) must be:

- (a) in writing and signed by the sender or its duly authorised representative, addressed to the recipient and sent to the recipient's address specified in clause 19.3; and
- (b) delivered by personal service, sent by pre-paid mail or transmitted by facsimile or email, or any other lawful means.

### **19.2 Effect of receipt**

A Notice given in accordance with this clause 19.1 is treated as having been given and received:

- (a) if personally delivered, on delivery;
- (b) if sent by pre-paid mail, on the fifth clear Business Day after the date of posting (or the seventh Business Day after the date of posting if sent to or from an address outside Australia);
- (c) if sent by facsimile, when the sender's fax machine produces a transmission report stating that the transmission of the entire Notice was complete; and
- (d) if sent by email, at the time of transmission by the sender, unless the sender receives an automated notice generated by the sender's or the recipient's email server that the email was not delivered,

except that if the delivery, receipt or transmission, is after 5.00pm in the place of receipt or on a day which is not a Business Day, it is taken to have been received at 9.00am on the next Business Day.

### **19.3 Addresses**

- (a) The particulars for delivery of Notices are initially:

#### **Bayside Council**

Name: Bayside Council  
Attention: General Manager  
Officer: John Furestad  
Address: 444-446 Princes Highway, Rockdale NSW 2216  
PO Box 21, Rockdale NSW 2216  
Email: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)  
Email: [john.furestad@bayside.nsw.gov.au](mailto:john.furestad@bayside.nsw.gov.au)

**Bishopp Outdoor Advertising Pty Ltd**

Name: Brad Bishopp, Nick McAlpine  
Address: 25 Bishop St, Kelvin Grove, QLD 4059  
PO BOX 3391, Newmarket QLD 4051  
Email: [brad@bishopp.com.au](mailto:brad@bishopp.com.au)  
Email: [nick@bishopp.com.au](mailto:nick@bishopp.com.au)

**Land Owner #1**

Name: Mr. Geoffrey William Keato  
Address: 119 Robey Street, Mascot  
Email:

**Land Owner #2**

Name: Mr. Arthur Leslie Robinson  
Address: 119 Robey Street, Mascot  
Email:

- (b) A Party may change its address for the delivery of Notices by notifying that change to each other Party. The notification is effective on the later of the date specified in the Notice and 5 Business Days after the Notice is given.

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**20. General****20.1 Legal Costs**

- (a) Each Party must pay its own legal and other costs and expenses of negotiating, preparing, executing and performing its obligations under this Agreement.
- (b) The Developer must pay upon demand, all legal costs (assessed on an indemnity basis) and out of pocket disbursements reasonably incurred by Council to enforce Council's rights under this Agreement.

**20.2 Governing Law and Jurisdiction**

- (a) This Agreement is governed by and is to be construed in accordance with the laws applicable in New South Wales, Australia.
- (b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of New South Wales, Australia and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

**20.3 Severability**

- (a) Subject to clause 20.3, if a provision of this Agreement is illegal or

unenforceable in any relevant jurisdiction, it may be severed for the purposes of that jurisdiction without affecting the enforceability of the other provisions of this Agreement.

- (b) Clause 20.3(a) does not apply if severing the provision:
  - (i) materially alters the:
    - (A) scope and nature of this Agreement; or
    - (B) the relative commercial or financial positions of the parties; or
  - (ii) would be contrary to the public policy.

#### **20.4 Rights Cumulative**

Except as expressly stated otherwise in this Agreement, the rights of a Party under this Agreement are cumulative and are in addition to any other rights of that Party.

#### **20.5 Waiver and exercise of rights**

- (a) A single or partial exercise or waiver by a Party of a right relating to this Agreement does not prevent any other exercise of that right or the exercise of any other right.
- (b) A Party is not liable for any loss, cost or expense of any other Party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

#### **20.6 Survival**

The rights and obligations of the Parties do not merge on:

- (a) completion of any transaction under this Agreement; or
- (b) termination or expiration of the Agreement.

#### **20.7 Amendment**

This Agreement may be varied, from time to time, pending legal advice on the nature of the amendments pursuant to section 7.5(1) of the Act and any such amendments are to be agreed in writing between the Parties.

#### **20.8 Counterparts**

This Agreement may consist of a number of counterparts and, if so, the counterparts taken together constitute one agreement.

#### **20.9 Entire Understanding**

- (a) This Agreement contains the entire understanding between the Parties as to the subject matter of this Agreement.
- (b) All previous negotiations, understandings, representations, warranties, memoranda or commitments concerning the subject matter of this Agreement are merged in and superseded by this Agreement and are of no effect. No Party is liable to any other Party in respect of those matters.
- (c) No oral explanation or information provided by any Party to another:
  - (i) affects the meaning or interpretation of this Agreement; or



- (ii) constitutes any collateral Agreement, warranty or understanding between any of the Parties.

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Page 19 of 26

Executed as an Agreement on:

2021

**EXECUTED** for and on behalf of )  
**Bishopp Outdoor Advertising Pty Ltd** )  
**A.C.N. 075 519 121** in accordance with )  
Section 127(1) of the *Corporations Act* )  
**2001:**

\_\_\_\_\_  
Signature of Sole Director/Secretary

Bradley Gerard Bishopp

\_\_\_\_\_  
Name of Sole Director/Secretary

**EXECUTED** for and on behalf of )  
**Bayside Council ABN 80 690 785 443** )  
**BRANCH 003** in the presence of: )  
)

\_\_\_\_\_  
Signature of Witness\_\_\_\_\_  
Signature of General Manager\_\_\_\_\_  
Name of Witness\_\_\_\_\_  
Name of General Manager

**EXECUTED** by **Arthur Leslie Robinson** )  
in the presence of: )  
 )  
 )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Arthur Leslie Robinson

\_\_\_\_\_  
Name of Witness

**EXECUTED** by **Geoffrey William Keato** )  
in the presence of: )  
 )  
 )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Geoffrey William Keato

\_\_\_\_\_  
Name of Witness

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**Schedule 1 – The Land**

Land	First Schedule (owner of the Land)	Registered Dealing Number of leasehold interest in Land (if applicable)
Lot 1 DP 777200 119 ROBEY STREET, MASCOT	Mr. Geoffrey William Keato Mr. Arthur Leslie Robinson	

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Page 22 of 26

### Schedule 2 – Development Contributions

Column 1	Column 2	Column 3	Column 4
Development Application	Signage Details	Monetary Contribution (per annum for the duration of the Term)	Timing of Payment
DA-2019/319	Dimensions: 39.94 square meters (sqm)	\$555/sqm x 39.94 sqm = \$22,166.70 (as adjusted in accordance with clause 5 and clause 6)	Provided that Council has issued an invoice to the Developer for the amount payable, the Developer must pay the Monetary Contribution in relation to DA-2019/319 in advance in equal monthly instalments on and from the First Payment Date until the end of the Term.

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## Explanatory Note

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Pursuant to clause 25E of the *Environmental Planning and Assessment Regulation 2000*

### 1. Introduction

#### 1.1 Purpose

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed planning agreement (Planning Agreement) prepared in accordance with Subdivision 2, Division 7.1, Part 7 of the *Environmental Planning and Assessment Act 1979* (Act).

#### 1.2 Preparation

This Explanatory Note has been prepared jointly by the Parties to the Planning Agreement in accordance with clause 25E(3) of the *Environmental Planning and Assessment Regulation 2000* (Regulation).

### 2. Parties to the Planning Agreement

Bayside Council  
ABN 80 690 785 443  
(Council)

And

Bishopp Outdoor Advertising Pty Ltd  
ACN 075 19 121  
(Developer)

And

Mr. Geoffrey William Keato  
119 Robey Street, Mascot  
(Land Owner #1)

And

Mr. Arthur Leslie Robinson  
119 Robey Street, Mascot  
(Land Owner #2)

**3. Description of the Subject Land**

The Planning Agreement applies to the Land known as Lot 1 DP 777200 known as 119 Robey Street, Mascot.

**4. Description of the Development Application**

The Planning Agreement applies to Development Application No. DA-2019/319 (Development Application).

The Development Application seeks to the removal of the existing illuminated advertising sign and the erection of a new digital illuminated advertising sign which comprises Digital Signage, on the Land.

**5. Summary of Objectives, Nature and Effect of the Draft Planning Agreement**

The objective of the Planning Agreement is to record the terms of the offer made by the Developer and its obligation to provide public benefits in connection with the display of the advertisements in accordance with clause 13(3) of State Environmental Planning Policy No. 64 — Advertising and Signage and the Department of Planning and Environment 'Transport Corridor Outdoor Advertising and Signage Guidelines'.

The Planning Agreement provides that the Developer is to make monetary contributions to Council calculated by reference to the digital display area used for the display of advertisements and the like at a rate of \$555 per square metre.

If development consent is granted to the Development Application, the Planning Agreement requires payment of the first monetary contribution within 28 days of issue of the occupation certificate, as follows:

DA-2019/319: \$555/sqm x 39.94 sqm = \$22,166.70 per annum (plus GST if applicable)

The above monetary contribution for the Development Application are to be paid for the balance of the time that the relevant development consent is effective and operational (15 years unless decreased) and the Digital Signage is operated or used by the Developer, adjusted in accordance with the Consumer Price Index.

The money received by Council is to be applied towards the public purpose of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity with or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.

**6. Assessment of Merits and Purpose of the Planning Agreement**

The Planning Agreement serves the public purpose and promotes object (a) of the Environmental Planning and Assessment Act 1979 (Act) by securing the provision of Development Contributions in the nature of monetary payments for the purposes of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian matters.

**7. How the Planning Agreement promotes one or more of the objects of the Local Government Act 1993**

The Planning Agreement promotes the principles of local government under the Local Government Act 1993 (see former section 8 of the Local Government Act 1993) by:

- providing appropriate services and facilities for the community in the form funding for

such service as a result of the monetary contributions;

- providing for the needs of children by providing funding for school safety infrastructure and programs; and
- properly managing, restoring and enhancing the environment of the area in a manner that is consistent with and promotes the principles of ecologically sustainable development through the provision of funding for improving or providing public amenity within or adjacent to roads, and enhancing the existing road network.

**8. Planning Purposes served by the Planning Agreement**

The planning purpose of the Planning Agreement is to provide funds to the Council for the purposes of public benefit works in relation to transport and traffic matters of a public nature, including but not limited to public transport, transport safety, transport amenity improvements, pedestrian safety, improving traffic safety (road, rail, bicycle and pedestrian), providing or improving public transport services, improving or providing public amenity within or adjacent to roads, school safety infrastructure and programs, or other community benefits relating to transport, traffic and pedestrian and matters. The Planning Agreement provides for a reasonable means of achieving that purpose.

**9. The Council's capital works program**

The proposed Planning Agreement accords with Council's capital works program and, furthermore, will enable the program to be advanced with greater timeliness and certainty while reducing the financial risks to Council in its implementation

**10. Requirements prior to the issue of construction, occupation or subdivision certificates**

The Planning requires payment of the Development Contribution after the issuing of an occupation certificate, and if no occupation certificate is issued, after such use commences.

**11. Interpretation of Planning Agreement**

This Explanatory Note is not intended to be used to assist in construing the Planning Agreement.



**Council Meeting**

**9/06/2021**

Item No	8.3
Subject	<b>Draft Planning Proposal - Various Investigation Areas (Proposed Amendment 1 to Draft Bayside Local Environmental Plan 2021)</b>
Report by	Peter Barber, Director City Futures
File	F20/675

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**Summary**

The NSW Department of Planning, Industry and Environment (DPIE) invited Bayside Council to participate in the NSW Public Spaces Legacy Program (PSLP). The program was largely focused on the post-Covid economic and social recovery for NSW, with primary goals of speeding up the planning process, delivering quality public space, and supporting the construction sector. The grant offer to Bayside was up to \$5.5M.

Council identified in its grant funding application that it would:

- Bring forward planning controls to facilitate supply of an additional 7,720 dwellings (6-10 year housing supply);
- Undertake improvements in two areas of regional open space with grant funds;
- Accelerate the assessment of regionally significant development applications;
- Reduce the median assessment time for development applications to 80 days; and
- Advance adoption of NSW Planning Portal functionality.

The purpose of this Planning Proposal is to enable the provision of planning controls that can accommodate the 6-10 year medium term housing supply identified in the Bayside Local Strategic Planning Statement and Bayside Local Housing Strategy. The quantum of change required to achieve this is small given the volume of housing already in the pipeline by way of: - remaining capacity already zoned but not developed, development applications under assessment and likely to be approved, development approved but not commenced, and development under construction but not completed and occupied.

The draft Planning Proposal proposes limited rezoning of land within Bay Street and Arncliffe West, and also recommends changes to planning controls in certain locations such as height and floor space ratio. The draft Planning Proposal also seeks to “unlock” planning controls in certain areas that are not currently enabling the intended extent of redevelopment and renewal of those areas to be realised.

The draft Planning Proposal is supported by detailed analysis of matters including heritage, flooding, traffic, and urban design.

The Bayside Local Planning Panel considered the proposal at the meeting of 20 May 2021. The recommendation of the Panel is included in this report.

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## Officer Recommendation

- 1 That, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), Council considers the recommendation of the Bayside Local Planning Panel from 20 May 2021, and submits the draft Planning Proposal to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
- 2 That, should a Gateway Determination be issued by DPIE that enables public exhibition of the proposal, a further report be tabled to Council that considers any submissions received during the public exhibition period.

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## Background

This draft Planning Proposal initiates the preparation of the Local Environmental Plan amendment (LEP) for the as part of Council's Public Spaces Legacy Program (PSLP) commitment, which is likely to be the first amendment to the forthcoming comprehensive Bayside Local Environmental Plan 2021.

The overriding objective of the draft Planning Proposal is to implement the planning changes proposed in Council's grant applicant for the PSLP, in so far as bringing forward Bayside's 6-10 year housing supply. This medium term housing supply is identified in the *Bayside Local Strategic Planning Statement* (LSPS) and the *Bayside Local Housing Strategy* (LHS).

It is intended that the draft Planning Proposal will:

- Amend planning controls for investigation areas at:
  - Walz Street, Rockdale;
  - Rockdale Town Centre;
  - Bay Street, Rockdale; and
  - Arncliffe West.
- Reflect the objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities*, and the priorities of the *Eastern City District Plan*;
- Implement the relevant Priorities and Actions of the *Bayside Local Strategic Planning Statement*;
- Respond to the recommendations of the *Bayside Local Housing Strategy*;
- Respond to a direction from the Minister for Planning regarding the Arncliffe West investigation area, following notification of State Environmental Planning Policy (Arncliffe and Banksia Precincts) 2018; and
- Respond to resolutions of Council regarding certain investigation areas that were initially supposed to be considered in the comprehensive draft Bayside Local Environmental Plan 2021 (before the draft BLEP 2021 became a harmonisation process).

Council intends to prepare a number of additional Planning Proposals in the near future to give effect to more complex matters, which are outlined in the *Bayside Local Strategic Planning Statement*, and the various land use planning strategies (including the Bayside LHS) that have been progressed with the ultimate aim of further updating the forthcoming comprehensive Bayside LEP 2021.

A number of Planning Proposals that affect specific sites in the Bayside LGA are being progressed concurrently, but separate to the subject draft Planning Proposal.

On 12 September 2018, Bayside Council received a \$2.5 million grant under the State Government's Local Environmental Plan Accelerated Program. The funding has been used to undertake detailed analysis of the various constraints and opportunities – in the form of land use planning strategies – that may impact future development, and has informed both the Bayside LSPS, and comprehensive Draft Bayside LEP 2021.

The strategies will provide evidence and inform strategic planning for Bayside Council for the next 20 years and beyond. These are likely to commence being reported to Council later in 2021.

One of the key land use planning strategies funded from this work was the Bayside LHS. The Bayside LSPS and LHS have identified specific investigation areas, including timeframes for their investigation, which help underpin the evidence base for this draft Planning Proposal.

### **Purpose of the Planning Proposal**

The purpose of this Planning Proposal is to enable the provision of planning controls that can accommodate the 6-10 year medium term housing supply identified in the Bayside LSPS and Bayside LHS. This is a requirement for Bayside Council to meet its obligations in its Participation Agreement with the DPIE for the PSLP funding grant of \$5.5 million, to deliver improvements to public spaces.

While the draft Planning Proposal does propose some limited rezoning (in the context of the entire proposal) of land within Bay Street and Arncliffe West, it recommends changes to planning controls in certain locations, where changes to planning controls such as height and floor space ratio have been investigated, and deemed suitable.

The draft Planning Proposal also seeks to “unlock” planning controls in certain areas, that are not currently enabling the extent of redevelopment and renewal of those areas, as was initially anticipated by historical changes to planning controls – such as Rockdale Town Centre and Walz Street. The draft Planning Proposal is supported by detailed analysis of matters including heritage, flooding, traffic, and urban design.

For detailed information and explanation of the draft Planning Proposal, please refer to the attachments to this report.

### **Bayside Local Planning Panel Recommendation**

At its meeting of 20 May 2021, the Bayside Local Planning Panel provided the following recommendation for Council's consideration:

*“The Bayside Local Planning Panel recommends to Council that, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft*

*Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.”*

The reasons for the Panel’s recommendation and Council Officers response are provided below:

- *The Panel is aware of the background to the Planning Proposal; that it is in response to the Department of Planning Industry and Environment’s program for monetary contributions to the Council for open space on the basis of bringing forward potential areas to facilitate an increase in dwelling stock in a number of precincts by appropriate increases in residential zones within proximity to urban services.*

**Response:** Noted.

- *The Panel supports the precincts identified to accommodate an increase in the number of dwellings to accommodate population growth having regard to the extensive analysis and studies carried out to underpin these areas. This work includes the proximity to public transport, services and amenities and urban design analysis. A range of housing from medium to higher density is proposed.*

**Response:** Noted.

- *The Panel notes there has been urban design input and recommends the exhibition include concepts to provide greater understanding of urban design improvements to the precincts such as wider footpaths and canopy tree plantings.*

**Response:** Noted.

- *The Panel supports the exhibition of a Development Control plan to be placed on exhibition simultaneously with the Planning Proposal. This will ensure greater certainty in the planning process and a greater understanding by all of the outcomes to be achieved.*

**Response:** Council officers are preparing Development Control Plan chapters for each investigation area, and intend to exhibit these concurrently with the Planning Proposal.

- *The Panel recommends that site amalgamation plans for the four precincts are to be a prerequisite to facilitate future development in an orderly and economic manner to achieve good outcomes for the community. In this regard, the LEP and DCP should be complementary and be clear that full development potential would only be possible by site amalgamations. Site amalgamations and other incentives for sustainability should also be considered.*

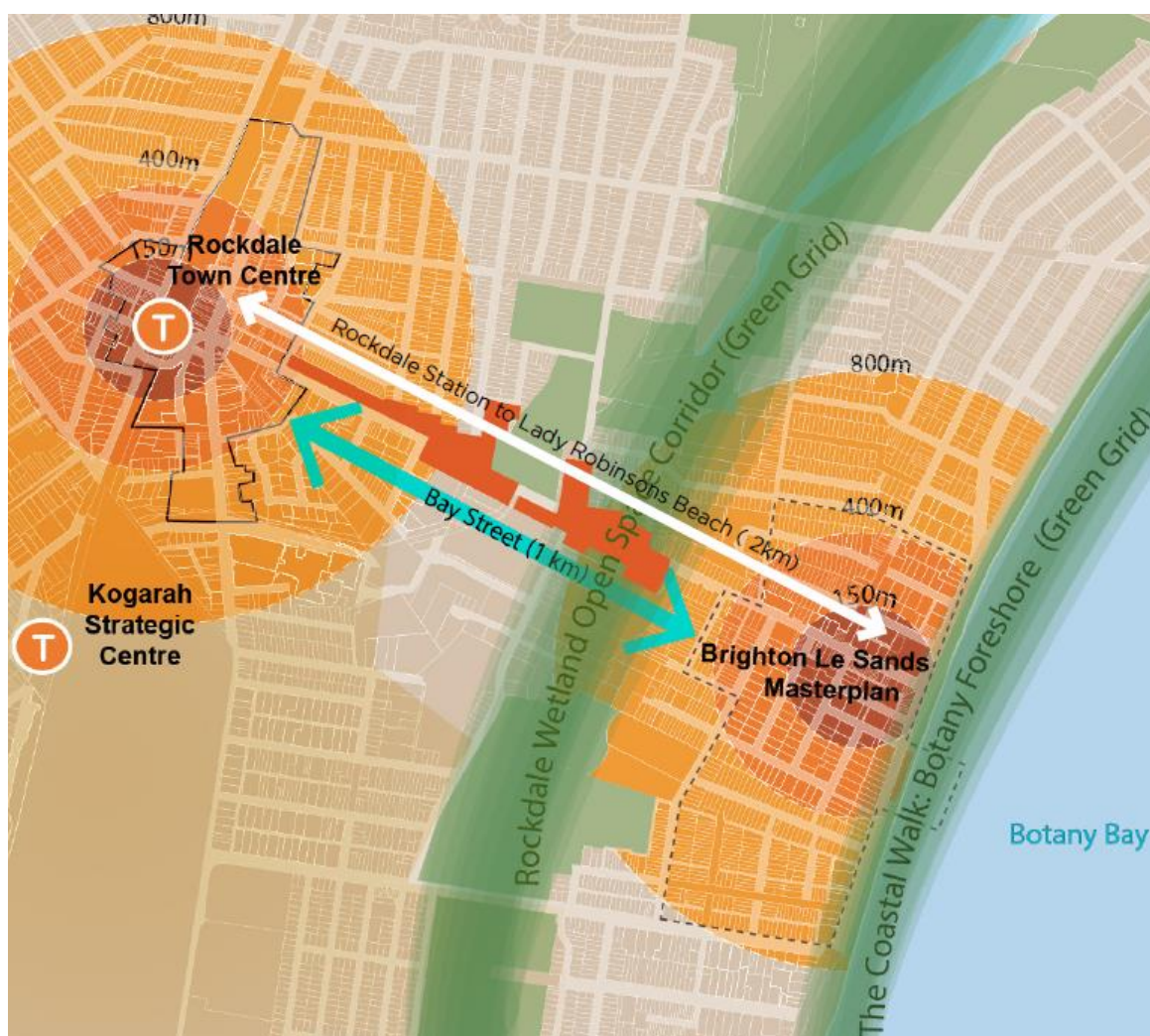
**Response:** Amalgamation patterns have been prepared for inclusion in each DCP chapter for each of the investigation areas, and will be included in the supporting documentation as the Planning Proposal progresses.

- *The Panel is concerned about mid-block zone changes and linear development, in particular along Bay Street. It is recommended that during the exhibition period, the opportunity is taken for further investigation and consideration for the higher density strips to be complemented with a medium density town house zone to avoid the inherent conflict of abrupt zone changes and access from and to main arterial roads. Similarly, the Panel is of the opinion that the higher density rezoning’s should not be concentrated along arteries, but provide some depth to form clusters around centres, with a gradation in zoning to minimise impacts on adjacent low density areas.*

**Response:** Council will investigate ways to mitigate mid-block zone changes, either during, or following, public exhibition. This will include consideration of transition in planning controls, and/or zoning. It is acknowledged that Bay Street is not a major centre, however, it has an important role in connecting Rockdale and Brighton Le Sands, and provides opportunities to deliver a green boulevard that encourages pedestrian and cycle movement (Figure 1 below demonstrates the connection).

The proposed scale of 4-6 storeys represents a transition from higher densities proposed in Rockdale Town Centre, and current densities within Brighton Le Sands (and potential density increases that may be realised from the Draft Brighton Le Sands Masterplan process in the future). Both centres are identified as Local Centres in the Eastern City District Plan, and Bay Street is part of an East-West Transport Link (desired future connection) in the Local Strategic Planning Statement. The Green Grid intersects Bay Street in a North-South alignment, and recent improvements to Ador Reserve have further embellished this centrally located open space area adjoining the Bay Street investigation area.

Only a limited extent of B4 Mixed Use zoning is proposed, to service local needs and accommodate shop top housing within that limited zoning extent. The investigation area will not introduce any significant out of centre development that undermines the existing centres hierarchy.



**Figure 1:** Bay Street Local Planning Context



- *The Bay Street planning proposal provides the opportunity to create a well-planned urban design outcome to visually connect from Rockdale to Brighton Le Sands. Quality urban design with landscaping and canopy trees could provide the necessary connectivity and a major link for the district with improved and alternative public transport.*

**Response:** Council is proposing that a portion of land along Bay Street be dedicated to the public domain to establish generous pedestrian environment, and accommodate a bicycle path between Rockdale and Brighton Le Sands.

- *The Panel recommends to the Council that the one month exhibition period be extended to 6 weeks to allow greater community participation and understanding of the rezoning's proposed. This will also allow further investigation of appropriate zonings of areas surrounding the current Planning Proposal areas to provide a transition in densities and heights to avoid abrupt changes and amenity implications.*

**Response:** The Planning Proposal will be publicly exhibited in accordance with timeframes specified in the Gateway Determination issued by DPIE.

- *The Panel notes the submissions received, both oral and written, and considers the exhibition process will allow the community to voice their concerns and support. It is noted that a number of submitters are concerned that the increase in density will impact on the low density areas and community facilities of the local government area. Others are concerned that the areas shown are of a linear nature along main roads and rail lines as opposed to broader areas.*

**Response:** Noted.

### Next Steps:

The process for amending a Local Environmental Plan is set out in legislation. According to that process, the next steps are:

- |  |                        |
|--|------------------------|
| • Submit draft LEP to DPIE for Gateway determination | 11 June 2021           |
| • Consultation and exhibition of draft LEP           | 30 June 2021           |
| • Assessment of submissions (carried out by Council) | August 2021            |
| • Council meeting to endorse final draft of LEP      | October/November 2021  |
| • Submit final draft to DPIE                         | November/December 2021 |

### Financial Implications

The cost of progressing the Planning Proposal is accommodated within existing budgets. It is noted, however, that the Planning Proposal is tied to a \$5.5 million funding grant from DPIE, under the Public Spaces Legacy Program. The milestone to achieve this is to have the draft on exhibition by 30 June.

Not applicable ☒  
 Included in existing approved budget ☐

Additional funds required



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## Community Engagement

The Planning Proposal will be exhibited, subsequent to receiving a Gateway Determination, for a period of 28 days in accordance with the provisions of the *EP&A Act 1979*, the *Environmental Planning & Assessment Regulation 2000*, the Bayside Community Participation Plan and any requirements of the Gateway Determination.

Public exhibition of the draft Planning Proposal will include:

- Exhibition notice on Council's website
- Community engagement project set up on Council's Have Your Say website
- Notices in Council libraries
- Written notification to all affected landowners and residents of properties affected by a proposed change in the planning controls, or within proximity to affected sites
- Written notification to all Talking Bayside Members
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

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## Attachments

- 1 Draft Planning Proposal Report - Amendment 1 (Under separate cover Attachments Part One) [⇒](#)
- 2 Appendix A to Planning Proposal Report - Arncliffe West Urban Design Report (Under separate cover Attachments Part One) [⇒](#)
- 3 Appendix B to Planning Proposal Report - Bay Street Urban Design Report (Under separate cover Attachments Part One) [⇒](#)
- 4 Appendix C to Planning Proposal Report - Rockdale Town Centre Urban Design Report (Under separate cover Attachments Part Two) [⇒](#)
- 5 Appendix D to Planning Proposal Report - Walz Street Urban Design Report (Under separate cover Attachments Part Two) [⇒](#)
- 6 Appendix E to Planning Proposal Report - Traffic Report (Under separate cover Attachments Part Two) [⇒](#)
- 7 Appendix F to Planning Proposal Report - Flood Report (Under separate cover Attachments Part Two) [⇒](#)
- 8 Recommendation of Bayside Local Planning Panel 20.05.21 [↓](#)



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## MINUTES

of a meeting of the  
**Bayside Local Planning Panel**  
held in the Rockdale Council Chamber for Panel Members  
and by audio-visual link for members of the public  
on **Thursday 20 May 2021 at 6:00 pm.**

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### Present

Jan Murrell, Chairperson  
Robert Montgomery, Independent Expert Member  
Robert Furolo, Independent Expert Member  
Amber O'Connell, Community Representative

### Also Present

Clare Harley, Manager Strategic Planning  
Bruce Cooke, Coordinator Governance  
Josh Ford, Coordinator Strategic Planning  
Howard Taylor, Senior Urban Planner  
Charlotte Lowe, Senior Urban Planner  
Nigel Riley, Senior Urban Planner  
Suhradam Patel, IT Technical Support Officer

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The Chairperson opened the meeting at 6:01 pm.

### 1 Acknowledgement of Country

The Chairperson 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.

### 2 Apologies

There were no apologies received.

### 3 Disclosures of Interest

Robert Furolo noted a reasonably-perceived interest on the basis that one of his clients, Deicorp, owns land adjacent to the study area however, Deicorp will not benefit or be affected by the proposed changes. Mr Furolo undertook to keep any information from this meeting confidential.

On the basis of this confidentiality commitment the Chair decided that Mr Furolo could participate in the discussion and recommendation on this Planning Proposal.



#### 4 Minutes of Previous Meetings

There were no Minutes of previous meetings.

#### 5 Reports – Planning Proposals

Speakers contributed to the consideration of each item by audio-visual link.

##### 5.1 Draft Planning Proposal - Various Investigation Areas (Proposed Amendment 1 to Draft Bayside LEP 2021)

An on-site inspection of the panel members and Council planning officers took place at the properties earlier in the day.

The following people spoke or lodged written submissions:

- Thi Ngoc Mai Tram, Mohamed El Reda John Bosilkovsk, all affected residents, lodged a written submission speaking against the officer's recommendation.
- Gibram Khouri, interested citizen, lodged a written submission speaking against the officer's recommendation.
- Mrs Malisa Bosnjak, affected neighbour, lodged a written submission speaking against the officer's recommendation.
- Mr Andrea Ruver, affected neighbour, spoke against the officer's recommendation.
- Miss Nadia Nicolai, affected neighbour, spoke against the officer's recommendation.
- Mr Rodney Hamdan, local business owner and local property owner, spoke to the officer's recommendation.

##### Recommendation to Council

The Bayside Local Planning Panel recommends to Council that, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), the draft Planning Proposal be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Furolo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reasons for Panel Recommendation**

- The Panel is aware of the background to the Planning Proposal; that it is in response to the Department of Planning Industry and Environment's program for monetary contributions to the Council for open space on the basis of bringing forward potential areas to facilitate an increase in dwelling stock in a number of precincts by appropriate increases in residential zones within proximity to urban services.
- The Panel supports the precincts identified to accommodate an increase in the number of dwellings to accommodate population growth having regard to the extensive analysis and studies carried out to underpin these areas. This work includes the proximity to public transport, services and amenities and urban design analysis. A range of housing from medium to higher density is proposed.
- The Panel notes there has been urban design input and recommends the exhibition include concepts to provide greater understanding of urban design improvements to the precincts such as wider footpaths and canopy tree plantings.
- The Panel supports the exhibition of a Development Control plan to be placed on exhibition simultaneously with the Planning Proposal. This will ensure greater certainty in the planning process and a greater understanding by all of the outcomes to be achieved.
- The Panel recommends that site amalgamation plans for the four precincts are to be a prerequisite to facilitate future development in an orderly and economic manner to achieve good outcomes for the community. In this regard, the LEP and DCP should be complementary and be clear that full development potential would only be possible by site amalgamations. Site amalgamations and other incentives for sustainability should also be considered.
- The Panel is concerned about mid block zone changes and linear development, in particular along Bay Street. It is recommended that during the exhibition period, the opportunity is taken for further investigation and consideration for the higher density strips to be complemented with a medium density town house zone to avoid the inherent conflict of abrupt zone changes and access from and to main arterial roads. Similarly, the Panel is of the opinion that the higher density rezonings should not be concentrated along arteries, but provide some depth to form clusters around centres, with a gradation in zoning to minimise impacts on adjacent low density areas.
- The Bay Street planning proposal provides the opportunity to create a well-planned urban design outcome to visually connect from Rockdale to Brighton Le Sands. Quality urban design with landscaping and canopy trees could provide the necessary connectivity and a major link for the district with improved and alternative public transport.
- The Panel recommends to the Council that the one month exhibition period be extended to 6 weeks to allow greater community participation and understanding of the rezonings proposed. This will also allow further investigation of appropriate zonings of areas surrounding the current Planning Proposal areas to provide a

## Bayside Local Planning Panel

20/05/2021

transition in densities and heights to avoid abrupt changes and amenity implications.

- The Panel notes the submissions received, both oral and written, and considers the exhibition process will allow the community to voice their concerns and support. It is noted that a number of submitters are concerned that the increase in density will impact on the low density areas and community facilities of the local government area. Others are concerned that the areas shown are of a linear nature along main roads and rail lines as opposed to broader areas.

## 6 Reports – Development Applications

The agenda contained no development applications.

The Chairperson thanked Council staff for the tremendous amount of work involved in bringing this Planning Proposal to the Panel this evening and noted that staff had clearly worked very hard.

The Chairperson also stated that her term as the Chairperson of the Bayside Local Planning panel will come to a close at the end of June this year and that she has thoroughly enjoyed working with Council staff during her term. She hoped that she had brought some added value to the process and thanked everyone present.

Robert Montgomery, also stated that his term as alternate Chairperson of the Bayside Local Planning panel will come to a close at the end of June this year. He echoed the Chair's comments saying it has been a pleasure working with Council staff and the community and he would like to think that this Panel has made some differences in terms of outcomes on the ground, and he hopes that the good work continues.

The Chairperson closed the meeting at 6:25 pm.

Certified as true and correct.

Jan Murrell  
Chairperson

## Council Meeting

9/06/2021

Item No	8.4
Subject	<b>256 Coward Street, Mascot - Through Site Link Dedication Offer, Lot 13 DP 1267730</b>
Report by	Peter Barber, Director City Futures
File	F19/17

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## Summary

As part of the development proposal to develop 256 Coward St Mascot, a through site link for public access was negotiated. The development and the link are now substantially completed.

Karimbla Properties (No 54) Pty Ltd (Meriton) issued Council with a Letter of Offer dated 29 April 2021 (**Attachment 1**) to transfer free of cost to Council the 1386 sqm through site link described as Lot 13 DP 1267730 at 256 Coward Street, Mascot.

The terms of the offer confirm that Meriton/the Strata Corporation are to:

- Unconditionally maintain the Link in perpetuity.
- Renew the Link in perpetuity, upon agreement with Council.

Council must not alter the Link as depicted in the attached AT&L Practical Completion Certificate (**Attachment 2**), unless by written agreement with Meriton.

Should Council become the registered proprietor of the Link, Council is to be responsible for:

- The payment of water and electricity utilities for the link.
- Maintaining public liability insurance over the Link.
- Any other government or statutory charges.

Council has obtained legal advice confirming that the mechanism of transfer would need to be the subject of a Council resolution and the land would be best classified Operational to facilitate outdoor dining permits. Terms are to be as per the Draft Deed of Agreement (**Attachment 3**).

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## Officer Recommendation

1. That Council accepts the Offer of Transfer of Lot 13 DP 1267730 to Council as a freehold lot and the Draft Deed of Agreement.
2. That, pursuant to Section 31 of the Local Government Act 1993, Council classifies Lot 13 in DP 1267730 as operational land.
3. That, pursuant to Section 34 of the Local Government Act 1993, Council gives public notice of its intention to classify Lot 13 in DP 1267730 as operational land.

4. A further report be provided after the closure of the public notice period addressing any submissions made.

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## Background

On 24 July 2019, Council and Meriton executed a VPA in relation to the subject development, which included a Public Access Link contribution to the extent of:

*The Developer is to carry out and complete the construction of the Public Access Link and embellish it in accordance with the Development Consent DA-2018/1187 and a Public Access Easement is to be registered to secure public access over the Public Access Link.*

DA-2018/1187 determined 25 July 2019 Condition 96(a)(i) required that prior to the issue of the relevant Occupation Certificate, Meriton were to:

*Embellish and dedicate the portion of land to Council for the purpose of a through site link connecting Coward Street the new John Street to provide public pedestrian access.*

The VPA and the DA conditions did not align regarding ownership of the Link.

In late 2020, Meriton indicated a preference for the Link to be dedicated to Council which required the executed VPA to be modified by a Deed of Variation (DoV). However, there was insufficient time to undertake a DoV prior to Meriton reaching development completion.

On 10 February 2021 Legal advice obtained by Council stated that if a DoV mechanism was not possible, another option is a land transfer under s377(1)(h) of the Local Government Act, 1993, which requires a Council resolution. The advice confirmed that dedication as a freehold lot rather than road was most suitable, as it would allow outdoor dining permits to be issued more easily, and not provide the ability for utility providers to dig up the link to install utility services.

Meriton met VPA obligations on 26 March 2021 in regard to physical construction of the Link. Negotiations commenced regarding the transfer of the Link to Council under such an arrangement and specifically, the maintenance agreement in relation to the Link. Meriton are to cover all legal costs and the transfer to Council is to be free of cost and unencumbered.

## Classification

Section 25 of the Local Government Act 1993 (the Act) requires all public land to be classified, being either Community or Operational. Under s.27(2) of the Act, the classification may be made by a resolution of the Council under s.31, s.32 or s.33.

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

Given the operational nature of Lot 13 (being a public outdoor dining area, in part), it is considered that an operational classification is most appropriate. This report seeks

endorsement to commence the process to classify Lot 13 DP 1267730 as operational land under s.31(2) of the Act once it passes into Council's ownership.

After determining the intended classification, Council must give public notice and allow 28 days for submissions to be received. A further report be provided after the closure of the public notice period addressing any submissions made and to facilitate a final decision on the classification to be applied.

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### Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required ☒

Ongoing utilities, insurances and any government or statutory charges

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### Community Engagement

In order for Lot 13 DP 1267730 to be classified as Operational, public notice for a period of 28 days must be given. A further report will be prepared for Council's consideration following the closure of the public notice period.

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### Attachments

- 1 Offer of Transfer [↓](#)
- 2 AT&L Practical Completion Certificate [↓](#)
- 3 Draft Deed of Agreement - Lot 13 DP 1267730 [↓](#)

**KARIMBLA PROPERTIES (NO. 54) PTY LTD**  
**A.C.N. 604 351 797**

Level 11, 528 Kent Street  
Sydney NSW 2000  
TELEPHONE: 9287 2888

29 April 2021

The General Manager  
C/O John Furestad ([john.furestad@bayside.nsw.gov.au](mailto:john.furestad@bayside.nsw.gov.au))  
Bayside Council  
444-446 Princes Highway  
ROCKDALE NSW 2216

**Attention: Ms Meredith Wallace**

E: [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

Dear Ms Wallace

**RE: 256 Coward Street, Mascot - Through Site Link Dedication Offer, Lot 13 DP 1267730**

Karimbla Properties (No. 54) Pty Ltd is the registered proprietor of Lot 13 DP 1267730 and offers to transfer Lot 13 DP 1267730 to Council on the following terms:

1. Karimbla agrees to unconditionally maintain Lot 13 DP 1267730 in perpetuity, and carry out repair or upgrade works to Lot 13 DP 1267730 in perpetuity to the extent and only as depicted in the attached AT&L Practical Completion Certificate - FINAL (including WAE). This on the basis that Council does not alter Lot 13 DP 1267730 as depicted in the attached Completion Certificate, unless agreed in a written agreement with Karimbla Properties (No 54) Pty Ltd. At any time, should Council alter Lot 13 from that depicted in the Completion Certificate), then this maintenance obligation will automatically become redundant.
2. After Council becomes the registered proprietor of Lot 13 DP 1267730, Council is to be responsible for:
  - (a) the payment of water utilities for the irrigation of Lot 13 DP 1267730;
  - (b) the payment of electricity utilities for the lighting contained within Lot 13 DP 1267730;
  - (c) Maintaining public liability insurance over Lot 13 DP 1267730; and
  - (d) Any other government or statutory charges (council rates and land tax).
3. Lot 13 DP 1267730 is to be transferred to Council free of cost and unencumbered but subject to easements currently registered on the title.
4. Council is responsible for obtaining stamp duty exemption for the transfer of Lot 13 DP 1267730.

We trust that this is in accordance with previous discussions and Council will expedite this matter.

Please contact the undersigned should you require anything further.

Yours faithfully  
**Karimbla Properties (No. 54) Pty Ltd**



Albert Chan  
Director



Level 7  
153 Walker Street  
North Sydney  
NSW 2060  
P 02 9439 1777  
F 02 9923 1055  
E [info@atl.net.au](mailto:info@atl.net.au)  
ABN 96 130 882 405

[www.atl.net.au](http://www.atl.net.au)

30 March 2021

**Meriton Apartments**

Level 11, Meriton Tower,  
528 Kent Street,  
Sydney NSW 2000  
Australia

Attention Jamie Carson

VIA EMAIL: [jamiec@meriton.com.au](mailto:jamiec@meriton.com.au)

Dear Jamie,

**Your Ref:** LTR-02-18-571-Coward  
Street Public Domain  
Final

**Direct phone:** 02 9439 1777

**RE: 256 COWARD STREET, MASCOT – DA-2018/11187/B**

**COWARD STREET PUBLIC DOMAIN FINAL CERTIFICATE**

AT&L acting as professional consulting engineers and project managers confirm that;

That the public domain is generally constructed in accordance with the approved plans, as per:

- Pedestrian Link WAE (24150 D and 24225 D dated 19/02/21 and 29/03/21 respectively) by B&P Surveys acting as registered surveyors
- AT&L Site inspection reports 1-14 acting as Supervising Engineers for the public domain construction; and
- Hyve Inspection reports 1-4 acting as Supervising Engineers for the structural public domain construction.

This certificate is only for the civil works and does not certify the landscaping component of the public domain.

**This certificate shall not be construed as relieving any other parties of their responsibilities.**

Should you have any questions, please don't hesitate to contact the undersigned.

I am an appropriately qualified and competent person in this area being listed in the National Professional Engineers Register (NPER) and as such can certify that the design and performance of the design stormwater drainage systems comply with the above-mentioned Development Consent and which are detailed on the following drawings.

Yours sincerely

**Full Name of Designer: Andrew Tweedie**

**Qualifications:** CPEng NPER 2423496

Civil & Structural Engineers | Project Managers | Water Servicing Coordinators





**Address of Designer:** Level 7, 153 Walker Street North Sydney 2060

**Business Telephone No:** (02) 9439 1777 **Email:** andrewt@atl.net.au

**Name of Employer:** AT&L and Associates Pty Ltd

**Signature:**

**Andrew Tweedie**

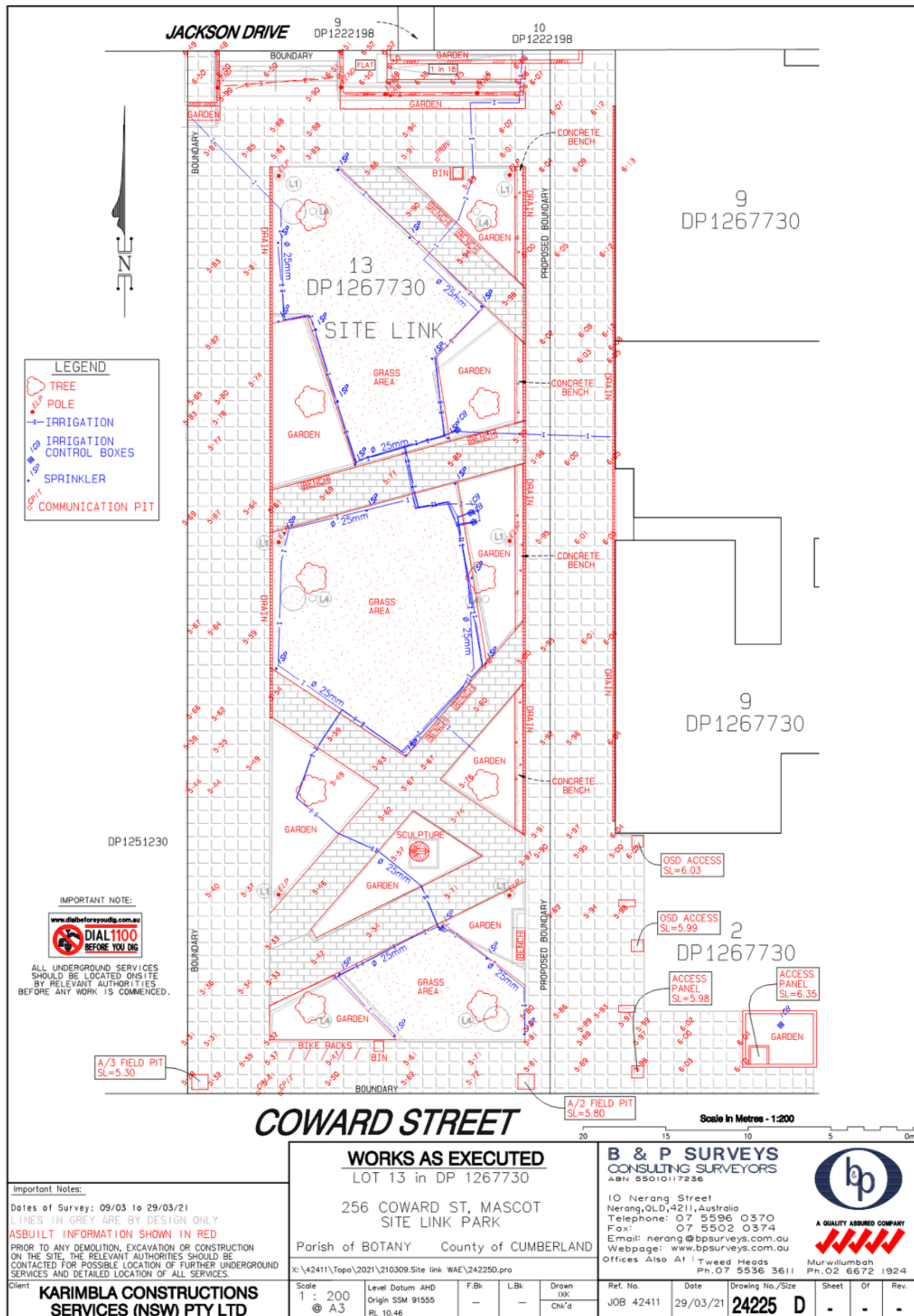
AT&L – Associate Director / Senior Civil Engineer

18-571-CC001	1	COVER SHEET AND LOCALITY PLAN
18-571-CC002	1	GENERAL NOTES AND LEGENDS
18-571-CC005	2	TYPICAL SECTIONS SHEET 1
18-571-CC006	1	TYPICAL SECTIONS SHEET 2
18-571-CC010	1	STORMWATER DETAILS SHEET 1 OF 2
18-571-CC015	4	STORMWATER DETAILS SHEET 2 OF 2
18-571-CC020	9	SITEWORKS AND STORMWATER PLAN
18-571-CC021	1	MC01 LONGITUDINAL SECTION
18-571-CC022	1	MC01 CROSS SECTIONS
18-571-CC025	1	STORMWATER LONGSECTION AND DETAILS
18-571-CC026	1	OSD TANK PLAN AND DETAILS
18-571-CC027	1	OSD TANK SECTIONS
18-571-CC030	7	PAVEMENT SIGNAGE AND LINEMARKING PLAN
18-571-CC040	1	SEDIMENTATION AND EROSION CONTROL PLAN
18-571-CC041	1	SEDIMENTATION AND EROSION CONTROL DETAILS
18-571-CC050	1	SERVICES AND UTILITIES COORDINATION PLAN
18-571-CC060	1	STORMWATER CATCHMENT PLAN
18-571-CC070	1	STRUCTURAL DETAILS SHEET 1

Civil & Structural Engineers | Project Managers | Water Servicing Coordinators

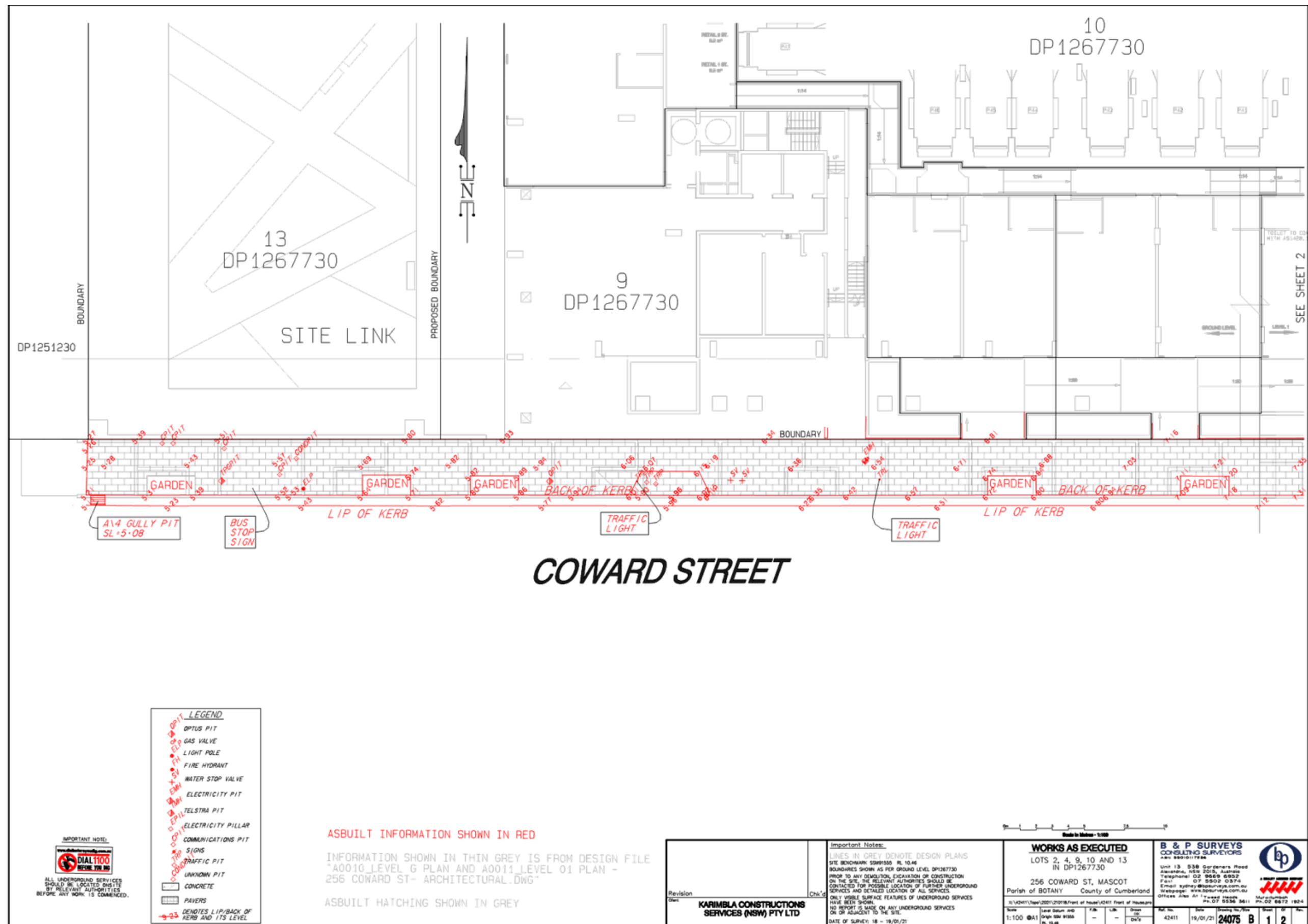
F:\18-571 Coward St Mascot\Docs\Certificates\Public Domain\LTR-02-18-571-Coward Street Public Domain Final.docx

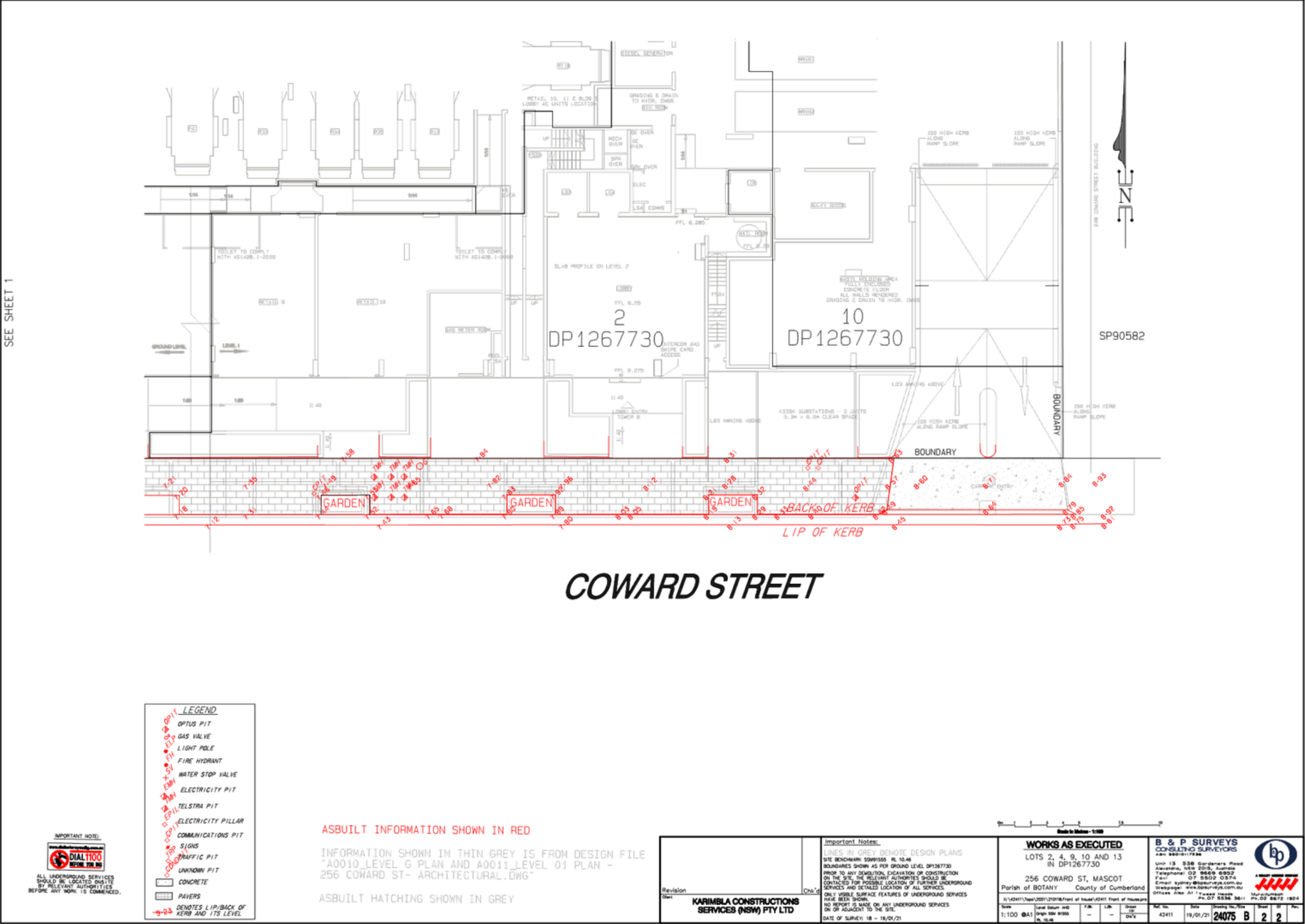
Page 2













6. The parties agree that if the registered proprietor of the dominant tenement carries out any substantial alteration works to the dominant tenement without the prior consent of the registered proprietor of the servient tenement then:
  - a. the registered proprietor of the servient tenement shall no longer have to comply with clause 2; and
  - b. the benefit of this Agreement shall automatically lapse and cease to operate and the registered proprietor of the dominant tenement will grant consent to the release of this Agreement and the removal of any associated dealing, covenant, requests over that part of the servient tenement.
7. The registered proprietor of the servient tenement must procure that any transferee of its interest in the servient tenement agrees to comply with the terms of this Agreement as if it were the registered proprietor of the servient tenement.
8. The registered proprietor of the dominant tenement must procure that any transferee of its interest in the dominant tenement agrees to comply with the terms of this Agreement as if it were the registered proprietor of the dominant tenement.
9. The parties agree that:
  - a. Clause 2 is for the benefit of the dominant tenement; and
  - b. Clauses 3 and 4 are for the benefit of the servient tenement.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the first date hereinbefore mentioned.

EXECUTED pursuant to section 127 of the  
Corporations Act for and on behalf of  
**KARIMBLA PROPERTIES (NO. 54) PTY LTD**  
ACN 604 351 797 by:

\_\_\_\_\_  
Signature of Authorised Person

\_\_\_\_\_  
Signature of Authorised Person

\_\_\_\_\_  
Name of Authorised Person (please print)

\_\_\_\_\_  
Name of Authorised Person (please print)

\_\_\_\_\_  
Office held (please print)

\_\_\_\_\_  
Office held (please print)

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Signed, sealed and delivered for and on behalf of )  
**BAYSIDE COUNCIL ABN 80 690 785 443** by its )  
Authorised Officer: )

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Authorised Officer

\_\_\_\_\_  
Name of Witness (please print)

\_\_\_\_\_  
Name of Authorised Officer (please print)

\_\_\_\_\_  
Address of Witness (please print)

\_\_\_\_\_  
Position of Authorised Officer (please  
print)

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## Council Meeting

9/06/2021

Item No                8.5  
Subject                **Update Brighton Baths Athletics Club**  
Report by             Karin Targa, Executive Manager City Projects Office  
File                     SF20/7091

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## Summary

This report outlines the proposed scope of works for the Brighton Baths Athletics Club.

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## Officer Recommendation

- 1     That Council approves the proposed scope of works for the Brighton Baths Athletics Club.
  - 2     That funds of \$300,000 be allocated in the 2021/22 City Projects program for the Brighton Baths Athletics Club modifications from the Brighton Baths Reserve.
- 

## Background

This report provides a proposal for internal works to the Brighton Baths Athletics Club.

A design has been prepared to address the non-compliances within the current facility and to install a ventilation system. The proposed floor plan includes an accessible shower/toilet, male and female change rooms which include compliant showers, toilet, and ambulant toilet to ensure the building meets Australian Standards.

The works require the engagement of a mechanical consultant to design a ventilation system that will ensure adequate fresh air intake and extraction fans to deal with the new shower areas. It will also require structural engineering advice.

A cost estimate has been undertaken and it is anticipated that the proposed works require a budget of \$300,000 (to be funded from the Brighton Baths Reserve).

The proposed works can be completed under a Part 5 Approval.

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## Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	<b>As per resolution.</b>

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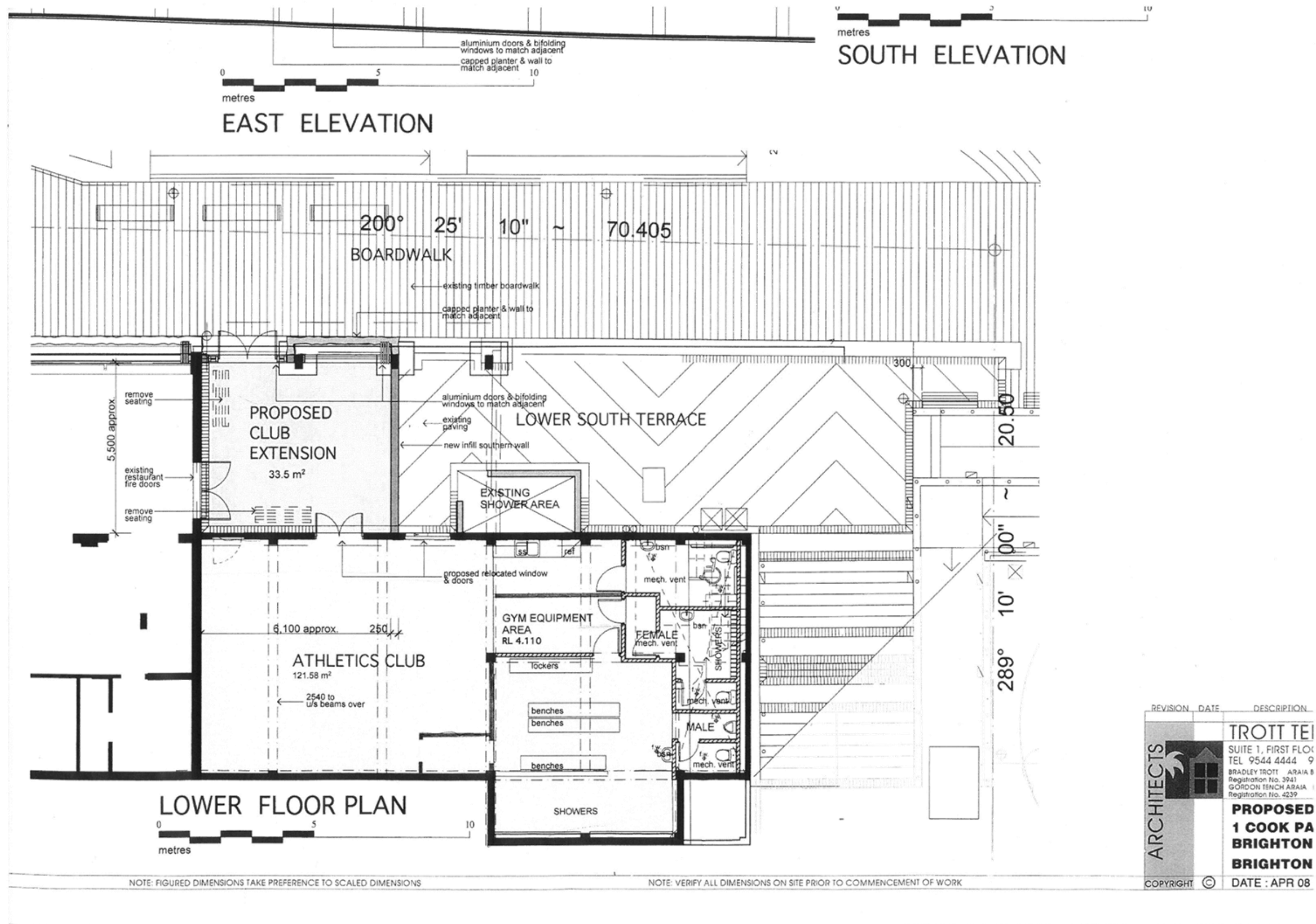
## Community Engagement

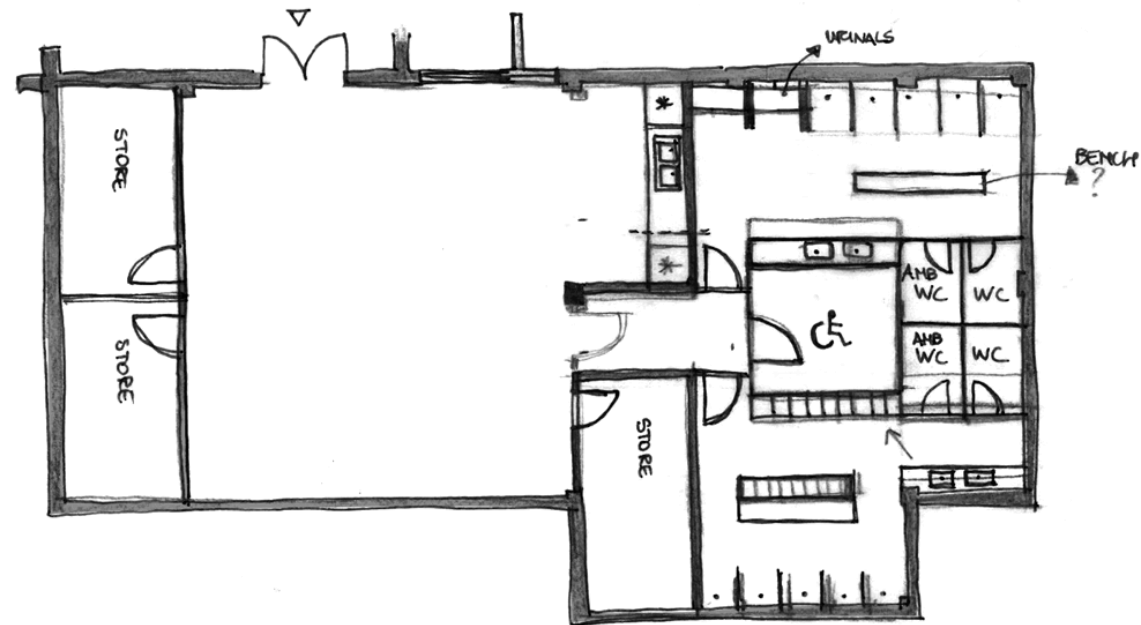
The Brighton Baths Athletics Club have been consulted on the proposed works to upgrade the internal space.

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## Attachments

- 1 Existing plan edited to current status [↓](#)
- 2 Proposed works [↓](#)





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## Council Meeting

9/06/2021

Item No	8.6
Subject	<b>Update Rockdale Community Centre</b>
Report by	Karin Targa, Executive Manager City Projects Office
File	SF20/7109

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## Summary

The City Projects Program lists the Rockdale Community Centre on the 20/21 and 21/22 financial program. This report provides an update on the project.

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## Officer Recommendation

- 1 That Council endorses the concept design for the community centre.
  - 2 That a Development Application is lodged and approvals sought for the project.
- 

## Background

The City Projects Program lists the Rockdale Community Centre on the 20/21 and 21/22 financial program.

This report provides an update on the project.

On Wednesday 10 February 2021, a Councillor walk through of the building known as the Rockdale Church Hall at 5 Bryant Street, Rockdale was undertaken.

The proposal put forward is to turn the existing Church Hall into a Community Centre that can also be used for Council meetings and events and to demolish the adjoining Chapel and extend the park/open space area with a lawn suitable for community use when hiring the Community Centre.

The demolition of the Chapel can be undertaken with a Part 5 approval which is currently being prepared. The refurbishment of the existing Church Hall into a Community Centre will require a Development Application (DA).

## Program

Concept designs have been prepared and formal documentation can now be undertaken to submit a Development Application for the works.

- Detailed design and documentation – June – August 2021
- Development Application review period – September 2021 – January 2022
- Tender project for Construction – February – March 2022

- Construction – March – September 2022.

The Capital Projects Program lists the Community Centre upgrade:

- 20/21 - \$200,000 (demolition of the Chapel, design and statutory fees for refurbishment of the Community Centre)
- 21/22 - \$1.5million (refurbishment/ construction works for Community Centre)

The project includes a new park for the community, a new flexible community space with hireable rooms, outdoor hire space in conjunction with the community room as well as supporting infrastructure, including high quality IT capabilities, caterer's kitchen and public amenities.

An additional sum will be required in 2022/23 to complete the internal fit out of the Community Centre.

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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

Community engagement will be undertaken as part of the Development Application and Part 5 process, in addition it will be placed on Council's Have Your Say page.

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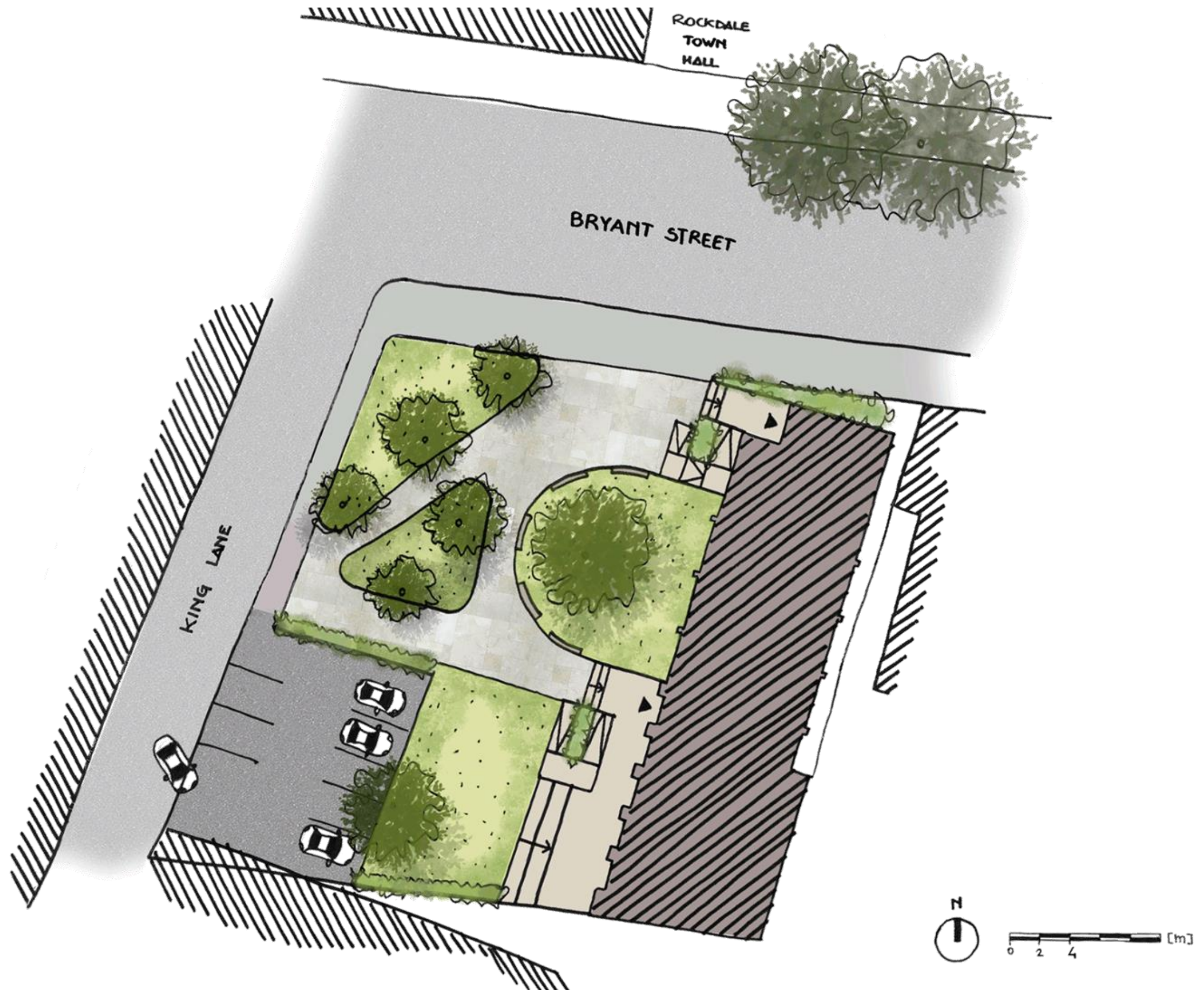
## Attachments

- 1 Rockdale Community Centre site plan [↓](#)
- 2 Rockdale Community Centre open space [↓](#)
- 3 Rockdale Community Centre artist impression [↓](#)















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## Council Meeting

9/06/2021

Item No	8.7
Subject	<b>Tender - Picnic Shelters</b>
Report by	Karin Targa, Executive Manager City Projects Office
File	SF21/495

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## Summary

The City Projects Program lists the design of a Bayside branded purposely designed picnic shelter and the roll out of this picnic shelter to renew existing picnic shelters as a recurring project. This report outlines the tender process for the design and construction of Bayside picnic shelters.

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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.
  - 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from Moduplay Group Pty Ltd for the Contract F21/61 being the design and construction of 7 picnic shelters in 5 locations for the amount of \$195,940.00 exclusive of GST.
  - 3 That Council accepts Moduplay Group Pty Ltd as the preferred supplier of the Bayside branded picnic shelters, at the fixed rates of \$20,720.00 exclusive of GST for a single setting, \$33,725.00 exclusive of GST for a double setting and \$160.00 exclusive of GST for 1m2 of concrete hardstand. All fixed rates will be subject to a fixed 3% annual increase on the above rate, commencing 01 January 2022.
  - 4 That Council engages Moduplay Group Pty Ltd to construct an additional five shelters in four different locations as part of the LRCI grant funding.
- 

## Background

Bayside Council invited open tenders for the design and construction of bespoke Bayside branded picnic shelters. The tender included five locations to be implemented this calendar year as part of the Local Roads Community Infrastructure (LRCI) grant funding. The aim is to implement the design further across the Local Government Area over the next ten years.

The tender included two concept designs, full construction documentation and the installation of picnic shelters at the following locations:

- Bonar Street Reserve, Arncliffe (double shelter);
- Shepherd Parade Reserve, Bardwell Valley;
- Tierney Avenue Reserve, Eastgardens;
- Todd Reserve, Mascot (two shelters); and
- Scarborough Park, Kogarah.

The available LRCI funding allows Council to install picnic shelters at a further four locations in Cook Park:

- Cook Park, Kyeemagh, opposite Beehag Street;
- Cook Park, Monterey, opposite Banks Street (two shelters);
- Cook Park, Monterey, opposite Robinson Street;
- Cook Park, Monterey, opposite Bath Street.

The tender requested rate prices for a single and double setting as well as square metre rate for concrete hardstand, to allow for future implementation.

This report outlines the tender process. A presentation on the tender process was given to Councillors at the GM Briefing Session on Tuesday 1 June 2021.

### **The Tender Process**

Council invited open tenders for the picnic shelters design & construct tender on Monday the 19<sup>th</sup> of April 2021 and closed at 10am on Tuesday 11<sup>th</sup> of May 2021.

### **Tenders Received**

Eight (8) Tender submissions were received, as follows (in alphabetical order):

- Fleetwood Urban Pty Ltd;
- Homann constructions Pty Ltd;
- HUB Australasia Pty Ltd;
- Moduplay Group Pty Ltd;
- Specific Industries Pty Ltd;
- Tom Stoddart Pty Ltd;
- V Built Construction Pty Ltd and
- XINC Engineering Pty Ltd.

**Directors and Location of Companies That Submitted a Tender:**

<b>Company Name</b>	<b>Company Directors</b>	<b>Location &amp; Postcode</b>
Fleetwood Urban Pty Ltd	Phil Joyce, Ian Joyce and Roger Joyce	Wetherill Park, 2164
Homann constructions Pty Ltd	Declined to provide.	Caringbah, 2229
HUB Australasia Pty Ltd	Scott Williams and Robert Matchett	Chippendale, 2008
Moduplay Group Pty Ltd	Stephen Quinsey	Unanderra, 2526
Specific Industries Pty Ltd	Anthony Hrdalo William Stoddart, Tony Stoddart, Tim Stoddart and Jeff Mundy	Burwood, 2134
Tom Stoddart Pty Ltd		Glendenning, 2761
V Built Construction Pty Ltd	Vladimir Kipic	Blakehurst, 2221
XINC Engineering Pty Ltd	Brent Trotter	Taren Point, 2229

The recommended tenderer is Moduplay Group Pty Ltd.

**Late Tenders**

No late tenders were received.

**Assessment Methodology**

The tender submission assessment process and scoring are outlined in the confidential 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.

Moduplay Group Pty Ltd submitted an excellent proposal, demonstrating extensive experience in similar projects and capacity to deliver the project. They included a detailed program committing to meet Council's milestones.

**Proposed Program**

Moduplay Group Pty Ltd have outlined the below program in their submission:

- Contract Award: 10 June 2021;

- Concept design, detailed documentation and construction documentation: 16 June 2021 - 30 August 2021;
- Construction to Commence: 01 September 2021; and
- Completion of all Construction Works: 30 November 2021.

1.  
The program does not include a wet weather allowance.

### **Financial Assessment of Moduplay Group Pty Ltd**

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Moduplay Group Pty Ltd undertaking the contract.

Details on this assessment are included in the confidential supporting attachment to this report.

### **Tender Recommendation**

References were checked for Moduplay Group Pty Ltd and it was found that they are a reputable contractor that consistently delivers high quality work.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Moduplay Group Pty Ltd for an amount of \$195,940.00 exclusive of GST.

Moduplay Group Pty Ltd has in place insurances of \$20 Million Public Liability and they have the statutory workers compensation policy in place.

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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.

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### **Attachments**

- 1 Tender - Picnic Shelters (confidential)

## **Council Meeting**

**9/06/2021**

Item No	8.8
Subject	<b>Sir Joseph Banks Park Regional Play Space - Results of Community Engagement</b>
Report by	Karin Targa, Executive Manager City Projects Office
File	SF20/4518

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## **Summary**

This report summarises the feedback received in response to the community engagement activities undertaken for the Sir Joseph Banks Park (SJBK) Regional Play Space project.

The feedback received was very positive overall and supported the direction established by Council to adopt a nature play approach to the play space. Feedback will be included in the detailed design brief for the project.

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## **Officer Recommendation**

- 1 That Council notes the feedback received in response to the community engagement activities undertaken for the Sir Joseph Banks Park Regional Play Space Design.
  - 2 That Council endorses the expansion of the play space to provide a regional play facility at Sir Joseph Banks Park, and to proceed to detailed design to meet the completion timeline of December 2022 associated with the Public Spaces Legacy grant.
  - 3 That all submissions are acknowledged and contributors are thanked and advised of Council's decision.
- 

## **Background**

Council is on track to receive \$2.5 Million as part of the Public Spaces Legacy Program to deliver a new regional play space in Sir Joseph Banks Park. This grant requires the completion of the project by December, 2022.

A presentation was provided to Councillors at the GM Briefing on 3 March, 2021 providing information on the project intent and the community engagement strategy.

Two engagement programs ran parallel to gather community's ideas and feedback on the proposal and confirm the vision and expectations. The programs were:

- Have Your Say survey and ideas tool; and
- A Child oriented engagement process.

## Results of Have Your Say Survey

The project was exhibited on Council's Have Your Say (HYS) platform with a range of methods offered to provide thoughts and ideas. Information boards were erected in three prominent entry locations to the park and Banksmeadow, Botany and Mascot town centres inviting people to visit Council's website and complete a survey.

Flyers were distributed to both Eastgardens and Rockdale customer service centres and to local cafes and takeaway shops in both Banksmeadow and Botany Town Centres.

Letters and emails were sent to known and interested stakeholders advising them that Council was asking for input into the development of a new regional play space.

In summary:

- over 550 people viewed the project page
- 26 completed the online survey
- 40 posted their ideas on the "big ideas" board
- 4 people dropped a pin and their comment on the map.

The Survey Results provided strong support for the development of a regional play space in Sir Joseph Banks Park with 25 out of 26 people supporting the new play space. The one person that did not support the new play space was concerned that increased use may result in parking difficulties, noting this person indicated that they resided within 800m of the park.

20 out of the 26 people said they would also like to see an educational component in the play space, such as conservation of natural environment or local history.

The top three reasons for supporting the play space extension were:

- A great large park, with great potential (a mini Centennial Park was mentioned) a new play space would improve it further;
- Shade is needed; and
- Kids need outdoor spaces with increasing densities as well as diversity of play.

Carers of children thought the most important things to them for the play space were:

- Shade from trees;
- Children's play experience; and
- Quality of play options for Children.

Carers identified the top 3 things they felt their children valued the most, which were:

- Exploring;
- Imaginative play; and
- Connection to nature.

Children identified the top 3 things they valued the most when playing, which were:

- Imaginative play;
- Playing with friends; and
- Climbing.

## Results of the Child-Oriented Engagement

As outlined in the United Nations convention on the rights of the child, Article 12: *“Children have the right to say what they think should happen when adults are making decisions that affect them and have their opinions taken into account.”*

As COVID-19 restrictions were eased it was possible to resume face to face engagement. The City Design Team along with specialist consultants (Cred Consulting) held a range of child oriented engagement activities to gain input from future play space users. The consultants developed and facilitated several child oriented engagement activities to gather their ideas and future aspirations for the park:

### On-Site Event – Saturday 24 April (10am – 1pm)

The on-site children’s engagement event included a range of activities designed to engage with children. Approximately 150 children participated with free ice-cream and face painting included as part of the fun.

The input obtained from the children showed a preference for:

- Play spaces that are adventurous and fun;
- A park and play space that celebrates nature;
- A park that offers something for everyone;
- Elements of the current Sir Joseph Banks Park and its history reflected in the future play space;
- Play space that is accessible and inclusive; and
- Improved amenity at the park.

For findings from individual activities, refer to the full engagement report by Cred Consulting (Attachment 2) and the community summary report (Attachment 3) for a version distilled into 6 key themes.

## Interpretation of the Engagement Results to Inform the Detail Design

The results of the two engagement processes support:

- Future demands of more play space;



- The priority of provision of inclusive play;
- The importance of improving the amenity building and provision of facilities and shade close to the play space;
- The importance of provision of accessible facilities and comfortable spaces for the whole family to make it possible for children to stay longer and play;
- The importance of less conflicts between the bike track users and the play space users;
- The importance of keeping passive supervision sight lines;
- The value of the history and heritage of the park;
- The preference for future play space to be wild play (i.e. want a large climbing structure) rather than just natural play, more fun, adventurous and exciting, with large and exciting play equipment;
- In terms of inclusive play:
  - Parents would like to see the provision of a safe toddler play area;
  - Children from K-2 and Year 3-6 have different focus on play activities, and they have different physical requirement even for the same equipment; and
  - Children want to be able to play and hang out with their friends and older siblings;
- Elements favoured by children and their family in the park include walking and cycling trail, the pond, feeding the wildlife, animal sculptures, First Nation stories and stories about the first zoo;
- In terms of a comfortable space for parents, seating, picnic amenities and shade were all outlined as important; and
- There is a strong voice for the improvement of water quality in the pond.

### **Implications for the Future Design**

- There is a desire for a natural play space with a sense of adventure and challenge.
- Consider park elements valued by children for play activities design and interpretative design, such as animals currently in the park and the history of Sydney's first zoo.
- Provision of different areas for different age-ranges and some equipment (such as swings) to cater for children of different ages and abilities
- Consider children's ideas for provision of play equipment, especially large slide and climbing structures, flying foxes, bike tracks/ramps, exploring trails, and obstacle courses noting that some of these facilities could occur in the park as a whole
- Consider provision of space for recreational and outdoor educational activities.

The detail ideas provided during the engagement process will be included in the detailed design brief to progress the design to the next stage in order to meet the timeframes associated with the terms of the Public Spaces Legacy grant funding agreement.

---

### Financial Implications

- |                                      |                                     |   |
|--------------------------------------|-------------------------------------|---|
| Not applicable                       | <input type="checkbox"/>            |   |
| Included in existing approved budget | <input checked="" type="checkbox"/> | A grant of \$2.5 Million has been allocated to the project as part of the Public Spaces Legacy Program. |
| Additional funds required            | <input type="checkbox"/>            |   |
- 

### Attachments

- 1 Sir Joseph Banks Park Regional Playspace HYS Project Summary Report 08 April 21 To 09 May\_21 [↓](#)
- 2 Sir Joseph Banks Park child oriented engagement final report (produced by Cred Consulting for internal purposes only) compressed [↓](#)
- 3 Sir Joseph Banks Park Community facing final report produced by Cred Consulting compressed [↓](#)

# Project Report

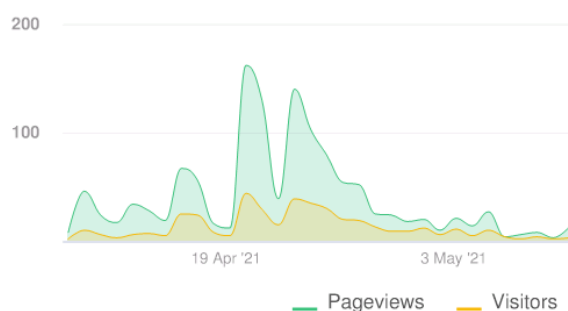
08 April 2021 - 09 May 2021

## Have Your Say Bayside

### A Regional Playspace for Sir Joseph Banks Park!



#### Visitors Summary



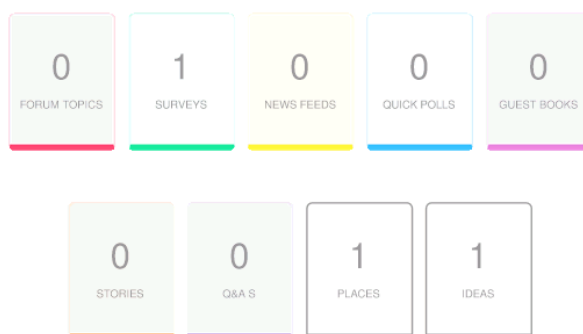
#### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
552	44	
NEW REGISTRATIONS		
3		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
53	170	369

<b>Aware Participants</b>	<b>369</b>	<b>Engaged Participants</b>	<b>53</b>
<b>Aware Actions Performed</b>	<b>Participants</b>	<b>Engaged Actions Performed</b>	<b>Registered</b> <b>Unverified</b> <b>Anonymous</b>
Visited a Project or Tool Page	369	Contributed on Forums	0 0 0
<b>Informed Participants</b>	<b>170</b>	Participated in Surveys	26 0 0
<b>Informed Actions Performed</b>	<b>Participants</b>	Contributed to Newsfeeds	0 0 0
Viewed a video	0	Participated in Quick Polls	0 0 0
Viewed a photo	15	Posted on Guestbooks	0 0 0
Downloaded a document	8	Contributed to Stories	0 0 0
Visited the Key Dates page	15	Asked Questions	0 0 0
Visited an FAQ list Page	25	Placed Pins on Places	4 0 0
Visited Instagram Page	0	Contributed to Ideas	18 8 14
Visited Multiple Project Pages	125		
Contributed to a tool (engaged)	53		

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

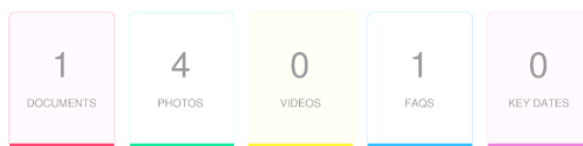
## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Place	Tell us what you love at SJB	Archived	14	4	0	0
Survey Tool	Reinvigorating SJB; Park and Playground Upgrade	Archived	76	26	0	0
Ideas	Big ideas board	Archived	74	18	8	14

Have Your Say Bayside : Summary Report for 08 April 2021 to 09 May 2021

## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Faqs	faqs	25	25
Key Dates	Key Date	15	15
Document	SJBP Community Notification Board.pdf	8	9
Photo	Children playing on tree branch - nature play	8	8
Photo	Nature play wodbridge	7	7
Photo	Boy walking on stepping stones - nature play	5	5
Photo	Girl walking on grounded tree branch - nature play	5	5

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

**ENGAGEMENT TOOL: PLACE**

Tell us what you love at SJB

Visitors <b>14</b>	Contributors <b>4</b>	CONTRIBUTIONS <b>4</b>
2021-04-16 13:57:13 +1000 <b>Ben G</b> CATEGO RY <a href="#">Love it</a>	Ponds with wildlife thriving Address: 34 Dent Street, Botany New South Wales 2019, Australia <a href="http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84571">http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84571</a>	
2021-04-20 10:49:52 +1000 <b>gem</b> CATEGO RY <a href="#">Love it</a>	Love the bike track however, it needs to be bigger and not impede the play areas Address: 34 Dent Street, Botany New South Wales 2019, Australia <a href="http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84650">http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84650</a>	
2021-04-22 00:17:33 +1000 <b>RhysB</b> CATEGO RY <a href="#">Love it</a>	I love the extensive paths throughout the park, however the surface can be too rough for skating, scooters etc. Maybe a bit too narrow in parts considering how many cyclists use the park also. Address: 36 Dent Street, Botany New South Wales 2019, Australia <a href="http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84778">http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-84778</a>	
2021-04-23 14:58:04 +1000 <b>Antra</b> CATEGO RY <a href="#">Love it</a>	Water play in the sandpit - of the only parks where water play is available all year. My children love it. Address: 34 Dent Street, Botany New South Wales 2019, Australia <a href="http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-85042">http://haveyoursay.bayside.nsw.gov.au/sjb/maps/sjb?reporting=true#marker-85042</a>	

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Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

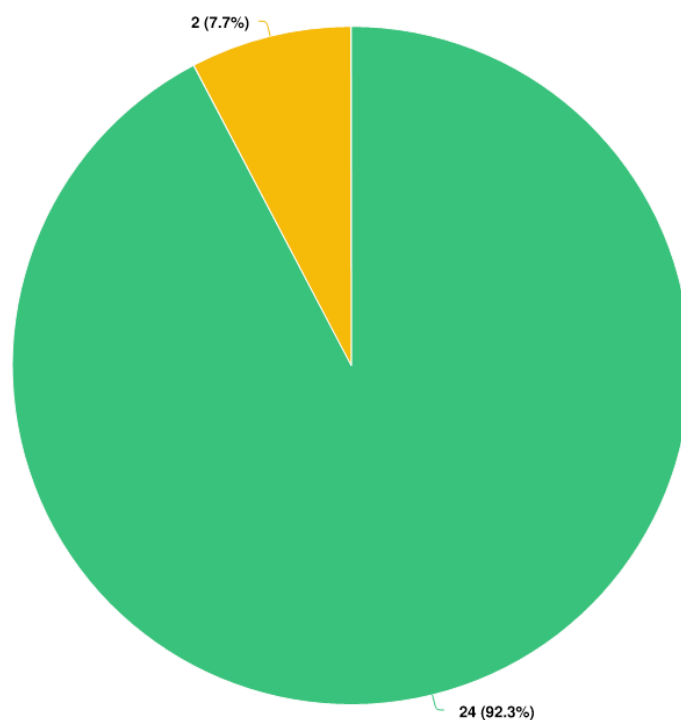
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## ENGAGEMENT TOOL: SURVEY TOOL

### Reinvigorating SJB; Park and Playground Upgrade

Visitors	76	Contributors	26	CONTRIBUTIONS	26
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Are you a carer for a child/children that use the current playground in Sir Joseph Banks Park?



#### Question options

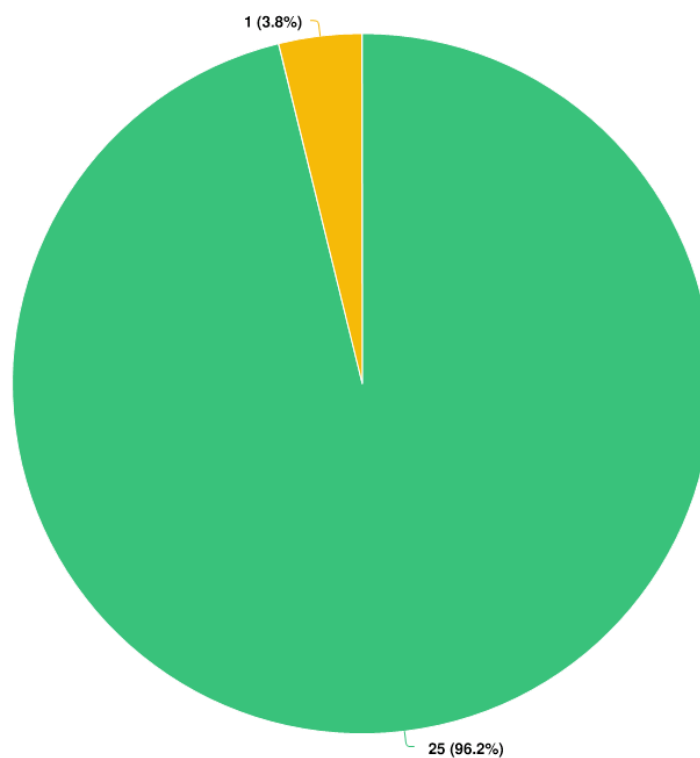
● Yes ● No

Mandatory Question (26 response(s))

Question type: Dropdown Question

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

Do you support the development of a regional playspace in Sir Joseph Banks Park?



**Question options**

● Yes ● No, Why?

Mandatory Question (26 response(s))

Question type: Dropdown Question

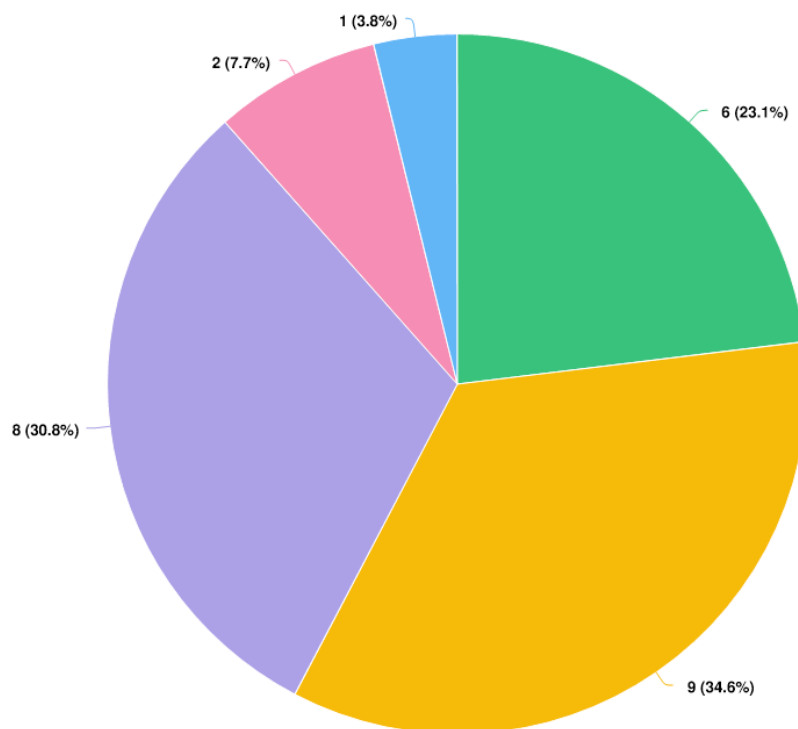


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Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

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How often to you visit the Sir Joseph Banks Park Playground?



**Question options**

● Daily ● Weekly ● Monthly ● 5-10 times per year ● Under 5 times per year

Mandatory Question (26 response(s))

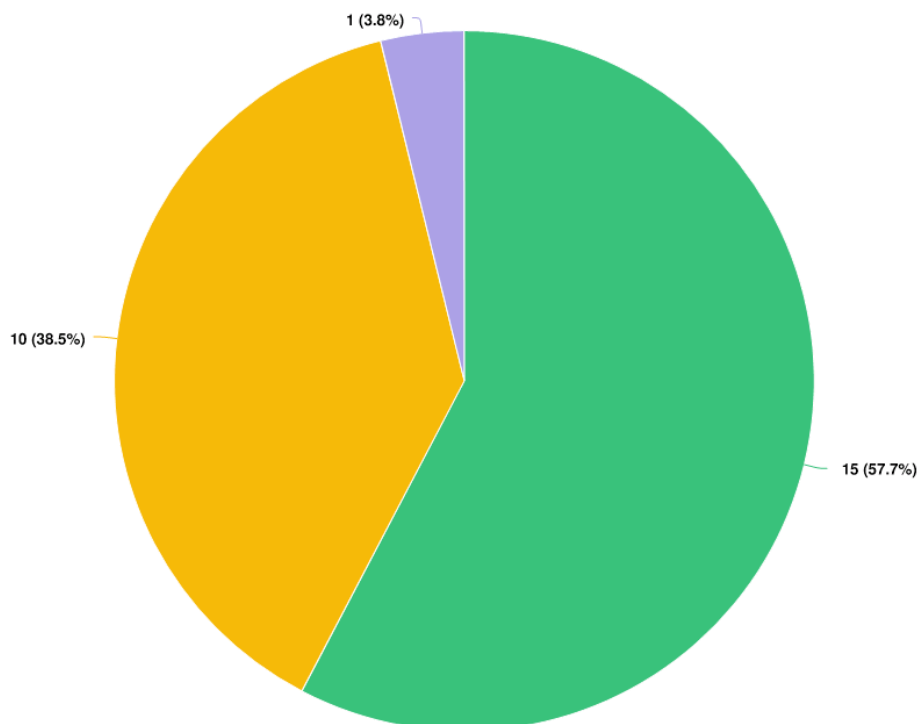
Question type: Radio Button Question

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Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

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Which of the following best describes you?



**Question options**

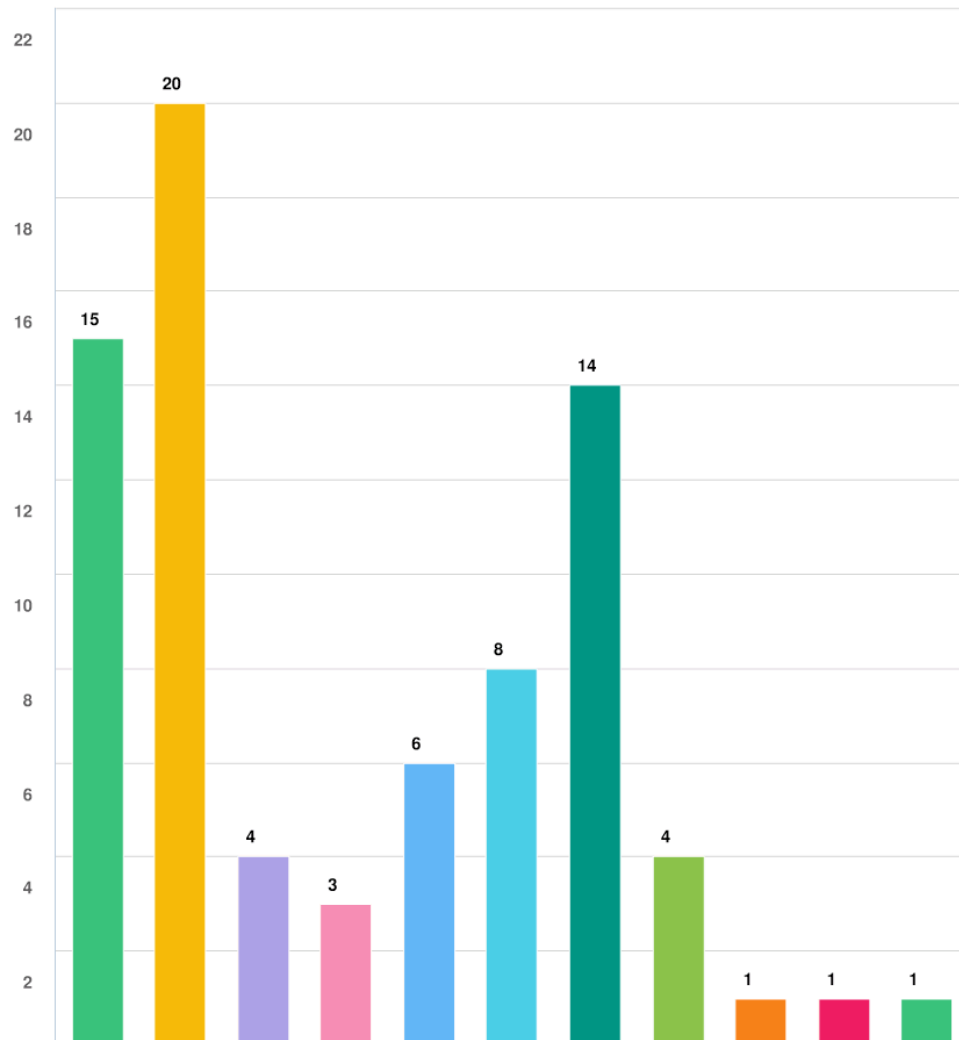
- I live within walking distance of the park (800m)
- I am not within easy walking distance of the park but live in Bayside Council
- I do not live in the Bayside Council area

Mandatory Question (26 response(s))

Question type: Radio Button Question

Have Your Say Bayside : Summary Report for 08 April 2021 to 09 May 2021

**Question for adults - What is most important to encourage you to stay and play with your child/children while your children play (top 3)**



**Question options**

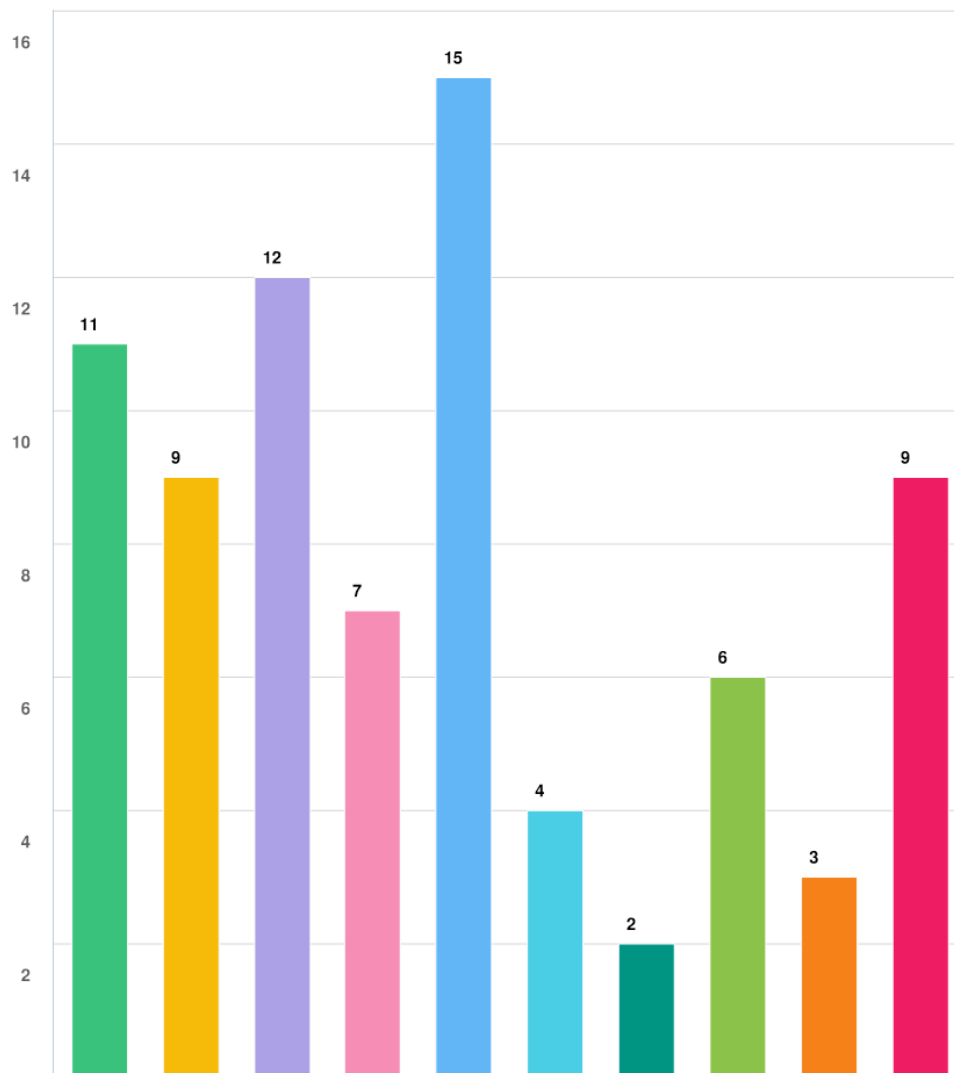
- Children's play experience
 ● Shade from trees
 ● Access to playspace
 ● Access to toilets nearby
- Available parking close to the playspace
 ● A place to buy food and or coffee
 ● Quality of play options for Children
- A place for carers to sit whilst children play
 ● Amenity such as bubblers
 ● Picnic area
 ● Other (please specify)

Mandatory Question (26 response(s))

Question type: Checkbox Question

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

**Question for adults - what do you think is most important for children when playing in Sir Joseph Banks Park (top 3)**



**Question options**

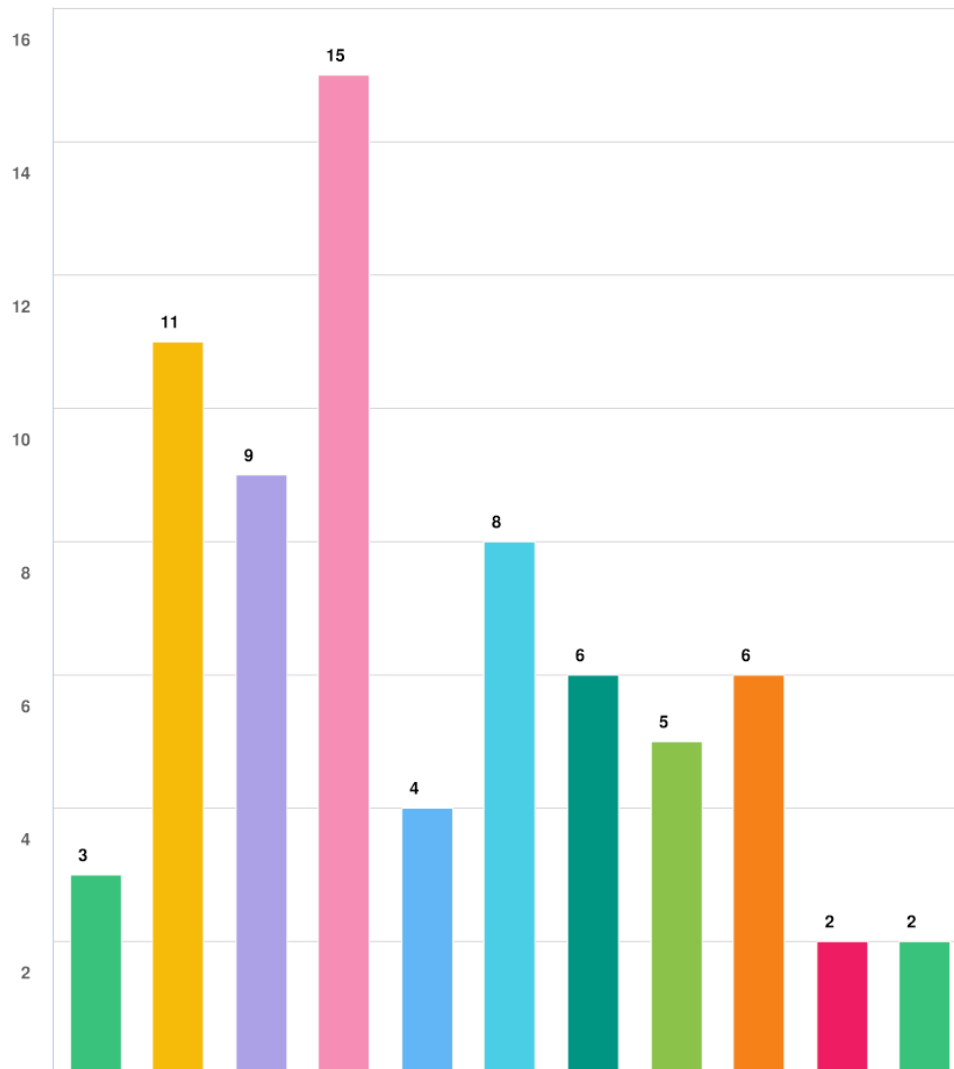
Connection to nature Climbing Imaginative play Playing with friends Exploring Swinging  
Running Hands on nature Spending time with family Inclusion of all abilities

Mandatory Question (26 response(s))

Question type: Checkbox Question

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

Question for Children - What is most important when playing? (top 3)



Question options

Connection to nature Climbing Imaginative play Playing with friends Spinning Exploring  
Swinging Running Hands on nature Spending time with family Inclusion for all abilities

Optional question (24 response(s), 2 skipped)

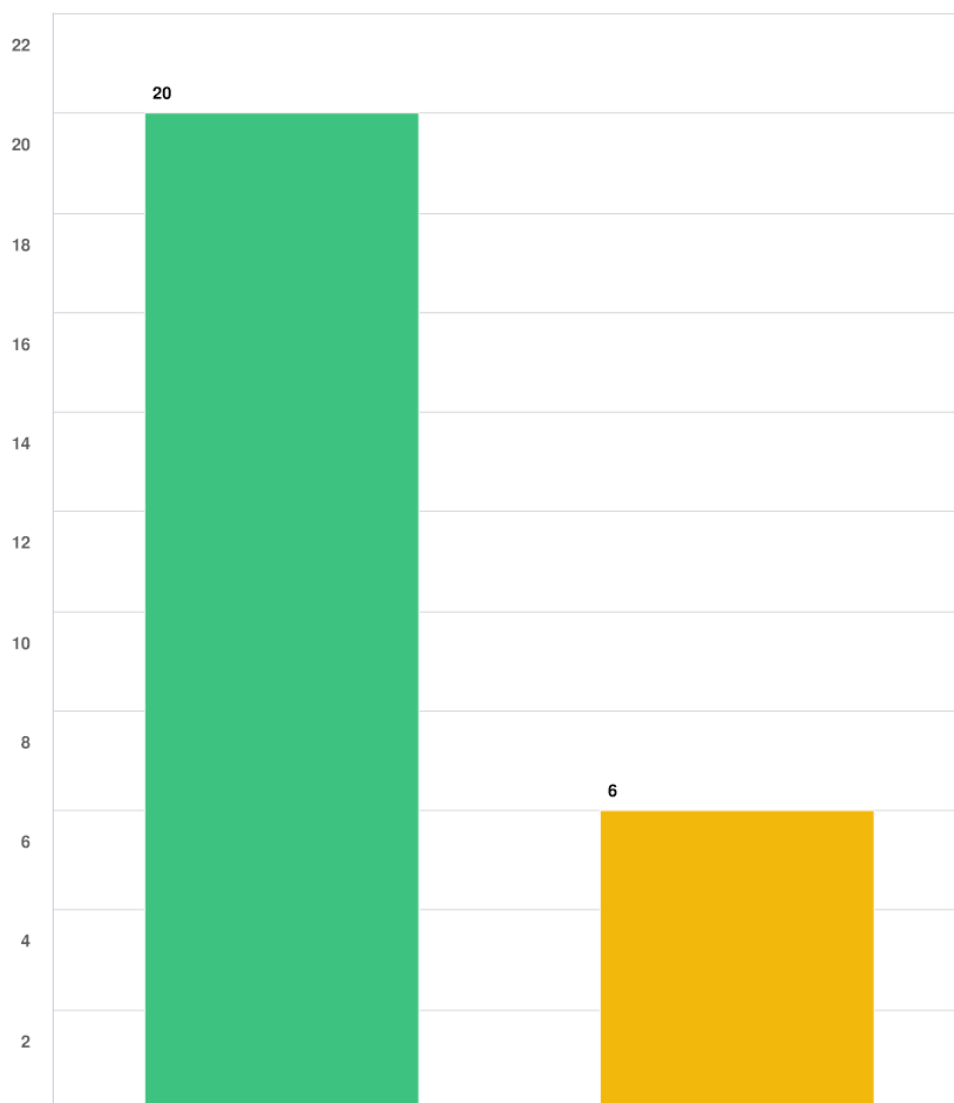
Question type: Checkbox Question

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Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

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**Carers - do you think a playground should have an education component, such as conservation of the natural environment or local history?**



**Question options**

☒ Yes ☐ No

Optional question (26 response(s), 0 skipped)

Question type: Checkbox Question

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

### Big ideas board

Visitors <b>74</b>	Contributors <b>40</b>	CONTRIBUTIONS <b>130</b>
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<div>09 April 21</div> <div>Greg Killeen</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>4</td><td>0</td></tr> </table>	VOTES	UNVOTES	4	0	<div>Suggestions for barbecues, playground and improve d amenities</div> <p>Move the 3 elephants elsewhere or back to the original location (adjacent to the Sir Joseph Banks Hotel apartments near the flagpoles) and use the space for another set of barbecues under a pergola and include more tables and chairs near the large pergola s (near the gorillas). Due to the large number of people wanting to use the current barbecues next to the playground people are arriving early and "claiming" this public facility. I'm aware of a recent incident where a large group "occupied" the area and although they were only using 2 of the 4 barbecues there are items covered the entire table and other people were not allowed to use the unused barbecues. I would suggest a sign be placed within the barbecue facility explaining the need for community to share the facilities. I would also suggest that the ordinance inspectors make regular visits to the area to ensure the community has access to these facilities and they are shared equally. I think there is a need to install more tables and chairs undercover adjacent to the existing barbecues. In regard to the playground area I think there is an opportunity to utilise the natural slope between the playground and the car park to install 2 or 3 slippery dips.</p>
VOTES	UNVOTES				
4	0				
<div>10 April 21</div> <div>Via SMS</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>5</td><td>0</td></tr> </table>	VOTES	UNVOTES	5	0	<div>Suggestion for sir Joseph banks playground extension. Please build a fenced area for toddlers. my twins have nearly been</div> <p>hit by kids on the bike path. This is a common problem for other parents with multiple toddlers</p>
VOTES	UNVOTES				
5	0				
<div>16 April 21</div> <div>lowkt86</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>1</td><td>0</td></tr> </table>	VOTES	UNVOTES	1	0	<div>Mosquitoes</div> <p>Great idea to extend park. Due to ponds and wetland, there are a lot of mosquitoes (especially towards the late afternoon). Got bitten quite badly each time I come here for a run. Need to look at how to manage this as won't be pleasant for kids to get bitten.</p>
VOTES	UNVOTES				
1	0				
<div>16 April 21</div> <div>Ben G</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>2</td><td>0</td></tr> </table>	VOTES	UNVOTES	2	0	<div>Container kiosk</div> <p>we'd love to be able to assist with a containerised Kiosk for the playground! we currently work with AVENUE - Avenue Botany is an innovative day program, empowering people with disability to make meaningful contributions through work activities. The kiosk could feature produce from local businesses and be staffed by our community!</p>
VOTES	UNVOTES				
2	0				

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

### Big ideas board

19 April 21 BN9876		Water play please!
VOTES 8	UNVOTES 0	
19 April 21 Karen73		I would love to see a space like the Ian Potter Wild Play garden in Centennial Park where children access a range of natural play resources
VOTES 6	UNVOTES 0	<a href="https://www.centennialparklands.com.au/wildplay">https://www.centennialparklands.com.au/wildplay</a>
19 April 21 KEB		Accessible play equipment for children with disabilities
VOTES 1	UNVOTES 0	
19 April 21 KEB		A baby/toddler play area that doesn't have soil or wood chips as the base - they just eat it!!!
VOTES 6	UNVOTES 0	
19 April 21 KEB		A lot more shade is required over the play areas
VOTES 7	UNVOTES 0	
19 April 21 NinaZhang		Water play and Kiosk like the Wild Play Centre in centennial park would be AMAZING!! And more shade over play area would make it PERFECT!!
VOTES 3	UNVOTES 0	Water play, kiosk, shades please



## Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

## Big ideas board

20 April 21	gem		Toddler friendly	
	VOTES	UNVOTES	<p>Botany currently has one toddler friendly area - an extremely dated and limited area at Booralee which not only looks unsafe but does not cater to small children. Toddlers are the ones who most need to get out of the house and who frequent the local parks during weekdays. The SJB extension provides an ideal opportunity to become the premier play area for children in the area. Several ideas: The rubber surface is loved by parents and kids alike - woodchips and sand are not practical. A shade shelter is a must! And seating for adults in the shade would be great too! Water play area would be wonderful. Something similar to Tumbalong Park in Darling Harbour or Steel Park in Marrickville (which has buttons to turn water on and off). Sunken trampolines are great fun for kids. A fenced area for toddlers, going to the park should be fun and not stressful! Play equipment should also not have big drop offs for toddlers. Also, half bucket swings for babies are not great, the best ones are all enclosed, either full bucket or solid like the picture attached. The water play already installed at SJB is great, but would be better if on the ground not so elevated. There are many great examples of successful play areas for smaller kids which bigger kids still find enjoyable - but some great examples include - Moore Park entertainment quarter, Riverside green at South bank, Queensland (the slides are on a man made hill so cant fall off the side!), actually the whole of Southbank play and waterplay area is amazing A bike track with obstacles or dirt jump track would be great too.</p>	
	8	0		
20 April 21	Lenka Vymola		Outdoor fitness park for kids 5 and over, e.g. Ninja Warrior inspired playground (obstacles, ropes, polls)	
	VOTES	UNVOTES	.	
	4	0		
20 April 21	Stephanie Andrews		Artist designed playground	
	VOTES	UNVOTES	<p>I would love to see the playground designed by an artist, like Mike Hewson has recently done at Simpson Park in St Peter's. Please see link to his work here: <a href="https://mikehewson.co.nz/2020/9/st-peters-fences">https://mikehewson.co.nz/2020/9/st-peters-fences</a> The commissioned artist can take the surrounding rich history into account and design a thoughtful space for the community to enjoy.</p>	
	1	0		
21 April 21	Natz		More shade. Better play equipment for younger kids and toddlers and easily to get onto. No bark or sand	
	VOTES	UNVOTES	. Accessible for kids with disability	
	5	0		
			Smaller kids play area	
21 April 21	Joy		More tree canopy along foreshore road to block noise. A very dense canopy of natives such as blueberry Ash or other.	
	VOTES	UNVOTES	Noise is unbearable on that side of the park	
	4	0		

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

### Big ideas board

21 April 21	Joy			Trampoline area, where the trampolines are ground level and there is a space underneath - therefore you can't fall off the tramp
	VOTES	4	UNVOTES	0
21 April 21	Joy			Treehouse structure
	VOTES	0	UNVOTES	0
21 April 21	Joy			Indigenous story/artworks embedded in the playground
	VOTES	5	UNVOTES	0
				Consult with a range of Indigenous people, (include artists/sculptors), to create knowledge about Country.
21 April 21	Diana maguire			Water play similar to the one at centennial park
	VOTES	2	UNVOTES	0
22 April 21	RhysB			I would love to see a fitness space/outdoor gym.
	VOTES	4	UNVOTES	0
				If the kids get to burn some energy why not allow the grownups to get some exercise too? Sets a great example for the kids and some of us don't want to just sit around while they entertain themselves. I realise this may not be children specific and might be better suited to another part of the park like near the basketball ring by the dog park. Just my two cents.
22 April 21	Nura			More shade
	VOTES	4	UNVOTES	0
				Whatever is done, more shade is definitely needed. The playground is unusable many days because the kids are in direct sunlight and the equipment gets too hot for them to use. I also agree that something more suitable for toddlers would be great.

Have Your Say Bayside: Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

### Big ideas board

<div>22 April 21</div> <div>PC</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>0</td><td>0</td></tr> </table>	VOTES	UNVOTES	0	0	<div>Look into Jaguel Park in Punta Del Este for ideas</div> <p>Jaguel park has different sections for different age groups. They provide instruments like the one attached for kids to play with and explore sound, they also have a helicopter for kids to climb and play on, a pirate's ship and much more. It's worth looking it up because it provides an incredible space for children and their families. Shade is very important and the use of materials that don't heat up during summer as well so the kids don't get burned. Shaded space for the parents and carers to sit, gates to avoid kids from wandering around and getting lost, bathrooms close by, rubbish bins, inclusive activities for kids with disabilities.</p>
VOTES	UNVOTES				
0	0				
<div>22 April 21</div> <div>Enter your score?</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>0</td><td>0</td></tr> </table>	VOTES	UNVOTES	0	0	<div>Visit the Ian Potter Wet and Wild Play <a href="https://www.hellosydneykids.com.au/wild-play-childrens-garden-centennial-parklands-sydney/">https://www.hellosydneykids.com.au/wild-play-childrens-garden-centennial-parklands-sydney/</a></div> <p>This playground leaves the children to develop their own Imagination. Also check out the Discovery centre.</p>
VOTES	UNVOTES				
0	0				
<div>22 April 21</div> <div>PC</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>0</td><td>0</td></tr> </table>	VOTES	UNVOTES	0	0	<div>Bonding activities between parents and kids</div> <p>In Chile there is a park with a swing for the parent and the child to ride at the same time, facing one another. These activities provide fun for the family and creates a bond between parents/carers and children.</p>
VOTES	UNVOTES				
0	0				
<div>23 April 21</div> <div>lisadorran</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>1</td><td>0</td></tr> </table>	VOTES	UNVOTES	1	0	<div>At the moment the play area is not at all toddler friendly so it would be great to see different zones to cater for different age groups.</div>
VOTES	UNVOTES				
1	0				
<div>23 April 21</div> <div>lisadorran</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>1</td><td>0</td></tr> </table>	VOTES	UNVOTES	1	0	<div>Shade! It would be fantastic to have access to shaded areas (natural shade or otherwise)</div> <p>My mums group used to meet here last year and we would have to sit in a tiny area next to a bin to seek shade. There is no shade in the grass area at the playground</p>
VOTES	UNVOTES				
1	0				
<div>25 April 21</div> <div>Di Lee</div> <table> <tr> <td>VOTES</td><td>UNVOTES</td></tr> <tr> <td>0</td><td>0</td></tr> </table>	VOTES	UNVOTES	0	0	<div>Flying fox and tall climbing structure with slide attached</div> <p>Tall structures similar to the Newmarket playground in Randwick, St Ives Playground or Bungarribee Playground. Flying fox like the one in Alby Smith Memorial Reserve Playground Coogee. This one is the best one and we've tested a few. The ride is smooth and the angle means it goes pretty fast.</p>
VOTES	UNVOTES				
0	0				

Have Your Say Bayside : Summary Report for 08 April 2021 to 09 May 2021

## IDEAS

### Big ideas board

26 April 21	SJD		Cater for older children and inclusive play
VOTES	1	UNVOTES	
	0		For example, Fitness style gym equipment for older children (young teens), which can incorporate equipment for wheelchair users, basket ball hoops at different heights for younger/wheelchair users. Pump track for all types of wheels!
28 April 21	Kristy.C		Huge climbing frame with slides and obstacles course like Fairfield park.
VOTES	0	UNVOTES	
	0		
02 May 21	frauleinkarly		My very active boys would love a jumping pillow like they have a lot in Queensland (and at Australia Zoo), a splash park and a ropes course
VOTES	1	UNVOTES	
	0		Equipment to use up their energy
04 May 21	Liana		Water play like at darling harbour, different spaces for different ages, picnic areas, great scooter or bike track.
VOTES	0	UNVOTES	
	0		





**Cred**  
CONSULTING

**Report title:** Sir Joseph Banks Park child oriented engagement - Internal engagement report

**Client:** Bayside Council

**Version:** Final

**Date:** May 2021

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Cred Consulting



## Table of contents

<b>1. What we heard: key themes</b>	<b>4</b>
<b>2. Introduction</b>	<b>6</b>
2.1. Background	6
2.2. Engagement purpose	6
2.3. Project timeline	6
2.4. Engagement activities	7
<b>3. Child oriented community event findings</b>	<b>8</b>
3.1. About the community event	8
3.2. Overview of community event activity stations	8
3.3. Snapshot of findings	9
3.4. Outcomes by activity	10
<b>4. School workshop findings</b>	<b>25</b>
4.1. About the school workshops	25
4.2. Overview of workshop activities	25
4.4. Outcomes by activity	27
<b>5. School activity sheet findings</b>	<b>34</b>
5.1 About the school activity sheets	34
5.2 Snapshot of findings	34
5.3 What children in Years K-6 told us	36
<b>Appendix</b>	<b>44</b>



# 1. What we heard: key themes

The following key themes emerged across all engagement activities.



## Playspaces that are adventurous and fun

Across engagement activities, children strongly expressed a desire for new and exciting play equipment to enjoy at Sir Joseph Banks Park. Children and adults indicated they would like to see wild playspaces that are adventurous, natural and encompass elements that are larger scale for children.

At the community event and in-school workshops, children indicated that the activities they would like to do most at Sir Joseph Banks Park are hanging out with friends, climbing, and swinging and sliding.

The most commonly suggested play equipment and spaces participants would like to see include:

- Big slides
- Big climbing frames
- Flying fox
- Bike tracks/ramps for children to ride their bikes/skateboards/scooters
- Exploring trails
- Water play, and
- Obstacle courses.



## A park and playspace that celebrates nature

People value their natural open spaces and would like to see a park and playspace that celebrates nature. Across engagement activities, many participants expressed they value the natural environment and setting in Sir Joseph Banks Park, and would like to see the future playspace retain this look and feel. Some children frequently suggested 'natural materials' or 'environmentally friendly materials' to be included in the future design of the playspace. Across engagement activities, there was a fairly even split between participants wanting the future playspace to look more colourful or more natural.

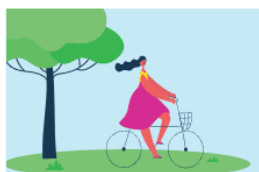


## A park that offers something for everyone

Children and adults told us they would like playspaces that are family friendly. Participants would like seating and picnic amenities close to the new playspace so that the whole family can stay, be entertained and enjoy the area. In particular, people would like to see playspaces that can accommodate older children in the vicinity also.

Across engagement activities, hanging out with friends was the top activity children like to do in the park, with many children commenting they enjoy play with their friends, siblings and members of their family.





### Elements of the current Sir Joseph Banks Park and its history reflected in the future playspace

Across engagement activities, participants indicated that the history and heritage of Sir Joseph Banks Park plays an important role in its character and is part of what makes it a special place. In particular, participants value a number of elements about the park including animal sculptures, the pond, playground and the walking and cycling trail.

Many of the completed activity sheets highlighted the desire to understand the history of Sir Joseph Banks Park. In particular children would like to learn more about the park as Sydney's first zoo, the story of Sir Joseph Banks and First Nations Peoples stories.



### Playspaces that are accessible and inclusive

Participants strongly emphasised that playspaces should be inclusive for children of all abilities. Throughout consultation activities, children strongly emphasised that irrespective of what the future playspace may look and feel like, it is important it incorporates equipment that is accessible to children of all abilities. Some ideas suggested by participants were accessible swings for people in wheelchairs or features such as ramps.



### Improved amenity at Sir Joseph Banks Park

Engagement participants value Sir Joseph Banks Park as a place for community use and connection, including social gatherings, playing on the equipment, relaxing by the pond, feeding the geese and walking and scooting along the trail; and would like to see improved amenity to support this including:

- Improving existing toilet facilities, as well as providing additional amenity in the future to ensure facilities are in close proximity to playspaces
- Enclosed playspaces to ensure safety of children, and that support line of sight for parents and carers
- More bins and recycling bins
- Improve cleanliness of the pond, and
- Increase shade in the park for cooling and comfort in summer.

## 2. Introduction

This report provides a summary of the community engagement undertaken by Cred Consulting on behalf of Bayside Council (Council) to help inform and guide the design of a new regional playspace to be delivered at Sir Joseph Banks Park, Botany.

### 2.1. Background

Bayside Council (Council) is undertaking a masterplanning process for Sir Joseph Banks Park, Botany (Sir Joseph Banks Park). The first stage of this process is to extend and upgrade the playground facilities to create a regional playspace and supporting facilities such as paths and lighting.

This will include:

- An extension of the existing playspace.
- New public amenities closer to the playspace.
- Council are proposing to retain the existing playground, dinky bike track, picnic and BBQ facilities.

Part of this masterplanning process is to engage with young families and children to develop a regional playspace at Sir Joseph Banks Park. The regional playspace is intended to suit children under 12 years of age.

The engagement was designed and implemented to ensure the rights of the child are respected where they have the opportunities to influence their environment.

### 2.2. Engagement purpose

The purpose of the engagement was to understand what young families and children would like to see in the new play space.

Cred Consulting was engaged by Council to undertake child oriented engagement. This consultation was held in parallel to Council's standard community engagement methods, including Have Your Say online survey and Letterbox drop to nearby residents.

This report will focus on findings from consultation conducted by Cred Consulting.

### 2.3. Project timeline



\*All Cred Consulting staff who undertook child oriented engagement have appropriate working with children credentials.

## 2.4. Engagement activities



### 1 x child oriented community event

held in Sir Joseph Banks Park on Saturday 24 April 2021 from 10am - 1pm.



### 2 x in-school workshops

with 37 students from years K - 6 from Pagewood Public School and Banksmeadow Public School.



### 280 x completed kids activity sheets

for children in stages K-2 and years 3-6 distributed to two schools, including Pagewood Public School and Banksmeadow Public School.

BaySide Council

**HAVE YOUR SAY!**

AGE 9  
SCHOOL Pagewood Public School

Did you know that BaySide Council is going to create a brand new play space at Sir Joseph Banks Park in Botany? Your ideas and opinions are really important, and we'll help with the design of the new playground.

Here's what the park looks like now (you might have been there):

 Elephant structure  
 The current playground  
 Swing equipment

When you go to a playground, what is your favourite thing to play on? Circle **one** option.

What else do you like to play on in a playground? at Sir J and  
Swing, merry-go-round and Sandpit



### 3. Child oriented community event findings

This section provides key findings from activities conducted at the community event at Sir Joseph Banks Park, Botany on Saturday 24 April, 10am - 1pm.

#### 3.1. About the community event

A child oriented community event was held at Sir Joseph Banks park from 10am to 1pm on Saturday 24 April 2021. Over 150 people attended the event.

The purpose of the child oriented community event was to understand what families and in particular, children would like to see in a new play space, and what children value about Sir Joseph Banks Park. The event consisted of 6 child-friendly engagement activities, 1 activity targeted at adults, a free face painter and free ice-cream.

In the spirit of engaging young people's responses about the play space design, we aligned engagement activities with 'play principles' – using the senses, imagination, exploration, discovery and collaboration.

The event was set up to be welcoming to children, with activities on mats on the ground and accessible on tables. Activities were tactile and encouraged children to participate with their hands. The area was decorated to look festive and inviting.

The following lines of enquiry were considered when designing the engagement activities for the event:

"When I come to the playground, ..."

- What can I do?
- What do I want to learn?
- What do I notice?
- What do I enjoy?
- What makes me feel scared or nervous?
- What do I like doing with other people?
- What do I like doing on my own?
- What makes me feel safe?
- What makes me feel excited?
- What can I imagine?



8 Cred Consulting

#### 3.2. Overview of community event activity stations

##### 1. Play space typology & binoculars into the future

*Question/ inquiry: What do I want in the playground in the future?*

1. Children and their carers were invited to look at four playspace concepts including traditional, inclusive, nature play and wild play. Each participant was given two sticker dots to place on their favourite playspace concept and encouraged to share questions and ideas they have.

2. Using cardboard binoculars, children were invited to scan the park and use their imagination to see the future of the park. The activity facilitator discussed what they saw and what they value about the park.

##### 2. Thumbprint logo

*Question/ inquiry: How can we ensure children feel heard?*

Using different coloured ink pads, children put their thumbprint on a large banner to tell us what type of play they would like to do in the park.



Participants could choose two activities from the following list:

- Swinging and sliding - Yellow
- Climbing - Pink
- Using my imagination - Blue
- Hanging out with friends - Purple
- Playing with nature - Green



### 3. Park characteristics and the 'The Bayside News' front page

*Question/ inquiry: What do you hope a future playground will look like?*

1. Children and their carers were challenged to think beyond play equipment and play spaces, and to focus on characteristics and values that might matter to them about the future park.

To support this, Cred created a 'characteristics' board that showed a timeline of photos relevant to Sir Joseph Banks Park history. Participants were asked to place up to three sticker dots on the things that matter most to them.

2. Children were invited to think about what a future playground might be like - what the playground will have, how people will feel when they play there, who will come to the park etc. They wrote or drew a 'front page news' worksheet to share their ideas for the future playground

### 4. Photo frames challenge

*Question/ inquiry: What details matter to children when they're at the playground?*

Children were invited to decorate a cardboard frame using craft elements and natural materials. After completing their frame, they were encouraged to walk around the park and put their frame around something that matters to them, or a detail that they notice, and take a photo. Photos were uploaded to an online form.

### 5. Elephant sized ideas

*Question/ inquiry: What are some big ideas people have for Sir Joseph Banks Park?*

This activity aligned with Councils online consultation, providing an opportunity for adults to share their ideas and suggestions on a post-it note about what they would like to see in Sir Joseph Banks Park in the future.

### 3.3. Snapshot of findings

- Children and adults would like to see wild playspaces at SJB that are adventurous and fun
- Playspaces that are inclusive for people of all ages and abilities was a priority for participants in the future of Sir Joseph Banks Park
- Children would like a playspace where they can climb, swing and slide and hang out with friends
- Children love the pond, walking and cycling trail and animal sculptures that are currently in Sir Joseph Banks Park
- Children and adults would like to see play equipment for everyone to enjoy such as a flying fox, a new pump track to ride bikes, rock climbing play or climbing structures.



### 3.4. Outcomes by activity

#### Activity Station 1 - Play space typology & Binoculars into the future

The purpose of these activities was to find out which playspace typologies resonate with children and their families, what children value in Sir Joseph Banks Park now and would like to see in their future play space.

##### Play space typology

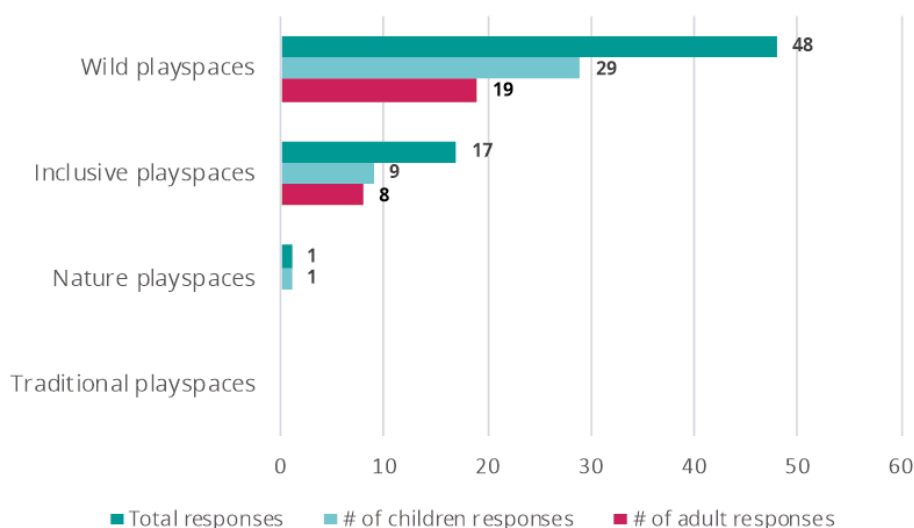
Overall, when asked what type of playspace they would like to see in Sir Joseph Banks Park, the majority of participants indicated they would like to see **wild playspaces** (48 responses). Of these participants, 29 or 48% were children and 19 or 40% were adults.

This was followed by 17 participants that would like to see **inclusive playspaces** in Sir Joseph Banks Park. A similar proportion of children (9 children; 53%) and adults (8 adults; 47%) voted for this type of playspaces.

In this activity, feedback from participants indicated they liked the nature and wild playspaces equally, however they chose wild playspaces because it looked more interesting. In particular, children preferred this option due to the scale of play being larger and more adventurous.



Children participating in community event activities. (Source: ©Photo by Matthew Duchesne)



### What people told us

Throughout the activity, the facilitator encouraged participants to elaborate about their thinking on why they chose their top two playspace concepts. Key comments received from participants included:

#### People value nature and the natural environment in Sir Joseph Banks Park

When choosing playspace typologies, many children and adults indicated they like nature and wild playspaces equally for the natural look and feel, but were more inclined to choose wild play as a playspace that is seen as more adventurous and exciting.

Participants indicated they value the natural setting in Sir Joseph Banks Park, and expressed a strong desire to ensure this environment is retained and the future playground is as natural as possible.

- One parent said that

*"Kids are exposed to colours everywhere in their life, play groups, classrooms, clothes, toys, etc. We would like the playground to be a place where they connect with nature and therefore would discourage the use of colourful equipment in the future playground."*

#### Access to the playspace at all times of the day

Many participants, children and adults, indicated that even though they would like 'Wild Playspaces' in Sir Joseph Banks Park in the future, they would like access to the park at all times of the day as opposed to wild playspaces in parks such as Centennial Park that are open only during certain times.

#### A playspace that is inclusive of all ages and abilities

- Many participants, including children and adults, indicated they would like wild playspaces to accommodate children of all age groups, including play spaces for the younger age groups between ages 1-5 years and older kids aged 8-13 years.
- Younger and older children spoke about the need for pump tracks in the playground that would add more excitement, adventure and exercise opportunities to the playground activities.
- Many participants indicated that any future playground should incorporate inclusive elements in it to make sure everyone can play and stay.

#### Access to amenities and facilities

Some participants indicated there is an opportunity for an additional toilet block in the future playspace so they would not have to take children all the way to the existing toilet block.

#### Examples of playspaces participants want to see

Children and their parents gave examples of other parks in Sydney that they would like Sir Joseph Banks Park to be modelled on. These included:

- Centennial Park
- Inglis Park in Randwick
- Waterplay in Marrickville
- Adventure play in Fairfield, and
- Playgrounds in La Perouse and Booralee Park.



Family participating in the binoculars into the future activity. (Source: ©Photo by Matthew Duchesne)

### Binoculars into the future

Children were invited to look through crafted colourful, cardboard binoculars and to imagine that these enabled them to see the future. They were invited to share and describe what they could see in the park in the future/ what they wished could be there now.

#### Feedback from children

Many of the children had similar responses, and would particularly like to see different types of play equipment that would accommodate a range of age groups. The most popular answers received are highlighted in bold below.

- **Bigger slide – several comments about this! Also request for 'swirly slides' (spiral slides or tube slides)**
- **"Monkey bars for more than just one kid"**
- **Climbing wall, made from natural materials**
- **Water play**
- **Flying foxes**
- **Obstacle Course**
- More spinners
- More swings so no-one fights
- Equipment that makes music (like in Centennial Park and Sydney Park)
- More sandpits
- Tree houses
- A mini-village with little shops and a mini airport
- High equipment with ladders and ropes
- Make everything bigger for 7-year-olds and older kids
- A bigger climbing frame
- Ninja warrior course, and
- Cubby houses.

Other ideas and opportunities suggested by children included:

- **Exploring trails** with lots of things to discover
- More trees
- A drawing area
- Proper picnic areas with tables and spaces for picnic rugs
- A garden patch with flowers
- Party spaces
- Bushwalk activities
- Nature activities
- Very colourful
- Natural materials
- Ways of learning about the animals and birds that live in the park (eg, the turtles in the lake), and
- Opportunity to feed birds and animals.

Children also had some fun suggestions including:

- An ice-cream fountain
- A milkshake fountain
- A slide that lands in poop (!)
- A slushie container, and
- A petting zoo.



Child participating in the binoculars activity. (Source: ©Photo by Matthew Duchesne)



**Feedback from adults**

Adults also shared their ideas for the future play space at Sir Joseph Banks Park. The most popular answers are highlighted in bold.

- Clean the pond
- **More bins and recycling bins**
- **Play equipment for different age-groups**
- **More shade**
- The park needs a café
- Opportunity for a non-metal slide, as the existing slide gets too hot, and
- Inclusive playspaces are important.



Child participating in the binoculars activity. (Source: ©Photo by Matthew Duchesne)



Children's community event. (Source: ©Photo by Matthew Duchesne)



### Activity station 2 - Thumbprint logo

The purpose of this activity was to understand what type of play children would like to do in a new park.






Children were asked what their favourite activity to do in a park is, based on a list of 5 options.

Responses were:

- Climbing (26 responses)
- Swinging and sliding (23 responses)
- Hanging out with friends (22 responses)
- Using my imagination (9 responses)
- Playing with nature (7 responses).

## OUR PARK

If your favourite activity is...

**Swinging and sliding**  
Place a **Yellow** fingerprint

**Climbing**  
Place a **Pink** fingerprint

**Using my imagination**  
Place a **Blue** fingerprint

**Hanging out with friends**  
Place a **Purple** fingerprint

**Playing with nature**  
Place a **Green** fingerprint





Child choosing their favourite type of play. (Source: ©Photo by Matthew Duchesne)



Children participating in the fingerprint activity. (Source: ©Photo by Matthew Duchesne)



Children participating in the fingerprint activity.  
(Source: ©Photo by Matthew Duchesne)



Children participating in the fingerprint activity.  
(Source: ©Photo by Matthew Duchesne)

### Activity station 3 - Character of Sir Joseph Banks Park & front page news

The purpose of this activity was to understand what historical characteristics people would like to see reflected in the regional playspace, and for children to imagine the look and feel of the future playspace.

#### Character of Sir Joseph Banks Park

Children and adults were asked what they think is special about Sir Joseph Banks Park. Participants were invited to choose the top three historical characteristics that they would like to see reflected in the regional playspace, from a selection on a board.

Across all participants, the top three historical characteristics people would like to see reflected in the regional playspace were:

- Walking and cycling trail (49 participants)
- The pond (46 participants), and
- The playground (45 participants).

#### What children would like to see

The top three historical characteristics children would like to see reflected are:

- The pond (25 children)
- Walking and cycling trail (25 children), and
- Animal sculptures (18 children).

#### What adults would like to see

The top three historical characteristics adults would like to see reflected are:

- Walking and cycling trail (49 participants)
- The pond (46 participants), and
- The playground (45 participants).




Children choosing their top three historical characteristics of Sir Joseph Banks Park. (Source: ©Photo by Matthew Duchesne)



## What's special about Sir Joseph Banks Park?

Tell us what you think is special about Sir Joseph Banks Park by placing up to 3 sticker dots on the board.

■ # of child responses  
■ # of adult responses  
■ Total # of responses

	<b>First Nations Heritage</b>	
4	8	
12		

	**Sir Joseph Banks Monument**	
2	2	
4		
	**Zoological Gardens**	
9	11	
20		
	**Pleasure Garden**	
3	5	
8		
	**Sir Joseph Banks Hotel**	
14	7	
21		
	**Running Track**	
8	5	
13		
	**Sand Dune Landscape**	
7	9	
16		
	**Regenerating Natural Bushland**	
11	12	
23		
	**Animal Sculptures**	
18	9	
27		
	**The Pond**	
25	21	
46		
	**Walking and Cycling Trail**	
25	24	
49		
	**Playground**	
17	28	
45		

Sir Joseph Banks Park child oriented engagement - Internal engagement report 17



Participants at the Bayside News Report activity station.  
(Source: ©Photo by Matthew Duchesne)

### Activity station 3 - Character of Sir Joseph Banks Park and Bayside Report front page news

#### Front page news

Children were encouraged to imagine they were a reporter visiting the new upgraded Park on its opening day, and to write or draw their answers to the question:

*What are you seeing in this new Park, what do you like?  
What are people doing in the new Park?*

8 responses were received from children. Responses from the children showed that the following elements are what they would like to see in the future at Sir Joseph Banks Park:

- Play equipment (3 comments), such as a flying fox
- A new pump track to ride bikes (2 comments)
- Rock climbing or climbing structures (2 comments)
- A gaming arcade (2 comments)
- Hanging out with friends
- Enjoying the native bushland
- Play spaces for all ages to enjoy
- A cubby house
- Swimming pools
- Parties

24 April 2025

# The Bayside News

**Headline** new pump track

**Mainstory** Today a new pump track opened in SJBP. The track has big jumps and it's made out of clay. Tom says it is the best thing ever.



**Headline** Cuby house restaurant

**Mainstory** Cuby house is where you can cook & have food. It's close to the bus stop. Looks to use as tables & benches.



**Headline** Rock Climbing takes local park to new heights

**Mainstory** Kids were climbing and having a great time. Having chats with their mates. Enjoying the native bushland. Riding their bikes on the track.



**Headline** My favorite part of my dream house

**Mainstory** There's swimming pools, a big disco, climbing wall, a big garden, and a big house.



**Headline** Flying fox for kids & adults

**Mainstory** Kids can play with the flying fox & has big stairs to go up on the fox.



**Headline** brand new park

**Mainstory** Bayside council has chosen the park and it's finally finished. Even a gaming arcade. This is one of the best parks ever.



**Headline** A bi-ent New park opens

**Mainstory** Every kid loves a park. The park has so many things for the kids to play with.



**Headline** AMAZING PLAY SPACE FOR BOTANY!

**Mainstory** The new park includes play spaces for every age to enjoy.





## Activity station 4 - Photo frames challenge

The purpose of this activity was to understand what details matter to children when they are at Sir Joseph Banks Park.

Children were invited to decorate a photo frame with craft materials. Once their frame was decorated they were encouraged to walk around the park and place their decorated frame around something that matters to them, or a detail that they notice, and take a photo. Adults were encouraged to upload the photos from their phones to a form via a QR code.

### What people like at Sir Joseph Banks Park

The most common things children like at Sir Joseph Banks Park are:

- Feeding wildlife including the geese, lizards, ducks, and fish (4 comments)
- Exploring the wild (3 comments)
- Meeting friends at the swing
- Climbing the monkey bars
- The seesaw
- Bike jumps
- Nice to be able to stay 5m outside the play area with the family dog while the kids play
- Watching the planes and harbour from the bridge
- Watching the wildlife at the main central lake
- Likes containers harbour and airport
- Climbing structures and rocks
- The bridges
- A place for all age groups

### What people would like to change at Sir Joseph Banks Park

Children and adults also spoke about things they would like to change at Sir Joseph Banks Park, including:

- Clean up the pond (3 comments)
- Play equipment for older children
- Some play equipment is too high for shorter children
- Concerns about safety of children near the water
- Concerns wildplay may not be secure
- Fencing around the playground
- Improved cleanliness of the park
- Turtles are disgusting
- No shade in the park causing heat



Photo frames challenge activity station. (Source. ©Photo by Matthew Duchesne)



### What people would like to see in the future at Sir Joseph Banks Park

Children and adults spoke about things they would like to see in the future at Sir Joseph Banks Park, including:

- Make the playground safer and maintain a line of sight (2 comments)
- A pumptrack (2 comments)
- Animal and bird houses (2 comments)
- Enclosures around the playground
- Additional shade
- Additional toilets
- Adventure park
- A place for adults to drink coffee or a wine bar
- Skate park
- More picnic areas for family parties
- Outdoor gym equipment
- A tennis court
- Opportunity for a playspace next to the basketball court
- Integrate shooting hoops in playspaces
- Inclusive - green slide
- Opportunity for neutral and natural colours to be used for the future playspace as there is already colour everywhere in the park
- Animal feeding sessions
- Wild life programs in the water
- Wild play but not supervised, it has to be free play

Some participants spoke about great examples of other parks including:

- Oatley Park (3 comments)
- Centennial Park wild play and water park (2 comments),
- Berley Park,
- Merrylands water park
- The trampoline at the park in Marrickville Park next to the station



Children participating in the craft for the photo frames challenge. (Source: ©Photo by Matthew Duchesne)



Children participating in the craft for the photo frames challenge. (Source: ©Photo by Matthew Duchesne)

Sir Joseph Banks Park child oriented engagement - Internal engagement report 21



Rocks at Sir Joseph Banks Park. (Source: taken by parent or guardian)



Play equipment at Sir Joseph Banks Park. (Source: taken by parent or guardian)

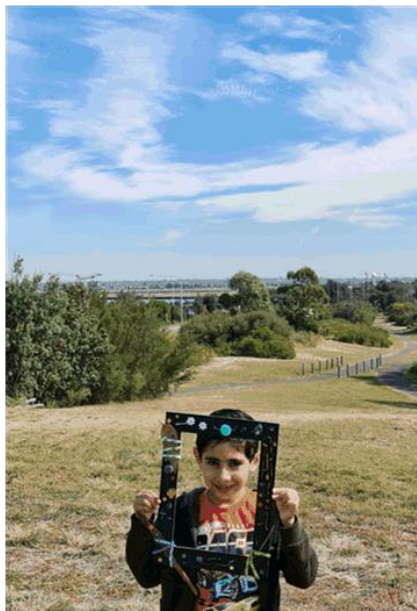


Pathways to scoot at Sir Joseph Banks Park.(Source: taken by parent or guardian)



Trees at Sir Joseph Banks Park.(Source: taken by parent or guardian)





Airplanes (Source: taken by parent or guardian)



The playground and slide (Source: taken by parent or guardian)



Rocks at Sir Joseph Banks Park (Source: taken by parent or guardian)



The pond and geese (Source: taken by parent or guardian)

## Activity station 5 - Elephant sized ideas

The purpose of this activity was to identify additional ideas and opportunities for Sir Joseph Banks Park.

Participants wrote their big ideas for the future of Sir Joseph Banks Park on post-it notes, with key comments including:

- **Bicycle pump track for young and older children (6 comments)**
- **More play equipment (6 comments)** such as:
  - Big slides (2)
  - Ground trampolines (2)
  - Climbing wall
  - Flying fox, and
  - Monkey bars.
- Playspaces for kids of all ages, particularly older children (4 comments)
- Waterplay (3 comments)
- Areas for parties (2 comments)
- An enclosed playspace (2 comments) for safety
- Increased shade cover in the park
- More individual picnic spaces with shades
- Opportunity for a dirt bike park in other parts if the park
- Include inclusive space in any expansion or upgrade
- A sustainable place which conserves water, generates and uses its own energy too!
- Community veggie patch
- More plants and planter boxes along Botany Road
- Games such as table tennis
- Restore bridge over lagoon near bushcare
- Better lighting at night around existing BBQ area and playground
- Update toilet block and leave in same place for disabled visitors. The location of this block is important.
- A bridge to cross the Lagoon
- Café with good food and coffee. Maybe even beers overlooking the lake
- Improve the quality of footpath to reduce falling
- Wild playspace because it will be fun
- Gaming arcade
- More statues of Captain Cook so kids can learn their history



"Pump track as it is accessible - can even go on it in wheelchairs"

- Participant

"Splash park or waterplay."

- Participant

"Fenced playground to keep the kids safe from dogs"

- Participant

"More individual picnic spaces with shades"

- Participant

"Nice to have a ground trampoline"

- Participant

"Challenging areas for older kids (8+)."

- Participant

"A range of play spaces for all age groups!"

- Participant



## 4. School workshop findings

### 4.1. About the school workshops

Cred Consulting designed school workshop activities aimed at primary school children. The purpose of the in-school workshops was to engage with children about what they love about Sir Joseph Banks Park and what they would like to see in the future, to inform the design of the regional playspace.

Cred consulting contacted four local schools within close proximity to Sir Joseph Banks park, Botany including:

- Pagewood Public School
- Botany Public School
- St Bernard's Catholic Primary School, and
- Banksmeadow Public School.

Two school workshops were facilitated by Cred Consulting: Pagewood Public School with 18 SRC students from stages K-6, and Banksmeadow Public School with 19 students from years 1-6.

### 4.2. Overview of workshop activities

The school workshop was centred around four activities.

#### 1. Vote with your feet!

In the room, each corner was a voting station for a different playground/ characteristics. We asked the children "if you like swings, run to this corner, if you like the slide the best, run to this corner". Children moved to their chosen corner of the room to vote for their favourite.

Questions covered:

- Play equipment
- Something about the park they would like to learn more about (nature, Sydney's First Zoo, Aboriginal stories from the area, something else)
- Something that is really important to them about the park (it is bright and colourful, it is made from natural materials, it is inclusive so everyone can play)

We provided a 'thinking time countdown' to allow children to think about their answers before they 'voted with their feet'.



Sir Joseph Banks Park child oriented engagement - Internal engagement report 25



## 2. Freeze Frames

Children were asked to create a 'freeze frame' to capture their impressions of the park and playground.

The children were put into small groups, and given 10 seconds to create a freeze-frame to show people doing something at the park.

Facilitators and the wider group had the opportunity to look at all the freeze-frames and ask questions.

## 3. TV Reports

In their groups, children were asked to create a 'TV Report' to announce the new park. Children were provided images and keywords to help them in creating their report.

The TV Reports included the things that matter most to the group, and an introduction to what they could see at the park. Children were given 10 minutes to create their TV report, and they each then presented to the wider group.

## 4. Thumbprint Logo

Using different coloured ink pads, students put their thumbprint on a large banner to tell us what type of play they would like to do in the park.



Participants could choose two activities of the following:

- Swinging and sliding - Yellow
- Climbing - Pink
- Using my imagination - Blue
- Hanging out with friends - Purple
- Playing with nature - Green

Students added their thumbprints to the existing banner created at the community event on Saturday 24 April.



### 4.3. Snapshot of findings

- Students would like to see exciting play equipment. In particular, flying foxes, climbing structures, swings and slides were most commonly mentioned.
- Students desire larger scale playspaces and play equipment that create a sense of adventure.
- Students envision an inclusive and accessible playspace, with play equipment that is accessible for people in wheelchairs.
- The majority of students would like to see a park and playspace that is for everyone. In particular, places that are family friendly and where children can meet and play with their friends and siblings.
- Many children indicated they prefer natural materials for the future playspace, and commented on the natural wildlife and beauty of the park.

### 4.4. Outcomes by activities

#### Do you know Sir Joseph Banks Park?

Children were shown images of Sir Joseph Banks Park to understand who is aware of the park already or who knows if they have been there.

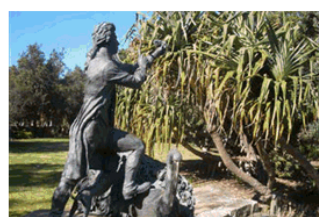
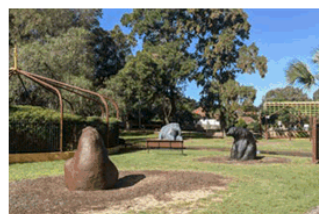
#### *Pagewood Public School response*

When shown images of Sir Joseph Banks Park, there was a mixed response between students. Older students in the group were more receptive to different elements of the park including the statue of Sir Joseph Banks, the Hotel, and the bridge, while younger students were more familiar with the playground and animal sculptures in the park.

#### *Banksmeadow Public School response*

All children knew Sir Joseph Banks Park, and were familiar with the history of the park including identifying Sir Joseph Banks as a botanist.

The majority of children are locals to the park, with the Deputy Principal indicating every year the Kindergarten classes visit Sir Joseph Banks Park.



### Activity 1 - Vote with your feet!

In this activity, students were asked to run to one corner of the room that represented what playground/ or park characteristic they like to do at park. Two rounds of this game were played with different options to choose from.

Overall, the majority of students like to play on **swings (16 children)** in Sir Joseph Banks Park, with children commenting they would like to see many swings that are for a range of ages and are colourful.

This was followed by:

- A place for **family and friends (12 children)** to have picnics and spend time together
- A **climbing wall (11 children)** that is made from rocks and natural materials and has different levels to climb to, and
- **Playground equipment (9 comments).**

Option	# of children	Comments
Swings	16	<ul style="list-style-type: none"> <li>· Swings for older children and adults (3 comments)</li> <li>· Swings that are different sizes for all to use (2 comments)</li> <li>· Different types of seating (e.g., baby seats, seating for older children/adults)</li> <li>· Colourful swings</li> <li>· Number of swings: suggestions ranging from 3 - 25</li> </ul>
Family and friends	12	<ul style="list-style-type: none"> <li>· Having picnics and playing in the park</li> <li>· Play on the slide</li> </ul>
Climbing wall	11	<ul style="list-style-type: none"> <li>· Something different to have at the park</li> <li>· Rocks and natural materials</li> <li>· Different platforms/ levels to climb to</li> <li>· Enjoy climbing</li> <li>· Parkour</li> <li>· Rock climbing</li> </ul>
Playground equipment	9	
Exploring and discovering	6	<ul style="list-style-type: none"> <li>· Something different to have at the park</li> <li>· Enjoy climbing</li> </ul>
Climbing frame	4	<ul style="list-style-type: none"> <li>· Really tall</li> <li>· Made from rope, plastic</li> <li>· Web frame to climb</li> </ul>
Riding a bike	4	
Slide	1	<ul style="list-style-type: none"> <li>· Would like to see a slide that is really high up</li> </ul>



## Activity 2 - Freeze frames

Students were asked to create a 'freeze frame' by creating a pose that shows people doing something in the park, to capture their impressions of the park and playground.

The majority of students created freeze frames that captured different types of **play equipment (7 groups)**, with the most common poses including:

- Monkey bars (4 groups)
- Swings (3 groups)
- Slides (2 groups)
- Flying fox, and
- Playing in a sand pit.

This was followed by students who created freeze frames of areas to **play sports such as soccer and netball/basketball (3 groups)**, and **feeding the animals in the park (2 groups)** such as fish and ducks.

Freeze frame pose	Comments
Playground equipment (7 groups)	<ul style="list-style-type: none"> <li>· Monkey bars (4 students)</li> <li>· Swings (3 students)</li> <li>· Slides (2 students)</li> <li>· Zipline / flying fox</li> <li>· Sand pit</li> </ul>
Playing sports (3 groups)	<ul style="list-style-type: none"> <li>· Space to play soccer with friends (2 groups), and soccer balls</li> <li>· Playing netball/basketball</li> </ul>
Feeding animals (2 groups)	<ul style="list-style-type: none"> <li>· Feeding the fish in the pond</li> <li>· Feeding the ducks</li> </ul>
Rock climbing	<ul style="list-style-type: none"> <li>· 1 student would like colour</li> <li>· 1 student would like it to be natural</li> </ul>
Climbing	<ul style="list-style-type: none"> <li>· Thick climbing wall that children can race up to the top and stand up</li> </ul>
Picnic with family and friends	<ul style="list-style-type: none"> <li>· Areas to have picnics</li> </ul>
Riding, scooting and skating	<ul style="list-style-type: none"> <li>· Places to ride bikes, scoot or skate</li> </ul>
Nurf battle in the park with friends	
Conga line with friends	



**Freeze Frame activity:** Children created a pose to represent someone playing on monkey bars in the park.



**Freeze Frame activity:** Children created a pose to represent someone playing soccer in the park.



**Freeze Frame activity:** Children created a pose to represent a climbing wall.



**Freeze Frame activity:** Children created a pose to represent people playing netball/ basketball in the park.

### Activity 3 - TV Reports

In this activity, students were put into groups and asked to create a 'TV Report' to announce the new park. The aim of this activity was to understand the things that matter most to the group.

From each TV Report, the most common things that students reported on were:

#### Play equipment (20 comments)

Overall, students most commonly reported on exciting new play equipment. In particular, across each group children mentioned they would like to see **flying foxes** in the new playground, as well as **rock climbing structures**, **swings** and **slides**.

Many students described these play elements as being large in size, exciting and adventurous.

#### An inclusive and accessible park (9 comments)

Throughout the TV reports, many students spoke about a future park that is accessible and inclusive of people of all ages and abilities.

Students commented the new playspace has accessible equipment such as swings for people in a wheelchair and a ramp to make the park accessible.

Other students spoke about a playspace that is inclusive of people of all ages, and is an inclusive park they can enjoy with their siblings and friends.

#### A natural playspace (4 comments)

Some comments from students throughout the TV reports spoke to enjoying the nature and wildlife of the park. Some students also commented the playground equipment had natural elements and tones.

#### A place for family and friends to hang out and have fun (3 comments)

Many TV reports expressed a desire for a park that is for family and friends to come and enjoy, with areas for people to play or relax.

#### A park that is big, fun and enjoyable (3 comments)

A park that is big, fun and enjoyable for everyone were some of the key words used throughout the TV reports to describe the overall ambience of the park.

#### Other ideas

Students also added what they could see in the new park including:

- An obstacle course
- Built in trampolines
- A water park with fountains and a waterslide, and
- Educational games such as life-size chess boards and noughts and crosses for people to use.



Sir Joseph Banks Park child oriented engagement - Internal engagement report 31

Theme	Selected verbatim comments
Playground equipment	<p><i>Flying fox (9 comments)</i></p> <ul style="list-style-type: none"> <li>· I'm most excited about the flying fox over the lake</li> <li>· Something that is fun like a flying fox</li> <li>· A flying fox that is 50m long and 10m off the ground</li> <li>· I love the flying fox</li> </ul> <p><i>Climbing wall (5 comments)</i></p> <ul style="list-style-type: none"> <li>· Rock climbing (2 comments)</li> <li>· I'm enjoying climbing wall with my sister</li> <li>· You have to climb a climbing wall to get to the start of the flying fox</li> <li>· It's like the skyzone climbing</li> </ul> <p><i>Slides (3 comments)</i></p> <ul style="list-style-type: none"> <li>· Slides you can slide down them multiple times</li> <li>· I love the big slides</li> </ul> <p><i>Swings (3 comments)</i></p> <ul style="list-style-type: none"> <li>· A big swing so multiple people can go on it</li> <li>· Play on the swings and jump off</li> </ul>
Inclusive and accessible park	<ul style="list-style-type: none"> <li>· A place for all ages and all people (inclusive)</li> <li>· The park has a disabled ramp allowing anyone to go up</li> <li>· Accessible equipment in the playground</li> <li>· Very accessible for everybody</li> <li>· Accessible for everybody</li> <li>· Siblings can play</li> <li>· Inclusive so everybody can play</li> <li>· Love playing on the swings because they are accessible for everyone</li> <li>· Accessible for everyone</li> </ul>
A natural playspace	<ul style="list-style-type: none"> <li>· Like that this park has a nature aspect</li> <li>· The new playground is 10x more natural</li> <li>· Love the water pool with logs around it</li> <li>· Like the lake and exploring the forest and nature in the park</li> </ul>
A place for family and friends to hang out and have fun	<ul style="list-style-type: none"> <li>· Having fun with friends</li> <li>· Family friendly</li> <li>· Hanging out with friends and family at the park</li> </ul>
Other play equipment and games	<ul style="list-style-type: none"> <li>· Built in trampolines</li> <li>· Education games – big chess boards and noughts and crosses</li> <li>· Obstacle course to climb up and go down in the water slide</li> <li>· New water park – it is great and has big fountains and has a massive waterslide</li> </ul>
A park that is big, fun and enjoyable	<ul style="list-style-type: none"> <li>· Very big and enjoyable</li> <li>· Love the wilderness here, the nature is so beautiful</li> <li>· A lot of people are enjoying the place</li> </ul>



### Activity 4 - Thumbprint logo


The purpose of this activity was to understand what type of play children would like to do in a new park.

Students were asked what their favourite activity to do in a park is, based on a list of 5 options. The top responses were:

- Hanging out with friends (20 responses)
- Climbing (10 responses)
- Swinging and sliding (9 responses)
- Using my imagination (7 responses), and
- Playing with nature (4 responses).

## OUR PARK

If your favourite activity is...



**Swinging and sliding**

Place a **Yellow** fingerprint

**Climbing**

Place a **Pink** fingerprint

**Using my imagination**






Place a **Blue** fingerprint

**Hanging out with friends**

Place a **Purple** fingerprint

**Playing with nature**

Place a **Green** fingerprint



## 5. School activity sheets findings

### 5.1. About the school activity sheets

Two activity sheets were designed and delivered to two schools for students in years K-2 and years 3-6, including Pagewood Public School and Banksmeadow Public School.

565 activity sheets were distributed, with a total of **280 completed** by students in years K-6. For the purpose of this report, findings will be reported across years K-6.

**Note on data:** The number of responses on the sheets does not correlate with the number of respondents. Some children did not answer all questions and some children provided extra responses. This document captures their thoughts, opinions and ideas to reflect best what the children have shared.

The Activity sheets asked the following questions of the students:

- What is your favourite playground equipment?
- What are other activities you enjoy doing at the park?
- What are some things you would like to learn more about (e.g. learning about local nature, wanting the playspace to look natural or colourful)?

#### Age of respondents

The majority of children that completed the activity sheets were 6 years old (55 children), followed by children aged 7 years old (38 children), 9 years old (32 children) and 11 years old (29 children).

Ages	# of children
5 years old	17
6 years old	55
7 years old	38
8 years old	13
9 years old	32
10 years old	28
11 years old	29
12 years old	24

### 5.2. Snapshot of findings

- With a few exceptions, the children all shared new equipment ideas, with a strong focus on bigger slides, swings and climbing frames.
- Children in K-2 had a focus on climbing frames, swings and monkey bars. Children in years 3-6 had a focus on swings, flying foxes and roundabouts. This indicates that the new playspace may need to have different areas for different age-ranges and should have swings to cater for children of different ages and sizes.
- The Year 3-6 group focused on bike tracks/ramps and riding their bikes/skateboards/scooters. They also suggested more areas for sports (eg. netball and football). This suggests that this age-group are not interested solely on playground equipment at the park, but would like more child-friendly spaces for other activities.
- There is a strong correlation across both age-groups to learn more about Sydney's First Zoo, with some children incorporating this into their playspace design ideas (eg. 'elephant slides')
- Year 3-6 students have a clear focus on accessibility, with many sharing this in playspace design idea drawings along with selecting 'accessible playground equipment' as an important value.
- There is a relatively even split between children wanting the playspace to look more colourful or more natural, but Year 3-6 students' playspace design ideas frequently mentioned 'natural materials' or 'environmentally friendly materials'

These points are based on the Activity Sheet Response data, as shared overpage

**Bayside Council**  
Working for Community

**Cred**  
CONSULTING

**HAVE YOUR SAY!**

AGE: \_\_\_\_\_  
SCHOOL: \_\_\_\_\_

Did you know that **Bayside Council** is going to create a brand new playspace at **Sir Joseph Banks Park** in Botany? Your ideas and opinions are really important, and will help with the design of the new playspace.

Here's what the park looks like now (you might have been there) -





Elephant sculpture      The current playspace      Animal sculptures

When you go to a playground, what is your favourite thing to play on? Circle **one** option:





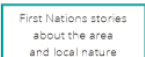

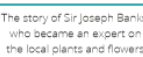



What else do you enjoy doing in a park? Colour **one** option:








Did you know that there are a lot of unique things about Sir Joseph Banks Park? What would you like to learn more about? Colour **one** option:

Put an **X** along the line to tell us what you think:

I would like the playspace to look colourful      I would like the playspace to look natural

What would you like the brand new playspace to look like? Draw your idea here!

Tell us the most important thing about your idea: \_\_\_\_\_

THANK YOU!

**Bayside Council**  
Working for Community

**Cred**  
CONSULTING

**HAVE YOUR SAY!**

AGE: \_\_\_\_\_  
SCHOOL: \_\_\_\_\_

Did you know that **Bayside Council** is going to create a brand new playspace at **Sir Joseph Banks Park** in Botany? Your ideas and opinions are really important, and will help with the design of the new playspace.

Here's what the park looks like now (you might have been there) -





Elephant sculpture      The current playspace      Animal sculptures

When you go to a playground, what is your favourite thing to play on? Circle **one** option:
















What else do you like to play on in a playground?



What else do you enjoy doing in a park? Colour **one** option:

What other activities do you like to do at the park?

What matters to you? Draw a circle around the 3 options that you think are the most important:

What would you like the brand new playspace to look like? Draw your ideas here!

Tell us the most important thing about your idea: \_\_\_\_\_

THANK YOU!



## Playground Equipment

### 5.3. What children in Years K-6 told us

*'When you go to a playground, what is your favourite thing to play on?'*

From a list provided, children were asked to select their favourite play equipment when they go to a playground.

Children were more likely to indicate they play on **swings (100 responses)**, followed by **roundabout (56 responses)**, **climbing frame (53 responses)** and **slides (29 responses)**.

Figure 3 - Overall responses for playground equipment, Years K-6

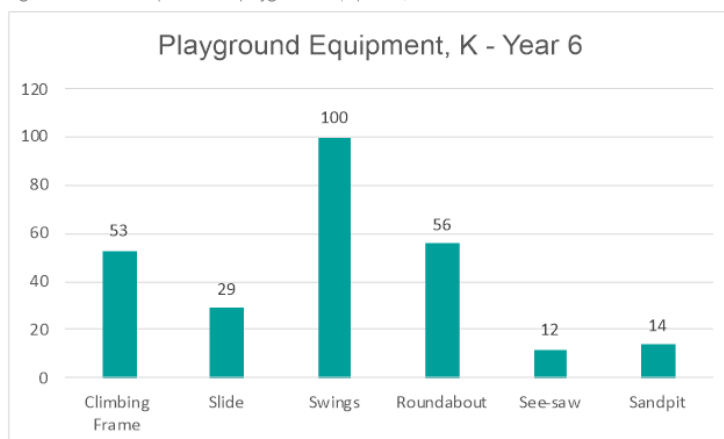
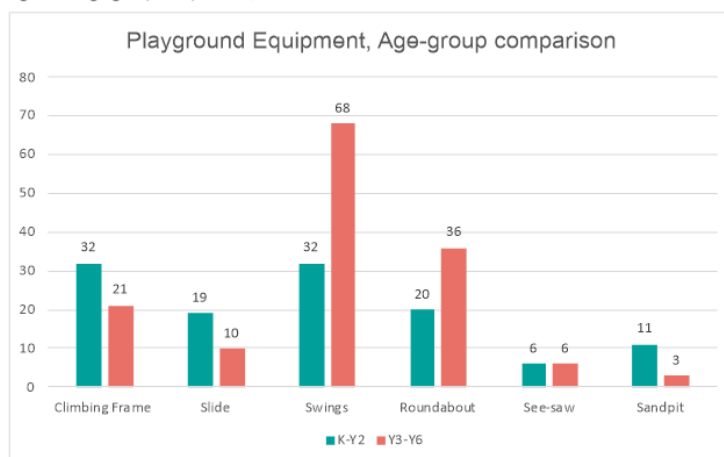


Figure 2 - Age-group comparison (Years K-2 and Years 3-6)



Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy, with responses including:

- Flying fox/ zipline (21 responses)
- Monkey bars (18)
- Giant swings (18)
- Giant slides (13)
- Climbing walls (11)
- Spider climbing frames (10)
- Obstacle courses (10).

## Other Park Activities

*'What else do you enjoy doing in the park?'*

From a list provided, children were asked to select other things they enjoy doing in the park.

The majority of children enjoy **riding their bike/scooter/skateboard (147 responses)**. This was followed by **exploring (59)**, **picnics (37)** and **learning about nature (22)**.

Figure 4 - Overall responses for park activities, Years K-6

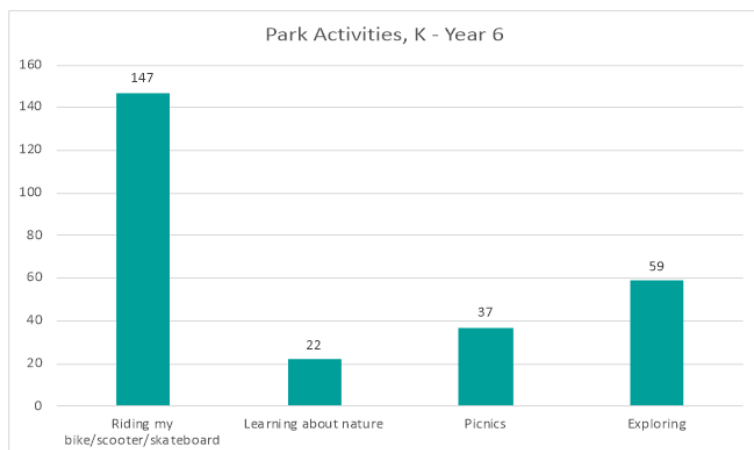
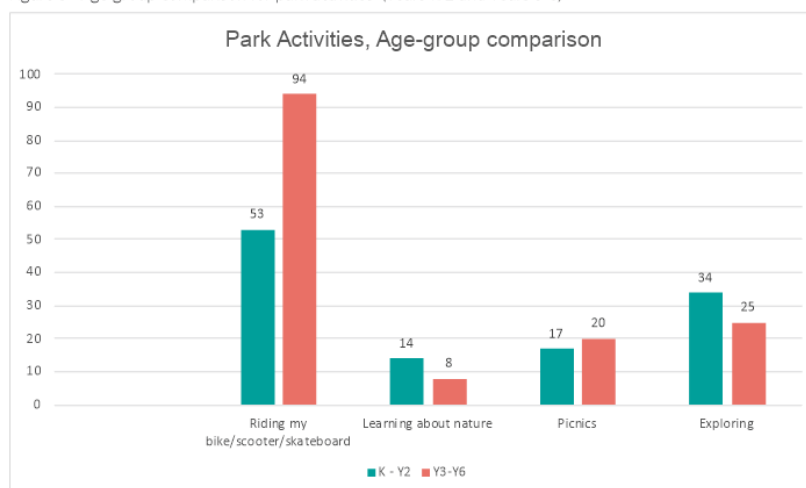


Figure 5 - Age-group comparison for park activities (Years K-2 and Years 3-6)



Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy, with responses including:

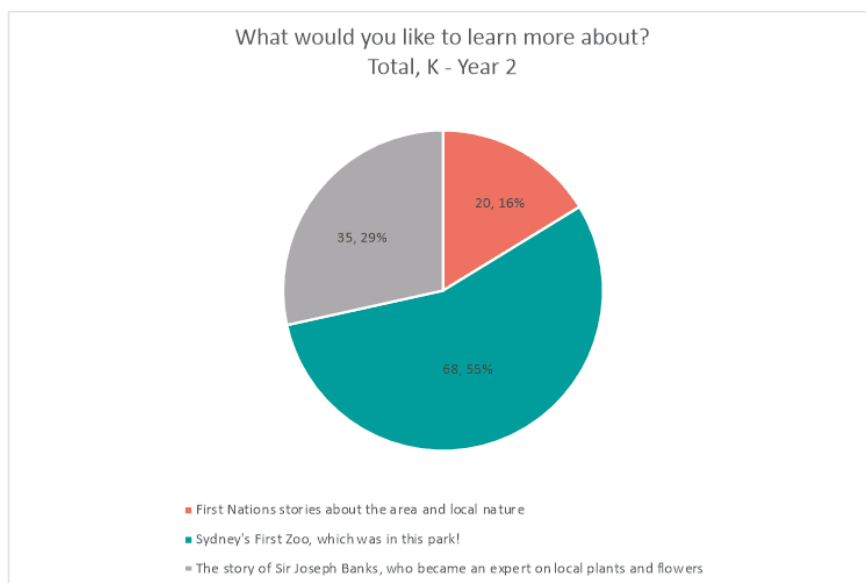
- Making ramps/tracks for bikes/scooters (13 responses)
- Football/Rugby (13)
- Playing Tips (10)
- Netball/Basketball (9)
- Spending time with family and friends (5)
- Feed the Animals (5)
- Walking (5)
- Playing Hide and Seek (5)
- Parkour (4)
- Running around (4)
- Family/Friends time (3)
- Relaxing (2)
- Climbing trees (1)
- Drawing (1)
- A mini city (1)
- Doing gymnastics (1), and
- Playing hide and seek (1).

## Values and Interests

**'Did you know that there are a lot of unique things about Sir Joseph Banks Park? What would you like to learn more about?' (Kindergarten – Year 2)**

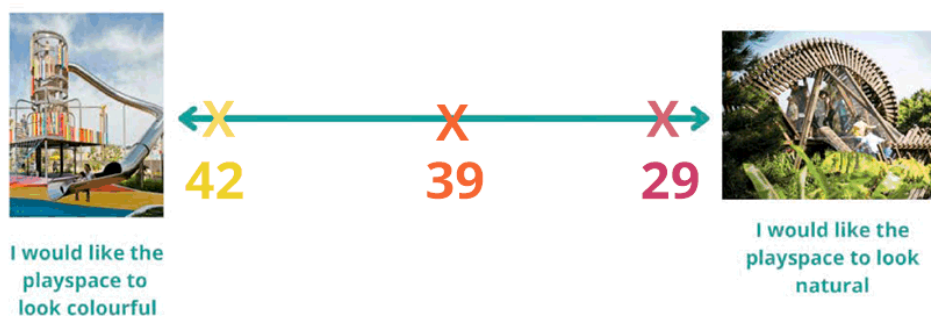
Children in Years K-2 were asked to choose what they would like to learn more about Sir Joseph Banks Park.

Overall, children would like to learn more about **Sydney's First Zoo (68 responses; 55%)**, followed by **the story of Sir Joseph Banks (20 responses; 16%)** and **First Nations stories about the area and local nature (35 responses; 29%)**.

**'Put an X along the line to show if you would like the new playspace to look more colourful or to look more natural' (Kindergarten – Year 2)**

Children in Years K-2 were shown a scale and were asked to place an 'X' to mark if they prefer a colourful playspace or a natural playspace.

Overall, children in Years K-2 were more likely to indicate they would like to see a **colourful playspace (42 responses)**. This was closely followed by students who were unsure (39 responses), and children who would like the playspace to look natural (29 responses).



## Values and Interests

### 'What matters to you? Select 3 options that you think are the most important' (Years 3-6)

Children in Years 3-6 were asked to choose the top 3 options that they are most important to them:

Overall, children in Years 3-6 indicated the most important thing to them is:

- I think the playground should be accessible for everyone (89 responses)
- I would like the playground to look natural (80), and
- I would like the playground to look colourful (74).



I would like the playground to look natural



I would like the playground to look colourful



I would like to learn more about Sir Joseph Banks, a famous Botanist, and about the plants and flowers when I'm at the park



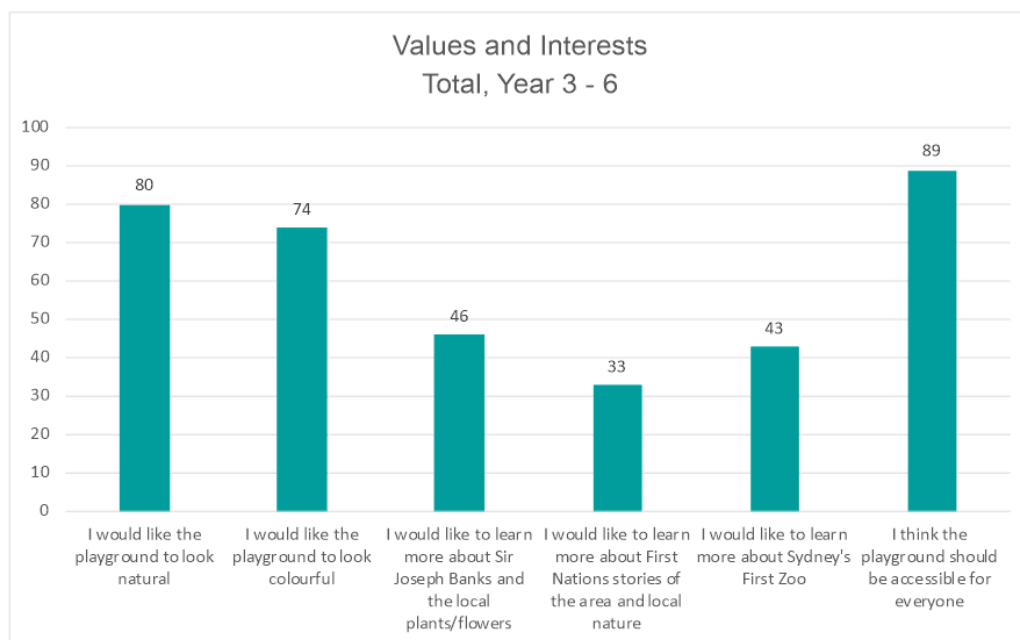
I would like to learn more about First Nations stories about the area and local nature when I'm at the park



I would like to learn more about Sydney's First Zoo, which was in this park.



I think the playground equipment should be accessible for everyone



## Activity sheets completed by students in Year 3-6

What matters to you? Draw a circle around the 3 options that you think are the most important:



I would like the playground to look natural



I would like the playground to look colourful



I would like to learn more about Sir Joseph Banks, a famous Botanist, and about the plants and flowers when I'm at the park



I would like to learn more about First Nations stories about the area and local nature when I'm at the park



I would like to learn more about Sydney's First Zoo, which was in this park



I think the playground equipment should be accessible for everyone

What matters to you? Draw a circle around the 3 options that you think are the most important:



I would like the playground to look natural



I would like the playground to look colourful



I would like to learn more about Sir Joseph Banks, a famous Botanist, and about the plants and flowers when I'm at the park



I would like to learn more about First Nations stories about the area and local nature when I'm at the park



I would like to learn more about Sydney's First Zoo, which was in this park



I think the playground equipment should be accessible for everyone

What matters to you? Draw a circle around the 3 options that you think are the most important:



I would like the playground to look natural



I would like the playground to look colourful



I would like to learn more about Sir Joseph Banks, a famous Botanist, and about the plants and flowers when I'm at the park



I would like to learn more about First Nations stories about the area and local nature when I'm at the park



I would like to learn more about Sydney's First Zoo, which was in this park



I think the playground equipment should be accessible for everyone

## Playspace Design Ideas

### 'What would you like the brand new playspace to look like? Draw your ideas, and tell us the most important thing about your idea'

Children in Years K-6 were asked to draw what they would like the brand new playspace to look like. Many of the children's drawings and ideas had common elements.

There was a strong focus on **equipment (130 drawings)**, with the most common types of play equipment drawn including:

- Big slides (39 drawings)
- Big climbing frames (25 drawings), and
- Flying fox (23 drawings).

As shown in the Figure below, other common elements students from K-6 included in their illustrations were:

- Natural materials/nature (45 drawings)
- Inclusivity and accessibility (20 drawings)
- Areas for sports (19 drawings), and
- Bike/scooter tracks (13 drawings).

Figure 6 - Key elements drawn on activity sheets by students, Years K-6

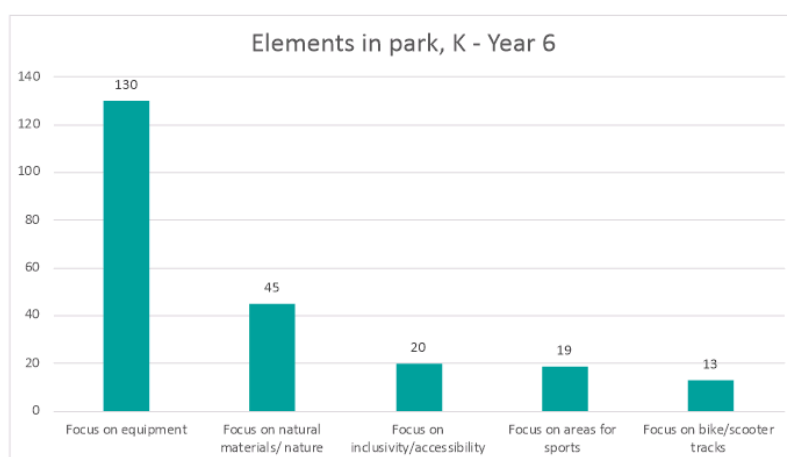
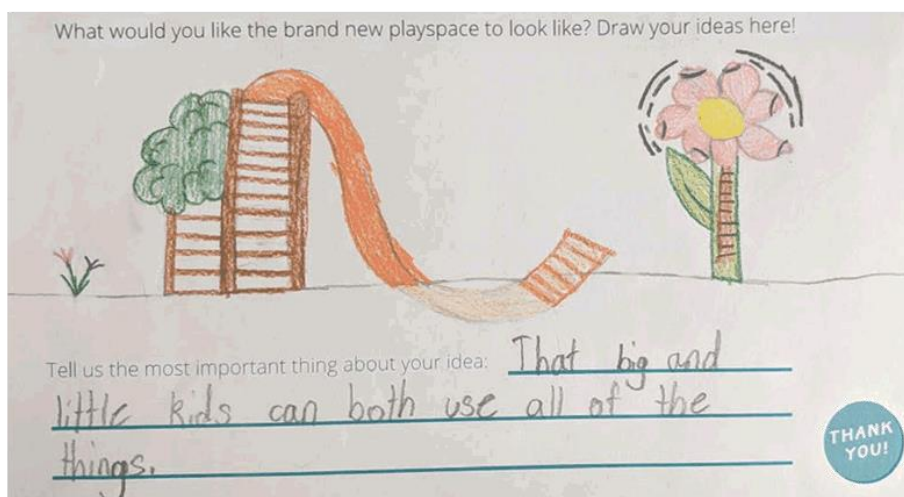
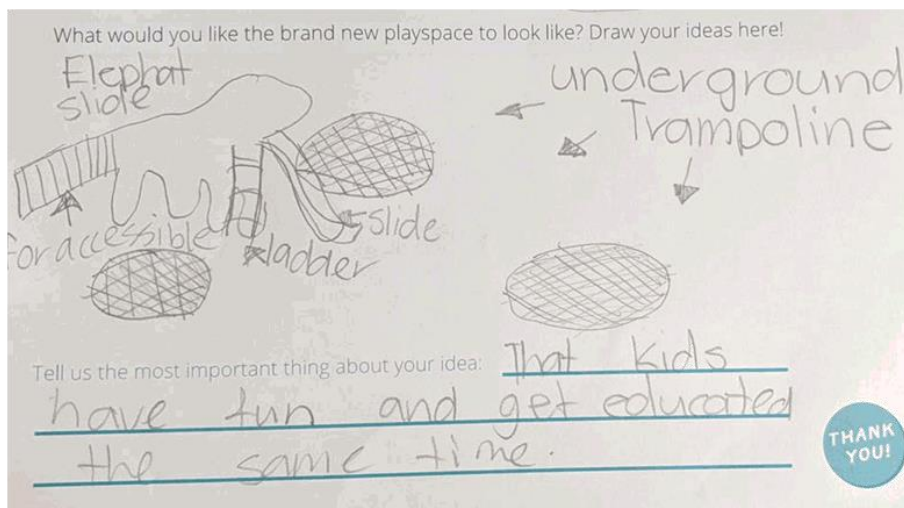
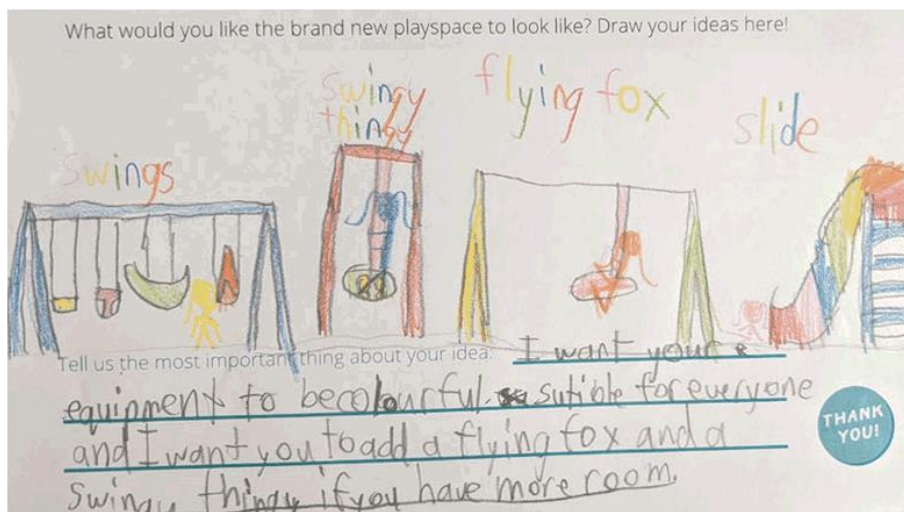


Table 1 - Common types of play equipment drawn, Years K-6

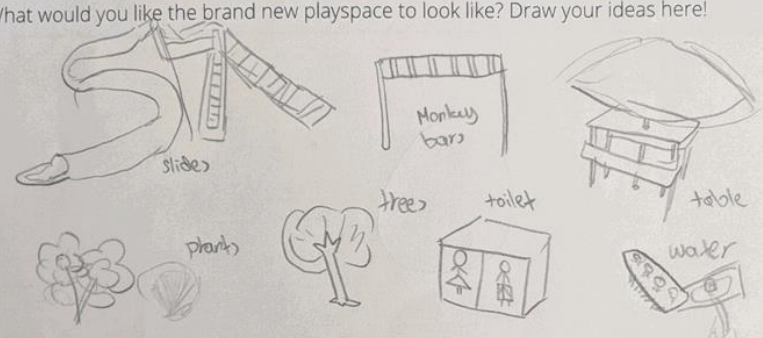
Key elements drawn in the focus on equipment	Total
Big slides	39
Big climbing frames	25
Flying Fox	23
Monkey bars	13
Huge swing	13
Water play	12
Climbing wall	4





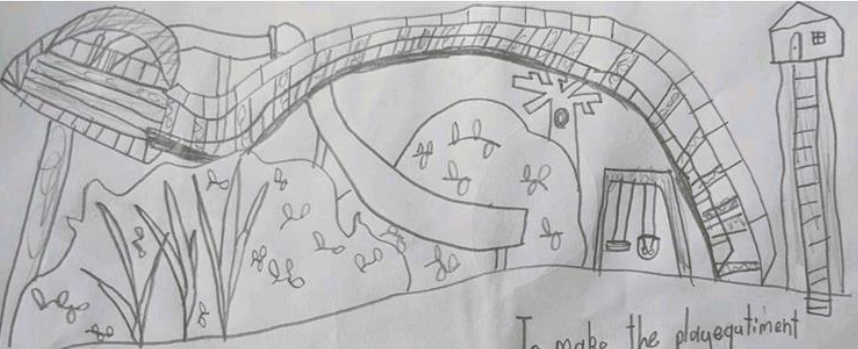


What would you like the brand new playspace to look like? Draw your ideas here!



Tell us the most important thing about your idea: I think the park must have a good environment and it's suitable for everyone including the disabled people.

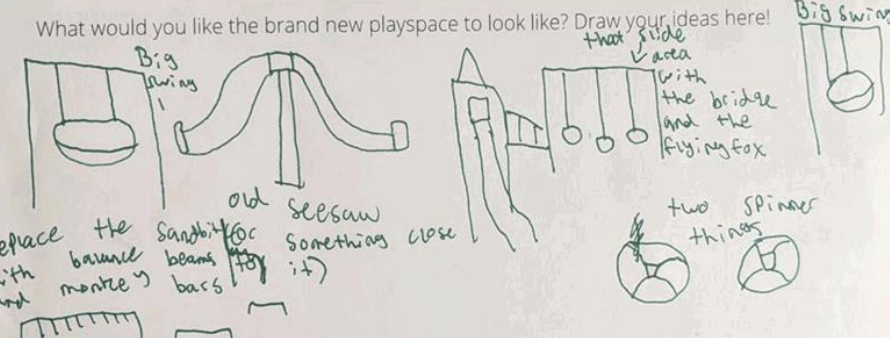
THANK YOU!



Tell us the most important thing about your idea: To make the playground mostly made out of wood, build it safe for kids and add more bushes, trees, flowers and other plants.

THANK YOU!

What would you like the brand new playspace to look like? Draw your ideas here!



Tell us the most important thing about your idea: I added two big swings and two spinners because people love the one and it's amazing.

THANK YOU!



### School workshops - TV reports by school

Table 2 - Pagewood Public School high level notes from recorded TV Reports

Groups	Comments
Group 1	<ul style="list-style-type: none"> <li>· Flying fox (x4)</li> <li>· A lot of people are enjoying the place</li> <li>· A place for all ages and all people (inclusive)</li> </ul>
Group 2	<ul style="list-style-type: none"> <li>· Flying fox</li> <li>· Rock climbing</li> <li>· Swings</li> <li>· Hanging out with friends and family at the park</li> </ul>
Group 3	<ul style="list-style-type: none"> <li>· Having fun with friends</li> <li>· New water park – it is great and has big fountains and has a massive waterslide</li> <li>· Climbing wall – enjoying climbing wall with sister</li> <li>· Family friendly</li> </ul>
Group 4	<ul style="list-style-type: none"> <li>· Built in trampolines</li> <li>· Fun stuff like flying fox</li> <li>· Flying fox (50m long and 10 m off the ground)</li> <li>· Like the lake and exploring the forest and nature in the park</li> <li>· Education games – big chess boards and noughts and crosses</li> <li>· Obstacle course to climb up and go down in the water slide</li> </ul>

Table 3 - Banksmeadow Public School high level notes from recorded TV Reports

Groups	Comments
Group 1	<ul style="list-style-type: none"> <li>· Very big and enjoyable</li> <li>· Love the big slides and the flying fox and rock climbing</li> <li>· Like skyzone climbing</li> <li>· Love playing on the swings because they are accessible for everyone</li> <li>· Accessible for everyone</li> <li>· Love the wilderness here, the nature is so beautiful</li> <li>· Slide</li> </ul>
Group 2	<ul style="list-style-type: none"> <li>· Most excited about the flying fox over the lake</li> <li>· Climb a climbing wall to get to the start of the flying fox</li> <li>· Love the water pool with logs around it</li> <li>· Very accessible for everybody</li> </ul>
Group 3	<ul style="list-style-type: none"> <li>· Accessible for everybody</li> <li>· Siblings can play</li> <li>· Inclusive so everybody can play</li> <li>· Like that this park has a nature aspect</li> <li>· Like the equipment</li> </ul>
Group 4	<ul style="list-style-type: none"> <li>· Accessible equipment in the playground</li> <li>· A big swing so multiple people can go on it</li> <li>· The new playground is 10x more natural</li> <li>· Slides you can slide down them multiple times</li> <li>· Play on the swings and jump off</li> <li>· The park has a disabled ramp allowing anyone to go up</li> </ul>

Sir Joseph Banks Park child oriented engagement - Internal engagement report 45

## Activity sheets - Breakdown by school and questions



## Sir Joseph Banks Park, Botany – Schools Engagement Feedback

## Activity Sheets

## Background:

As part of the engagement consultation for the new Regional Playspace design at Sir Joseph Banks Park, Botany, five local schools were invited to take part in engagement activities, including completing Activity Sheets.

Two schools had capacity for their students to complete these sheets:

- Banksmeadow Public School
- Pagewood Public School

During the Engagement Activities at Sir Joseph Banks Park on 24.04.2021, many children and families highlighted the need for different play areas for different age-groups. For this reason, two versions of the Activity Sheet were created to capture responses from children in different age-ranges:

- Kindergarten to Year 2
- Year 3 to Year 6

The Activity sheets covered the following areas:

- Favourite playground equipment
- Other activities children enjoy doing at the park
- Values and interests children would like to learn more about (eg, learning about local nature, wanting the playspace to look natural or colourful)

## Number of responses:

Banksmeadow Public School, K – Year 2	60
Banksmeadow Public School, Year 3 – 6	91
Pagewood Public School, K – Year 2	57
Pagewood Public School, Year 3 – 6	28

Total, K – Year 2	151
Total, Year 3 – 6	129

<b>Overall Total</b>	<b>280</b>
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### Note on data:

The number of responses on the sheets does not correlate with the number of respondents. Some children did not answer all questions and some children provided extra responses. This document captures their thoughts, opinions and ideas to reflect best what the children have shared.

### Ages of Respondents:

#### Banksmeadow Public School, K – Year 2

Age 5	9
Age 6	32
Age 7	17
Age 8	2

#### Banksmeadow Public School, Year 3 – Year 6

Age 9	25
Age 10	19
Age 11	24
Age 12	23

#### Pagewood Public School, K – Year 2

Age 5	8
Age 6	23
Age 7	21
Age 8	5

#### Pagewood Public School, Year 3 – Year 6

Age 8	6
Age 9	7
Age 10	9
Age 11	5
Age 12	1

#### Total Ages

Age 5	17
Age 6	55
Age 7	38
Age 8	13
Age 9	32





Age 10	28
Age 11	29
Age 12	24

### Key Trends:

- With a few exceptions, the children all shared new equipment ideas, with a strong focus on bigger slides, swings and climbing frames.
- The K – Year 2 children had a focus on climbing frames, swings and monkey bars. The Year 3 – 6 children had a focus on swings, flying foxes and roundabouts. This indicates that the new playspace may need to have different areas for different age-ranges and should have enough swings to cater for children of different ages and sizes.
- The Year 3 – 6 group focused heavily on bike tracks/ramps and riding their bikes/skateboards/scooters. They also suggested more areas for sports (eg, netball and football). This suggests that this age-group are not focusing solely on playground equipment at the park, but would like more child-friendly spaces for other activities.
- There is a strong correlation across both age-groups to learn more about Sydney's First Zoo, with some children incorporating this into their playspace design ideas (eg, 'elephant slides')
- Year 3 – 6 students have a clear focus on accessibility, with many sharing this in playspace design idea drawings along with selecting 'accessible playground equipment' as an important value.
- There is a fairly even split between children wanting the playspace to look more colourful or more natural, but Year 3 – 6 students' playspace design ideas frequently mentioned 'natural materials' or 'environmentally friendly materials'

These points are based on the Activity Sheet Response data, as shared below.

Selected images of the childrens' playspace design idea drawings have been shared separately. Images have been selected based as they are representative of many core ideas shared across all drawings.



### Activity Sheet Responses:

- **Question 1 – Playground Equipment**

*'When you go to a playground, what is your favourite thing to play on?'*

#### **Banksmeadow Public School, K – Year 2**

Climbing Frame	15
Slide	9
Swings	14
Roundabout	11
See-saw	5
Sandpit	6

#### **Pagewood Public School, Year K – Year 2**

Climbing Frame	17
Slide	10
Swings	18
Roundabout	9
See-saw	1
Sandpit	5

#### **Banksmeadow Public School, Year 3 – Year 6**

Climbing Frame	13
Slide	7
Swings	56
Roundabout	27
See-saw	5
Sandpit	2

Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy. Their answers had many shared responses:

Monkey Bars	8
Giant Swings	12
Climbing Walls	8
Giant Slides	11
Flying Fox / Zipline	15
Obstacle Courses	5
Spider Climbing Frames	2





### Pagewood Public School, Year 3 – 6

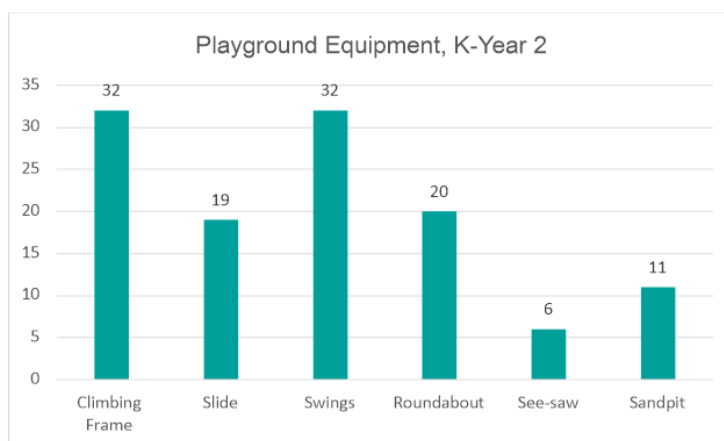
Climbing Frame	8
Slide	3
Swings	12
Roundabout	9
See-saw	1
Sandpit	1

Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy. Their answers had many shared responses:

Monkey Bars	10
Giant Swings	6
Climbing Walls	3
Giant Slides	2
Flying Fox / Zipline	7
Obstacle Courses	5
Spider Climbing Frames	8

### Totals, K – Year 2

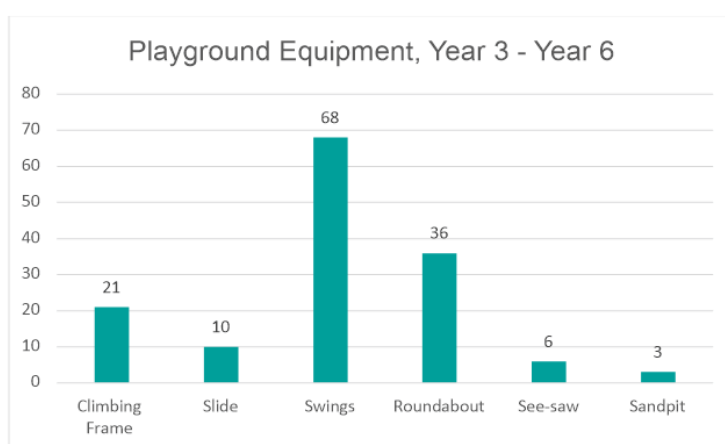
Climbing Frame	32
Slide	19
Swings	32
Roundabout	20
See-saw	6
Sandpit	11





### Totals, Year 3 – Year 6

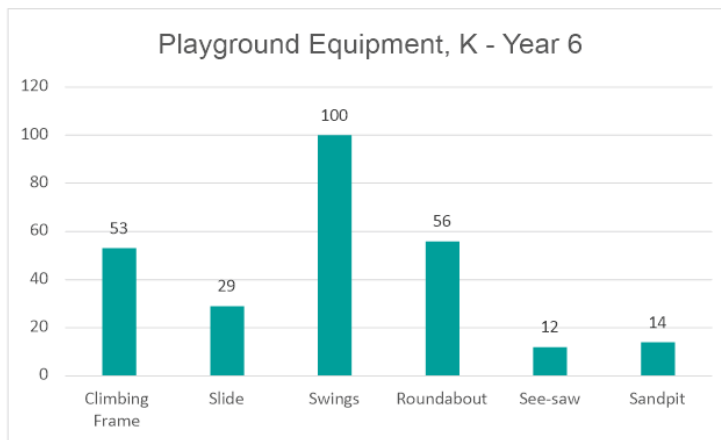
Climbing Frame	21
Slide	10
Swings	68
Roundabout	36
See-saw	6
Sandpit	3



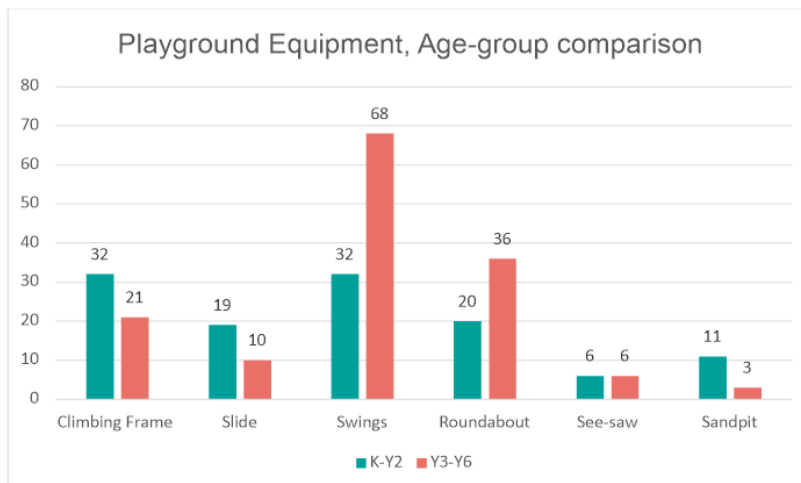
### Overall Totals

Total for entire age-range (K-Year 6):

Climbing Frame	53
Slide	29
Swings	100
Roundabout	56
See-saw	12
Sandpit	14



Comparison of age-group responses:



- **Question 2 – Other Park Activities**



*'What else do you enjoy doing in the park?'*

**Banksmeadow Public School, K – Year 2**

Riding my bike/scooter/skateboard	28
Learning about nature	10
Picnics	9
Exploring	11

**Pagewood Public School, Year K – Year 2**

Riding my bike/scooter/skateboard	25
Learning about nature	4
Picnics	8
Exploring	23

**Banksmeadow Public School, Year 3 – Year 6**

Riding my bike/scooter/skateboard	74
Learning about nature	5
Picnics	13
Exploring	20

Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy. Their answers had many shared responses:

Playing Tips	9
Football/Rugby	11
Netball/Basketball	8
Feed the Animals	3
Making ramps/tracks for bikes/scooters	9
Running around	4
Walking	4
Playing Hide and Seek	4
Relaxing	2
Climbing trees	1
Family/Friends time	3

**Pagewood Public School, Year 3 – 6**

Riding my bike/scooter/skateboard	20
Learning about nature	3
Picnics	7
Exploring	5

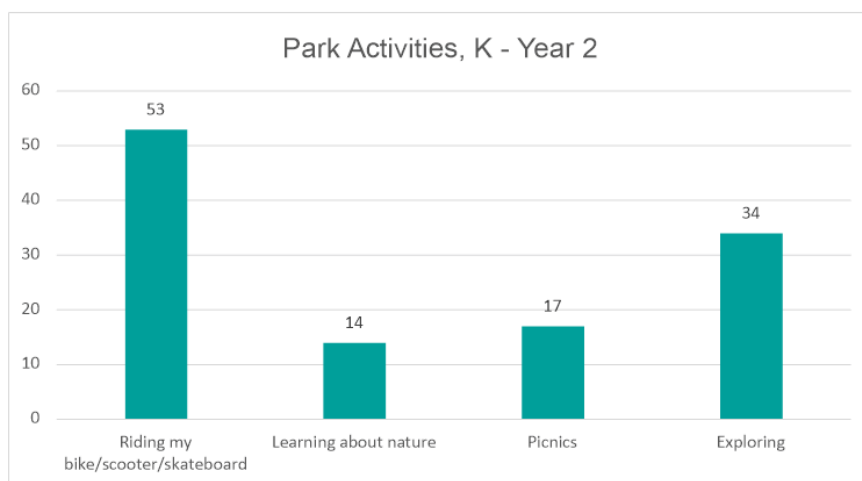


Year 3 – Year 6 students were also asked to share any other equipment or playground activities they enjoy. Their answers had many responses shared with the Banksmeadow students, and some original ideas:

Playing Tips	1
Football/Rugby	2
Netball/Basketball	1
Feeding the animals	2
Making ramps/tracks for bikes/scooters	4
Walking	1
Playing Hide and Seek	1
Family/Friends time	5
Drawing	1
Parkour	4
A mini city'	1
Doing gymnastics	1

#### Totals, K – Year 2

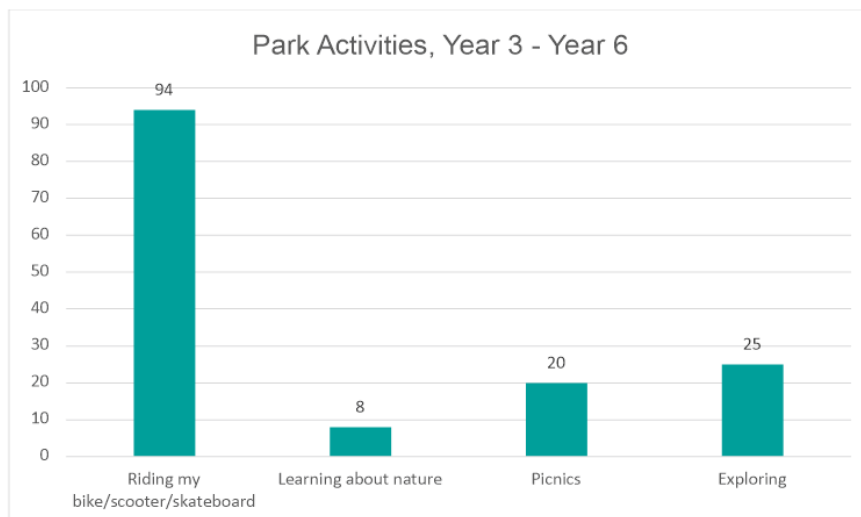
Riding my bike/scooter/skateboard	53
Learning about nature	14
Picnics	17
Exploring	34





### Totals, Year 3 – Year 6

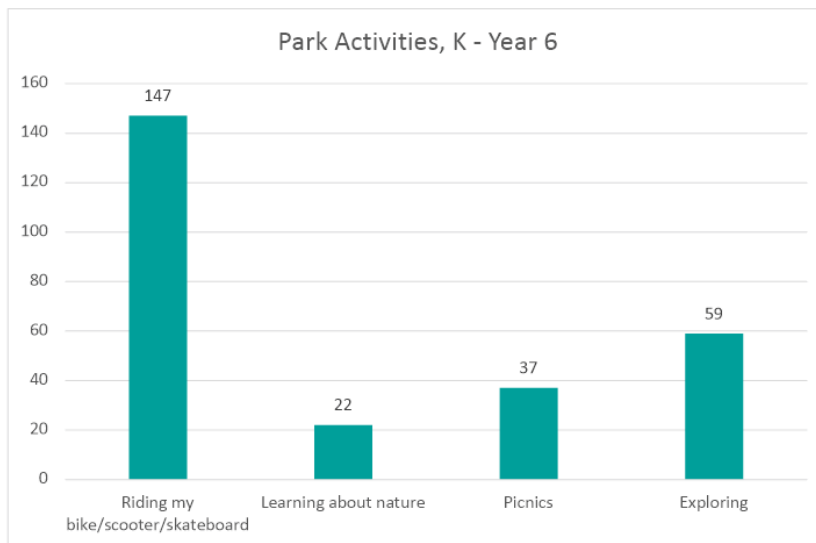
Riding my bike/scooter/skateboard	94
Learning about nature	8
Picnics	20
Exploring	25



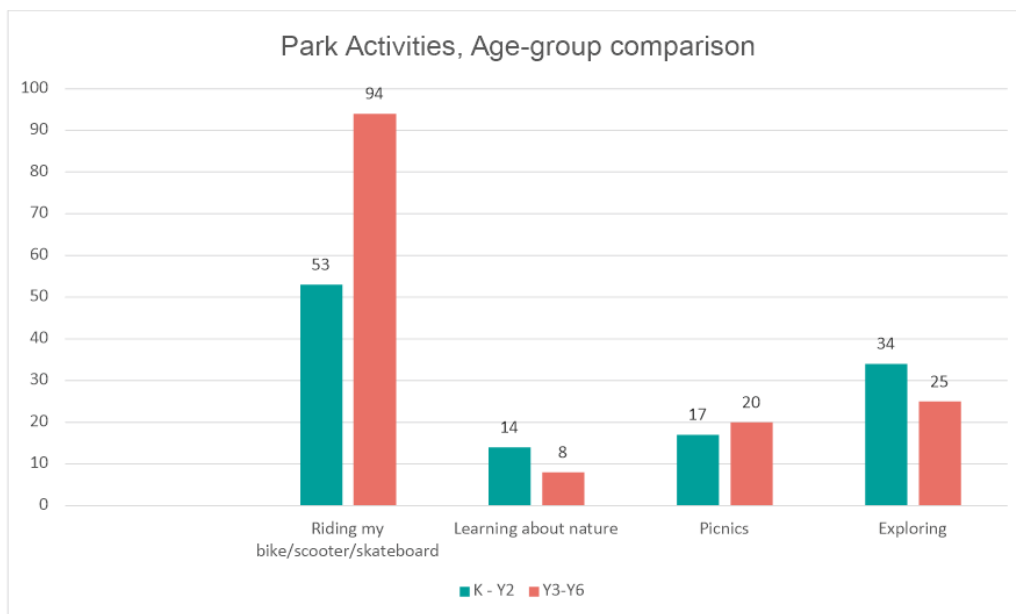
### Overall Totals

Total for entire age-range (K-Year 6):

Riding my bike/scooter/skateboard	147
Learning about nature	22
Picnics	37
Exploring	59



Age-group comparison:



- **Questions 3 and 4 – Values and Interests** (*different questions for each age-range*)





**Kindergarten – Year 2: 'Did you know that there are a lot of unique things about Sir Joseph Banks Park? What would you like to learn more about?'**

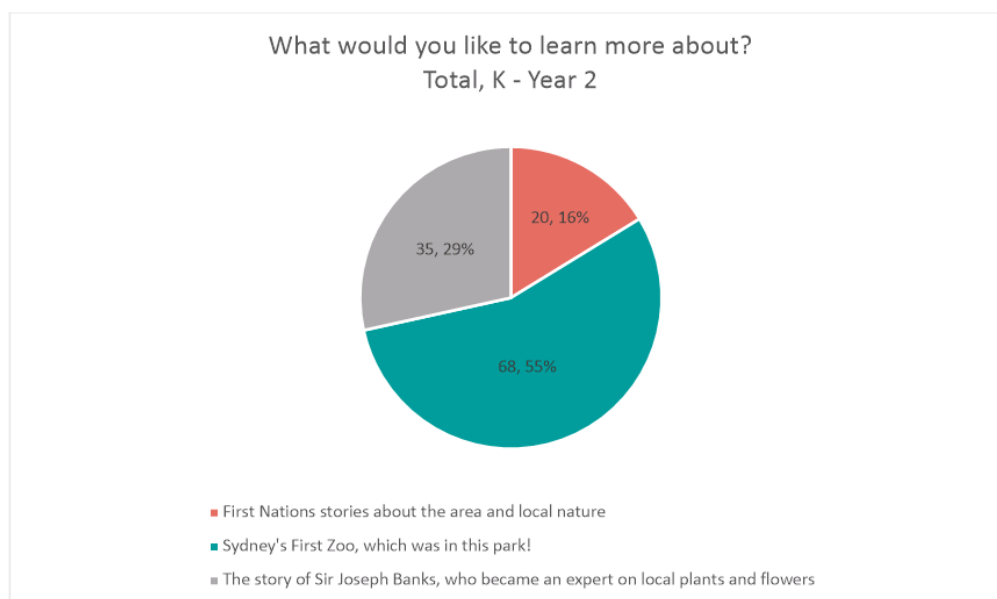
**Banksmeadow Public School, K – Year 2**

First Nations stories about the area	13
Sydney's First Zoo	33
Sir Joseph Banks	19

**Pagewood Public School, Year K – Year 2**

First Nations stories about the area	7
Sydney's First Zoo	35
Sir Joseph Banks	16

**Total, Year K – Year 2**



**Kindergarten – Year 2: 'Put an X along the line to show if you would like the new playspace to look more colourful or to look more natural'**

**Banksmeadow Public School, K – Year 2**



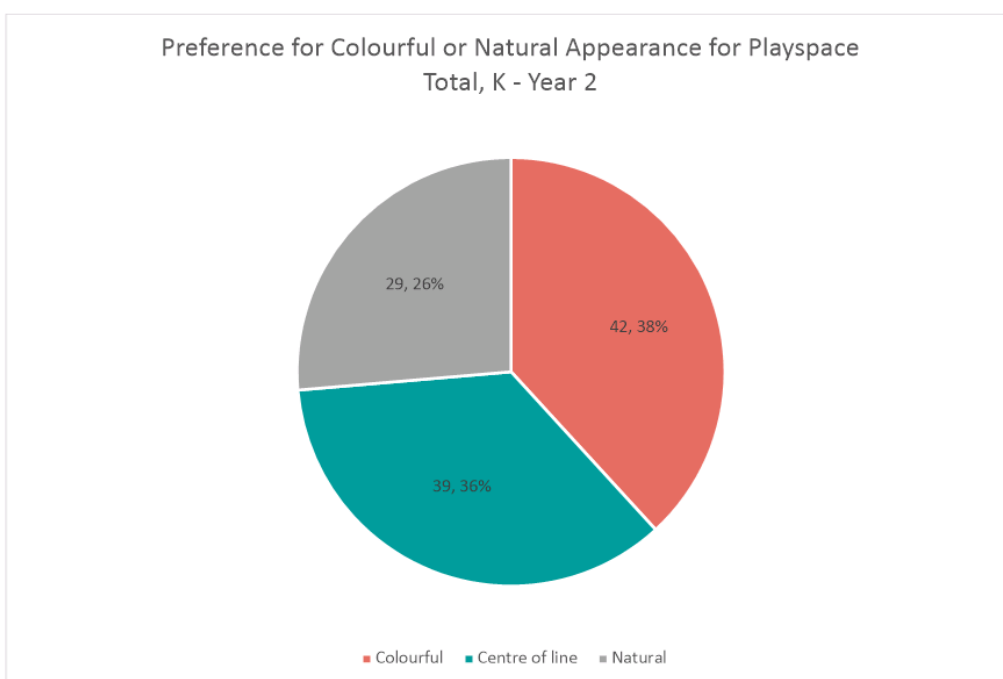
Colourful	21
Centre of line	22
Natural	10

#### Pagewood Public School, Year K – Year 2

Colourful	21
Centre of line	17
Natural	19

#### Total, Year K – Year 2

Colourful	42
Centre of line	39
Natural	29



#### Year 3 – 6: 'What matters to you? Select 3 options that you think are the most important'

#### Banksmeadow Public School, Year 3 – Year 6



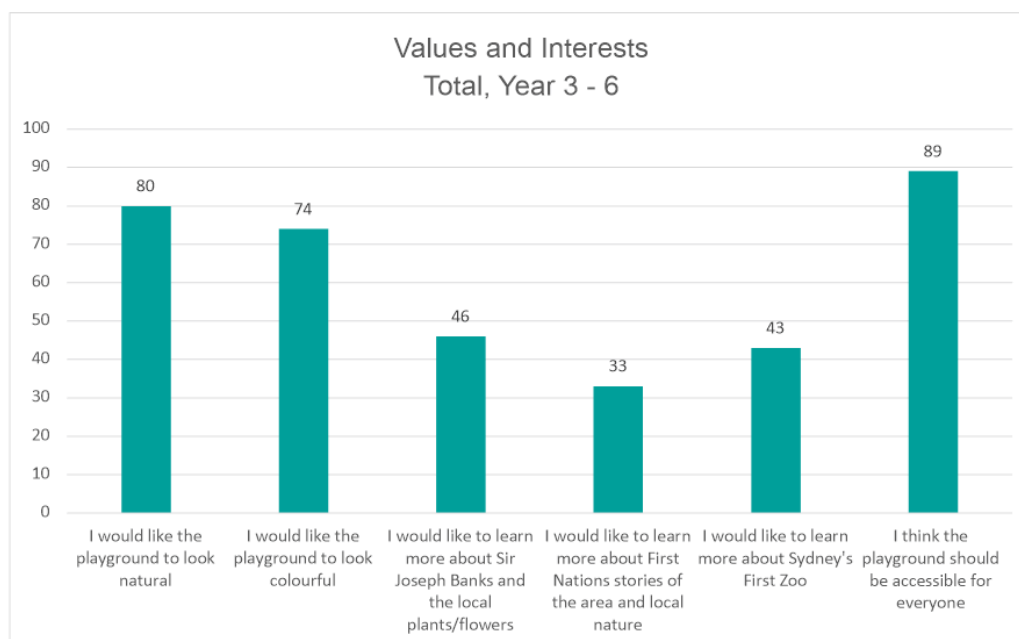
I would like the playground to look natural	59
I would like the playground to look colourful	59
I would like to learn more about Sir Joseph Banks and the local plants/flowers	41
I would like to learn more about First Nations stories of the area and local nature	22
I would like to learn more about Sydney's First Zoo	34
I think the playground should be accessible for everyone	69

#### Pagewood Public School, Year 3 – Year 6

I would like the playground to look natural	21
I would like the playground to look colourful	15
I would like to learn more about Sir Joseph Banks and the local plants/flowers	5
I would like to learn more about First Nations stories of the area and local nature	11
I would like to learn more about Sydney's First Zoo	9
I think the playground should be accessible for everyone	20

#### Totals, Year 3 – Year 6

I would like the playground to look natural	80
I would like the playground to look colourful	74
I would like to learn more about Sir Joseph Banks and the local plants/flowers	46
I would like to learn more about First Nations stories of the area and local nature	33
I would like to learn more about Sydney's First Zoo	43
I think the playground should be accessible for everyone	89



- Final Question: Playspace Design Ideas**

*'What would you like the brand new playspace to look like? Draw your ideas, and tell us the most important thing about your idea'*

Many of the children's drawings and ideas had common elements. Detail on these elements is shared below, with the most popular elements **in bold**.

#### Banksmeadow Public School, K - Year 2

<b>Focus on equipment</b>	<b>31</b>
Focus on natural materials/nature	30
Focus on inclusivity/accessibility	0
Focus on bike/scooter tracks	0
Focus on areas for sports	0

Common elements in the focus on equipment:

Monkey Bars	1
Flying Fox	4
<b>Big Slides</b>	<b>14</b>



Big Climbing Frames	9
Water Play	10

#### Pagewood Public School, K – Year 2

<b>Focus on equipment</b>	<b>42</b>
Focus on natural materials/ nature	3
Focus on inclusivity/accessibility	1
Focus on bike/scooter tracks	4
Focus on areas for sports	0

Common elements in the focus on equipment:

Monkey Bars	8
Flying Fox	9
<b>Big Slides</b>	<b>11</b>
Big Climbing Frames	8
Water Play	0

#### Banksmeadow Public School, Year 3 – Year 6

<b>Focus on equipment</b>	<b>49</b>
Focus on natural materials/ nature	7
Focus on inclusivity/accessibility	12
Focus on bike/scooter tracks	7
Focus on areas for sports	16

Common elements in the focus on equipment:

Monkey Bars	2
Flying Fox	7
<b>Big Slides</b>	<b>12</b>
Big Climbing Frames	8
Climbing Wall	3
<b>Huge Swing</b>	<b>12</b>
Water Play	1

#### Pagewood Public School, Year 3 – Year 6

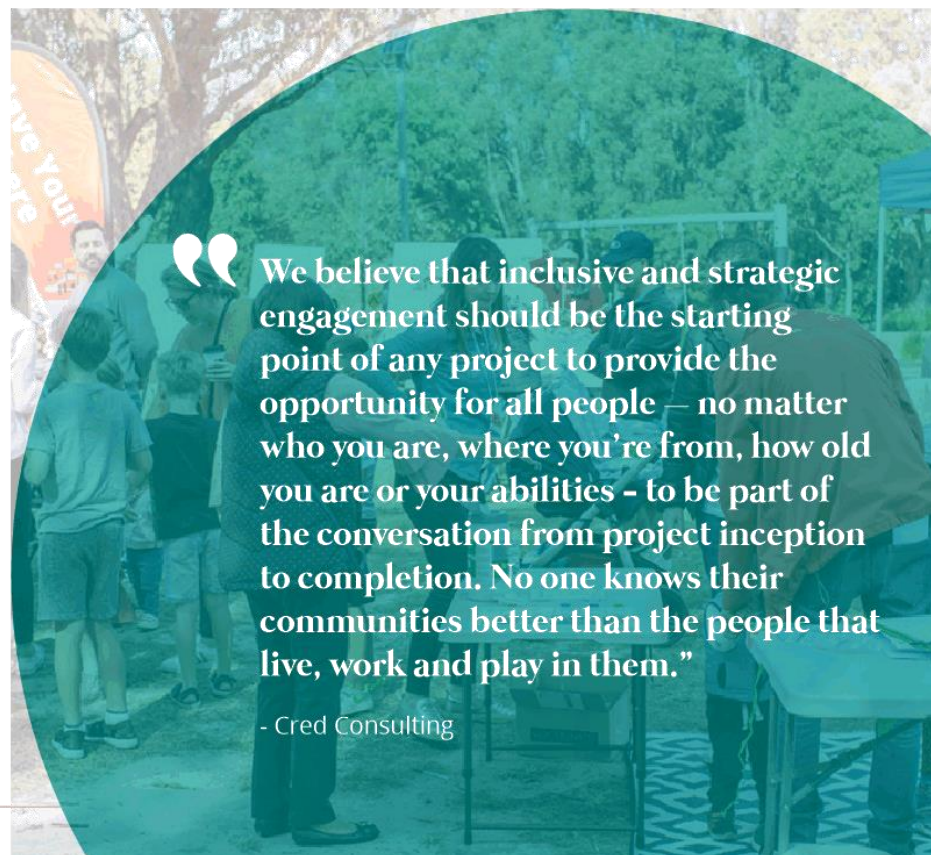
<b>Focus on equipment</b>	<b>8</b>
Focus on natural materials/ nature	5



Focus on inclusivity/accessibility	7
Focus on bike/scooter tracks	2
Focus on areas for sports	3

Common elements in the focus on equipment:

Monkey Bars	2
<b>Flying Fox</b>	<b>3</b>
Big Slides	2
Big Climbing Frames	0
Climbing Wall	1
Huge Swing	1
Water Play	1







## Sir Joseph Banks Park children's engagement outcomes



**Bayside Council is undertaking a masterplanning process for Sir Joseph Banks Park, Botany. As the first stage, council is planning to extend and upgrade the playground facilities to create a regional playspace with supporting facilities such as paths and lighting.**

This will include:

- An extension of the existing playspace.
- New public amenities closer to the playspace.
- Council are proposing to retain the existing playground, dinky bike track, picnic and BBQ facilities.

Part of this masterplanning process is to engage with young families and children to develop a regional playspace at Sir Joseph Banks Park. The regional playspace is intended to suit children under 12 years of age.





## What we did



### 1x children's community event

Held in Sir Joseph Banks Park on Saturday 24 April 2021 from 10am – 1pm.

### 2x in-school workshop

With 18 SRC student representatives from years K-6 at Pagewood Public School, and 19 students from years 1-6 at Banksmeadow Public School.

### 280x kid's activity sheets

Completed by children in stages K-2 and years 3-6 from Pagewood Public School and Banksmeadow Public School.



## What we heard

Six main themes emerged from the consultation with children and adults:



**Playspaces that are adventurous and fun**

1



**Elements of the current Sir Joseph Banks Park & its history reflected in the future playspace**

4



**A park and playspace that celebrates nature**

2



**Playspaces that are accessible and inclusive**

5



**A park that offers something for everyone**

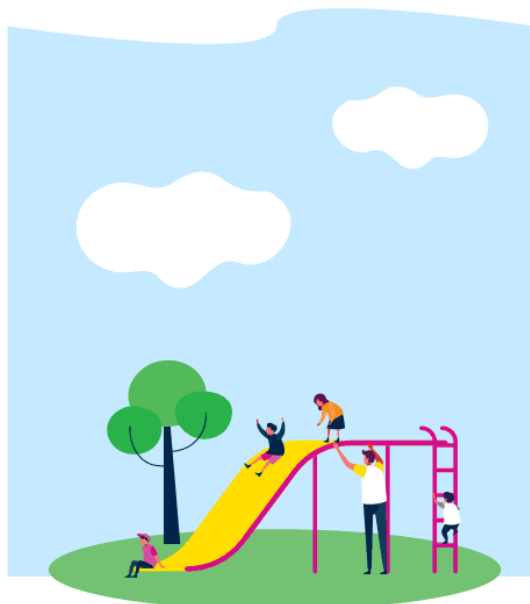
3



**Improved amenity at Sir Joseph Banks Park**

6

Page 2 of 4



## 2

### A park and playspace that celebrates nature

People value their natural open spaces and would like to see a park and playspace that celebrates nature. Across engagement activities, many participants expressed they value the natural environment and setting in Sir Joseph Banks Park, and would like to see the future playspace retain this look and feel. Some children frequently suggested 'natural materials' or 'environmentally friendly materials' to be included in the future design of the playspace. Across engagement activities, there was a fairly even split between participants wanting the future playspace to look more colourful or more natural.



## 1

### Playspaces that are adventurous and fun

Across engagement activities, children strongly expressed a desire for new and exciting play equipment to enjoy at Sir Joseph Banks Park. Children and adults indicated they would like to see wild playspaces that are adventurous, natural and encompass elements that are larger scale for children.

At the community event and in-school workshops, children indicated the top activities they would like to do at Sir Joseph Banks Park are hanging out with friends, climbing, swinging and sliding.

The most commonly suggested play equipment and spaces participants would like to see include:

- Big slides and climbing frames
- Flying foxes
- Bike tracks/ramps for children to ride their bikes/skateboards/scooters
- Exploring trails
- Water play, and
- Obstacle courses.



## 3

### A park that offers something for everyone

Children and adults told us they would like a park that offers something for everyone, that is family friendly and for children of all ages. Adults would like seating and picnic amenities close to the new playspace so that the whole family can stay, be entertained and enjoy the area. In particular, people would like to see playspaces that can accommodate older children in the vicinity also.



## 4

### Elements of the current Sir Joseph Banks Park and its history reflected in the future playspace

Across engagement activities, participants indicated that the history and some key elements of Sir Joseph Banks Park plays an important role in its character and is part of what makes it a special place. In particular, participants value a number of elements about the park including animal sculptures, the pond, playground and the walking and cycling trail.



## 5

### Playspaces that are accessible and inclusive

Participants strongly emphasised that playspaces should be inclusive for children of all abilities. Throughout consultation activities, children strong emphasised that irrespective of what they future playspace may look and feel like, it is important the playspace incorporates equipment that is accessible to children of all abilities. Some ideas suggested by participants were accessible play equipment such as swings for people in wheelchairs or features such as ramps.

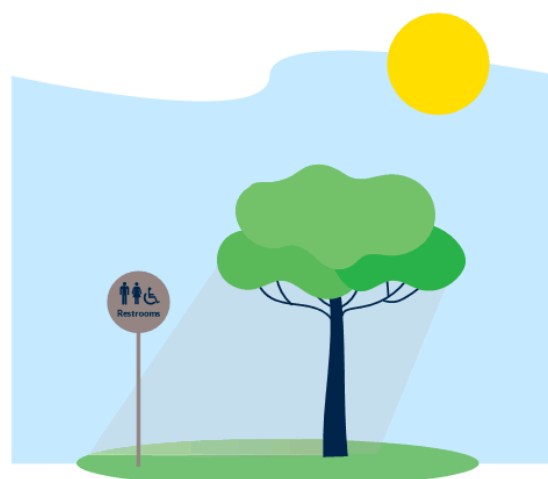


## 6

### Improved amenity at Sir Joseph Banks Park

Engagement participants value Sir Joseph Banks Park as a place for community use and connection. They enjoy social gatherings, playing on the equipment, relaxing by the pond, feeding the geese and walking and scooting along the trail, and would like to see improved amenity to support these activities, including:

- Improving existing toilet facilities, as well as providing additional amenity in the future to ensure facilities are in close proximity to playspaces
- Enclosed playspaces to ensure safety of children, and that support line of sight for parents and carers
- More bins and recycling bins
- Improve cleanliness of the pond, and
- Increase shade in the park for cooling and comfort in summer.



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## Council Meeting

9/06/2021

Item No	8.9
Subject	<b>Former Mascot Administration Building - 141 Coward Street Mascot - Lease Proposals Outcome</b>
Report by	Michael Mamo, Director City Performance
File	SF19/6336

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## Summary

Council is the owner of 141 Coward Street, Mascot (the Property) which was previously used for operational purposes as an administration building. Currently the Property is vacant.

In 2018 Council established resolutions for the commercial leasing of the Property and this report tables two recent leasing offers and the successive outcome. The resolutions established in relation to the 2018 report considered balancing the length of lease term offered/sought, with maintaining flexibility for Council to consider both it's possible need for the site in the medium term and the condition of the asset. The preferred outcome aligned with a short-term agreement (up to 10 years).

The recent leasing offers centred on a total lease term commitment of 15 years (offer 1) and 19 years (offer 2) and on terms that placed certain obligations on Council in relation to asset maintenance and performance.

Post assessment of the offers received, it is considered that the terms and the potential increase in risk of asset obligations back to Council in the latter years are not commercially advantageous. Whilst the offers may reflect the current leasing market and building in its present form, this report notes the appropriate next steps of both removing the property from active leasing and reviewing options for the site.

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## Officer Recommendation

- 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 notes:
    - a the property at 141 Coward Street, Mascot has been extensively publicly promoted for commercial tenancies since April 2018 as per the Council resolution (11 April 2018).
    - b a number of proposals have been received and considered during the marketing period, none of which have materialised in a strong commercial outcome for Council.
-



- c the two most recent proposals included as confidential attachments 1 and 2 to this report.
  - d the two most recent proposals have been respectively declined (via the commercial letting agent) and that the property has been withdrawn from the market for lease.
- 3 That the Property section report back to Council on alternative short and long term options for 141 Coward Street, Mascot for further consideration by Council.
- 

## Background

Council at its meeting of 11 April 2018 considered a report that addressed the use of buildings previously occupied by Council for operational purposes, namely:

- 1007 Botany Road, Botany (Coronation & Mascot Town Halls);
- 1011 Botany Road, Botany (Cottage); and
- 141 Coward Street, Mascot (former Administration Building).

Since the report of 11 April 2018, Council has secured signed lease agreements in relation to Coronation Hall (to a community tenant) and the Cottage (to a commercial tenant). Mascot Town Hall has been retained for use by Council for operational purposes.

Council has worked with a number of different local agents and most recently, LJ Hooker Commercial South Sydney (LJ Hooker), to secure leasing proposals in relation to 141 Coward Street, Mascot ("hereafter the Property").

Council received interest in leasing the Property during the marketing campaign. The last agreed proposal for a fitness centre was subsequently withdrawn in early 2020 due to uncertainty (at the time) and restrictions in relation to COVID. Subsequently, Council received two further offers, which are outlined below.

## Marketing

The Property was actively being marketed by LJ Hooker Commercial for \$180/m2 Net per annum (floor area 1402sqm). Currently marketing includes advertising on commercial websites and onsite signage.

## Local Government Act 1993 Land Classification

The site is classified as Operational in accordance with the Local Government Act 1993.

## Asset Condition

The Property is in an original condition with building services being of a varying age and varying remaining serviceable life.

In offering the Property for lease, prospective tenants were required to undertake their own works to fit the premises out to suit their business need and operation. Generally speaking, prospective tenants have sought to amortise capital expenditure costs for fitout works via incentives, extended lease terms, reduction of lease terms offered or a combination.

Whilst the recent offers are confidential, in general terms, commitments were sought from Council (as landlord) in relation to the operation of the HVAC systems and other building improvements, which based on aging systems formed a high risk on the longer lease terms being sought.

## Offers

The two recent leasing offers were for the entire building and are tabled as Confidential Attachment 1 and Confidential Attachment 2. The annexed offers are representative of long-standing negotiations.

One offer centres on use of the site as an office for professional services and requires a lease term of 10 years with a 9 year option. The second offer centres on a performing arts school and child care use and requires a lease term of 10 years with a 5 year option. In leasing transactions, the tenant is the only party with the discretion to exercise/take up an option. That means that a landlord is locked into a total term commitment to the tenant being the summation of the initial lease term and the subsequent option(s).

## Strategic Planning and Asset Context

The property comprises a land area of around 823sqm, which excludes the land associated with Coronation Hall and the Cottage. The property is not the subject of any current master planning process or similar planning review. Having said this, in the medium term the property provides an ability for Council to revisit the use of the building and to that end, long term agreements over the site are not considered favourable.

## GM Briefing Session

GM Briefing Sessions were held on 31 March 2021 and 5 May 2021 to address the offers that are annexed to this report. Copies of the GM Briefing Session Presentations are Annexed as Confidential Attachments 3 and 4.

## Next Steps

The Property has now been withdrawn from being marketed for lease.

Council is to commence reviewing options for the site and profiling those options via a reform of a former investment working committee, to be known as the Property Strategy Working Group.

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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"/>



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## **Community Engagement**

Not applicable.

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## **Attachments**

- 1 Annexure 1 - HOA - proponent 1 (confidential)
- 2 Annexure 2 - HOA - proponent 2 (confidential)
- 3 Annexure 3 - GM Briefing Session 31 March 2021 (confidential)
- 4 Annexure 4 - GM Briefing Session 5 May 2021 (confidential)

## **Council Meeting**

**9/06/2021**

Item No	8.10
Subject	<b>SSROC Tender - Code of Conduct Reviewer Panel</b>
Report by	Michael Mamo, Director City Performance
File	SF21/2329

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## **Summary**

This report recommends the adoption of several conduct reviewers to form a Conduct Review Panel as provided through an SSROC tender process.

The object of the Conduct Review Panel is to provide SSROC Councils with the means to call upon suitably qualified individuals to act as a sole reviewer, or to be part of a committee, on an 'as required' basis, to suit Council's requirements, and to comply with the current legislative requirements and directions by the Office of Local Government.

Council's current Panel, which expires, was chosen as part of a previous SSROC tender process.

Councillors were provided an overview of this tender at the GM Briefing session held in the first week of June 2021.

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## **Officer Recommendation**

- A. That the attachments to this report be withheld from the press and public because they contain information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 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.
  - B. That Council accept the tenders for the Supply of Code of Conduct Auditors from the following panel of suppliers for a period of two years with an option to extend for up to a further two years (one year plus one year):
    - 1) Centium Pty Limited
    - 2) CT Management Group Pty Limited
    - 3) Nemesis Consultancy Group t/a National Workplace Investigations
    - 4) O'Connor Marsden and Associates Pty Limited (OCM)
    - 5) On Track Investigations Pty Limited
    - 6) Procure Group Pty Limited
    - 7) SINC Solutions Pty Limited
    - 8) Train Reaction Pty Limited
-

- 9) PACK Investigations Pty Limited as The Trustee for Weir Trading Trust t/a Weir Consulting (National)
- C. The General Manager be delegated to approve further extensions permitted under the contract.
- 

## Background

SSROC's primary role is to coordinate the collective contracting for goods and/or services that enables suppliers to take advantage of aggregation of supply and results in a range of offsets and benefits that will, in turn, provide cost effective and high-quality supply management solutions for the Member Councils and their communities.

It was agreed by the SSROC strategic supply management group to renew the current contract for the Supply of Code of Conduct Reviewers (Contract Number: SSROC E2017-01), as this contract is expiring on 16 June 2021.

As requested by the participating Councils, training and other relevant services also have been added to the scope of this contract.

## Tender Process

### a) Legislation

This tender was conducted in accordance with the Department of Local Government's Tendering Guidelines, the *Local Government Act 1993* (NSW) and the Local Government (General) Regulation 2005 (NSW).

### b) Advertising

The tender for the Supply of Code of Conduct Auditors was advertised in the SSROC website and invited in the Woollahra Municipal Council eTender Portal <https://www.tenders.net/dtp/wmc/> on Tuesday 23 February 2021.

Tenders closed at 2.00 PM AEDT on Thursday 18 March 2021.

### c) Tender Assessment Panel

The tender assessment panel comprised of:

Panel Members:

- Brad McPherson – City of Canterbury Bankstown
- Helen Tola – Woollahra Municipal Council
- Tanya Whitmarsh – Burwood Council
- Cathy Dizon – Strategic Procurement and Contract Manager, SSROC
- Mala Manisegaran – Strategic Procurement Project Officer, SSROC

**d) Tender Evaluation Criteria and Weightings**

As agreed in the tender evaluation Plan, the tender panel determined and signed off on the evaluation weightings against the selection criteria prior to the closing date of the tender as per Table 1 below.

**Table 1. Agreed Evaluation Criteria Weightings**

<b>Selection Criteria</b>	
<b>Mandatory Criteria</b>	<b>Yes/No</b>
Conformity with Tender submission requirements (Returnable Schedules completed in appropriate manner)	<b>Y/N</b>
Financial and commercial trading integrity including required insurances as per the contract	<b>Y/N</b>
Meet the eligibility requirements to provide code of conduct review and relevant consultancy services as per the specifications.	<b>Y/N</b>
Demonstrated capacity to fulfil the Work Health & Safety requirements	<b>Y/ N</b>
Adherence to procurement guidelines	<b>Y/N</b>
<b>Qualitative Evaluation Criteria</b>	<b>Weightings</b>
Demonstrated knowledge, expertise and experience in the following: <ul style="list-style-type: none"> <li>Investigating complaints made under the NSW Local Government Model Code of Conduct.</li> <li>Investigative processes including, but not limited to, procedural fairness requirements and the requirements of the Public Interest Disclosures Act 1995 NSW) or other equivalent State or Commonwealth legislation.</li> </ul>	<b>40</b>
Ability to understand and meet any changes in legislation or direction by the Office of Local Government.	<b>5</b>
Ability to deal with a wide socio-economic range of contacts as well as culturally diverse people and subjects	<b>5</b>
Resources, capacity and capability to be responsive and provide timely and effective services including reporting requirements	<b>20</b>
<b>Price</b>	
Tendered price and rates	<b>30</b>
<b>Total</b>	<b>100</b>

## Tender Submissions

Eighteen (18) submissions were received from the organisations shown in Table 2 below.

**Table 2. Respondents**

<b>Tender ID</b>	<b>Tenderer's Name</b>	<b>Address</b>	<b>ABN</b>	<b>Company Director</b>
T1	A Human Agency Pty Ltd	Bay 8, 8 Middlemiss Street, Lavender Bay NSW 2060	21 600 655 365	Katrina Tahka
T2	Anti-Corruption Consultants Australia Pty Ltd (ACCA)	Level 9, 60 Carrington Street, Sydney NSW 2000	64 149 460 891	Michael Douglas Symons
T3	Williams Love & Nicol Lawyers Pty Ltd as Trustee for the WLTB Unit Trust t/a Bradley Allen Love Lawyers (BAL Lawyers)	Level 9, Canberra House, 40 Marcus Clarke Street, Canberra ACT 2601	37 628 135 120	John Wilson
T4	Centium Pty Ltd	L21, 233 Castlereagh Street, Sydney NSW 2000	30 646 309 015	Phil O'Toole
T5	Core Integrity Pty Ltd	Level 1/75 Alexander Street, Crows Nest NSW 2065	69 608 777 537	Darren Murphy
T6	CT Management Group Pty Ltd	10-12 Church Street, North Geelong VIC 3215	15 072 083 795	Michael Courtney
T7	Harmers Workplace Lawyers	Level 27, St Martin's Tower, 31 Market Street, Sydney NSW 2000	60 382 347 618	Michael Harmer
T8	Nemesis Consultancy Group t/a National Workplace Investigations	Unit 5, 5-7 Lone Pine Place, Smeaton Grange NSW 2567	39 132 358 859	Peter James Moroney
T9	O'Connor Marsden and Associates Pty Ltd (OCM)	Level 18, 1 Margaret Street, Sydney NSW 2000	94 135 783 792	Pamela Robertson-Gregg

<b>Tender ID</b>	<b>Tenderer's Name</b>	<b>Address</b>	<b>ABN</b>	<b>Company Director</b>
T10	On Track Investigations Pty Ltd	15/9 Seven Hills Road, Baulkham Hills NSW 2153	54 645 402 722	Kristie Walker
T11	Pendlebury Workplace Law	Suite 3103, Level 9, 68-70 Market Street, Sydney NSW 2000	51 562 881 336	Brooke Pendlebury
T12	Procure Group Pty Ltd	22 Wolseley Street Haberfield NSW 2045	22 130 908 824	Simon Taylor
T13	SINC Solutions Pty Ltd	131 View Street Annandale NSW 2038	56 123 181 555	Kath Roach
T14	Roan Holdings Pty Ltd ATF The Trustee Roan Trust t/a Strategic Risk Solutions	Suite 901, level 9, 37 Bligh Street, Sydney NSW 2000	71 678 202 279	Robert Ryan
T15	SureFact Australia Pty Ltd	Level 5, Nexus Building, 4 Columbia Court, Norwest NSW 2153	41 162 157 020	Paul Robert York
T16	Train Reaction Pty Ltd	8 Pearson Street, Balmain East NSW 2041	93 054 957 943	Kathy Thane
T17	The Trustee for Weir Trading Trust t/a Weir Consulting (National)	Level 21, 133 Castlereagh Street, Sydney NSW 2000	21 314 636 233	Peter Harvey
T18	Omedia Pty Ltd t/a Workdynamic Australia	Suite 1101, Level 11, 37 Bligh Street, Sydney NSW 2000	51 138 611 239	Jonathan Wright

### Scope of Services

The scope of the new contract includes, but not limited to the following services:

- Preliminary assessment
- Investigations
- Attendance at mediation or legal proceedings

- Training
- Auditing
- Other related services

Participating councils may seek competitive pricings via SSROC Vendor Panel from any contractors in this panel contract, for any customised and/or associated services not listed under the pricing schedule.

### **Contract Term**

The initial contract period is for two (2) years subject to satisfactory performance, which will be determined by member Councils and SSROC, with an option to extend for up to a further two (2) years (1+1) years.

### **Council Participation**

Participating Councils are listed as follows:

1. Bayside Council
2. Burwood Council
3. Canterbury Bankstown Council
4. City of Canada Bay
5. City of Sydney
6. Georges River Council – may join in November 2023
7. Inner West Council
8. Randwick City Council
9. Sutherland Shire Council
10. Waverley Council and
11. Woollahra Municipal Council

### **Tender Evaluation**

#### **a) Governance**

- All members of the Tender Evaluation Panel signed Declaration of Conflict of Interest & Deed of Confidentiality form. No pecuniary interests were noted.
- All submissions were assessed in accordance with the agreed tender evaluation plan and evaluation criteria.



**b) Conforming or Non-Conforming**

As specified in the Request for Tender and in the Evaluation Plan, offers received from tenderers that did not meet the mandatory criteria were deemed non-conforming and were excluded from further evaluation. The mandatory criteria include Returnable Schedules completed in appropriate manner, provision of relevant insurances, meet the eligibility requirements to provide code of conduct review and relevant consultancy services as per the specifications and evidence to demonstrate adherence to Work Health & Safety requirements and procurement guidelines.

As a result, one tenderer was deemed non-conforming as per below:

- T14 – Roan Holdings Pty Ltd ATF The Trustee Roan Trust t/a Strategic Risk Solutions

Pricing Schedules and some Mandatory Tender Forms were not provided with the submission. Most of the required supporting documents were also not provided

**c) Stage 1 Qualitative Evaluation Criteria**

The remaining 17 conforming tenders were assessed for Stage 1 – Qualitative criteria. Evaluation panel decided that tenderers who scored a non-price score of 60% and above (42 out of 70%) will proceed to Stage 2 – Pricing stage.

The detail of the four (4) tenderers who scored below this threshold and excluded from further evaluation, is provided in the Confidential Attachment 1.

**d) Stage 2 Comparison of Tender Prices and Price Soaring**

The remaining 13 conforming tenders who scored above the threshold value were assessed for Stage 2 – Price Scoring.

Pricing Comparisons and weighted price scoring for each item are provided in:

***Confidential Attachment 2 – Summary of Tendered Prices and evaluation of prices***

As it was not possible to determine the estimated aggregated quantities of each item, the following methodology was used for price scoring:

- For evaluation purposes, the price of each item (service) was calculated by averaging the hourly rates of all resources (by position) nominated for that service.
- Also, as most of the required services can be carried out off-site and meetings can be conducted virtually, travelling and accommodation charges were not included in the hourly rate, for evaluation purposes.
- For each item, first the lowest value among all comparable offers was calculated.
- The weighted price score of each offer for each item was calculated using the formulae:

Weighted Score = Weighting (30%) \*Lowest Value/Value

- The Average Weighted Score for each offer was calculated by averaging the weighted scores of all comparable items.

#### e) Tenderers Overall Scoring and Ranking

Recommended tenderers were selected based on the total score and rank, among the conforming tenderers who provided all services and have scored well (60% or more) in the qualitative criteria.

### Financial Implications

To get better value for code of conduct investigations, training and other related services, participating councils are encouraged to request quotations via Vendor Panel from this panel contract, with project specific details and required services.

Councils can save the cost of tendering for the above services and contract management costs for the next five years by utilising this SSROC contract that has been established following a robust process.

The following ongoing contract management services will be provided by SSROC to the participating councils of this contract, during the contract period:

- Monitoring the insurances and licenses of the panel contractors via Vendor Panel.
- Establishment and maintenance of Contract User guide and advise Councils if there are any changes.
- Addressing Escalated issues raised by council officers.
- Managing the CPI increases, contract extensions and facilitating performance reviews.

### Risks

The Risk Assessment is contained in Confidential Attachment 3.

The following risk matrix was used to assess the project risks and to assign the risk rating of each risk.

L I K E L I H O O D	5 - Almost Certain	M	H	H	E	E
	4 - Likely	M	M	H	H	E
	3 - Moderate	L	M	M	H	E
	2 - Unlikely	L	M	M	H	H
	1 - Rare	L	L	M	M	H
		1 - Insignificant	2 - Minor	3 - Moderate	4 - Major	5 - Catastrophic
	I M P A C T					

**a) Availability & Capacity of Tenderers to Provide Required Services on Time**

As per the RFT document, one or more suppliers would be selected for this contract based on the quality and competitiveness of the tenders submitted. The current SSROC contract has eight (8) providers, to cater for the business demands of the councils. However, due to the varying nature & complexity of the required services and urgency of the need to resolve code of conduct related issues, some Councils have faced difficulties in getting suitable resources with relevant knowledge, experience and skills, when they needed the services.

Also, the scope of the services to be provided under the renewed contract has increased including training and other related services, pursuant to the feedback and additional requirements received from the participating Councils.

Considering the above, evaluation panel recommended to increase the number of providers in the panel to nine (9), to improve accessibility (timeliness) and diversity (varying strengths, capabilities, gender etc) of services to the participating Councils.

The following recommended tenderers have provided all required information in their submission and have demonstrated their skills and capacity to provide the required services at a very high level:

- Centium Pty Ltd
- CT Management Group Pty Ltd
- Nemesis Consultancy Group t/a National Workplace Investigations
- O'Connor Marsden and Associates Pty Ltd (OCM)
- On Track Investigations Pty Ltd
- Procure Group Pty Ltd
- SINC Solutions Pty Ltd
- Train Reaction Pty Ltd
- PACK Investigations Pty Ltd as The Trustee for Weir Trading Trust t/a Weir Consulting (National)

*The details of the recommended suppliers are provided in Confidential Attachment 4 and an Information Summary of Recommended Tenderers is detailed in Confidential Attachment 7.*

**b) Conflict of Interest Declarations**

Some tenderers have declared potential conflict of interest in their submission, and these are in Confidential Attachment 5. These do not prohibit them from being on the Panel.

**c) Contract Departures**

One contractor requested a minor departure in the contract term to do with insurance as detailed in Confidential Attachment 6. The minor departure is acceptable.

**d) Contractors in the Current SSROC Contract**

For reference that the following contractors are used by the participating Councils under the current SSROC contract for Code of Conduct Reviewers:

- Centium Group Pty Limited as Trustee for the Centium Group Unit Trust t/a Centium Group (recommended)
- Nemesis Consultancy Group Ltd (recommended)
- O'Connor Marsden & Associates Pty Limited (recommended)
- PKF Forensic and Risk Services (Melbourne and Sydney) Pty Ltd (did not tender)
- Prevention Partners (did not tender)
- SINC Solutions (recommended)
- Strategic Risk Solutions (non-conforming tender)
- Train Reaction Pty Ltd (did not tender)

**Conclusion**

The SSROC Evaluation Panel agreed that having the recommended nine (9) providers in the panel contract will ensure that while participating Councils will get best prices, they will also have the option to get timely services from the providers to cater for the Councils' varying nature & complexity of the required services and urgency of the need to resolve code of conduct related issues.

Further cost savings can be achieved by seeking quotations from these panel suppliers via Vendor Panel with more details and specific requirements.

The Assessment Panel Combined Evaluation Scores – All non-price criteria is detailed in Confidential Attachment 8.

Summary of Tendered Prices and Evaluation on comparable items is detailed in Confidential Attachment 9.

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**Community Engagement**

The issues raised in this report do not require community consultation under Council's Community Engagement Policy.

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**Attachments**

- 1 Conforming Tenderers who scored less than 60% (42 for 70%) in the Qualitative Criteria (confidential)
- 2 Summary of Tendered Prices and evaluation of prices (confidential)
- 3 Risk Assessment (confidential)
- 4 Conforming Tenderers who scored 60% (42 for 70%) and above in the Qualitative Criteria (confidential)

- 5 Conflict of Interest Declarations (confidential)
- 6 Contract departures (confidential)
- 7 Information Summary of Recommended Tenderers (confidential)
- 8 The Assessment Panel Combined Evaluation Scores - All non-price criteria (confidential)
- 9 Summary of Tendered Prices and Evaluation on Comparable Items (confidential)

## **Council Meeting**

**9/06/2021**

Item No	8.11
Subject	<b>Clause 4.6 Variations to Development Standards - Quaterly Report</b>
Report by	Peter Barber, Director City Futures
File	SF17/799

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## **Summary**

The Secretary of Department of Planning Industry & Environment delegates to councils assumed concurrence to use Clause 4.6 (previously known as SEPP 1) to vary development standards in its Local Environmental Plans in the assessment and determination of development applications.

In accordance with Planning Circular PS 20-002, Councils monitor the use of assumed concurrence and report to the Department on a quarterly basis. Councils are also required to update a register on their website and report variations approved under delegation to a meeting of Council.

This report provides a list of variations approved under delegation for Quarter 3 of 2021 to promote a transparent and accountable decision-making process.

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## **Officer Recommendation**

That the report on the use of Clause 4.6 of Council's Local Environmental Plans to vary development standards in the determination of development applications during Q3 of 2021 be received and noted.

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## **Background**

Clause 4.6 in Local Environmental Plans is a mechanism that allows consent authorities to consider variations to development standards, such as height and floor space ratio, when assessing development applications. The rationale for this is to allow flexibility in the application of broad-brush numerical controls to achieve better planning outcomes in situations that are atypical or have unique circumstances.

There are four (4) procedural and reporting requirements set for councils in relation to the use of clause 4.6 to permit variations to development standards in the assessment of development applications. These are in place to ensure that the process is robust, consistent, transparent and free from corruption:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register

must include the development application number and description, the property address, the standard to be varied and the extent of the variation.

- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of variations approved under delegation is also to be provided to a meeting of the council each quarter.

While Council has submitted variations to the Development Standards to the NSW Planning Portal and published them on the Council website, inclusion on a Council Meeting agenda on a quarterly basis has now been re-established.

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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"/>

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### Community Engagement

Variations to Development Standards register is available on the Bayside Council website, as required by Planning Circular PS 20-002.

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### Attachments

4.6 Development Variations Q3 FY 2021 [↓](#)



Council DA reference number	Lot number	DP number	Apartment/ Unit number	Street number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined dd/mm/yyyy
DA-2020/349	19	71570		36	William Street	Botany	2019	13: Subdivision only	Botany Local Environmental Plan 2013	R2 - Low Density Residential	CI4.3 - Floor Space Ratio	The proposal will create an appropriate built form which is consistent with surrounding low density residential developments. The subject site is of sufficient orientation, shape, area and allotment width so as to accommodate the proposed development. The proposed development provides an appropriate built form, intensity and public domain response on the subject site that facilitates the orderly economic development of the site in an appropriate manner that will also not prevent redevelopment of adjoining properties. The development provides a built form which does not result in significant adverse impacts upon adjoining or nearby properties in terms of overshadowing, aural and visual privacy, solar access, natural ventilation and views & vistas. The variation would complement the future character of the locality when viewed in conjunction with the adjoining developments	35%	Council	23/03/2021
DA-2019/463	Lot 1 & Lot 2	DP 29697 & DP 29697		2	Chalmers Crescent	Mascot	2020	9: Mixed	Botany Local Environmental Plan 2013	B5 - Business Development	CI4.4 FSR	The development has a scale and proportion anticipated by the planning controls relating to height and setbacks. Strict compliance would not achieve any improved outcome for the development and would simply result in less employment floor space than that which is capable of being provided on the site within the environmental capacity of the site.	31%	Council	23/03/2021
DA-2020/429	2	528584		12	Wilson Street	Botany	2019	1: Residential - Alterations and Additions	Botany Local Environmental Plan 2013	R2 - Low Density Residential	FSR - Maximum permissible for land = 0.5:1	Consistent with the desired future character – Draft Bayside LEP 2020 permits an FSR of 0.75:1 for semi-detached dwellings in new Area 2. Additional FSR also contributes to better design outcome and provides living and dining space for existing small dwelling.	9%	Council	2/03/2021
DA-2020/390	32	6718		54	Moate Avenue	Brighton Le Sands	2216	1: Residential - New Second Occupancy	Rockdale Local Environmental Plan 2011	R2 - Low Density Residential	Minimum subdivision lot size	The proposal will create an appropriate built form which is consistent with surrounding low density residential developments. The subject site is of sufficient orientation, shape and area and allotment width to accommodate the proposed development. The proposed development provides an appropriate built form, intensity and public domain response on the subject site that facilitates the orderly economic development of the site in an appropriate manner that will also not prevent redevelopment of adjoining properties. The development provides a built form which does not result in significant adverse impacts upon adjoining or nearby properties in terms of overshadowing, aural and visual privacy, solar access, natural ventilation, views & vistas and is considered to be consistent with the future character of the area when viewed in conjunction with the adjoining development.	0.4%	Council	11/02/2021
DA-2019/352	5	12		602-606	Princes Highway	Rockdale	2216	1: Residential - New Multi Unit 4: Integrated Development	Rockdale Local Environmental Plan 2011	B4-Mixed Use	22m maximum height of buildings	<ol style="list-style-type: none"> <li>1. The subject site is flood affected and thus a minimum habitable floor level is required to be achieved in order to safeguard the development from potential future flooding inundation.</li> <li>2. The proposed area of height non compliance does not result in a mass, size or scale of development that is incompatible with the future desired character of the precinct.</li> <li>3. The proposed development provides an appropriate transition in building height given the topography and given that the adjoining development to the north, as approved comprises a greater height, and that to the south as approved comprises a height similar to the proposed development.</li> <li>4. The proposal does not generate adverse overshadowing impacts.</li> <li>5. The proposal is consistent with the principles of SEPP 65 and the Apartment Design Guide with respect of Context &amp; Neighbourhood Character, Built Form and Scale and Density and was supported by the Design Review Panel.</li> <li>6. The proposal is consistent with the aims of the Apartment Design Guide with respect of 2C Building Height.</li> <li>7. The proposal is consistent with the objectives of Clause 4.3 Height of Buildings of Rockdale LEP 2011.</li> <li>8. The scale and nature of the non compliance is unlikely to set an undesirable precedent given the context of surrounding approvals, recessed nature of structures penetrating the standard, degree of variation proposed and minimal adverse impact generated.</li> <li>9. Components of the development which penetrate the height standard are recessed from the edge of the development on site, maximise amenity for future occupants and are not visually discernible from neighbouring properties or the public domain.</li> <li>10. The scheme is consistent with the objectives of the B4 Mixed Use zone and the desired future character of the Rockdale Town Centre.</li> </ol>	19.6%	Council	9/02/2021
DA-2020/452	2	514732		41	Hughes Avenue	Mascot	2020	1: Residential - Alterations & additions	Botany Local Environmental Plan 2013	R2 - Low Density Residential	CI4.4 FSR	Compliance with objectives of the zone and standard. The proposed bulk and scale of the development is compatible with the character of the locality. The first floor addition has been designed to allow for the retention of a substantial portion of the existing roof to be retained to minimise the visual bulk scale when viewed from the street and to ensure better integration with the streetscape and adjoining semi-detached dwelling.	17.6%	Council	23/03/2021

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## Council Meeting

9/06/2021

Item No	8.12
Subject	<b>Sundry Debts - Write-off for the Financial Year Ending 30 June 2021</b>
Report by	Michael Mamo, Director City Performance
File	F08/30P08

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## Summary

A review of outstanding sundry debts owing to Bayside Council has identified an amount of \$25,848.87 (inc. GST) in outstanding debts which are considered to be uncollectable.

The total uncollectable bad debts contain \$2,349.90 of GST previously remitted to the Australian Taxation Office (ATO). The GST portion of the uncollectable bad debts previously remitted to the ATO can be recovered after Council approves the write off of these debts as uncollectable.

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## Officer Recommendation

- 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 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 the outstanding sundry debts identified in this report be written off as uncollectable.
- 

## Background

Bayside Council is currently carrying a doubtful debt provision balance of \$874,689 as at 31 May 2021.

In completing the annual financial statements, Council is required to assess bad and doubtful debts in accordance with the requirements of the Australian Accounting Standards to ensure the Balance Sheet within the annual financial statements accurately reflect debts not only owed but that are collectable. Annual provisions are made for debts where their collection is considered doubtful.

The debts listed in the below table have been assessed as being uncollectable and recommended for write off under the financial delegations of the Director City Performance who ensures the Council's statutory obligations are met.

Council approval is required under the provisions of the Local Government Act, to write-off these debts from the Bayside Council Balance Sheet for the 2020/21 financial accounts.

Reference	Debtor name	exc. GST	GST	Total
813878	Networx Construction Pty Ltd	\$23,498.97	\$2,349.90	\$25,848.87

The amount relates to an invoice issued to the debtor in May 2018 for restoration works undertaken by Council at various locations in Daceyville.

In line with Council's Rates & Sundry Charges Recovery Policy, the account had been referred to our Collection Agency during the 2018/2019 year as Council staff were not successful in recovering the debt via our internal recovery process.

After being referred, the account was placed on hold as the company was placed into Administration and although the process is yet to be finalised, the most recent report issued by the Administrator indicated that the likelihood of a return to unsecured creditors (like Council) is zero given that the realisable value of assets owned by the debtor is \$737,340 and that the debtor has creditors totalling \$11,699,686.

In view of the report by the Administrator, it is recommended that this debt be written off as being not recoverable.

Further information including copies of invoices, reasons for write-off and supporting documentation is included in the attachments to this report.

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## Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Current provision balance covers amount being written off
Additional funds required	<input type="checkbox"/>	

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## Community Engagement

Not Applicable

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## Attachments

- 1 Networx Construction Invoice (confidential)
- 2 Administrators report - Networx Construction Pty Ltd (confidential) )

## **Council Meeting**

**9/06/2021**

Item No	8.13
Subject	<b>Statutory Financial Report - April 2021</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 30 April 2021, Bayside Council had \$439m in cash and investments with an adjusted portfolio return on investments of 0.49%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$9m from rates, grants, childcare subsidies, bookings/leases and construction fees.
- Expenses from operating activities totalled \$14.4m for payments for employee costs, utilities, waste, contract and infrastructure work.

### **Cash and Investment Reserve Balances as at 30 April 2021 amounts to \$439 million:**

Council's cash and investments balance of \$439 million comprises externally restricted funds of \$367m and internally restricted and unrestricted funds of \$72m.

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## **Officer Recommendation**

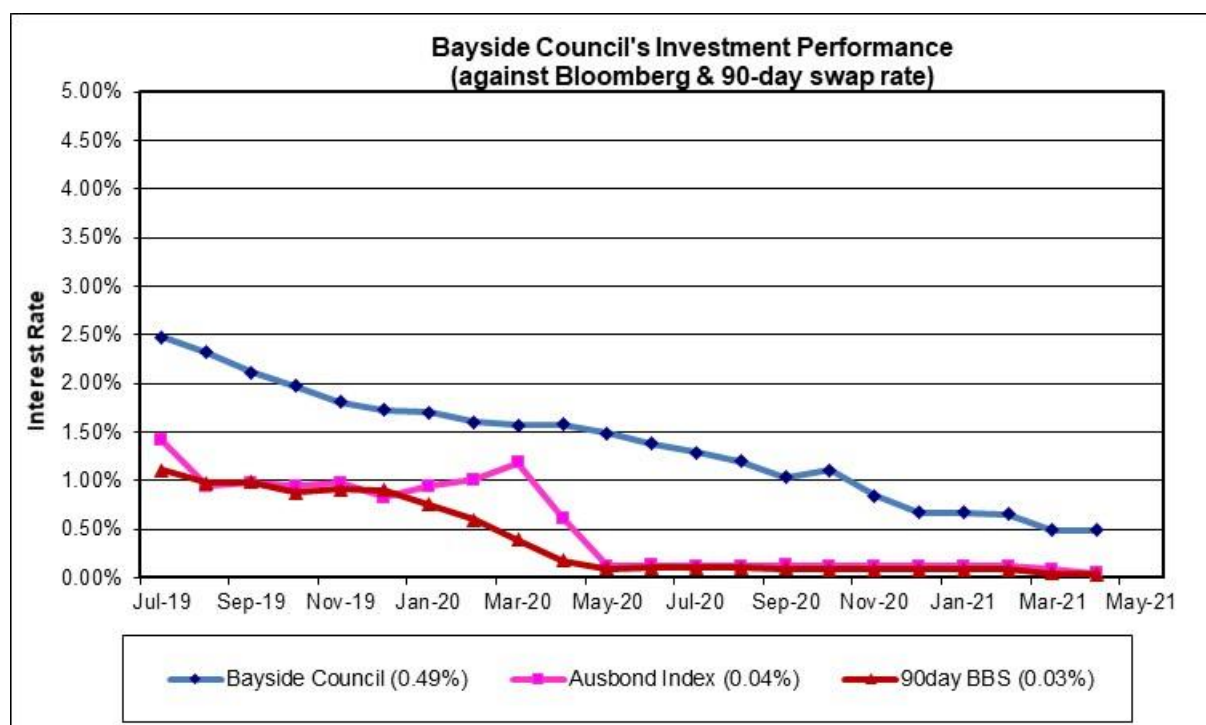
That the Statutory Financial Report by the Responsible Accounting Officer be received and noted.

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## Background

The following table shows the performance of Council's investments since July 2019. 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 45 basis points. As demonstrated by the investment performance graph, investment returns continue to decline due to the challenging economic conditions but remain 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 April 2021.

<b>STATEMENT OF BANK BALANCE AS AT 30 APRIL 2021</b>			
<b>General Fund</b>			
<b>Cash at bank (overdraft) as per bank statement as at:</b>	<b>31-Mar-21</b>	<b>\$</b>	<b>5,841,812</b>
<b>Income from operating activities</b>			
Rates and other receipts	\$	2,193,058	
Interest income	\$	90,922	
Parking and other infringement income	\$	440,233	
Property related income	\$	109,749	
Booking fees, certificates and licenses	\$	1,001,671	
Grants	\$	26,865	
Sale of assets	\$	19,678	
GST recoverable from ATO	\$	1,491,081	
Childcare income and subsidies	\$	255,419	
Golf, parks, pool and library income	\$	377,262	
s.94 and planning contributions	\$	2,601,883	
Bonds received	\$	127,115	
Legal and other recoveries, rebates	\$	94,176	
Other income	\$	171,021	
<b>Total Income from Operating Activities for the Period</b>	<b>\$</b>	<b>9,000,133</b>	
<b>Expenses from operating activities</b>			
Accounts paid for period (includes cheques and refunds)	-\$	9,810,997	
Direct payroll	-\$	4,592,201	
Bank charges	-\$	13,553	
<b>Total Expenses from Operating Activities for the Period</b>	<b>-\$</b>	<b>14,416,751</b>	
		<b>\$</b>	<b>5,416,618</b>
<b>Total Net Movement from Operating Activities</b>			
<b>Investment Activities for the Period</b>			
Term deposits matured	\$	-	
Term deposits acquired	\$	-	
Net transfer to / (from) short-term money market	\$	-	
<b>Net Investment Flows for the Period</b>	<b>\$</b>	<b>-</b>	
<b>Funding Activities for the Period</b>			
Loan repayments	\$	-	
<b>Net Funding Flows for the Period</b>	<b>\$</b>	<b>-</b>	
		<b>\$</b>	<b>-</b>
<b>Cash at bank (overdraft) as per bank statement as at:</b>	<b>30-Apr-21</b>	<b>\$</b>	<b>425,194</b>
<i>Bank overdraft limit for operating account is \$350,000</i> <i>* Other receipts include Australia Post &amp; Bank Tape</i>			



### Schedule of Investments

Bayside Council currently holds \$439m 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 COUNCIL AS AT:					30/04/2021			
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
<b>Term Deposits</b>								
AMP Bank	A2	\$3,000,000	13-Jan-21	15-Dec-21	336	0.75%	0.75%	\$3,000,000
AMP Bank	A2	\$2,000,000	9-Dec-20	10-Nov-21	336	0.50%	0.75%	\$2,000,000
AMP Bank	A2	\$5,000,000	18-Nov-20	17-Nov-21	364	1.25%	0.75%	\$5,000,000
						2.49%		
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	16-Dec-20	9-Jun-21	175	1.25%	0.40%	\$5,000,000
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	27-Jan-21	28-Jul-21	182	1.25%	0.35%	\$5,000,000
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	24-Mar-21	22-Sep-21	182	1.25%	0.28%	\$5,000,000
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	11-Nov-20	11-May-21	181	1.25%	0.40%	\$5,000,000
Illawarra Mutual Building Society (IMB)	A2	\$5,000,000	18-Nov-20	16-Jun-21	210	1.25%	0.40%	\$5,000,000
						6.23%		
National Australia Bank	A1	\$5,000,000	21-Oct-20	20-Oct-21	364	1.25%	0.50%	\$5,000,000
National Australia Bank	A1	\$10,000,000	8-Jul-20	7-Jul-21	364	2.49%	0.90%	\$10,000,000
National Australia Bank	A1	\$5,000,000	24-Feb-21	16-Feb-22	357	1.25%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	20-Jan-21	19-Jan-22	364	1.25%	0.40%	\$5,000,000
National Australia Bank	A1	\$10,000,000	30-Sep-20	29-Sep-21	364	2.49%	0.60%	\$10,000,000
National Australia Bank	A1	\$5,000,000	31-Mar-21	30-Mar-22	364	1.25%	0.30%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16-Dec-20	13-Oct-21	301	1.25%	0.45%	\$5,000,000
						11.22%		
CBA	A1	\$10,000,000	16-Dec-20	15-Dec-21	364	2.49%	0.48%	\$10,000,000
CBA	A1	\$10,000,000	13-Jan-21	12-Jan-22	364	2.49%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	10-Mar-21	9-Mar-22	364	2.49%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	7-Apr-21	30-Mar-22	357	2.49%	0.40%	\$10,000,000
CBA	A1	\$10,000,000	23-Sep-20	23-Jun-21	273	2.49%	0.70%	\$10,000,000
CBA	A1	\$5,000,000	17-Mar-21	16-Mar-22	364	1.25%	0.42%	\$5,000,000
CBA	A1	\$10,000,000	7-Apr-21	6-Apr-22	364	2.49%	0.40%	\$10,000,000
CBA	A1	\$5,000,000	14-Apr-21	13-Apr-22	364	1.25%	0.41%	\$5,000,000
CBA	A1	\$10,000,000	21-Apr-21	20-Apr-22	364	2.49%	0.42%	\$10,000,000
CBA	A1	\$10,000,000	30-Apr-21	27-Apr-22	362	2.49%	0.41%	\$10,000,000
						22.44%		
ME Bank	A2	\$5,000,000	9-Dec-20	7-Jul-21	210	1.25%	0.45%	\$5,000,000
ME Bank	A2	\$5,000,000	27-Jan-21	19-Jan-22	357	1.25%	0.45%	\$5,000,000
ME Bank	A2	\$8,000,000	10-Feb-21	9-Feb-22	364	1.99%	0.45%	\$8,000,000
ME Bank	A2	\$10,000,000	17-Feb-21	11-Aug-21	175	2.49%	0.40%	\$10,000,000
ME Bank	A2	\$10,000,000	7-Oct-20	5-May-21	210	2.49%	0.55%	\$10,000,000
ME Bank	A2	\$5,000,000	14-Oct-20	19-May-21	217	1.25%	0.55%	\$5,000,000
		\$5,000,000	14-Apr-21	6-Oct-21	175	1.25%	0.42%	\$5,000,000
						11.97%		
ING Direct	A	\$10,000,000	17-Mar-21	16-Mar-22	364	2.49%	0.35%	\$10,000,000
ING Direct	A	\$5,000,000	24-Jun-20	23-Jun-21	364	1.25%	0.91%	\$5,000,000
						3.74%		
Westpac	AA	\$5,000,000	2-Dec-20	12-Dec-21	375	1.25%	0.48%	\$5,000,000
Westpac	AA	\$5,000,000	2-Dec-20	12-Dec-21	375	1.25%	0.48%	\$5,000,000
Westpac	AA	\$5,000,000	3-Mar-21	2-Mar-22	364	1.25%	0.36%	\$5,000,000
Westpac	AA	\$10,000,000	10-Mar-21	9-Mar-22	364	2.49%	0.38%	\$10,000,000
Westpac	AA	\$10,000,000	10-Mar-21	9-Mar-22	364	2.49%	0.38%	\$10,000,000
Westpac	AA	\$5,000,000	24-Mar-21	23-Mar-22	364	1.25%	0.35%	\$5,000,000
Westpac	AA	\$10,000,000	24-Mar-21	23-Mar-22	364	2.49%	0.35%	\$10,000,000
Westpac	AA	\$5,000,000	4-Jun-20	3-Jun-21	364	1.25%	0.94%	\$5,000,000
Westpac	AA	\$10,000,000	3-Jun-20	3-Jun-21	365	2.49%	0.94%	\$10,000,000
Westpac	AA	\$5,000,000	10-Jun-20	9-Jun-21	364	1.25%	0.95%	\$5,000,000
Westpac	AA	\$5,000,000	1-Jul-20	1-Jul-21	365	1.25%	0.90%	\$5,000,000
Westpac	AA	\$5,000,000	6-Aug-20	5-Aug-21	364	1.25%	0.83%	\$5,000,000
Westpac	AA	\$5,000,000	27-Aug-20	25-Aug-21	363	1.25%	0.79%	\$5,000,000
Westpac	AA	\$5,000,000	26-Aug-20	25-Aug-21	364	1.25%	0.79%	\$5,000,000
Westpac	AA	\$5,000,000	2-Sep-20	1-Sep-21	364	1.25%	0.78%	\$5,000,000
Westpac	AA	\$10,000,000	9-Sep-20	8-Sep-21	364	2.49%	0.74%	\$10,000,000
Westpac	AA	\$5,000,000	16-Sep-20	15-Sep-21	364	1.25%	0.72%	\$5,000,000
Westpac	AA	\$5,000,000	4-Nov-20	4-Nov-21	365	1.25%	0.52%	\$5,000,000
						28.68%		
BOQ	A2	\$5,000,000	14-Jan-21	14-Jul-21	181	1.25%	0.40%	\$5,000,000
BOQ	A2	\$5,000,000	3-Feb-21	3-Nov-21	273	1.25%	0.35%	\$5,000,000
BOQ	A2	\$5,000,000	17-Feb-21	10-Nov-21	266	1.25%	0.35%	\$5,000,000
						3.74%		



SCHEDULE OF INVESTMENTS HELD ON BEHALF OF COUNCIL AS AT:				30/04/2021	(Continued)			
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Macquarie Bank	A+	\$5,000,000	21-Jan-21	18-Aug-21	209	1.25%	0.35%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	17-Feb-21	8-Sep-21	203	1.25%	0.30%	\$5,000,000
Macquarie Bank	A+	\$5,000,000	17-Feb-21	15-Sep-21	210	1.25%	0.30%	\$5,000,000
		\$5,000,000	24-Feb-21	25-Aug-21	182	1.25%	0.30%	\$5,000,000
						4.99%		
Bendigo Adelaide Bank	BBB	\$5,000,000	12-Aug-20	12-May-21	273	1.25%	0.65%	\$5,000,000
Bendigo Adelaide Bank	BBB	\$5,000,000	17-Jun-20	16-Jun-21	364	1.25%	0.75%	\$5,000,000
						2.49%		
<b>Direct Investments (Floating Rate &amp; Fixed Rate Term Deposits -TDs)</b>								
CBA - Rabobank FRN	A+	\$2,000,000	3-Mar-21	3-Jun-21	92	0.50%	1.11%	\$2,000,000
CBA FRN	AA-	\$3,000,000	17-Jan-17	17-Jan-22	1826	0.75%	1.22%	\$3,000,000
CBA FRN	AA-	\$2,000,000	12-Jul-16	12-Jul-21	1826	0.50%	1.32%	\$2,000,000
CBA- Bank of QLD FRN	BBB+	\$1,000,000	18-May-16	18-May-21	1826	0.25%	1.59%	\$1,000,000
						1.99%		
<b>Unlisted Community Bank Shares</b>								
NRMA/IAG Shares		\$7,552				0.00%		Market Value \$7,552
Bendigo Bank	BBB	\$5,000				0.00%		\$5,000
						0.00%		
<b>Total Investments</b>		<b>\$401,012,552</b>				<b>100%</b>		<b>\$401,012,552</b>
<b>Total Investments and Cash</b>								
Total Investments		\$401,012,552						
CASH: Operating Account		\$425,194						
CASH: Management Account (CDA)		\$16,023,315						
CASH: AMP 31 day notice account		\$21,095,351						
		<b>\$438,556,412</b>						
<b>Movement in total investments and cash:</b>								
		<b>31-Mar-21</b>	<b>30-Apr-21</b>	<b>Net Movement</b>				
Total investments		\$390,012,552	\$401,012,552	\$11,000,000				
Operating accounts		\$5,841,812	\$425,194	-\$5,416,618				
Short term money market		\$23,794,719	\$16,023,315	-\$7,771,404				
AMP 31 day notice account		\$21,057,287	\$21,095,351	\$38,064				
		<b>\$440,706,370</b>	<b>\$438,556,412</b>	<b>- 2,149,958</b>				
NOTE: 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	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

## Community Engagement

Not applicable.

## Attachments

Nil

## **Council Meeting**

**9/06/2021**

Item No	8.14
Subject	<b>Councillor Fees 2021/2022</b>
Report by	Michael Mamo, Director City Performance
File	SF15/665

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## **Summary**

This report proposes the Councillor fees for the 2021/2022 financial year.

The Local Government Act 1993 makes provision for the payment of fees to the Mayor and other Councillors. Payment is to be made in accordance with determinations of the Local Government Remuneration Tribunal, which sets the maximum and minimum amount of fees to be paid to mayors and councillors of councils annually.

The Tribunal has recently handed down its determination for 2021/2022 being a 2% increase over the fees set last year.

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## **Officer Recommendation**

- 1 That the annual fee for Councillors for 2021/2022 be set at the maximum for a Metropolitan Large council as determined by the NSW Local Government Remuneration Tribunal.
  - 2 That the additional annual fee for the Mayor for 2021/2022 be set at the maximum for a Metropolitan Large council as determined by the NSW Local Government Remuneration Tribunal.
- 

## **Background**

The Local Government Act 1993 allows a council to fix an annual fee for councillors and the mayor. The fee paid to the mayor is in addition to the fee paid to the mayor as a councillor. Should a council determine to set a fee, then it must fix the annual fee in accordance with the appropriate determination of the Local Government Remuneration Tribunal. Where a council does not fix the annual fee, it must pay the appropriate minimum fee determined by the Remuneration Tribunal to the councillors and the mayor.

A council may pay the deputy mayor a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.

The NSW Local Government Remuneration Tribunal recently handed down its 2021 Determination for mayor and councillor fees for the period 1 July 2021 to 30 June 2022. Bayside Council has been classified in the Metropolitan Large category. A copy of the full Determination can be viewed in attachment 1 to this report.

The Tribunal determined that fees for mayors and councillors should be increased by 2% consistent with the NSW Government's policy on wages. The annual fees to be paid for the period 1 July 2021 to 30 June 2022 for a Metropolitan Large council are as follows:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan Large	\$18,800	\$31,020	\$39,940	\$90,370

\* Note: Pursuant to section 249(2), the fee paid to the Mayor, is paid in addition to the fee paid to the mayor as a councillor.

Based on the recommendation of this report, the maximum annual fees set by the Tribunal for the Councillors and Mayor of Bayside for 2021/2022 would be as follows:

Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Current	Proposed	Current	Proposed
\$30,410	\$31,020	\$88,600	\$90,370

\* Note: Pursuant to section 249(2), the fee paid to the Mayor, is paid in addition to the fee paid to the mayor as a councillor.

## Financial Implications

- Not applicable ☐
- Included in existing approved budget ☒ The draft Operational Budget 2021/2022 includes an increased amount for the proposed Councillor / Mayoral fees.
- Additional funds required ☐

## Community Engagement

Not applicable.

## Attachments

Local Government Remuneration Tribunal - Annual report and determination 2021 [↓](#)

# Local Government Remuneration Tribunal

Annual Report and  
Determination

*Annual report and determination under sections  
239 and 241 of the Local Government Act 1993*

**23 April  
2021**

[NSW Remuneration Tribunals website](#)

## Local Government Remuneration Tribunal

### Contents

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<b>Executive Summary</b>	<b>2</b>
<b>Section 1 Introduction</b>	<b>3</b>
<b>Section 2 2020 Determination</b>	<b>3</b>
<b>Section 3 2021 Review</b>	<b>4</b>
2021 Process	4
Categorisation	4
Conclusion	6
<b>Section 4 2021 Determinations</b>	<b>7</b>
Determination No. 1 - Allocation of councils into each of the categories as per section 239 of the LG Act effective from 1 July 2021	7
Table 1: General Purpose Councils - Metropolitan	7
Table 2: General Purpose Councils - Non-Metropolitan	8
Table 3: County Councils	9
Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2021	10
Table 4: Fees for General Purpose and County Councils	10
<b>Appendices</b>	<b>11</b>
Appendix 1 Criteria that apply to categories	11

## Local Government Remuneration Tribunal

### Executive Summary

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The *Local Government Act 1993* (the LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

#### Categories

The Tribunal found the allocation of councils into the current categories appropriate. Criteria for each category is published in Appendix 1. These categories have not changed further to the extensive review undertaken as part of the 2020 review.

#### Fees

The Tribunal determined a 2 per cent increase in the minimum and maximum fees applicable to each category.



## Local Government Remuneration Tribunal

### Section 1 Introduction

1. Section 239 of the LG Act provides that the Tribunal determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A (1) of the LG Act, requires the Tribunal to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.
4. However, the Tribunal can determine that a council be placed in another existing or a new category with a higher range of fees without breaching the Government's wage policy as per section 242A (3) of the LG Act.
5. The Tribunal's determinations take effect from 1 July in each year.

### Section 2 2020 Determination

6. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years.
7. The Tribunal undertook an extensive review of the categories and allocation of councils into each of those categories as part of the 2020 review.
8. Like the review undertaken in 2017, the Tribunal examined a range of statistical and demographic data and considered the submissions of councils, Local Government NSW (LGNSW) and Regional Cities NSW.
9. The Tribunal determined to retain a categorisation model which differentiates councils primarily based on their geographic location and the other factors including population, the sphere of the council's economic influence and the degree of regional servicing.
10. The categories of general purpose councils were determined as follows:

<b>Metropolitan</b>	<b>Non-Metropolitan</b>
<ul style="list-style-type: none"> <li>• Principal CBD</li> <li>• Major CBD</li> <li>• Metropolitan Large</li> <li>• Metropolitan Medium</li> <li>• Metropolitan Small</li> </ul>	<ul style="list-style-type: none"> <li>• Major Regional City</li> <li>• Major Strategic Area</li> <li>• Regional Strategic Area</li> <li>• Regional Centre</li> <li>• Regional Rural</li> <li>• Rural</li> </ul>

11. Given the impact of the bushfires and the COVID-19 pandemic on the state and federal economies and wellbeing of communities, the Tribunal determined no increase in the minimum and maximum fees applicable to each existing category.
12. The Determination was made on 10 June 2020 in accordance with the Local Government (General) Amendment (COVID-19) Regulation 2020 which extended the

### Local Government Remuneration Tribunal

time for making of the determination to no later than 1 July 2020.

13. On 10 August 2020 the Tribunal received a direction from the Minister for Local Government, the Hon Shelley Hancock MP, to review the categorisation of Bayside Council. The Tribunal found that Bayside met the criteria to be classified as Metropolitan Large – having both a resident and non-resident working population (minimum 50,000) exceeding 200,000.
14. The Tribunal's 2020 determination was amended by the special determination on 17 August 2020 for Bayside Council be re-categorised as Metropolitan Large for remuneration purposes with effect from 1 July 2020.

## Section 3      2021 Review

### 2021 Process

15. The Tribunal wrote to all mayors or general managers and LGNSW in February 2021 to advise of the commencement of the 2021 review and invite submissions. This correspondence advised that the Tribunal completed an extensive review of categories in 2020 and as this is only required every three years, consideration would be next be given in 2023. Submissions received requesting to be moved into a different category as part of the 2021 review would only be considered were there was a strong, evidence-based case.
16. Eighteen submissions were received – seventeen from individual councils and a submission from LGNSW. It was not possible from some submissions to ascertain if they had been council endorsed. The Tribunal also met with the President and Chief Executive of LGNSW.
17. The Tribunal discussed the submissions at length with the assessors.
18. The Tribunal acknowledged difficulties imposed by COVID19 and, on some councils the bushfires and floods.
19. Submissions from councils in regional and remote locations that raised the unique challenges experienced by mayors and councillors which included difficulties with connectivity and the travel required in sometimes very difficult circumstances were also acknowledged.
20. A summary of the matters raised in the received submissions and the Tribunal's consideration of those matters is outlined below.

### Categorisation

21. Nine council submissions requested recategorisation. Four of these requests sought the creation new categories.
22. The Tribunal found that the current categories and allocation of councils to these categories remained appropriate. The Tribunal's finding had regard to the 2020 review, the current category model and criteria and the evidence put forward in the received submissions.
23. A summary of the individual council submissions that sought recategorisation is below.

### Metropolitan Large Councils

24. Blacktown City Council requested the creation of a new category of Metropolitan Large – Growth Area.
25. Penrith City Council requested the creation of a new category Metropolitan Large –

### Local Government Remuneration Tribunal

Growth Centre.

- 26. Liverpool City Council requested recategorisation to Major CBD.
- 27. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023. The Tribunal noted that the criteria required for recategorisation was not yet met and that current council allocations remained appropriate.

#### Metropolitan Small Councils

- 28. The City of Canada Bay sought recategorisation to Metropolitan Medium. The Tribunal noted that the criteria required for recategorisation was not yet met.

#### Major Regional City Councils

- 29. The City of Newcastle requested review and creation of a new category of "Gateway City" with comparable characteristics to the Major CBD category and a similar fee structure. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023.

#### Regional Centre

- 30. Tweed Shire Council requested recategorisation to Regional Strategic Area. The Tribunal noted that the criteria required for recategorisation was not yet met.

#### Rural Councils

- 31. Federation Council requested recategorisation into a new category of Regional.
- 32. Narromine Shire Council sought recategorisation but did not specify a category for consideration.
- 33. Yass Valley Council sought recategorisation to Regional Rural.
- 34. The Tribunal noted that an extensive review of the current category model was completed in 2020 and would be next considered in 2023. The Tribunal noted that the criteria required for recategorisation was not yet met and that current council allocations remained appropriate.

#### Fees

- 35. The Tribunal determined a 2.0 per centage increase in the minimum and maximum fees applicable to each category. A summary of the matters the Tribunal considered when making this determination is outlined below.
- 36. Submissions that addressed fees sought an increase of 2.5 per cent or greater. These submissions raised similar issues to warrant an increase which included the significant workload, responsibilities, capabilities, duties and expanding nature of mayor and councillor roles. Some submissions also suggested that an increase in remuneration may assist in improving the diversity of potential candidates.
- 37. The 2021-22 rate peg for NSW Councils was set at 2.0 per cent by the Independent Pricing and Regulatory Tribunal (IPART). The rate peg is the maximum percentage amount by which a council may increase its general income for the year.
- 38. Employees under the *Local Government (State) Award 2020* will receive a 2.0 per cent increase in rates of pay from the first full pay period to commence on or after 1 July 2021.
- 39. Section 242A of the LG Act provides that when determining the fees payable in each of the categories, the Tribunal is required to give effect to the same policies on increases in remuneration as the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* (IR Act), when making or

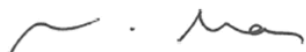
### Local Government Remuneration Tribunal

varying awards or orders relating to the conditions of employment of public sector employees.

40. The current government policy on wages pursuant to section 146C(1)(a) of the IR Act is articulated in the *Industrial Relations (Public Sector Conditions of Employment) Regulation 2014* (IR Regulation 2014). The IR Regulation provides that public sector wages cannot increase by more than 2.5 per cent. As such, the Tribunal has discretion to determine an increase of up to 2.5 per cent.
41. On 31 March 2021, Premiers Memorandum M2021-09 issued the *NSW Public Sector Wages Policy 2021* reflecting the Government's decision to provide annual wage increases of up to 1.5 per cent. The IR Regulation has not been amended to reflect this position.

### Conclusion

42. The Tribunal's determinations have been made with the assistance of Assessors Ms Kylie Yates and Mr Tim Hurst.
43. It is the expectation of the Tribunal that in the future all submissions have council endorsement.
44. Determination 1 outlines the allocation of councils into each of the categories as per section 239 of the LG Act.
45. Determination 2 outlines the maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils as per section 241 of the LG Act.



Viv May PSM

**Local Government Remuneration Tribunal**

Dated: 23 April 2021

## Local Government Remuneration Tribunal

### Section 4      2021 Determinations

Determination No. 1 - Allocation of councils into each of the categories as per section 239 of the LG Act effective from 1 July 2021

**Table 1: General Purpose Councils - Metropolitan**

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (12)	Metropolitan Medium (8)
Bayside	Campbelltown
Blacktown	Camden
Canterbury-Bankstown	Georges River
Cumberland	Hornsby
Fairfield	Ku-ring-gai
Inner West	North Sydney
Liverpool	Randwick
Northern Beaches	Willoughby
Penrith	
Ryde	
Sutherland	
The Hills	
Metropolitan Small (8)	
Burwood	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
Strathfield	
Waverley	
Woollahra	

### Local Government Remuneration Tribunal

**Table 2: General Purpose Councils - Non-Metropolitan**

Major Regional City (2)	Major Strategic Area (1)	Regional Strategic Area (1)
Newcastle	Central Coast	Lake Macquarie
Wollongong		

Regional Centre (24)		Regional Rural (13)	
Albury	Mid-Coast	Bega	
Armidale	Orange	Broken Hill	
Ballina	Port Macquarie-Hastings	Byron	
Bathurst	Port Stephens	Eurobodalla	
Blue Mountains	Queanbeyan-Palerang	Goulburn Mulwaree	
Cessnock	Shellharbour	Griffith	
Clarence Valley	Shoalhaven	Kempsey	
Coffs Harbour	Tamworth	Kiama	
Dubbo	Tweed	Lithgow	
Hawkesbury	Wagga Wagga	Mid-Western	
Lismore	Wingecarribee	Richmond Valley Council	
Maitland	Wollondilly	Singleton	
		Snowy Monaro	

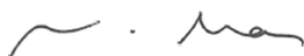
Rural (57)			
Balranald	Cootamundra-Gundagai	Junee	Oberon
Bellingen	Cowra	Kyogle	Parkes
Berrigan	Dungog	Lachlan	Snowy Valleys
Bland	Edward River	Leeton	Temora
Blayney	Federation	Liverpool Plains	Tenterfield
Bogan	Forbes	Lockhart	Upper Hunter
Bourke	Gilgandra	Moree Plains	Upper Lachlan
Brewarrina	Glen Innes Severn	Murray River	Uralla
Cabonne	Greater Hume	Murrumbidgee	Walcha
Carrathool	Gunnedah	Muswellbrook	Walgett
Central Darling	Gwydir	Nambucca	Warren
Cobar	Hay	Narrabri	Warrumbungle
Coolamon	Hilltops	Narrandera	Weddin
Coonamble	Inverell	Narromine	Wentworth

**Local Government Remuneration Tribunal**

Rural (57)	
	Yass

**Table 3: County Councils**

Water (4)	Other (6)
Central Tablelands	Castlereagh-Macquarie
Goldenfields Water	Central Murray
Riverina Water	Hawkesbury River
Rous	New England Tablelands
	Upper Hunter
	Upper Macquarie



Viv May PSM

**Local Government Remuneration Tribunal**

Dated: 23 April 2021



### Local Government Remuneration Tribunal

#### Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2021

The annual fees to be paid in each of the categories to Councillors, Mayors, Members and Chairpersons of County Councils effective on and from 1 July 2021 as per section 241 of the *Local Government Act 1993* are determined as follows:

**Table 4: Fees for General Purpose and County Councils**

Category		Councillor/Member Annual Fee (\$) effective 1 July 2021		Mayor/Chairperson Additional Fee* (\$) effective 1 July 2021	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	28,190	41,340	172,480	226,960
	Major CBD	18,800	34,820	39,940	112,520
	Metropolitan Large	18,800	31,020	39,940	90,370
	Metropolitan Medium	14,100	26,310	29,950	69,900
	Metropolitan Small	9,370	20,690	19,970	45,110
General Purpose Councils - Non-Metropolitan	Major Regional City	18,800	32,680	39,940	101,800
	Major Strategic Area	18,800	32,680	39,940	101,800
	Regional Strategic Area	18,800	31,020	39,940	90,370
	Regional Centre	14,100	24,810	29,330	61,280
	Regional Rural	9,370	20,690	19,970	45,140
	Rural	9,370	12,400	9,980	27,060
County Councils	Water	1,860	10,340	4,000	16,990
	Other	1,860	6,180	4,000	11,280

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

**Local Government Remuneration Tribunal**

Dated: 23 April 2021

## Local Government Remuneration Tribunal

### Appendices

#### Appendix 1 Criteria that apply to categories

##### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

##### Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.

**Local Government Remuneration Tribunal****Metropolitan Large**

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

**Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000

Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## Local Government Remuneration Tribunal

### Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

### Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region
- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### Major Strategic Area

Councils categorised as Major Strategic Area will have a minimum population of 300,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a

### Local Government Remuneration Tribunal

significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

#### Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 200,000.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

#### Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

**Local Government Remuneration Tribunal****Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.

**Rural**

Councils categorised as Rural will typically have a residential population less than 20,000.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

**County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

**County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the *Biosecurity Act 2015*.

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## Council Meeting

9/06/2021

Item No 8.15  
Subject **Disclosure of Interest Return**  
Report by Michael Mamo, Director City Performance  
File SF20/4306

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## Summary

The Code of Conduct now details the requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters Returns by Councillors and Designated Person upon commencement at Council, annually, and when there is a change in circumstances disclosed in the Return. It requires any Returns of Interest lodged with the General Manager to be tabled at the first meeting of Council held after the last day of lodgement of the Returns.

This report provides information regarding the Return recently lodged with the General Manager by an existing employee who was recently appointed as a Designated Person at Council.

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## Officer Recommendation

That the information be received and noted.

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## Background

Clause 4.21 of the Code of Conduct relates to the requirement to lodge written returns.

Clauses 4.24 and 4.25 of the Code of Conduct relates to the register of Disclosure of Interest Returns and the tabling of these Returns, which has been lodged by a Designated Person.

As required by Clause 4.24, a register of all Returns lodged by Designated Persons in accordance with Clause 4.21 is established by Council.

With regard to Clause 4.25, all Returns lodged by Designated Persons must be tabled at the first Council Meeting held after the last day of the three (3) month lodgement date.

In accordance with Clause 4.21(a), the following Return has been lodged by an employee who has recently been appointed as a Designated Person. Leave arrangements and an administrative oversight resulted in the late lodgement of the return.

Position	Return Date	Date Lodged	Lodgement Date
Coordinator Health & Environmental Compliance	25/1/2021	17/05/2021	25/04/2021

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## **Financial Implications**

Not applicable



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## **Community Engagement**

The issues raised in this report does not require community consultation under Council's Community Engagement Policy.

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## **Attachments**

Nil



## **Council Meeting**

**9/06/2021**

Item No	9.1
Subject	<b>Minutes of the Sport &amp; Recreation Committee Meeting - 26 April 2021</b>
Report by	Debra Dawson, Director City Life
File	SF20/7375

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## **Officer Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 26 April 2021 be received and the recommendations therein be adopted.

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## **Summary**

The minutes include the following substantial recommendations:

### **5.3 Update - City Projects**

#### **Committee Recommendation**

- 2 That additional funds of \$600,000 be allocated from S7.12 funds to the Botany Aquatic Centre project to implement a new substation and main switchboard to provide adequate provision for the new plant and filtration system and future proof the facility.
  - 3 That the City Project's Team ascertains that the upgraded substation would future proof the facility to enable Council to implement the Masterplan.
- 

## **Present**

Councillor Joe Awada  
Councillor James MacDonald  
Councillor Michael Nagi  
Councillor Andrew Tsounis  
Councillor Liz Barlow  
Councillor Vicki Poulos

## **Also Present**

Meredith Wallace, General Manager  
Debra Dawson, Director City Life  
Scott Field, Manager Sport & Recreation  
Gavin Ross, Coordinator Sport & Recreation  
Karin Targa, Executive Manager City Projects  
Louise Farrell, Coordinator Design  
Bernie Iffland, Coordinator Construction  
Jourdan DiLeo, Manager Property  
Benjamin Heraud, Coordinator Property  
Gill Dawson, Coordinator Policy & Strategy

Craig Young, Chairman and Executive Officer, St George Dragons

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The Chairperson opened the meeting in the Yarra Conference Room at 6.35 pm.

## **1 Acknowledgement of Country**

The Chairperson 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.

## **2 Apologies**

The following apologies were received:

Councillor Dorothy Rapisardi  
Councillor Christina Curry  
Councillor Scott Morrissey

## **3 Disclosures of Interest**

Councillor Vicki Poulos declared a Less than Significant Non-Pecuniary Interest in Item 5.2 M6 Update on the basis that she holds the position of Senior Office Manager, Miranda Electorate Office and noted that the Member for Miranda is the Parliamentary Secretary for Transport and Roads. Councillor Poulos advised she would leave the meeting for consideration and voting on the matter.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Sport & Recreation Committee Meeting - 22 February 2021**

#### **Committee Recommendation**

That the Minutes of the Sport & Recreation Committee meeting held on 22 February 2021 be confirmed as a true record of proceedings.

## **5 Reports**

### **5.1 Presentation from St George Dragons**

Craig Young, Chairman and Executive Officer, St George Dragons, presented to the Committee on the matter and communicated the Club's interest in Riverine Park.

The Chairman spoke to the Club's difficulties in securing playing fields for the purpose of Junior National Rugby League games, training and development programs.

The Chairman briefly outlined potential requirements around tenure, amenities, car parking and possible funding options.

The Committee expressed consensus that more detailed information was required and that this would be best communicated via an expression of interest process initiated by Council. A response to an EOI would include a comprehensive scope and specification detailing specific amenity requirements and a funding model for the required works.

The matter of master planning for Riverine Park was raised, stating that a master planning process should be undertaken for the future use of the Park.

It was agreed that a broad cross-section of opportunities for sporting and recreational activities at the site need to be considered fairly and equitably given the sporting needs of the community.

### **Committee Recommendation**

- 1 That the Committee receives and notes the presentation.
- 2 That the St George Dragons prepare detailed requirements and a funding model for future submission to a Council EOI for Riverine Park.
- 3 The Committee recommended that a broad master plan be undertaken for Riverine Park prior to going to EOI, noting that the configuration of future fields and facilities will be constrained by on site contamination.

## **5.2 M6 Update**

City Projects provided the Committee with an update on the matter.

Brighton Memorial synthetic playing field was complete and awaiting a formal handover letter from Transport for NSW.

Transport for NSW has advised that the remaining works at Brighton Memorial, including the amenities building, memorial wall and car park, are expected to be complete between late July to early August.

The Committee was advised that the field and amenity building at McCarthy Reserve is also expected to be complete from late July to early August.

The Adore precinct, which includes the skate park, car park and playground, will not be finished until the end of the year.

Access to the Brighton Memorial Fields for use by school groups was raised. It was confirmed that access would be the same as Bicentennial East, which includes access for school groups during the day. The Licence to Rockdale Ilinden over Brighton Memorial will stipulate this.

The Committee discussed the matter of lighting at Brighton Memorial Fields. It was confirmed that the lighting for Brighton Memorial was approved under the SEPP enacted by the State Government for the delivery of the M6 works and did not require a separate DA.

It was reiterated to the Committee that the amenities and lighting for the field have not been handed to Council and are anticipated to be several months away. The licence to Rockdale Ilinden over Bicentennial East will continue until the M6 delivery requires handover of the field, anticipated to be 24 August 2021, at which time the lighting and amenities at Brighton Memorial should be available

Until lighting is installed and operational, the Brighton Memorial field will be available for use via a permit to St George Football Association for allocation of weekend day games for registered Association members, which is the case with all of Council's other fields.

### **Committee Recommendation**

- 1 That the Committee receives and notes the report.
- 2 That the Property Team ensure that the Licence to Rockdale Ilinden over Brighton Memorial stipulate access for school groups as per previous arrangements.
- 3 That the Sport and Recreation Team make the Brighton Memorial Playing Field available to the St George Football Association for the purpose of weekend day games via Permit.

## **5.3 Update - City Projects**

City Projects provided the Committee with an update on the matter.

A progress report on the Botany Aquatic Centre Project, specifically installing water slides, water play facilities and the replacement of plant and pool equipment was provided.

It was identified that the current substation and main switchboard would not be able to cope with the increased requirement of the water slides and water play facilities and that there is a requirement to replace both the existing plant and filtration system. During the detailed design stage, where detailed load calculations were undertaken, it was determined that a new substation and main switchboard would be required to accommodate the equipment and their associated loads.

The Coordinator Design further explained that additional funds of \$600,000 from S7.12 funds would need to be allocated to the Botany Aquatic Centre project to implement the required scope of works.

Clarification was requested as to the reason the requirements for an upgraded substation and main switchboard were not identified in the original scoping of the project.

The Committee was advised that during the concept stage, it was assumed that the current substation could accommodate the required loads.

The City Projects Team was requested to confirm that the upgraded substation would future proof the facility to enable Council to implement the entire Masterplan.

The Committee questioned whether the cricket nets at Evatt Park, Bexley, were included as part of the Cricket Practice Net Renewal. City Projects indicated that they were not included in the current project but would raise this request with Strategic Planning for follow up.

### **Committee Recommendation**

- 1 That the report be received and noted.
- 2 That additional funds of \$600,000 be allocated from S7.12 funds to the Botany Aquatic Centre project to implement a new substation and main switchboard to provide adequate provision for the new plant and filtration system and future proof the facility.
- 3 That the City Project's Team ascertains that the upgraded substation would future proof the facility to enable Council to implement the Masterplan.
- 4 That the Coordinator Design raises the matter of cricket net renewal at Evatt Park, Bexley for follow up by Strategic Planning.
- 5 That Strategic Planning provides a response to all Councillors concerning future cricket net renewal for Evatt Park, Bexley.

## **5.4 Property Update**

The Committee was advised that the outcomes of the Expressions of Interest - Scarborough Park Tennis Courts and Mutch Park Tennis and Squash Courts would be reported to the next meeting of the Sport & Recreation Committee on 28 June 2021.

The Committee was updated on submissions received during the statutory advertising period for a proposed licence agreement to Rockdale Ilinden over Brighton Memorial. Following Council's resolution to proceed with a licence to 2030, a determination by the Minister for Local Government was required. Work had commenced towards compiling the submission to the Minister.

The Committee was advised that the St George Football Club has requested to hold over their existing licence with Council post its expiry in February 2022, until the delivery of Barton Park Master Plan. The Club has expressed an interest in occupying new facilities within Barton Park, which would require Council approval.

The Committee was advised that St. George Randwick Hockey Club have fulfilled the obligation of their licence with Council in replacing the hockey field.

### **Committee Recommendation**

That the report be received and noted.

## **5.5 Correspondence**

Scott Field, Manager Sport and Recreation, tabled correspondence from Hakoua Futsal Club on an unsolicited proposal for a potential indoor futsal centre at Riverine Park.

**Committee Recommendation**

That the Committee receives and notes the correspondence.

**5.6 Sport & Recreation Manager Update**

The Committee was provided with an update with an matters arising from previous minutes.

The inclusion by Council officers of undercover BBQ areas as part of the basic design for all future amenities blocks at sporting fields was confirmed. However, it was noted that Rockdale Raiders chose to exclude an undercover BBQ area from their amenities building.

A letter of support for a grant for Pagewood Botany Football Club was issued as requested.

The Committee was advised that information regarding the ages of children permitted in change rooms of the opposite gender was issued to Councillors as requested, demonstrating standard industry practice.

The Committee was advised that clubs and associations have provided COVID plans and noted the difficulties they face around implementing these plans in open spaces and the resulting strain on volunteer resources.

The outstanding work undertaken by Bayside Council's Parks and Open Space Business Unit, meeting the demands of an extremely tight turn around for seasonal changeover and preparation due to COVID and weather affected seasons was acknowledged.

Registration details provided by the clubs and associations demonstrate sustained growth during a difficult time for community sport as a result of COVID.

The implementation of Bookable, Council's new booking system, was nearing full completion. The Committee was advised that the system was being used for bookings internally. It was noted that Bayside recreational and community facilities were at full capacity and that some fields were out of action for periods to accommodate maintenance.

**Committee Recommendation**

- 1 That the Sport & Recreation Committee notes the Update.
- 2 That the Manager Sport and Recreation provide Councillors with an update regarding the parking at Scarborough Park.

## **6 General Business**

### **6.1 Brighton Baths**

Councillor Tsounis requested an update on Brighton Baths.

Some delays for the project, mainly relating to existing structural issues with the building and inclement weather, which will add to the project's duration were discussed. There also have been issues identified that don't form part of the contract scope and will need to be addressed separately.

The approved scope of works would be completed towards the end of May 2021 and these works are weather dependent. The Committee was advised that the works to the athletics club were out of scope, and as a result, a request for additional funds will be required.

Councillor Tsounis expressed concerns that the works had damaged the Club's equipment, memorabilia, archives and other items in storage at the site.

It was advised that most of these items had been decontaminated and placed in appropriate storage. The area in question was already impacted by mould before the commencement of the project as it did not have adequate ventilation and no downpipes.

Natural ventilation, and how this could be implemented along with a budget variation to fund the improvements to the facility was being investigated.

The Committee requested that City Projects present these plans at an upcoming General Manager's Briefing for Councillor review.

Councillor Liz Barlow requested that the users of the facility also be consulted on proposed plans.

#### **Committee Recommendation**

- 1 That that the Executive Manager City Projects present plans for Brighton Baths at an upcoming General Managers Briefing for Councillor review.
- 2 That that the Executive Manager City Projects consult with the users of the facility on proposed plans.

### **6.2 Unknown Shipping Container in Monterey**

Councillor Tsounis expressed concerns regarding a large shipping container that has been left in a Council car park in Monterey.

The General Manager advised the Committee that the Compliance Team would investigate.

**Committee Recommendation**

That the Compliance Team identifies the owner of the shipping container.

**6.3 Gardiner Park**

The Committee discussed the matter of delays to the works schedule and associated costs of these delays.

The Committee was advised that Council's contractor Polytan had been off the job for four weeks due to disruption to their worksite caused by individuals who do not support the project. The Committee was advised that Polytan has cited harassment of their staff, including filming and photography of workers and verbal abuse, as well as obstruction of the worksite by both individuals and their vehicles.

The Committee was advised that in order for the contractors to feel safe to return to the site, Council has been required to construct perimeter fencing to ensure the site is compliant with Work Health and Safety requirements.

The Committee discussed the magnitude of additional costs incurred by Council as a result of these actions and the impact these delays and unanticipated site safety issues have had on Council's budget for the project. An amount in the order of \$250,000 was advised. This figure will be revised as the full cost implications become known. It includes the cost of site safety measures as well as legal representation that Council has needed to manage the various claims and court appearances as a result of action brought by the Save Gardiner Park action group.

**Committee Recommendation**

That the Committee receives and notes the report

**6.4 Draft Social Infrastructure Strategy**

Gill Dawson, Coordinator Policy & Strategy, provided an update to the Committee.

The strategy would be finalised and reported to the newly elected Council in November. Prior to this, Council would seek to consult with young people to develop a supply and demand analysis.

The General Manager advised a starting point would be reviewing the consultation work completed by Paula Masselos for the Arncliffe Youth Centre to inform this process.

The Committee was advised that the Cook Park Fitness Stations have been allocated funding as part of the Local Roads and Community Infrastructure Program to the amount of \$120,000. It was confirmed that a tender process would be undertaken.

The Committee was advised that the Bexley Tennis Courts have been allocated funding as part of the Local Roads and Community Infrastructure Program to the amount of \$300,000 for remediation works.



Councillor Nagi asked if there was an update regarding Cooks Cove, stating that a planning proposal for the inclusion of passive and active recreation facilities could accommodate an increasing population and growing community need.

The Committee was advised that the Regional Planning Panel will review a State Government led proposal in the not too distant future. However, the site being reviewed is mainly residential land and a small amount of employment land. It was indicated that the trust lands beside Cook Cove could potentially accommodate passive and active recreation at the completion of M6 motorway works.

Councillor Barlow asked that the most recent information issued regarding Cook Cove be reissued to all Councillors for their information.

### **Committee Recommendation**

- 1 That the Committee receives and notes the report.
- 2 That the Coordinator Policy & Strategy return to the Committee with an update on the Cooks Cove Project when information becomes available.
- 3 That the most recent information issued regarding Cook Cove be distributed to all Councillors for their information.

## **6.5 Allocation for Cricket Across Bayside**

The Committee requested whether we are able to meet the demand for requests for cricket pitches across the LGA, with particular emphasis on schools.

The Manager Sport and Recreation confirmed that there is regular and ongoing consultation with Cricket Associations regarding the requirements of the sport, as advised at the last Sport and Recreation Committee. The Committee was advised that Cricket NSW was highly supportive of the Council's asset renewal and improvement initiatives and were recently consulted on the cricket net renewal project.

Adequate amenity is currently being provided for local clubs, associations, schools and the local community, and the completion of upgrades to Cahill Park and Scarborough Park Central will result in further increases to that capacity. In fact there is capacity additional to the demand for cricket pitches in the LGA.

The Manager Sport and Recreation invited any local school or group to contact him to discuss the unlikely situation where they have been denied access to a cricket pitch to have that matter addressed.

The Manager Sport and Recreation advised the Committee that consultation regarding the needs of Cricket with the relevant sporting bodies would be ongoing. The Manager confirmed he is in regular contact with cricketing bodies.

### **Committee Recommendation**

That the Committee receives and notes the report.

## **6.6 Football St. George Correspondence on State Environmental Planning Policy (Infrastructure)**

Scott Field, Manager Sport and Recreation, tabled correspondence received from Football St. George regarding the State Environmental Planning Policy (Infrastructure) as requested at the April Council Meeting.

The correspondence seeks information regarding the application and approval process for lighting at parks and sporting fields.

Councillor Tsounis asked how an alternative planning pathway other than a Development Application would manage the timing of lights.

The General Manager advised that an application, consultation and approval process would be required. The Committee advised that Council had mechanisms to control lighting, including the terms set out in the licence, and automation through CloudMaster.

### **Committee Recommendation**

That the Manager Sport and Recreation submit the correspondence from Football St. George regarding the State Environmental Planning Policy (Infrastructure) to be attached to the minutes as a document for public consumption.

## **6.7 Arncliffe Youth Centre**

The Coordinator Sport and Recreation, Gavin Ross, provided the Committee with a general update regarding the Arncliffe Youth Centre.

The Committee was advised that the Soft Launch Program had been a success and that the Expression of Interest Process was being implemented with applicants now commencing programs and services from the centre and others being negotiated with for future start dates.

The Coordinator Sport and Recreation identified a partnership proposal had been received from Charity Bounce, a not-for-profit organisation operating in the community and sporting sector.

### **Committee Recommendation**

That the Coordinator Sport and Recreation prepare and submit a report to the Arncliffe Youth Centre Councillor Working Party summarising the partnership proposal received by Charity Bounce for consideration.

## **7 Next Meeting**

The next meeting will be held in the Yarra Conference Room at 6:30pm on Monday, 28 June 2021.

The Chairperson closed the meeting at 9:08 pm

## **Council Meeting**

**9/06/2021**

Item No	9.2
Subject	<b>Minutes of the Botany Historical Trust Meeting - 3 May 2021</b>
Report by	Debra Dawson, Director City Life
File	SF20/7375

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## **Officer Recommendation**

That the Minutes of the Botany Historical Trust meeting held on 3 May 2021 be received and the recommendations therein be adopted.

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## **Summary**

The minutes of this Committee do not contain any recommendations that are controversial or significantly impact on the budget.

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## **Present**

Anne Slattery, President  
Christopher Hanna, Vice President  
Robert Hanna, Secretary  
Clarence Jones, Committee Member  
Jacqueline Milledge, Committee Member  
Peter Orlovich, Committee Member  
Barbara Keeley, Committee Member  
Councillor Scott Morrissey

## **Also Present**

Bobbi Mayne, Manager, Customer Experience  
Leonie Maher, Administrative Assistant, Customer Experience  
Alison Wishart, Community History Project Officer, Customer Experience  
Chris Mackey, Coordinator Development Assessment, City Futures

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The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum, 2 Hatfield Street, Mascot at 6:35 pm.

## **1 Welcome to Country**

Aunty Barbara 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.

## 2 Apologies

The following apologies were received:

Councillor Dorothy Rapisardi

Alice McCann, Senior Vice President

Richard Smolenski, Treasurer.

*The Treasurer forwarded on his comments regarding the Agenda Items to the BHT Committee and Council staff which were tabled on his behalf throughout the meeting.*

## 3 Disclosures of Interest

There were no disclosures of interest.

## 4 Minutes of Previous Meetings

### 4.1 Minutes of the Botany Historical Trust Meeting - 1 February 2021

#### Committee Recommendation

On the Motion of Mr R Hanna, Seconded by Mr C Jones

That the Minutes of the Botany Historical Trust meeting held on 1 February 2021 be confirmed as a true record of proceedings.

## 5 Reports

### 5.1 Planning Development & Compliance Matters

The Senior Development Assessment Planner, City Futures advised there, are no updates on the properties as listed in the Agenda apart from the modifications to 1445-1447 Botany Road being approved under delegation on 23 April 2021.

The Committee were advised of proposed amendments to the Botany Development Control Plan 2013 around dual occupancy which closes for comment on 26 May 2021.

It was agreed that copies of the document would be circulated to committee Members for their comment.

#### Committee Recommendation

On the Motion of Ms B Keeley, Seconded by Dr P Orlovich

1. That the Committee notes the information provided about heritage related planning, development and compliance matters.
2. That a copy of the proposed changes to the Botany DCP be distributed to the BHT Executive Members.

*Coordinator Development Assessment exited the meeting after this item.*

## **5.2 Community History Collection Management Improvement Project**

1. The Community History Project Officer presented an update on the progress with the Project.
2. The audit of the physical and digital collections has commenced. To date, 13,374 items have been audited so far at Mascot Library. Once Mascot audit is completed, The Community History Project Officer will commence the audit at AMAC House (Botany) and then Rockdale Library.
3. The Committee was presented with the draft Community History Collection Policy and draft Community History Collection Management Guidelines for their feedback by 18 May 2021.
4. The Community History Project Officer, Customer Experience invited input from the Committee to assist in identifying and contextualising some items found in the audit at Mascot Library.

It was agreed that the Committee would be invited to meetings at the Mascot Library and George Hanna Memorial Museum in the next couple of weeks to give feedback on points 2 and 3 above.

The Committee thanked the Community History Project Officer and were very pleased with how much progress has occurred on the project since the Project Officer commenced in February 2021.

### **Committee Recommendation**

On the Motion of Ms J Milledge, Seconded by Mr R Hanna

1. That the BHT Committee note the report.
2. That the BHT Committee provide their feedback on the draft Community History Collection Policy and draft Community History Collection Guidelines by 18 May 2021.
3. That the Community History Project Officer provide another progress report at the next BHT Committee Meeting on 2 August 2021.

## **5.3 President's Report**

The President's report as outlined in the Agenda was tabled and discussed.

The President provided an update on a grant application for restoration and maintenance works to the Daceyville Memorial Trail to the Local Member's Office, which was unsuccessful. It was noted that the Committee will continue to source a suitable grant that can be applied for this project.

The President noted that it should now be possible to run some community history excursions for the BHT members. A suggested excursion was a day trip to attend an exhibition titled "In Sickness & In Health" at Hurstville Museum & Gallery. This would also provide an opportunity to explore how other neighbouring Museums are run to bring ideas back to the George Hanna Museum.

Another suggestion was to hold a function in July 2021 for BHT members at the newly refurbished Botany Town Hall as BHT functions (including the annual Christmas Function) during 2020 were postponed due to COVID-19.

### **Committee Recommendation**

On the Motion of Mr C Jones, Seconded by Mr C Hanna

1. That the Committee notes the report.
2. The BHT President investigate with Council's Administrative Officer, Customer Experience the feasibility of organising an excursion to see the Exhibition at Hurstville Museum and Gallery for BHT members.
3. The Manager Customer Experience investigate the feasibility of holding a BHT Function at Botany Town Hall subject to the hall refurbishment being completed and available for use and any COVID-19 restrictions.
4. That the Committee continue to advocate in respect of the future of the Old Botany Police Station and the Police Commissioner will be approached

## **6 General Business**

Ms Barbara Keeley briefed the Committee on the sad passing of a number of people in her Community. Ms Keeley advised that she is intending to run for a seat at the next election in the Randwick Area. The Committee wished her all the best in the election.

Dr Orlovich advised he may be running an Archive Course at Sydney University in late November. Peter asked Manager Customer Experience and Community History Project Officer to consider any tasks for his class to participate in to help with the Community History Harmonisation project.

The Manager of Customer Experience advised that the upgrade to Arthur Park has been completed which includes the replanting of the 12 poplars and the relocation of the war memorial to be a centre piece of the park. It is likely that the photo with the Mayor and BHT president will occur to be published in the community newsletter to advise the community of the completion and the historical significance of the park.

Councillor Morrissey provided an update on Council's proposal to install further interpretative signs in parks in the Council area to promote their significance to the community. He also gave an update on recent community engagement and improvements to Sir Joseph Banks Park including water circulation in the pond to improve the water quality and mitigate the algal blooms.

## **7 Next Meeting**

That the next meeting be held in the Mascot Library and George Hanna Memorial Museum, 2 Hatfield Street, Mascot at 6:30 pm on 2 August 2021.

The Chairperson closed the meeting at 8:31 pm.

## **Council Meeting**

**9/06/2021**

Item No	9.3
Subject	<b>Minutes of the Arncliffe Youth Centre Working Party Meeting - 18 May 2021</b>
Report by	Debra Dawson, Director City Life
File	F20/1016

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## **Officer Recommendation**

That the Minutes of the Arncliffe Youth Centre Working Party meeting held on 18 May 2021 be received and the recommendations therein be adopted.

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## **Summary**

The minutes of this Committee do not contain any recommendations that are controversial or significantly impact on the budget.

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## **Present**

Dorothy Rapisardi, Councillor  
Meredith Wallace, General Manager  
Michael Mamo, Director City Performance  
Debra Dawson, Director City Life

## **Also Present**

Andrew Tsounis, Councillor  
Craig Dalli, Development Manager  
Gavin Ross, Coordinator Sport and Recreation

## **Virtual**

Liz Barlow, Councillor  
Jourdan DiLeo, Manager Property  
Scott Field, Manager Sport and Recreation

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In the absence of the Working Party Chairperson, Councillor Ibrahim, Councillor Rapisardi was elected as chairperson for the meeting. The Chairperson opened the meeting in the Yarra Conference Room at 6:35 pm.

## **1 Acknowledgement of Country**

The Chairperson 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.



## **2 Apologies**

The following apologies were received:

Joe Awada, Mayor

James Macdonald, Councillor

Tarek Ibrahim, Councillor

Michael Nagi, Councillor

## **3 Disclosures of Interest**

There were no disclosures of interest.

## **4 Minutes of Previous Meetings**

### **4.1 Minutes of the Arncliffe Youth Centre Working Party Meeting - 23 March 2021**

#### **Committee Recommendation**

That the Minutes of the Arncliffe Youth Centre Working Party meeting held on 23 March 2021 be confirmed as a true record of proceedings.

## **5 Reports**

### **5.1 Arncliffe Youth Centre Management Arrangements - Progress Report**

#### **Committee Recommendation**

That the information in this Report be received and noted.

### **5.2 Soft Launch Program Review**

#### **Committee Recommendation**

That the Working Party receives and notes the report.

### **5.3 Expression of Interest Review**

#### **Committee Recommendation**

1 That the Working Party receives and notes the report.

- 2 That the Expression of Interest process be maintained as an open application on Council's website.

#### **5.4 Update - No Stopping at front of Arncliffe Youth Centre**

##### **Committee Recommendation**

That the Working Party Receives and notes the report.

That this matter be raised by Councillor Rapisardi at the Bayside Traffic Committee meeting on 19 May 2021 in General Business.

That Council go back to Transport for NSW seeking to have at least some, if not full-time limited parking, such as on weekends.

#### **5.5 Update - Signage & Plaque**

##### **Committee Recommendation**

That the Working Party receives and notes the report.

#### **5.6 Update - Bus Parking & Access**

##### **Committee Recommendation**

That the Arncliffe Youth Centre Working Party receives and notes this report.

Bayside Council requests for Transport for NSW to add or relocate a bus stop in the vicinity of Arncliffe Youth Centre.

### **6 General Business**

That the success of the Arncliffe Youth Centre soft launch and official opening be noted.

### **7 Next Meeting**

A meeting will be set as required.

The Chairperson closed the meeting at 7:40pm.

## Council Meeting

9/06/2021

Item No	9.4
Subject	<b>Minutes of the Bayside Traffic Committee Meeting - 19 May 2021</b>
Report by	Peter Barber, Director City Futures
File	SF20/7375

## Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 19 May 2021 be received and the recommendations therein be adopted.

## Present

Councillor Dorothy Rapisardi (Convener)  
Senior Constable Matthew Chaplin, St George Police Area Command  
Senior Constable Sarah Trivett, south Sydney Police Area Command  
James Suprain, representing Transport for NSW  
Senior Constable Matthew Chapman, Eastern Beaches Police Area Command  
Senior Constable Corinne Dawes, Eastern Beaches Police Area Command  
Les Crompton, representing State Member for Kogarah  
George Perivolarellis, representing State Members for Rockdale and Heffron

## Also Present

Jeremy Morgan, Manager City Infrastructure, Bayside Council  
Agasteena Patel, Coordinator Traffic and Road Safety, Bayside Council  
Shayal Singh, Acting Traffic Engineer, Bayside Council  
Pat Hill, Traffic Committee Administration Officer, Bayside Council  
Michael Mackowski, Project Engineer, Bayside Council (Item BTC21.040)  
Robbie Allan, Transport Planner, Bayside Council (Item BTC21.046)

The Convenor opened the meeting in the Rockdale Town Hall, Pindari Room, Level 1, 448 Princes Highway, Rockdale at 9:20 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

The following apologies were received:

Dylan Parker, representing State Member for Maroubra  
Glen McKeachie, Coordinator Regulations, Bayside Council  
David Carroll, Senior Parking Patrol Officer, Bayside Council  
Hamish Franser, Punchbowl Buses  
Yvonne Poon, BIKEast  
Traffic Sergeant Sandra Dodd, St George Police Area Command  
Senior Constable Alexander Weissel, South Sydney Police Area Command  
Senior Constable Matthew Chaplin, Member

Adrian Prichard, Transit Systems  
Peter Whitney, Transit Systems

## **2 Disclosures of Interest**

Councillor Rapisardi declared a Less than Significant Non-Pecuniary Interest in Item BTC21.041 & BTC21.044 on the basis that she lives in the Precinct, but stated she would remain in the meeting for consideration and voting on the matter.

## **3 Minutes of Previous Meetings**

### **BTC21.039 Minutes of the Bayside Traffic Committee Meeting - 21 April 2021**

#### **Committee Recommendation**

That the Minutes of the Bayside Traffic Committee meeting held on 21 April 2021 be confirmed as a true record of proceedings.

## **4 Reports**

### **BTC21.040 Banksia Street, Botany - Proposed extension of Bus Zone at stop 201944**

#### **Committee Recommendation**

- 1 That approval be given to relocate the existing 'Bus Zone (L)' sign 5m further west along Banksia Street, to the other side of the driveway of 53 Banksia Street.
- 2 That the affected residents be notified of the proposed change to parking restrictions.

### **BTC21.041 8 John Street, Mascot - Proposed 30m 'Works Zone' for 54 weeks.**

#### **Committee Recommendation**

- 1 That approval be given to the installation of 30m of 'Works Zone, 7 am – 6.30 pm, Mon – Fri and 8 am – 3.30 pm Sat' restriction along the northern kerb line of John Street, for the duration of 54 weeks, subject to relevant conditions, including (but not limited to):
  - a. the completion of road re-alignment as per standards and specifications of Frontage Works Permit FW-2020/22, issued by Council's Public Domain and Referrals team

- b. the completion of Hoarding installation as per permit issued by Council's Public Domain and Referrals team
- 2 That the existing parking restrictions on the southern kerb line of John Street not be changed on account of this proposal and two-way traffic flow be maintained in John Street at all times unless separate road occupancy approvals have been obtained through Council's Public Domain and Referrals team.
- 3 That the developer and associated sub-contractors notify Council's Traffic and Road Safety team and Public Domain & Referrals team of any proposed applications through the 'National Heavy Vehicle Regulator' authority.
- 4 That the developer and associated sub-contractors comply with conditions imposed by the 'National Heavy Vehicle Regulator' approved Permits.
- 5 That the developer and associated sub-contractors liaise and notify Transport for NSW and Sydney Trains representatives of proposed activities that may impact traffic in the vicinity of the site.

#### **BTC21.042 Loftus Street, Arncliffe - Existing Bus Zone**

##### **Committee Recommendation**

- 1 That Council advise Transport for New South Wales that it is agreeable to relocate the existing 'Bus Zone' 15m south clear of the school driveway subject to further advice from Transport for New South Wales upon completion of their normal process associated with the bus stop relocation.
- 2 That Council seek clarification on New South Wales Road Rule 183 relating to the use of bus stops and bus zones.

#### **BTC21.043 McFadyen Street, Botany - Proposed statutory 'No Stopping' restrictions**

##### **Committee Recommendation**

That approval be given to signpost 10m 'No Stopping' restrictions along the northern and southern kerb line of McFadyen Street near the intersection of Botany Road.

#### **BTC21.044 Mascot Station precinct - Proposed changes to timed restricted parking in Church Avenue, Haran Street, John Street, Jackson Drive and Coward Street**

##### **Committee Recommendation**

That Council undertake consultation on the following parking changes and report back to the Committee on the outcomes of the consultation:

- 1 Convert unrestricted parking along Church Avenue to '1P 8.30 am – 6 pm Mon – Fri'.

- 2 Standardise operational times for parking restrictions in Church Avenue west of Bourke Street as per attached plan.
- 3 Standardise operational times for timed parking restrictions in Church Avenue east of Bourke Street as per attached plan.
- 4 Standardise operational times for timed parking restrictions in John Street east of Bourke Street as per attached plan.
- 5 Convert unrestricted parking along Haran Street to '1P 8.30 am – 6 pm Mon – Fri'.
- 6 Convert '2P 8:30 am - 6.00 pm Mon – Fri' parking along Coward Street (between Bourke Street and O'Riordan Street) to '1P 8:30 am – 6:00 pm Mon – Fri'.
- 7 Change operational times for 'No Parking' zones for waste collection from '4pm Thurs -8am Fri' to operate between '6pm Thurs - 8.30am Fri' in Church Avenue, John Street and Haran Street.
- 8 Extend existing bus zone along northern kerbline of Coward Street (east of Bourke Street) by 4m.
- 9 Install '1P 8:30 am – 6:00 pm Mon – Fri' in Coward Street in indented parking bay along the park frontage.

#### **BTC21.045 Narramore Street, Kingsgrove - Proposed 'No Stopping' restrictions**

##### **Committee Recommendation**

That approval be given for the installation of statutory 10m 'No Stopping' restrictions at the northern and southern kerb line corner of Narramore Street near Kingsgrove Road.

#### **BTC21.046 Russell Avenue, Sans Souci - Road and Cycleway Linemarking**

##### **Committee Recommendation**

- 1 That approval is given for the installation of the road and cycleway line-marking on Russell Avenue, Sans Souci.
- 2 That the outcomes of the community engagement and detailed designs be presented to a future meeting of the Bayside Traffic Committee for consideration. Feedback be invited from the community six month after commencement of the trial.

**BTC21.047 Matters referred to the Bayside Traffic Committee by the Chair**

There were no matters raised by the Chair

**BTC21.048 General Business****Informal Item:**

Bexley North/Kingsgrove precinct – New Illawarra Road/Edward Street/Barnsbury Grove roundabout amended design was presented to the Committee for concurrence following formal approval via electronic vote that concluded on 7 May 2021. The amended design was noted by the Committee.

**Informal Item:**

The Chair of the Committee referred an item from the meeting of the 18 May, 2021, Arncliffe Youth Centre Working Party regarding parking along the Princes Highway associated with the Arncliffe Youth Centre. The matter relates to a State Road and has been referred directly to Transport for New South Wales for a response. It was noted that some parking restrictions are required to ensure Fire and Rescue Units have unimpeded access to booster pump/hydrants servicing the buildings.

The Convenor closed the meeting at 10:18 am.

## Council Meeting

9/06/2021

Item No	10.1
Subject	<b>Rescission Motion - Traffic Calming in Suburban Streets of Bexley North</b>
Submitted by	Liz Barlow, Councillor Joe Awada, Mayor Ron Bezic, Councillor
File	F20/901

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## Summary

This Motion proposes to rescind the resolution relating to Item 8.5 adopted at the Council Meeting held on 14 April 2021

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## Motion

That Council rescinds the following Council resolution relating to Item 8.5 adopted at the Council Meeting held on 14 April 2021:

Minute 2021/095

Resolved on the motion of Councillors Saravinovski and Barlow

- 1 That Council note the outcomes of the community engagement and proceed with the implementation of the proposed traffic calming scheme as per recommendations of the Bayside Traffic Committee meeting of 17 March 2021.
  - 2 That Council approve the implementation of redesigned roundabouts, raised intersection treatments, standard and/or single lane thresholds and pedestrian crossing upgrades subject to detailed design drawings being endorsed by the Bayside Traffic Committee.
  - 3 That the community engagement outcomes of the proposed additional traffic calming treatments in Shaw Street, Laycock Street and Coveney Street be reported back to Council prior to implementation.
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## Background

The above Rescission Motion has been lodged by Councillors Awada, Barlow and Bezic in accordance with Section 372 of the Local Government Act and the Council's Code of Meeting Practice.

Ward Councillors have listened to the concerns of local residents with regard to the construction of these traffic calming devices in Wolli Street, Staples Street, Edward Street, Oliver Street, Mable Street, Rodgers Avenue and Alston Street. Works for these traffic-calming treatments have ceased in these streets to allow Council to review the earlier



decision and provide further opportunities for the residents' voices to be heard. Councillors are being told that the use of speed humps is not the preferred option for traffic calming in these residential streets. We have undertaken to allow Council further deliberation to ensure the previous decision is truly reflective of community expectations.

In the event of this Motion being adopted the Councillors have given notice that it is their intention to move the following Motion:

1. That planned traffic calming works do not proceed for Wolli Street, Staples Street, Edward Street, Oliver Street, Mable Street, Rodgers Street and Alston Street, within the Bexley North and Kingsgrove precinct.
2. Works which include pedestrian crossings, pedestrian islands, kerb blisters and roundabouts are to continue in Caroline Street, Elizabeth Street, Banner Street, Farrell Street, Todd Street, Dowsett Street, New Illawarra Road and Shaw Street.

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## **Attachments**

Nil

## **Council Meeting**

**9/06/2021**

Item No	10.2
Subject	<b>Notice of Motion - Traffic Calming works for the Kingsgrove and Bexley North Precinct</b>
Submitted by	Liz Barlow, Councillor Joe Awada, Mayor Ron Bezic, Councillor
File	F20/901

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## **Summary**

This Motion was submitted by Councillor Liz Barlow, Councillor Ron Bezic and Councillor Joe Awada.

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## **Motion**

That the grant-funded traffic-calming works scheduled for completion by 30 June 2021 and previously discussed in Council, including pedestrian crossings, pedestrian islands, kerb blisters and roundabouts, continue in Caroline Street, Elizabeth Street, Banner Street, Farrell Street, Todd Street, Dowsett Street, New Illawarra Road and Shaw Street.

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## **Background**

### **Supporting Statement by Councillors**

This Notice of Motion is submitted pending the outcome of the Rescission Motion for Item 8.5 adopted at the Council meeting held on 14 April 2021.

Council received feedback from a number of local residents about planned traffic calming in the Bexley North and Kingsgrove areas. In response to these concerns, Ward Councillors moved to rescind the previous motion.

This motion is to ensure other works in this precinct can continue. These works will improve safety and includes roundabouts redesigned and installed consistent with bus routes and reduced crossing distances for residents.

### **Comment by General Manager:**

This Notice of Motion is in order and can be dealt with.

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## **Attachments**

Nil

## Council Meeting

9/06/2021

Item No	10.3
Subject	<b>Notice of Motion - M6 Works Impacting O'Connell Street and Chuter Avenue Sans Souci</b>
Submitted by	Ed McDougall, Councillor
File	SF12/172

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## Summary

This Motion was submitted by Councillor McDougall.

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## Motion

That Council asks the NSW Government to provide Council and local residents a list of actions proposed to alleviate the traffic impacts of the tunnels for the M6 Stage 1 for our local road network, particularly for residents of O'Connell Street and Chuter Avenue, Sans Souci.

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## Background

### Supporting Statement by Councillor McDougall

The NSW Government recently announced the awarding of the contract for the M6 Stage 1, with four kilometres of twin tunnels to be constructed between Kogarah and Arncliffe. Traffic impacts on local residential streets are expected both during and after construction.

While these tunnels are not expected to be open for traffic until 2025, now is the time for the NSW Government to act on potential impacts. The entry and egress points of the twin tunnels will impact our local road network, particularly for nearby residents. I have been in contact with a local resident who has raised concerns that O'Connell Street and Chuter Avenue, Sans Souci, will experience the brunt of traffic avoiding the tunnels once they are operational.

### Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

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## Attachments

Nil

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## Council Meeting

9/06/2021

Item No	10.4
Subject	<b>Notice of Motion - Cuts to Local Bus Services</b>
Submitted by	Scott Morrissey, Councillor Christina Curry, Councillor
File	SF20/7375

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## Summary

This Motion was submitted by Councillor Scott Morrissey and Councillor Christina Curry.

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## Motion

- 1 That Council write to the NSW Minister for Transport strongly opposing the changes to local bus services, noting that the proposal includes the cancellation of at least 17 bus services from the south east to the City, and 7 from the south east to Bondi Junction.
  - 2 That Council request a meeting with the Minister, our Mayor and the Mayor of Randwick City Council to discuss the impacts of these cuts to our community.
  - 3 That Council send a copy of this letter to local State MPs and the Mayor of Randwick.
  - 4 That Council publish this letter on the Council website and social media pages encouraging residents to provide feedback to the survey closing 18<sup>th</sup> June ([https://www.surveymonkey.com/r/South\\_East\\_Bus\\_Changes](https://www.surveymonkey.com/r/South_East_Bus_Changes)).
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## Background

### Supporting Statement by Councillors

The NSW Minister for Transport and Roads, Andrew Constance, has announced that a large number of bus services in South-East Sydney will be cut or modified. This has significant impacts on our residents, particularly the elderly and school children.

Ward 1 and 2 services are impacted as follows:

- Botany: 4 services to 3. Two express routes cut.
- Mascot: 15 services to 10.
- Eastgardens: 12 services to 9.
- Eastlakes: 5 services to 4.
- Pagewood: 10 services to 7.

**Comment by General Manager:**

This Notice of Motion is in order and can be dealt with.

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**Attachments**

Nil