

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 12 June 2019** at **7:00 pm**

AGENDA

- 1 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**
- 2 OPENING PRAYER**
- 3 APOLOGIES**
- 4 DISCLOSURES OF INTEREST**
- 5 MINUTES OF PREVIOUS MEETINGS**
 - 5.1 Minutes of the Council Meeting - 8 May 20193
- 6 MAYORAL MINUTES**
 - 6.1 Mayoral Minute - Passing of Bob Hawke, 23rd Prime Minister of Australia 12
- 7 PUBLIC FORUM**

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

Any item the subject of the Public Forum will be brought forward and considered after the conclusion of the speakers for that item.
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The meeting will be video recorded and live streamed to the community via Council's Facebook page, in accordance with Council's Code of Meeting Practice.

Meredith Wallace
General Manager

Council Meeting

12/06/2019

Item No	5.1
Subject	Minutes of the Council Meeting - 8 May 2019
Report by	Michael Mamo, Director City Presentation
File	SF18/3016

Officer Recommendation

That the Minutes of the Council meeting held on 8 May 2019 be confirmed as a true record of proceedings.

Present

Councillor Bill Saravinovski, Mayor
Councillor Joe Awada, Deputy Mayor
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Petros Kalligas
Councillor James Macdonald
Councillor Scott Morrissey
Councillor Michael Nagi
Councillor Vicki Poulos
Councillor Dorothy Rapisardi
Councillor Paul Sedrak

Also Present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Debra Dawson, Director City Life
Michael McCabe, Director City Futures
Colin Clissold, Director City Presentation
Fausto Sut, Manager Governance & Risk
Matthew Walker, Manager Finance
Samantha Urquhart, Manager Property
Clare Harley, Manager Strategic Planning
Bruce Cooke, Acting Manager Executive Services
Christine Stamper, Acting Head of Communications & Events
Ali Rizwan, Development Manager
Taif George, IT Support Officer
Lauren Thomas, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7:14 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 Traditional Owners

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

2 Opening Prayer

Pastor Stephen Bryan, of St Johns Anglican Church in Rockdale, opened the meeting in prayer.

ANZAC Commemoration

Those present in the Council Chamber remembered those who were lost in the Great War, and other theatres of war, in which Australia has been involved.

Council also recalled the anniversary of the Battle of the Coral Sea in the Second World War, which was observed by the Kingsgrove RSL Sub-branch last Sunday.

A moment of silence was observed by all present to remember those lost in war.

3 Apologies

RESOLUTION

Minute 2019/070

Resolved on the motion of Councillors Awada and Nagi

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

Councillor Ed McDougall

Councillor Andrew Tsounis

Councillor Tarek Ibrahim

4 Disclosures of Interest

There were no disclosures of interest.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 10 April 2019

RESOLUTION

Minute 2019/071

Resolved on the motion of Councillors Awada and Nagi

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

Presentations

A Certificate of Recognition – Brighton Le Sands Public School

A Certificate of Recognition was presented to the staff and students of Brighton Le Sands Public School, in recognition of their very moving ANZAC Day assembly.

B Presentation of Community Grants to Successful Applicants

The Community Grant Program is a unique opportunity for 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 Council. This year, a total of \$74,920 was distributed amongst the following 21 successful organisations:

- Botany Family & Children's Centre
- Brighton Bunnies Playgroup
- Kingsford Smith Scout Group - Scout Association
- St George & Sutherland Medical Research Foundation
- St George District Netball Association
- St George North Anglican Church
- Advance Diversity Services
- Bayside Anglican Church
- Botany District Music Association
- Exodus Youth Worx
- South Eastern Community Connect
- The Arts GRaB (Georges River and Bayside) Committee
- The Deli Women & Children's Centre
- 3Bridges

- Kytherian Association of Australia - Genealogy Club
- Rockdale Public School P&C Association
- St George Family Support Services Inc
- Australian Sydney Southern Chinese Cultural and Entertainment Centre Incorporated
- Bayside Womens Shelter
- Sayeda Zainab Holdings Ltd
- South Asian Australian Association

6 Mayoral Minutes

There were no Mayoral Minutes.

7 Public Forum

There were no speakers registered for Public Forum.

8 Reports

8.1 Brighton Le Sands Masterplan Options

RESOLUTION

Minute 2019/072

Resolved on the motion of Councillors Nagi and Macdonald

- 1 That Council progress further investigations and community engagement in relation to Brighton Le Sands Masterplan Option 1.
- 2 That a detailed report in relation to the Brighton Le Sands Masterplan process, background reports, options, recommendations and community engagement process be presented to a subsequent Council meeting.

8.2 Bayside Council's Draft Submission on Local Character Overlays

RESOLUTION

Minute 2019/073

Resolved on the motion of Councillors Barlow and Awada

That Bayside Council endorses the attached draft submission on Local Character Overlays.

8.3 Update - Arncliffe Youth Centre

RESOLUTION

Minute 2019/074

Resolved on the motion of Councillors Nagi and Poulos

- 1 That the report be received and noted.
- 2 That the recommended changes be made to the floor plans of the Arncliffe Youth Centre to provide maximum flexibility for future use.
- 3 That an additional \$154,000 be included in the 2019/2020 City Projects program for the Arncliffe Youth Centre from the Arncliffe Youth Centre reserve to pay for the recommended changes.

8.4 Road Closure and Sale of a Stratum Portion of Chalmers Crescent, Mascot

RESOLUTION

Minute 2019/075

Resolved on the motion of Councillors Nagi and Rapisardi

- 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), (d)(ii) 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 and commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council. 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 approve in principle the closure of the 1118 sqm portion of Chalmers Crescent, as shown in Confidential Attachment 6, and to proceed with the road closure process under Section 38 of the Roads Act 1993.
- 3 That Council approve the transfer and sale of the 1118 sqm portion of Chalmers Crescent, (as shown in Confidential Attachment 6) to F. Mayer Imports Pty Ltd for the purchase price (as shown at Confidential Attachment 5) subject to final approval of the Road Closure upon completion of the prescribed road closure process.
- 4 That Council enter into an appropriate deed, with key terms referenced at Table 1 within the body of this report.

- 5 That Council authorises the General Manager to approve the road closure upon completion of the prescribed road closure process.
- 6 That Council authorises the General Manager to finalise the commercial terms associated with the transfer and sale of the closed road and execute all documentation to affect the transfer of the land on the terms outlined in this report.

8.5 Proposed Naming of New Roads as Part of the Development at 152-200 Rocky Point Road, Kogarah (formerly Darrell Lea)

RESOLUTION

Minute 2019/076

Resolved on the motion of Councillors Nagi and Macdonald

That Council endorse the following road names “Garrigarrang Avenue” and “Midjuburi Lane” for the new roads located in the area of the developments at 152-200 & Rocky Point Road, Kogarah.

SUSPENSION OF STANDING ORDERS

The Mayor moved that Standing Orders be suspended in order to deal with Item 8.12.

RESOLUTION

Minute 2019/077

Resolved on the motion of Councillors Nagi and Rapisardi

That Standing Orders be suspended in order to deal with Item 8.12

8.12 March 2019 Quarter Budget Review Statement

RESOLUTION

Minute 2019/078

Resolved on the motion of Councillors Nagi and Rapisardi

That this supplementary report be appended to the agenda item for the Quarterly Budget Review.

RESUMPTION OF STANDING ORDERS

8.6 Quarterly Budget Review Statement - 31 March 2019

RESOLUTION

Minute 2019/079

Resolved on the motion of Councillors Nagi and Rapisardi

- 1 That the Quarterly Budget Review Statement by the Manager Finance for the quarter ended 31 March 2019 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 That the projects identified in the report, as being deferred from the 2018/19 budget in the March 2019 Quarterly Budget Review are to be included in the draft 2019/20 budget for adoption at the June council meeting.

8.7 Statutory Financial Report for March 2019

RESOLUTION

Minute 2019/080

Resolved on the motion of Councillors Saravinovski and Awada

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

8.8 Code of Conduct

RESOLUTION

Minute 2019/081

Resolved on the motion of Councillors Awada and Poulos

- 1 That Council endorses the attached draft Code of Conduct, based on the Model Code of Conduct, along with additional provisions regarding personal benefit and social media.
- 2 That Council endorses the attached model Code of Conduct Procedures as Bayside's, without amendment.

8.9 Code of Meeting Practice - Adoption Post Exhibition

RESOLUTION

Minute 2019/082

Resolved on the motion of Councillors Nagi and Saravinovski

- 1 That the report on results of the public exhibition process be received and noted.
- 2 That the draft Code of Meeting Practice as exhibited be adopted as attached to this report.

8.10 Disclosure of Interest Return

RESOLUTION

Minute 2019/083

Resolved on the motion of Councillors Barlow and Awada

That the information be received and noted.

8.11 Response to Question - Anti-Hooning Taskforce

The response was received.

9 Minutes of Committees**9.1 Minutes of the Sport & Recreation Committee Meeting - 29 April 2019**

RESOLUTION

Minute 2019/084

Resolved on the motion of Councillors Macdonald and Nagi

That the Minutes of the Sport & Recreation Committee meeting held on 29 April 2019 be received and the recommendations therein be adopted.

9.2 Minutes of the Bayside Traffic Committee Meeting - 1 May 2019

RESOLUTION

Minute 2019/085

Resolved on the motion of Councillors Rapisardi and Nagi

That the Minutes of the Bayside Traffic Committee meeting held on 1 May 2019 be received and the recommendations therein be adopted.

10 Notices of Motion

There were no Notices of Motion.

11 Questions With Notice

There were no Questions With Notice.

12 Call For Rescission Motions

There were no Rescission Motions.

The Mayor closed the meeting at 7:47 pm.

Councillor Bill Saravinovski
Mayor

Meredith Wallace
General Manager

Attachments

Nil

Council Meeting

12/06/2019

Item No	6.1
Subject	Mayoral Minute - Passing of Bob Hawke, 23rd Prime Minister of Australia
File	SF18/3016

Motion

That Council observes a minute's silence in memory of the late Hon. Bob Hawke.

Mayoral Minute

It is with much sadness that we move this motion of condolence tonight. Before we proceed to formal business, I would like to pay tribute to former Prime Minister, the Hon. Bob Hawke. Mr Hawke passed away on 16 May 2019. He was 89 years of age, and tonight we extend to his wife and family, our sincere condolences at their sad loss. Mr Hawke's contribution to Australian working people is almost immeasurable.

During his time as President of the ACTU and as Prime Minister, there were many great achievements, none more life changing for working people than Medicare and superannuation.

Other notable achievements included:

- Floating the Australian Dollar.
- Financial Reforms – founded the Asia Pacific Economic Cooperation (APEC).
- Foreign Policy – reaffirmed the ANZUS treaty and used Commonwealth allies to put pressure on South Africa to end apartheid.
- Advancement of Women – Sex Discrimination Act in 1984 and Affirmative Action Act in 1986.

These were lasting and nation-changing legacies.

Accordingly, Council extends sympathy and pays tribute to the late Hon. Bob Hawke for his dedicated service to the people of Australia.

Attachments

Nil

Council Meeting

12/06/2019

Item No	8.1
Subject	Audited 2017-18 General Purpose Financial Reports
Report by	Michael Mamo, Director City Presentation
File	F09/744.002

Summary

Council provided the draft 2017/18 Financial Statements, with a signed statement by Councillors and Management prepared under the basis of a disclaimer of opinion in accordance with Project 2020 to its auditor on 11 April 2019. These financial statements were prepared with a focus on timeliness and the possibility of adjustments being made prior to the finalisation and lodgement with NSW Office of Local Government.

As part of the accounting estimates and judgements paper provided to the Auditor it was identified that a correction was required for the capitalisation treatment of the Ramsgate Town Centre project.

A quality review of the financial statements has also continued since providing financial reports to the Auditor and in particular a focus on the multiple system processing that was in place during the 2017/18 financial year.

This has resulted in adjustments being provided to the Auditor with a revised set of draft 2017/18 Financial Statements to enable finalisation and receipt of the audit opinion and reports. The Risk and Audit Committee were provided a status update at its meeting on 23 May 2019 and the Chair and Committee members were invited to attend the June council meeting.

Officer Recommendation

That Council receives and notes the presentation of the Audited financial reports for Bayside Council for the period ended 30 June 2018.

Background

Council provided the Draft 2017/18 Financial Statements, with a signed statement by Councillors and Management prepared under the basis of a disclaimer of opinion in accordance with Project 2020 to its Auditor on 11 April 2019. These financial statements were prepared with a focus on timeliness and the possibility of adjustments being made prior to the finalisation and lodgement with NSW Office of Local Government.

As part of the accounting estimates and judgements paper provided to the Auditor it was identified that a correction was required for the capitalisation treatment of the Ramsgate Town Centre project.

A quality review of the financial statements has also continued since providing financial reports to the Auditor and in particular a focus on the multiple system processing that was in place during the 2017/18 financial year.

This has resulted in adjustments being provided to the Auditor with a revised set of draft 2017/18 Financial Statements to enable finalisation and receipt of the audit opinion and reports.

The adjustments are summarised below:

Item	Original Amount \$'000	Adjustment	Adjustment Amount \$'000	Revised Amount \$'000
Income Statement				
Other Revenue	15,505	Decreased	762	14,743
Materials & Contracts	51,313	Increased	829	52,142
Depreciation Expense	20,889	Increased	551	21,440
Asset Disposal	64	Increased	79	15 (loss)
Net Result	71,218	Decreased	2,221	68,997
Net Operating Result before capital grants and contribution	4,929	Decreased	2,221	2,708
Statement of Financial Position				
Infrastructure property plant and equipment	1,313,725	Decreased	1,329	1,312,396
Current Payables	31,128	Increased	891	32,019
Net Assets	1,673,777	Decreased	2,220	1,671,557
Equity	1,673,777	Decreased	2,220	1,671,557

Public notification of the presentation of the Audited 2017-18 Financial reports was placed in the local papers and submissions will be received up to seven days after the Council meeting date.

Financial Implications

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

Community Engagement

Not Applicable.

Attachments

Audited 2017/18 General Purpose Financial Reports [↓](#)

Bayside Council

GENERAL PURPOSE FINANCIAL STATEMENTS
for the year ended 30 June 2018



Bayside Council

General Purpose Financial Statements for the year ended 30 June 2018

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Overview

Bayside Council is constituted under the Local Government Act 1993 (NSW) and has its principal place of business at:

444/446 Princes Highway
Rockdale NSW 2216

Council's guiding principles are detailed in Chapter 3 of the LGA and includes:

- principles applying to the exercise of functions generally by council,
- principles to be applied when making decisions,
- principles of community participation,
- principles of sound financial management, and
- principles for strategic planning relating to the development of an integrated planning and reporting framework.

A description of the nature of Council's operations and its principal activities are provided in Note 2(b).

Through the use of the internet, we have ensured that our reporting is timely, complete and available at minimum cost. All press releases, financial statements and other information are publicly available on our website: www.bayside.nsw.gov.au.

Bayside Council

General Purpose Financial Statements

for the year ended 30 June 2018

Statement by Councillors and Management

made pursuant to Section 413(2)(c) of the *Local Government Act 1993 (NSW)* (as amended)

Bayside Council was formed by way of the Local Government (Bayside) Proclamation 2016 which amalgamated the former Rockdale City Council and the former City of Botany Bay Council.

The former City of Botany Bay Council final reports (2015/16) were disclaimed by the Audit Office of NSW, due to the significant breakdowns in administrative, financial and governance internal controls as evidenced by the NSW Independent Commission Against Corruption (ICAC) Operation Ricco 2016.

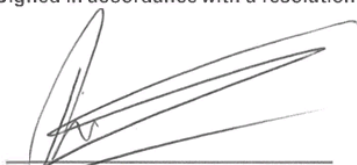
Whilst significant work has been undertaken to develop and implement a new internal control environment and to address the ICAC report on the former City of Botany Bay Council within Bayside Council this cannot correct the past failings, nor address the disclaimed opinion by the Audit Office of NSW. This resulted in a disclaimed opinion by Audit Office of NSW for Bayside Council financial reports (2016/17).

Due to the ongoing issues with the internal control environment over this reporting period, management of Bayside Council is unable to warrant the completeness and reliability of the financial statements as a whole as covered above.

Bayside Council has developed a detailed action plan to address the ongoing disclaimer of opinion and implementation of the action items is in progress for future reporting periods.

We are not aware of any matter that would render these statements false or misleading in any way.

Signed in accordance with a resolution of Council made on 10 April 2019.



Bill Saravinovski
Mayor
10 April 2019



Liz Barlow
Councillor
10 April 2019



Meredith Wallace
General Manager
10 April 2019



Matthew Walker
Responsible Accounting Officer
10 April 2019

Financial Statements 2018

Bayside Council

Income Statement

for the year ended 30 June 2018

Original unaudited budget 2018	\$ '000	Notes	Actual 2018	Actual 10/9/16 to 30/6/17
Income from continuing operations				
Revenue:				
110,872	Rates and annual charges	3a	109,218	19,822
13,181	User charges and fees	3b	20,203	15,561
6,519	Interest and investment revenue	3c	9,935	6,754
17,347	Other revenues	3d	14,744	16,502
8,689	Grants and contributions provided for operating purpose	3e,f	9,757	19,132
40,118	Grants and contributions provided for capital purposes	3e,f	66,289	51,796
Other income:				
–	Net gains from the disposal of assets	5	–	347
–	Net share of interests in joint ventures and associates using the equity method	16	667	560
196,726	Total income from continuing operations		230,813	130,474
Expenses from continuing operations				
73,254	Employee benefits and on-costs	4a	68,203	52,534
342	Borrowing costs	4b	247	257
43,959	Materials and contracts	4c	52,142	35,158
22,202	Depreciation and amortisation	4d	21,440	16,797
18,564	Other expenses	4e	19,768	14,949
–	Net losses from the disposal of assets	5	15	–
158,321	Total expenses from continuing operations		161,815	119,695
38,405	Operating result from continuing operations		68,998	10,779
38,405	Net operating result for the year		68,998	10,779
Gain on local government amalgamation				
–	Assets and liabilities transferred from former councils		–	1,591,780
38,405	Net result for the year		68,998	1,602,559
38,405	Net result attributable to Council		68,998	1,602,559
Net operating result for the year before grants and contributions provided for capital purposes				
(1,713)			2,709	(41,017)

This statement should be read in conjunction with the accompanying notes.

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Financial Statements 2018

Bayside Council

Statement of Comprehensive Income
for the year ended 30 June 2018

\$ '000	Notes	2018	10/9/16 to 30/6/17
Net result for the year (as per Income Statement)		68,998	1,602,559
Other comprehensive income:			
Amounts that will not be reclassified subsequently to the operating result			
Nil			
Amounts that will be reclassified subsequently to the operating result when specific conditions are met			
Nil			
Total comprehensive income for the year		68,998	1,602,559
Total comprehensive income attributable to Council		68,998	1,602,559

This statement should be read in conjunction with the accompanying notes.

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Financial Statements 2018

Bayside Council

Statement of Financial Position
as at 30 June 2018

\$ '000	Notes	2018	2017
ASSETS			
Current assets			
Cash and cash equivalents	6a	54,171	51,619
Investments	6b	270,510	227,746
Receivables	7	17,949	18,685
Inventories	8	239	208
Other	8	551	685
Non-current assets classified as 'held for sale'	9	3,360	2,190
Total current assets		346,780	301,133
Non-current assets			
Investments	6b	70,510	55,388
Infrastructure, property, plant and equipment	10	1,312,396	1,304,129
Intangible assets	11	3,355	3,487
Investments accounted for using the equity method	16	5,068	4,401
Total non-current assets		1,391,329	1,367,405
TOTAL ASSETS		1,738,109	1,668,538
LIABILITIES			
Current liabilities			
Payables	12	32,019	29,378
Income received in advance	12	1,079	786
Borrowings	12	1,079	1,101
Provisions	13	24,443	23,672
Total current liabilities		58,620	54,937
Non-current liabilities			
Borrowings	12	3,854	4,912
Provisions	13	4,078	6,130
Total non-current liabilities		7,932	11,042
TOTAL LIABILITIES		66,552	65,979
Net assets		1,671,557	1,602,559
EQUITY			
Accumulated surplus	14	1,671,557	1,602,559
Revaluation reserves	14	—	—
Total equity		1,671,557	1,602,559

This statement should be read in conjunction with the accompanying notes.

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Financial Statements 2018

Bayside Council

Statement of Changes in Equity
for the year ended 30 June 2018

\$ '000	Notes	2018	IPP&E	Total equity	10/9/16 to 30/6/17	IPP&E	Total equity
		Accumulated surplus	revaluation reserve		Accumulated surplus	revaluation reserve	
Opening balance		1,602,559	–	1,602,559	–	–	–
Net result for the year prior to correction of errors and changes in accounting policies		68,998	–	68,998	1,602,559	–	1,602,559
Net result for the year		68,998	–	68,998	1,602,559	–	1,602,559
Other comprehensive income							
– Gain (loss) on revaluation of IPP&E	10a	–	–	–	–	–	–
Other comprehensive income		–	–	–	–	–	–
Total comprehensive income (c&d)		68,998	–	68,998	1,602,559	–	1,602,559
Equity – balance at end of the reporting period		1,671,557	–	1,671,557	1,602,559	–	1,602,559

This statement should be read in conjunction with the accompanying notes.

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Financial Statements 2018

Bayside Council

Statement of Cash Flows

for the year ended 30 June 2018

Original unaudited budget 2018	\$ '000	Notes	Actual 2018	Actual 10/9/16 to 30/6/17
Cash flows from operating activities				
Receipts:				
111,892	Rates and annual charges		108,361	66,775
20,150	User charges and fees		20,445	16,159
7,719	Investment and interest revenue received		8,269	6,520
48,807	Grants and contributions		72,328	72,193
–	Bonds, deposits and retention amounts received		720	1,537
–	Other		30,005	17,413
Payments:				
(71,642)	Employee benefits and on-costs		(67,413)	(52,808)
(41,136)	Materials and contracts		(56,529)	(41,011)
(316)	Borrowing costs		(216)	(229)
–	Bonds, deposits and retention amounts refunded		–	–
(17,905)	Other		(25,245)	(13,985)
57,569	Net cash provided (or used in) operating activities	15b	90,725	72,564
Cash flows from investing activities				
Receipts:				
–	Sale of investment securities		90,068	93,381
–	Sale of real estate assets		–	12,566
–	Sale of infrastructure, property, plant and equipment		716	1,684
Payments:				
–	Purchase of investment securities		(147,916)	(182,660)
(56,104)	Purchase of infrastructure, property, plant and equipment		(29,940)	(81,063)
(56,104)	Net cash provided (or used in) investing activities		(87,072)	(156,092)
Cash flows from financing activities				
Receipts:				
Nil				
Payments:				
(1,366)	Repayment of borrowings and advances		(1,101)	(990)
(1,366)	Net cash flow provided (used in) financing activities		(1,101)	(990)
99	Net increase/(decrease) in cash and cash equivalents		2,552	(84,518)
51,619	Plus: cash and cash equivalents – beginning of year	15a	51,619	–
–	Plus: cash transferred on amalgamation of councils		–	136,137
51,718	Cash and cash equivalents – end of the year	15a	54,171	51,619
Additional Information:				
	plus: Investments on hand – end of year	6b	341,020	283,134
	Total cash, cash equivalents and investments		395,191	334,753

This statement should be read in conjunction with the accompanying notes.

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Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

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Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 1. Basis of preparation

These financial statements were authorised for issue by Council on 10/04/2019.

Council has the power to amend and reissue these financial statements.

The principal accounting policies adopted in the preparation of these consolidated financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

Basis of preparation

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the *Local Government Act 1993 (NSW)* and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting. Council is a not for-profit entity for the purpose of preparing these financial statements.

The financial statements are presented in Australian dollars and are rounded to the nearest thousand dollars.

Full dollars have been used in Note 23 Related party disclosures in relation to the disclosure of specific related party transactions.

Unless otherwise indicated, all amounts disclosed in the financial statements are actual amounts.

Specific budgetary amounts have been included for comparative analysis (to actuals) in the following reports and notes:

- Income statement
- Statement of cash flows
- Note 20 – Material budget variations

and are clearly marked .

(a) New and amended standards adopted by Council

There have been no new (or amended) accounting standards adopted by Council in this year's financial statements which have had any material impact on reported financial position, performance or cash flows.

(b) Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of certain financial assets and liabilities and certain classes of infrastructure, property, plant and equipment and investment property.

(c) Significant accounting estimates and judgements

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Council's accounting policies.

Estimates and judgements are continually evaluated and are based on historical experience and other factors, including expectations of future events that may have a financial impact on the Council and that are believed to be reasonable under the circumstances.

Critical accounting estimates and assumptions

Council makes estimates and assumptions concerning the future. The resulting accounting estimates will, by definition, seldom equal the related actual results. The estimates and assumptions that have a significant risk

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 1. Basis of preparation (continued)

of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year include:

- (i) estimated fair values of infrastructure, property, plant and equipment – refer Note 10,
- (ii) estimated tip remediation provisions – refer Note 13,
- (iii) employee benefit provisions – refer Note 13.

Significant judgements in applying the Council's accounting policies

- (iv) Impairment of receivables

Council has made a significant judgement about the impairment of a number of its receivables in Note 7.

Monies and other assets received by Council

(a) The Consolidated Fund

In accordance with the provisions of Section 409(1) of the *Local Government Act 1993 (NSW)*, all money and other assets received by Council is held in the Council's Consolidated Fund unless it is required to be held in the Council's Trust Fund.

Cash and other assets of the following entities have been included as part of the Consolidated Fund:

- General purpose operations

(b) The Trust Fund

In accordance with the provisions of Section 411 of the *Local Government Act 1993 (NSW)* (as amended), a separate and distinct Trust Fund is maintained to account for all money and other assets received by the Council in trust which must be applied only for the purposes of, or in accordance with the trusts relating to those monies. Trust monies and other assets subject to Council's control have been included in these reports.

Goods and Services Tax (GST)

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the taxation authority. In this case it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to the taxation authority is included with other receivables or payables in the Statement of Financial Position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which that are recoverable from, or payable to the taxation authority are presented as operating cash flows.

New accounting standards and interpretations issued not yet effective

Certain new accounting standards and interpretations have been published that are not mandatory for the current reporting period and which have not been applied.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 1. Basis of preparation (continued)

As at the date of authorisation of these financial statements, Council considers that the standards and interpretations listed below will have an impact upon future published financial statements ranging from additional and / or revised disclosures to actual changes as to how certain transactions and balances are accounted for.

Effective for annual reporting periods beginning on or after 1 July 2018

- *AASB 9 Financial Instruments*

This replaces AASB 139 Financial Instruments: Recognition and Measurement, and addresses the classification, measurement and disclosure of financial assets and liabilities.

The standard introduces a new impairment model that requires impairment provisions to be based on expected credit losses, rather than incurred credit losses.

Based on assessments to date, Council expects a small increase to impairment losses however the standard is not expected to have a material impact overall.

Effective for annual reporting periods beginning on or after 1 July 2019

- *AASB 15 Revenue from Contracts with Customers, AASB 1058 Income of Not-for-Profit Entities and AASB 2016-8 Amendments to Australian Accounting Standards - Australian Implementation Guidance for Not-for-Profit Entities*

AASB 15 will replace AASB 118 Revenue, AASB 111 Construction Contracts and a number of Interpretations. AASB 2016-8 provides Australian requirements and guidance for not-for-profit entities in applying AASB 9 and AASB 15, and AASB 1058 will replace AASB 1004 Contributions.

Together they contain a comprehensive and robust framework for the recognition, measurement and disclosure of income including revenue from contracts with customers.

While Council is still reviewing the way that income is measured and recognised to identify whether there will be any material impact arising from these standards, these standards may affect the timing of the recognition of some grants and donations.

- *AASB 16 Leases*

Council is currently a party to leases that are not recognised in the Statement of Financial Position.

It is likely that some of these leases will need to be included in the Statement of Financial Position when this standard comes into effect.

A lease liability will initially be measured at the present value of the lease payments to be made over the lease term.

A corresponding right-of-use asset will also be recognised over the lease term.

Council has not elected to apply any pronouncements before their operative date in these financial statements.

Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 2(a). Council functions/activities – financial information

Functions/activities	Income, expenses and assets have been directly attributed to the following functions/activities. Details of these functions/activities are provided in Note 2(b).									
	Income from continuing operations \$'000		Expenses from continuing operations \$'000		Operating result from continuing operations \$'000		Grants included in income from continuing operations \$'000		Total assets held (current and non-current) \$'000	
	2018	10/9/16 to 30/6/17	2018	10/9/16 to 30/6/17	2018	10/9/16 to 30/6/17	2018	10/9/16 to 30/6/17	2018	2017
Bayside will be a Vibrant Place	48,644	27,385	57,392	42,302	(8,748)	(14,917)	12,175	16,788	637,605	627,808
Our People will be Connected in a Smart City	6,873	3,872	19,773	14,656	(12,900)	(10,784)	2,213	3,051	171,853	170,479
Bayside will be green, leafy and sustainable	30,053	16,928	28,601	21,340	1,452	(4,412)	740	1,020	502,942	505,842
We will be a Prosperous Community	145,243	82,289	56,049	41,397	89,194	40,892	5,150	7,102	425,709	364,409
Other	–	–	–	–	–	–	–	–	–	–
Total functions and activities	230,813	130,474	161,815	119,695	68,998	10,779	20,278	27,961	1,738,109	1,668,538

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Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 2(b). Council functions/activities – component descriptions

Details relating to the Council's functions/activities as reported in Note 2(a) are as follows:

Bayside will be a Vibrant Place

Built forms focus on efficient use of energy, are sympathetic to the natural landscape and make our area a great place to live. Neighbours, visitors and businesses are connected in dynamic urban environments.

Our People will be Connected in a Smart City

Knowledge sharing and collaboration ensures that we have the expertise and relationships to lead with integrity, adapt to change, connect vulnerable people to community and effectively respond in times of adversity and stress.

Bayside will be green, leafy and sustainable

The biodiversity of the area is protected and enhanced through collaborative partnerships. Vital habitats are supported to rehabilitate, thrive, adapt and recover from risks and climate events. The landscape will be preserved and regenerated to benefit a healthy environment now and in future.

We will be a Prosperous Community

Business innovation, technology, flourishing urban spaces and efficient transport will attract diverse business, skilled employees and generate home based business. Growth in services to the local community will generate employment support, a thriving community and livelihoods.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 3. Income from continuing operations

\$ '000	2018	10/9/16 to 30/6/17
(a) Rates and annual charges		
Ordinary rates		
Residential	50,054	189
Farmland	7	—
Business	18,559	(1,107)
Total ordinary rates	68,620	(918)
Special rates		
Parking	99	—
Main street	99	—
Infrastructure levy	10,880	(1)
Local area rates	503	13
Community safety levy	421	—
Total special rates	12,002	12
Annual charges (pursuant to s.496, s.496A, s.496B, s.501 & s.611)		
Domestic waste management services	27,250	20,620
Stormwater management services	1,222	(11)
Section 611 charges	124	119
Total annual charges	28,596	20,728
TOTAL RATES AND ANNUAL CHARGES	109,218	19,822

Council has used 2016 year valuations provided by the NSW Valuer General in calculating its rates.

Accounting policy for rates and annual charges

Rates, annual charges, grants and contributions (including developer contributions) are recognised as revenue when the Council obtains control over the assets comprising these receipts. Developer contributions may only be expended for the purposes for which the contributions were required, but the Council may apply contributions according to the priorities established in work schedules.

Control over assets acquired from rates and annual charges is obtained at the commencement of the rating year as it is an enforceable debt linked to the rateable property or, where earlier, upon receipt of the rates.

Financial Statements 2018

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 3. Income from continuing operations (continued)

\$ '000	2018	10/9/16 to 30/6/17
(b) User charges and fees		
Specific user charges (per s.502 – specific 'actual use' charges)		
Waste management services (non-domestic)	1,108	922
Waste management services (non-rateable)	103	20
Total specific user charges	1,211	942
Other user charges and fees		
(i) Fees and charges – statutory and regulatory functions (per s.608)		
Private works – section 67	493	467
Section 149 certificates (EPA Act)	362	311
Section 603 certificates	221	190
Town planning	286	49
Building consents and construction certificates	259	231
Building inspections	146	50
Development and planning consent fees	2,445	1,685
Health inspection and approvals fee	1,484	1,130
Other	294	45
Total fees and charges – statutory/regulatory	5,990	4,158
(ii) Fees and charges – other (incl. general user charges (per s.608))		
Leaseback fees – Council vehicles	466	325
Library and art gallery	87	67
Parking fees	19	5
Restoration charges	2,072	1,514
Sundry sales	55	3
Swimming centres	394	463
Engineering inspections and other fees	171	126
Street furniture advertising fee	295	187
Permits and inspection fees	236	33
Design review panel	99	94
Advertising	67	510
Hire and usage fees	169	539
B/A school fees	496	478
Long day care	1,922	1,083
Golf course	183	267
Meals on wheels	125	125
Contract services	5,881	4,562
Other	265	80
Total fees and charges – other	13,002	10,461
TOTAL USER CHARGES AND FEES	20,203	15,561

Accounting policy for user charges and fees

User charges and fees are recognised as revenue when the service has been provided.

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Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 3. Income from continuing operations (continued)

\$ '000	2018	10/9/16 to 30/6/17
(c) Interest and investment revenue (including losses)		
Interest		
– Overdue rates and annual charges (incl. special purpose rates)	506	362
– Cash and investments	9,391	6,204
Fair value adjustments		
– Fair valuation movements in investments (at fair value or held for trading)	38	188
TOTAL INTEREST AND INVESTMENT REVENUE	9,935	6,754
Interest revenue is attributable to:		
Unrestricted investments/financial assets:		
Overdue rates and annual charges (general fund)	506	362
General Council cash and investments	3,858	3,525
Restricted investments/funds – external:		
Development contributions		
– Section 7.11	5,571	2,867
Total interest and investment revenue recognised	9,935	6,754

Accounting policy for interest and investment revenue

Interest income is recognised using the effective interest rate at the date that interest is earned.

(d) Other revenues

Rental income – other council properties	3,002	1,395
Ex gratia rates	3,524	2,279
Fines – parking	4,206	3,385
Fines – other	874	731
Legal fees recovery – other	714	193
Commissions and agency fees	113	3
Diesel rebate	155	32
Insurance claim recoveries	537	4,804
Sales – general	734	211
Other credit card service fee	100	58
Contract rebates	–	2,766
Rental income – halls and community facilities	370	102
Rental income – parks and sporting facilities	327	259
Other	88	284
TOTAL OTHER REVENUE	14,744	16,502

Accounting policy for other revenue

Council recognises revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the Council and specific criteria have been met for each of the Council's activities as described below. Council bases its estimates on historical results, taking into consideration the type of customer, the type of transaction and the specifics of each arrangement.

Parking fees and fines are recognised as revenue when the service has been provided, or when the penalty has been applied, whichever occurs first.

Rental income is accounted for on a straight-line basis over the lease term.

Miscellaneous sales are recognised when physical possession has transferred to the customer which is deemed to be the point of transfer of risks and rewards.

Other income is recorded when the payment is due, the value of the payment is notified, or the payment is received, whichever occurs first.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 3. Income from continuing operations (continued)

\$ '000	2018 Operating	10/9/16 to 30/6/17 Operating	2018 Capital	10/9/16 to 30/6/17 Capital
(e) Grants				
General purpose (untied)				
Current year allocation				
Financial assistance – general component	3,693	2,961	–	–
Other				
Pensioners' rates subsidies – general component	838	256	–	–
Total general purpose	4,531	3,217	–	–
Specific purpose				
Pensioners' rates subsidies:				
– Domestic waste management	385	105	–	–
Aged care	491	35	–	–
Child care	736	–	–	–
Community care	1,068	1,663	–	–
Environmental protection	260	–	67	–
Heritage and cultural	–	38	38	–
Library	109	70	–	–
Library – per capita	303	289	–	–
Street lighting	629	568	–	–
Traffic route subsidy	14	–	–	–
Transport (other roads and bridges funding)	354	143	26	81
RTA roads and traffic	14	470	568	290
Other – road safety	–	–	53	48
New council implementation funding	–	10,000	–	–
Stronger communities funding	–	1,000	–	9,000
Parks	94	–	10,498	–
Other	40	823	–	121
Total specific purpose	4,497	15,204	11,250	9,540
Total grants	9,028	18,421	11,250	9,540
Grant revenue is attributable to:				
– Commonwealth funding	3,701	5,020	1,408	–
– State funding	5,237	12,578	9,842	9,338
– Other funding	90	823	–	202
	9,028	18,421	11,250	9,540

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 3. Income from continuing operations (continued)

\$ '000	Notes	2018 Operating	10/9/16 to 30/6/17 Operating	2018 Capital	10/9/16 to 30/6/17 Capital
(f) Contributions					
Developer contributions:					
(s7.4 & s7.11 – EP&A Act, s64 of the LGA):					
Cash contributions					
S 7.4 – contributions using planning agreements		–	–	10,427	767
S 7.11 – contributions towards amenities/services		–	–	38,157	34,991
S 7.12 – fixed development consent levies		–	–	4,760	5,994
Total developer contributions – cash		–	–	53,344	41,752
Non-cash contributions					
S 7.4 – contributions using planning agreements		–	–	407	–
Total developer contributions – non-cash		–	–	407	–
Total developer contributions	24	–	–	53,751	41,752
Other contributions:					
Cash contributions					
Other		729	711	159	504
Total other contributions – cash		729	711	159	504
Non-cash contributions					
Dedications		–	–	1,129	–
Total other contributions		729	711	1,288	504
Total contributions		729	711	55,039	42,256
TOTAL GRANTS AND CONTRIBUTIONS		9,757	19,132	66,289	51,796

Accounting policy for contributions

Control over grants and contributions is normally obtained upon their receipt (or acquittal) and is valued at the fair value of the granted or contributed asset at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were un-discharged at reporting date, the unused grant or contribution is disclosed above.

A liability is recognised in respect of revenue that is reciprocal in nature to the extent that the requisite service has not been provided at reporting date.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 3. Income from continuing operations (continued)

\$ '000	2018	10/9/16 to 30/6/17
(g) Unspent grants and contributions		
Certain grants and contributions are obtained by Council on condition that they be spent in a specified manner:		
Operating grants		
Unexpended at the close of the previous reporting period	18,806	908
Add: operating grants recognised in the current period but not yet spent	12,227	18,719
Less: operating grants recognised in a previous reporting period now spent	(17,580)	(821)
Unexpended and held as restricted assets (operating grants)	13,453	18,806
Capital grants		
Unexpended at the close of the previous reporting period	1,289	1,229
Add: capital grants recognised in the current period but not yet spent	9,304	111
Less: capital grants recognised in a previous reporting period now spent	(1,154)	(51)
Unexpended and held as restricted assets (capital grants)	9,439	1,289
Contributions		
Unexpended at the close of the previous reporting period	212,292	175,064
Add: contributions recognised in the current period but not yet spent	58,915	42,837
Less: contributions recognised in a previous reporting period now spent	(7,089)	(5,609)
Unexpended and held as restricted assets (contributions)	264,118	212,292

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 4. Expenses from continuing operations

\$ '000	2018	10/9/16 to 30/6/17
(a) Employee benefits and on-costs		
Salaries and wages	51,679	40,782
Travel expenses	61	34
Employee leave entitlements (ELE)	9,119	7,089
Superannuation	–	1,386
Superannuation – defined contribution plans	4,680	2,038
Superannuation – defined benefit plans	1,057	1,342
Workers' compensation insurance	2,631	1,819
Fringe benefit tax (FBT)	130	124
Training costs (other than salaries and wages)	515	268
Occupational health and safety	64	48
Other	250	38
Total employee costs	70,186	54,968
Less: capitalised costs	(1,983)	(2,434)
TOTAL EMPLOYEE COSTS EXPENSED	68,203	52,534
Number of 'full-time equivalent' employees (FTE) at year end	701	703
Number of 'full-time equivalent' employees (FTE) at year end (incl. vacancies)	824	–

Accounting policy for employee benefits and on-costs

Employee benefit expenses are recorded when the service has been provided by the employee.

Retirement benefit obligations

All employees of the Council are entitled to benefits on retirement, disability or death. Council contributes to various defined benefit plans and defined contribution plans on behalf of its employees.

Superannuation plans

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent that a cash refund or a reduction in the future payments is available.

Council participates in a Defined Benefit Plan under the Local Government Superannuation Scheme, however, when sufficient information to account for the plan as a defined benefit is not available and therefore Council accounts for its obligations to defined benefit plans on the same basis as its obligations to defined contribution plans, i.e. as an expense when it becomes payable – refer to Note 18 for more information.

(b) Borrowing costs		
	2018	10/9/16 to 30/6/17
(i) Interest bearing liability costs		
Interest on loans	226	229
Total interest bearing liability costs expensed	226	229
(ii) Other borrowing costs		
Interest applicable on interest free (and favourable) loans to Council	21	28
Total other borrowing costs	21	28
TOTAL BORROWING COSTS EXPENSED	247	257

Accounting policy for borrowing costs

Borrowing costs incurred for the construction of any qualifying asset are capitalised during the period of time that is required to complete and prepare the asset for its intended use or sale. Other borrowing costs are expensed.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 4. Expenses from continuing operations (continued)

\$ '000	2018	10/9/16 to 30/6/17
(c) Materials and contracts		
Raw materials and consumables	8,638	4,175
Contractor and consultancy costs	47,016	30,786
Auditors remuneration ⁽¹⁾	391	824
Legal expenses:		
– Legal expenses: planning and development	1,056	947
– Legal expenses: other	1,898	738
Computer maintenance	2,670	1,684
Recycling contract	2,495	2,013
Waste collection and disposal	16,255	13,485
Other	35	1
Total materials and contracts	80,454	54,653
Less: capitalised costs	(28,312)	(19,495)
TOTAL MATERIALS AND CONTRACTS	52,142	35,158

1. Auditor remuneration

During the year the following fees were paid or payable for services provided by the auditor of Council, related practices and non-related audit firms

Auditors of the Council – NSW Auditor-General:**(i) Audit and other assurance services**

Audit and review of financial statements	391	781
Remuneration for audit and other assurance services	391	781
Total Auditor-General remuneration	391	781

Non NSW Auditor-General audit firms:**(i) Audit and other assurance services**

Audit and review of financial statements	–	43
Remuneration for audit and other assurance services	–	43
Total remuneration of non NSW Auditor-General audit firms	–	43

Total Auditor remuneration	391	824
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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 4. Expenses from continuing operations (continued)

\$ '000	Notes	2018	10/9/16 to 30/6/17
(d) Depreciation, amortisation and impairment			
Depreciation and amortisation			
Plant and equipment		2,401	1,696
Office equipment		320	280
Furniture and fittings		110	109
Land improvements (depreciable)		657	460
Infrastructure:			
– Buildings		3,686	2,697
– Other structures		2,431	1,750
– Roads		7,185	5,893
– Bridges		82	66
– Footpaths		1,605	1,261
– Stormwater drainage		1,629	1,301
– Swimming pools		196	135
Other assets:			
– Library books		579	577
Intangible assets	11	559	572
Total depreciation and amortisation costs		21,440	16,797
TOTAL DEPRECIATION, AMORTISATION AND IMPAIRMENT / REVALUATION DECREMENT COSTS EXPENSED			
		21,440	16,797

Accounting policy for depreciation, amortisation and impairment expenses**Depreciation and amortisation**

Depreciation and amortisation are calculated using the straight line method to allocate their cost, net of their residual values, over their estimated useful lives. Useful lives are included in Note 10 for IPPE assets and Note 11 for intangible assets.

Impairment of non-financial assets

Intangible assets that have an indefinite useful life or are not yet available for use are not subject to amortisation and are tested annually for impairment, or more frequently if events or changes in circumstances indicate that they might be impaired. Other assets are tested for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset's fair value less costs to sell and value in use.

For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows that are largely independent of the cash inflows from other assets or groups of assets (cash-generating units). Non-financial assets that suffered an impairment are reviewed for possible reversal of the impairment at each reporting date.

Impairment losses for revalued assets are firstly offset against the amount in the revaluation surplus for the class of asset, with only the excess to be recognised in the Income Statement.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 4. Expenses from continuing operations (continued)

\$ '000	2018	10/9/16 to 30/6/17
(e) Other expenses		
Advertising	809	592
Bad and doubtful debts	424	152
Bank charges	206	84
Contributions/levies to other levels of government	–	64
– Department of planning levy	801	289
– NSW fire brigade levy	2,327	1,694
Councillor expenses – mayoral fee	50	–
Councillor expenses – councillors' fees	301	8
Councillors' expenses (incl. mayor) – other (excluding fees above)	41	5
Donations, contributions and assistance to other organisations (Section 356)	680	612
Electricity and heating	1,659	984
Insurance	2,264	1,716
Postage	374	279
Printing and stationery	874	744
Street lighting	2,505	2,122
Subscriptions and publications	260	266
Telephone and communications	801	781
Food and beverages	342	430
Fees and charges	1,001	762
Property expenses	580	676
Motor vehicle expenses	2,058	1,680
External hire charges	632	356
Other	779	653
<u>TOTAL OTHER EXPENSES</u>	<u>19,768</u>	<u>14,949</u>

Accounting policy for other expenses

Other expenses are recorded on an accruals basis as the Council receives the goods or services.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 5. Gains or losses from the disposal of assets

\$ '000	Notes	2018	10/9/16 to 30/6/17
Property (excl. investment property)	10		
Less: carrying amount of property assets sold/written off		–	–
Net gain/(loss) on disposal		–	–
Plant and equipment	10		
Proceeds from disposal – plant and equipment		716	1,684
Less: carrying amount of plant and equipment assets sold/written off		(640)	(1,337)
Net gain/(loss) on disposal		76	347
Infrastructure	10		
Proceeds from disposal – infrastructure		–	–
Less: carrying amount of infrastructure assets sold/written off		(79)	–
Net gain/(loss) on disposal		(79)	–
Financial assets ⁽¹⁾	6		
Proceeds from disposal/redemptions/maturities – financial assets		90,068	93,381
Less: carrying amount of financial assets sold/redeemed/matured		(90,068)	(93,381)
Net gain/(loss) on disposal		–	–
Intangible assets			
Proceeds from disposal – Intangible assets		–	–
Less: carrying amount of Intangible assets sold/written off		(12)	–
Net gain/(loss) on disposal		(12)	–
NET GAIN/(LOSS) ON DISPOSAL OF ASSETS		(15)	347

Accounting policy for disposal of assets

The gain or loss on sale of an asset is determined when control of the asset has irrevocably passed to the buyer and the asset is derecognised.

Note 6(a). Cash and cash equivalent assets

\$ '000	2018	2017
Cash and cash equivalents		
Cash on hand and at bank	6,181	16,572
Cash-equivalent assets		
– Deposits at call	47,990	35,047
Total cash and cash equivalents	54,171	51,619

Accounting policy for cash and cash equivalents

For Statement of Cash Flow presentation purposes, cash and cash equivalents includes cash on hand; deposits held at call with financial institutions; other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value; and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the Statement of Financial Position.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 6(b). Investments

\$ '000	2018 Current	2018 Non-current	2017 Current	2017 Non-current
Investments				
a. 'At fair value through the profit and loss'				
– 'Held for trading'	–	58,602	55,388	–
b. 'Held to maturity'	270,510	11,908	172,358	55,388
Total investments	270,510	70,510	227,746	55,388
TOTAL CASH ASSETS, CASH EQUIVALENTS AND INVESTMENTS	324,681	70,510	279,365	55,388
Financial assets at fair value through the profit and loss				
Long term deposits	–	58,602	55,388	–
Total	–	58,602	55,388	–
Held to maturity investments				
Long term deposits	270,510	–	172,358	–
NCD's, FRN's (with maturities > 3 months)	–	11,908	–	55,388
Total	270,510	11,908	172,358	55,388

Accounting policy for investments

Classification

Council classifies its financial assets in the following categories: financial assets at fair value through profit or loss; loans and receivables; held-to-maturity investments; and available-for-sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in the case of assets classified as held-to-maturity, re-evaluates this designation at each reporting date.

(a) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short-term. Assets in this category are held at fair value with changes in value taken through profit or loss at each reporting period.

(b) Held to maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that Council's management has the positive intention and ability to hold to maturity. Assets in this category are measured at amortised cost.

Recognition and de-recognition

Regular purchases and sales of financial assets are recognised on trade-date: the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Investments are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.

When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 6(c). Restricted cash, cash equivalents and investments – details

\$ '000	2018 Current	2018 Non-current	2017 Current	2017 Non-current
Total cash, cash equivalents and investments	324,681	70,510	279,365	55,388
attributable to:				
External restrictions (refer below)	255,382	70,510	212,783	55,388
Internal restrictions (refer below)	68,330	–	65,382	–
Unrestricted	969	–	1,200	–
	324,681	70,510	279,365	55,388

\$ '000	2018	2017
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Details of restrictions

External restrictions – other

Developer contributions – general	264,118	212,292
Specific purpose unexpended grants	17,979	20,095
Domestic waste management	11,203	8,512
Stormwater management	3,735	2,676
Local area funds	13,689	13,264
Infrastructure levy reserve	12,345	8,891
Community safety levy	743	559
Mascot main street	800	701
Mascot parking rate	1,280	1,181
External restrictions – other	325,892	268,171
Total external restrictions	325,892	268,171

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 6(c). Restricted cash, cash equivalents and investments – details (continued)

\$ '000	2018	2017
Internal restrictions		
Infrastructure replacement	100	100
Employees leave entitlement	5,341	4,867
Carry over works	2,715	3,642
Deposits, retentions and bonds	2,000	2,000
Plant and equipment	5,066	5,025
Office equipment and it reserve	3,167	1,857
Open space and s94 obligations	1,709	1,608
Public liability claims	610	440
Workers compensation	430	116
Council election	500	710
Strategic priorities	30,603	34,460
Street lighting hardware	554	300
Brighton bath amenities building	3,322	2,871
Arncliffe youth centre	3,031	2,970
Financial assistance grants in advance	2,273	2,960
Contribution to works	437	312
Asset replacement	200	200
Church Ave road widening	200	200
Domestic waste management	122	122
Mascot oval	80	80
O'Riordan St cables	210	210
Public works	224	224
Childrens services	108	108
Audit & Legal	5,328	—
Total internal restrictions	68,330	65,382
TOTAL RESTRICTIONS	394,222	333,553

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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 7. Receivables

\$ '000	2018		2017	
	Current	Non-current	Current	Non-current
Purpose				
Rates and annual charges	7,477	—	6,615	—
Interest and extra charges	924	—	876	—
User charges and fees	4,407	—	2,603	—
Accrued revenues				
– Interest on investments	2,874	—	1,289	—
– Other income accruals	25	—	1,268	—
Government grants and subsidies	2,648	—	466	—
Net GST receivable	642	—	1,472	—
Other debtors (Insurance Settlement)	—	—	4,800	—
Other debtors	20	—	14	—
Total	19,017	—	19,403	—
Less: provision for impairment				
Rates and annual charges	(94)	—	(89)	—
Interest and extra charges	(71)	—	(66)	—
User charges and fees	(10)	—	(111)	—
Other debtors	(893)	—	(452)	—
Total provision for impairment – receivables	(1,068)	—	(718)	—
TOTAL NET RECEIVABLES	17,949	—	18,685	—
Externally restricted receivables				
Domestic waste management	1,883	—	1,795	—
Parking (Mascot)	2	—	38	—
Stormwater management	109	—	121	—
Other				
– Local Area Rates	37	—	46	—
– Mascot Main Street	2	—	39	—
– Unexpended Grants	2,640	—	434	—
Total external restrictions	4,673	—	2,473	—
Unrestricted receivables	13,276	—	16,212	—
TOTAL NET RECEIVABLES	17,949	—	18,685	—
Movement in provision for impairment of receivables				
Balance at the beginning of the year			2018	10/9/16 to 30/6/17
+ new provisions recognised during the year			718	565
– amounts already provided for and written off this year			421	153
Balance at the end of the year			(71)	—
			1,068	718

Bayside Council**Notes to the Financial Statements**

for the year ended 30 June 2018

Note 7. Receivables (continued)

Accounting policy for receivables**Recognition and measurement**

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the reporting date which are classified as non-current assets. Loans and receivables are included in other receivables (Note 8) and receivables (Note 7) in the Statement of Financial Position. Receivables are recognised initially at fair value and subsequently measured at amortised cost using the effective interest method, less provision for impairment. Receivables are generally due for settlement within 30 days.

Cash flows relating to short-term receivables are not discounted if the effect of discounting is immaterial.

Impairment

For loans and receivables the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows (excluding future credit losses that have not been incurred) discounted at the financial asset's original effective interest rate. The carrying amount of the asset is reduced and the amount of the loss is recognised in profit or loss.

Collectability of receivables is reviewed on an on-going basis. Debts that are known to be uncollectible are written off by reducing the carrying amount directly. An allowance account (provision for impairment of receivables) is used when there is objective evidence that Council will not be able to collect all amounts due according to the original terms of the receivables.

Significant financial difficulties of the debtor, probability that the debtor will enter bankruptcy or financial reorganisation, and default or delinquency in payments (more than 30 days overdue) are considered indicators that the receivable is impaired. When a receivable for which an impairment allowance had been recognised becomes uncollectible in a subsequent period it is written off against the allowance account. Subsequent recoveries of amounts previously written off are credited against other expenses in the Income statement.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 8. Inventories and other assets

\$ '000	2018		2017	
	Current	Non-current	Current	Non-current
(a) Inventories				
(i) Inventories at cost				
Stores and materials	223	–	184	–
Trading stock	16	–	24	–
Total inventories at cost	239	–	208	–
TOTAL INVENTORIES	239	–	208	–
(b) Other assets				
Prepayments	551	–	685	–
TOTAL OTHER ASSETS	551	–	685	–

Externally restricted assets

There are no restrictions applicable to the above assets.

Accounting policy**Raw materials and stores, work in progress and finished goods**

Raw materials and stores, work in progress and finished goods are stated at the lower of cost and net realisable value. Costs are assigned to individual items of inventory on basis of weighted average costs. Costs of purchased inventory are determined after deducting rebates and discounts. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Inventory held for distribution

Inventory held for distribution is held at cost, adjusted where applicable for any loss of service potential.

Land held for resale/capitalisation of borrowing costs

Land held for resale is stated at the lower of cost and net realisable value. Cost is assigned by specific identification and includes the cost of acquisition, and development and borrowing costs during development. When development is completed borrowing costs and other holding charges are expensed as incurred.

Borrowing costs included in the cost of land held for resale are those costs that would have been avoided if the expenditure on the acquisition and development of the land had not been made. Borrowing costs incurred while active development is interrupted for extended periods are recognised as expenses.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 9. Non-current assets classified as held for sale (and disposal groups)

\$ '000	2018	2018	2017	2017
	Current	Non-current	Current	Non-current
(i) Non-current assets and disposal group assets				
Non-current assets 'held for sale'				
Land	3,360	–	2,190	–
Total non-current assets 'held for sale'	3,360	–	2,190	–
TOTAL NON-CURRENT ASSETS CLASSIFIED AS 'HELD FOR SALE'	3,360	–	2,190	–

\$ '000	Assets 'held for sale'	
	2018	to 30/6/17

(ii) Reconciliation of non-current assets
'held for sale'

Opening balance	2,190	–
Balance still unsold after 12 months:	2,190	–
Plus new transfers in:		
– Assets 'held for sale'	1,170	2,190
Closing balance of 'held for sale'	3,360	2,190
non-current assets and operations		

Accounting policy for non-current assets classified as held for sale

Non-current assets (or disposal groups) are classified as held for sale if their carrying amount will be recovered principally through a sale transaction rather than through continuing use. They are measured at the lower of their carrying amount and fair value less costs to sell, except for assets such as deferred tax assets; assets arising from employee benefits; financial assets; and investment property that are carried at fair value.

An impairment loss is recognised for any initial or subsequent write-down of the asset (or disposal group) to fair value less costs to sell. A gain is recognised for any subsequent increases in fair value less costs to sell of an asset (or disposal group), but not in excess of any cumulative impairment loss previously recognised. A gain or loss not previously recognised by the date of the sale of the non-current asset (or disposal group) is recognised at the date of de-recognition.

Non-current assets (including those that are part of a disposal group) are not depreciated or amortised while they are classified as held for sale.

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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 10(a). Infrastructure, property, plant and equipment

Asset class \$ '000	as at 30/6/2017			Asset movements during the reporting period								as at 30/6/2018		
	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount	Additions renewals	Additions new assets	Carrying value of disposals	Depreciation expense	WIP transfers	Adjustments and transfers	Other movements WIP Expensed	Tfrs from/to held for sale category	Gross carrying amount	Accumulated depreciation and impairment	Net carrying amount
Capital work in progress	9,846	–	9,846	10,310	–	–	–	(8,413)	–	(1,192)	–	10,552	–	10,552
Plant and equipment	14,967	5,868	9,099	5,596	–	(629)	(2,401)	–	–	–	–	19,221	7,555	11,666
Office equipment	1,547	777	770	89	–	(7)	(320)	–	–	–	–	1,449	916	533
Furniture and fittings	1,492	934	558	–	–	(4)	(110)	–	–	–	–	1,034	589	445
Land:														
– Operational land	326,406	–	326,406	–	–	–	–	–	(2,375)	–	(1,170)	322,862	–	322,862
– Community land	155,029	–	155,029	–	515	–	–	–	2,375	–	–	157,920	–	157,920
– Land under roads (post 30/6/08)	1,552	–	1,552	–	630	–	–	–	–	–	–	2,183	–	2,183
Land improvements – non-depreciable	–	–	–	511	–	–	–	132	–	–	–	643	–	643
Land improvements – depreciable	28,036	8,250	19,786	164	1,789	–	(657)	155	280	–	–	30,369	8,851	21,518
Infrastructure:														
– Buildings	230,457	64,220	166,237	4,578	1,883	–	(3,686)	1,864	–	–	–	237,738	66,862	170,876
– Other structures	52,616	16,808	35,808	–	1,930	–	(2,431)	1,474	(280)	–	–	55,377	18,877	36,500
– Roads	484,966	121,908	363,058	1,765	283	–	(7,185)	2,679	(1,729)	–	–	487,150	128,272	358,878
– Bridges	7,992	942	7,050	–	–	–	(82)	–	–	–	–	7,992	1,023	6,969
– Footpaths	97,564	43,124	54,440	412	169	–	(1,605)	1,409	–	–	–	99,354	44,538	54,816
– Bulk earthworks (non-depreciable)	61,056	–	61,056	23	–	(79)	–	202	1,729	–	–	62,930	–	62,930
– Stormwater drainage	138,770	52,978	85,792	147	390	–	(1,629)	498	–	–	–	139,934	54,736	85,198
– Swimming pools	6,442	268	6,174	414	–	–	(196)	–	–	–	–	6,856	463	6,393
Other assets:														
– Library books	2,980	1,512	1,468	585	–	–	(579)	–	–	–	–	2,581	1,108	1,473
– Other	–	–	–	–	41	–	–	–	–	–	–	41	–	41
TOTAL INFRASTRUCTURE, PROPERTY, PLANT AND EQUIP.	1,621,718	317,589	1,304,129	24,594	7,630	(719)	(20,881)	–	–	(1,192)	(1,170)	1,646,186	333,790	1,312,396

Renewals are defined as the replacement of existing assets (as opposed to the acquisition of new assets).

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 10(a). Infrastructure, property, plant and equipment (continued)

Accounting policy for infrastructure, property, plant and equipment

Infrastructure, property, plant and equipment are held at fair value. Independent valuations are performed at least every five years, however the carrying amount of assets is assessed at each reporting date to confirm that it is not materially different from current fair value.

Increases in the carrying amounts arising on revaluation are credited to the asset revaluation reserve. To the extent that the increase reverses a decrease previously recognising profit or loss relating to that asset class, the increase is first recognised as profit or loss. Decreases that reverse previous increases of assets in the same class are first charged against revaluation reserves directly in equity to the extent of the remaining reserve attributable to the class; all other decreases are charged to the Income Statement.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to Council and the cost of the item can be measured reliably. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Land is not depreciated. Depreciation on other assets is calculated using the straight line method to allocate their cost, net of their residual values, over their estimated long and short average useful lives as follows:

Plant and equipment	Years	Other equipment	Years
Office equipment	5	Playground equipment	5 to 15
Office furniture	10	Benches, seats etc.	10 to 20
Computer equipment	4		
Vehicles	5	Buildings	
Heavy plant/road making equipment	7	Buildings: Non Specialised	69
Other plant and equipment	7	Buildings: Specialised	82
		Stormwater assets	
		Drains	87
		Culverts	50 to 80
		Flood control structures	80 to 100
Transportation assets		Other infrastructure assets	
Sealed roads: surface	25 to 30	Bulk earthworks	Infinite
Sealed roads: structure	85 to 140	Swimming pools	25
Unsealed roads	20	Unsealed roads	20
Bridge: concrete	97	Other open space/recreational assets	10 to 50
Bridge: other	50	Other infrastructure	30
Road pavements	79		
Kerb, gutter and footpaths	64	Library Assets	5

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each reporting date. Gains and losses on disposals are determined by comparing proceeds with carrying amount. These are included in the Income statement.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 10(a). Infrastructure, property, plant and equipment (continued)

Accounting policy for infrastructure, property, plant and equipment (continued)

Land under roads

Land under roads is land under roadways and road reserves including land under footpaths, nature strips and median strips.

Council has elected not to recognise land under roads acquired before 1 July 2008 in accordance with AASB 1051 Land Under Roads.

Land under roads acquired after 1 July 2008 is recognised in accordance with AASB 116 Property, Plant and Equipment.

Crown reserves

Crown Reserves under Council's care and control are recognised as assets of the Council. While ownership of the reserves remains with the Crown, Council retains operational control of the reserves and is responsible for their maintenance and use in accordance with the specific purposes to which the reserves are dedicated. Improvements on Crown Reserves are also recorded as assets, while maintenance costs incurred by Council and revenues relating to the reserves are recognised within Council's Income Statement.

Rural Fire Service assets

Under section 119 of the *Rural Fire Services Act 1997 (NSW)*, "all fire fighting equipment purchased or constructed wholly or from money to the credit of the Fund is to be vested in the council of the area for or on behalf of which the fire fighting equipment has been purchased or constructed".

Until such time as discussions on this matter have concluded and the legislation changed, Council will not recognise rural fire service assets including land, buildings, plant and vehicles.

Note 10(b). Externally restricted infrastructure, property, plant and equipment

\$ '000 Class of asset	2018			2017		
	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount	Gross carrying amount	Accumulated depn. and impairment	Net carrying amount
Domestic waste management						
Plant and equipment	2,307	615	1,692	2,580	1,532	1,048
Total DWM	2,307	615	1,692	2,580	1,532	1,048
TOTAL RESTRICTED IPP&E	2,307	615	1,692	2,580	1,532	1,048

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 11. Intangible assets

\$ '000	2018	2017
Intangible assets represent identifiable non-monetary assets without physical substance.		
Intangible assets are as follows:		
Opening values:		
Gross book value (1/7)	5,842	4,588
Accumulated amortisation (1/7)	(2,355)	(1,783)
Net book value – opening balance	3,487	2,805
Movements for the year		
– Purchases	439	1,254
– Amortisation charges	(559)	(572)
– Gross book value written off	(987)	–
– Accumulated amortisation charges written off	975	–
Closing values:		
Gross book value (30/6)	5,294	5,842
Accumulated amortisation (30/6)	(1,939)	(2,355)
TOTAL INTANGIBLE ASSETS – NET BOOK VALUE ¹	3,355	3,487
¹. The net book value of intangible assets represent:		
– software includes capitalised development costs being an internally generated intangible assets	3,355	3,487
	3,355	3,487

Accounting policy for intangible assets

IT development and software

Costs incurred in developing products or systems and costs incurred in acquiring software and licenses that will contribute to future period financial benefits through revenue generation and/or cost reduction are capitalised to software and systems. Costs capitalised include external direct costs of materials and service, direct payroll, and payroll related costs of employees' time spent on the project. Amortisation is calculated on a straight line basis over periods generally ranging from three to five years.

IT development costs include only those costs directly attributable to the development phase and are only recognised following completion of technical feasibility, and where Council has an intention and ability to use the asset.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 12. Payables and borrowings

\$ '000	2018		2017	
	Current	Non-current	Current	Non-current
Payables				
Goods and services – operating expenditure	6,041	–	2,265	–
Accrued expenses:				
– Borrowings	10	–	–	–
– Salaries and wages	1,049	–	943	–
– Other expenditure accruals	5,889	–	6,754	–
Security bonds, deposits and retentions	18,549	–	17,829	–
Builders service and plan first levy payable	153	–	348	–
Other	328	–	1,239	–
Total payables	32,019	–	29,378	–
Income received in advance				
Payments received in advance	1,079	–	786	–
Total income received in advance	1,079	–	786	–
Borrowings				
Loans – secured ¹	1,079	3,854	1,101	4,912
Total borrowings	1,079	3,854	1,101	4,912
TOTAL PAYABLES AND BORROWINGS	34,177	3,854	31,265	4,912

(a) Payables and borrowings relating to restricted assets

There are no restricted assets (external or internal) applicable to the above payables and borrowings

¹. Loans are secured over the general rating income of Council

Disclosures on liability interest rate risk exposures, fair value disclosures and security can be found in Note 19.

(b) Changes in liabilities arising from financing activities

Class of borrowings	Opening balance as at 1/7/17	Cash flows	Non-cash changes			Closing balance as at 30/6/18
			Acquisition	Fair value changes	Other non-cash movements	
Loans – secured	6,013	(1,080)	–	–	–	4,933
TOTAL	6,013	(1,080)	–	–	–	4,933

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 12. Payables and borrowings (continued)

\$ '000	2018	2017
(c) Financing arrangements		
(i) Unrestricted access was available at balance date to the following lines of credit:		
Bank overdraft facilities ⁽¹⁾	890	890
Credit cards/purchase cards	60	160
Total financing arrangements	950	1,050
Undrawn facilities as at balance date:		
– Bank overdraft facilities	890	890
– Credit cards/purchase cards	56	160
Total undrawn financing arrangements	946	1,050

1. The bank overdraft facility may be drawn at any time and may be terminated by the bank without notice.

Accounting policy for payables and borrowings

Payables

These amounts represent liabilities for goods and services provided to the Council prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

Borrowings

Borrowings are initially recognised at fair value, net of transaction costs incurred. Borrowings are subsequently measured at amortised cost. Any difference between the proceeds (net of transaction costs) and the redemption amount is recognised in the income statement over the period of the borrowings using the effective interest method. Fees paid on the establishment of loan facilities are recognised as transaction costs of the loan to the extent that it is probable that some or all of the facility will be drawn down. In this case, the fee is deferred until the draw down occurs. To the extent there is no evidence that it is probable that some or all of the facility will be drawn down, the fee is capitalised as a prepayment for liquidity services and amortised over the period of the facility to which it relates.

Borrowings are removed from the Statement of Financial Position when the obligation specified in the contract is discharged, cancelled or expired. The difference between the carrying amount of a financial liability that has been extinguished or transferred to another party and the consideration paid, including any non-cash assets transferred or liabilities assumed, is recognised in other income or finance cost.

Borrowings are classified as current liabilities unless Council has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 13. Provisions

\$ '000	2018		2017	
	Current	Non-current	Current	Non-current
Provisions				
Employee benefits:				
Annual leave	8,232	—	7,754	—
Sick leave	1,230	—	1,278	—
Long service leave	12,736	367	11,923	608
Gratuities	341	—	373	—
Sub-total – aggregate employee benefits	22,539	367	21,328	608
Other provisions:				
Public liability under excess	—	296	—	296
Settlement and legal costs	—	—	1,707	—
Other (Remediation Provision)	—	3,415	—	3,322
Other (Land Disposal Tax)	1,904	—	—	1,904
Other	—	—	637	—
Sub-total – other provisions	1,904	3,711	2,344	5,522
TOTAL PROVISIONS	24,443	4,078	23,672	6,130

(a) Provisions relating to restricted assets

There are no restricted assets (external or internal) applicable to the above provisions

\$ '000	2018	2017
---------	------	------

(b) Current provisions not anticipated to be settled within the next twelve months

The following provisions, even though classified as current, are not expected to be settled in the next 12 months.

Provisions – employees benefits	19,158	—
	19,158	—

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 13. Provisions (continued)

\$ '000

(c) Description of and movements in provisions

2018	ELE provisions					Total
	Annual leave	Sick leave	Long service leave	ELE on-costs	Other employee benefits	
At beginning of year	7,754	1,278	12,531	—	373	21,936
Additional provisions	4,138	328	2,488	—	40	6,994
Amounts used (payments)	(3,836)	(116)	(1,477)	—	(82)	(5,511)
Remeasurement effects	275	66	(8)	—	10	343
Unused amounts reversed	(99)	(326)	(431)	—	—	(856)
Total ELE provisions at end of year	8,232	1,230	13,103	—	341	22,906
2017	ELE provisions					Total
	Annual leave	Sick leave	Long service leave	ELE on-costs	Other employee benefits	
At beginning of year	8,222	1,565	11,925	—	368	22,080
Additional provisions	1,145	—	214	—	—	1,359
Amounts used (payments)	(2,636)	(131)	(1,345)	—	—	(4,112)
Remeasurement effects	1,315	30	1,737	—	7	3,089
Unused amounts reversed	(291)	(186)	—	—	(3)	(480)
Total ELE provisions at end of year	7,754	1,278	12,531	—	373	21,936
2018	Other provisions					Total
	Onerous Contracts	Settlement and legal costs	Other	Self-insurance	Asset remediation	
At beginning of year	—	2,308	5,559	—	—	7,867
Changes to provision:						
Additional provisions	—	42	—	—	—	42
Amounts used (payments)	—	(2,350)	—	—	—	(2,350)
Remeasurement effects	—	—	56	—	—	56
Total other provisions at end of year	—	—	5,615	—	—	5,615
2017	Other provisions					Total
	Onerous Contracts	Settlement and legal costs	Other	Self-insurance	Asset remediation	
At beginning of year	4,339	2,398	2,221	—	—	8,958
Changes to provision:						
Additional provisions	—	291	—	—	—	291
Amounts used (payments)	(4,339)	(381)	(1,925)	—	—	(6,645)
Other	—	—	5,263	—	—	5,263
Total other provisions at end of year	—	2,308	5,559	—	—	7,867

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Note 13. Provisions (continued)

Nature and purpose of non-employee benefit provisions

Asset remediation

Council has a result of past operating activities, has various sites situated within its LGA, that will require it to undertake restoration and remediation works.

Council has legal/public obligations to make restore, rehabilitate and reinstate a parcel of land and has included a non current provision for \$3,415k (re Note13) for these works on land formerly under its care and control.

Settlement and legal costs

In the previous year council recognised a provision for settlement and legal costs. From 2017/18 these costs and associated revenue will be recognised in the relevant period.

Accounting policy for provisions

Provisions are recognised when Council has a present legal or constructive obligation as a result of past events, it is probable that an outflow of resources will be required to settle the obligation, and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the reporting date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

Employee benefits

Short-term obligations

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulating sick leave expected to be wholly settled within 12 months after the end of the period in which the employees render the related service are recognised in respect of employees' services up to the end of the reporting period and are measured at the amounts expected to be paid when the liabilities are settled. The liability for annual leave and accumulating sick leave is recognised in the provision for employee benefits. All other short-term employee benefit obligations are presented as payables.

Other long-term employee benefit obligations

The liability for long service leave and annual leave that is not expected to be wholly settled within 12 months after the end of the period in which the employees render the related service is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the end of the reporting period using the projected unit credit method.

Consideration is given to expected future wage and salary levels, experience of employee departures, and periods of service. Expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

The obligations are presented as current liabilities in the Statement of Financial Position if the Council does not have an unconditional right to defer settlement for at least 12 months after the reporting date, regardless of when the actual settlement is expected to occur.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 13. Provisions (continued)

Provisions for close-down and restoration, and environmental clean-up costs – tips and quarries

Restoration

Close down and restoration costs include the dismantling and demolition of infrastructure and the removal of residual materials and remediation of disturbed areas. Estimated close down and restoration costs are provided for in the accounting period when the obligation arising from the related disturbance occurs, whether this occurs during the development or during the operation phase, based on the net present value of estimated future costs.

Provisions for close down and restoration costs do not include any additional obligations which are expected to arise from future disturbance. The costs are estimated on the basis of a closure plan. The cost estimates are calculated annually during the life of the operation to reflect known developments, eg updated cost estimates and revisions to the estimated lives of operations, and are subject to formal review at regular intervals

Rehabilitation

Where rehabilitation is conducted systematically over the life of the operation, rather than at the time of closure, provision is made for the estimated outstanding continuous rehabilitation work at each reporting date and the cost is charged to the Income Statement.

Provision is made for the estimated present value of the costs of environmental clean up obligations outstanding at the reporting date. These costs are charged to the Income Statement. Movements in the environmental clean up provisions are presented as an operating cost, except for the unwinding of the discount which is shown as a borrowing cost.

Remediation procedures generally commence soon after the time the damage, remediation process and estimated remediation costs become known, but may continue for many years depending on the nature of the disturbance and the remediation techniques.

As noted above, the ultimate cost of environmental remediation is uncertain and cost estimates can vary in response to many factors including changes to the relevant legal requirements, the emergence of new restoration techniques or experience at other locations. The expected timing of expenditure can also change, for example in response to changes in quarry reserves or production rates. As a result there could be significant adjustments to the provision for close down and restoration and environmental clean up, which would affect future financial results.

Other movements in the provisions for close down and restoration costs, including those resulting from new disturbance, updated cost estimates, changes to the estimated lives of operations and revisions to discount rates are capitalised within property, plant and equipment. These costs are then depreciated over the lives of the assets to which they relate.

Close down and restoration costs are a normal consequence of tip and quarry operations, and the majority of close down and restoration expenditure is incurred at the end of the life of the operations. Although the ultimate cost to be incurred is uncertain, Council estimates the respective costs based on feasibility and engineering studies using current restoration standards and techniques.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 14. Accumulated surplus, revaluation reserves, changes in accounting policies, changes in accounting estimates and errors

Nature and purpose of reserves

Infrastructure, property, plant and equipment revaluation reserve

The infrastructure, property, plant and equipment revaluation reserve is used to record increments / decrements of non-current asset values due to their revaluation.

Note 15. Statement of cash flows – additional information

\$ '000	Notes	2018	2017
(a) Reconciliation of cash assets			
Total cash and cash equivalent assets	6a	54,171	51,619
Balance as per the Statement of Cash Flows		54,171	51,619
(b) Reconciliation of net operating result to cash provided from operating activities			
Net operating result from Income Statement		68,998	10,779
Adjust for non-cash items:			
Depreciation and amortisation		21,440	16,797
Net losses/(gains) on disposal of assets		15	(347)
Non-cash capital grants and contributions		(1,536)	(1,782)
Losses/(gains) recognised on fair value re-measurements through the P&L:			
– Investments classified as 'at fair value' or 'held for trading'		(38)	(188)
Amortisation of premiums, discounts and prior period fair valuations			
– Interest exp. on interest-free loans received by Council (previously fair value)		21	28
Share of net (profits) or losses of associates/joint ventures		(667)	(560)
+/- Movement in operating assets and liabilities and other cash items:			
Decrease/(increase) in receivables		386	43,302
Increase/(decrease) in provision for doubtful debts		350	153
Decrease/(increase) in inventories		(31)	166
Decrease/(increase) in other assets		134	1,488
Increase/(decrease) in payables		3,776	148
Increase/(decrease) in accrued interest payable		10	–
Increase/(decrease) in other accrued expenses payable		(759)	1,187
Increase/(decrease) in other liabilities		(93)	2,629
Increase/(decrease) in employee leave entitlements		970	(144)
Increase/(decrease) in other provisions		(2,251)	(1,092)
Net cash provided from/(used in) operating activities from the Statement of Cash Flows		90,725	72,564
(c) Non-cash investing and financing activities			
Developer contributions 'in kind'		407	1,782
Other dedications		1,129	–
Total non-cash investing and financing activities		1,536	1,782

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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 16. Interests in other entities

\$ '000

	Council's share of net income		Council's share of net assets	
	2018	10/9/16 to 30/6/17	2018	2017
Joint ventures	667	560	5,068	4,401
Total	667	560	5,068	4,401

(a) Joint arrangements

(i) Joint ventures

(a) Net carrying amounts – Council's share

Name of entity	Nature of relationship	Measurement method	2018	2017
Civic Risk Mutual (United Independent Pools)	Joint Venture	Equity method	637	489
Civic Risk Mutual (Metropool)	Joint Venture	Equity method	4,431	3,912
Total carrying amounts – material joint ventures			5,068	4,401

(b) Details

Name of entity	Principal activity	Place of business
Civic Risk Mutual (United Independent Pools)	Liability insurance & risk management	Penrith, NSW
Civic Risk Mutual (Metropool)	Liability insurance & risk management	Penrith, NSW

(c) Relevant interests and fair values

Name of entity	Quoted fair value		Interest in outputs		Interest in ownership		Proportion of voting power	
	2018	2017	2018	2017	2018	2017	2018	2017
Civic Risk Mutual (United Independent Pools)	N/A	N/A	8%	8%	8%	8%	6%	6%
Civic Risk Mutual (Metropool)	N/A	N/A	33%	34%	33%	34%	17%	14%

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 16. Interests in other entities (continued)

\$ '000

(a) Joint arrangements (continued)

(d) Summarised financial information for joint ventures

	Civic Risk Mutual (United Independent Pools)		Civic Risk Mutual (Metropool)	
	2018	2017	2018	2017
Statement of financial position				
Current assets				
Cash and cash equivalents	1,158	506	15	28
Other current assets	5,759	6,239	8,114	5,738
Non-current assets	5,989	5,889	16,220	18,168
Current liabilities				
Current financial liabilities (excluding trade and other payables and provisions)	2,690	2,890	1,714	1,443
Other current liabilities	299	423	101	150
Non-current liabilities				
Non-current financial liabilities (excluding trade and other payables and provisions)	1,448	2,830	8,985	10,730
Net assets	8,469	6,491	13,549	11,611
Reconciliation of the carrying amount				
Opening net assets (1 July)	6,491	7,585	11,611	11,054
Profit/(loss) for the period	1,978	(796)	1,938	2,189
Other adjustments to equity	—	(298)	—	(1,632)
Closing net assets	8,469	6,491	13,549	11,611
Council's share of net assets (%)	7.5%	7.5%	32.7%	33.7%
Council's share of net assets (\$)	637	489	4,431	3,912
	2018	10/9/16 to 30/6/17	2018	10/9/16 to 30/6/17
Statement of comprehensive income				
Income	9,426	8,302	2,115	2,781
Interest income	439	584	1,077	1,089
Other expenses	(7,887)	(9,682)	(1,254)	(1,681)
Profit/(loss) for period	1,978	(796)	1,938	2,189
Total comprehensive income	1,978	(796)	1,938	2,189
Share of income – Council (%)	7.5%	5.2%	26.8%	27.5%
Profit/(loss) – Council (\$)	149	(41)	519	601
Total comprehensive income – Council (\$)	149	(41)	519	601

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 16. Interests in other entities (continued)

Accounting policy for joint arrangements

The Council has determined that it has only joint ventures

Joint ventures

Interests in joint ventures are accounted for using the equity method in accordance with AASB128 *Investments in Associates and Joint Ventures*. Under this method, the investment is initially recognised as a cost and the carrying amount is increased or decreased to recognise the Council's share of the profit or loss and other comprehensive income of the joint venture after the date of acquisition.

If the Council's share of losses of a joint venture equals or exceeds its interest in the joint venture, the Council discontinues recognising its share of further losses.

The Council's share in the joint venture's gains or losses arising from transactions between itself and its joint venture are eliminated.

Adjustments are made to the joint venture's accounting policies where they are different from those of the Council for the purpose of the consolidated financial statements.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 17. Commitments for expenditure

\$ '000	2018	2017
(a) Capital commitments (exclusive of GST)		
Capital expenditure committed for at the reporting date but not recognised in the financial statements as liabilities:		
Property, plant and equipment		
Buildings	140	6,798
Plant and equipment	2,657	1,276
Infrastructure Works	9,292	16,791
Information Management	580	4,206
Other	6	258
Total commitments	12,675	29,329
These expenditures are payable as follows:		
Within the next year	12,675	–
Later than one year and not later than 5 years	–	25,479
Later than 5 years	–	3,850
Total payable	12,675	29,329
Sources for funding of capital commitments:		
Unrestricted general funds	3,403	29,329
Section 7.11 and 64 funds/reserves	9,272	–
Total sources of funding	12,675	29,329
Details of capital commitments		
Completion of Council's capital works program which has commenced.		
(b) Operating lease commitments (non-cancellable)		
a. Commitments under non-cancellable operating leases at the reporting date, but not recognised as liabilities are payable:		
Within the next year	17	28
Later than one year and not later than 5 years	62	2
Total non-cancellable operating lease commitments	79	30

b. Non-cancellable operating leases include the following assets:

Office equipment.

Contingent rentals may be payable depending on the condition of items or usage during the lease term.

Conditions relating to operating leases:

- All operating lease agreements are secured only against the leased asset.
- No lease agreements impose any financial restrictions on Council regarding future debt etc.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 18. Contingencies and other assets/liabilities not recognised

The following assets and liabilities do not qualify for recognition in the Statement of Financial Position, their knowledge and disclosure is considered relevant to the users of Council's financial report.

LIABILITIES NOT RECOGNISED:

1. Guarantees

(i) Defined benefit superannuation contributions plans

Council participates in an employer-sponsored defined benefit superannuation scheme, and makes contributions as determined by the superannuation scheme's trustees.

Member councils bear responsibility of ensuring there are sufficient funds available to pay out the required benefits as they fall due.

The schemes most recent full actuarial review indicated that the net assets of the scheme were not sufficient to meet the accrued benefits of the schemes defined benefit member category with member councils required to make significantly higher contributions in future years.

The Local Government Superannuation Scheme however is unable to provide Council with an accurate estimate of its share of the net deficit and accordingly Council has not recorded any net liability from its defined benefit scheme obligations in accordance with AASB 119.

Future contributions made to the defined benefit scheme to rectify the net deficit position will be recognised as an expense when they become payable – similar to the accounting for defined contributions plans.

(ii) CivicRisk Metro (formerly Metro Pool)

Council is a member of CivicRisk Metro, a joint venture of seven local councils in New South Wales.

It was established in 1990 to allow sharing of public liability and professional indemnity risks of its member councils.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iii) CivicRisk Mutual (formerly United Independent Pools (UIP))

Council is a member of CivicRisk Mutual, a joint venture, incorporated in July 2005 by CivicRisk West (formerly West Pool) and CivicRisk Metro (formerly Metro Pool).

CivicRisk Mutual "pools" the Industrial Special Risk, commercial motor property damage, Councillors' Directors' and Officers'/Statutory Liability and Fidelity Guarantee/Crime/Cyber risks of its 17 member Councils. It also undertakes various other activities, including running risk management forums and the bulk purchase of certain other insurances.

Membership includes the potential to share in either the net assets or liabilities of the fund depending on its past performance. Council's share of the net assets or liabilities reflects Council's contributions to the pool and the result of insurance claims within each of the fund years.

The future realisation and finalisation of claims incurred but not reported to 30/6 this year may result in future liabilities or benefits as a result of past events that Council will be required to fund or share in respectively.

(iv) StateCover Mutual Limited

Council is a member of StateCover Mutual Limited and holds a partly paid share in the entity.

StateCover is a company providing workers compensation insurance cover to the NSW local government industry and specifically Council.

Council has a contingent liability to contribute further equity in the event of the erosion of the company's capital base as a result of the company's past performance and/or claims experience or as a result of any increased prudential requirements from APRA.

These future equity contributions would be required to maintain the company's minimum level of net assets in accordance with its licence requirements.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 18. Contingencies and other assets/liabilities not recognised (continued)

(v) Other guarantees

Council has the following contract performance limited bank guarantee to:

Sydney Airport Corporation Ltd (\$400K)

2. Other liabilities

(i) Remediation

The Council as part of past Council operations may have remediation liabilities. While some provision has been made in the accounts for this, there is potential for further exposure to losses not already provided for.

(ii) Third party claims

The Council is involved from time to time in various claims incidental to the ordinary course of business including claims for damages relating to its services. Council believes that it is appropriately covered for all claims through its insurance coverage and does not expect any material liabilities to eventuate.

(iii) S94 plans

Council levies section 94/94A contributions upon various development across the Council area through the required contributions plans.

As part of these plans, Council has received funds for which it will be required to expend the monies in accordance with those plans.

As well, these plans indicate proposed future expenditure to be undertaken by Council, which will be funded by making levies and receipting funds in future years or where a shortfall exists by the use of Council's general funds.

These future expenses do not yet qualify as liabilities as of the reporting date, but represent Council's intention to spend funds in the manner and timing set out in those plans.

(iv) Potential land acquisitions due to planning restrictions imposed by Council

Council has classified a number of privately owned land parcels as local open space or bushland.

As a result, where notified in writing by the various owners, Council will be required to purchase these land parcels.

At reporting date, reliable estimates as to the value of any potential liability (and subsequent land asset) from such potential acquisitions has not been possible.

(v) ICAC investigation Operation Ricco

ICAC's investigation of allegations of fraud and corruption identified significant weakness in the former City of Botany Bay Council's internal controls. The systemic nature of the breakdown in governance may result in liabilities relating to past decisions or actions which are unknown at reporting date.

There is also potential future expenses relating to the legal recovery actions which may not be fully recoverable.

ASSETS NOT RECOGNISED:

(i) Legal recoveries of fraud

Legal recovery actions are being progressed against persons for recovery of monies identified by the ICAC Operation Ricco and by Council as fraud against the former City of Botany Bay Council. Outcomes cannot be reliably measured at time of reporting resulting in a contingent asset relating to legal recoveries and insurance settlements.

(ii) Legal actions

Council has provided for some legal settlements but is currently defending these legal claims which are potential contingent assets if successful.

(iii) Infringement notices/fines

Fines and penalty income, the result of Council issuing infringement notices is followed up and collected by the Infringement Processing Bureau.

Council's revenue recognition policy for such income is to account for it as revenue on receipt.

Accordingly, at year end, there is a potential asset due to Council representing issued but unpaid infringement notices.

Due to the limited information available on the status, value and duration of outstanding notices, Council is unable to determine the value of outstanding income.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 19. Financial risk management

\$ '000

Risk management

Council's activities expose it to a variety of financial risks including **(1)** price risk, **(2)** credit risk, **(3)** liquidity risk and **(4)** interest rate risk.

The Council's overall risk management program focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the financial performance of the Council.

Council does not engage in transactions expressed in foreign currencies and is therefore not subject to foreign currency risk.

Financial risk management is carried out by Council's finance section under policies approved by the Council.

The fair value of Council's financial assets and financial liabilities approximates their carrying amount.

A comparison by category of the carrying amounts and fair values of Council's financial assets and financial liabilities recognised in the financial statements is presented below.

	Carrying value		Fair value	
	2018	2017	2018	2017
Financial assets				
Cash and cash equivalents	54,171	51,619	—	—
Investments				
– 'Held for trading'	58,602	55,388	—	—
– 'Held to maturity'	282,418	227,746	—	—
Receivables	17,949	18,685	—	—
Total financial assets	413,140	353,438	—	—
Financial liabilities				
Payables	32,019	29,378	—	—
Loans/advances	4,933	6,013	—	—
Total financial liabilities	36,952	35,391	—	—

Fair value is determined as follows:

- **Cash** and **cash equivalents, receivables, payables** – are estimated to be the carrying value that approximates market value.
- **Borrowings** and **held-to-maturity** investments – are based upon estimated future cash flows discounted by the current mkt interest rates applicable to assets and liabilities with similar risk profiles, unless quoted market prices are available.
- Financial assets classified (i) '**at fair value through profit and loss**' or (ii) '**available-for-sale**' – are based upon quoted market prices (in active markets for identical investments) at the reporting date or independent valuation.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 19. Financial risk management (continued)

\$ '000

Council's objective is to maximise its return on cash and investments whilst maintaining an adequate level of liquidity and preserving capital.

Council's finance area manages the cash and Investments portfolio with the assistance of independent advisors.

Council has an investment policy which complies with the *Local Government Act 1993* and Ministerial Investment Order 625. This policy is regularly reviewed by Council and its staff and a monthly Investment report is provided to Council setting out the make-up and performance of the portfolio as required by Local Government regulations.

The risks associated with the investments held are:

- **Price risk** – the risk that the capital value of Investments may fluctuate due to changes in market prices, whether there changes are caused by factors specific to individual financial instruments or their issuers or are caused by factors affecting similar instruments traded in a market.
- **Interest rate risk** – the risk that movements in interest rates could affect returns and income.
- **Credit risk** – the risk that the investment counterparty will not complete their obligations particular to a financial instrument, resulting in a financial loss to Council – be it of a capital or income nature.

Council manages these risks (amongst other measures) by diversifying its portfolio and only purchasing investments with high credit ratings or capital guarantees.

(a) Market risk – price risk and interest rate risk

The following represents a summary of the sensitivity of Council's Income Statement and accumulated surplus (for the reporting period) due to a change in either the price of a financial asset or the interest rates applicable.

It is assumed that the change in interest rates would have been constant throughout the reporting period.

	Increase of values/rates		Decrease of values/rates	
	Profit	Equity	Profit	Equity
2018				
Possible impact of a 10% movement in market values	5,860	5,860	(5,860)	(5,860)
Possible impact of a 1% movement in interest rates	2,824	2,824	(2,824)	(2,824)
10/9/16 to 30/6/17				
Possible impact of a 10% movement in market values	5,539	5,539	(5,539)	(5,539)
Possible impact of a 1% movement in interest rates	2,289	2,289	(2,289)	(2,289)

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 19. Financial risk management (continued)

\$ '000

(b) Credit risk

Council's major receivables comprise (i) rates and annual charges and (ii) user charges and fees.

The major risk associated with these receivables is credit risk – the risk that debts due and payable to Council may not be repaid in full.

Council manages this risk by monitoring outstanding debt and employing stringent debt recovery procedures. It also encourages ratepayers to pay their rates by the due date through incentives.

Credit risk on rates and annual charges is minimised by the ability of Council to secure a charge over the land relating to the debts – that is, the land can be sold to recover the debt. Council is also able to charge interest on overdue rates and annual charges at higher than market rates which further encourages the payment of debt.

There are no significant concentrations of credit risk, whether through exposure to individual customers, specific industry sectors and/or regions.

The level of outstanding receivables is monitored by finance and monitored for acceptable collection performance.

Council makes suitable provision for doubtful receivables as required and carries out credit checks on most non-rate debtors.

There are no material receivables that have been subjected to a re-negotiation of repayment terms.

A profile of Council's receivables credit risk at balance date follows:

	2018 Rates and annual charges	2018 Other receivables	2017 Rates and annual charges	2017 Other receivables
(i) Ageing of receivables – %				
Current (not yet overdue)	67%	67%	47%	72%
Overdue	33%	33%	53%	28%
	100%	100%	100%	100%
(ii) Ageing of receivables – value			2018	2017
Rates and annual charges				
Current			45	2,477
< 1 year overdue			5,605	3,483
1 – 2 years overdue			1,692	562
2 – 5 years overdue			586	466
> 5 years overdue			473	368
			8,401	7,356
Other receivables				
Current			7,127	9,811
0 – 30 days overdue			659	411
31 – 60 days overdue			10	407
61 – 90 days overdue			429	546
> 91 days overdue			2,391	872
			10,616	12,047

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Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 19. Financial risk management (continued)

\$ '000

(c) Liquidity risk

Payables and borrowings are both subject to liquidity risk – the risk that insufficient funds may be on hand to meet payment obligations as and when they fall due.

Council manages this risk by monitoring its cash flow requirements and liquidity levels and maintaining an adequate cash buffer.

Payment terms can (in extenuating circumstances) also be extended and overdraft facilities utilised as required.

Borrowings are also subject to interest rate risk – the risk that movements in interest rates could adversely affect funding costs and debt servicing requirements. Council manages this risk by borrowing long term and fixing the interest rate on a 4-year renewal basis. The Finance Section regularly reviews interest rate movements to determine if it would be advantageous to refinance or renegotiate part or all of the loan portfolio.

The contractual undiscounted cash outflows (ie. principal and interest) of Council's payables and borrowings are set out in the maturity table below:

\$ '000	Weighted average interest rate	Subject to no maturity	≤ 1 Year	payable in:		Total cash outflows	Actual carrying values
				1 – 5 Years	> 5 Years		
2018							
Trade/other payables	0.00%	18,549	13,470	-	-	32,019	32,019
Loans and advances	4.36%	-	132	2,348	2,453	4,933	4,933
Total financial liabilities		18,549	13,602	2,348	2,453	36,952	36,952
2017							
Trade/other payables	0.00%	17,829	11,549	-	-	29,378	29,378
Loans and advances	3.56%	-	1,366	4,139	508	6,013	6,013
Total financial liabilities		17,829	12,915	4,139	508	35,391	35,391

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 20. Material budget variations

\$ '000

Council's original financial budget for 17/18 was adopted by the Council on 29 June 2017 and is not required to be audited.

While the Income Statement included in this General Purpose Financial Report must disclose the original budget adopted by Council, the *Local Government Act 1993* requires Council to review its financial budget on a quarterly basis, so that it is able to manage the various variations between actuals versus budget that invariably occur throughout the year.

This note sets out the details of **material variations** between Council's original budget and its actual results for the year as per the Income Statement – even though such variations may have been adjusted for during each quarterly budget review.

Note that for variations* of budget to actual :

Material variations represent those variances that amount to **10%** or more of the original budgeted figure.

F = Favourable budget variation, **U** = Unfavourable budget variation

\$ '000	2018 Budget	2018 Actual	2018 Variance*	
REVENUES				
Rates and annual charges	110,872	109,218	(1,654)	(1%) U
User charges and fees	13,181	20,203	7,022	53% F
In addition to the incorrect treatment of other revenues in the original budget, council received additional revenue for development applications, restoration revenue and other revenue streams.				
Interest and investment revenue	6,519	9,935	3,416	52% F
Council's average investment holdings were greater than forecasted and a conservative interest rate utilised for the budget estimate.				
Other revenues	17,347	14,744	(2,603)	(15%) U
Items were original included as other revenues in the original budget that have been reclassified to user charges & fees during the preparation of the financial reports.				
Operating grants and contributions	8,689	9,757	1,068	12% F
Council received the Financial Assistance Grant in advance which was offset with a reduction in other operational contributions and grants revenue.				
Capital grants and contributions	40,118	66,289	26,171	65% F
Developer contributions were above original budget forecasts and Council was successful in obtaining additional capital grants not included in original budget				
Net gains from disposal of assets	–	–	–	0% F
Joint ventures and associates - net profits	–	667	667	0% F
Council does not budget for the results of the Civic Risk Mutual joint ventures.				

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Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 20. Material budget variations (continued)

\$ '000	2018 Budget	2018 Actual	2018 Variance*	
EXPENSES				
Employee benefits and on-costs	73,254	68,203	5,051	7% F
Borrowing costs	342	247	95	28% F
Council original budget included forecast for loan repayments from prior year that were not drawn down.				
Materials and contracts	43,959	52,142	(8,183)	(19%) U
During the year council used agency temporary staff to cover for vacant positions and does not include allocation in the original budget for this item. Additional legal costs were also incurred as a result complicated planning matters and recovery actions against various parties named in the ICAC Operation Ricco. During the reporting period additional IT costs were incurred as Council brought forward plans to consolidate corporate systems into the 2017/18 financial year.				
Depreciation and amortisation	22,202	21,440	762	3% F
Other expenses	18,564	19,768	(1,204)	(6%) U

Budget variations relating to Council's Cash Flow Statement include:

Cash flows from operating activities	57,569	90,725	33,156	57.6% F
Cash flows from investing activities	(56,104)	(87,072)	(30,968)	55.2% U
Cash flows from financing activities	(1,366)	(1,101)	265	(19.4%) F

Note 21. Discontinued operations

(i) Discontinued operations

Council will cease to operate the Airport Business Unit from 30/09/2018.

This operation provided maintenance services for Sydney Airport and the majority of operating staff will transition to the new operator or be absorbed in Council's general business operations. There will be no sale proceeds for this operation as it was a service delivery operation.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 22. Fair value measurement

\$ '000

The Council measures the following asset and liability classes at fair value on a recurring basis:

- Infrastructure, property, plant and equipment – Financial assets and liabilities

The fair value of assets and liabilities must be estimated in accordance with various accounting standards for either recognition and measurement requirements or for disclosure purposes.

AASB 13 Fair Value Measurement requires all assets and liabilities measured at fair value to be assigned to a 'level' in the fair value hierarchy as follows:

Level 1: Unadjusted quoted prices in active markets for identical assets or liabilities that the entity can access at the measurement date.

Level 2: Inputs other than quoted prices included within level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Inputs for the asset or liability that are not based on observable market data (unobservable inputs).

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values:

		Fair value measurement hierarchy			
	Date	Level 1	Level 2	Level 3	Total
	of latest	Quoted	Significant	Significant	
	valuation	prices in	observable	unobservable	
		active mkts	inputs	inputs	
Recurring fair value measurements					
Financial assets					
Investments					
– 'Held for trading'	30/06/18	–	58,602	–	58,602
Total financial assets		–	58,602	–	58,602
Financial liabilities					
Interest free loans	30/06/18	–	312	–	312
Total financial liabilities		–	312	–	312
Infrastructure, property, plant and equipment					
Work in progress	30/06/18	–	10,552	–	10,552
Operatonal land	10/09/16	–	322,862	–	322,862
Plant and equipment	30/06/18	–	–	11,666	11,666
Office equipment	30/06/18	–	–	533	533
Furniture and fittings	30/06/18	–	–	445	445
Library books	30/06/18	–	–	1,473	1,473
Community land	10/09/16	–	–	157,920	157,920
Land improvements	10/09/16	–	–	22,161	22,161
Buildings	10/09/16	–	–	170,876	170,876
Other structures	10/09/16	–	–	36,500	36,500
Roads	10/09/16	–	–	358,878	358,878
Bridges	10/09/16	–	–	6,969	6,969
Footpaths	10/09/16	–	–	54,816	54,816
Bulk Earthworks	10/09/16	–	–	62,930	62,930
Stormwater Drainage	10/09/16	–	–	85,198	85,198
Land under roads	10/09/16	–	–	2,183	2,183
Swimming Pools	10/09/16	–	–	6,393	6,393
Other	dd/mm/yy	–	–	41	41
Total infrastructure, property, plant and equipment		–	333,414	978,982	1,312,396

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

\$ '000

(1) The following table presents all assets and liabilities that have been measured and recognised at fair values: (continued)

Fair values: (continued)		Fair value measurement hierarchy			Total
		Level 1 Quoted prices in active mkts	Level 2 Significant observable inputs	Level 3 Significant unobservable inputs	
2018					
Non-recurring fair value measurements		Date of latest valuation			
Non-current assets classified as 'held for sale'					
Land	10/09/16	—	3,360	—	3,360
Total NCA's classified as 'held for sale'			3,360	—	3,360
2017					
Recurring fair value measurements					
Financial assets					
Investments					
– 'Held for trading'	30/06/17	—	55,388	—	55,388
Total financial assets			55,388	—	55,388
Financial liabilities					
Interest free loans		30/06/17	—	418	418
Total financial liabilities			418	—	418
Infrastructure, property, plant and equipment					
Work in progress	30/06/17	—	9,846	—	9,846
Operational land	10/09/16	—	326,406	—	326,406
Plant and equipment	30/06/17	—	—	9,099	9,099
Office equipment	30/06/17	—	—	770	770
Furniture and fittings	30/06/17	—	—	558	558
Library books	30/06/17	—	—	1,468	1,468
Community land	10/09/16	—	—	155,029	155,029
Land improvements	30/06/17	—	—	19,786	19,786
Buildings	10/09/16	—	—	166,237	166,237
Other structures	30/06/17	—	—	35,808	35,808
Roads	10/09/16	—	—	363,058	363,058
Bridges	10/09/16	—	—	7,050	7,050
Footpaths	10/09/16	—	—	54,440	54,440
Bulk Earthworks	10/09/16	—	—	61,056	61,056
Stormwater Drainage	10/09/16	—	—	85,792	85,792
Land under roads	10/09/16	—	—	1,552	1,552
Swimming Pools	10/09/16	—	—	6,174	6,174
Total infrastructure, property, plant and equipment			336,252	967,877	1,304,129
Non-recurring fair value measurements					
Non-current assets classified as 'held for sale'					
Land	10/09/16	—	2,190	—	2,190
Total NCA's classified as 'held for sale'			2,190	—	2,190

(2) Transfers between level 1 and level 2 fair value hierarchies

During the year, there were no transfers between level 1 and level 2 fair value hierarchies for recurring fair value measurements.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

3) Valuation techniques used to derive level 2 and level 3 fair values

Where Council is unable to derive fair valuations using quoted market prices of identical assets (i.e. level 1 inputs), Council instead utilises a spread of both observable inputs (level 2 inputs) and unobservable inputs (level 3 inputs).

The fair valuation techniques Council has employed while utilising Level 1, Level 2 and level 3 inputs are as follows:

Level 1 measurements

Financial assets

The Council's financial assets relates to its investments in short term deposits, held to maturity and floating rate notes linked to the relevant investment period's (mid) Bank Bill Swap rates (BBSW). Council receives indicative market valuation advice from the investment banks. The indicative valuations are based upon recent comparative market based evidence. The information included under 6(b) is considered sufficient to meet the Fair Value disclosures requirements hence additional information is not included under this note.

Level 2 measurements

Financial liabilities

Interest free loans

The Council's financial liabilities relate to interest free loans acquired in accordance with Local Government guidelines to fund infrastructure projects. The fair value of the financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar instruments, therefore placing the financial liabilities assets in Level 2. Valuation techniques remained the same for this reporting period.

Infrastructure, property, plant and equipment (IPPE)

Work in Progress (IPPE)

The Work in progress relating to IPPE assets are valued at cost in Council's books and reported at Fair Value in the notes due to the nature of the items. The cost of these assets are based on current invoices and contracts, which are based on observable inputs therefore placing the IPPE WIP in Level 2.

Operational Land

The Council engages external, independent and qualified valuers to determine the fair value of the Council's Operational Land.

The fair value of Operational Land has been determined by referencing it to current prices in an active market for similar properties. Where such information is not available, current prices in an active market for properties of different nature or recent prices of similar properties in less active markets, adjusted to reflect those differences are considered. Appropriate adjustments are also made for the inherent features of the property such as fire-prone, flood zonings and usability of the land.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

Operational land assets are categorised as Level 2 as determined by the valuation report provided by APV Valuers & Asset Management. Valuation techniques remained the same for this reporting period.

Operational land was last revalued at 10 September 2016.

Non-current assets classified as 'held for sale'

The Council's non-current asset held for sale is an operational land that is fair valued by APV Valuers and Asset Management as at 10 September 2016. Contracts for exchange is being negotiated. Asset held for sale will be therefore revalued to market value/contract value on conclusion of the sales agreement.

Non-current assets held for sale is categorised as Level 2 as determined by the valuation report provided by APV Valuers & Asset Management. Valuation techniques remained the same for this reporting period.

Level 3 measurements

Plant & Equipment, Office Equipment, and Furniture & Fittings

This asset category includes:

Plant & Equipment – Motor Vehicles, trucks, mowers
Office Equipment – Computer equipment
Furniture & Fittings – Chairs, desks, cabinets, display systems.

These assets are valued at cost in Council's books and reported at Fair Value in the notes due to the nature of the items. The cost of these assets are based on current invoices and contracts, which are based on observable inputs, however the remaining useful life and residual value is based on internal factors which are unobservable in the market therefore placing these assets in Level 3. Valuation techniques remained the same for this reporting period.

Library Books

This asset category comprises of assets such as library books, journals, magazines, CDs and DVDs.

The library books are reported at Fair Value in the notes however, due to the nature of these items they are valued at cost. There are no major variances between the fair value and carrying amount of these assets. The cost of these assets are based on current invoices and contracts, which are based on observable inputs, however the remaining useful life is based on internal factors which are unobservable in the market making it a level 3 asset. Valuation techniques remain the same for this reporting period.

Buildings – Specialised & Non- Specialised

The Council engages external, independent and qualified valuers to determine the fair value of the Council's buildings. Buildings were last revalued on 10 September 2016 and the fair values were determined by APV Valuers & Asset Management.

Gross Value of each building, which is obtained by applying a unit rate to a structure or a square metre rate to a building, based on its current replacement cost, which is the lowest cost of replacing the economic benefits of the existing asset using modern technology. The valuation aspects are generally, but not limited to the location, size, condition, style and utility of the asset. Replacement cost, asset condition, remaining useful life and building components are some of the inputs used in fair value determination. The key unobservable input

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

being the rate square metre has been benchmarked to construction costs of similar properties across the industry.

This asset class is categorised as Level 3 as some of the above mentioned inputs used in the valuation of these assets require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Further details relating to the rate per square metre has been provided below.

Community Land

The Council engages the Valuer General of New South Wales to determine the fair value of the Council's Community Land.

The fair value for Community Land has been determined using an Unimproved Capital Value, derived from the Valuer General's valuation performed for rating purposes, and applying to the total area. Given the nature of Community land, comparable sales data is generally not available. As the Valuer General's valuation considers land in all zoning, average unit derived from Valuer General's valuation is considered the most practicable approach to valuing Community Land.

This assets class is categorised as Level 3 as some of the inputs mentioned above require significant professional judgement and are therefore unobservable. Valuation techniques remained the same for this reporting period.

Community land was last revalued at 1 July 2016.

Infrastructure assets

The Council engages external, independent and qualified valuers to determine the fair value of the Council's Infrastructure assets. All infrastructure assets were last revalued on 10 September 2016 and the fair values were determined by APV Valuers & Asset Management.

The key unobservable input to the valuation is the rate per square metre, for which, further details have been provided below.

Some infrastructure assets that are not valued by APV Valuers are performed internally by the Council's internal engineering team. The gross value of the infrastructure assets are determined by unit rate to total volume which is normally square metres, cubic metres or lineal metres.

The unit rates, which is a key unobservable input, is determined using rates stipulated in contracts with third party suppliers via tenders, internal service providers and industry publications.

Roads

The system adopted has a hierarchical structure in which all Roads are identified by name and number. Each road was then subdivided into a number of sections based on length, geometry and change of structure or traffic. Some roads may have only one section. The components within the road sections are as follows.

- ❖ Road Pavement
 - Pavement Structure
 - Road Wearing Course

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

-
- ❖ Bridges & Culverts
 - ❖ Footpaths
 - ❖ Kerb & Gutter
 - ❖ Bollards
 - ❖ Retaining Walls
 - ❖ Fences & Railings
 - ❖ Seats
 - ❖ Traffic Facilities
 - ❖ Carpark
 - ❖ Cycleway Path
 - Cycleway markings
 - ❖ Street Furniture
 - Stainless steel bin covers
 - Tree guards
 - Planter box

Road Pavements, Footpaths, Cycleway and Kerb & Gutter were measured along the centre line and their corresponding width and condition were recorded. Similarly Traffic Facilities, Retaining Wall, Car park measured and determined area in square metres. Fence and Railing measured in linear metres. Street Furniture are considered as single items and valued as such.

Kerb and gutter assets are valued using condition and age based methodology. Kerb and gutter assets are categorised by their construction material and by the kerb type and are not componentised. Unit rates are based on other council valuations and previous Rockdale valuation. A common unit rate of \$180 per lineal metre has been applied across all material and kerb types.

Road pavement structure assets are valued using condition and age based methodology. Road pavements have been assigned a unit rate of \$75 per square metre. Pavement replacement costs are based on renewal practice consisting of removing approximately 50% of existing pavement layer and replacing it with structural asphalt. Unit rates are based primarily on recent construction rates used in Rockdale pavement renewal contracts. Unit rate has been expressed as a weighted average for all roads based on the proportion of local and regional roads which typically have different standards of pavement reconstruction to reflect the different usage. The methodology of determining the area of wearing course has changed since the 2010 valuation. This has resulted in an increase in wearing course by 19%.

Road wearing course assets are valued using condition and age based methodology. Road wearing surfaces have been assigned a unit rate of \$27 per square metre. Unit rates are based primarily on recent construction rates used in Rockdale pavement surfacing contracts. Unit rate has been expressed as a weighted average for all roads based on the proportion of local and regional roads, which typically have different requirements for wearing surface to reflect different usage. The methodology of determining the area of wearing course has changed since 2010 asset valuation. This has resulted in an increase in wearing course area by approximately 9%.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

This assets class is categorised as Level 3 as some of the inputs mentioned above require significant professional judgement and are therefore unobservable.

Bridges

Bridges and culverts are valued using condition and age based methodology. Road bridges are not categorised whilst culverts are categorised as to type (box culverts and pipe culverts). Bridge and culvert renewals will typically be a full rebuild rather than replacement of individual components, therefore an overall replacement rate is appropriate. Bridge unit rates are \$3,969 per square metre of deck area. Culvert unit rates are \$2,028 per square metre of footprint (plan) area. Bridge unit rates is based on breakdown provided by other council valuations and compared to Rawlinson's Australian Construction Handbook overall rate information. Culvert unit rates is based on per metre rates from Rawlinson's Australian Construction Handbook and converted to an equivalent footprint plan area rate including allowances for ancillary work.

Footpaths

Footpath assets are valued using condition and age based methodology. Footpaths are categorised by their construction material. Footpath assets are not componentised.

Unit rates are based on previous Rockdale valuation and other council valuations. Unit rates based on other council valuations and compared to Rawlinson's Australian Construction Handbook 2015. Unit rates for asphalt \$50 per square metre, concrete \$100 per square metre and pavers \$95 per square metre.

Stormwater Drainage

Similar to the roads asset, drainage asset system has a hierarchical structure in which all the drainage catchments have components such as pipes, pits, channels, culverts etc. In addition, Stormwater Quality Improvement Devices (SQID) such as Gross Pollution Traps, Trash racks, Litter baskets, Litter nets, Booms etc. are recorded. Pipes, channels and box culverts are measured in linear metres and pits as an item.

Stormwater drain assets have been valued using an age-based methodology.

Where applicable, actual costs for asset acquisition or work done are used to determine unit rates. When this information is not available local engineering knowledge and benchmark data contained in the NSW Reference Rates Manual (2014) has been applied.

This assets class is categorised as Level 3 as some of the inputs mentioned above require significant professional judgement and are therefore unobservable.

Land Under Roads

Land Under Roads identified as roads constructed post 30/6/2008 has been valued based on Municipal Average Land Rate discounted by 90%. Council has elected to only recognise land under roads for new roads constructed after 30/6/2008.

The Council uses Local Government Area rateable land values provided by the NSW Valuer-General to determine the fair value of the Council's Land Under Roads (LUR) assets.

The urban Average Rateable Value per hectare within each Local Government Area (LGA) is adjusted by an "open spaces ratio" to approximate fair value (unimproved and pre-subdivision land).

The urban Average Rateable Value by LGA is derived from data provided by the Valuer – General. Measurement of land area in situ under roads.

Bayside Council

Notes to the Financial Statements for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

This assets class is categorised as Level 3 as some of the inputs mentioned above require significant professional judgement and are therefore unobservable.

Swimming Pools

Assets within this class are comprised of swimming pools and associated structures.

The valuation of the swimming pools using cost approach was conducted by APV Valuers and Asset Management on 10 September 2016. Significant unobservable inputs considered in the valuation of these assets are remaining useful life, pattern of consumption, dimensions, components, asset condition and residual value.

This asset class is categorised a Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgment and are therefore unobservable.

Intangible assets

Intangible assets are measured initially at cost and amortised on a systematic basis over their useful lives. After initial recognition, the Council measures an intangible asset at cost less accumulated amortisation and impairment losses. Significant unobservable inputs considered in the assessment these assets remaining useful life, pattern of consumption, technological obsolescence and thus residual value.

This asset class is categorised a Level 3 as some of the above-mentioned inputs used in the valuation of these assets require significant professional judgment and are therefore unobservable.

Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

\$ '000

(4). Fair value measurements using significant unobservable inputs (level 3)

a. The following tables present the changes in level 3 fair value asset classes.

	Plant & Equipment	Office Equipment	Furniture & Fittings	Library Books	Total
Balance on transfer from former Councils	8,201	957	644	1,699	11,501
Purchases (GBV)	3,931	93	24	346	4,394
Disposals (WDV)	(1,337)	—	—	—	(1,337)
Depreciation and impairment	(1,696)	(280)	(109)	(577)	(2,662)
Closing balance – 30/6/17	9,099	770	559	1,468	11,896
Purchases (GBV)	5,596	89	—	585	6,270
Disposals (WDV)	(629)	(7)	(4)	—	(640)
Depreciation and impairment	(2,400)	(319)	(110)	(579)	(3,408)
Closing balance – 30/6/18	11,666	533	445	1,474	14,118

	Community Land	Land Improvements	Buildings	Other Assets	Total
Balance on transfer from former Councils	154,979	19,602	163,656	—	338,237
Transfers from/(to) another asset class	—	—	(7,173)	—	(7,173)
Purchases (GBV)	50	644	12,451	—	13,145
Depreciation and impairment	—	(460)	(2,697)	—	(3,157)
Closing balance – 30/6/17	155,029	19,786	166,237	—	341,052
Transfers from/(to) another asset class	2,375	280	—	—	2,655
Purchases (GBV)	516	2,750	8,325	41	11,632
Depreciation and impairment	—	(657)	(3,686)	—	(4,343)
Closing balance – 30/6/18	157,920	22,159	170,876	41	350,996

NB: Land improvements disclosed includes both classes of these assets disclosed on Note 10a

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 22. Fair value measurement (continued)

\$ '000

(4). Fair value measurements using significant unobservable inputs (level 3) (continued)

a. The following tables present the changes in level 3 fair value asset classes. (continued)

	Other Structures	Roads	Bridges	Footpaths	Total
Balance on transfer from former Councils	34,707	365,444	7,116	53,868	461,135
Transfers from/(to) another asset class	1,718	678	—	—	2,396
Purchases (GBV)	1,133	2,829	—	1,833	5,795
Depreciation and impairment	(1,750)	(5,893)	(66)	(1,261)	(8,970)
Closing balance – 30/6/17	35,808	363,058	7,050	54,440	460,356
Transfers from/(to) another asset class	(280)	(1,729)	—	—	(2,009)
Purchases (GBV)	3,403	4,727	—	1,990	10,120
Depreciation and impairment	(2,431)	(7,185)	(82)	(1,605)	(11,303)
Closing balance – 30/6/18	36,500	358,871	6,968	54,825	457,164

	Bulk Earthworks	Stormwater Drainage	Land Under Roads	Swimming Pools	Total
Balance on transfer from former Councils	61,056	85,614	1,085	1,530	149,285
Transfers from/(to) another asset class	—	—	—	4,779	4,779
Purchases (GBV)	—	1,479	467	—	1,946
Disposals (WDV)	(79)	—	—	—	(79)
Depreciation and impairment	—	(1,301)	—	(135)	(1,436)
Closing balance – 30/6/17	60,977	85,792	1,552	6,174	154,495
Transfers from/(to) another asset class	1,729	—	—	—	1,729
Purchases (GBV)	225	1,035	630	415	2,305
Depreciation and impairment	—	(1,629)	—	(196)	(1,825)
Closing balance – 30/6/18	62,931	85,198	2,182	6,393	156,704

(5). Highest and best use

All of Council's non-financial assets are considered as being utilised for their highest and best use.

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 23. Related party transactions

\$ '000

a. Key management personnel

Key management personnel (KMP) of the Council are those persons having the authority and responsibility for planning, directing and controlling the activities of the council, directly or indirectly.

The aggregate amount of KMP compensation included in the Income Statement is:

Compensation:	2018	2017
Short-term benefits	2,810	1,660
Post-employment benefits	5	—
Other long-term benefits	538	108
Termination benefits	1,120	563
Total	4,473	2,331

Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions

\$ '000

Under the *Environmental Planning and Assessment Act 1979*, Council has significant obligations to provide Section 7.11 (contributions towards provision or improvement of amenities or services) infrastructure in new release areas.

It is possible that the funds contributed may be less than the cost of this infrastructure, requiring Council to borrow or use general revenue to fund the difference.

SUMMARY OF CONTRIBUTIONS AND LEVIES

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Drainage	18,287	1,468	–	483	(61)	–	20,177	–
Roads	10,350	3,050	1	299	(165)	–	13,534	–
Traffic facilities	36,252	1,999	–	924	(326)	–	38,849	–
Parking	980	34	–	25	–	–	1,039	–
Open space	62,818	19,808	–	1,641	(4,440)	6	79,833	–
Community facilities	38,188	8,400	–	1,029	(1,205)	–	46,412	–
Other	34,933	3,393	–	897	(57)	(6)	39,160	–
S7.11 contributions – under a plan	201,808	38,152	1	5,298	(6,254)	–	239,004	–
S7.12 levies – under a plan	8,194	4,760	–	215	(835)	–	12,334	–
Total S7.11 and S7.12 revenue under plans	210,002	42,912	1	5,513	(7,089)	–	251,338	–
S7.11 not under plans	11	4	–	–	–	–	15	–
S7.4 planning agreements	2,279	10,428	407	58	–	–	12,765	–
Total contributions	212,292	53,344	408	5,571	(7,089)	–	264,118	–

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Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions (continued)

\$ '000

S7.11 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN - S94 CITY WIDE PLAN (former Botany)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Drainage	5,886	–	–	149	(61)	–	5,974	
Traffic facilities	34,579	996	–	879	(326)	–	36,128	
Open space	36,692	2,735	–	876	(4,397)	–	35,906	
Community facilities	9,499	1,279	–	229	(1,043)	–	9,964	
Other	7,884	1,925	–	203	(57)	–	9,955	
Total	94,540	6,935	–	2,336	(5,884)	–	97,927	–

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Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions (continued)

\$ '000

S7.11 CONTRIBUTIONS – UNDER A PLAN

CONTRIBUTION PLAN - MASCOT PRECINCT (former Botany)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Other	23,596	843	–	601	–	–	25,040	
Total	23,596	843	–	601	–	–	25,040	–

CONTRIBUTION PLAN S94 PLAN 2016-2031 (former Botany)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Traffic facilities	1,673	1,003	–	45	–	–	2,721	
Open space	6,263	10,796	–	182	–	–	17,241	
Community facilities	1,101	1,551	–	31	–	–	2,683	
Other	195	146	–	5	–	–	346	
Total	9,232	13,496	–	263	–	–	22,991	–

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Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions (continued)

\$ '000

S7.11 CONTRIBUTIONS – UNDER A PLAN

Rockdale Contributions Plan 2016 - Urban Renewal Area (Former Rockdale City Council)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Drainage	9,573	835	–	254	–	–	10,662	
Roads	10,350	3,050	1	299	(165)	–	13,534	
Community facilities	23,649	5,487	–	670	(21)	–	29,785	
Other	413	154	–	12	–	–	579	
Total	43,985	9,526	1	1,235	(186)	–	54,560	–

Rockdale S94 Contributions Plan 2004 (Former Rockdale City Council)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Drainage	2,828	633	–	80	–	–	3,541	
Parking	980	34	–	25	–	–	1,039	
Open space	19,863	6,277	–	583	(43)	6	26,686	
Community facilities	3,939	83	–	99	(141)	–	3,980	
Other	1,369	301	–	38	–	(6)	1,702	
Total	28,979	7,328	–	825	(184)	–	36,948	–

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Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions (continued)

\$ '000

S7.11 CONTRIBUTIONS – UNDER A PLAN

Ramsgate Commercial Centre Development Contributions Plan 2006 (Former Rockdale City Council)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Other	1,476	24	–	38	–	–	1,538	
Total	1,476	24	–	38	–	–	1,538	–

S7.12 LEVIES – UNDER A PLAN

S7.12 Levies

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
S94A Levies	8,194	4,760	–	215	(835)	–	12,334	
Total	8,194	4,760	–	215	(835)	–	12,334	–

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Financial Statements 2018

Bayside Council

Notes to the Financial Statements
for the year ended 30 June 2018

Note 24. Statement of developer contributions (continued)

\$ '000

S7.11 CONTRIBUTIONS – NOT UNDER A PLAN

(Former Rockdale City Council)

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Inter-allotment Drainage	11	4	–	–	–	–	15	
Total	11	4	–	–	–	–	15	–

S7.4 planning agreements

PURPOSE	Opening balance	Contributions received during the year		Interest earned in year	Expenditure during year	Internal borrowing (to)/from	Held as restricted asset	Cumulative internal borrowings due/(payable)
		Cash	Non-cash					
Other	2,279	10,428	407	58	–	–	12,765	
Total	2,279	10,428	407	58	–	–	12,765	–

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Bayside Council

Notes to the Financial Statements

for the year ended 30 June 2018

Note 25. Statement of performance measures – consolidated results

\$ '000	Amounts 2018	Indicator 2018	Indicator 2017	Benchmark
Local government industry indicators – consolidated				
1. Operating performance ratio				
Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions less operating expenses	2,019	1.23%	-54.28%	> 0.00%
Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions	163,819			
2. Own source operating revenue ratio				
Total continuing operating revenue ⁽¹⁾ excluding all grants and contributions	154,062	66.95%	45.18%	> 60.00%
Total continuing operating revenue ⁽¹⁾	230,108			
3. Unrestricted current ratio				
Current assets less all external restrictions ⁽²⁾	86,725	2.20x	1.56x	> 1.5x
Current liabilities less specific purpose liabilities ^(3, 4)	39,462			
4. Debt service cover ratio				
Operating result ⁽¹⁾ before capital excluding interest and depreciation/impairment/amortisation	23,706	17.59x	-20.09x	> 2x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	1,348			
5. Rates, annual charges, interest and extra charges outstanding percentage				
Rates, annual and extra charges outstanding	8,236	7.04%	9.86%	< 5% metro
Rates, annual and extra charges collectible	117,060			
6. Cash expense cover ratio				
Current year's cash and cash equivalents plus all term deposits	383,283	30.56 mths	30.7 mths	> 3 mths
Monthly payments from cash flow of operating and financing activities	12,542			

Notes

⁽¹⁾ Excludes fair value adjustments and reversal of revaluation decrements, net gain/(loss) on sale of assets and the net share of interests in joint ventures and associates.

⁽²⁾ Refer Notes 6-8 inclusive.

Also excludes any real estate and land for resale not expected to be sold in the next 12 months.

⁽³⁾ Refer to Notes 12 and 13.

⁽⁴⁾ Refer to Note 12(b) and 13(b) – excludes all payables and provisions not expected to be paid in the next 12 months (incl. ELE).



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Bayside Council

To the Councillors of Bayside Council

Disclaimer of Opinion

I am required to audit the accompanying general purpose financial statements (the financial statements) of Bayside Council (the Council), which comprise the Statement by Councillors and Management, Income Statement and Statement of Comprehensive Income for the year ended 30 June 2018, the Statement of Financial Position as at 30 June 2018, the Statement of Changes in Equity and Statement of Cash Flows for the year then ended and Notes to the Financial Statements comprising a summary of significant accounting policies and other explanatory information.

I do not express an opinion on the accompanying financial statements of the Council. Because of the significance of the matters described in the Basis for Disclaimer of Opinion section of my report, I have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion on the financial statements.

My disclaimer of opinion should be read in conjunction with the rest of this report.

Basis for Disclaimer of Opinion

Significant breakdowns in administrative, financial and governance internal controls have materially and pervasively impacted the reliability of financial reporting of the Council.

As a result, I do not have sufficient appropriate audit evidence, nor am I able to determine whether any adjustments may be necessary in respect of recorded or unrecorded transactions in the financial statements.

Councillors and Management of Bayside Council have been unable to state in the Statement required by Councillors and Management under section 413(2)(c) of the *Local Government Act 1993* that the financial statements presents fairly the financial position and performance of the Council.

Where management and those charged with governance cannot provide written representation that the financial statements contains all transactions, Australian Auditing Standards require me to issue a disclaimer of opinion in my Independent Auditor's Report.

The Councillor's Responsibilities for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors must assess the Council's ability to continue as a going concern unless the Council is dissolved or amalgamated by an Act of Parliament. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

However, because of the matters described in the Basis for Disclaimer of Opinion section of my report, I was not able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion on the financial statements.

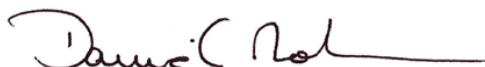
I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have also fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament further promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.



David Nolan
Director, Financial Services

5 June 2019
SYDNEY



Bill Saravinovski
Mayor Bayside Council
PO Box 21
ROCKDALE NSW 2216

Contact: David Nolan
Phone no: 02 9275 7377
Our ref: D1911775/1689

5 June 2019

Dear Mayor

**Report on the Conduct of the Audit
for the year ended 30 June 2018
Bayside Council**

I have audited the general purpose financial statements of Bayside Council (the Council) for the year ended 30 June 2018 as required by section 415 of the *Local Government Act 1993* (the Act).

I issued a disclaimer of opinion on the Council's general purpose financial statements.

This Report on the Conduct of the Audit (the Report) for the Council is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the general purpose financial statements issued under section 417(2) of the Act.

SIGNIFICANT AUDIT ISSUES AND OBSERVATIONS

The following significant matters came to my attention during the audit:

- There was an inadequate system of internal controls to support accurate financial reporting and to mitigate the risk of fraud or error.
- Council did not maintain adequate accounting records as required by Section 412 of the *Local Government Act 1993*.
- The Statement by Councillors and Management attached to the financial statements states 'Due to the ongoing issues with the internal control environment over this reporting period, management of Bayside Council is unable to warrant the completeness and reliability of the financial statements as a whole'.


As a result, I was unable to obtain sufficient appropriate audit evidence to issue an opinion on the financial statements and have issued a disclaimer of opinion.

FINANCIAL INFORMATION AND PERFORMANCE RATIOS

I have not included commentary on Financial Information or Performance Ratios in this report as the information in the financial statements is not reliable.

Other Matters**Legislative compliance**

Council did not maintain adequate accounting records as required by Section 412 of the *Local Government Act 1993*. The Council's accounting records were not maintained in a manner and form that facilitated the preparation and the effective audit of the general purpose financial statements. Council staff were unable to provide all accounting records and information relevant to the audit.



David Nolan
Director, Financial Audit Services

cc: Meredith Wallace, General Manager

Council Meeting

12/06/2019

Item No	8.2
Subject	Draft Eastlakes Local Town Centre Master Plan
Report by	Michael McCabe, Director City Futures
File	F18/667

Summary

The Eastlakes Town Centre Master Plan will identify opportunities for preserving and enhancing the quality of place. This Master Plan provides a vision, spatial framework and strategies to guide the development of the Eastlakes Town Centre over the next 20 years.

The Master Plan will provide a framework to update controls where necessary to achieve the principles and strategies as outlined in this Master Plan. The Eastlakes Town Centre Master Plan is being undertaken in conjunction with Council's Comprehensive Local Environmental Plan review.

Officer Recommendation

- 1 That Council endorses the draft Eastlakes Town Centre Master Plan for Public Exhibition.
 - 2 That public exhibition of the Eastlakes Town Centre Masterplan be undertaken for a minimum 28 day period.
 - 3 That a future report be prepared for Council's consideration in relation to submissions received during the public exhibition period.
-

Background

Executive Summary

Eastlakes Town Centre has been identified in the Greater Sydney Commission's *Eastern City District Plan* (2018) as a "Local Centre". The Eastern City District Plan defines a Local Centre as:

"...A focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live."

Council is required to consider which Local Centres:

"...Will be appropriate to accommodate additional housing as part of their housing strategy...will need to grow to provide for the required goods and services of the community...may also need to grow to deliver other roles for the community, such as recreation, cultural, arts and community hubs."

The *Eastern City District Plan* requires Council to undertake an assessment of local characteristics, and determine the needs and requirements of the Eastlakes community. This will feed into the development of the Bayside Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP).

The objectives of the Master Plan are to define what is important for the Eastlakes Town Centre, and those who live and work in the Town Centre, including but not limited to:

- liaising with the Eastlake's community on their current experience, needs and vision for the Town Centre;
- identifying potential changes in planning controls to inform the new Bayside LEP and DCP;
- forming a place-based approach to renewal in the Eastlakes Town Centre;
- identifying public domain and open space upgrades to enhance amenity and function; and
- Identifying opportunities to enhance access and movement around the Eastlakes Town Centre.

History

In 2009 Botany Bay Council adopted the *Botany Bay Strategy 2031* which nominated the Eastlakes Town Centre for investigation in the medium term. The Strategy noted that a:

“more comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses. Further intensification at Eastlakes depends on:

- *coordinated and managed approach to renewal,*
- *future investment in public transport connections and improvement of the poor configuration of the centre.*
- *Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal.”*

At the March 2011 Council meeting Botany Bay Council noted:

Council restates forcefully the need for a proper Master Planning process to ensure that any redevelopment of the shopping centre encompass a holistic approach which integrates the adjoining sites, establishes a planning vision for Eastlakes including improved traffic flow; modern day shopping with civic amenity, improved pedestrians and cyclists, high quality of public space and street amenity and integration of a variety of land use functions, including improved residential amenity.

In November 2011, Crown Group lodged a Part 3A Major Project under Section 75 of the *Environmental Planning & Assessment Act 1979* (EPAA). On 19 September 2013 Eastlakes Shopping Centre Major Project was approved under Section 75 of the EPAA.

On the 16-18 July 2014, the former City of Botany Bay Council appealed the determination in the NSW Land and Environment Court (NSWLEC) (*Botany Bay City Council v Minister for Planning and Infrastructure & Ors* [2015] NSWLEC 12 at 4). On the 10th February 2015, the NSWLEC dismissed the proceedings. Subsequent to the approval, four modifications have been lodged under the Section 75W modification applications of the EP&A 1979.

In September 2017, prior to lodging the current modification, the proponent met with Council officers to discuss concept plans for a potential Planning Proposal at the south site (being to the south of Evans Avenue) of the Eastlakes Shopping Centre. The development shown in the concept plans was of a similar scale and nature to that currently proposed in MOD 4 (discussed in detail below). At the meeting, Council's technical officers advised that intensification of the shopping centre on the scale proposed would require broader strategic planning and further investigation in the context of the broader Eastlakes Local Centre.

On the 9 November 2017, the proponent met with Council officers to present a proposed scope for an Urban Context Analysis that would inform the potential Planning Proposal at the south site. Following the meeting, the proponent was issued with the following advice:

"Council will soon commence a review of the Botany Bay LEP 2013. The Revised Draft Central District Plan identifies Eastlakes as a 'Local Centre' and therefore will be the subject of strategic planning by Council as part of the preparation of a new LEP."

.....In this context we consider a major Planning Proposal for the Eastlakes Shopping Centre premature."

In 2018 the Greater Sydney Commission released the *Eastern City District Plan* which nominates Eastlakes Town Centre as a Local Centre and identifies a Local Centre to be:

"Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live. (p. 48)"

As required under the Eastern City District Plan (2018), the NSW Department of Planning and Environment Guidelines for Local Environmental Plan Reviews and the preparation of Local Strategic Planning Statements Council is required to prepare evidence based assessments and place-based planning for local centres that address:

- Open space and natural environment;
- Local infrastructure requirements;
- Active transport networks;
- Commercial and retail floor space;
- Expand employment opportunities;
- Local culture and heritage; and,
- Parking that is appropriate for future use and takes into account public transport and active transport networks.

In early 2018 Council commenced the preparation of a comprehensive Bayside Local Environmental Plan and Development Control Plan. Eastlakes Local Centre has been

nominated as a Local Centre requiring a Master Plan to determine future development capacity, improvements to streetscape and open space, private and public transportation strategies, and a cohesive development approach.

On 26 July 2018 the Government Architects Office held a State Design Review Panel (SDRP) session to assess MOD 4 for the Crown Group site. Council staff made representation to the Government Design Review Panel. The State Design Review Panel has provided a copy of its findings and recommendations to Council. The Panel noted also that:

“The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.”

In October 2018, subsequent to confirmation of allocation of a \$2.5M grant to Bayside Council for the preparation of an accelerated LEP 2018 Council sought quotes from suitably qualified consultants to prepare a Town Centre Masterplan. The study establishes a vision and principles for future development and is being progressed in response to the strategic framework established by the NSW Government and the recommendations of the State Design Review Panel. The study area is identified in **Figure 1**.



Figure 1: Eastlakes Town Centre

Project Methodology

The project methodology integrates the collaborative design process undertaken by Council (with the consultant team) throughout the consultative engagement process with key stakeholders and the community. The objective of adopting such methodology is to embed Council's Strategic Planning with specialist knowledge, stakeholder and community input and to develop a Master Plan that will guide future renewal of the Eastlakes Town Centre.

Critical to the success of any Master Plan is the consideration of each place criteria in each stage of the analysis, principles and visioning and place strategy. These place criteria are:

- Stakeholders and the community
- Built form
- Natural Environment
- Public domain

- Culture
- Access and movement
- Economics, and
- Governance

Project Team

This Master Plan has been developed by the following project team:

- GM Urban Design and Architecture
- Bayside Council Strategic Planning team key subject matter experts
- Bayside Council Property team key subject matter experts

Master Plan Structure

Stage 01 – Opportunities and Constraints Analysis

The analysis is key to understanding the opportunities and constraints for the study area and establishes the parameters on which strategies and projects are proposed.

Stage 02 – Visioning and Principles

The vision and principles integrate the findings of the analysis and form the fundamental tests for success and the shared understanding of the objectives of the Master Plan.

Stage 03 – Strategy Development

The strategies directly respond the vision and Town Centre principles that aim to guide the future direction of the Town Centre. These strategies include short (0-5 years), medium (5-10 years) and long (10-20 years) outcomes that allow for realistic deliverables and outcomes for the Eastlakes Town Centre, and its community.

The below strategies are to be exhibited for stakeholder and community comment.

Stage 04 – Master Plan

The draft Master Plan is a collation of all the strategies and provides graphic guidance on projects to be implemented over the short, medium and long term.

The following stages will be developed post exhibition:

Stage 05 – Catalyst Sites

Stage 06 – Implementation and Delivery

Key Findings of Master Plan

Development Potential

Current development potential is limited by factors including:

- Strata-titled lots with more than 8 owners are difficult to amalgamate and unlikely to develop in the short term due to cost of acquisition;
- Typical lot sizes do not allow for efficiency in layout of buildings and amalgamation of lots could increase number of strata owners to approximately 20-30;

- Land owned by State Government Agencies and existing religious institutions are likely to have limited potential for development in the short/medium term;
- Obstacle Limitation Surface (OLS) and topography limit the height of buildings;
- Shallow water table and deep sand profile impact the viability of basement car parking and impact on the economic feasibility of redevelopment as it is unlikely basements can extend below 1-2 levels, and will require tanking;
- Flooding impacts whilst can be likely addressed by raising freeboard levels pose significant threats to basement car parking without specific adaptation measures;
- Current LEP controls do not provide sufficient incentives to encourage redevelopment and overcome constraints. Given the hierarchy of the Town Centre, OLS, topography, ownership, environmental and amenity constraints such as overshadowing the Town Centre does not lend itself to increases in height typically above 8 storeys.

Public Domain

- Without significant development potential funding of public domain upgrades will need to be sought independently of Section 7.11 Contributions. These could be from infrastructure levies, local area funds or grants;
- Improvements to street and through site link networks through quality design, clear site lines, quality lighting, CCTV and enhance passive surveillance when possible to ensure the Town Centre is and feels safe during the day and night;
- Improvements to service dominated entrances, conflict of movement between localised traffic, servicing vehicles and pedestrians, poor interfaces, impermeability, and narrow streets of low quality pedestrian amenity will aid in supporting future revitalisation of built form;
- Further focus on improving open space, community facilities and services, and street greening will enhance amenity and support any future revitalisation, whilst enhancing sustainability and liveability of the Town Centre in the short to medium term.

Public Domain

- Limited public transport currently services the Town Centre. Investigation into public/private partnerships, increase of express services to Strategic Centres in liaison with Transport for NSW should be further explored, and could increase the likelihood of future revitalisation;
- Placemaking opportunities should be further explored to support and grow existing cultural and social activities. Potential opportunities involve expanding upon existing events, markets and fairs that cater to local needs and interests. Improvements to open space to cater for small scale community projects, could include street libraries, youth events and fitness activities, as well as investigate further opportunities to increase the ever-growing popularity of community gardens throughout the Town Centre.

Based on the above key findings of the Master Plan, a vision and set of principles and strategies have been developed that ensure Eastlakes provides improved function and amenity for the short to medium term future. These are available under **Attachment 1**. By improving amenity in the public domain, and enhancing cultural activity and inclusion within

the Town Centre, a strong foundation can be provided for which future longer term development can occur.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>	Funding provided by the Department of Planning and Environment through the Accelerated LEP Review Program
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input type="checkbox"/>	

Community Engagement

- 28 March 2019 - Engagement Period 01 (Part 1) Information Session held at the LSPS Community Workshop
 - 18 March 2019 – 29 April 2019 - Engagement Period 01 (Part 2) Have Your Say Survey
 - This report recommends that the draft Eastlakes Town Centre Master Plan proceed to Public Exhibition a minimum 28 day period. A future report will be prepared for Council's consideration, in relation to submissions received.
-

Attachments


Attachment 1: Draft Eastlakes Local Town Centre Master Plan [↓](#)



Draft

Eastlakes Local Town Centre Master Plan






Eastgardens Customer Service Centre
152 Bunnerong Road, Eastgardens | Monday to Friday 8:30am-4:30pm, Saturday 9am-1pm

Rockdale Customer Service Centre
444-446 Princes Highway, Rockdale | Monday to Friday 8:30am-4:30pm, Saturday 9am-1pm

Phone **1300 581 299 | 9562 1666**
Email **council@bayside.nsw.gov.au**
Web **www.bayside.nsw.gov.au**

 Telephone Interpreter Services - 131 450 Τηλεφωνικές Υπηρεσίες Διερμηνέων بخدمة الترجمة الهاتفية 電話傳譯服務處 Служба за преведување по телефон

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.....1.0 Introduction



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1.1 EXECUTIVE SUMMARY

Eastlakes Town Centre has been identified in the *Greater Sydney Commission's Eastern City District Plan* (2018) as a local centre. "Local centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While local centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live."

The *Eastern City District Plan* requires Council to undertake an assessment of local characteristics and determine the needs and requirements of the Eastlakes community. This will feed into the development of the Bayside Comprehensive Local Environmental Plan (LEP) and Development Control Plan (DCP).

In 2009 SGS Economics and Planning prepared the *Botany Bay Planning Strategy 2031* to guide future planning and development of the Town Centres within the then Local Government Area (LGA) of Botany Bay. The strategy identified many constraints within the Town Centre that are still relevant to the centre today, including the Eastlakes Shopping Centre's poor interface to open space, traffic and pedestrian conflicts, poor public domain, age of housing stock and predominately strata titled walk ups. The strategy provided a structure plan and principles for redevelopment of the Eastlakes Town Centre, with recommendations to establish local-state government schemes for the renewal of the public domain and built form improvements.

The Eastlakes Town Centre remains largely unchanged, apart from a Part 3A Major Project lodged through the State Government to redevelop the Eastlakes Shopping Centre and Council led improvements to Eastlakes Reserve.

As the Sydney Metropolitan and the Bayside LGA continues to experience increase in population growth, and with the release of planning direction from the State Government, the principles and recommendations of the *Botany Bay Planning Strategy 2031* requires review.

The objectives of the Master Plan are to define what is important for the Eastlakes Town Centre and those who live and work in the Town Centre, including but not limited to:

- liaising with the Eastlake's community on their current experience, needs and vision for the Town Centre;
- identifying potential changes in planning controls to inform the new Bayside LEP and DCP;
- forming a place-based approach to renewal in the Eastlakes Town Centre;
- identifying public domain and open space upgrades to enhance amenity and function; and
- identifying opportunities to enhance access and movement around the Eastlakes Town Centre.

The Master Plan will identify opportunities for preserving and enhancing the quality of place. This Master Plan provides a vision, spatial framework and strategies to guide the development of the Eastlakes Town Centre over the next 20+ years. The Master Plan will provide a framework to update controls where necessary to achieve the principles and strategies as outlined in this Master Plan.

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FIGURE 1.1 STUDY AREA

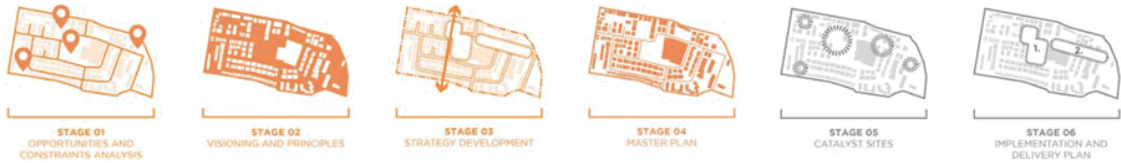
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1.2 THE STUDY AREA

The focus of the Master Plan includes understanding the development potential of the Town Centre and any upgrades to streets, through site links, open space and other public space. The scope also includes the parking, pedestrian and bicycle connections and public transport to nearby open space and nearby centres.

The core study area, identified in "Figure 1.1 Study area" on page 8 is bound by Gardiners Road to the North, Mascot Drive to the South, Maloney Street to the West and Southern Cross Drive to the East. The study area is derived from the current B2 Local Centre and R4 High Density Zones as identifying the parameters and scope of the Eastlakes Town Centre.

1.3 REPORT STRUCTURE



1.4 PROJECT METHODOLOGY

The project methodology outlines the process and deliverables that inform the Eastlakes Town Centre Master Plan. This integrates the collaborative design process undertaken by Council with the consultant team throughout the consultative engagement process with key stakeholders and the community.

The objective of adopting such methodology is to embed Council's Strategic Planning with specialist knowledge, stakeholder and community input to develop a Master Plan that will guide future renewal of the Eastlakes Town Centre.

WHAT IS A MASTER PLAN?

A Master Plan defines what is important about a place and identifies opportunities for preserving and enhancing the quality of that place. This Master Plan provides a vision, spatial framework and strategies to guide the renewal of the Eastlakes Town Centre.

A Master Plan provides a framework to inform planning documents such as the comprehensive Bayside Local Environmental Plan (LEP), Development Control Plan (DCP) and Section 7.11 Contributions Plan.

The Master Plan will provide direction to Council on a number of projects and strategies that can be implemented over the short, medium and long term. These projects or strategies aim to improve the amenity of the Town Centre, guide any future renewal and enhance sense of place to ensure Eastlakes continues to provide the facilities and services for the local community to prosper.

PROJECT TEAM

This Master Plan has been developed by the following project team:

- GM Urban Design and Architecture
- Bayside Council Strategic Planning Team Key Subject Matter Experts
- Bayside Council Property Team Key Subject Matter Experts

PLACE CRITERIA TO CONSIDER

Critical to the success of any Master Plan is the consideration of each place criteria in each stage of the analysis, principles and visioning and place strategy. These place criteria are:

- Stakeholders and the community
- Built form
- Natural Environment
- Public domain
- Culture
- Access and movement
- Economics, and
- Governance

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Draft Eastlakes Town Centre Master Plan 2019 | 9



STAKEHOLDERS & COMMUNITY

Consulting with key stakeholders and the community as part of the broader Local Strategic Planning Statement and comprehensive review of the LEP and DCP, alongside the community's vision for its growth and development is critical to the success of the Master Plan. Considering the interest of the community and any concerns is a significant component of the project. The project included internal project working groups, an information session, exhibition of the discussion papers at the Local Strategic Planning Statement roundtable workshops and exhibition of the draft Master Plan document.

BUILT FORM

The Eastlakes Town Centre is characterised by the 3-4 storey brick walk-ups originally constructed post the Eastlakes Shopping Centre construction in the 1960s. Largely this stock remains today. East and West of the Town Centre study area are the two Land and Housing Sites providing social housing. These modernist buildings set within their landscape dominate the skyline of the Eastlakes Town Centre and views to the East and West. The interface between built form and the public domain needs to be addressed. Currently the built form detracts for the Town Centre experience and allows for little improved civic amenity. Future revitalisation relies on the improvement of these interfaces and long term revitalisation of built form to enhance and improve the character of the Eastlakes Town Centre.

NATURAL ENVIRONMENT

The Town Centre is located within walking distance of the Mill Stream Ponds and Botany Wetlands identified in the *Sydney Green Grid*. Further investigation and planning of this corridor may open up the broader area to increased publically accessible open space. The Eastlakes Town Centre contains the Eastlakes Reserve, Bridget Tight Reserve, Edmund Thornton Reserve, Maloney Street Community Garden, Jerome Dowling Reserve, Light Horse Reserve and Florence Avenue Reserve equating to 2.4 hectares of open space. Considered attempts to increase the relationship of the Town Centre to its open space network would be invaluable to enhancing amenity and improving sustainability within the Town Centre.

The Eastlakes Town Centre is also affected by a high water table and the western edge of the Town Centre by the 1% AEP floods making it particularly difficult to redevelop housing stock. Other environmental considerations include a lack of street tree planting in mitigating the urban heat island effect and the large concentration of hardscape courtyards utilised for at grade car parking. Creative design solutions and incentives are required to ensure that Eastlakes Town Centre can enhance its connection to the natural environment.

PUBLIC DOMAIN

After the sale of the Rosebery Racecourse in the 1960s the Eastlakes Town Centre was developed. The street grid and public domain can largely be attributed to the racecourse oval layout informing the circular street network. The Eastlakes Shopping Centre sits directly in the middle of the Town Centre and is largely internalised leading to poor activation of the main streets and adjoining Eastlakes Reserve. There is an apparent need for an improved public domain and strengthened street hierarchy to minimise current movement conflicts occurring throughout the Town Centre. The connection of the Town Centre to Eastlakes open space network provides ample passive and active space for gathering and activity, yet requires strengthened connections and improved interfaces to incorporate it as a part of the heart of the Town Centre.



CULTURE

The Eastlakes community is built upon rich multiculturalism and diversity. Community events, facilities and programs reflect the diverse nature of the Town Centre and is integral to the continuum of the culture as Eastlakes faces intensification and change.

Eastlakes Town Centre is diverse which can be seen through the many small businesses within the Eastlakes Shopping Centre. Currently this cultural diversity is celebrated through an annual multicultural festival.

The Eastlakes Community have a strong sense of community reflected in the diverse activities held at Eastlakes Reserve and through the Community Garden. This sense of place and community is integral to Eastlakes character and should be celebrated and enhanced.

ACCESS AND MOVEMENT

With poor connections to the broader public rail network and infrequent bus services connecting to the broader CBD and surrounding Town Centres. A high proportion of the Eastlakes Town Centre population use private transportation to get around. This attributes to parking congestion and pedestrian-vehicular conflict.

Although the Town Centre is plagued by private use vehicles, it is a highly pedestrianised centre with relatively flat topography, access to schools, community facilities, shopping facilities and services, and open space which are all within walking distance for the Eastlakes residents.

Additionally the service entry points for the Eastlakes Shopping Centre and the circular layout of the road network create increased conflict with private vehicles and pedestrians while large servicing vehicles attempt to service the Eastlakes Shopping Centre.

ECONOMICS

Surrounding Town Centres such as Botany, Mascot and Green Square currently retain the majority of retailing activity. Limited growth in the Eastlakes residential population and lack of public transport and poor public domain all contribute as limiting drivers for increased retail activity within the Town Centre. Retaining and managing Eastlakes retail employment sector is critical to any future growth in this area. Increases in retail investment within the Town Centre would largely rely on increased density and investment in public transport and public domain upgrades.

GOVERNANCE

The Botany Bay Local Environmental Plan 2013 and Botany Bay Development Control Plan 2013 are being reviewed as part of broader planning direction from the State Government. This Master Plan will inform any changes to controls proposed as part of this review.

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1.5 HISTORIC CONTEXT

The Eastlakes Town Centre was built on the site of the former Rosebery Park Racecourse. In the early 1960s, the Racecourse was replaced with the Eastlakes Shopping Centre and the 3 - 4 storey red brick walk ups, that remain today. The circular form of the Racecourse contributed to the current street layout of the Town Centre. Since then little redevelopment or revitalisation of the building stock has occurred. In 2011, a Part 3A Major Project was lodged with the State Government to redevelop the Shopping Centre site and a few lots to the North. Minor upgrades have occurred to Eastlakes Reserve within this time period.

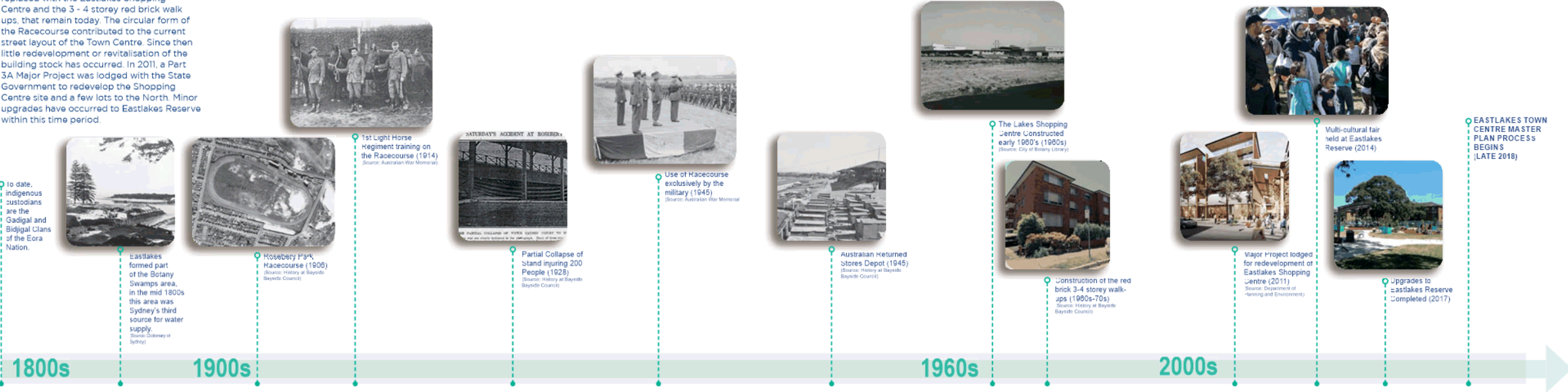


FIGURE 1.2 URBAN MORPHOLOGY AND TIMELINE OF EASTLAKES TOWN CENTRE



FIGURE 1.3 STRATEGIC PLANNING CONTEXT

1.6 STRATEGIC PLANNING CONTEXT

This chapter analyses the role of Eastlakes Town Centre and its broader strategic positioning within the Bayside Local Government Area (LGA). Eastlakes Town Centre is within 2 km proximity of State significant strategic projects, both committed to and for investigation as outlined below.

A METROPOLIS OF THREE CITIES

The plan aims to achieve a '30-minute' city where people can live and work within a '30-minute' distance of the Strategic Centres.

The Eastlakes Local Centre is located within the Economic Corridor and is less than a '30-minute' distance to the following Strategic Centres and major job hubs including the Randwick Health and Education Precinct, Sydney Airport Trade Gateway and the Green Square-Mascot and Eastgardens-Maroubra Junction Strategic Centres.

THE EASTERN CITY DISTRICT PLAN

Eastlakes Town Centre sits outside of the 'urban renewal area' and is identified as an area where forecast dwelling completions will be completed over the 5 year period between 2016 to 2021. This eludes to the Town Centre potentially being able to cater to infill development and is a precursor to Eastlakes role in being able to cater for increase density.

The Plan identifies Eastlakes Town Centre as a Local Centre. Eastlakes Town Centre is a well established high density Local Centre located along the Gardeners Road within close proximity to the Green Square-Mascot and Eastgardens-Maroubra Junction Strategic Centres.

Local Centres have been identified as focal points of neighbourhoods where they

include public transport key to facilitating the '30-minute' city. Local centres provide clusters of local shops, vibrant main streets, and have an important role in providing employment.

The Plan requires Council to undertake an assessment of the local characteristics and determine the needs and requirements of Local Centres. The Master Plan will provide place-based strategies and an evidence-based assessment that determines how the Local Centre should approach future renewal.

PLANNING PRIORITY E6: CREATING AND RENEWING GREAT PLACES AND LOCAL CENTRES, AND RESPECTING THE DISTRICT'S HERITAGE.

Council is required to consider which Local Centres:

- "will be appropriate to accommodate additional housing as part of their housing strategy.
- will need to grow to provide for the required goods and services of the community.
- may also need to grow to deliver other roles for the community, such as recreation, cultural, arts and community hubs."

GREEN GRID

The Eastlakes Town Centre is located around 1.2 kilometres from the Green Grid priority corridor, the Mill Stream and Botany Wetlands Open Space Corridor. This corridor is of regional significance with its high ecological and hydrological value and also presents key opportunities for north-south links across the districts.

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TRANSPORT 2056

Eastlakes Town Centre is located approximately 2 kilometres to both major transport corridors being the CBD and South Eastern Light Rail (identified to open 2019) and Mascot Train Station. Transport 2056 has identified these two corridors as city-serving corridors, higher density, frequent, corridors concentrated within 10km of metropolitan centers.

Committed projects (0-10 years) within a 2km radius of Eastlakes Town Centre include:

- CBD & South East Light Rail

Projects for investigation (10 -20 years) within a 1 km radius of Eastlakes Town Centre include:

- Mass transit / train link to South East

Visionary projects (for investigation 20+ years) servicing Eastlakes Town Centre include:

- Extension of the South East Mass Transit / train link to Miranda

There may be potential for further investigation of increase bus services to the Town Centre given its proximity to Green Square-Mascot and Eastgardens-Maroubra Junction Strategic Centres under the Green Square to La Perouse (via Eastgardens) rapid bus link (for investigation 0-10 years).

Eastlakes itself has not been identified under projects that are committed to or for investigation for the next 0-10 years.

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..... 2.0 Opportunities and Constraints Analysis

The analysis is key in understanding the opportunities and constraints for the study area and will provide the parameters on which strategies and projects are proposed.

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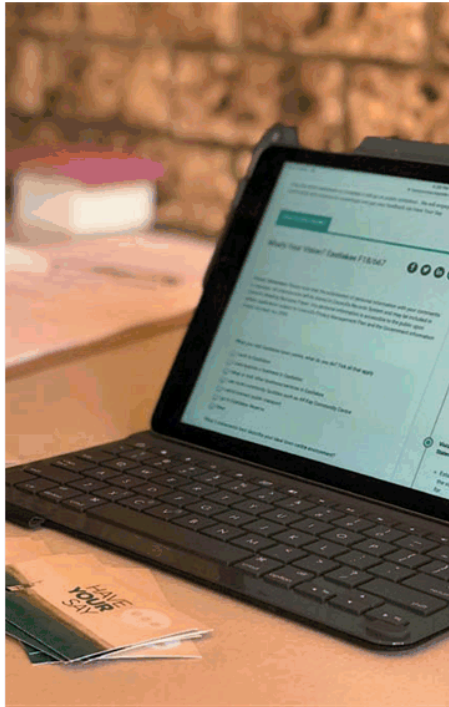


FIGURE 1.4 INFORMATION SESSION

2.1 STAKEHOLDER AND COMMUNITY ENGAGEMENT

INTRODUCTION

Amongst the buildings and public space of the Eastlakes Town Centre, the community is central to informing the essence of place. Stakeholders and the community are central to informing the Master Planning process. Their values and views are integral to ensuring that the Master Plan will accommodate their needs and requirements.

ENGAGEMENT PERIOD 01: INFORMATION SESSION

The Information Session was held at the Alf Kay Eastlakes Community Centre on Florence Avenue on Thursday 28 March 2019. On the day, Council staff were able to meet members of the local community and the following stakeholders:

- Crown Group

Prior to the Information Session, Council had been notifying the community of the event through the Have Your Say website and distributing event flyers and posters within the Eastlakes Shopping Centre and to community services in the local centre.

Council staff provided surveys to the local community who attended the event and discussed key issues and opportunities for the future of the Eastlakes Town Centre.

Information Session Objectives

- Introduce the Master Plan and answer any questions stakeholders or the community may have regarding the Master Plan;
- To meet with the local community face to

face to understand their thoughts on key issues such as open space, public domain, economic development, sustainability and safety; and,

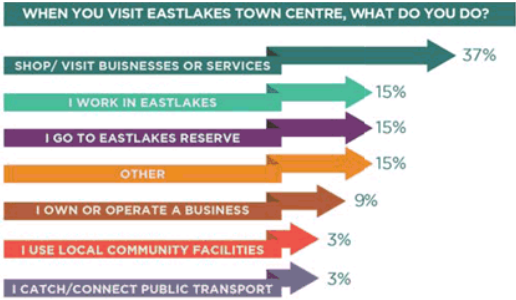
- Explore stakeholder and the community's vision regarding the future of Eastlakes for the next +20 years.

ENGAGEMENT PERIOD 01: HAVE YOUR SAY

Stakeholders and the community were able to visit the Have Your Say website regarding the Master Plan from 18 March 2019 - 29 April 2019. The Have Your Say website provided details on the project including background, scope and a project timeline. In addition, an online survey was conducted to which 17 stakeholders and community members responded.

Survey Structure

- When you visit Eastlakes Town Centre, what do you do?
- What three statements best describe your ideal Town Centre?
- Thinking about Eastlakes Town Centre from the following statements rate your importance.
- Do you feel safe walking around Eastlakes during the day?
- Do you feel safe walking around Eastlakes during the evening?
- Demographic information of respondent.



Most of the respondents visit Eastlakes Town Centre for its businesses or services.

Respondents valued great shops and services, and parking for residents and visitors most highly.

Public transport options, public space, parks and playgrounds and the retail market were identified as important to most respondents.



Items of least importance included spaces for sports, traffic calming measures and public art.

A greater number of respondents felt safer walking around the Town Centre during the day than at night.



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FIGURE 1.5 BUILT FORM ANALYSIS

2.2 BUILT FORM

INTRODUCTION

Eastlakes Town Centre has remained largely unchanged since the original planning of Town Centre in the 1960s. The use of the site as a racecourse has largely dictated the Town Centre layout.

WHAT WE'VE OBSERVED

- 01. Eastlakes is characterised by its 1960s 3-4 storey red brick walk-ups and the two land and housing site book-ending the east and west of the Town Centre;
- 02. The majority of buildings within the study area are strata titled. A large percentage of these sites contain 8 and above owners;
- 03. Mainly characterised by 3-4 storey walk-ups that transition to 1-2 storey single dwelling development to the south, contribute to the human scale and transitional character of the Town Centre;
- 04. There are a few 5-6 storey buildings mainly fronting Evans Avenue and Gardeners Road, these building heights provide markers for entry into the Town Centre;
- 05. The Land and Housing Corporation sites located at the eastern and western edges of the precinct are 8-9 storeys. These buildings are typical of the modernist architectural approach in which the building sits within a landscape setting. Given the scale and bulk of these

buildings and the deterioration of the facades they are considered as non-contributory;

- 06. The private open space surrounding these buildings does however contribute to the communities that inhabit these buildings and are used as gathering spaces and for private communal gardens;
- 07. Building heights are constrained by the Obstacle Limitation Surface of 51 meters which limits the potential maximum height of buildings to 11 storeys on the west and 9-10 storeys on the east;
- 08. Little redevelopment of the Town Centre has occurred since the 1960s with one vacant site being developed along Gardeners Road and a Part 3A Major Project has an approval allowing up to a 9 storey development;
- 09. Currently the Eastlakes Shopping Centre has a poor interface with Eastlakes Reserve and the surrounding streets.

SUMMARY OF FINDINGS

The built form character across the Town Centre largely contributes to the outdated feel of the Town Centre. Given the high level of strata titled buildings there are significant constraints to developing some of the older stock. Regeneration of larger State Government owned sites is also constrained by the Obstacle Limitation Surface and does not offer significant incentive to revitalise these buildings.

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Image 1: Land and Housing Site (Maloney Street)

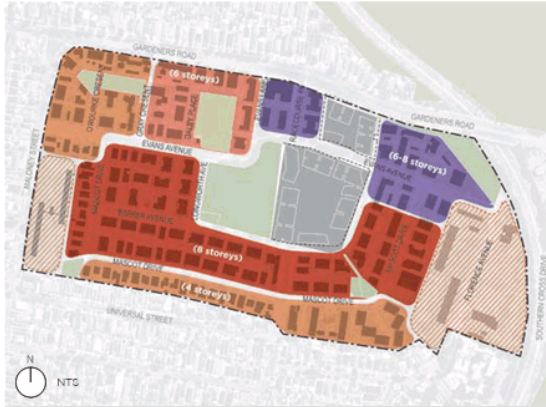


Image 2: New development along Gardeners Road



Image 3: Typical 3-4 storey red brick walk up typology

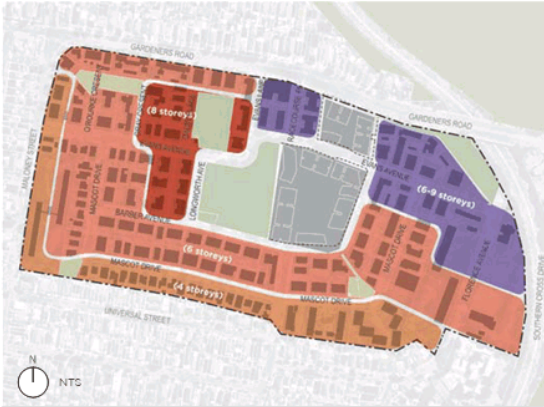
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LEGEND

- Study Area
- 1.361
- 1.951
- 2.51
- Non-residential FSR 0.61
- As per existing controls

FIGURE 1.6 OPTION 01- DEVELOPMENT VIABILITY TESTING



LEGEND

- Study Area
- 1.41
- 1.951
- 2.51
- Non-residential FSR 0.61

FIGURE 1.7 OPTION 02 - DEVELOPMENT VIABILITY TESTING

PART 3A APPROVAL AND SUBSEQUENT MODIFICATIONS

STRATEGIC PLANNING

There has always been an emphasis within the Draft Metropolitan Strategy for Sydney 2031 and the Eastern City District Plan (2018) that planning of Town Centres/Local Centres is to be Local Government led. Council has maintained the position that any future increase in development controls should be weighted towards Council led planning and controls.

PART 3A APPLICATION

Botany Bay Council noted the following concerns with height and density and regarding the built forms contextual response:

- Substantive weighting should be given to Council's planning policies and controls during the assessment of a major project, as reiterated in the Draft Metropolitan Strategy for Sydney 2031;
- Compliance with the Botany Bay Local Environmental Plan 2013 height of building, 14 meters, would generally ensure development would be in scale with its surrounding environment;
- Density sought under the application should not exceed the Botany Bay Local Environmental Plan 2013 of 1.5:1 because of the consequential effects to visual and amenity impacts and overshadowing;

The Part 3A approval was granted in September 2013.

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MODIFICATION 04

In October 2018 Crown Group lodged an application to modify the Part 3A Concept Plan approval for Eastlakes Shopping Centre seeking:

- Increase in floor space from 49,040 square metres to 71,815 square metres;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and,
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

Bayside Council has reiterated the importance of Local Government led place-based planning informed by an evidence-based approach, supported by the Government Architects State Design Review Panel in late 2018.

The proposed Eastlakes Local Town Centre Master Plan has been identified as a priority project as a part of the preparation of the Comprehensive Bayside LEP and DCP. This Master Plan provides the vision and principles for future development and renewal of the Town Centre.

DEVELOPMENT CONTROL TESTING

In understanding how the current environmental constraints, market conditions and current planning controls impact on development viability and the development controls required to achieve feasible outcomes. Given Eastlakes Local Centre status and hierarchy within the broader Bayside LGA does not warrant heights typically above 8 storeys. The following options were tested:

- Option 01:** heights between 4 storeys to the west and south, 6 storeys to the north and 8 storeys immediate west, east and south of the shopping centre at densities of 1.361 and 2.51 (see "Figure 1.6 Option 01- Development viability testing" on page 24); and,
- Option 02:** heights between 4 storeys to the west and south, 6 storeys sleeve the town centre, 8 storeys directly north-west of Eastlakes Reserve and 9 storeys to the north and north-east of the shopping centre (see "Figure 1.7 Option 02 - Development viability testing" on page 24).

Detailed feasibility testing taking into consideration the above constraints was conducted, and it was recommended that with the current infrastructure in place, the broader economic conditions and environmental considerations, at this point in time through undertaking a review of planning controls, changes to development standards is not recommended due to the economic feasibility of regenerating the current housing stock. These constraints are detailed in 2.9 Summary of Key Findings on page 39.

Given these findings the Master Plan recommends a series of strategies that aim to set a solid foundation for future renewal that can occur longer term.

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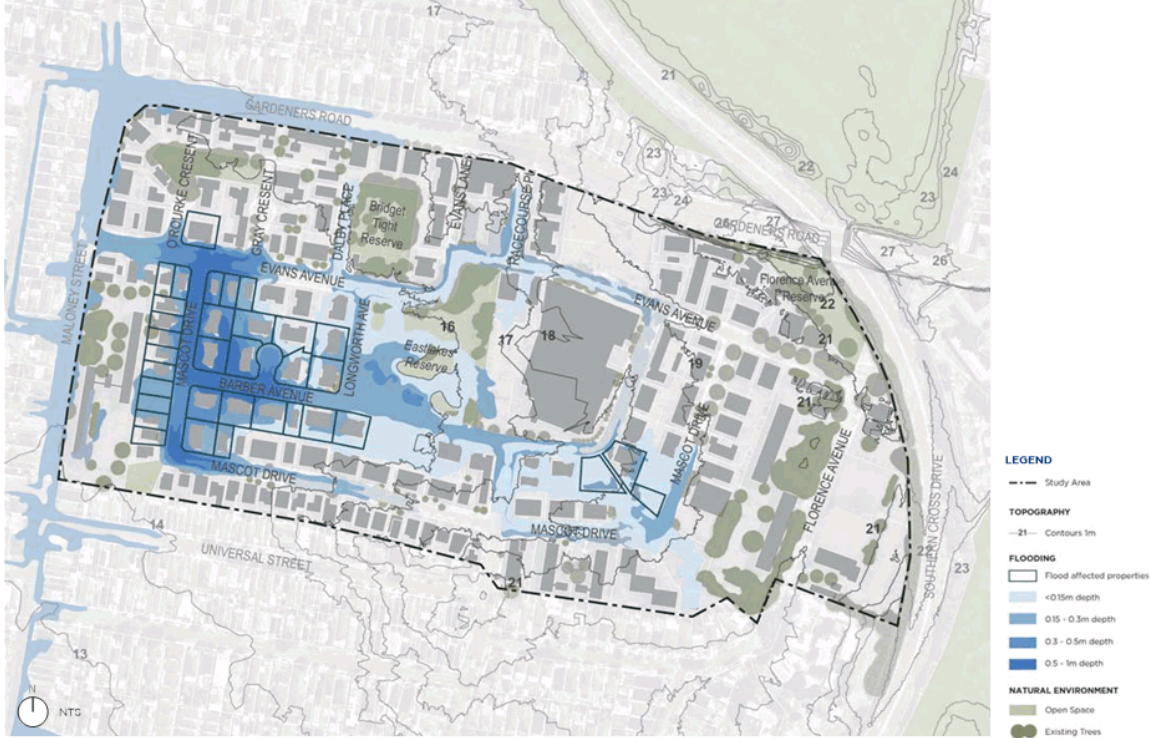


FIGURE 1.8 NATURAL ENVIRONMENT ANALYSIS

2.3 NATURAL ENVIRONMENT

INTRODUCTION

Eastlakes Town Centre sits on land which formed the extensive lake system, once known as the Botany Swamps. The area was largely reclaimed for the Rosebery Racecourse and then developed into the Eastlakes Town Centre.

WHAT WE'VE OBSERVED

- 01. The study area sits between AHD 14-21m and falls in an east-to-west direction;
- 02. The ground water table of Eastlakes is high (depths of 2.5 meters) and varies depending on the time of year. The geomorphology of the area means that there is a deep profile of sand underlay. This restricts the potential for basement car parking and tanking can result in ground settlements to land surrounding those sites;
- 03. Additionally the western portion of the study area is affected by the 1% AEP. Flood effected lots along Mascot Drive can experience peak flood depths of up to 0.5-1 meters. Whilst development above freeboard levels can be achieved this poses significant restrictions on basement car parking;
- 04. The majority of residential lots are dominated by hardscaped rear courtyards, utilised for on-grade parking. This significantly increase the impervious surfaces and leading to increased run off and little natural infiltration of water into the ground exacerbating flooding issues;
- 05. There is an adhoc approach to street tree planting and significant lack of street trees and greenery do not contribute to

- the amenity or character of the Centre;
- 06. Existing power lines limit the growth of mature trees;
- 07. Smaller trees with low canopies obstruct sight lines creating issues around safety when moving through the Town Centre at varied times of the day;
- 08. Eastlakes Town Centre provides a variety of open space from large scale local parks to pocket parks and community gardens;
- 09. 9% of the Eastlakes Town Centre is publicly accessible open space. Considered as a high density neighbourhood, local park access is suitable, however the precinct only provides 0.0006 hectares per 1000 residents compared to the minimum performance measurements (0.2 hectares per 1000 residents) outlined in the Government Architects Open Space for Recreation Guide (2018). *Note: these metrics are provided for Greenfield developments but provide a good indication of needs and requirements for high density neighbourhoods.*

SUMMARY OF FINDINGS

There are significant environmental constraints that limit redevelopment potential. There is also a significant lack in street tree planting and softscape throughout the Town Centre impacting on amenity and water filtration. Additionally, public open space quality is poor and given there is little opportunity to expand, it is integral that the quality of existing open space is improved.

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Image 4: Eastlakes Reserve
Image 5: Bridget Tight Reserve
Image 6: Light Horse Reserve

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FIGURE 1.9 PUBLIC DOMAIN ANALYSIS

2.4 PUBLIC DOMAIN

INTRODUCTION

Eastlakes Town Centre street network is largely influenced by the previous racecourse form. The streets are mainly internalised, tight and of poor amenity.

WHAT WE'VE OBSERVED

- 01. There is no Public Domain Plan for the Eastlakes Town Centre to guide upgrades to the public domain;
- 02. The public domain lacks street trees and planting to contribute to the overall amenity of the Town Centre;
- 03. Street lighting is inadequate in providing a sense of safety for those accessing or moving through the Town Centre at night;
- 04. There is limited wayfinding within the Town Centre directing people to open space or points of interest;
- 05. Paths and footway trading areas are of poor condition and require upgrading;
- 06. There are is a lack of consistency in approach towards public domain treatments and planting which do not aid in creating a cohesive character for the Town Centre;
- 07. The Town Centre presents low level of permeability, with many informal through site links closed due to anti-social behaviour. Pedestrian links lack passive surveillance and amenity;

- 08. Lack of secure private parking in the Town Centre contributes to car theft and vandalism in the area;
- 09. The Town Centre is largely hardscape surfaces that do not contribute to the overall amenity or environmental sustainability of the Town Centre;
- 10. There are a number of existing views when approaching Eastlakes Reserve and Bridget Tight reserve that positively contribute to the character of the Town Centre;
- 11. Inactive and black walls facing Eastlakes Reserve and Barber Avenue contribute to the poor streetscape qualities in the immediate area.

SUMMARY OF FINDINGS

Overall the Eastlakes Town Centre public domain is in need of major renewal to provide adequate amenity for the residents and workers of Eastlakes Town Centre. The public domain lacks consistency and quality and does not aid in enhancing sense of place.

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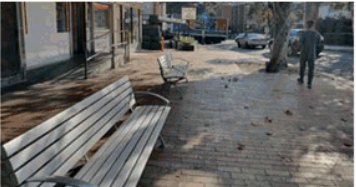


Image 7 Evans Avenue Footway Trading Zone



Image 8 Evans Avenue Street trees and footpath



Image 9 Maloney Street Community Garden through site link

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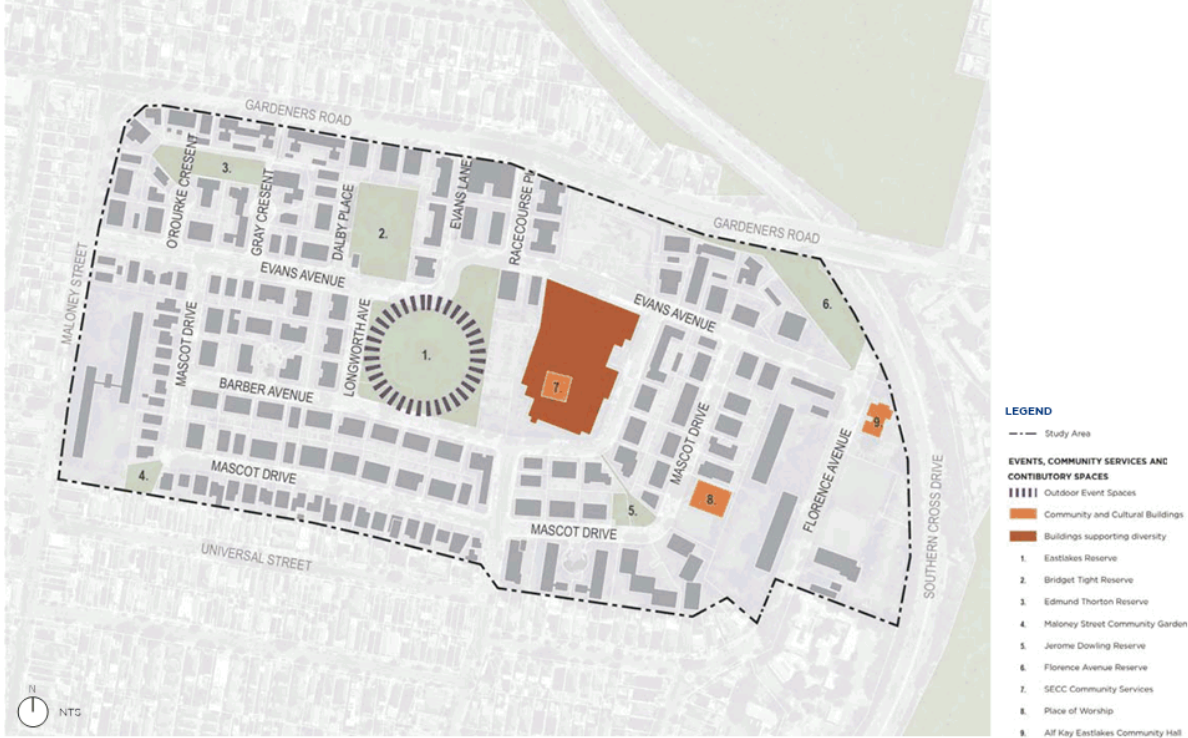


FIGURE 1.10 CULTURAL ANALYSIS

2.5 CULTURE

INTRODUCTION

The Eastlakes community is built upon rich multiculturalism and diversity. Community events, facilities and programs reflect the diverse nature of the Town Centre and is integral to the continuum of the culture as Eastlakes faces intensification and change.

Eastlakes Reserve is currently utilised for the annual multicultural fair and community programs for fitness and training. The reserve provides opportunities for the local community to gather both day and night.

WHAT WE'VE OBSERVED

- 01. Eastlakes is within the 12th percentile rating on the SEIFA (Socio-Economic Indexes for Areas) Index second last to Daceyville (2nd percentile) within the Bayside LGA. The SEIFA index measures the relative level of socio-economic disadvantage and collates data such as low income, low educational attainment, high unemployment and jobs in relatively unskilled occupations;
- 02. Eastlakes also has on average a higher level of persons requiring assistance compared to that of the broader LGA, with the most of the Land and Housing occupants needing assistance for age or disability;
- 03. Eastlakes Reserve is central to events and programs for the local community;
- 04. Currently, the annual multicultural fair run by Council is the only large scale event held in the Eastlakes Town Centre;
- 05. The Alf Kay Eastlakes Community Centre is the only building available to Council

and the community for smaller scale events and gatherings;

- 06. There is little historical cultural interpretation strategy i.e. signage and wayfinding or art strategy alluding to Eastlakes natural or usage as a racecourse or development within the 1960s and Eastlakes rich community past;
- 07. There are no heritage items, built or landscape within the study area;
- 08. Eastlakes Town Centre cultural richness comes largely from the community who bring a range of diverse businesses and services to the Town Centre many of which operate out of the current Eastlakes Shopping Centre;
- 09. Community run gardens can be found throughout the Town Centre including the Maloney Street Community Garden and privately run within the Land and Housing site fronting Florence Avenue.

SUMMARY OF FINDINGS

Through understanding the needs and requirements of the community the Master Plan can provide strategies to enhance the livability of the Town Centre. The community are the backbone to the rich cultural experience that is offered through an annual event and the diverse businesses located in the Eastlakes Shopping Centre. There is potential to capture this diversity and community minded spirit through additional avenues such as provision of additional space for other events such as markets, community space for gardens and interpretation of Eastlakes rich historical evolution to the Town Centre it is today.

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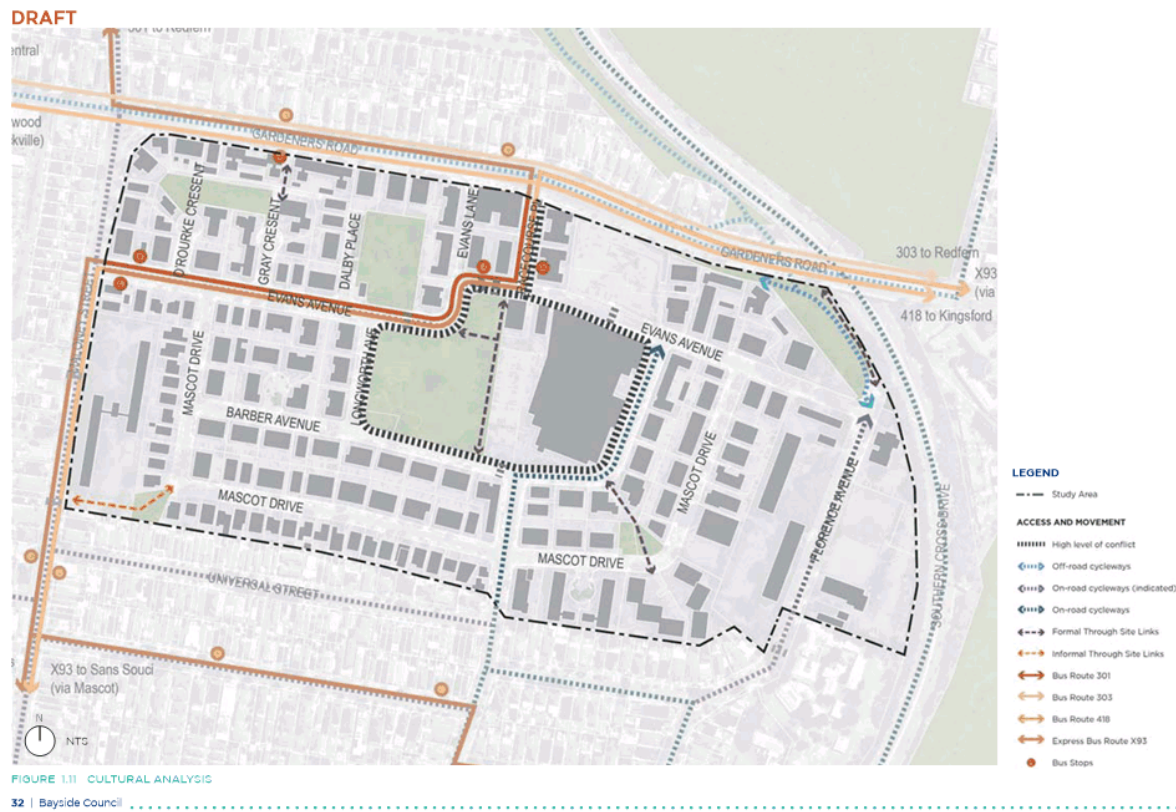
Image 10. Eastlakes Reserve newly upgraded playground



Image 11. Eastlakes Multi Cultural Fair



Image 12. Free Community Fitness Classes (run by SECC)



2.6 ACCESS AND MOVEMENT

INTRODUCTION

There are poor connections to the surrounding Strategic Centres of Mascot and Green Square that offer regular train services to the Sydney CBD and access to the light rail to the East. With poor servicing, the Town Centre largely is focused on private vehicle use which is evident through at-grade parking overflow from private residences to the street.

WHAT WE'VE OBSERVED

- 01. The Town Centre is within 2km proximity to regular train services and the light rail, however these remain largely inaccessible due to poor public transport connections;
- 02. Public transport access is largely inequitable throughout the Town Centre as bus stops and routes are all concentrated to the north of the study area, affecting children, the elderly and the disabled community;
- 03. Bus service frequency is typically every 30 minutes during weekdays and 30 minutes to 1 hour on weekends. There is only one express route that services the Town Centre at 10-15 minute intervals and this services route is to Little Bay;
- 04. Car parking dominates private blocks and the street;
- 05. As the street network is tight and paths are narrow the Town Centre does not provide for a safe cycling environment;

- 06. Through block links are lacking and do not aid in desire lines when getting from one end of the Town Centre to the other, and those that do exist are of poor amenity and passive surveillance;
- 07. Servicing vehicles and delivery trucks coincide with private vehicular movement and increase concerns around pedestrian safety;
- 08. The Town Centre lacks pedestrian priority and therefore has led to poor placement of crossing and bus stops at blind spots;
- 09. The *Botany Bay Planning Strategy 2031* recommended a Transport Study be undertaken for the Town Centre. This has not eventuated.

SUMMARY OF FINDINGS

The lack of focus on pedestrian prioritisation and equitable access to all has led to a Town Centre that is plagued by private car usage. Improvement to public transport and the safety of pedestrians is key in ensuring the Eastlakes Town Centre is safe and accessible for all its residents.



Image 13. Pedestrian Crossing Evans Avenue



Image 14. Car parking dominates private blocks



Image 15. Bus Shelter Evans Avenue



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2.7 ECONOMICS

INTRODUCTION

Eastlakes Town Centre as a local centre is able to provide the essential services and goods for the local community. With the proximity of Mascot, Green Square, and Botany there is no apparent need for any large scale increase in retailing activity of the Centre.

WHAT WE'VE OBSERVED

- 01. Current economic trends i.e. tightened lending, price of land and the housing market are key factors in determining the development potential of the Eastlakes Town Centre. The above constraints and current market means that any redevelopment within the Town Centre is not likely to be feasible within this current cycle due to the high level of constraints explored within 2.9 Summary of Key Findings on page 37.
- 02. The Part 3A approval aims to deliver 12,350 square meters (approximately an additional 890 square meters compared to the current controls) in retail floor space increasing retail capacity within the Town Centre.
- 03. The retail core and active frontages are focused towards Evans Avenue in front of Eastlakes Shopping Centre and extend North along Racecourse Place.
- 04. The current footway trading areas are of poor quality and do not promote activation of the main street;

- 05. Eastlakes does not support a night time economy;
- 06. Eastlakes Shopping Centre caters for a range of diverse boutique stores such as international grocers, delis and hairdressers;
- 07. The Part 3A redevelopment of the Eastlakes Shopping Centre threatens the displacement of businesses and services that are currently being provided, these need to be catered for through any future redevelopment;
- 08. Woolworths is the only large format store contained within the Eastlakes Shopping Centre.

SUMMARY OF FINDINGS

The Town Centre is constrained in its development of building stock due to a range of planning, environmental and economic market factors.

Any proposed increased in retailing activity would need to be subject to a detailed Economic Needs Analysis.

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Image 18. Majority of inactive frontages due to parking

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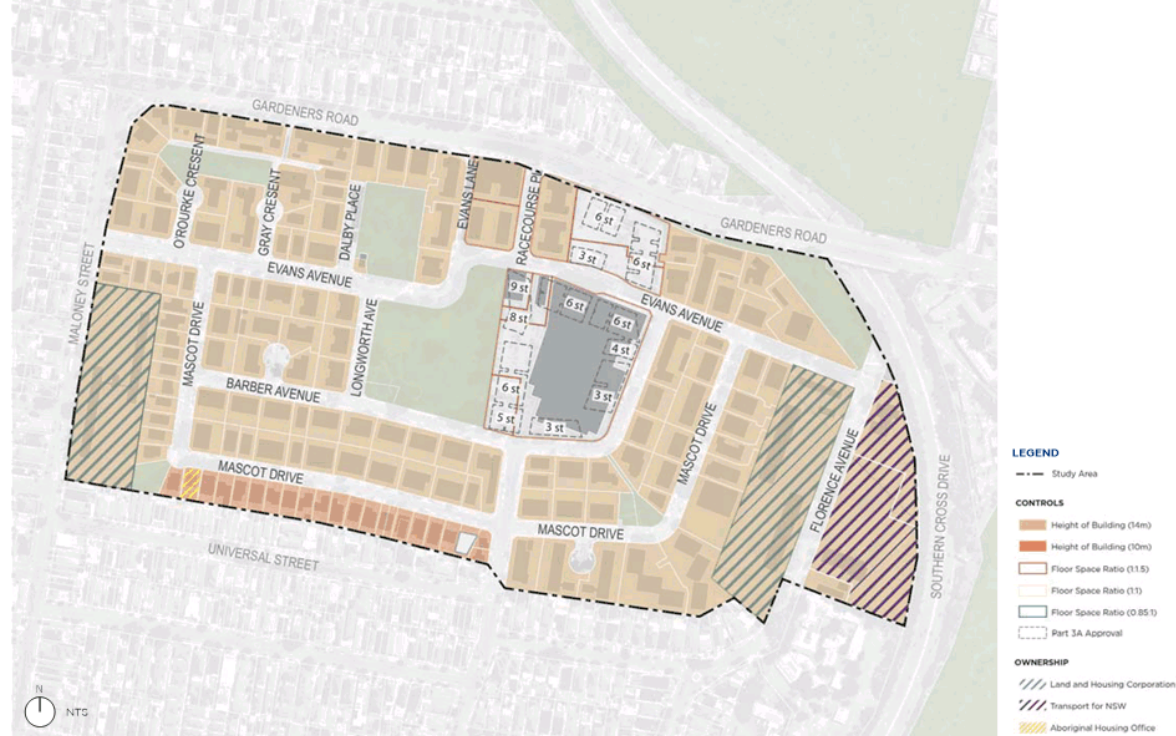


FIGURE 1.13 GOVERNANCE

2.8 GOVERNANCE

INTRODUCTION

Since the development of the Eastlakes Town Centre commenced in the 1960s little change or renewal has occurred. The current controls within the *Botany Bay Local Environmental Plan 2013* lack incentive to regenerate older stock and in turn complete much needed public domain and open space upgrades.

WHAT WE'VE OBSERVED

01. The study area is zoned B2 Local Centre and R4 High Density residential;
02. The permissible Height of Building is 10 - 14 metres with a Floor Space Ratio (FSR) of 1.5:1, 1:1 and 0.85:1;
03. The Part 3A Major Project approval is for the following:
 - construction of a mixed use development generally between 2-6 storeys above podium in height expect at the corner of Evans Avenue and Racecourse Place, where a maximum height of RL 48.6 AHD applies,
 - maximum 14,404 square meters ground floor retail and community space,
 - maximum 34,535 square meters of residential floor space equal to 405 residential apartments, and
 - 916 basement car parking spaces over two levels;
04. Past recommendations within the *Botany Bay Planning Strategy 2031* have

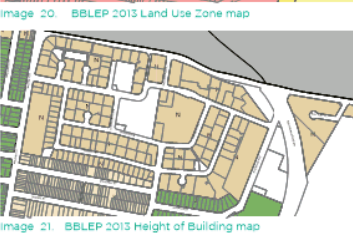
not been implemented and therefore little improvement has occurred to the Town Centre to provide incentive for regeneration.

05. The *Eastern City District Plan* has identified Eastlakes as a Local Centre requiring Council to undertake studies to determine if Eastlakes is capable of catering for additional housing, goods and services, community facilities and recreational needs;
06. A majority of the larger lots within the Eastlakes Town Centre are under State ownership and is therefore subject to the State agencies' longer term strategies for those sites.

SUMMARY OF FINDINGS

The current *Botany Bay Local Environmental Plan 2013* controls do not incentivise any regeneration of the local centre. Whilst there is space to increase these controls it is important to reflect upon the above findings as additional constraints to redevelopment potential. Large sites generally provide opportunities for catalyst projects, however the larger lots are subject to State agency plans and further liaison with these agencies would be required to understand if there are potential opportunities for growth, facilities and services and/or open space and recreation.

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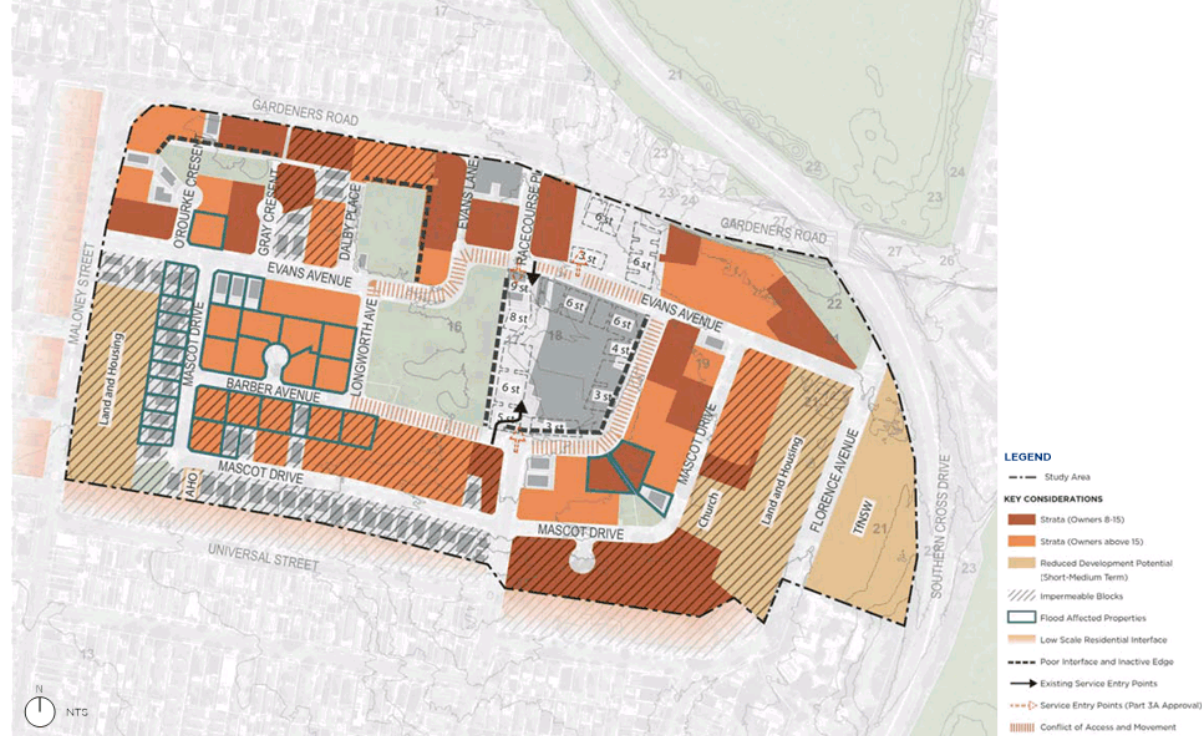


FIGURE 1.14 KEY CONSIDERATION MAPPING

2.9 SUMMARY OF KEY CONSIDERATIONS

INTRODUCTION

The analysis presented highlights key considerations that need to be taken into account when determining the development potential of the Eastlakes Town Centre, public domain upgrades and facilitating upgrades to community services. The below summary of findings outlines the constraints in which the Master Plan can provide future guidance on strategies to enhance and improve the Eastlakes Town Centre.

SUMMARY OF FINDINGS

DEVELOPMENT POTENTIAL

Limiting factors to development potential include:

- Strata titled lots with more than 8 owners are difficult to amalgamate and unlikely to develop in the short term due to cost of acquisition;
- Typical lot sizes do not allow for efficiency in layout of buildings and amalgamation of lots could increase number of strata owners to approximately 20-30;
- Land owned by State Government Agencies and existing religious institutions are likely to have limited potential for development in the short/medium term;
- OLS and topography limit the height of buildings;
- Shallow water table and deep sand profile impact the viability of basement car parking and impact on the economic

feasibility of redevelopment as it is unlikely basements can extend below 1-2 levels and will require tanking;

- Flooding impacts whilst can be likely addressed by raising freeboard levels pose significant threats to basement car parking without specific adaptation measures;
- Current LEP controls do not provide sufficient incentives to encourage redevelopment and overcome constraints. Given the hierarchy of the Town Centre, OLS, topography, ownership, environmental and amenity constraints such as overshadowing the Town Centre does not lend itself to increases in height typically above 8 storeys.

PUBLIC DOMAIN

- Without significant development potential funding of public domain upgrades will need to be sought independently of Section 7.11 Contributions. These could be from infrastructure levies, local area funds or grants;
- Improvements to street and through site link networks through quality design, clear site lines, quality lighting, CCTV and enhance passive surveillance when possible to ensure the Town Centre is and feels safe during the day and night;
- Improvements to service dominated entrances, conflict of movement

between localised traffic, servicing vehicles and pedestrians, poor interfaces, impermeability, and narrow streets of low quality pedestrian amenity will aid in supporting future revitalisation of built form;

- Further focus on improving open space, community facilities and services, and street greening will enhance amenity and support any future revitalisation, whilst enhancing sustainability and livability of the Town Centre in the short to medium term.

COMMUNITY SERVICES

- Limited public transport currently services the Town Centre. Investigation into public/private partnerships, increase of express services to Strategic Centres in liaison with Transport for NSW should be further explored and increase likelihood of future revitalisation;
- Placemaking opportunities should be further explored to support and grow existing cultural and social activities. Potential opportunities involve expanding upon existing events, markets and fairs that cater to local needs and interests. Improvements to open space to cater for small scale community projects, could include street libraries, youth events and fitness activities, as well as investigate further opportunities to increase the ever-growing popularity of community gardens throughout the Town Centre.

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..... 3.0 Visioning and Principles

The vision and principles integrate the findings of the analysis and form the fundamental tests for success and the shared understanding of the objectives of the Master Plan.

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3.1 VISION

Eastlakes Town Centre has potential to enhance the livability and amenity of the public domain and its open space network through community focused initiatives and Council-led improvement projects.

Together with strengthening the diverse community and key cultural spaces, Eastlakes Town Centre can provide the foundation for attracting future investment in which built form revitalisation in the longer term can occur. For this to occur, improvements need to be driven by a bottom-up approach in which Council and the Community can enhance the existing character of the Local Town Centre.

Improved street character can be achieved through enhancing amenity and increasing greenery that will transform the local centre into a more liveable and desirable place for existing residents to live, work and recreate.

Improved pedestrian and cyclist network with a strengthened approach to way-finding will further increase the permeability, accessibility and safety of the public domain.

To enhance the desirability of Eastlakes for future regeneration equitable and frequent public transport will need to be at the forefront of priority in planning.

“To celebrate and strengthen the existing community atmosphere with increased opportunities for cultural events and community gathering, and a well-connected and high quality public domain that links to Eastlakes vast network of local open space.”



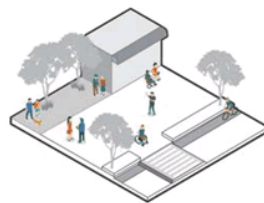
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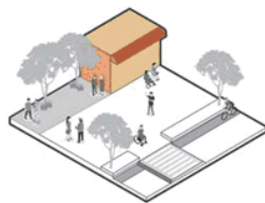
3.2 TOWN CENTRE PRINCIPLES

STAKEHOLDERS & COMMUNITY



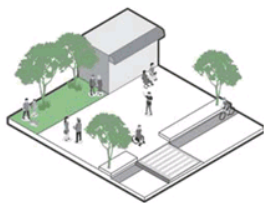
Engage with and support local community endeavours to support culture and provide clear guidance for any future renewal.

BUILT FORM



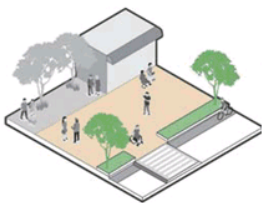
Implement short - medium term improvements in the Eastlakes Town Centre Master Plan to increase the attractiveness to revitalise built form in the longer term.

NATURAL ENVIRONMENT



Enhance street tree planting and greening of both private and public spaces to enhance the Town Centres resilience to increasing temperatures and flood events.

PUBLIC DOMAIN



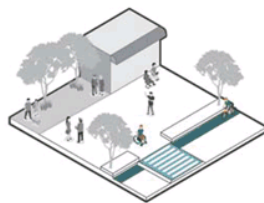
Establish a hierarchy of streets and spaces that link to Eastlakes local open spaces and Shopping Centre heart.

CULTURE



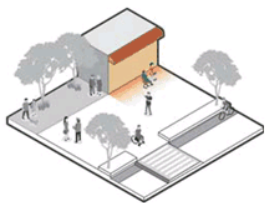
Celebrate and support the diversity of the Eastlakes Town Centre as the foundation to its character now and into the future.

ACCESS & MOVEMENT



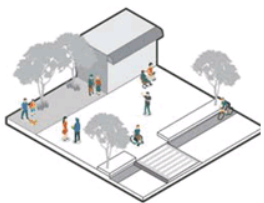
Prioritise pedestrian movement and safety that supports future growth and alternative modes of public transport.

ECONOMICS



Support the Eastlakes community by encouraging a multifunctional economy that supports local business and cultural opportunities.

GOVERNANCE



Implement the findings and recommendations of the Eastlakes Town Centre Master Plan as a platform for enhancing longer term regeneration of the Town Centre.

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4.0 Draft Town Centre Strategies

The strategies directly respond to the vision and Town Centre principles that aim to guide the future direction of the town centre. These strategies include short (0-5 years), medium (5-10 years) and long (10-20 years) outcomes that allow for realistic deliverables and outcomes for the Eastlakes Town Centre and its community. The below strategies are to be exhibited for stakeholder and community comment.

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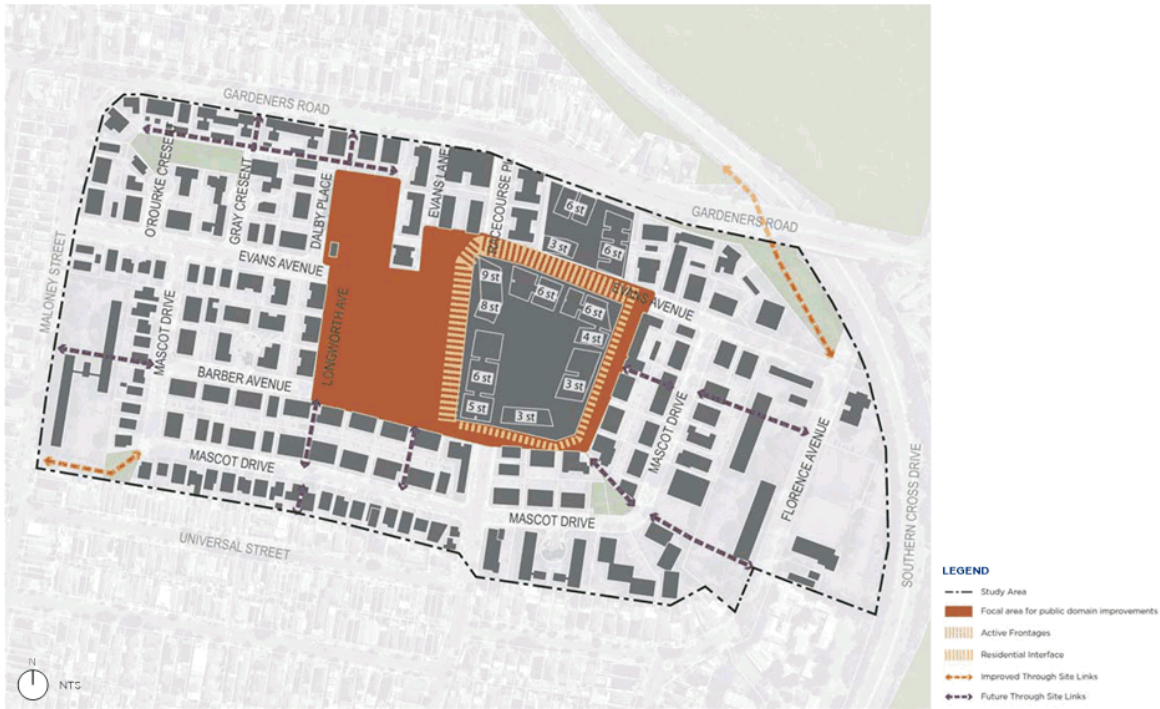


FIGURE 1.15 BUILT FORM STRATEGY

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4.1 BUILT FORM

Town Centre Principle 02

Implement short - medium term improvements in the Eastlakes Town Centre Master Plan to increase the attractiveness to revitalise built form in the longer term.

STRATEGY 01: SET THE FOUNDATION

Ensure provisions i.e. (through site links) are in place to guide any future development that may occur through Planning Proposals. State Significant Development or Development Applications before any future revisions of statutory controls occur, when feasible.

DEVELOPMENT POTENTIAL SHORT - MEDIUM TERM FINDINGS

Through investigation of the potential heights in the centre, consideration was given to the strategic hierarchy of Eastlakes in comparison to other centres to ascertain a potential maximum height for this centre. A maximum height of 8 storeys was determined as appropriate given its Local Centre status.

As the built form testing indicates limited redevelopment opportunities, and therefore, increases in statutory controls at this point in time, any increase in height on the shopping centre without substantial redevelopment of the surrounding sites would further accentuate the lack of built form transition to the edges of the precinct. Therefore, the built form studies recommend retaining the existing height approval on the Eastlakes Shopping Centre site up to 9 storeys, and future investigation regarding increasing statutory controls across the Town Centre to around 8 storeys should be undertaken in the longer term.

KEY ACTIONS

SHORT TERM

01. Liaison with Eastlakes Shopping Centre owner regarding active frontages, residential and open space interface is required regarding the redevelopment of the Eastlakes Shopping Centre.
02. Investigation into the implementation of public domain and access and movement strategies to ensure the foundation is in place for future renewal.
03. Determine potential funding sources for short-medium term upgrades.

MEDIUM TERM

01. Implement staged approach to upgrades for public domain and open space improvements;
02. Implement provisions such as through site links and public domain upgrades through any future renewal;
03. Monitoring of market conditions and potential for an increase in renewal.

LONG TERM

01. Review of controls, to incentivise future renewal within an improved market cycle and when supporting infrastructure is in place.



Image 24. Set the foundation for future renewal

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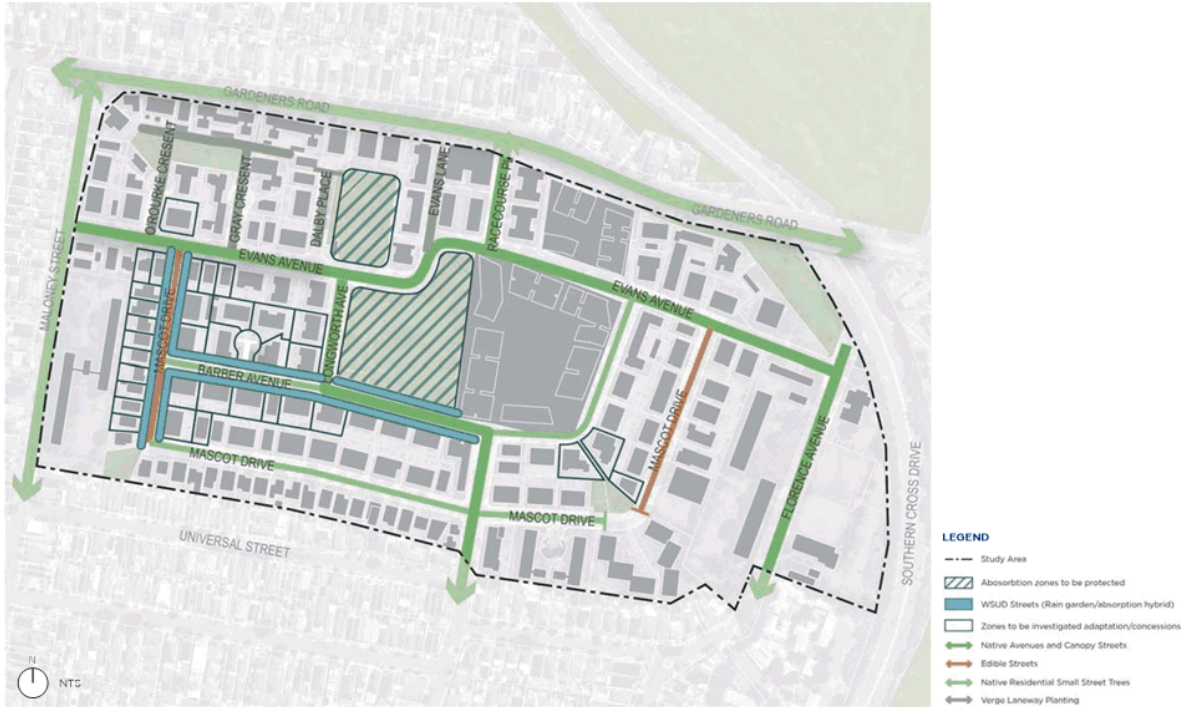


FIGURE 1.16 NATURAL ENVIRONMENT STRATEGY

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4.2 NATURAL ENVIRONMENT

Town Centre Principle 03

Enhance street tree planting and greening of both private and public spaces to enhance the Town Centre resilience to increasing temperatures and flood events.

STRATEGY 01: AN ADAPTIVE TOWN CENTRE

Ensure best practice adaptation measures are guiding future built form and public domain renewal to manage issues such as infiltration, flooding and ground water table impacts on renewal.

STRATEGY 02: A RESILIENT RESPONSE TO STREET TREE PLANTING AND OPEN SPACE

The Master Plan aims to implement a consistent approach to street tree canopy and selection of street tree species to ensure resilience in care and maintenance is of a place based approach and mitigation against the urban heat island effect is managed.

STRATEGY 03: A CONNECTED OPEN SPACE NETWORK

Eastlakes contains a range of local parks, pocket parks and green links that provide a solid foundation to create a connected green Town Centre.

KEY ACTIONS

SHORT TERM

- 01. Undertake further studies regarding infiltration, flooding and water table

constraints and provide potential adaptation measures (both local and international controls), and potential concessions for future development that can be included in a revised Development Control Plan;

- 02. Investigate improvements to open space that enhance amenity and facilitate flexible and adaptable uses;
- 03. Implement a street tree canopy strategy to improve amenity and hierarchy of public domain for the local community;
- 04. Determine potential funding sources for short-medium term upgrades.

MEDIUM TERM

- 01. Implement a staged approach to open space upgrades and improved connections;
- 02. Implementation of public domain upgrades to improve the Town Centres' environmental performance;
- 03. Implement provisions for reducing hardscape throughout the Town Centre.



Image 27. Open space upgrades increase trees and planting

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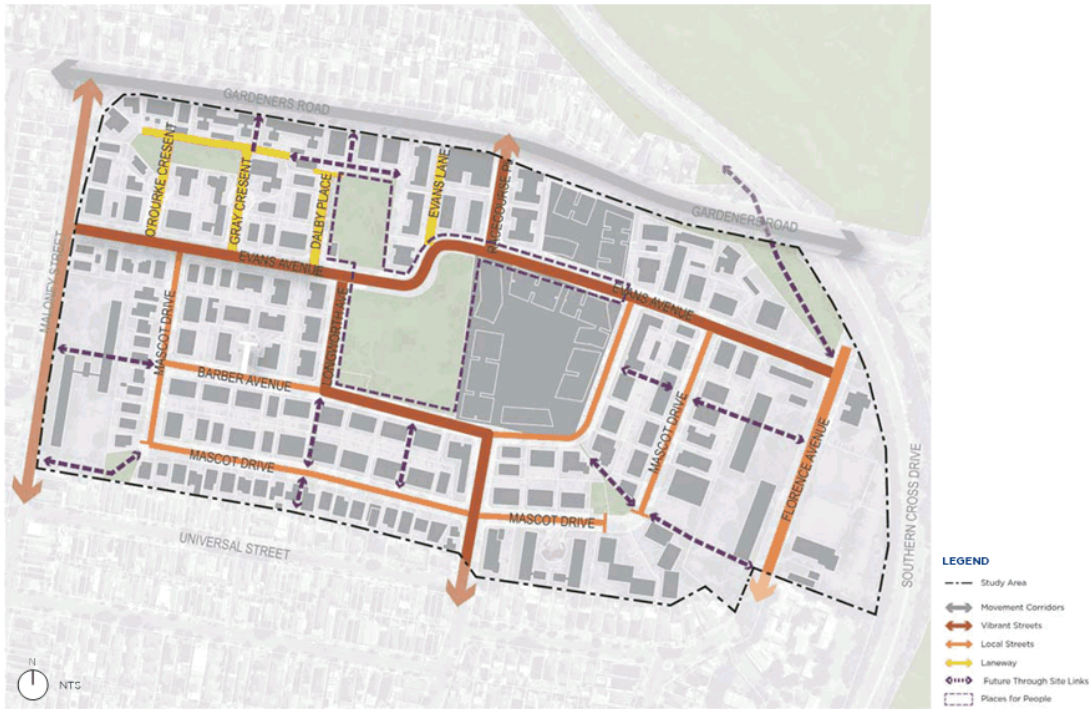


FIGURE 1.17 PUBLIC DOMAIN STRATEGY

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4.3 PUBLIC DOMAIN

Town Centre Principle 04

Establish a hierarchy of streets and spaces that link to Eastlakes local open spaces and Shopping Centre heart.

STRATEGY 01: A NATURAL STREET CHARACTER WITH A CLEAR HEIRACHY

Eastlakes tight street network and degraded public domain are lacking hierarchy and an approach to movement prioritisation. Improvements would enhance amenity, wayfinding and, overall, contribute to enhanced sense of place.

STRATEGY 02: A VISUALLY CONNETCTED TOWN CENTRE

Enhancing wayfinding, sight lines and key views to points of interest will improve safety. Additionally, a consistent approach to public domain improvements will contribute to the overall character of the Eastlakes Town Centre.

STRATEGY 03: A SAFE TOWN CENTRE

There is a perception about safety around the Town Centre. Critical to enhancing the appeal and activation of the centre is to ensure that measures are in place to increase passive surveillance and provide a public domain that lends itself to improved space management.

KEY ACTIONS

SHORT TERM

- 01. Undertake a Public Domain Plan for the Eastlakes Town Centre that builds on this

Master Plan's recommendations;

- 02. Utilise Crime Prevention Through Environmental Design Principles when investigating upgrades to the Public Domain;
- 03. Undertake public domain upgrades for areas fronting the Eastlakes Shopping Centre with any future redevelopment;
- 04. Install CCTV in through site links to improve sense of safety and monitor any incidents that occur;
- 05. Improve lighting of open space and through site links;
- 06. Determine potential funding sources for short-medium term upgrades.

MEDIUM TERM

- 01. Undertake a staged approach to public domain upgrades as outlined and detailed in a Public Domain Plan;
- 02. Improve connectivity between Bridget Tight Reserve, Edmund Thornton Reserve and Eastlakes Reserve.

LONG TERM

- 01. Investigate opportunities to enhance night time activation through review of statutory controls.



Image 28. Public Domain improvements



Image 29. Improve lighting at night

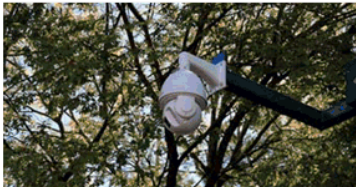


Image 30. CCTV to improve sense of safety

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FIGURE 1.18 CULTURE STRATEGY

4.4 CULTURE

Town Centre Principle 05

Celebrate and support the diversity of the Eastlakes Town Centre as the foundation to it's character now and into the future.

STRATEGY 01: A CENTRE CAPABLE OF PROVIDING FOR LOCAL EVENTS, DAY AND NIGHT

Undertaking a proactive approach to events and community programs within the Town Centre both day and night will aid in enhancing sense of place and community relationships.

STRATEGY 02: A CONNECTED COMMUNITY

Opportunities for placemaking initiatives will build upon the solid community foundation that exists within the Eastlakes Town Centre.

KEY ACTIONS

SHORT TERM

01. Undertake a Place Manual in consultation with the Eastlakes Community and key community service providers to determine needs and requirements to cater for local business growth and providing a platform for enhanced community connections. This should focus on event opportunities and placemaking initiatives the are deemed important by the community;

02. Liaise with youth workers to enhance learning programmes for school children and youth service programmes held throughout the Town Centre;

03. Investigate interpretation strategy that pays homage to Eastlakes' rich natural, indigenous and Town Centre history;

04. Council to investigate disability and inclusion controls to be outlined in a Development Control Plan and the requirement for an Eastlakes Disability Action Plan to ensure Eastlakes is providing the required services to the community.

MEDIUM TERM

01. Undertake improvements to open space network and public domain to cater for diverse activities and events that allow for flexibility and growth;
02. Eastlakes Reserve should retain its role for larger scale community events and consider potential expansion of events into the evening/night;
03. Investigate potential shared streets for annual events without impeding on day to day access and movement requirements.

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Image 31. Interpretation strategy



Image 32. Continue to facilitate community/youth prgrams



Image 33. Work with community on placemaking projects

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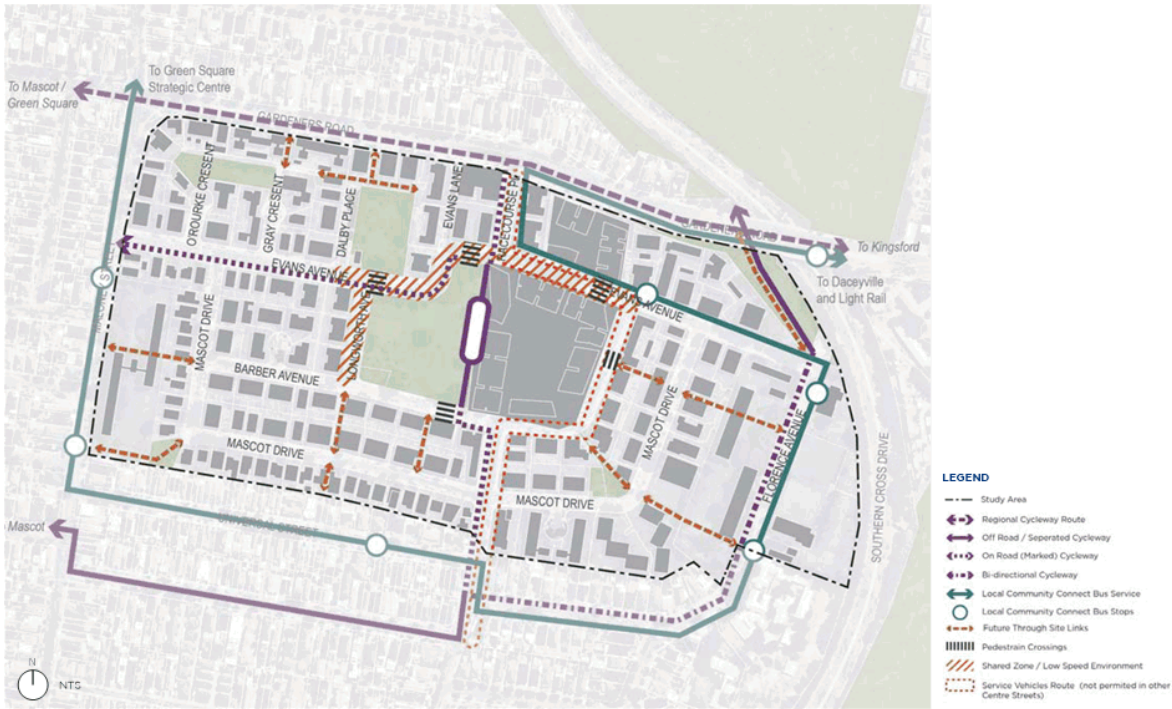


FIGURE 1.19 ACCESS AND MOVEMENT STRATEGY

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4.5 ACCESS AND MOVEMENT

Town Centre Principle 06

Prioritise pedestrian movement and safety that supports future growth and alternative modes of public transport.

STRATEGY 01: A CLEAR STREET HIERARCHY THAT GUIDES ACCESS, MOVEMENT AND PRIORITISATION

Prioritising movement through the Town Centre via a clear street hierarchy will not only improve safety but pedestrian and cyclist prioritisation in key trading streets.

STRATEGY 02: A TOWN CENTRE THAT IS EQUITABLE AND ACCESSIBLE FOR ALL

Advocating for and supporting accessibility and equity of movement in, around Eastlakes and to other Town Centres is a key requirement to facilitate any longer term growth.

KEY ACTIONS

SHORT TERM

- 01. Investigation of Community Connect Bus Service, Council led, Public-Private partnership or through a Voluntary Planning Agreement to increase accessibility in and around the Town Centre and to key Strategic Centres;
- 02. Implement a way finding strategy to enhance ease of movement and location of points of interest;

- 03. Undertake a Transport Management Plan for the Town Centre that can guide and inform traffic calming and reduction in movement conflict;
- 04. Conflict of movement reduction measures to be implemented with the redevelopment of the Eastlakes Shopping Centre;
- 05. Advocating to the State Agencies for increase services to Strategic Centres.

MEDIUM TERM

- 01. Investigation into relocation of bus stops to improve safety of pedestrians and potential restructuring of routes to improve equity;
- 02. Undertake staged improvements to public domain to ensure pedestrian prioritisation in trading areas and improve cycleways and through site links;

LONG TERM

- 01. Set the foundation for any future renewal through ensuring infrastructure is in place at time of development;
- 02. Monitor accessibility needs and prioritise improvements to access network, if density is to increase.



Image 34. Enhance active transport network



Image 35. Pedestrian prioritisation in Town Centre heart



Image 36. Community bus services to enhance mobility

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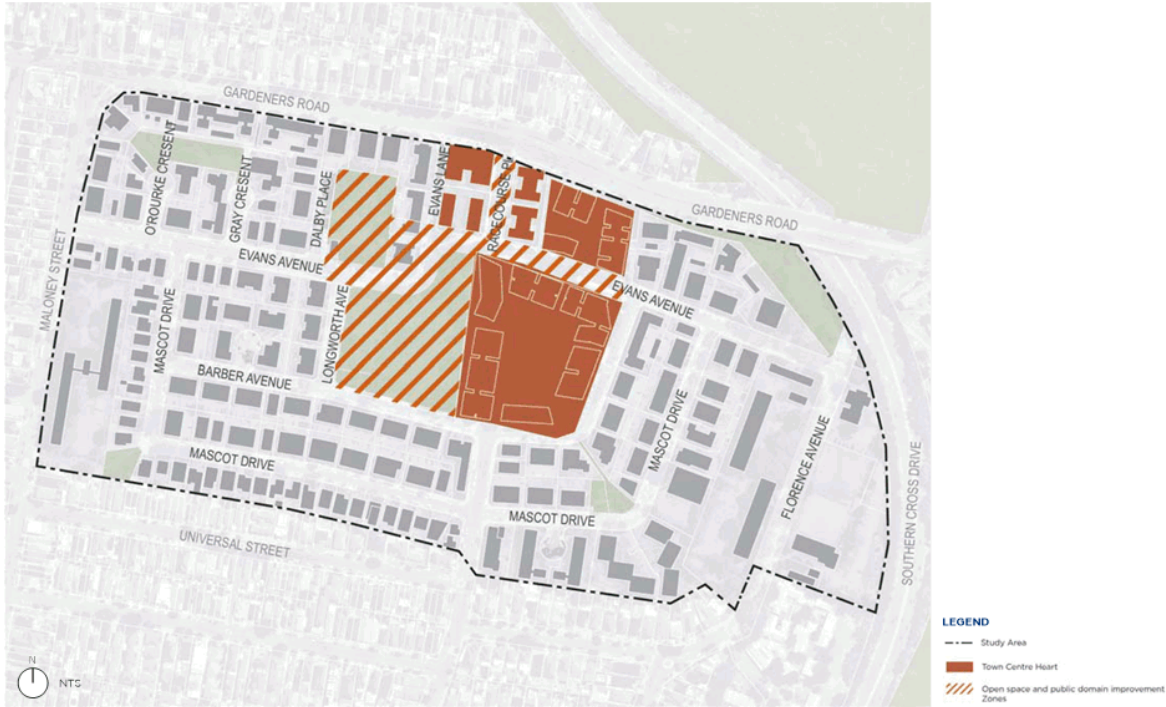


FIGURE 1.20 ECONOMICS STRATEGY

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4.6 ECONOMICS

Town Centre Principle 07

Support the Eastlakes community by encouraging a multifunctional economy that supports local business and cultural opportunities.

STRATEGY 01: A STRENGTHENED TOWN CENTRE HEART

In conjunction with public domain upgrades and a place manual Eastlakes Town Centre will develop an identifiable heart for which future renewal can expand upon.

STRATEGY 02: AN ACTIVATED STREETScape

Through increased trading hours, events and public domain improvements, Eastlakes can facilitate streetscape activation and local trading.

KEY ACTIONS

SHORT TERM

- 01. Undertake a Public Domain Plan and Place Manual to facilitate increased activity;
- 02. Encourage the reorientation of businesses from internal to external facing to encouraged enhanced footway trading with any future redevelopment of the Eastlakes Shopping Centre;

- 03. Support local businesses through facilitation of events and adaptable spaces for trading by improving Development Control Plan provisions;
- 04. Support local businesses and services from displacement through enhancing engagement with the business community and local service providers including investigation in to policy.

MEDIUM TERM

- 01. Undertake public domain and open space upgrades and monitor the success of events programming.

LONG TERM

- 01. Promote future development along Evans Avenue as an extension of the Town Centre heart when deemed viable.



Image 37. Focus businesses to the street



Image 38. Support late night trading



Image 39. Promote local business through events

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Image 40. Community Engagement - Planning for Bayside

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4.7 GOVERNANCE

Town Centre Principle 08

Implement the findings and recommendations of the Eastlakes Town Centre Master Plan as a platform for enhancing longer term regeneration of the Town Centre.

STRATEGY 01: A TOWN CENTRE THAT PROVIDES FLEXIBILITY FOR FUTURE RENEWAL

The Eastlakes Town Centre Master Plan provides flexible and adaptable guidance for future renewal of the Town Centre.

STRATEGY 02: A TOWN CENTRE THAT ENCOURAGES RENEWAL

The recommendations of the Master Plan will outline key deliverables that will provide a foundation for future review of controls.

KEY ACTIONS

SHORT TERM

- 01. Determine funding mechanisms in which upgrades can be facilitated. Infrastructure levies, Local Area Funds, Contributions and Grants are all avenues that need to be considered;
- 02. Utilise the implementation and delivery plan within the Councils annual project structure to ensure the delivery of key priority projects that will set a clear foundation for catalyst site projects;

- 03. Liaise with Eastlakes Shopping Centre owner for future redevelopment of the Shopping Centre to ensure the objectives of the Master Plan are met and carried out through works in kind and Voluntary Planning Agreements.

MEDIUM TERM

- 01. Monitor implementation of strategies, measure success of Master Plan and recommend potential review of strategies and key actions where required;
- 02. Liaise with public and private sectors regarding any development opportunities and ensure the of the Master Plan are met and carried out through delivery of through site links and public domain/ accessibility objectives through works in kind and Voluntary Planning Agreements.

LONG TERM

- 01. Undertake economic analysis and review of controls in the longer term when

- renewal is economically viable;
- 02. Subsequent to the previous action, the findings and recommendations of the Master Plan such as local centre hierarchy and development standards will need to be revised if suitable infrastructure and foundations have been undertaken to understand Eastlakes role as a Local Centre.

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5.0 Draft Master Plan

The draft Master Plan is a collation of all the strategies and provides graphic guidance on projects to be implemented over the short, medium and long term.

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- LEGEND
- Existing trees retained
 - Native Canopy Trees
 - Native Residential Trees
 - Edible Street Tree Species
 - Proposed WSUD Streets
 - Areas requiring increased Permeability
 - Retain for Open Space and Community Use
 - Shared Zone
 - Through Site Links
 - Shelters
 - Markets / Events Spaces / Community Program Spaces
 - Footway Trading Zones / Active Frontages
 - 1 Community Connect Bus Service Stops
 - 2 Service Vehicle Permitted Zones
 - 3 Community Gardens
 - 4 Interpretation and Wayfinding Strategy Sites
 - 5 Bike storage

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..... 6.0 Catalyst Sites

Post Exhibition

DRAFT

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..... 7.0 Implementation and Delivery Plan
Post Exhibition



Eastgardens Customer Service Centre, 152 Bunnerong Road
Rockdale Customer Service Centre, 444-446 Princes Highway
Phone **1300 581 299 | 9562 1666**
Email council@bayside.nsw.gov.au
www.bayside.nsw.gov.au

Council Meeting

12/06/2019

Item No	8.3
Subject	Rockdale Development Control Plan 2011 Amendment - 7.7 Arncliffe and Banksia
Report by	Michael McCabe, Director City Futures
File	SF18/1990

Summary

This report provides Council with a summary of proposed amendments to *Rockdale Development Control Plan 2011 Chapter 7.7 Arncliffe and Banksia* (refer **Attachment 1**). The amendments are required to improve public domain outcomes (through site links), building setback requirements, correct some minor inconsistencies in the Special Character Areas and to be consistent with the development standards included in the Rockdale Local Environmental Plan 2011 for the Arncliffe and Banksia Precinct.

The report outlines the proposed amendments and next steps in progressing the matter.

Officer Recommendation

- 1 That Council endorse the draft amendments to the *Rockdale Development Control Plan 2011 Chapter 7.7 Arncliffe and Banksia* (as detailed in **Attachment 1**) for public exhibition.
 - 2 That public exhibition be undertaken for a minimum 28 day period, in accordance with *Clause 18(2) of the Environmental Planning & Assessment Regulation, 2000*.
 - 3 That, in accordance with *Clause 21A of the Environmental Planning & Assessment Regulation*, the amendments to the DCP Chapter relating to design quality be referred to the Bayside Design Review Panel for any comments.
 - 4 That a future report be prepared for Council's consideration, in relation to submissions received during the public exhibition period, and any comments from the Bayside Design Review Panel.
-

Background

Rockdale Development Control Plan 2011 Chapter 7.7 Arncliffe and Banksia Amendments

The amendments proposed to the DCP Chapter relate to sub chapters 2.2 *Special Character Areas*, 3.2 *Public Domain and Open Space*, 3.4 *Through Site Links* and 4.1 *Building Setbacks*. The amendment to side setback and rear setback controls have been made to ensure controls are compliant with *SEPP 65 – Design Quality of Residential Flat Development*, the *Apartment Design Guide*, and amendments to through site links diagram have been included to provide more guidance to users of the document. A detailed summary of amendments to the DCP chapter is provided in **Attachment 2**.

Conclusion

The proposed DCP chapter amendments (refer **Attachment 1**) will provide improved development controls to guide any future development within the locality that *DCP Chapter 7.7 Arncliffe and Banksia* applies. The amendments will ensure improved building separation, through site links and public domain outcomes. The amendments will also result in greater consistency with the provisions of the Rockdale Local Environmental Plan 2011.

Financial Implications

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

Community Engagement

If Council endorses the draft DCP amendments for public exhibition, the DCP amendments will be exhibited for a minimum 28 day period, in accordance with Clause 18(2) of the Environmental Planning & Assessment Regulation, 2000.

A future report will be prepared for Council's consideration, to consider any submissions received during the public exhibition period, alongside any comments that are received from the Bayside Design Review Panel.

Attachments

- 1 Draft Rockdale Development Control Plan 2011 7.7 Arncliffe and Banksia [↓](#)
- 2 7.7 Arncliffe and Banksia Table of Amendments [↓](#)

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

7.7 Arncliffe and Banksia

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Rockdale DCP 2011

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Part 7 Special Precincts

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7.7 Arncliffe and Banksia

7.7.1 – INTRODUCTION

1.1 Explanation

Identified as Planned Precincts by the Department of Planning and Environment (DP&E), Arncliffe and Banksia form part of the NSW State Government's A Plan for Growing Sydney.

The Bayside West Precincts 2036 has been prepared to guide the renewal of these areas. The Strategy outlines the vision for growth in these areas and plans for the infrastructure needs to support this population increase. Detailed planning has been undertaken for areas within the Arncliffe and Banksia Precincts as part of the DP&E Planned Precincts program including detailed urban design analysis, economic testing and infrastructure planning.

Together with the Rockdale Town Centre Master Plan, Wolli Creek and Bonar Street Precincts, the Arncliffe and Banksia Precincts propose to deliver a vibrant highway corridor with exceptional access to public transport, employment, accommodation and housing.

The adapted Structure Plan presented in this section of the DCP identifies the objectives of the Bayside West Precincts 2036 and the Arncliffe and Banksia Precinct Proposal, drawing upon the detailed analysis undertaken for the Arncliffe and Banksia Planned Precincts. The Structure Plan identifies the desired future character of Arncliffe and Banksia, detailing key development sites and built form outcomes.

This section of the DCP applies to development within the boundary of the precinct as shown in "Figure 7.7.1 Regional Context" on page 7|66.



Figure 7.7.1 Regional Context

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

1.2 Aims and Objectives of this Section

The purpose of this section of the DCP is to guide the future development of the precinct by:

- a) Identifying the vision, development principles, key elements and indicative structure for the future development of the Precinct;
- b) Communicating the planning, design and environmental objectives and controls against which the consent authority will assess future development applications;
- c) Ensuring the orderly, efficient and environmentally sensitive development of the Precinct; and
- d) Promoting a high quality urban design outcome.

1.3 Relationship to other sections of the DCP

This section of the DCP provides specific development provisions for the Arncliffe and Banksia Precincts. Development within the Precincts will need to have regard to this section as well as the other sections of the Rockdale Development Control Plan 2011.

Controls within this section of the DCP supersede the 'Development setback' controls in Part 5.3 Mixed Use. All other sections of Part 5.3 Mixed Use still apply. In the event of any inconsistency between this Section and the other Sections of the Rockdale DCP 2011, this Section will prevail to the extent of the inconsistency.

In addition to provisions of this DCP, any development in the Arncliffe and Banksia Planned Precinct areas must also be consistent with the adopted visions of the Bayside West Precincts 2036.

1.4 State Environmental Planning Policy No.65 – Design Quality Residential Apartment Development

State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) applies to residential flat buildings and the residential component of a shop top housing development in the Precincts. Such development is to have regard to SEPP 65 and Apartment Design Guide in addition to the relevant provisions provided in this DCP.

1.5 Purpose of this DCP

The primary focus of the Bayside West Precincts 2036 is to establish Precincts that are enjoyable, vibrant and pleasant places to live, work and visit. This section of the DCP will focus on ensuring the desired role and character of streets in the Precincts is achieved by the activation and engagement with the street and public realm environs. The DCP controls also inform the configuration and uses of buildings, as well as how the form and character of buildings affects the desired feel and experience of the public domain.

1.6 Application of this section

This section applies to the area of land identified as the Arncliffe and Banksia Planned Precincts, including any roads and open space within this area. The boundaries of the Precincts are identified in "Figure 7.7.2 Precinct Boundaries" on page 7|68.

Rockdale DCP 2011

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Part 7 Special Precincts

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7.7 Arncliffe and Banksia

7.7.2 – VISION AND PRINCIPLES

2.1 Vision

The vision for the Arncliffe and Banksia Precincts is to create “vibrant, attractive and connected communities, where people live and work, with great access to public transport, community facilities, new open spaces, shops and local services.”

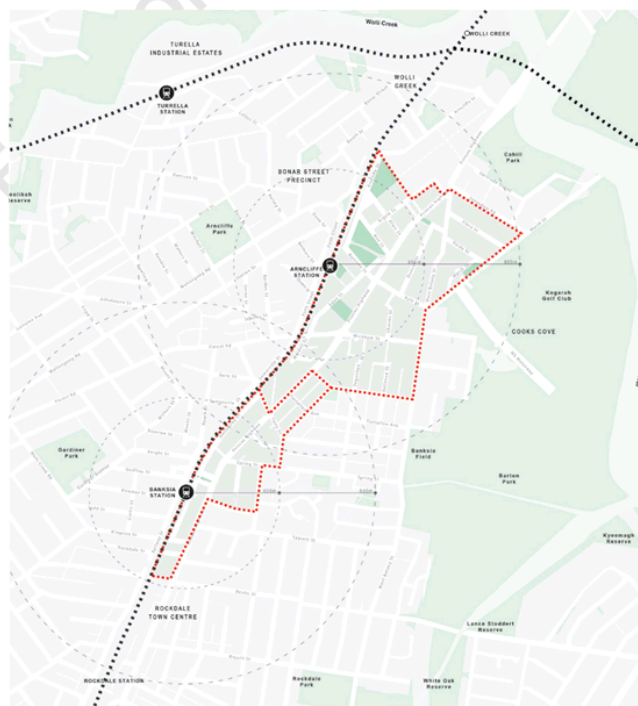


Figure 7.7.2 Precinct Boundaries

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

Objectives

- A. To create vibrant Town Centres that provide for the daily needs of the local and wider community;
- B. To provide a wide range of opportunities for different types of employment generating activities to meet local and regional needs;
- C. To provide high quality and a wide range housing choice;
- D. To promote the Princes Highway as a key regional employment and economic corridor;
- E. To ensure that new residential development provides a high level of amenity by adequately responding to the local and environmental context;
- F. To ensure a safe, connected, permeable and legible public domain that caters for the accessibility of pedestrians and cyclists;
- G. To promote the development of new buildings that display design excellence through a design review panel for buildings over 3 storeys and a competitive design process for buildings over 12 storeys;
- H. To provide access to a range of new and improved existing open space for all age groups;
- I. To maximise public safety and provide adequate protection of property against flood events;
- J. To ensure existing floodplain users do not experience any increase in flood levels;
- K. Represent "Placemaking" through the activation of space, creation of destination, and identifiable landmarks including mixed use and community facilities;
- L. Deliver exceptional environmental performance in new buildings, public and private realm and infrastructure;
- M. Foster innovation in sustainable design and construction of new apartment developments;
- N. Advocate for increased minimum environmental performance targets in new buildings;
- O. Promote upgrades through incentives and support to overcome the challenges for implementation in strata buildings; and
- P. Empower communities to engage in sustainable choices and positive resident behavior change.

Part 7 Special Precincts

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7.7 Arncliffe and Banksia

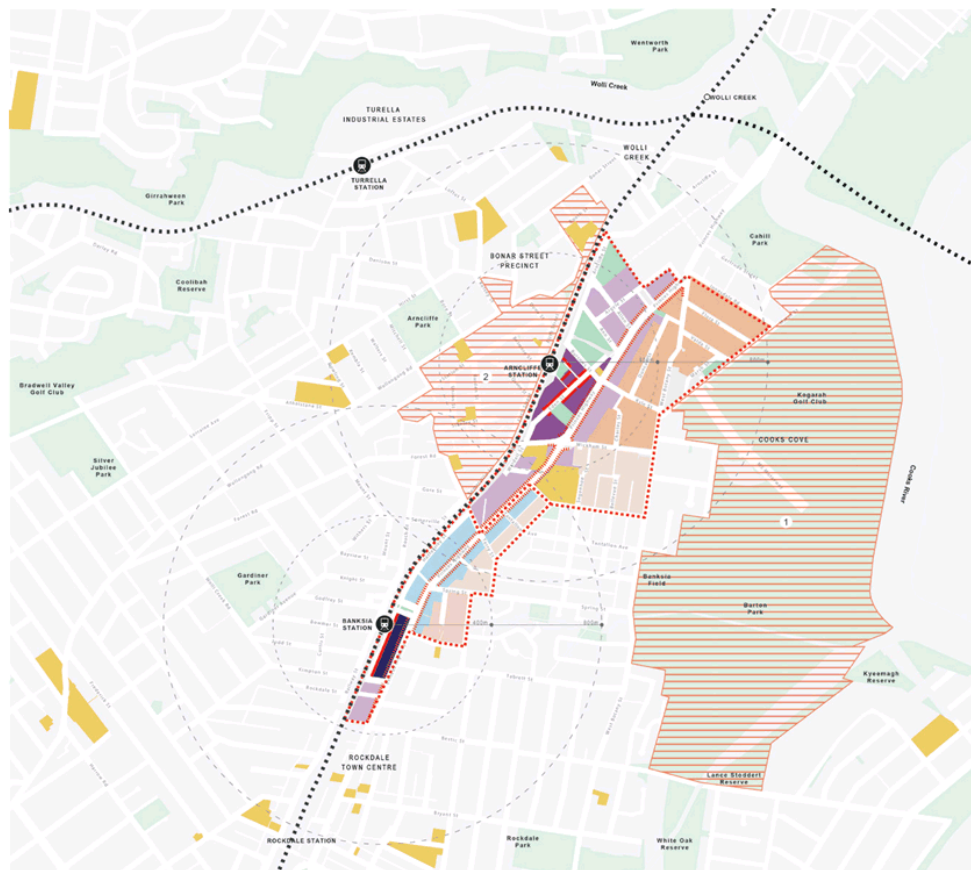


Figure 7.7.3 Structure Plan



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Part 7 Special Precincts

7.7 Arncliffe and Banksia

2.2 Special Character Areas

The Arncliffe and Banksia Precincts have been divided into sub-Precincts, each with a future desired character as outlined on the following pages.

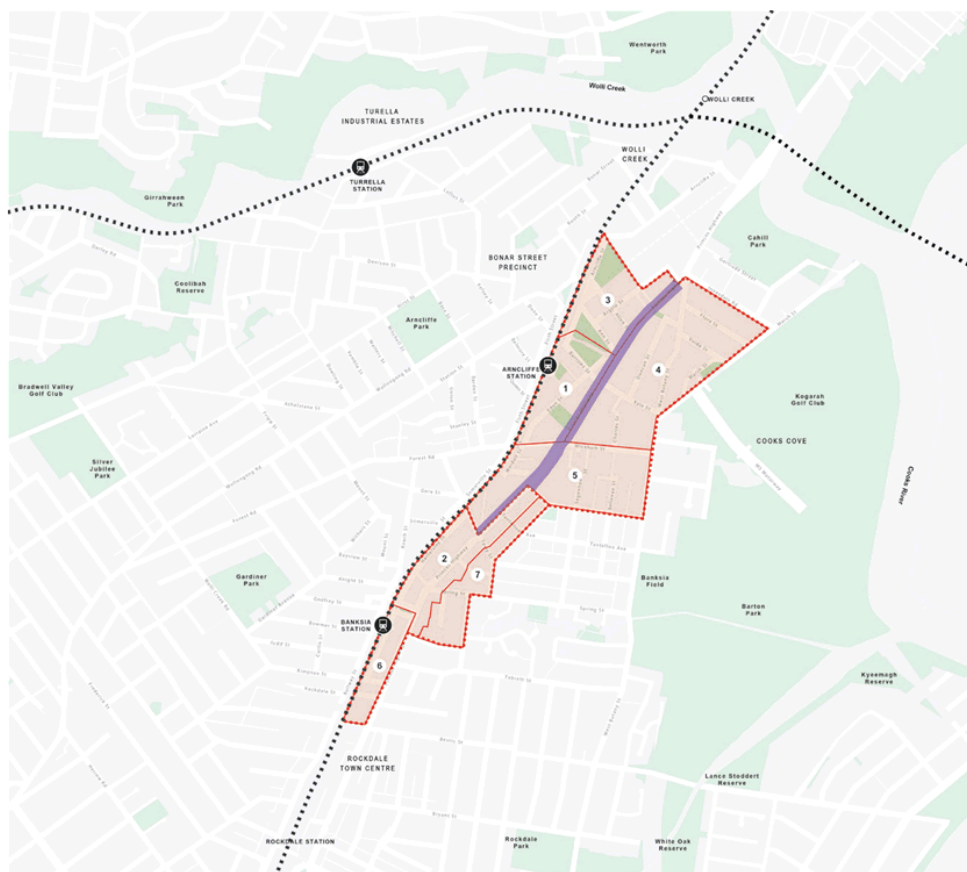


Figure 7.7.4 Special Character Areas Plan

- | Special Character Area | General |
|--|----------------------|
| ① Arncliffe Town Centre | — Precinct boundary |
| ② Princes Highway Banksia | ■ ■ ■ ■ Railway |
| ③ Allen Street Neighbourhood | ■ Parks |
| ④ Cahill Park Neighbourhood | ⊗ Proposed new parks |
| ⑤ Arncliffe School Neighbourhood | ■ Waterways |
| ⑥ Banksia Centre East | |
| ⑦ Marinea Street Neighbourhood | |
| ■ Princes Highway Arncliffe - special character area | |

Part 7 Special Precincts

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7.7 Arncliffe and Banksia

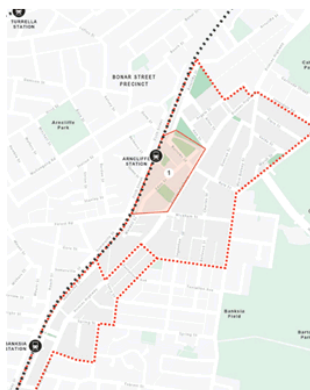


Figure 7.7.5 Arncliffe Town Centre Sub-Precinct

1 - Arncliffe Town Centre

Arncliffe Town Centre identified in "Figure 7.7.5 Arncliffe Town Centre Sub-Precinct" on page 7|72 is characterised by its historic built form, landscape core, steep streets and in some locations, exposed sandstone escarpment. To the western edge of the Town Centre is the Railway station, and to the east large sites that present opportunities for renewal. Key points include:

1. Remnant large tree planting along the rail line and cliffs contribute to the visual quality of the centre.
2. Areas to the east of the railway offer some larger sites that may present opportunities for renewal. This part of the neighbourhood lacks clearly legible links, both west to the railway station and east to access and cross the Princes Highway.
3. Wooroona Reserve, located directly adjacent to the railway station, provides valuable open space. The perimeter interface with blank fences and vehicular access/servicing areas detracts from the overall quality of the space.

Desired future Neighbourhood character

- Provide a vibrant mixed use Town Centre, extending along the east side of the rail line, with activity during the day and night.
- Eden Street and Burrows Street become retail streets, complementing Firth Street and extending the Town Centre uses and activity to the east of the rail line. Streetscape improvements delivered alongside development will further enhance the character and amenity of these streets.
- Retain active uses and street edge alignment to the corner of Eden Street to mark entry into the Town Centre.
- Wooroona Reserve is transformed into the Town Square adjacent the rail station with outdoor dining terraces along the north and south-east edge.
- Existing and new pedestrian links improve access to the railway station and create a more walkable centre.
- Eden Street Park is a new local park catering to new residents with a centrally located lawn, gardens and significant tree planting.
- Taller buildings near the station visually reinforce the area as a centre and assist in highlighting the location of key connections and open spaces.

Land use

- Ensure retail and business uses are provided at the ground level of existing and planned retail streets particularly on Eden Street and Burrows Street and sites adjoining Wooroona Reserve to the east.
- Development adjoining Princes Highway should provide showroom and other commercial uses at lower levels.
- High-quality residential development is encouraged above retail and commercial uses within the town centre, and as a stand-alone use on sites outside of the centre.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

Built form

- Tall towers on larger sites should be slender and well proportioned.
- Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building Separation as outlined in the Apartment Design Guide.
- Side setbacks are to include deep soil zones and appropriate landscaped treatment.
- Building height controls should allow for generous 7 metre floor to ceiling heights for ground level showroom **uses along the Princes Highway**. This additional height would allow for small mezzanine levels to be incorporated.
- Retain street edge alignment and active frontages at the corner of Eden Street at Forest Road.
- A front setback of 3 metre is required, unless a specific setback is recommended in 4.1 Building Setbacks of this chapter.

Public domain

- 6 metre setback and dedication for sites on Princes Highway is to include significant 'boulevard' tree planting which will improve amenity for business and separate residential uses from the busy road.
- 5 metre landscape zone within Wickham Street and Forest Road shall include large and medium size tree planting.
- A new plan for Wooroona Reserve and redevelopment of sites adjoining the park for active uses and outdoor terraces will increase usage and enjoyment.
- A new park to be delivered through the redevelopment of the Housing NSW site on Eden Street.
- Arncliffe Station Park on the M5 portal site will provide valuable open space for active and passive recreation.
- New through site links between Princes Highway and Eden Street.

Part 7 Special Precincts**DRAFT**

7.7 Arncliffe and Banksia

2 - The Princes Highway Arncliffe and Banksia

The Princes Highway as identified in "Figure 7.7.6 The Princes Highway Arncliffe Sub-Precinct" on page 7|75 and "Figure 7.7.7 The Princes Highway Banksia Sub-Precinct" on page 7|76 is a major north-south arterial road serving the southern Sydney region and is a desirable location for vehicle-oriented light industrial, commercial and retail uses. Key points include:

1. It acts as a strong barrier to pedestrian and cycle connectivity with few crossings.
2. The Princes Highway currently includes a mix of businesses, from single terraced shop fronts through to large car yards and a hotel which are built on many amalgamated lots.
3. The visual character and pedestrian amenity of the Princes Highway could be improved.
4. Key existing features include: large trees on some sites, local landmarks such as Masjid Darul Imaan and St Francis Xavier Church, St David Church and views to the Sydney skyline to the north provide positive attributes.
5. Views from the Princes Highway Banksia to the ridge line to the north are of local importance.
6. The fig trees on Taylor Avenue provide a landmark from a variety of locations along the Princes Highway.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia



Figure 7.7.6 The Princes Highway Arncliffe Sub-Precinct

2.1 - The Princes Highway Arncliffe

Desired future character

- Integrate boulevard tree planting along the Highway that reinforces the location of the Arncliffe Town Centre.
- Allow provision for destination commercial spaces and showrooms that are highly visible from passing vehicles
- A key visual identity within the precinct is the Masjid Darul Imaan Mosque. It is vital that this remains a local landmark and signals an important street entry into the Town Centre.
- Improved pedestrian and cycle environment, and amenity for businesses and residents.
- Endorse and promote high-quality mixed use development.

Land use

- Large format commercial uses at lower levels.
- Residential levels located above lower commercial levels with visual and acoustic separation from busy road frontage.

Built form

- Building height controls should allow for generous 7m double height floor to ceiling heights for ground level showroom uses along the Princes Highway. These spaces might comprise a small mezzanine.
- Communal open spaces are preferred on podiums or roof tops with high levels of amenity and less conflicts with large format commercial uses and associated service requirements.
- Where possible, vehicle entry to sites facing the Highway should be from a secondary street. Amalgamation is encouraged to minimise vehicle cross-overs.
- Winter gardens, shutters and glazing will further improve residential amenity above the busy road.
- A front setback of 3 metre is required, unless a specific setback is recommended in 4.1 Building Setbacks of this chapter.

Public domain

- 6 metre setback and dedication on sites adjoining Princes Highway. Proposed landscape improvements include significant boulevard tree planting and the creation of a dual footpath that allows for the staged delivery of the setback and continued pedestrian access during transition.

Part 7 Special Precincts

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7.7 Arncliffe and Banksia



Figure 7.7.7 The Princes Highway Banksia Sub-Precinct

2.2 - The Princes Highway Banksia

Desired future character

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).

Land use

- The Banksia section of the Princes Highway will continue to encourage employment uses.
- Controls will allow the flexibility of a range of commercial uses which may not be in this location currently, such as offices.

Built form

- Building heights are expected to remain typically around 2 storeys in the medium term however heights are permitted to encourage the development of other commercial building types (e.g. offices) where this is viable.
- Setbacks must be consistent with chapter 5.4 Highway Commercial of the Rockdale DCP 2011.
- Where possible, vehicle entry to sites facing the Highway should be from a secondary street. Amalgamation is encouraged to minimise vehicle crossovers.
- Retain vistas to Botany Bay. No building or structure is to detrimentally impact any view corridor as identified in 4.1 Site Planning page 4|6.

Public domain

- 6 metre setback for sites to contribute to intermittent deep soil zones (minimum 6 metre x 6 metre) along the Highway frontage allowing for the planting of large trees and contribute to a boulevard character.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

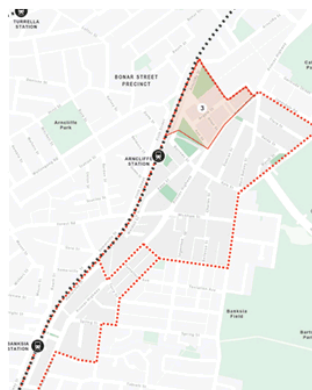


Figure 7.7.8 Allen Street Neighbourhood Sub-Precinct

3 - Allen Street Neighbourhood

This small neighbourhood identified in "Figure 7.7.8 Allen Street Neighbourhood Sub-Precinct" on page 7|77 is located between Arncliffe Town Centre and Wolli Creek and contained by the strongly defined edges of the M5 to the south, the rail line to west, Southern and Western Suburbs Ocean Outfall Sewer (SWSOOS) to the north, and Princes Highway to the east.

It includes a mix of buildings types including industrial warehouses, small walk-up apartments, car dealerships and a furniture showroom. The large consolidated industrial site may provide the opportunity to deliver new public domain for future residents and to better manage stormwater in the area.

Desired future character

- An emerging residential neighbourhood adjacent to the Town Centre located around a new local park at Allen Street with a small cafe or shop serving local residents.
- Adaptive re-use of the SWSOOS as an east-west pedestrian corridor connecting the neighbourhood to the regional parkland to the east, to the Bonar Street neighbourhood and school via the proposed rail underpass to the west.
- Perimeter block apartment buildings with discrete towers are sited to reinforce the street grid, mark the new park and transition between the Town Centre and Wolli Creek.
- Generally mid-rise development. Taller development adjacent the Allen Street Park to mark the park within the broader context.

Land use

- Primarily residential development.
- Large format commercial development at the lower levels of sites adjoining Princes Highway.
- Cafe or retail uses at the lower levels of residential buildings where they adjoin an open space, to assist in activating the space.
- Rezone the isolated industrial site on the corner of Allen Street and Arncliffe Street to allow for mixed use development and the development of a new open space.

Part 7 Special Precincts**DRAFT**

7.7 Arncliffe and Banksia

Built form

- Development (including double height, 7 metre floor to ceiling height commercial ground floor) is proposed on sites fronting the Princes Highway, to provide a transition to Wolli Creek to the north.
- Taller buildings are proposed on the remaining industrial lot to allow for an equitable floor space on the site and the delivery of a new open space, refer to Allen Street Development Site 7|93.
- Street wall height of 6 storeys, with a 3 metre setback to upper levels.
- A front setback of 3 metre is required, unless a specific setback is recommended in 4.1 Building Setbacks of this chapter.
- Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide.
- Side setbacks are to include deep soil zones and appropriate landscaped treatment.

Public domain

- Proposed park on the corner of Allen and Arncliffe Streets will provide valuable open space with a northerly aspect, a new through-block connection and will help to detain storm water in a flood event.
- 6m landscape setback on sites adjoining Princes Highway.
- Arncliffe Station Park on the M5 portal site will provide valuable open space for active and passive recreation.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia



Figure 7.7.9 Cahill Park Neighbourhood Sub-Precinct

4 - Cahill Park Neighbourhood

This neighbourhood identified in "Figure 7.7.9 Cahill Park Neighbourhood Sub-Precinct" on page 7|79 is part of the broader neighbourhood that extends north to Cahill Park. Pedestrian access to centres and open spaces requires crossing busy roads such as the Princes Highway, Marsh Street, Wickham Street and West Botany Street.

The neighbourhood includes predominantly houses and car-oriented commercial uses along the Princes Highway. There is an existing unresolved scale transition between recent large apartment buildings to the north and the predominantly low scale residential neighbourhood to the south.

Desired future character

- An extension of the existing Cahill Park residential neighbourhood to the south.
- Leafy residential streets sheltered from the north-south busy arterial roads that traverse the neighbourhood.
- Generous landscape setbacks along Wickham Street, West Botany Road and Marsh Street enhance street character and provide improved amenity for adjacent residential uses.
- Buildings that step up the hill at the northern part of Duncan Street.
- Improved east-west pedestrian routes along Duncan Street and Valda Avenue connecting to nearby open spaces and along Kyle Street connecting to the Town Centre and rail station.
- Through site links through long urban blocks improve walkability within the neighbourhood and to surrounding open spaces and schools.
- A landmark building marks the corner at the junction of Princes Highway and West Botany Street.
- Rear gardens with tree planting reinforce existing mid-block and provide landscape transition between new developments and existing Princes Highway uses.

Land use

- Primarily residential development.
- Large format commercial development at the lower levels of development adjoining Princes Highway.

Built form

- Development (including double height, 7 metre floor to ceiling height commercial ground floor) is proposed on sites fronting the Princes Highway. These spaces might comprise a small mezzanine.
- Provide street edge aligned built form with active frontage to mark the corner at junction of the Princes Highway and West Botany Street.
- A front setback of 3 metre is required unless a specific setback is recommended in 4.1 Building Setbacks of this chapter.
- Deep soil zones along rear boundary to facilitate mid-block tree planting and visual privacy between properties.

Part 7 Special Precincts**DRAFT**

7.7 Arncliffe and Banksia

- Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide.
- Side setbacks are to include deep soil zones and appropriate landscaped treatment.
- Retain vistas to Botany Bay. No building or structure is to detrimentally impact any view corridor as identified in 4.1 Site Planning page 4|6.

Public domain

- A 6 metre landscape setback on sites adjoining Princes Highway.
- A 5 metre landscape setback is required to Marsh Street, West Botany Street and Wickham Street comprising a 3 metre landscape zone with private courtyards behind to assist in ameliorating the impacts of busy roads on residential development. The landscape zone should include large and medium size tree planting.
- New through site connections (6 metre wide) between Innesdale Road and Valda Avenue will break up the proposed continuous building form and encourage pedestrian links away from busy roads. Links should be provided on the side boundary of an amalgamated development site. Through site links should generally align with Robert Lane.
- New through site connections (6 metre wide) between West Botany Road and Princes Highway will break up the proposed continuous building form and encourage pedestrian connection from the east to west. Links should be provided on the side boundary of an amalgamated development site.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia



Figure 7.7.10 Arncliffe School Neighbourhood Sub-Precinct

5 - Arncliffe School Neighbourhood

At the heart of this small neighbourhood identified in "Figure 7.7.10 Arncliffe School Neighbourhood Sub-Precinct" on page 7|81 is the Arncliffe Public School and St Francis Xavier's linked by a pedestrian bridge across the sandstone cutting of the highway. To the east this neighbourhood is primarily residential and to the south commercial.

Forest Road/Wickham Street and the Princes Highway isolate the neighbourhood from the Arncliffe Town Centre while Marinea Street Reserve, just outside the neighbourhood boundary, and the school grounds provide some open space amenity.

Desired future character

- The residential neighbourhood surrounds the two schools: Arncliffe Public School and St Francis Xavier Catholic Primary School.
- The enhanced pedestrian bridge spans the sandstone cutting at the Princess Highway connecting the two parts of the neighbourhood and the schools.
- A proposed cycleway connects the Town Centre, neighbourhood and schools to Banksia Field and Barton Park in the east.
- Marinea Park to the immediate south is to provide local amenity and play space.
- A new through site link extends from Wardells Street to Hattersley Street in the south and provides easy access to Banksia rail station and centre.
- Generous landscape setbacks along Wickham Street and Forest Road enhance street character and provide improved amenity for adjacent residential uses.
- St Francis Xavier's Catholic Church remains a local landmark along Forest Road.
- The strong building form with active frontage marks the corner at the intersection of Princes Highway and Forest Road and signals entry to the Town Centre.

Land use

- Retain schools and improve connections.
- Primarily residential development.
- Large format commercial development at the lower levels of development adjoining Princes Highway, with residential uses above.

Built form

- Smaller lots east of the Arncliffe Public School and south of Wickham Street can be developed for new 3 storey buildings, where there is a street frontage greater than 24 metre.
- A 5 metre landscape setback is required to Wickham Street and Forest Road comprising a 3 metre landscape zone with private courtyards behind to assist in ameliorating the impacts of busy roads on residential development. The landscape zone should include large and medium size tree planting.

Part 7 Special Precincts

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7.7 Arncliffe and Banksia

- Provide street edge alignment and active use to south-western corner at Princes Highway and Forest Road to reinforce this important corner marking the Town Centre entry from the Highway.
- A front setback of 3 metre is required unless a specific setback is recommended in 4.1 Building Setbacks of this chapter.
- Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide.
- Side setbacks are to include deep soil zones and appropriate landscaped treatment.
- Solar access to the school grounds - the configuration of buildings and structures must ensure that the school grounds receive a minimum of 2 hours daylight during the hours of 12pm - 2pm on 21 June (mid winter).
- Retain vistas to Botany Bay, no building or structure is to build into or on a view corridor as identified in 4.1 Site Planning page 4|6.

Public domain

- 6m setback and dedication on sites adjoining Princes Highway. Proposed landscape improvements include significant boulevard tree planting and the creation of a dual footpath that allows for the staged delivery of the setback and continued pedestrian access during transition. At the sandstone cutting south of Forest Road intersection, a setback for tree planting and a footpath at the top of the cutting is desired.
- A new through site connection (6m wide) is proposed, which will connect Wardell Street to Hattersley Street and provide the missing link in the pedestrian and cycle route on the eastern side of the rail line. Links should be provided on the side boundary of an amalgamated development site.
- A new through site connection (6m wide) connecting Segenhoe Avenue to Brennans Road and the Eve Street Wetlands active transport network. Links should be provided on the side boundary of an amalgamated development site.

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Part 7 Special Precincts

7.7 Arncliffe and Banksia

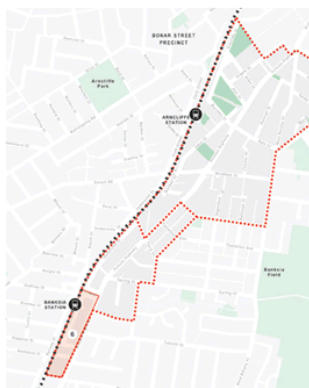


Figure 7.7.11 Banksia Centre East
Sub-Precinct

6 - Banksia Centre East

East of the railway this neighbourhood identified in "Figure 7.7.11 Banksia Centre East Sub-Precinct" on page 7|83 includes an area between Hattersley Street and the Princes Highway which is a mix of residential and commercial.

Public domain

- New through site connections (6m wide) is proposed, which will connect Banksia Avenue to Hattersley Street and connect Tabrett Street to Hattersley Street to provide pedestrian linkages to Banksia Station. Links should be provided on the side boundary of an amalgamated development site.
- A new through site connection (consistent with prevailing Hattersley street width) between Kimpton Street and Rockdale Street connecting Hattersley street on both sides.

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7.7 Arncliffe and Banksia

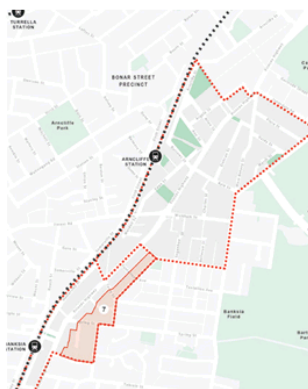


Figure 7.7.12 Marinea Street Neighbourhood Sub-Precinct

7 - Marinea Street Neighbourhood

This is part of a wider neighbourhood which extends east from the Princes Highway to Barton Park and Banksia Field identified in "Figure 7.7.12 Marinea Street Neighbourhood Sub-Precinct" on page 7|84. The majority of this wider neighbourhood is affected by aircraft noise issues such that providing more homes here is not considered appropriate. Key points include:

1. The landmark figs and tree planting along the railway corridor are key existing features which will also contribute to the future character of this centre.
2. Gardiner Park to the west is a focal point for this neighbourhood, providing a large field, play area and other spaces.
3. There is a regularity to the lot pattern and many of the existing buildings running north-south.
4. Pedestrian links to Banksia Railway Station and centres often rely on unattractive routes along the Princes Highway.
5. This neighbourhood has some attractive and established trees within the streetscape.
6. The Marinea Street Reserve (outside the precinct to the east) provides a key focal point for this locality.

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7.7 Arncliffe and Banksia

7.7.3 - PUBLIC DOMAIN

"Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87 identifies the areas that will see improvements to the public domain through streetscape treatment, upgrades to existing open space, provision of new open space and active frontages in key commercial areas.

It is required that proponents liaise with Council during the design phase of the planning process to understand Council's requirements, as in many cases, public domain improvements will be delivered as part of the redevelopment of the site.

3.1 Street network and design

Objectives

- A. To strengthen the landscape character and quality of the precincts through street tree planting;
- B. To encourage improvements to the amenity of the Princes Highway corridor through better landscaping and improved facilities for pedestrians and cyclists;
- C. To provide for improved and safer street crossings for pedestrians throughout the precincts;
- D. To enhance the precincts permeability including new and improved through site links and connections to adjacent areas outside the Precinct; and
- E. To create an attractive and comfortable streetscape for pedestrians and cyclists that comprises of consistent and high quality paving, street furniture, street tree planting, bike stands and bike racks.

Controls

1. The street network is to be generally consistent with "Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87;
2. New streets are to be generally consistent with the section 3.3 Landscape Setbacks;
3. Significant individual trees in streets or on sites are to be retained and protected where possible and appropriate;
4. Streets and public spaces are to be defined with trees of appropriate scale and species, and designed with reference to relevant Council guidelines;
5. Intersection and crossing design is to favour pedestrian convenience and safety;
6. Any proposed cycle links are to be delivered in accordance with best practice standards. Liaison with Council's Transport Planner is required during the design phase of the planning process;
7. Provision for 'end of trip' facilities are encouraged in developments close to Arncliffe and Banksia Stations;
8. Footpaths are to be provided as per the sections in 3.3 Landscape Setbacks. Pavement width is to allow for comfortable walking, unimpeded by obstacles. The placement of trees, street furniture and signage is to provide for amenity without causing clutter;
9. New streets are to have shared services pits to reduce maintenance costs and reduce conflict with street planting; and
10. Street furniture and lighting is to be provided with reference to the relevant Council guidelines.

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7.7 Arncliffe and Banksia

3.2 Public domain and open space network**Objectives**

- A. To provide a range of quality public spaces including parks and plazas, for recreation and community gatherings, to support residents, workers and visitors;
- B. To improve the amenity, facilities and usage of existing parks and public spaces; and
- C. To improve connections between open space and the broader network.

Controls

1. Provision of new open space is to be in accordance with "Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87;
2. New cycle links identified in "Figure 7.7.13 Public Domain and Open Space Network" on page 7|87 are to be delivered in accordance with best practice standards. Provision of end of trip facilities are to be encouraged in developments close to Arncliffe and Banksia Stations. Liaison with Council's Transport Planner is required during the design phase of the planning process; and
3. Solar Access to Public Open Space: The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter).

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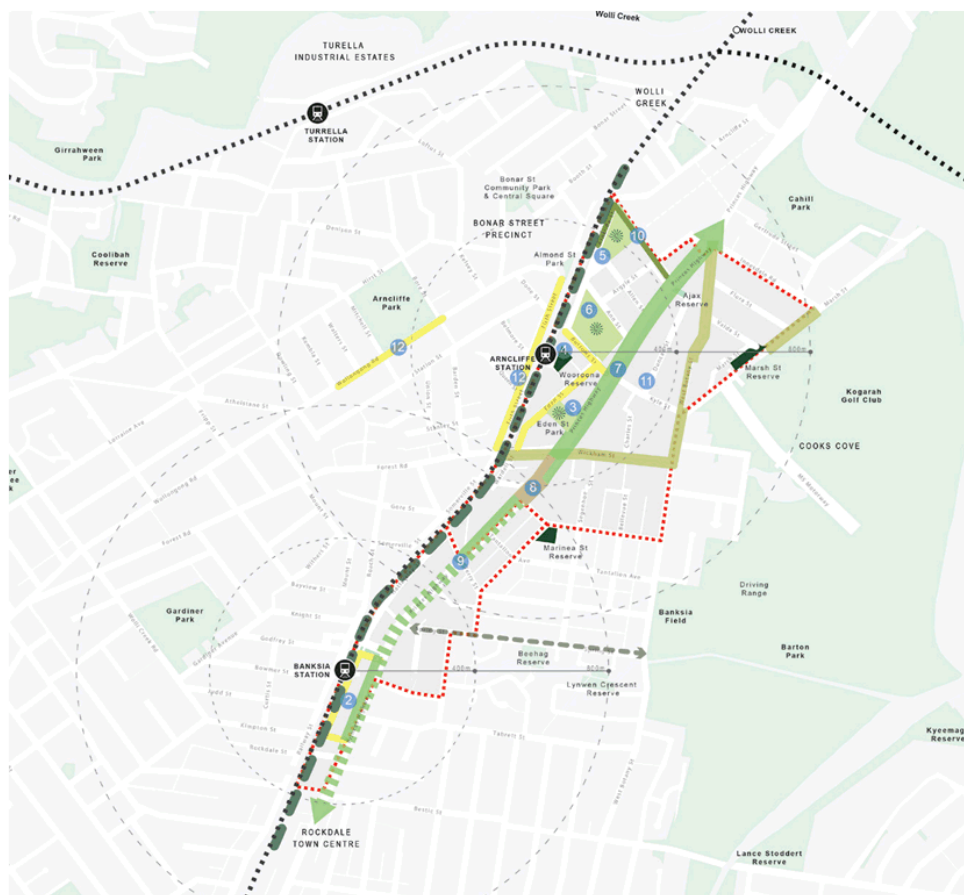


Figure 7.7.13 Public Domain and Open Space Network Diagram



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Figure 7.7.14 Location Plan Wooroona Reserve

Wooroona Reserve Upgrade

Wooroona Reserve identified in "Figure 7.7.14 Location Plan Wooroona Reserve" on page 7|88 is outlined as a park to be improved with the redevelopment of the adjacent sites. Located close to the railway station the park will provide important open space for the adjoining high density residential.

Objectives

- A. This park is to provide a necessary and valuable open space and high quality public domain with adjoining forecourts for the neighbourhood, accommodating areas for gathering, seating, children's play and relaxation, and
- B. Expansion and upgrading of the existing park will occur as the surrounding area is developed.

Controls

1. New developments around Wooroona Reserve shall:
 - a. Ensure that they consider and address requirements for solar access and amenity to public open space;
 - b. Incorporate active ground floor frontages through the designation of a forecourt or plaza space to address the park;
 - c. Provide passive surveillance over the park by incorporating CPTED principles when designing new buildings;
 - d. Provide a 3m setback from The Arcade to allow for new tree planting, new seating, and lighting;
 - e. Maintain Butterworth Lane as a pedestrian only through site link; and
 - f. Retain feature trees and augment with additional complementary "landmark" character trees.

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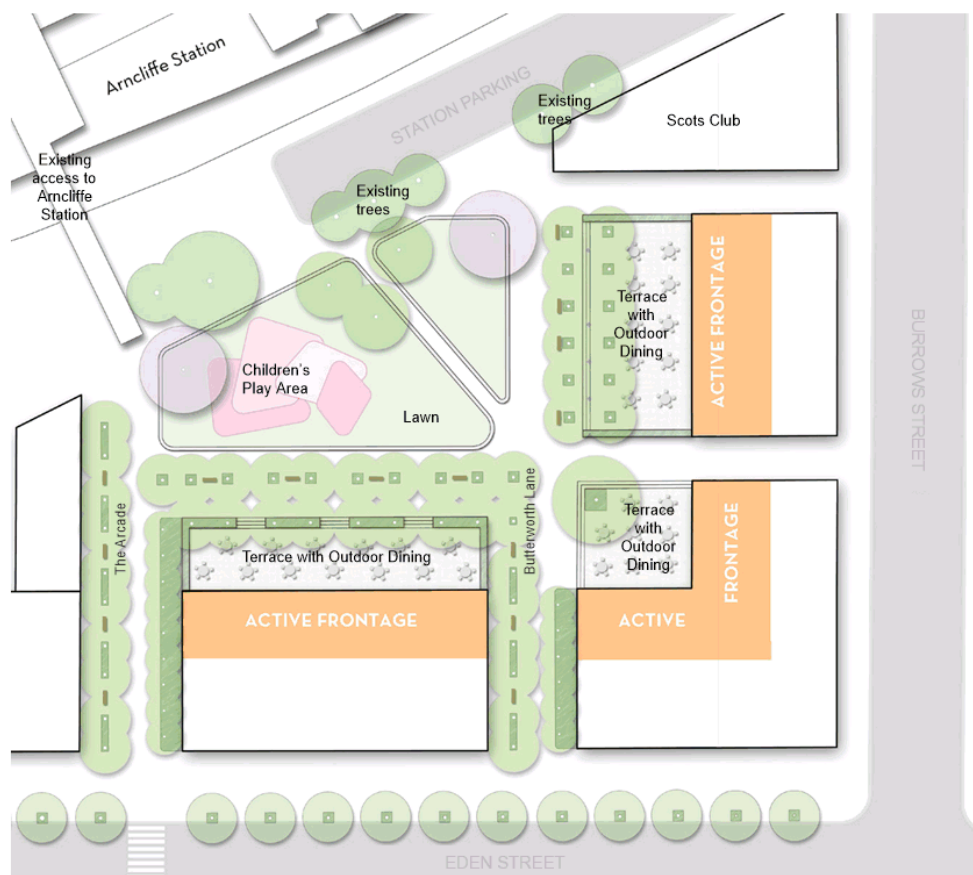


Figure 7.7.15 Indicative Concept Plan Wooroona Reserve



Grove of deciduous trees and seating - Burrows St to Arncliffe Station Entry



Opportunities for outdoor dining and cafes



Improved children's play area



Informal seating, lawn spaces

Figure 7.7.16 Wooroona Reserve Precedents

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Figure 7.7.18 Location Plan Eden Street

Eden Street Development Site, Arncliffe Town Centre

The Eden Street Development Site has a total area of 1.3ha with several street frontages, including Eden Street and the Princes Highway. Redevelopment offers an opportunity for a range of uses, including: integrated housing, employment and open space within close proximity of Arncliffe Railway Station. These attributes offer an opportunity to concentrate development as well as deliver public open space for local residents.

Indicative open space and built form studies “Figure 7.7.19 Built Form and Open Space Diagram- Indicative Built Form Study” on page 7|92 and “Figure 7.7.20 Built Form and Open Space Diagram- Indicative Concept for proposed park” on page 7|92 indicate the ability for the site to accommodate buildings together with a significant new public open space.

Objectives

- A. Provide the opportunity for a range of uses including integrated housing, employment and open space;
- B. Provide a centrally located public open space that caters for a growing local population and offers a variety of activities; and
- C. Provision of the public open space will occur as these sites redevelop.

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7.7 Arncliffe and Banksia

Controls

1. Any redevelopment of the site is to include a new consolidated public park space that will deliver the following amenity and demonstrate compliance with the following controls and shall:
 - a. Ensure the new public park is to be located to maximise solar access;
 - b. Provide a minimum width of 50m along the Eden Street frontage with a site area of 4000m²;
 - c. Ensure direct through site links are incorporated within the new park and integrate with the new space into the surrounding streetscape;
 - d. Ensure new through site links will be provided in accordance with the diagrams on pages 7|106 and 7|107;
 - e. Provide pathway connections through the public park connecting Princes Highway to Eden Street and Arncliffe Station;
 - f. Ensure a generous landscape interface to Princes Highway with existing trees, additional tree planting, garden zones that must incorporate storm water treatment gardens;
 - g. Provide landscape setbacks as per "Figure 7.7.13 Public Domain and Open Space Network Diagram" on page 7|87; and
 - h. Ensure the new park will play a key role in the community providing new landscaping and areas for passive and active recreation activities.
2. New buildings on the site must comply with the following controls and shall:
 - a. Ensure building setbacks and site through links are in accordance with "Figure 7.7.42 Built Form and Character" on page 7|109 and through site links as shown on page 7|106 and 7|107;
 - b. The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter); and
 - c. Promote slender buildings, towers exceeding 8 storeys should have maximum floor plates of 800m² gross floor area.

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Figure 7.7.19 Built Form and Open Space Diagram- Indicative Built Form Study

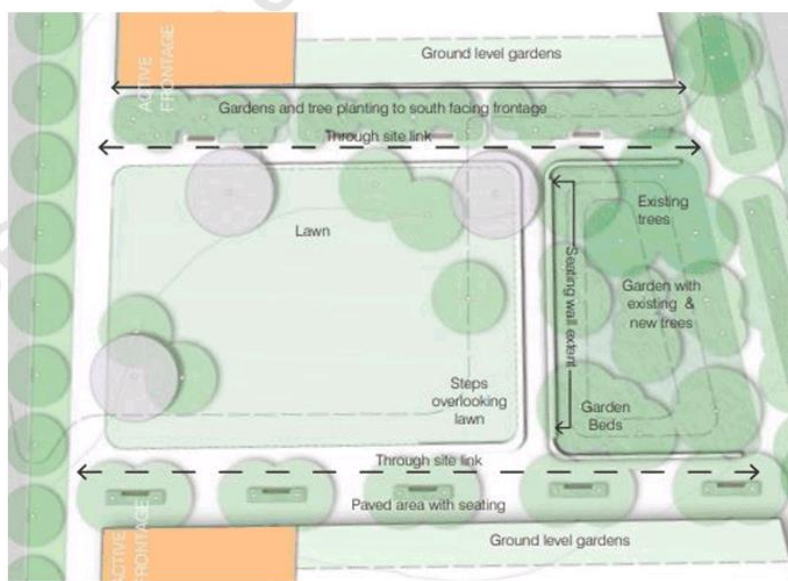


Figure 7.7.20 Built Form and Open Space Diagram- Indicative Concept for proposed park

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Figure 7.7.17 Location Plan Allen Street

Allen Street Development Site

The Allen Street Development Site "Figure 7.7.17 Location Plan Allen Street" on page 7|93 comprising Lot ADP 101124, Lot 35 DP 739309, Lot 3 DP 13475 located on the northern edge of the Arncliffe Precinct and adjoins the Wolli Creek precinct to the north. The parcel is bounded by the Southern and Western Sydney Ocean Outfall Sewer (SWSOOS) to the north, Argyle Street to the east, Allen Street to the south and Arncliffe Street to the west.

The north western half of the site is heavily constrained by stormwater and drainage issues. Two stormwater pipes run under the site and connect to the Bonnie Doon channel. Based on detailed analysis and historical observations, this area is prone to flooding. Developing on this portion of the site would further exacerbate the existing hydrological issues experienced in the area. To deal with these hydrological issues, this portion of the site is to accommodate a new park that has to capacity to serve as a short term stormwater detention basin. Built form analysis and testing of development feasibility identifies that the development of on the south eastern portion of the site would be able to accommodate and support open space on the north western portion of the site.

Objectives

- A. To provide opportunities for the provision of public open space as part of the sites redevelopment; and
- B. To provide opportunities for play facilities, such as basket ball courts for the nearby high school.

Controls

1. Any redevelopment of the site shall include a new public park, and demonstrate compliance with the following controls and shall:
 - a. Ensure that the new park is located in the are bounded by Allen Street, Arncliffe Street and the SWOOS;
 - b. Ensure the new park demonstrates compliance with 4.1.3. Water Management and incorporate storm water detention as required. Liaison with Council's Flood Engineer will be required;
 - c. Ensure the area of the park is as identified at 5000m² in the supporting studies, with the park being subject to extensive flood analysis and modeling;
 - d. Provide path way connections for efficient access through the site to Allen Street and to the new pedestrian connection on top of the SWSOOS;
 - e. Provide generous landscape garden interface to the new building to the south west with new tree planting; and
 - f. Provide areas for passive and active recreation.
2. New buildings must demonstrate compliance with the following controls and shall:
 - a. Provide a 6m wide pedestrian link through the site to the Bonnie Doon Channel;
 - b. Ensure through site links are in accordance with "Figure 7.7.39 Through Site Links Plan Arncliffe North" on page 7|106;
 - c. Provide residential entries along the park edge;
 - d. Ensure the lower 6 storeys are setback 6 meters from Allen Street and Argyle Street frontages;
 - e. Promote slender buildings, towers exceeding 8 storeys should have a maximum floor plate of 800m² gross floor area; and
 - f. The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter).

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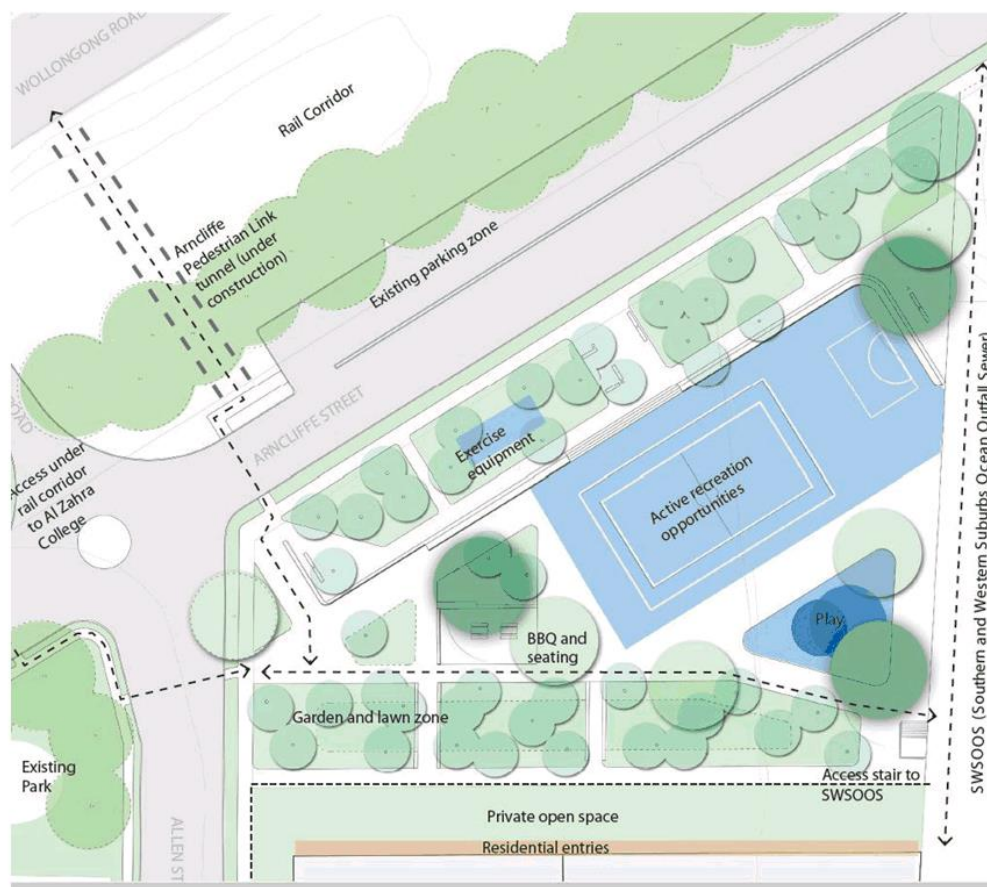


Figure 7.7.21 Indicative Concept Plan Arncliffe Station Park



Passive outdoor seating and BBQ areas



Play Facilities



Play Facilities

Figure 7.7.22 Allen Street Precedents

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7.7 Arncliffe and Banksia



Figure 7.7.23 Location Plan Arncliffe Station

Arncliffe Station Park

Arncliffe Station Park identified in "Figure 7.7.21 Indicative Concept Plan Allen Street" on page 7|93 is located on the corner of Burrows Street and Arncliffe Street with the M5 tunnel dissecting the site in half. The park's location is highly accessible for local residents and visitors due to its close proximity to Arncliffe Station. The park will be bound by mixed use residential development, on road parking and the Masjid Darul Imaan Mosque to the south.

Objectives

- A. To provide opportunities for the provision of multifunctional open space;
- B. To provide opportunities for active and passive recreation; and,
- C. To activate the surrounding public domain and streetscape.

Controls

1. A new public park will be delivered, and demonstrate compliance with the following controls and shall:
 - a. Ensure the new park is to be of a relatively flat topography for ease of access and movement;
 - b. Ensure that the new park demonstrates compliance with the 4.1.3 Water Management. Liaison with Council's Flood Engineer is recommended during the design phase of the planning process;
 - c. Incorporate stormwater detention features as required;
 - d. Provide a variety of facilities for all age ranges and types of active and passive use;
 - e. Provide pathway connections should allow for efficient access through to Wooroona Reserve; and
 - f. Ensure any future developments adjoining or adjacent to the park will include active frontages;
2. New buildings adjacent to or within the vicinity of the site must demonstrate compliance with the following controls and shall:
 - a. Ensure building setbacks and site through links are to be in accordance with "Figure 7.7.42 Built Form and Character" on page 7|109; and
 - b. The configuration of buildings and structures must ensure that a minimum of 50% of the area of parks and green spaces receive a minimum of 3 hours during lunch hours (12pm - 2pm) on 21 June (mid winter).

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Figure 7.7.24 Indicative Concept Plan Arncliffe Station Park

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Play Facilities

Figure 7.7.25 Allen Street Precedents



Play Facilities



Passive outdoor seating and BBQ areas

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7.7 Arncliffe and Banksia



Figure 7.7.26 Princes Highway Landscape Setback

3.3 Landscape Setbacks

Princes Highway Landscape Setback Objectives

- A. To provide strong definition to the public domain and create a consistent and attractive streetscape;
- B. To provide enhanced pedestrian amenity;
- C. To create a landscaped streetscape that can accommodate large tree species; and
- D. To reduce the visual bulk of buildings from the street.

Controls

1. New development in areas identified in "Figure 7.7.26 Princes Highway Landscape Setback" on page 7|97, are to:
 - a. Provide a landscape corridor along the Princes Highway Corridor from Arncliffe to Banksia. A continuous 6 metre deep soil landscape setback is proposed and are required to:
 - i. Retain existing trees, where possible. These trees provide a gateway to the precinct and improve the amenity of the street environment for pedestrians, motorists and residents.
 - ii. Where new trees are required landscape plans are to be developed in consultation with Council. New tree planting will be a minimum 600L pot size planted 8 metre apart, in accordance with Council guidelines;
 - iii. Where awnings are located they must provide adequate weather protection as well as ensuring tree planting has space to grow;
 - b. Relocate footpaths to provide expanded verge and tree planting zones;
 - c. Provide for the provision of under storey planting in garden zones, in accordance with Council guidelines; and
 - d. Include an additional footpath adjacent to retail and ground floor uses with planting;
2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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Figure 7.7.27 Indicative Section and Plan of Intermittent planting along the Princes Highway in the Arncliffe Precinct



Successful Retail Streets with large trees and wide verges



Fast growing gum trees provide a gateway to the neighborhood



Boulevard tree planting to increase amenity of street

Figure 7.7.28 Princes Highway Landscape Setback Precedents

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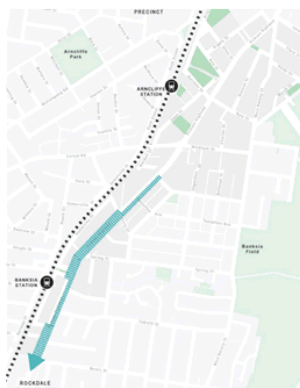


Figure 7.7.29 Princes Highway Intermittent Planting

Princes Highway Intermittent Planting Controls

1. New development in areas identified in "Figure 7.7.29 Princes Highway Intermittent Planting" on page 7|99, are to:
 - a. Provide a modified landscape corridor along the Princes Highway corridor from Avenal Street, South Arncliffe to Bestic Street, Banksia. In this location where there are B6 zones, retail frontages with on grade parking adjacent to the highway consolidated tree planting zones are to be provided. This allows on grade parking to be retained and for consolidated tree planting zones to be provided along the Princes Highway corridor in private land. Consolidated tree planting zones are to satisfy the following criteria:
 - i. Minimum 6 x 6 metre deep soil zones along the Princes Highway frontage (minimum requirement one consolidated planting zone per 20 metres of street frontage);
 - ii. Provision of large trees (minimum 15 metres high), in accordance with Council guidelines;
 - iii. Provision of under storey planting in garden zones, in accordance with Council guidelines; and
 - iv. Provision of WSUD treatment gardens in deep soil zones.
2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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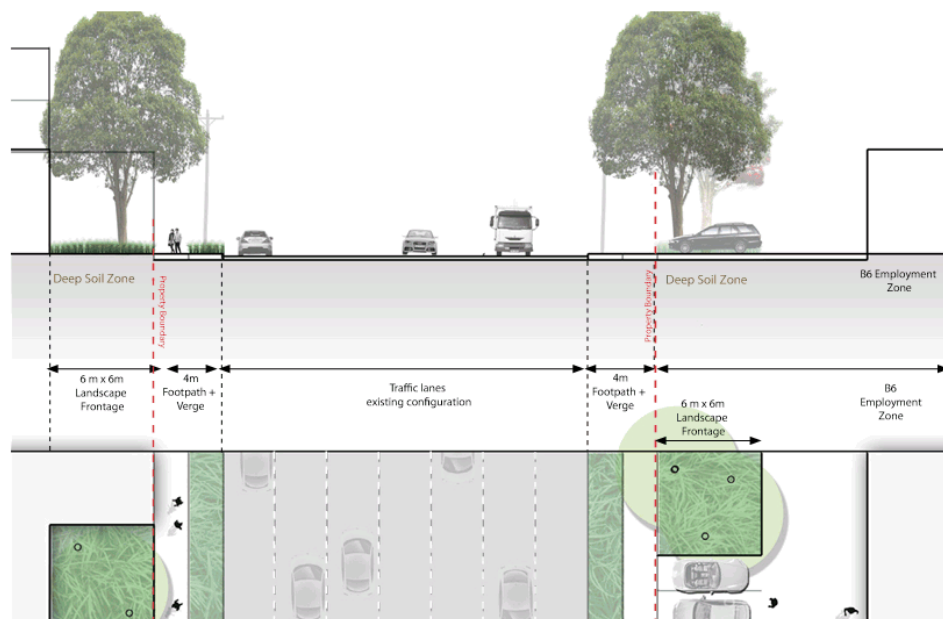


Figure 7.7.30 Indicative Section and Plan of Intermittent planting along the Princes Highway in the Banksia Precinct

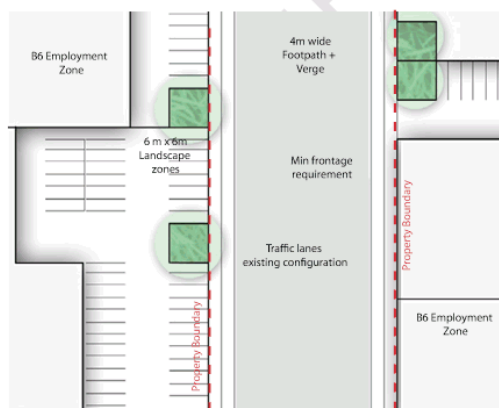


Figure 7.7.31 Option for Tree Planting along Princes Highway in the Banksia Precinct

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7.7 Arncliffe and Banksia



Figure 7.7.32 Residential Streets Landscape Setback

Residential Streets Controls

1. Improvements to existing residential streets are proposed to increase canopy cover and improve neighbourhood amenity. New development located in the areas identified in "Figure 7.7.32 Residential Streets Landscape Setback" on page 7|101, are to:
 - a. Provide expanded footpath and verge zones and reduce carriage ways where possible;
 - b. Provide ground floor private open space;
 - c. Relocate footpaths to provide expanded verge and tree planting zones;
 - d. Provide additional street tree planting to street verges, in accordance with Council guidelines;
 - e. Provide additional tree planting between on street parking bays, in accordance with Council guidelines;
 - f. Provide gardens with low shrubs and ground cover rather than lawn verges, in accordance with Council guidelines;
 - g. Consolidate deep soil within setback frontages adjacent to existing streets to allow for additional tree planting in private land. This setback should not include private open space; and
 - h. Allow for the integration and provision of rain gardens within landscape areas.
2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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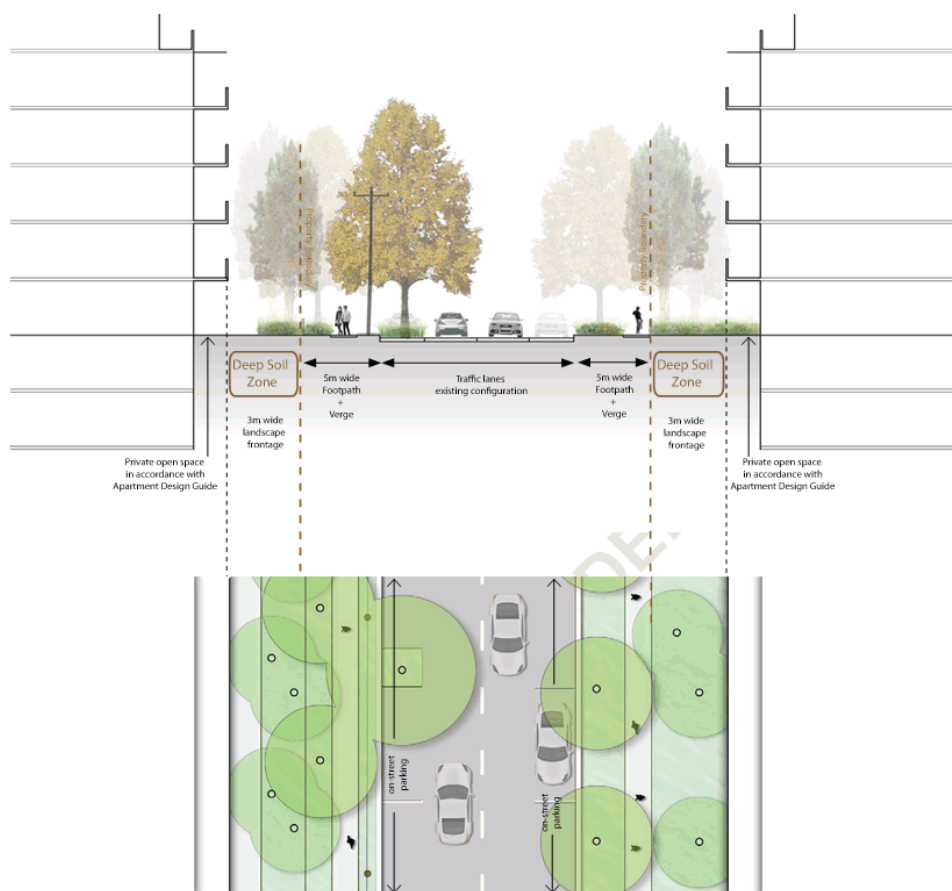
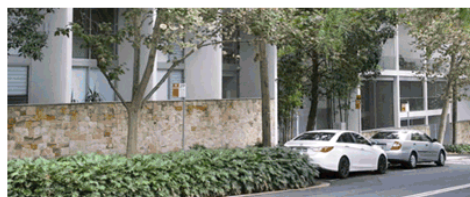


Figure 7.7.33 Indicative Residential Street Section and Plan

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Street gardens using understory planting in verges



Street setbacks which incorporate generous areas of planting



Street setbacks which incorporate generous areas of planting

Figure 7.7.34 Residential Street Precedents

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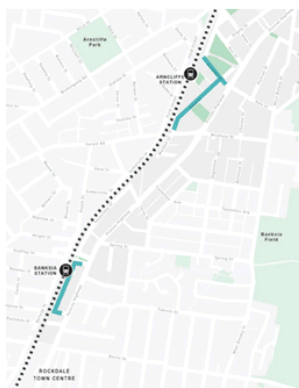


Figure 7.7.35 Retail Streets Landscape Setback

Retail Streets Controls

1. Several existing street reserves are generously proportioned and establish a precedent with large street trees providing amenity and shade. Streets such as Eden Street and Hattersley Street are to be improved through increased and high quality landscaping. New development in areas identified in "Figure 7.7.35 Retail Streets Landscape Setback" on page 7|103, are to:
 - a. Retain existing large scale trees located in street reserves or setbacks or along the rail corridor;
 - b. Reduce excess carriageway areas and lane widths and providing expanded footpath zones for informal gathering, seating and outdoor dining;
 - c. Provide additional tree planting to provide shade and seasonal colour, in accordance with Council guidelines;
 - d. Provide new rain gardens that can filter street runoff;
 - e. Provide new streetscape elements including furniture and improved pedestrian lighting in accordance with Council guidelines; and
 - f. Incorporate distinctive lighting treatments that respond to local character to enhance the night time experience on primary retail streets, in accordance with Council guidelines.
2. Existing overhead power lines are to be moved underground as each site is redeveloped.

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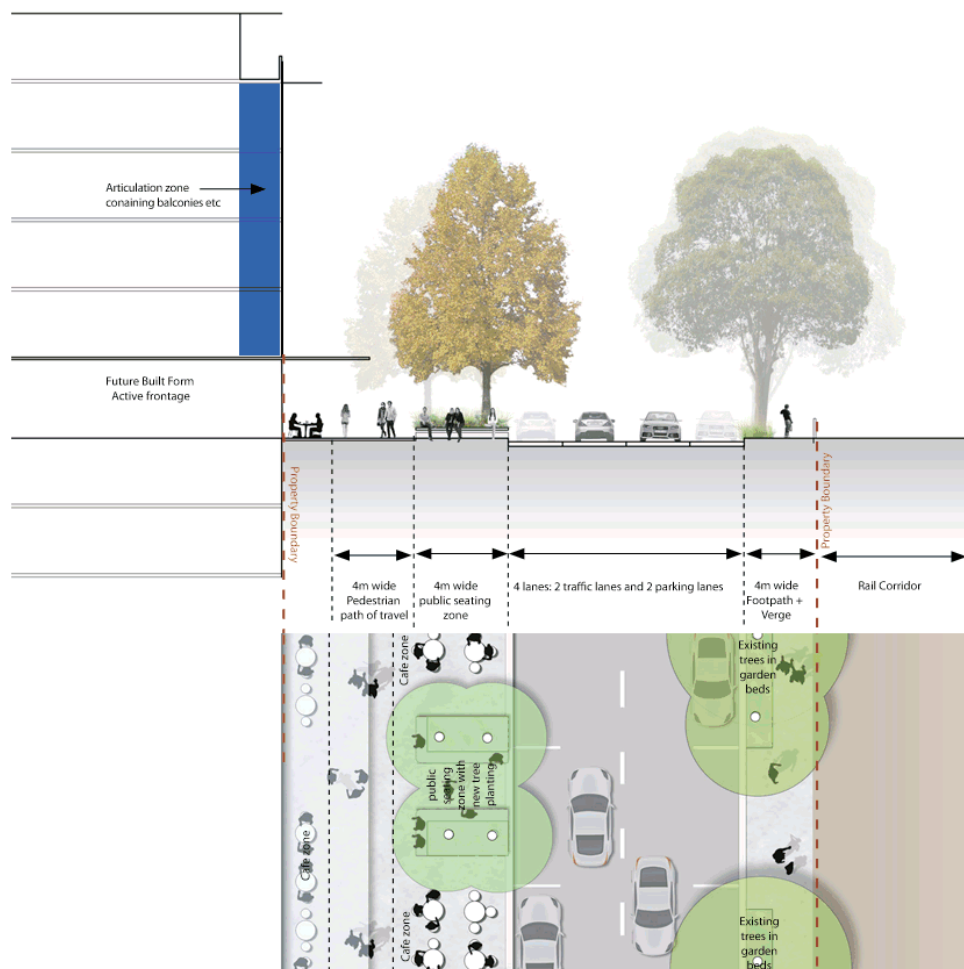
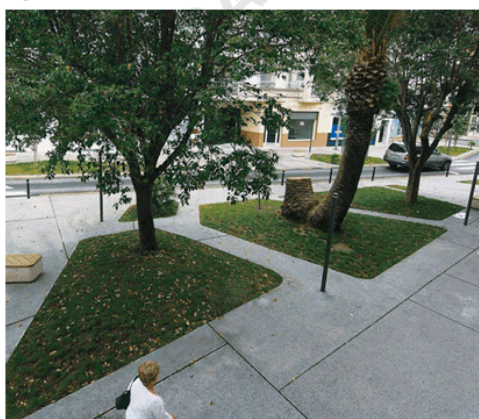


Figure 7.7.37 Indicative Concept Sketch for Firth Street



High quality street tree planting and paving to improve neighbourhood amenity



Public domain furniture including individual seats and benches



Decorative lighting to encourage night time activation

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Figure 7.7.36 Residential Street Precedents

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3.4 Through site links

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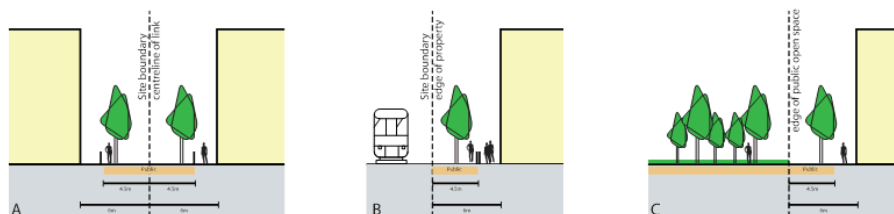
The pedestrian permeability of the Centres will benefit from the provision of additional off street pedestrian connections.

Objectives

- A. To enhance connectivity through the precinct for pedestrians and cyclists as sites redevelop; and
- B. To ensure the safety of pedestrians and cyclists.

Controls

1. Through site links are to be publicly accessible connections through sites, but not on land dedicated to Council for a public purpose;
2. Through site links are to be maintained by the land owner;
3. Through site pedestrian links are to be provided generally in the locations shown on page 7|106 and 7|107;
4. Through site links and potential through site links need to be considered as part of any development application;
5. Where a through site link is provided on site, FSR is based on the total site area;
6. Pedestrian through site links can be provided in a number of ways, including arcades and open links between buildings. To ensure that pedestrian mobility and amenity can be effectively coordinated and integrated, the proponent is to liaise with Council prior to proceeding with detailed site planning and design;
7. Through site links or arcades must connect to a public street on both ends and must be of a straight alignment, with clear visual connections;
8. Pedestrian through site links are to:
 - a. provide active frontages on both sides with clear glazing for windows and doors from floor to ceiling at ground level;
 - b. be a clear and direct throughway for pedestrians;
 - c. provide a minimum for 6 metres setback to building line;
 - d. have a minimum width of 4.5 metres non leasable space clear of all obstructions (including columns, stairs and escalators);
 - e. demonstrate compliance with Crime Prevention Through Environmental Design (CPTED) principles;
 - f. where practicable, have access to natural light;
 - g. have the capacity to provide active frontages on both sides; and
 - h. be air conditioned and have clear glazed entry doors comprising at least 50% of the entrance.
9. Through site links can be adjacent to active frontages, site boundaries (A), transport infrastructure (B) or public open spaces (C) as shown "Figure 7.7.38 Typical through site link cross section" on page 7|105 below.



Note: From the site boundary or centre of proposed or existing link each site should provide:

- Minimum 6 metres setback to building line
- Minimum 4.5 metres to be publicly accessible

Figure 7.7.38 Typical through site link cross section

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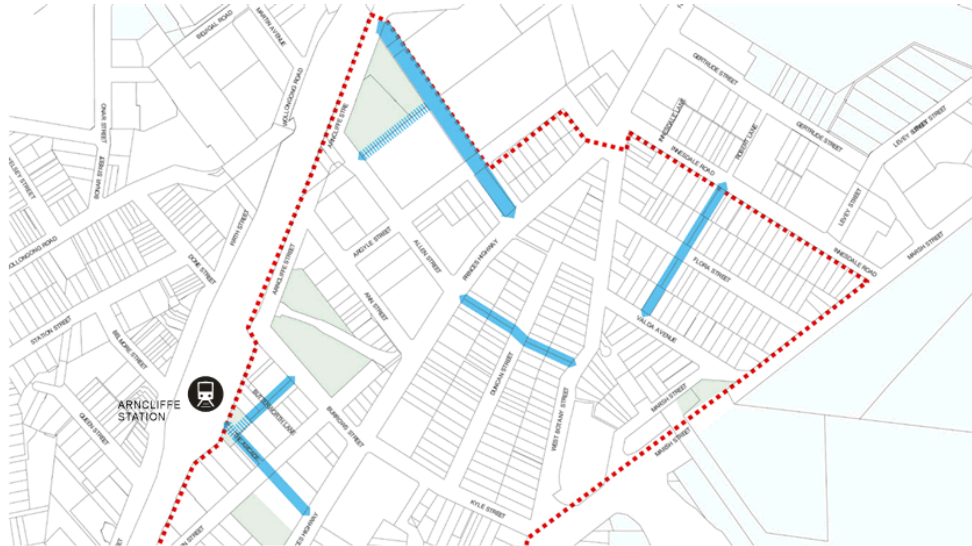


Figure 7.7.39 Through Site Links Plan Arncliffe North



Figure 7.7.40 Through Site Links Plan Arncliffe South

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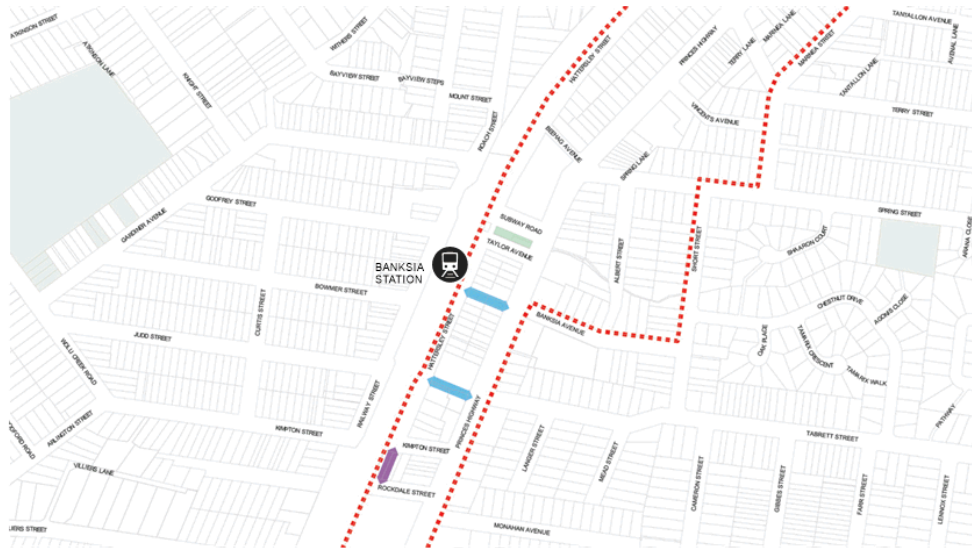


Figure 7.7.41 Through Site Links Plan Banksia

Through site links

- Through site link adjacent to site boundary - see A
- Through site link adjacent to railway - see B
- ||||| Through site link adjacent to open space - see C

General

- - - - - Precinct boundary
- Parks

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7.7 Arncliffe and Banksia

7.7.4 BUILT FORM**4.1 Building Setbacks****Objectives**

- A. To ensure the development creates a positive streetscape and achieves high quality architectural design that promotes commercial, retail and business activity.

Controls

1. New development within the Arncliffe and Banksia Precincts is to provide ground floor building setbacks in accordance with "Figure 7.7.42 Built Form and Character" on page 7|109;
2. New buildings should be built to the street alignment within the locations shown in "Figure 7.7.42 Built Form and Character" on page 7|109;
3. Buildings should be set back 6 metres along the Princes Highway. The setbacks should include significant tree planting, landscaping and a secondary footpath located closer to the shop fronts and away from the traffic; and
4. 5 metres landscaped setbacks are to consist of 3 metres landscaping and 2 metres private courtyards. The landscape zone should include large and medium size tree planting, in accordance with Council guidelines.

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7.7 Arncliffe and Banksia

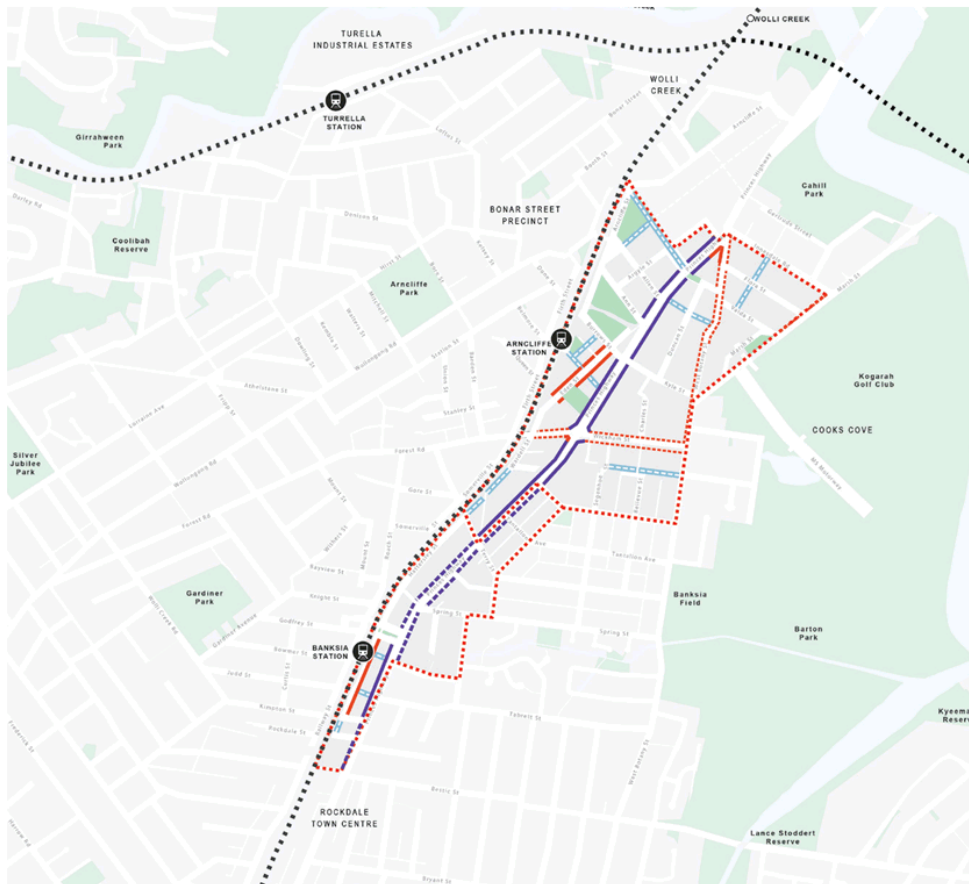
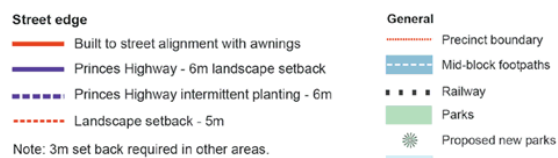


Figure 7.7.42 Built Form and Character



Part 7 Special Precincts**DRAFT**

7.7 Arncliffe and Banksia

4.2 Street Wall Heights**Objectives**

- A. To coordinate building massing along streets and across blocks;
- B. To ameliorate the effects of existing unevenly scaled and massed buildings; and
- C. In addition to the boundary setback requirements, "Figure 7.7.43 Street Wall Heights" on page 7|111 provides additional information on building form, establishing the permissible building envelope and articulation zone within the building envelope.

Controls

- 1. New development within the Arncliffe and Banksia Precincts is to provide street wall heights in accordance with "Figure 7.7.42 Built Form and Character" on page 7|109; and,
- 2. The building envelope shall be set back a minimum of 3m above the Street Wall Heights as identified in "Figure 7.7.43 Street Wall Heights" on page 7|111.

DRAFT

Part 7 Special Precincts

7.7 Arncliffe and Banksia

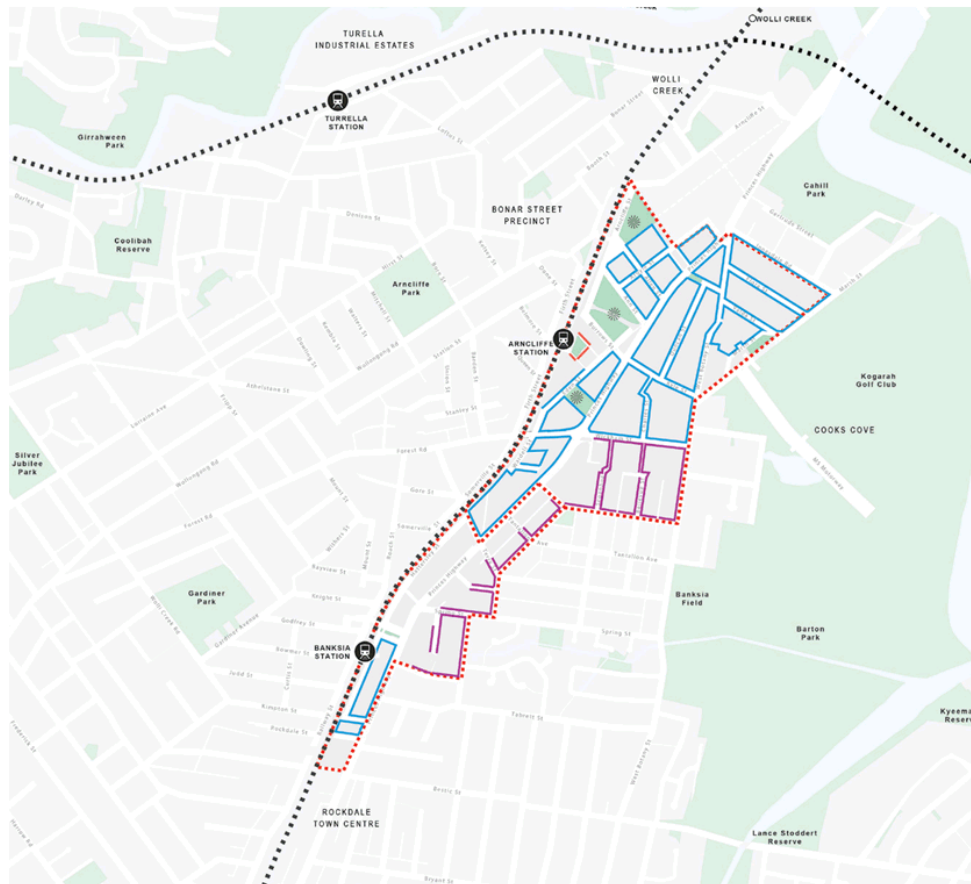


Figure 7.7.43 Street Wall Heights

Street wall heights

- 6 storeys
- 5 storeys
- 3 storeys
- 2 storeys

General

- Precinct boundary
- Railway
- Parks
- Proposed new parks
- Waterways

Part 7 Special Precincts**DRAFT**

7.7 Arncliffe and Banksia

4.3 Active frontages**Objectives**

- A. To encourage active street frontages in suitable locations;
- B. To provide active street frontages to promote activity on the street and public domain; and
- C. To enhance public security and passive surveillance, and improve the amenity to the public domain by encouraging pedestrian activity.

Controls

1. New development is to provide an active street frontage in accordance with "Figure 7.7.44 Active Frontages" on page 7|113;
2. New mixed use development north of Forest Road and fronting the Princes Highway is to provide a floor to ceiling height of 7 metres to accommodate a wide range of retail showroom or commercial uses;
3. A building has an 'active street frontage' if all premises on the ground floor of a building presents to the street or the public domain and are used for the purposes of business or retail premises;
4. Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use;
5. Despite subclause (4), an active street frontage is not required for any part of a building that is used for any of the following:
 - a. entrances and lobbies (including as part of mixed use development);
 - b. access for fire services; and
 - c. vehicle access.
6. New buildings are to demonstrate compliance with the following controls:
 - a. Ground floor frontage to be activated by retail and business premises;
 - b. Locate ground levels at grade with finished footpaths;
 - c. Reinforce corner frontages on primary streets with shop front windows;
 - d. Shop fronts that can open out for restaurants and cafes are encouraged;
 - e. No ground floor residential is permitted;
 - f. Residential lobbies are permitted off the street frontage;
 - g. No vehicle access permitted unless the development has no other street frontage; and
 - h. No service access permitted unless the development has no other street frontage.

DRAFT

Part 7 Special Precincts

7.7 Arncliffe and Banksia

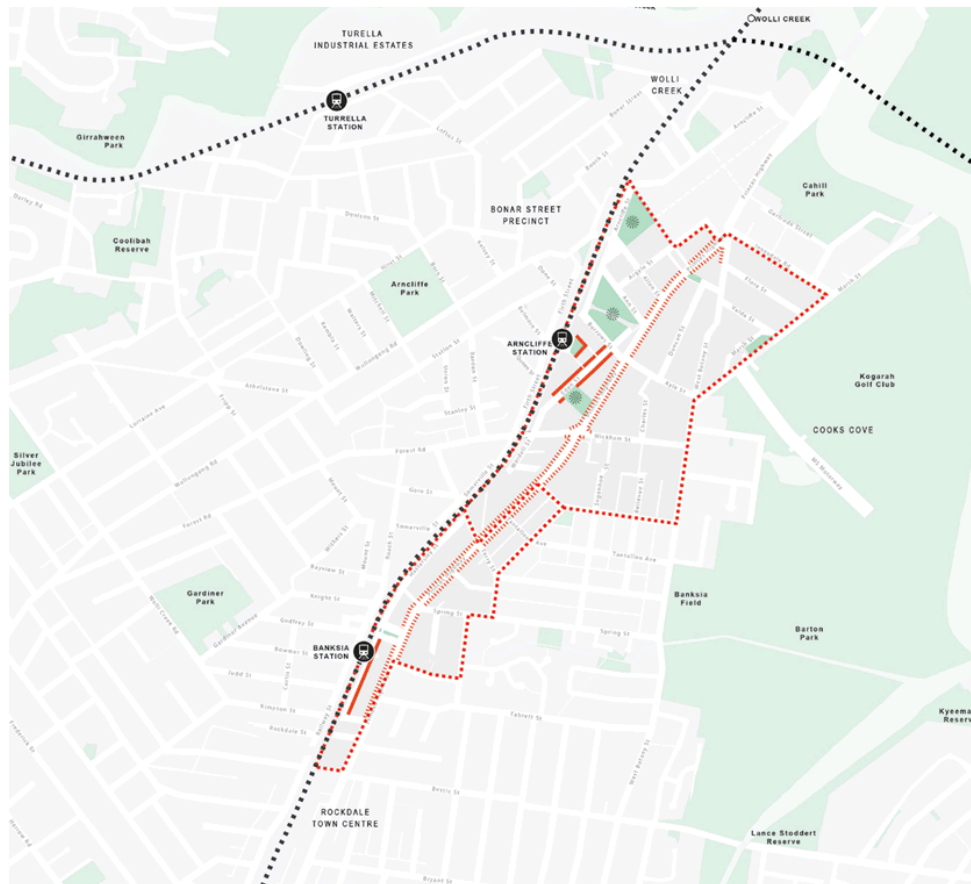


Figure 7.7.44 Active Frontages

Active frontages

- Active frontage
- - - Active frontage - showrooms

General

- - - Precinct boundary
- • • Railway
- Parks
- ☼ Proposed new parks
- Waterways

SUMMARY OF HOUSE KEEPING AMENDMENTS TO 7.7 BANKSIA AND ARNCLIFFE DCP CHAPTER

REFERENCE PAGE		AMENDMENT	REFERENCE PAGE - AMENDMENT
7.7 BANKSIA AND ARNCLIFFE			
2.2 Special Character Areas			
1	7 73	<p>Built Form</p> <p>Removed - the lots have a greater frontage of 24 metre with 0 metre side setbacks for party walls with no windows, to allow for the efficient redevelopment of sites</p> <p>Replaced with - Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide</p> <p>Added - Side setbacks are to include deep soil zones and appropriate landscaped treatment.</p> <p>Added - ground level showroom uses along the Princes Highway</p> <p>Added - unless a specific setback is recommended in 4.1 Building Setbacks of this chapter</p>	7 73
2	7 75	<p>Built Form</p> <p>Added - ground level showroom uses along the Princes Highway</p> <p>Added - unless a specific setback is recommended in 4.1 Building Setbacks of this chapter</p>	7 75
3	7 76	<p>Desired Future Character</p> <p>Removed - New commercial uses will be provided along the Princes Highway. Gradual redevelopment will provide a qualitative upgrade to both the built form and landscape of the existing neighbourhood</p> <p>Added - To promote businesses along main roads and to encourage a mix of compatible uses</p> <p>Added - To provide a range of employment uses (including business, office, retail and light industrial uses)</p>	7 76

		<ul style="list-style-type: none"> – – Built Form – Removed - To encourage a wider range of commercial uses, front and side setbacks should not be required however all developments should provide a reasonable scale relationship to any adjacent residential uses with a maximum of 1 storey built to boundary, and development above this providing a 6 metre setback from the rear boundary – – Replaced with - Setbacks must be consistent with chapter 5.4 Highway Commercial of the Rockdale DCP 2011 – 	
– 4	– 7 78	<ul style="list-style-type: none"> – Built Form – Removed - 8 storeys – – Added - (including 7 metre double height floor to ceiling height commercial ground floor) – – Removed - (up to 22 storeys) – – Added - refer to Allen Street Development Site 7 93. – – Added - unless a specific setback is recommended in 4.1 Building Setbacks of this chapter – – Removed - Smaller lots can be developed for new 8 storey buildings, where site amalgamation occurs for two or more adjoining lots, or where there is a street frontage greater than 24 metre.) – – Removed - The Rockdale DCP 2011 requires a 4.5 metre side setback. Within this neighbourhood, a 3 metre side setback may be acceptable for blocks with a frontage of 24 metre or smaller. – – Replaced with - Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide – – Added - Side setbacks are to include deep soil zones and appropriate landscaped treatment 	– 7 78
– 5	– 7 79	<ul style="list-style-type: none"> – Land Use – Removed - 8 storey 	– 7 79

		<p>–</p> <p>– Reworded - Development (including double height, 7 metre floor to ceiling height commercial ground floor) is proposed on sites fronting the Princes Highway</p> <p>–</p> <p>– Added - unless a specific setback is recommended in 4.1 Building Setbacks of this chapter</p> <p>–</p>	
– 6	– 7 80	<p>– Built Form</p> <p>– Removed - The Rockdale DCP 2011 requires a 4.5 metre side setback. Within this neighbourhood, a 0 metre side setback may be acceptable for blocks with a frontage of 24 metre or smaller</p> <p>–</p> <p>– Replaced with - Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide</p> <p>–</p> <p>– Added - Side setbacks are to include deep soil zones and appropriate landscaped treatment</p> <p>–</p> <p>– Added - New through site connections (6 metre wide) between West Botany Road and Princes Highway will break up the proposed continuous building form and encourage pedestrian connection from the east to west. Links should be provided on the side boundary of an amalgamated development site.</p>	– 7 80
– 7	– 7 82	<p>– Built Form</p> <p>– Removed - Up to 12 storey development is proposed on sites west of the Princes Highway, for sites with a minimum street frontage of 24 metre</p>	– 7 81
– 8	– 7 82	<p>– Added - unless a specific setback is recommended in 4.1 Building Setbacks of this chapter</p> <p>–</p> <p>– Removed - The Rockdale DCP 2011 requires a 4.5 metre side setback. Within this neighbourhood, a 3 metre side setback may be acceptable for blocks with a frontage of 24 metre or smaller.</p> <p>–</p> <p>– Replaced - Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation</p>	– 7 82

		<p><i>standards as outlined in Part 2F Building separation as outlined in the Apartment Design Guide</i></p> <ul style="list-style-type: none"> – – Added - Side setbacks are to include deep soil zones and appropriate landscaped treatment – – Public Domain – Added - A new through site connection (6m wide) connecting Segenhoe Avenue to West Botany Street (aligning with Brennans Road) through to the Eve Street Wetlands active transport network. Links should be provided on the side boundary of an amalgamated development site – – Added - Links should be provided on the side boundary of an amalgamated development site 	
– 9	– 7 83	<ul style="list-style-type: none"> – Added - Public Domain – – Added - New through site connections (6m wide) is proposed, which will connect Banksia Avenue to Hattersley Street and connect Tabrett Street to Hattersley Street to provide pedestrian linkages to Banksia Station. Links should be provided on the side boundary of an amalgamated development site – – Added - A new through site connection (consistent with prevailing Hattersley street width) between Kimpton Street and Rockdale Street connecting Hattersley street on both sides – 	– 7 83
– 3.2 Public Domain and Open Space			
– 10	– 7 93	<ul style="list-style-type: none"> – Allen Street Development Site – – Controls – Removed - 10m wide pedestrian link – – Replaced with - 6m wide pedestrian link to be consistent with through site link controls – 	– 7 93
– 3.4 Through Site Links			
– 11	– 7 106	<ul style="list-style-type: none"> – Updated – diagram to provide further guidance on location and intent of through site link locations 	– 7 106 - 7 107
– 4.1 Building Setbacks			
– 12	– 7 108	<ul style="list-style-type: none"> – Updated – as per through site link amendments (see amendment 11) 	– 7 109

Council Meeting

12/06/2019

Item No	8.4
Subject	Bayside Design Excellence Guidelines - Amendments
Report by	Michael McCabe, Director City Futures
File	F16/823

Summary

The Bayside Design Excellence Guidelines inform the delivery of Design Excellence through the *Rockdale Local Environmental Plan 2011*. This update seeks to amend the guidelines to achieve consistency with the *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018, Clause 6.14 Design Excellence* of the *Rockdale Local Environmental Plan 2011* and the inclusion of *Clause 6.16 Design Excellence* of the *Botany Bay Local Environmental Plan 2013*.

Officer Recommendation

That Council adopts the Bayside Design Excellence Guidelines dated May 2019.

Background

The purpose of the Design Excellence Guidelines is to outline process and procedure for Development Applications requiring consideration under *Clause 6.14 Design Excellence* of the *Rockdale Local Environmental Plan 2011* and *Clause 6.16 Design Excellence* of the *Botany Bay Local Environmental Plan 2013*.

On 8 October 2018, the *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 (Attachment 1)* amended the Design Excellence provisions for which a Design Review Panel (DRP) or Design Competition is to be held. As a result of the amendment, the *Bayside Design Excellence Guidelines 2017* are now required to be updated to ensure consistency with the statutory requirements of the *Rockdale Local Environmental Plan 2011*.

In summary, the proposed amendments (**Attachment 2**) to the Design Excellence Guidelines seek to:

- Enable flexibility to undertake any necessary housekeeping amendments;
- Include provisions to enable *Clause 6.16 Design Excellence* of the *Botany Bay Local Environmental Plan 2013* to be guided by the Bayside Design Excellence Guidelines for any Development Applications requiring consideration under a DRP;
- Include *Clause 6.14 (4)* of the *Rockdale Local Environmental Plan 2011*, in guiding design excellence assessment;
- Include *Clause 6.16 (4)* of the *Botany Bay Local Environmental Plan 2013*, in guiding design excellence assessment;

- Guide the DRP process in terms of objectives, procedures, requirements, review process, assessment and determination guidelines; and
- Amend any inconsistencies that have arisen from the *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018*.

The Guidelines were initially adopted by Rockdale Council in 2015. This was followed by the creation of an Amendment to the RLEP to reflect the introduction of Design Excellence. A subsequent refinement to the Guidelines was adopted by Council in March 2016. A subsequent amendment to the Bayside Design Excellence Guidelines was adopted in July 2017.

There is no statutory requirement to exhibit the amended Design Excellence Guidelines. If Council resolve to endorse the Design Excellence Guidelines, they will be effective from the date of this Council meeting.

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

- 1 State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 [↓](#)
- 2 Draft Amendments to Design Excellence Guidelines [↓](#)



New South Wales

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following
State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Published LW 12 October 2018 (2018 No 590)

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 [NSW]

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Maps

The maps adopted by *Rockdale Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Policy.

4 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which this Policy commences.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 [NSW]
Schedule 1 Amendment of Rockdale Local Environmental Plan 2011

Schedule 1 Amendment of Rockdale Local Environmental Plan 2011

[1] Clause 4.6 Exceptions to development standards

Insert after clause 4.6 (8) (cb):

- (cc) clause 7.1 or 7.2.

[2] Clause 5.1 Relevant acquisition authority

Insert in appropriate order in the table to clause 5.1 (2):

Zone RE1 Public Recreation and marked "Local Open Space Planning Ministerial Corporation (Arncliffe)"

[3] Clauses 6.14 and 6.15

Omit clause 6.14. Insert instead:

6.14 Design excellence

- (1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- (2) This clause applies to the following development:
 - (a) development involving the erection of a new building or external alterations to an existing building within the Arncliffe Precinct or the Banksia Precinct,
 - (b) development that is the erection of a new building on land bounded by a heavy black line on the Design Excellence Map,
 - (c) development that is the subject of a development application that relies on clause 4.3 (2A) (a), (f), (g), (h), (i) or (k).

Note. In determining an application for a modification of a development consent granted under this clause, the consent authority must again take the requirements of this clause into consideration (see section 4.55 (3) of the Act).

- (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.
- (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
 - (c) whether the development detrimentally impacts on view corridors,
 - (d) the requirements of any development control plan made by the Council and as in force at the commencement of this clause,
 - (e) how the development addresses the following matters:
 - (i) the suitability of the land for development,
 - (ii) existing and proposed uses and use mix,
 - (iii) heritage issues and streetscape constraints,

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 [NSW]
 Schedule 1 Amendment of Rockdale Local Environmental Plan 2011

- (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
 - (v) bulk, massing and modulation of buildings,
 - (vi) street frontage heights,
 - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
 - (viii) the achievement of the principles of ecologically sustainable development,
 - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
 - (x) the impact on, and any proposed improvements to, the public domain,
 - (xi) achieving appropriate interfaces at ground level between the building and the public domain,
 - (xii) excellence and integration of landscape design.
- (5) In addition, development consent must not be granted to development to which this clause applies unless:
- (a) if the development is in respect of a building that is, or will be, higher than 12 metres or 3 storeys (or both) but not higher than 40 metres or 12 storeys (or both):
 - (i) a design review panel reviews the development, and
 - (ii) the consent authority takes into account the findings of the design review panel, or
 - (b) if the development is in respect of a building that is, or will be, higher than 40 metres or 12 storeys (or both):
 - (i) an architectural design competition is held in relation to the development, and
 - (ii) the consent authority takes into account the results of the architectural design competition.
- (6) Subclause (5) (b) does not apply if:
- (a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and
 - (b) a design review panel reviews the development, and
 - (c) the consent authority takes into account the findings of the design review panel.
- (7) An architectural design competition conducted in accordance with Design Excellence Guidelines that were in force when the competition was conducted is taken to have been conducted in accordance with the Design Excellence Guidelines.
- (8) In this clause:
- architectural design competition** means a competitive process conducted in accordance with the Design Excellence Guidelines.
- Design Excellence Guidelines** means the Design Excellence Guidelines adopted by the Council and in force at the commencement of *State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts)*

2018, or, if none have been adopted, the Design Excellence Guidelines issued by the Secretary.

design review panel means a panel of 3 or more persons established by the consent authority for the purposes of this clause and approved by the NSW Government Architect.

6.15 Site area of proposed development in Arncliffe and Banksia Precincts includes dedicated land

The site area of proposed development on land within the Arncliffe Precinct or the Banksia Precinct is, for the purpose of applying a floor space ratio under clause 4.5, taken to include land that:

- (a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and
- (b) would have been part of the site area if it had not been so dedicated.

[4] Part 7

Insert after Part 6:

Part 7 Intensive urban development areas

7.1 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the development of land for the purposes of residential accommodation to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Despite all other provisions of this Plan, development consent must not be granted for development for the purposes of residential accommodation in an intensive urban development area unless the Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land on which the development is to be carried out.
- (3) This clause does not apply to a development application to carry out development on land in an intensive urban development area if:
 - (a) all or any part of the land to which the application applies is a special contributions area (as defined by section 7.1 of the Act), or
 - (b) the development will not result in an increase in residential accommodation within the intensive urban development area.
- (4) In this Part:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

 - (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) regional open space,
 - (d) social infrastructure and facilities (such as schools, hospitals, emergency services and facilities for justice purposes).

State Environmental Planning Policy Amendment (Arncliffe and Banksia Precincts) 2018 [NSW]
Schedule 1 Amendment of Rockdale Local Environmental Plan 2011

intensive urban development area means the Arncliffe Precinct or the Banksia Precinct.

7.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an intensive urban development area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (3) In this clause:
public utility infrastructure, in relation to an intensive urban development area, includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.

7.3 Relationship between Part and remainder of Plan

A provision of this Part prevails over any other provision of this Plan to the extent of any inconsistency.

[5] Dictionary

Insert in alphabetical order:

Arncliffe Precinct means the land identified as “Arncliffe Precinct” on the Design Excellence Map.

Banksia Precinct means the land identified as “Banksia Precinct” on the Design Excellence Map.

Design Excellence Map means the Rockdale Local Environmental Plan 2011 Design Excellence Map.



Bayside Design Excellence Guidelines

July 2019



Version History

Version	Release Date	Author	Reason for Change
1	6 May 2015	Wil Robertson	Initial document
2	4 February 2016	Wil Robertson	Amended content Adopted by Council
3	27 June 2017	Wil Robertson	Amended content for adoption by Council Adopted 12 July 2017
4	20 March 2019	Alison Phillips	Amended content for adoption by Council

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File: F16/823 Document: 16/140642

Enquiries: Manager Strategic Planning

**Telephone Interpreter Services - 131 450**

Τηλεφωνικές Υπηρεσίες Διερμηνέων

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1) Explanation

- a) These guidelines provide criteria and procedures for the assessment of design excellence to support *Clause 6.14 Design Excellence* of the *Rockdale Local Environmental Plan 2011 (RLEP 2011)*, that requires a Design Review Panel (DRP), or a Design Excellence Competition be held in relation to specific sites before development consent may be granted. *Clause 6.14* of the *RLEP 2011* prescribes the locations where Design Excellence must be determined prior to (Design Excellence Competition), or at the time of the submission (Design Review Panel) of a Development Application.
- b) The guidelines provide criteria and procedures of design excellence to support *Clause 6.16 Design Excellence* of the *Botany Bay Local Environmental Plan 2013 (BBLEP 2013)*, that requires the consent authority to consider whether a new building or external alterations to a building identified in the Key Sites Map exhibit design excellence. Assessment and recommendations on Design Excellence will be made at the Design Review Panel.
- c) These procedures provide details which are essential to ensure that design review process will:
 - i) Operate in a manner which is accountable, fair and efficient; and,
 - ii) Explain the assessment process which includes tasks, responsibilities and timelines.

2) Design Excellence Criteria

- a) Design Excellence shall be determined with regard to the areas described in the *Clause 6.14* of the *RLEP 2011*, with consideration given to the following matters identified in sub-clause (4) *in considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
 - (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development detrimentally impacts on view corridors,*
 - (d) *the requirements of any development control plan made by the Council and as in force at the commencement of this clause,*
 - (e) *how the development addresses the following matters:*
 - (i) *the suitability of the land for development,*
 - (ii) *existing and proposed uses and use mix,*
 - (iii) *heritage issues and streetscape constraints,*
 - (iv) *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (v) *bulk, massing and modulation of buildings,*
 - (vi) *street frontage heights,*
 - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - (viii) *the achievement of the principles of ecologically sustainable development,*
 - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements,*
 - (x) *the impact on, and any proposed improvements to, the public domain,*
 - (xi) *achieving appropriate interfaces at ground level between the building and the public domain,*

- (xii) *excellence and integration of landscape design.*
- b) Design Excellence shall be determined with regard to the areas described in the *Clause 6.16 of the BBLEP 2013*, with consideration given to the following matters identified in sub-clause (4) *In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:*
- (a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - (b) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
 - (c) *whether the development detrimentally impacts on view corridors,*
 - (d) *the achievement of the principles of ecologically sustainable development.*
- c) Key criteria to be used as a guide when developing and evaluating merit include:
- i) Capacity to transform existing character and activity within and beyond its context;
 - ii) Creative integration of design and technical requirements;
 - iii) Communication of lateral responses to current planning controls and guidelines;
 - iv) Contribution to amenity and place making through the development of a proposal that is presented as a cohesive place, contributing to civic quality, public realm, systems and paths of movement and activity;
 - v) Comprehensive appreciation of environmental features;
 - vi) New public spaces, frontages to public and communal areas that generate high levels of activation and encourage social interaction;
 - vii) Scale, character, form and siting complement surrounding urban qualities and likely future development;
 - viii) An appropriate balance between resilient materials, embodied energy and resource consumption and dependence; and,
 - ix) Land uses, activity, building configuration and occupancies that may be adapted in future.
- d) Design Excellence procedures provide a framework in establishing, reviewing and progressing Design Excellence.

3) Objectives for These Guidelines

- a) Provide a detailed explanation of terms and procedures which are provided by *Clause 6.14 of the RLEP 2011* and *Clause 6.16 of the BBLEP 2013*.
- b) Criteria that define the "highest standard of ... design" in order to ensure consistent evaluation of competition entries and a baseline for the assessment of development applications which are affected by *Clause 6.14 of the RLEP 2011* or *Clause 6.16 of the BBLEP 2013*.
- c) Where a Design Review Panel is required establish a **Bayside Design Review Panel Minute Template and Report Template**, which ensures the SEPP65 controls are met and that the proposal is assessed against the requirements of *Clause 6.14 of the RLEP 2011* or *Clause 6.16 of the BBLEP 2013*.
- d) Where a Design Excellence Competition is required establish a Design Excellence – Competition Strategy and Design Excellence – Competition Brief that ensures compliance with the statutory requirements of the *RLEP 2011* and Council's Design Excellence requirements, as well as the proponent's

(developer's) objectives.

- e) Outline the procedures and approach in assessing, decision making and responsibility.

Intended to progress a design proposal which demonstrates that the scheme's Architect has the capacity to deliver design excellence throughout the life of the project.a)

4) The Guidelines – Design Review Panel (DRP)

- a) Design Excellence
 - i) Objectives for design excellence apply to Independent Design Review and Design Excellence Competitions, and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.
 - ii) Design Excellence Guidelines and Criteria shall be considered in the following:
 - (1) Development Applications that require Design Excellence Review under *Clause 6.14* of the *RLEP 2011* or *Clause 6.16* of the *BBLEP 2013*;
 - (2) Evaluation and review of Design Excellence for Development Applications; and,
 - (3) Assessment of Development Applications that are subject to *Clause 6.14* of the *RLEP 2011* or *Clause 6.16* of the *BBLEP 2013* that consider the Design Excellence Guidelines and Criteria, in addition to statutory requirements of *Section 4.15 Evaluation* in the *Environmental Planning and Assessment Act (EPA Act)*.
 - iii) Design Excellence integrity shall be continued through to detailed development proposals.
- b) Procedures for a Design Review Panel
 - i) The Design Review procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Review Panel Application.
- c) Design Concepts
 - i) Design Review Panel requires the submission of one design concept:
 - (1) Proponents are responsible for selecting the design group;
 - (2) Each of the selected design groups shall be headed by a registered Architect, and may be a single firm or a consortium of complementary design professionals; and,
 - (3) The selected design group should demonstrate a capacity to deliver design excellence have levels of skill and expertise **which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme.**
 - ii) Details on specific Design submission requirements are to be set out by the proponent.
- d) Design Excellence Review
 - i) A Design Review Panel will be in accordance with *Clause 6.14* of the *RLEP 2011*:
 - (1) Design Review Panel members will be preselected by the General Manager – Bayside Council through an Expression of Interest (EOI) process and will be rostered to attend DRP meetings;
 - (2) Where required, the Design Review Panel members will be selected for their expert advice depending on the design lodge to Council;
 - (3) Members of a Design Review Panel shall provide a fair and honest appraisal of design concepts; and,
 - (4) If a proposed development includes a building listed in *Clause 5.10*

Heritage Conservation of the RLEP 2011, or where a site is located in a conservation area, or is in the vicinity of a heritage item, then at least one member of the Jury must be an appropriately qualified heritage consultant or heritage architect.

- ii) The proponent is responsible for remuneration or honorarium costs to members of the Design Review Panel.
- iii) Review of design submissions by the Design Review Panel requires reference to the following:
 - (1) Primarily, to matters for consideration which are specified by *Clause 6.14 of the RLEP 2011* or *Clause 6.16 of the BBLEP 2013*;
 - (2) Design Excellence Guidelines and Criteria; and,
 - (3) Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.
- iv) In relation to Design Review Panels, review by the Panel members require the following:
 - (1) A statement that explains how the submission exhibits design excellence;
 - (2) If the submissions does not exhibit design excellence, the Jury may identify amendments to submissions that would guide any amendments to the submission;
- e) In general, the review of design excellence through a Design Review Panel involves the following procedures:
 - i) Payment of any required fees to Council, as per the *Bayside 2030 Fees and Charges (2018-2019)*.
 - ii) Design submissions should be distributed to Panel members at least 7 days prior to a scheduled review meeting.
 - iii) Questions from Panel members to Council staff, discussions and recommendations by the Panel must occur during closed sessions.
 - iv) The minutes of the meeting are prepared on the day that the Design Review Panel is convened to be reviewed and finalised by the Panel for distribution to Council within 7 days after each review meeting.
 - v) Council is to issue minutes and any further direction to the Proponent once in receipt.
 - vi) Requests for reconsideration or clarification of the Jury's final report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
- f) Assessment and Determination
 - i) The consent authority shall have regard for relevant considerations under *Section 4.15 Evaluation of the EPA Act* and Design Excellence provisions of *Clause 6.14 of the RLEP 2011* or *Clause 6.16 of the BBLEP 2013*.
 - ii) The outcome of a Design Review Panel does not constitute a Development Application Approval. Any selected design proposal must undergo the Council's DA Process.
 - iii) Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme.

5) The Guidelines – Competition

- a) Design Excellence
 - i) Objectives for design excellence apply to Independent Design Review and Design Excellence Competitions, and require design solutions that are *exemplary* as opposed to solutions which demonstrate a basic level of competence.
 - ii) Design Excellence Guidelines and Criteria shall be considered in the following:
 - (1) Competition Entries;
 - (2) Evaluation and review of Design Excellence and Competition Entries; and,
 - (3) Assessment of Development Applications that are affected by *Clause 6.14* of the *RLEP 2011* that consider the Design Excellence Guidelines and Criteria, in addition to statutory requirements of *Section 4.15 Evaluation* in the *Environmental Planning and Assessment Act (EPA Act)*.
 - iii) Design Excellence integrity shall be continued through to detailed development proposals.
- b) Procedures for a Design Excellence Competition
 - i) The Design Excellence Competition procedures involve a sequence of tasks which are summarised below. This initially requires the proponent to complete a Design Excellence Strategy and Design Excellence Competition Brief for consideration, approval and endorsement by Council.
- c) Design Excellence Strategy
 - i) The Design Excellence process is to be undertaken in accordance with a Design Excellence Strategy that defines the following:
 - (1) Location, extent and scope of the design excellence process;
 - (2) Type of Design Excellence process to be undertaken that shall be an “Invited” Design Competition;
 - (3) Number of submissions to be sought;
 - (4) Design Excellence Guidelines and Criteria;
 - (5) Assessment and decision making participants and process;
 - (6) Jury (Design Excellence Panel) composition and financial remuneration/honorarium;
 - (7) Outcome of the Design Excellence Process; and,
 - (8) Fees and charges to be paid to Bayside Council by the proponent to cover management and financial considerations and obligations including remuneration and or honorarium to members of the Jury (Design Excellence Panel).
 - ii) Design Excellence Competition Brief
 - (1) The Design Excellence Brief will identify all of the competing design groups.
 - (a) The same information is to be provided to the competing design groups:
 - (i) Draft competition briefs must be endorsed by Council officers before any competition may commence; and,
 - (ii) If the proponent's draft brief is considered unacceptable, Council's response will confirm reasons and will recommend matters which

require further attention.

- (b) The design brief must provide a comprehensive range of information about the site and its context.
- (c) A schedule of fees to be charged by each competitive submission.
- (d) Ongoing role of a selected schemes Architect.

d) Design Concepts

- i) Design competitions require the submission of design concepts by at least three competing design groups:
 - (1) Proponents are responsible for selecting the design groups, and for making an agreed payment to each design group for their completed design submissions;
 - (2) Each of the selected design groups will be independent and shall be headed by a registered Architect, and may be a single firm or a consortium of complementary design professionals, together with project experience that has direct relevance to the competition brief. The nominated Architect may only represent a single Architectural Practice Competing in the Design Excellence Competition; and,
 - (3) All of the selected design groups should demonstrate a capacity to deliver design excellence have levels of skill and expertise which are broadly-equivalent and meet the conditions and requirements for eligibility, assessment and entry to the NSW Government Architect's Strategy and Design Excellence Prequalification Scheme.
 - ii) Details on specific Design Excellence submission requirements are to be detailed in the Design Excellence Competition Brief set out by the proponent.
- e) Design Excellence Review
- i) A Design Excellence Jury of no less than four, and no more than six members shall be established for each competition and act as a jury:
 - (1) Jury members shall have recognised qualifications and expertise in Architecture, or Landscape Architecture, or Urban Design;
 - (2) The Jury shall consist of an equal number of members who are nominated by the proponent and by Council;
 - (3) The Jury may also include a member who is independently nominated by the Government Architects Office NSW, and consist of a member of a professional body such as the Australian Institute of Architects or similar;
 - (4) Members of a Design Excellence Jury shall provide a fair and honest appraisal of design concepts; and,
 - (5) If a proposed development includes a building listed in *Clause 5.10 Heritage Conservation* of the *RLEP 2011*, or where a site is located in a conservation area, or is in the vicinity of a heritage item, then at least one member of the Jury must be an appropriately qualified heritage consultant or heritage architect.
- Excluding any submissions that are deemed to be disqualified, the Jury shall consider and assess a minimum of three competition entries to determine an outcome.ii)
- iii) The proponent is responsible for remuneration or honorarium costs to members of the Design Excellence Jury.
 - iv) Review of design submissions by the Design Excellence Jury requires reference to the following:
 - (1) Primarily, to matters for consideration which are specified by *Clause 6.14* of the *RLEP 2011*;
 - (2) Design Excellence Guidelines and Criteria; and,
 - (3) Any design quality considerations which might be specified by state or local planning controls that are relevant to the subject site or to the development concept.
 - v) In relation to design competitions, reviews by the Design Excellence Jury

require the following:

- (1) A majority opinion of the Jury that identifies the preferred design submission that exhibits design excellence;
- (2) A statement that explains how the preferred submission exhibits design excellence;

- (3) If none of the submissions exhibit design excellence, the Jury may identify amendments to submissions that would guide a competitor in amending a submission;
- (4) If amendments are recommended, the responsible competitor should provide the amended submission within 28 days after receipt of the Jury's report, and the Jury should be reconvened to review the amended submissions; and,
- (5) The competition is terminated without an outcome, winner or awarding design excellence to any submission:
 - (a) If the Jury cannot identify design amendments that would achieve excellence;
 - (b) Any Jury's recommended amendments have not been provided within a reasonable timeframe; and,
 - (c) The Jury finds that none of the submissions achieve design excellence.

- f) In general, the review of design excellence involves the following procedures:
 - i) Payment of any required fees to Council as itemized in the *Bayside 2030 Fees and Charges (2018-2019)*.
 - ii) Administrative tasks shall be provided by the Proponent: confirmation of meeting dates, distribution of documents and booking of meeting venues.
 - iii) Preparation of a Design Excellence Strategy and Brief for endorsement by Council.

Design submissions should be distributed to Jury members at least 14 days prior to a scheduled review meeting.iv)

- v) Review meetings should provide for a 30 minute presentation by each competitor followed by questions from Jury members.
- vi) Discussion and decisions by the Jury should occur during closed sessions that follow presentations.
- vii) Reports should be drafted by the Jury for distribution to the proponent and the Council within 14 days after each review meeting.
- viii) Requests for reconsideration or clarification of the Jury's final report may be submitted by the proponent or the Council within 14 days after receipt of the Jury's report.
- ii) Requirements of *RLEP 2011* to hold a design competition are deemed to have been satisfied:
 - (1) 14 days after final reports by the Design Excellence Jury have been distributed to the proponent and the Council.

- g) Assessment and Determination

The consent authority shall have regard for relevant considerations under *Section 4.15 Evaluation* of the *EPA Act* and Design Excellence provisions of *clause 6.14 RLEP.i)*

The outcome of a Design Excellence Competition does not constitute a Development Application approval. Any selected design proposal must undergo the Council's DA Process.ii)

Council reserves the right to convene an independent panel (at the cost to the developer) to review subsequent modifications to the design outcome and determine if they conform to the design intent of the selected scheme

Council Meeting

12/06/2019

Item No	8.5
Subject	Planning Proposal - BATA site - 128 & 130-150 Bunnerong Road, Eastgardens
Report by	Michael McCabe, Director City Futures
File	S11/47-12

Summary

The aim of this Council report is to:

- identify and respond to the submissions (**Attachment 1**) received during the exhibition of a Planning Proposal for 128 and 130-150 Bunnerong Road, Eastgardens
- summarise and respond to the recommendations of the Bayside Local Planning Panel, and
- provide Council with a recommendation about how to progress the Planning Proposal.

A Draft Planning Proposal was submitted to Bayside Council on 13 April 2017. On the 20th July 2017, the proponent submitted a Rezoning Review to the Sydney Central Planning Panel (Planning Panel) because Council had failed to indicate its support for the proposal within 90 days after the Planning Proposal was lodged with Council. On the 12th September 2017, the Sydney Central Planning Panel determined that the proposal demonstrated strategic and site-specific merit, and should proceed to Gateway (**Attachment 2**).

In a letter dated 12th December 2017, the Department of Planning and Environment (DPE) issued a Gateway Determination (**Attachment 3**) subject to conditions. In the letter, DPE decided not to issue an authorisation for Council to exercise delegation to make the plan.

The proponent revised the Planning Proposal in order to respond to conditions of the Gateway. Due to the changes, Council wrote to the DPE on 11th September 2018 requesting an Alteration to the Gateway Determination. On the 9th October 2018 the DPE issued an Alteration of Gateway Determination (**Attachment 4**).

On the 15th November 2018, the proponent lodged an updated Planning Proposal in accordance with the Alteration of Gateway Determination, which is the subject of this assessment report.

The Planning Proposal (**Attachment 5**) seeks to amend the Botany Bay Local Environmental Plan 2013 as follows:

- Rezone the land from part IN1 General Industrial zone and part R3 Medium Density Residential zone to R4 High Density Residential zone;
- Amend the Floor Space Ratio control from 1:1 to 2.35:1;
- Amend the Height of Building control from part 32 metres, part 28 metres, part 22 metres, part 17 metres and part 11 metres, to part 16.6 metres (RL37.0), part 37 metres (RL60.0) and part 69 metres (RL91.0);

- Introduce a new clause that will require the preparation of a Development Control Plan for the site;
- Amend Schedule 1 Additional Permitted Uses of the BBLEP 2013 to permit 'commercial premises', 'recreation facility (indoor)' and 'serviced apartment' with development consent for the subject site; and
- Include a requirement that non-residential uses across the site must have a minimum total floor space of 5,000sqm.

The Urban Design Report and Concept Master Plan (**Attachment 6**) seeks to deliver a high density residential development comprising approximately 2,015 new dwellings within a range of building typologies, ranging in height from 2 storey townhouses to 20 storey towers. The development is also proposed to include 2 x 75-place child care centres and 5,000sqm of complementary non-residential uses including commercial floor space, serviced apartments and a gymnasium and 2ha of public open space.

Council has received an offer of a Voluntary Planning Agreement (VPA) which was exhibited concurrently with the Planning Proposal. The VPA will be considered in a separate report to Council.

The Planning Proposal for land at 128 and 130-150 Bunnerong Road, Eastgardens has been exhibited in accordance with the relevant provisions of the NSW Environmental Planning and Assessment Act, 1979, and the Gateway Determination (as altered) issued by the NSW Department of Planning and Environment (DPE).

On 30th April 2019, the Planning Proposal was reported to the Bayside Local Planning Panel. The Bayside Local Planning Panel made a number of comments and recommendations regarding the Planning Proposal, including that the maximum FSR be reduced from 2.35:1 to 2:1. The comments and recommendations of the Bayside Local Planning Panel are included later in this report.

Following a review of the submissions received during the exhibition period, it is recommended that Council requests that the Minister make the amendment to the Local Environmental Plan, in the form that it was exhibited.

While several submissions address items of planning merit, these are considered to have been addressed in the studies and/or policy changes supporting the Planning Proposal. Furthermore, the issues in the submissions largely relate to matters that would be considered as part of the required site-specific DCP or a Concept Development Application (DA) for the land, if the Planning Proposal is supported by Council and finalised by the NSW Department of Planning & Environment.

Officer Recommendation

- 1 That the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) be forwarded to the Department of Planning and Environment for finalisation, in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
 - 2 That the Proponent be advised that in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* that a part of a site-specific DCP or Concept Development Application (including an updated Concept Master Plan) for 128 and 130-150 Bunnerong Road, Eastgardens be prepared to address the following
-

issues at the Development Application stage:

- (a) urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain.
 - (b) podium car parking options to reduce bulk and encouraging articulation.
 - (c) treatment, embellishment and functionality of public open space.
 - (d) car parking and other vehicle rates.
 - (e) revised traffic modelling to address matters raised by RMS in their submission.
- 3 That, as part of a future Development Application for the site, revised traffic modelling is submitted that:
- (a) addresses matters raised by RMS in their submission; and
 - (b) includes an analysis of the intersection of Wentworth Avenue and Baker Street.
- 4 That any additional funding to address additional traffic impacts and facilitate the upgrades of the Wentworth/Baker and Wentworth/Page intersections be provided as part of a future Development Application, over and above that required by the applicable Section 7.11 Contributions Plan.
- 5 That Council again write to the Roads and Maritime Services requesting funding for the Wentworth/Page and Wentworth/Baker intersections.

Background

Applicant:

Karimbla Construction Services

Owner:

Land Ownership & Developer	Karimbla Properties (No. 39) Pty Ltd (Developer)
Directorship Details	<p>Director: Harry Oscar Triguboff Appointment Date: 9/10/2012</p> <p>Director: David Cremona Appointment Date: 1/07/2014</p> <p>Director: James Demitrius Sialepis Appointment Date: 1/07/2014</p> <p>Director: Matthew Thomas Appointment Date: 27/10/2015</p> <p>Secretary: Robyn Elizabeth McCully Appointment Date: 9/10/2012</p> <p>Secretary: Dianne Ruby Reynolds Appointment Date: 16/09/2014</p> <p>Secretary: Joseph Guy Callaghan</p>

	Appointment Date: 15/12/2017
Shareholders	Meriton Properties Pty Ltd – 100%
Guarantor	Meriton Properties Pty Ltd
Directorship Details	<p>Director: Harry Oscar Triguboff Appointment Date: 13/06/1969</p> <p>Director: David Cremona Appointment Date: 1/07/2014</p> <p>Director: James Demitrius Sialepis Appointment Date: 1/07/2014</p> <p>Director: Matthew Thomas Appointment Date: 27/10/2015</p> <p>Secretary: Robyn Elizabeth McCully Appointment Date: 15/11/1991</p> <p>Secretary: Dianne Ruby Reynolds Appointment Date: 16/09/2014</p> <p>Secretary: Joseph Guy Callaghan Appointment Date: 9/11/2017</p>
Shareholders	DO-NEBA Holdings Pty Ltd – 31% Karimbla Investments Pty Limited – 25% Harry Triguboff (Holdings) Pty Ltd – 44%

Site Description:

Lots subject to the Planning Proposal are shown in Table 1, below:

Lot	DP	Address	Site area (ha)	Current zoning
Lot 1 and Lot 24	1187426 and 1242288	128 and 130-150 Bunnerong Road, Eastgardens	8.95ha	R3 Medium Density Residential and IN1 General Industrial

Table 1: Lots subject to the Planning Proposal

The subject site is legally known as Lot 1 DP 1187426 and Lot 24 DP 1242288 (formerly Lot 2 DP 1187426) and forms the northern half of a larger land holding previously known as the British American Tobacco Australasia (BATA) site. The 8.95ha site is regular in shape and is bounded by Heffron Road to the north, Banks Avenue to the west, Bunnerong Road to the east and adjoins the southern portion of the BATA site to the south.

The subject site was previously occupied by industrial uses associated with General Motors Holden and BATA. BATA have since vacated site and the buildings do not appear to be occupied at this time.

A thick, red outline delineates the subject site in the aerial photograph at **Figure 1**.



Figure 1 The subject site (Source: www.maps.six.nsw.gov.au)

Site Context:

The site is located within the Eastgardens suburb of the Bayside Local Government Area (Bayside LGA).

Land directly adjoining the site to the south is currently being redeveloped in accordance with the Stage 1 Master Plan (refer to heading 'Planning History' for more details) for the BATA site. The southern boundary of the BATA site adjoins Westfield Eastgardens shopping centre.

The eastern boundary of the site has frontage to Bunnerong Road. Land directly to the east of Bunnerong Road comprises low density residential development within the Randwick LGA. The western boundary of the site is defined by Banks Avenue, with Bonnie Doon Golf Course situated further west. The northern boundary of the site has frontage to Heffron Road. Land to the north of Heffron Road comprises predominately low density residential development.

The BATA site is approximately 1 kilometre west of Maroubra Junction. The site forms part of the Eastgardens-Maroubra Junction identified in the Eastern City District Plan as a strategic centre (**Figure 2**).

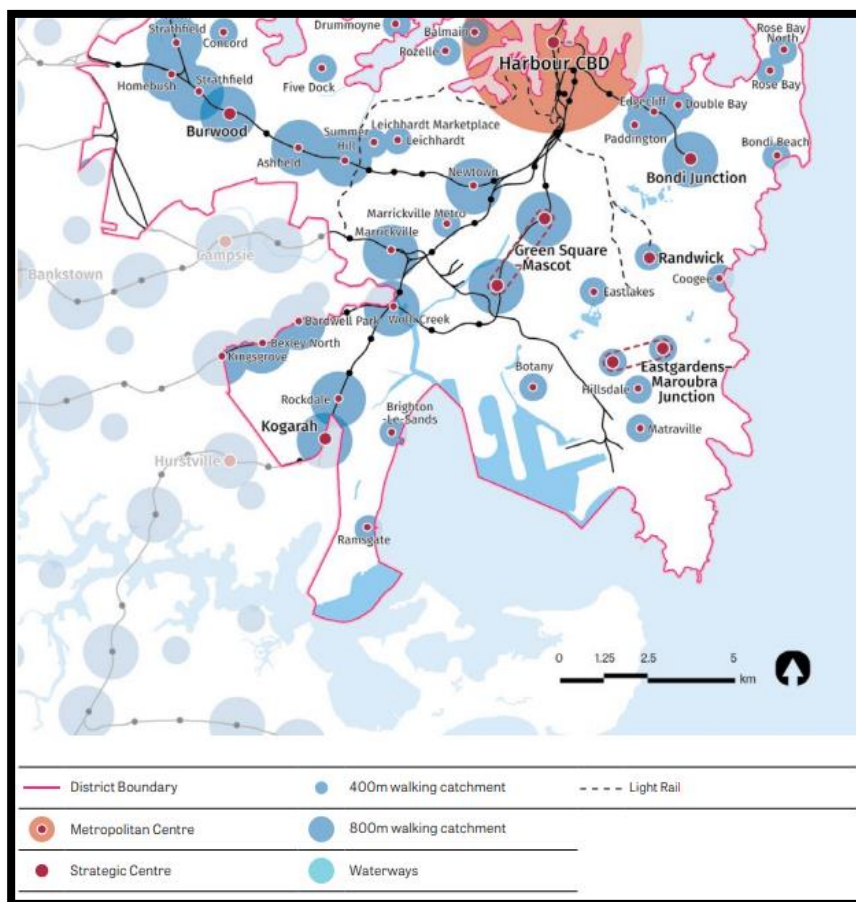


Figure 2: Eastern City District Plan - Centres

A site context map is provided at **Figure 3**.

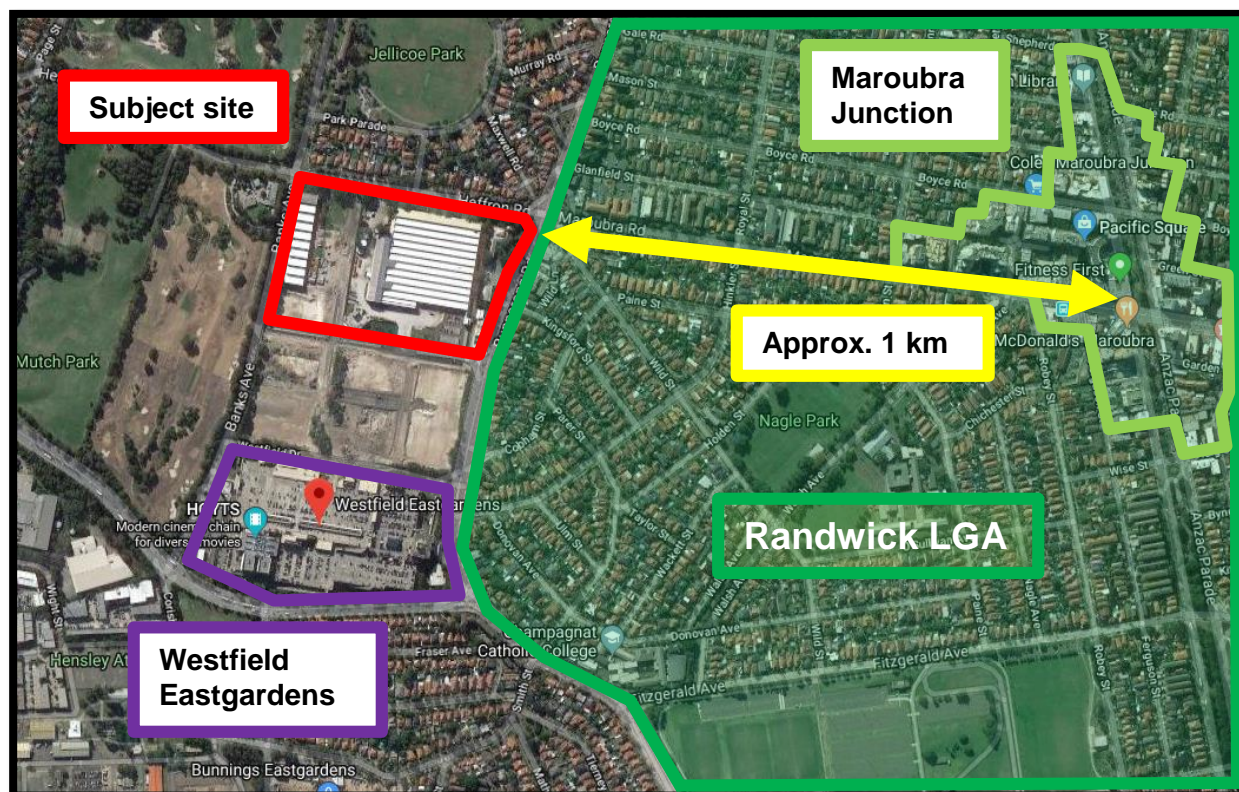


Figure 3: Site Context (Source: www.maps.six.nsw.gov.au)

The southern half of the BATA site (outside of the subject site) is currently zoned part R3 Medium Density Residential and part B4 Mixed Use. The permissible FSR is 1:1 and 3:1, and the maximum building height limit ranges from 11m to 44m.

Several major bus routes (including route 301, 302, 307, 391, 392, 400, X92) currently service the site with bus stops located to the north on Heffron Road, Bunnerong Road to the north-east of the site and at the Westfield Eastgardens bus terminal, south-east of the site. Buses operate. Current bus services provide access to the city, Bondi Junction, Mascot station and La Perouse.

Part 9D of the Botany Bay DCP contains specific controls for the broader BATA site. Land use zones directly adjoining the site comprise of R2 Low Density Residential to the north and east; and SP1 Recreation Facility (Outdoor) to the west (Bonnie Doon Golf Course). Westfield Eastgardens shopping centre, zoned B3 Commercial Core, adjoins the southern extent of the BATA site.

The site is located at the interface of Bayside and Randwick City LGAs. Extracts from the Botany Bay LEP 2013 and Randwick LEP 2012 maps detailing the existing planning controls for the subject site and immediate surrounds are provided below.

In summary, the existing statutory controls of note for the site under the Botany Bay LEP 2013 are:

- **Land Use Zone:** IN1 – General Industrial and R3 – Medium Density Residential
- **Maximum Floor Space Ratio:** 1:1
- **Maximum Height of Building:** 11m, 17m, 21m, 28m and 32m

- **Design Excellence:** Clause 6.16 Design Excellence identifies the subject site as “BATA” on both Key Sites Map 004 and Key Sites Map 005 of the Botany Bay LEP 2013, which triggers a need for any new buildings to be constructed at the site to comply with Clause 6.16 Design Excellence.

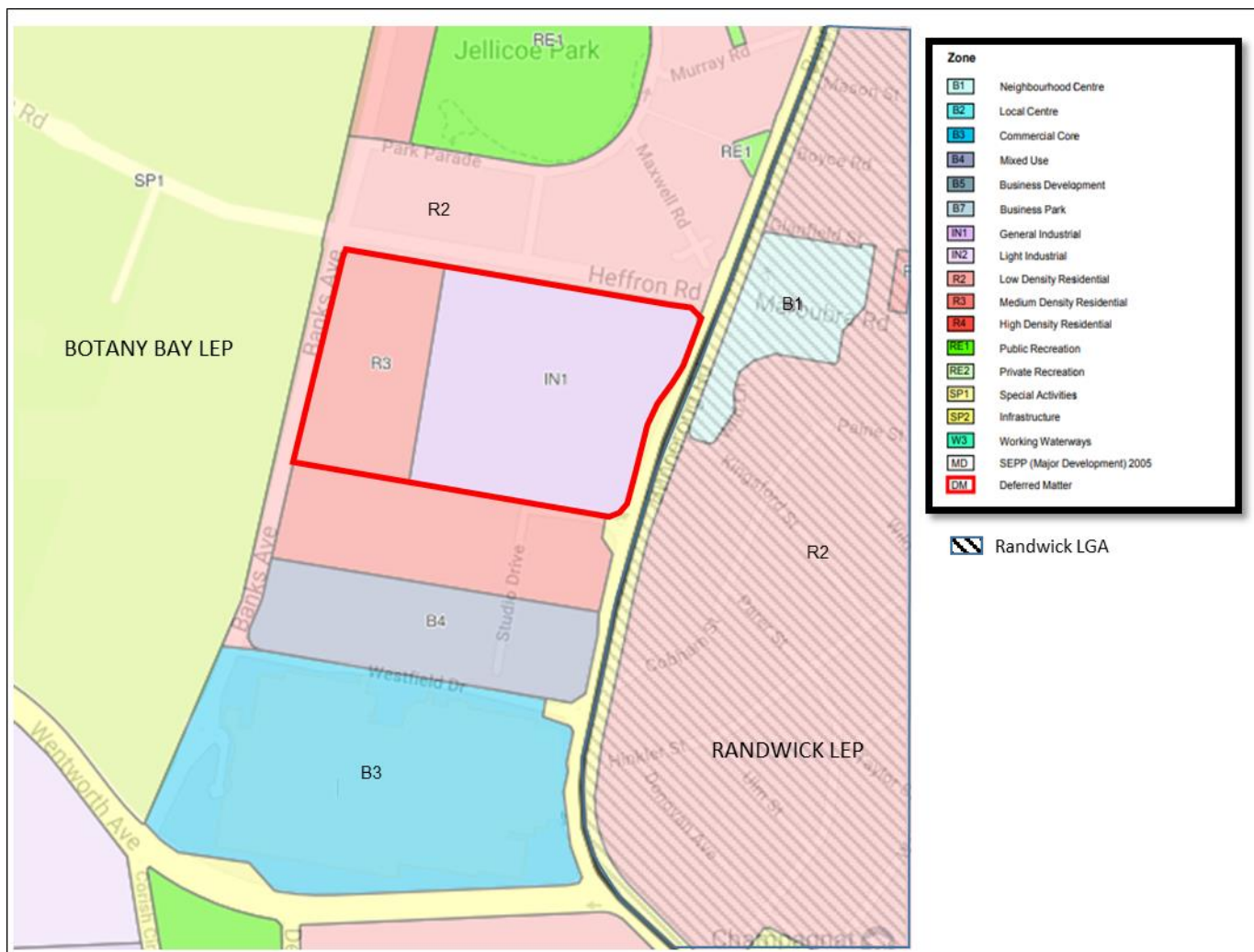


Figure 4 – Botany Bay LEP 2013 Zoning Maps: LZN_004 and LZN_005 Randwick LEP 2012 Land Zoning Map: LZN_003 [Subject site: IN1 General Industrial and R3 Medium Density Residential]
(Source: www.legislation.nsw.gov.au)

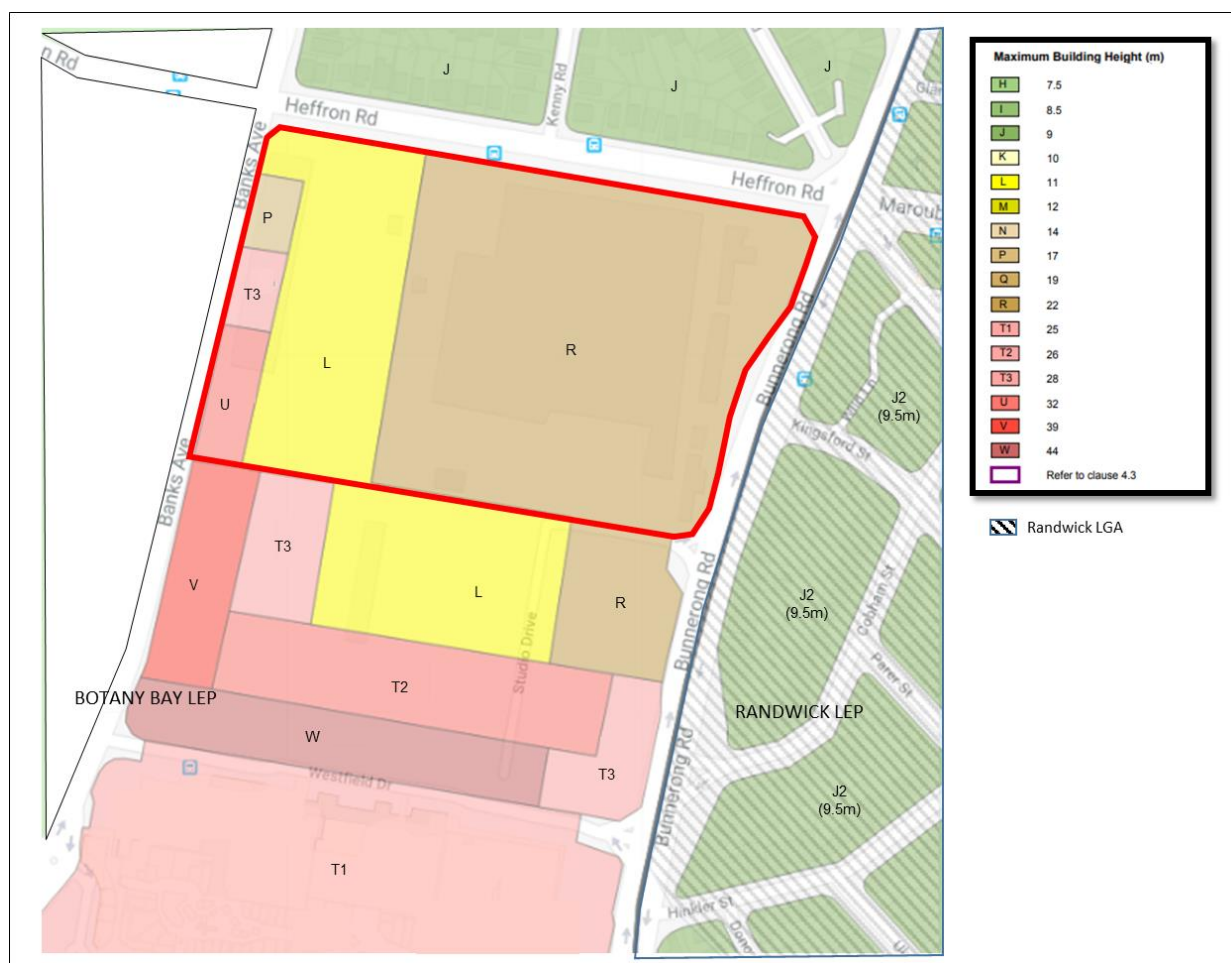


Figure 5 – Botany Bay LEP 2013 Height of Buildings Maps: HOB_004 and HOB_005 Randwick LEP
 2012_Height of Buildings Map_HOB_003
 Subject site: R – 22metres; T2 – 28metres; U – 32metres; P – 17metres; L – 11 metres
 (Source: www.legislation.nsw.gov.au)

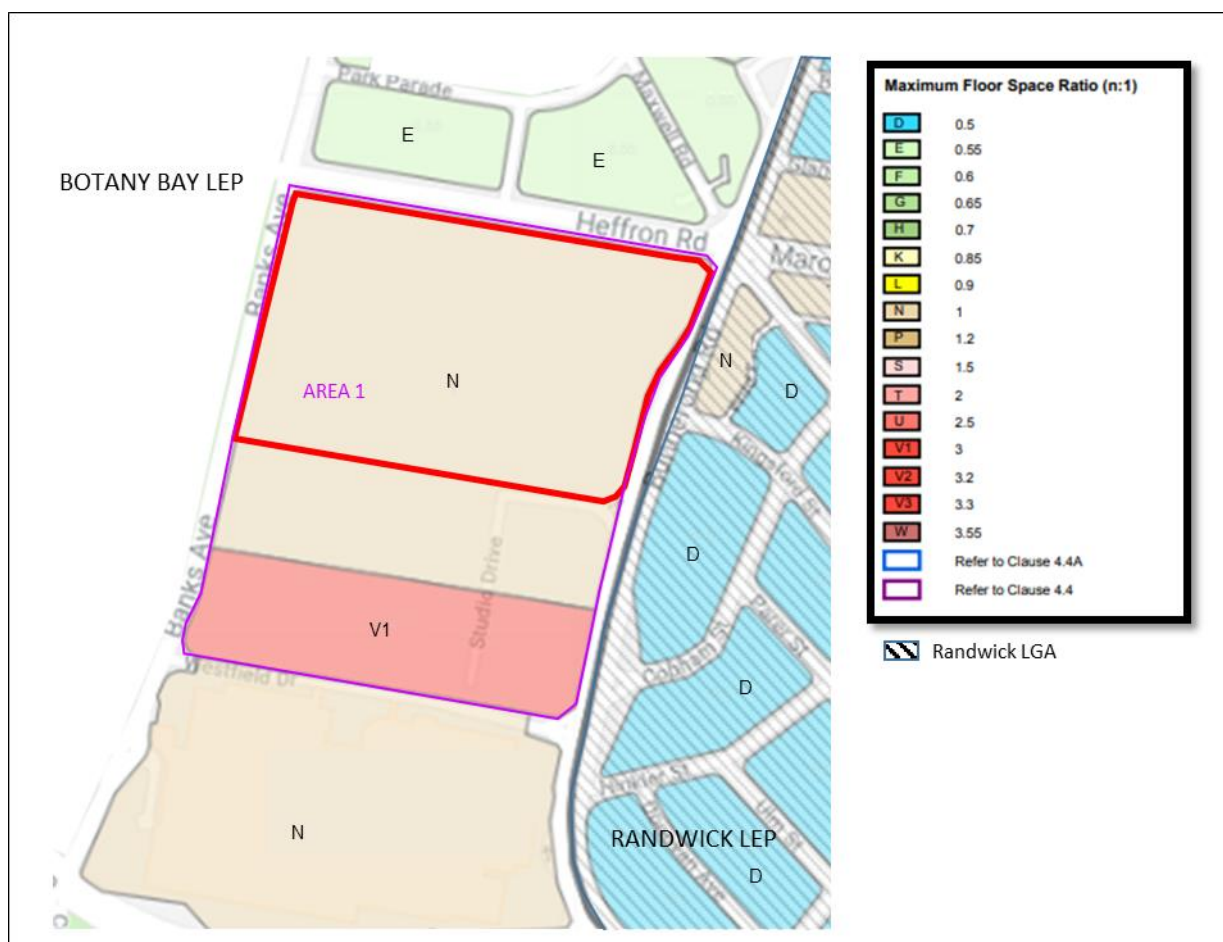


Figure 6 – Botany Bay LEP 2013 Floor Space Ratio Maps: FSR_004 (top) and FSR_005 (Bottom)
 Randwick LEP 2012_Floor Space Ratio Map_FSR_003
 [Subject site: N – 1:1] (Source: www.legislation.nsw.gov.au)

Planning Proposal Background

Lodgement

A Planning Proposal was lodged by Karimbla Construction Services (proponent) with Council on 13 April 2017, proposing the following amendments to the *Botany Bay Local Environmental Plan 2013* (Botany Bay LEP 2013):

- Rezoning the subject site from R3 Medium Density Residential and IN1 General Industrial to R4 High Density Residential;
- Amending the Floor Space Ratio (FSR) control from 1:1 to 2.35:1; and
- Amending the Height of Building controls from 11m, 17m, 21m, 28m and 32m to 28m and 65m.

Rezoning Review

A proponent may request a rezoning review by the Department of Planning if a council has not indicated support or responded to a proposal within 90 days. The Sydney Planning Panel determine whether proposals are consistent with regional and strategic plans and objectives and meet a strategic merit test. If the proposals meet the strategic test, it then determines whether they have site-specific merit regarding the impact on the natural environment, existing and future uses and the implications for services and infrastructure. To be successful, a proponent must meet both the strategic and site-specific merit test.

On the 20th July 2017, the proponent submitted a Rezoning Review to the Sydney Central Planning Panel (Planning Panel) because Council had failed to indicate its support for the proposal within 90 days after the proponent submitted a request to prepare a Planning Proposal.

On the 25th July 2017, the Department of Planning and Environment (DPE) wrote to Council advising of the request for a rezoning review and invited Council to provide comment.

In a letter dated 14th August 2017, Council wrote to the DPE outlining Council's outstanding concerns about the (then) Draft Planning Proposal (refer to **Attachment 7**). In summary, Council's primary concerns were:

- the conversion of employment land to residential and commercial uses in the absence of a Master Plan;
- the proposed height of buildings and FSR were considered to be 'planning by precedent', following the decision in the NSW Land and Environment Court on 7th August 2015 (refer to heading 'Planning History', above) rather than being based on strategic merit;
- compatibility with the scale of low density residential areas to the north and east, including future buildings in the southern portion of the BATA site;
- overshadowing of buildings in the southern portion of the BATA site and surrounding residential areas;
- car parking, traffic generation and connection to public transport, including consideration of the current Planning Proposal for the adjoining Westfield Eastgardens shopping centre;

- whether the proposed quantity of non-residential floor space was adequate or viable or could be increased to facilitate local services to support the surrounding community;
- that an assessment should be made of the potential for the site to be used for port-related industrial land use; and
- that a Voluntary Planning Agreement should accompany the Draft Planning Proposal.

On the 12th September 2017, the Sydney Central Planning Panel determined that the proposal demonstrated strategic and site-specific merit and should proceed to Gateway (**Attachment 2**). The Panel recommended that several impacts be addressed such as no additional overshadowing on development on the eastern side of Bunnerong Road, the provision of affordable housing and assurances from Transport for NSW that public transport will cope with the proposed population increase.

On the 27th September 2017, Council officers wrote to the Planning Panels Secretariat advising acceptance as Principle Planning Authority for the Planning Proposal.

Gateway Determination

On the 17th October 2017, Council officers wrote to the Department of Planning and Environment enclosing the Planning Proposal, and post lodgement additional information, requesting that DPE issue a Gateway Determination pursuant to the (former) section 56 of the EP&A Act. Council also provided DPE with peer reviews of the economic impact assessment, urban design review, and transport impact assessment.

In a letter dated 12th December 2017, the DPE issued a Gateway Determination (**Attachment 3**) subject to conditions. In the letter, DPE decided not to issue an authorisation for Council to exercise delegation to make the plan.

On the 2nd March 2018, the proponent lodged an addendum to the Planning Proposal and supporting reports.

Gateway Alteration

On the 4th September 2018, the proponent submitted an updated Planning Proposal to address the Gateway Determination. However, the updated Planning Proposal was inconsistent with the original Gateway Determination as it included:

- amended maximum building height of part 15m; part 39m and part 70m;
- a new clause at Schedule 1 Additional Permitted Uses to permit:
 - 'commercial premises', 'recreation facility (indoor)' and 'hotel and motel accommodation' with development consent; and
 - non-residential uses across the site must have a minimum total floor space of 5,000sqm.

It should be noted that when compared with the original Planning Proposal, the maximum building heights along a portion of the northern boundary fronting Heffron Road were reduced from 28m to 16.5m and the maximum building heights along a portion of the eastern boundary fronting Bunnerong Road were reduced from 65m to 37m. A comparison of the

maximum building height maps of the original and current Planning Proposal is provided below in **Figure 8**.

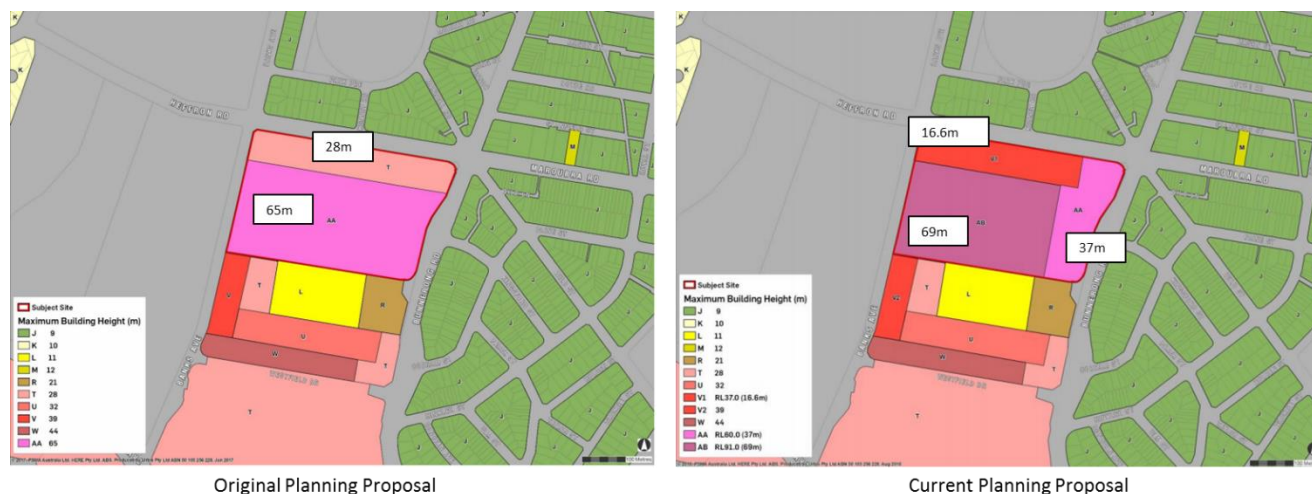


Figure 8 Comparison of Proposed Heights in Original and Current Planning Proposal

Given the changes to the original Planning Proposal, Council wrote to the DPE on 11th September 2018 requesting an Alteration to the Gateway Determination.

On the 9th October 2018 the DPE issued an Alteration of Gateway Determination. A copy of the Alteration of Gateway Determination is included as **Attachment 4**.

Planning Proposal

On the 15th November 2018, the proponent lodged an updated Planning Proposal in accordance with the Alteration of Gateway Determination and is the subject of this assessment report. The updated Planning Proposal formed the public exhibition package.

The current Planning Proposal (**Attachment 5**) seeks to amend the Botany Bay Local Environmental Plan 2013 as follows:

- Rezone the land from part IN1 General Industrial zone and part R3 Medium Density Residential zone to R4 High Density Residential zone;
- Amend the Floor Space Ratio control from 1:1 to 2.35:1;
- Amend the Height of Building control from part 32 metres, part 28 metres, part 22 metres, part 17 metres and part 11 metres, to part 16.6 metres (RL37.0), part 37 metres (RL60.0) and part 69 metres (RL91.0);
- Introduce a new clause that will require the preparation of a Development Control Plan for the site;
- Amend Schedule 1 Additional Permitted Uses of the BBLEP 2013 to permit 'commercial premises', 'recreation facility (indoor)' and 'serviced apartment' with development consent for the subject site; and
- Include a requirement that non-residential uses across the site must have a minimum total floor space of 5,000sqm.

A comparison of the current and proposed zoning and development standards for the site, based on the provisions of the Botany LEP 2013, is provided in **Table 2**, below:

Table 2: Existing and Proposed Zoning and Development Standards

Development standard	Existing	Proposed
Building height	11 metres to 32 metres	16.6 metres (RL37.0), part 37 metres (RL60.0) and part 69 metres (RL91.0)
Floor space ratio	1:1	2.35:1
Zone	R3 Medium Density Residential IN1 General Industrial	R4 High Density Residential

A summary of dwelling numbers and Stage 1 BATA and the current planning is provided below:

- Stage 1 currently includes approval for 1,300sqm retail, 2,223 residential units and a 300sqm warehouse remaining (although it was initially approved with 5,000sqm retail).
- The current Planning Proposal absorbs two urban blocks from Stage 1, which included 376 residential units and two child-care centres and the remaining warehouse
- The current Planning Proposal includes 5,000sqm retail, 2,015 residential units and two child-care centres

This is an additional 1,639 residential units and 1,300sqm retail on the BATA site as a whole as a result of the Planning Proposal.

Draft Council Master Plan

In 2016, former Botany Council commissioned Hill Thalys to prepare a Draft Master Plan for the northern part of the BATA site. The Draft Master Plan envisaged a wedge park in the centre of the site, community uses, building heights of 4-20 storeys and a maximum FSR of 1.62:1 or 1.8:1 should the site be supported by new major public transport such as metro or light rail. The Draft Master Plan was never formally endorsed by Council. The Draft Master Plan is illustrated overleaf in **Figure 9**.



Figure 9 Council's Draft Master Plan

In 2017, the proponent submitted an urban design report and Concept Master Plan as part of the Planning Proposal. The proposed Master Plan displayed building heights from 8-20 storeys and an FSR of 2.35:1. Council commissioned Hill Thalys to undertake a peer review of the proponent's scheme (**Attachment 8**) which stated that whilst the layout was of a similar approach to the above Draft Master Plan, the proponent's original Concept Master Plan (**Figure 10**) was at a less desirable orientation which resulted in increased overshadowing and a disconnection of the street network.



Figure 10 Proponent's Original Proposed Master Plan

Hill Thalys made recommendations to refine the originally submitted Draft Master Plan to complete and orient the public street network to optimise solar access, make public parks and spaces more defined, align tower elements north-south to minimise overshadowing and that no above ground car parking should be permitted. The peer review states that 8 storey buildings along the northern edge of the site are not considered low scale and that no viable case for an increased FSR of 2.35:1 had been provided by the proponent. Hill Thalys provided an amended Concept Master Plan (**Figure 11**) which included an FSR of 2:1 and building heights ranging from 6.5-20 storeys.



Figure 11: Hill Thalys Amended Concept Master Plan

The Department of Planning and Environment (DPE) when issuing the Gateway Determination for the Planning Proposal stated that *“there is merit to adopt an FSR of 2.35:1 as the proponent’s urban design analysis and concept plan illustrates a layout and building arrangement that can be designed to comply with SEPP 65 and the associated ADG, whilst minimising overshadowing to existing residential properties located on the east of the site (Bunnerong Road)”*. DPE considered that Council’s peer review did not definitely substantiate that the desired outcomes for the site could only be achieved at an FSR of 2:1 and therefore, DPE adopted an FSR of 2.35:1 when endorsing the Planning Proposal for Gateway Determination.

Built Form

The Planning Proposal is supported by an urban design report and proposed Concept Master Plan prepared by SJB Architects., which represents an indicative concept scheme (**Attachment 6**). The proposed Concept Master Plan provides information relating to public domain structure, building envelopes, built form and open space typologies, building separation, subdivision, development yield and distribution, landscaping, open space, solar access and overshadowing, among other matters.

The proposed Concept Master Plan has been refined to address comments made by Hill Thalys in their peer review of the original scheme, including building separation and solar access and is generally consistent with the Hill Thalys scheme.

The proponent states that the Planning Proposal would enable a high density residential development comprising approximately 2,015 new dwellings.

A summary of the proposed Concept Master Plan is provided below:

- The proposed Master Plan seeks to deliver a range of uses including residential, commercial, retail, urban services and open space within including:
 - Approximately 2,015 new residential dwellings
 - 2 x 75-place child care centres
 - 5,000sqm of complementary non-residential uses including commercial floor space, serviced apartments and a gymnasium
 - Approximate 2ha of embellished public open space
- Building heights proposed range between 2 and 20 storeys:
 - 2-3 storey town houses to the north of the site adjacent to Heffron Road
 - 3-4 storey podium blocks with taller tower elements reaching up to 20 storeys
- Car parking is proposed to be accommodated within the podium levels of the proposed buildings within up to 1 level of basement. The Concept Master Plan indicates a total of 2,438 car space to be provided within the development envelopes. This represents a reduced car parking rate than that required by BBDCP 2013 and provided as part of Stage 1 BATA.
- The Concept Master Plan indicates access to the site from the existing road off Bunnerong Road and the provision of pedestrian footpath and public roads.

The indicative concept design for the site is provided below in **Figure 12 and 13**.

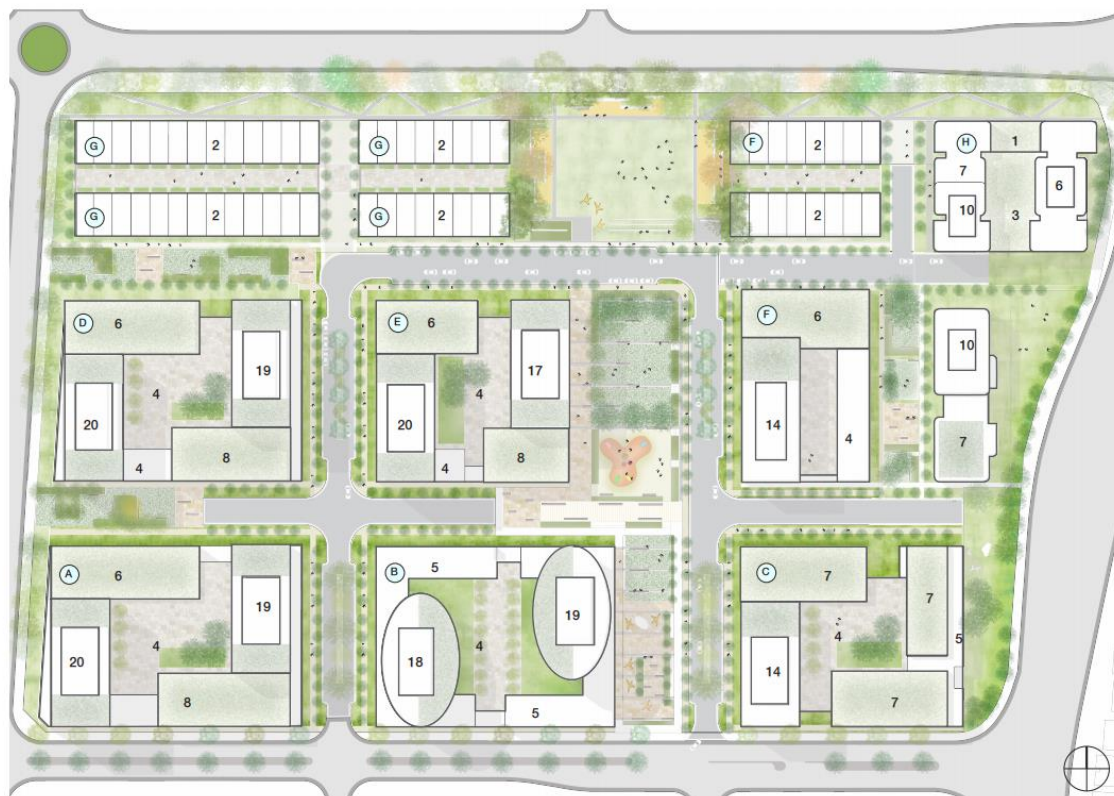


Figure 12 Proposed Concept Master Plan – Site Layout

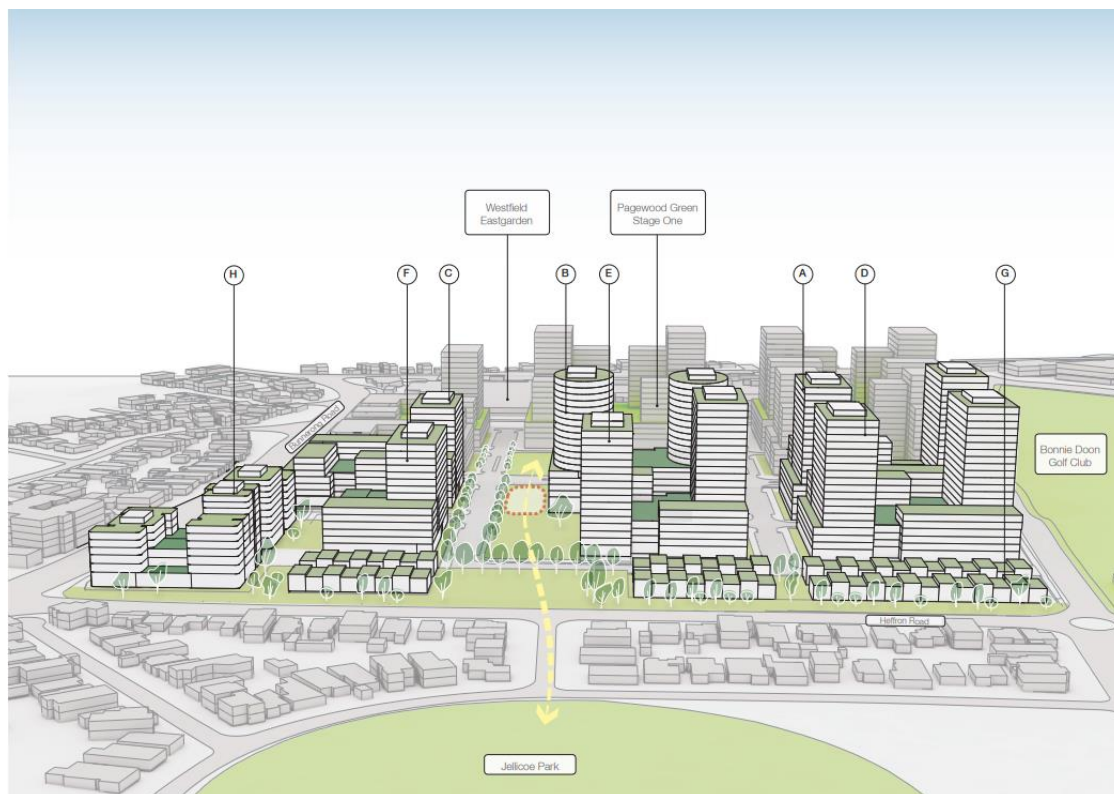


Figure 13 Proposed Concept Master Plan – 3D Perspective

It should be noted that the proposed Concept Master Plan is indicative only, and is not being endorsed by Council as part of the Planning Proposal process, nor does it constitute or pre-empt a future Development Application. A site specific Development Control Plan (DCP) or future Concept Development Application provides an opportunity to further refine details of the proposal during the assessment process.

Revised Concept Schemes

In response to comments made by the Bayside Local Planning Panel 30 April 2019, the proponent submitted a revised concept scheme (dated 23 May 2019), in order to address concerns raised relating to bulk, scale and overshadowing (**Attachment 9**).

The revised scheme demonstrates the retention of a maximum FSR of 2.35:1, however includes additional levels of basement car parking which results in reduced podium heights, reduced building heights, and increased solar access to the public open space within the site, and Central Park to the south of the site. The revised scheme is provided at Figure 14 below:



Figure 14: Revised concept scheme retaining FSR of 2.35:1

The proponent also provided a revised scheme demonstrating a maximum FSR of 2:1 as per the Panel's recommendation. The FSR 2:1 scheme results in further reductions to podium and building heights compared with the Revised Concept scheme, improved solar access to public open space within the site, and reduced overshadowing to the south of the site, compared with the Revised Concept scheme.

A comparison of the original concept scheme and revised concept scheme, both with an FSR of 2.35:1, and the revised concept scheme with an FSR of 2:1, is provided at Figure 15 below:



Original concept with 2.35:1 FSR

Key Data:

- GFA = 210,490sqm
- 20,208sqm public open space
- 60% Solar access to open space for more than 3 hours or more
- Building heights vary from 2 storeys to 20 storeys
- Podium car parking integrated into development



Revised concept with 2.35:1 FSR

Key Data:

- GFA = 210,490sqm
- 20,208sqm public open space
- 69% Solar access to open space for more than 3 hours
- Building heights vary from 2 storeys to 20 storeys
- Basement and podium car parking integrated into development
- VPA/Affordable housing offer maintained



Revised concept with 2:1 FSR

Key Data:

- GFA = 179,140sqm
- 20,208sqm public open space
- 70% Solar access to open space for more than 3 hours
- Building heights vary from 2 storeys to 20 storeys
- Basement and above ground car parking integrated into development
- VPA/Affordable housing offer reduced

Figure 15: Comparison of original scheme (FSR 2.35:1), revised scheme (FSR 2.35:1) and revised scheme (FSR 2:1)

This is discussed later in this report under the section titled 'Bayside Local Planning Panel'.

Development Control Plan (DCP)

Whilst the Planning Proposal includes a new clause requiring a DCP to be prepared prior to development consent being granted on the site, Clause 4.23 of the Environmental Planning

& Assessment Act (EP&A Act) 1979 also allows a Concept Development Application (in lieu of a site specific DCP) to be prepared prior to development consent being granted.

The Planning Proposal outlines the draft clause which includes specific considerations that a future DCP or Concept Development Application are required to address issues such as:

- design principles drawn from an analysis of the site and its context,
- the compatibility of the proposed development with the desired future character of the area,
- distribution of land uses, including open space (its function and landscaping) and environment protection areas,
- encouraging sustainable transport, including increased use of public transport, walking and cycling, road access and the circulation network and car parking provision, including integrated options to reduce car use, and
- environmental impacts, such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity.

The proposed drafting of the clause in full can be found on page 37 of the Planning Proposal (**Attachment 5**). The final drafting of the clause will be at Parliamentary Counsels discretion.

Voluntary Planning Agreement (VPA)

The Planning Proposal is accompanied by a VPA which includes the:

- dedication of Affordable Housing Units, containing a total of 100 bedrooms within a maximum of 50 units;
- embellishment and dedication of a minimum of 20,000sqm of open space;
- dedication of public roads;
- monetary contribution of \$23,900,000.00; and
- monetary contributions that would otherwise have been required to be paid under the Development Contribution Plan.

The details of the VPA are included in a separate report to Council.

Assessment of the Planning Proposal

Environmental Planning and Assessment Act 1979 (EP&A Act)

The NSW Department of Planning and Environment's A Guide to Preparing Planning Proposals (The Guide) - issued under s3.33 (3) of the EP&A Act - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted Planning Proposal by Council staff has been undertaken in accordance with the latest version of The Guide (dated December 2018).

Section 9.1 Directions by the Minister

Section 9.1 Directions by the Minister (s.9.1 directions) set out what a Planning Proposal Authority (PPA) must do if an s9.1 Direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the Planning Proposal against the applicable s9.1 directions is provided in **Table 3**.

Table 3: Planning Proposal consistency with s9.1 directions issued on or after 1 July 2009 (updated 28 February 2019)

Ministerial Direction	Planning Proposal consistency with direction	Consistent
1.1 Business and Industrial Zones	<p>What a PPA must do:</p> <p><i>A RPA must ensure that a Planning Proposal:</i></p> <ul style="list-style-type: none"> (a) Give effect to the objectives of this direction, (i.e. encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres), (b) Retain the areas and locations of existing business and industrial zones, (c) Not reduce the total potential floor space area for employment uses and related public services in business zones, (d) Not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment. <p><u>Comment:</u> The Planning Proposal seeks to rezone a portion of the site from IN1 – Light Industrial to R4 – High Density Residential and will therefore result in the loss of 6ha of industrial land.</p> <p>The proposal is supported by an Economic Impact Assessment undertaken by Urbis (Attachment 10), which concludes that the proposed development will result in an increase in employment and economic development on the site, both during the construction phase and ongoing operations of the proposed land uses and outlines that the site is low quality and underutilised industrial land.</p> <p>In 2017, Council engaged Hill PDA (Attachment 11) to undertake a peer review of the Economic Impact</p>	<p>NO (considered to be justified by Department of Planning and Environment Secretary's delegate – please refer to Attachment 3)</p>

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>Assessment. The review concluded that there was significant justification to rezone the subject site to allow for residential and mixed use land uses, despite the loss of 6ha of industrial land.</p> <p>At the time of the Gateway Determination, dated 12 December 2017, the Secretary of the Department of Planning and Environment concluded that the proposal's inconsistency with this Direction was justified as the <i>"proposal will enhance economic activity and create employment opportunities on the site, contributing to the viability of the strategic centre"</i>, and that no further consideration was necessary.</p>	
2.3 Heritage Conservation	<p>What a PPA must do:</p> <p><i>(4) A Planning Proposal must contains provisions that facilitate the conservation of:</i></p> <p><i>(a) items, places, buildings, works, relics, moveable object or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, nature or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.</i></p> <p><u>Comment:</u> A number of built items of heritage significance have been identified on the site associated with the Pagewood General Motors Holden factory (Pagewood GM factory) that previously occupied the site.</p> <p>However, the identified items of heritage significance are not currently included in the State Heritage Register, or identified as items of environmental heritage in Schedule 5 (Environmental Heritage) of the Botany Bay LEP 2013, and, therefore, the Direction does not apply.</p> <p>Notwithstanding, the proponent submitted a Heritage Impact Statement (HIS) (Attachment 12) prepared by Urbis. The HIS was peer reviewed by Council's consultant Heritage Advisor, who considered that the submitted HIS was inadequate in terms of the analysis of historical and aesthetic significance of the site.</p> <p>Council officers contacted the Listings Officer of the Heritage Division, Office of Environment and Heritage (OEH) via email dated 5 September 2017, seeking clarification about the site's heritage significance. On 19 September 2017, OEH's Listings Officer responded to Council's enquiry and confirmed that the building</p>	YES

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>was not heritage listed.</p> <p>Based on the above, Council officers concluded the following:</p> <p><i>“The former General Motors Holden plant in Pagewood, including the administration building, the plant towers and the northern wall of the bond store are considered to have heritage value. The applicant’s consultant Urbis also considers the site to have heritage significance.</i></p> <p><i>.... the site has heritage value and that the heritage values of the place should be acknowledged and protected.”</i></p> <p>Currently, there is no statutory requirement to retain any buildings/items on the site on the grounds of heritage conservation. Despite the heritage values of the buildings identified within the HIA and by Council officers, a Complying Development Certificate was issued in July 2018 (Attachment 13) for the demolition of the administration building on the subject site.</p> <p>The Planning Proposal outlines that whilst no original buildings are being retained and preserved as part of the proposal, an interpretation strategy and archival recording of the site will be undertaken and addressed in future DA’s for development on the subject site.</p>	
<p>3.4 Integrating Land Use and Transport</p>	<p>What a PPA must do:</p> <p><i>A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001), (Guidelines).</i></p> <p><u>Comment:</u> The Guidelines encourage the location of higher density housing ‘to mix in centres with offices, services and retail development.’ The Planning Proposal seeks to facilitate a substantial high-density residential development adjacent to nearby bus routes. It is equally important that business and services are located close to public transport, as identified in the Guidelines.</p> <p>Council staff had identified that the Planning Proposal required further clarification on the current and project capacity of public transport services in the locality, to</p>	<p>YES</p>

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>determine whether the proposal was consistent with this Local Planning Direction.</p> <p>In an email dated 30 April 2019, TfNSW responded to enquiries made by Council on current and projected public transport capacity in the locality, stating:</p> <p><i>Capacity, on-time running and other metrics regarding bus services provided by TfNSW are monitored. Such services are enhanced from time to time as resources permit via the annual Growth Service Programme. In the case of the South East Sydney area a new bus network is being developed and will likely be implemented with the opening of the light rail service. Details of the new network will be made public prior to the opening of the new light rail service. The proposed land use changes by the Proponent and the likely implications for travel demand in this area at this location is being considered.</i></p> <p>The comments received from TfNSW indicated that any proposed land use changes (either resulting from the Planning Proposal or a future DA at the site) would be considered in forward planning for the locality by TfNSW. Despite these comments, in part of their subsequent recommendation on 30 April 2019, the Bayside Local Planning Panel stated that:</p> <p>3. <i>This Panel notes the Sydney Central Planning Committee in September 2017 required the PP to be revised to respond to a number of issues including a detailed transport report with “assurance from Transport New South Wales that public transport will cope with the proposed population increase”. Such an assurance has not been received to date, although it is noted there are ongoing discussions.</i></p> <p>Council again made contact with TfNSW on 29 May 2019 to seek further assurances from TfNSW that the existing public transport network can support the anticipated increase in population that would result from the Planning Proposal.</p> <p>Given the comments provided by TfNSW on 30 April 2019, and their commitment to consider the proposed land use changes included in the Planning Proposal, and the associated travel demands that could result when considering network planning and service provision, there is deemed to be adequate assurance from TfNSW that the agency understands the scale of</p>	

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>the proposal and the likely impacts.</p> <p>Furthermore, any additional assurances could be sought from TfNSW in association with any future DA(s) for the subject land.</p>	
<p>3.5 Development Near Licensed Aerodromes</p>	<p>What a PPA must do:</p> <p><i>In the preparation of a Planning Proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> <i>consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</i> <i>take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</i> <i>for land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</i> <i>obtain permission from that Department of the Commonwealth, or their delegate, where a Planning Proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> <p><u>Comment:</u></p> <p>The direction applies because the Planning Proposal seeks to alter the height of building provision relating to land in the vicinity of a licensed aerodrome, namely, Sydney Airport.</p> <p>The Obstacle Limitation Surface (OLS) prescribed for the site is 51m AHD. The proposal includes a maximum height of 91 metres (RL) AHD which exceeds, by 40 metres, the prescribed OLS for the site.</p> <p>In accordance with the Gateway Determination, Council consulted with the Civil Aviation Safety Authority (CASA) and Sydney Airport Authority (SAA). It should be noted, that the Gateway Determination for the Planning Proposal did not require consultation with the Department of Infrastructure and Regional Development and Cities (DIRDC), however DIRDC</p>	<p>YES</p>

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>were consulted in accordance with part 5(d) of this Direction.</p> <p>The relevant public agencies did not have any objection to the proposal and DIRDC have since issued a 'Controlled Activity Approval' (Attachment 14) to a maximum height of 91m AHD for the subject site. As such, aeronautical issues are considered to have been resolved and the proposal is consistent with this direction.</p>	
<p>6.3 Site Specific Provisions</p>	<p>What a PPA must do:</p> <p>The direction requires that a PPA must discourage unnecessarily restrictive site specific planning controls.</p> <p><u>Comment:</u> The Planning Proposal intends to include 'commercial premises', 'serviced apartments' and 'recreation facilities (indoor)' as Additional Permitted Use (APU) on site and include a requirement for a minimum of 5000sqm of commercial or non-residential uses to be provided.</p> <p>The proposal is considered to be consistent with this Direction as it does not restrict development on site, and allows a number of complementary uses on site to service the future residents of the site. The proposed clause also allows the continuation of employment uses as the site transitions from an industrial site to a strategic centre.</p>	YES
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>[Superseded by: The Greater Sydney Region Plan - A Metropolis of Three Cities]</p>	<p>What a RPA must do:</p> <p><i>Planning Proposals shall be consistent with:</i> <i>(a) the NSW Government's A Plan for Growing Sydney published in December 2014.</i></p> <p><u>Comment:</u> A Plan for Growing Sydney is the former regional plan for Greater Sydney. It was replaced by <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> in March 2018.</p> <p><i>Objective 6: Services and infrastructure meet communities changing needs</i></p> <p>The Planning Proposal includes the intention to deliver childcare centres, commercial services (minimum 5000sqm) and 2ha of open space to meet the needs of existing and future residents. The associated</p>	YES

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>Voluntary Planning Agreement incorporates provisions for realising some of these intended planning outcomes.</p> <p>Please refer to the response in Direction 3.4 <i>Integrating Land Use & Transport</i> above, which includes comments from TfNSW regarding the timing of future network and service planning.</p> <p><i>Objective 10: Greater housing supply</i> The Planning Proposal is anticipated to deliver 2,015 dwellings on the site which is located in the Eastgardens-Maroubra strategic centre. As such the proposal will contribute to providing a range of housing types across the site with access to existing and proposed services. The proposal also includes the delivery of 50 affordable housing dwellings.</p> <p><i>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</i> This objective focuses locating land uses in locations with access to public transport to enable the delivery of a 30 minute city where residents can access the nearest centre, jobs and services.</p> <p>The site is supported by high frequency bus routes which enables access to employment opportunities such as Sydney CBD and Sydney Airport. The site is also located within walking distance to Westfield Eastgardens which includes a range of retail and commercial services.</p> <p>The Plan references the TfNSW Future Transport Strategy 2056 which identifies the potential extension of a new train/mass transit corridor to Maroubra Junction in the next 10-20 years, however, this extension is not committed to at this time.</p> <p><i>Objective 22: Investment and business activity in centres</i> The Plan identifies the site as being part of the Eastgardens-Maroubra Junction strategic centre. The proposal will provide a minimum of 5000sqm commercial floor space which is expected to increase employment opportunities within the site and contribute to the establishment and growth of the surrounding strategic centre.</p> <p><i>Objective 23: Industrial and urban services land is planned, retained and managed</i> The Planning Proposal is not consistent with this</p>	

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	<p>objective as it proposes to rezone industrial land to high density residential. As discussed above in the review against Direction 1.1 Business and Industrial Zones, the Gateway Determination considers the inconsistency with this objective to be justified stating <i>“the Planning Proposal is considered justifiably inconsistent with this Direction as the proposal will enhance economic activity and create employment opportunity on the site, contributing to the viability of the strategic centre.”</i></p> <p>The Economic Impact Assessment (EIA) (Attachment 10) prepared by Urbis depicts that the Planning Proposal would result in the loss of 6ha of industrial land in Bayside. However, Urbis considers that the site is considered to be poor quality industrial land as it is not located in close proximity to the ports areas and is surrounded by residential on all sides.</p> <p>Similarly, the peer review of the (EIA) by Hill PDA (Attachment 11) concludes that the BATA site is no longer operational and is not considered significant employment land as it has inadequate transport accessibility and conflicts with surrounding residential land uses.</p> <p>The Gateway Determination includes a requirement for a minimum of 5000sqm of commercial or non-residential uses to be provided which is anticipated to generate more employment on the site than what is currently being provided.</p> <p><u>Comment:</u> In October 2018, the Greater Sydney Commission (GSC) released an Information Note (SP2018-1) relating to transitional arrangements regarding industrial and urban services land.</p> <p>As the Planning Proposal was lodged and the Gateway Determination issued prior to March 2018, transitional arrangements apply to the proposal. The Information Note states that if a Planning Proposal received Gateway Determination prior to the adoption of the District Plans in March 2018 and had satisfied the relevant conditions on the Gateway Determination, then the Planning Proposal can proceed to public exhibition and finalisation in the usual manner.</p> <p>The Information Note also states that if the Planning Proposal proceeds to finalisation, a sunset clause will be inserted into the LEP prescribing a timeframe for</p>	

Ministerial Direction	Planning Proposal consistency with direction	Consistent
	the lodgement of a future DA. However, given that Bayside Council do not have delegation to finalise the Planning Proposal, this is a matter for DPE to consider.	

State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs is provided in **Table 4**, below.

Table 4: Relevant State Environmental Planning Policies

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/N
State Environmental Planning Policy (Infrastructure) 2007	<p>The Infrastructure SEPP aims to facilitate the delivery of infrastructure across the State by identifying matters to be considered in the assessment of development adjacent to particular types of development.</p> <p>The site has a frontage to Bunnerong Road, being a classified road. Should Council and DPE support to Planning Proposal, any future DA will be required to be referred to Roads and Maritime Services (RMS) for comment as the development is likely to constitute 'traffic generating development' as defined by the SEPP.</p> <p>Any future DA will also be required to consider the publication '<i>Development Near Rail Corridors and Busy Roads – Interim Guideline.</i>' (Department of Planning, 2008).</p>	YES
SEPP No 55—Remediation of Land	<p>Clause 6 - Contamination and remediation to be considered in zoning or rezoning proposal</p> <p>(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning</p>	YES

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/N
	<p>authority is satisfied that the land will be so remediated before the land is used for that purpose.</p> <p>(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).</p> <p><u>Comment:</u> The Planning Proposal is requesting a more sensitive use be permitted on a site where potentially contaminating activities have occurred in relation to an existing industrial site (General Motors Holden and BATA). As such, the Planning Proposal is supported by a 'Summary of Previous Investigations' (refer Attachment 15), prepared by Douglas Partners. Council staff have considered these and have not raised any objections to the Planning Proposal in regards to contamination, subject to all recommended further investigations being addressed at the Development Application stage.</p> <p>Based on the above, the Planning Proposal complies with Clause 6 of SEPP 55 and is considered suitable for rezoning to residential purposes.</p>	
SEPP 65 – Design Quality of Residential Flat Buildings	<p>The Planning Proposal is supported by an urban design report and proposed Concept Master Plan. The proposed Concept Master Plan is indicative only, although it has demonstrated that the proposed amendments to height and FSR will be able to be achieved and comply with SEPP 65 and the associated Apartment Design Guide (ADG).</p> <p>The concept scheme will be further refined to address the requirements of the DCP (as per the proposed clause to be included within BBLEP 2013) and ensure ADG standards are met. This will be subject to detailed assessment at DA stage.</p>	YES

There are no other SEPPs applicable to the Planning Proposal.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the Planning Proposal.

Relationship to Strategic Planning Framework

Regional, Sub-Regional and District Plans and Strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure.

An assessment of the Planning Proposal's consistency with the relevant strategic plans is provided in **Table 5**, below.

Table 5: Strategic Planning Framework

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
Regional Plans			
The Greater Sydney Region Plan – A Metropolis of Three Cities	Refer to the assessment at Table 3 , above.	Refer to the assessment at Table 3 , above.	YES
District Plans			
Eastern City District Plan (ECDP)	E1 Planning for a city supported by infrastructure	<p>Comment: This priority requires that land use planning aligns with infrastructure planning. Development that would be facilitated by the Planning Proposal would see a significant volume of population growth in the area. The Due Diligence Report prepared by AT&L (Attachment 16) states that essential services are available and can accommodate the intended outcomes of the Planning Proposal. The associated VPA also makes contributions to social infrastructure upgrades amongst other items.</p> <p>Several major bus routes currently service the site with bus stops located on Heffron Road, Bunnerong Road and at the Westfield</p>	YES

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	<p>E3 Providing services and social infrastructure to meet people's changing needs</p> <p>E4 Fostering healthy, creative, culturally rich and socially connected</p> <p>Planning Priority E3 – Providing services and social infrastructure to meet people's changing needs</p>	<p>Eastgardens bus terminal. Please refer to the response in Direction 3.4 <i>Integrating Land Use & Transport</i> above, which includes comments from TfNSW regarding the timing of future network and service planning.</p> <p>Comment: Transitioning the site from Industrial to mixed use, including residential, requires substantial upgrades to the existing services and social infrastructure to meet the social needs of future occupants.</p> <p>The Planning Proposal will facilitate the provision of 2ha of public open space provided on site and contributions to upgrades of surrounding social infrastructure facilities.</p> <p>Comment: The Planning Proposal seeks to provide parks, recreational facilities and uses that will service the community within walking distance from where future residents will live.</p> <p>Comment: This priority encourages the provision of services</p>	

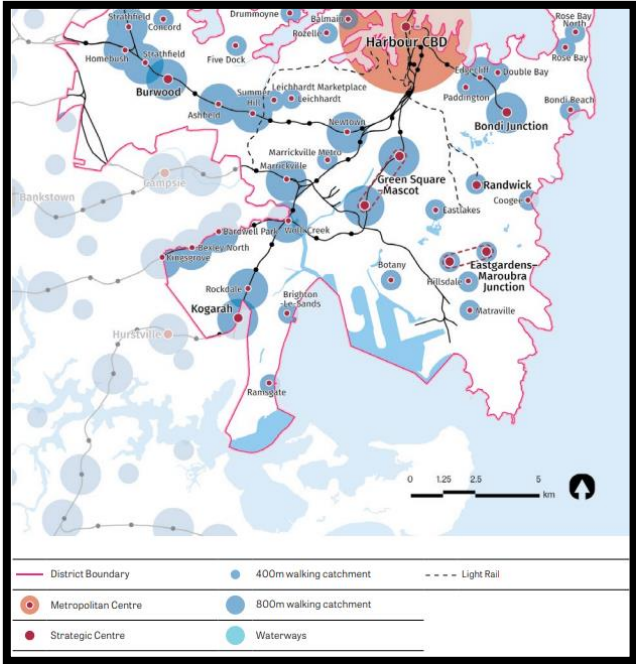
Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	<p>Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport</p>	<p>and social infrastructure to meet the needs of future residents. The ECDP identifies and increase in the number of young children under 4 years old and older people. As such, the Planning Proposal states that the future development is to include 2 childcare centres in order to meet future demand on such social infrastructure. The proposal also includes minimum floor space provisions for commercial and non-residential floor space to support the provision of services to the site and surrounds.</p> <p>Comment: This priority encourages the provision of new housing in the right places and coordinated with local infrastructure to create liveable neighbourhoods with access to shops, services and public infrastructure.</p> <p>The Planning Proposal is anticipated to facilitate the delivery of 2,015 dwellings on the site which would represent a significant portion of Bayside LGA's five-year housing target identified in the ECDP. The proposed development is</p>	

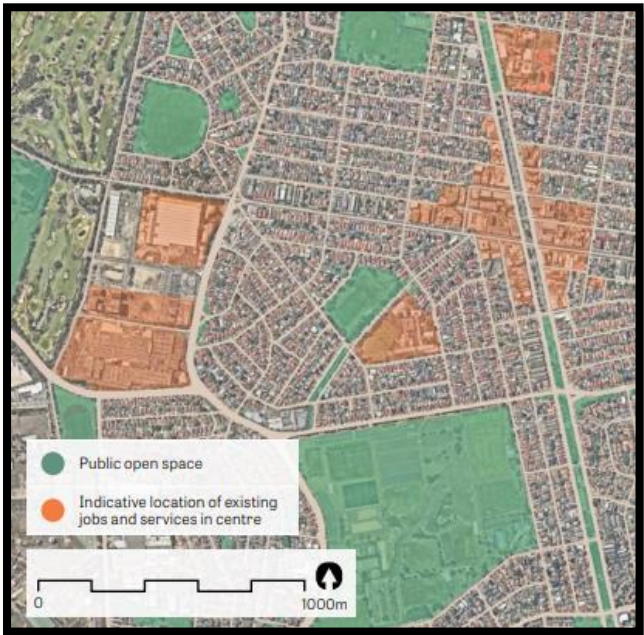
Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	<p>Planning Priority E6 -</p>	<p>anticipated to include a range of dwelling types, as well as the provision of shops and services on site.</p> <p>In line with the ECDP, the proposal also includes 50 affordable housing units to be provided as part of future development.</p> <p>The ECDP outlines that opportunities from urban renewal, such as the current proposal, should be considered by location and by capacity of existing and proposed infrastructure. Several major bus routes (including route 301, 302, 307, 391, 392, 400, X92) currently service the site with bus stops located to the north on Heffron Road, Bunnerong Road to the north-east of the site and at the Westfield Eastgardens bus terminal, south-east of the site. Buses operate. Current bus services provide access to the city, Bondi Junction, Mascot station and La Perouse. Please refer to the response in <i>Direction 3.4 Integrating Land Use & Transport</i> above, which includes comments from TfNSW regarding the timing of future network and service planning.</p> <p>Comment:</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	<p>Creating and renewing great places and local centres, and respecting the District's heritage</p> <p>Planning Priority E10 - Delivering integrated land</p>	<p>This priority aims to create places for future residents to support social connections and provide a community hub, as well as enhancing environmental heritage.</p> <p>The Planning Proposal outlines an indicative design for the site which includes areas of public open space and activates street frontages in some areas of the site which will contribute to the establishment of the site as a strategic centre.</p> <p>Whilst buildings of historical significance were identified on site, the Planning Proposal outlines that no original buildings are being retained and preserved as part of the proposal as there are no statutory requirements to retain such items (see Table 3 above for an assessment against Section 117 Direction '2.3 – Heritage Conservation'). Despite this, an interpretation strategy and archival recording of the site will be undertaken and addressed in future DA's for development on the subject site.</p> <p>Comment: This priority includes</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	<p>use and transport planning and a 30-minute city</p> <p>Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres</p>	<p>encouraging growth of local centres to reduce the need for people to travel long distances to jobs and local services and to support access to strategic centres with improved transport and road network.</p> <p>The Planning Proposal will provide a minimum 5000sqm of commercial and non-residential floor space, which will facilitate local jobs for future residents and provide a range of services to support the growing population.</p> <p>Several major bus routes currently service the site with bus stops located to the north on Heffron Road, Bunnerong Road to the north-east of the site and at the Westfield Eastgardens bus terminal, south-east of the site. Buses operate. Current bus services provide access to the city, Bondi Junction, Mascot station and La Perouse.</p> <p>Comment: The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the ECDP, shown below in Figures 16 and 17.</p> <p>The ECDP highlights that opportunities exist for the centre to</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
		<p>strengthen economic growth, leverage public transport connections and generate additional employment opportunities.</p> <p>The Planning Proposal includes the requirement for commercial and non-residential floor space is anticipated to facilitate 342 ongoing jobs, which represents an increase when compared with the 15 ongoing jobs currently provided on site.</p> <p>The ECDP highlights that planning for new centres should be informed by growth and/or local housing strategies. The Planning Proposal is not a result of a strategic study or report, however it seeks to respond to an opportunity to provide housing close to public transport, services and jobs.</p> <p>The proposal is considered to satisfy the 'actions' to strengthen the Eastgardens-Maroubra Strategic Centre by:</p> <ul style="list-style-type: none"> • providing housing to support jobs and growth of the strategic centre; • strengthening and reinforcing the economic role of the centre by providing a 	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
		<p>component of non-residential floor space;</p> <ul style="list-style-type: none"> • encouraging the provision of 50 affordable housing units; and • improving the supply and quality of public spaces. 	
		 <p>Figure 16: Eastern City District – Centres Map (Source: Eastern City District Plan)</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	 <p>Figure 17: Location map of Eastgardens-Maroubra Junction (Source: Eastern City District Plan)</p>		
	<p>Planning Priority E12 - Retaining and managing industrial and urban services land</p>	<p>Comment: The ECDP outlines that industrial land should be retained and managed and should be protected from conversion to residential and mixed use zones.</p> <p>As discussed above in the review against Direction 1.1 Business and Industrial Zones, the Gateway Determination considers the inconsistency with this objective to be justified stating <i>“the Planning Proposal is considered justifiably inconsistent with this Direction as the proposal will enhance economic activity and create employment opportunity on the site,</i></p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
		<p><i>contributing to the viability of the strategic centre."</i></p> <p>The Economic Impact Assessment (EIA) prepared by Urbis depicts that the Planning Proposal would result in the loss of 6ha of industrial land in the Bayside LGA. However, Urbis states that the site is considered to be poor quality industrial land as it is not located near the ports areas and is surrounded by residential on all sides.</p> <p>Similarly, the peer review of the (EIA) by Hill PDA concludes that the BATA site is no longer operational, and is not considered significant employment land, as it has inadequate transport accessibility, and conflicts with surrounding residential land uses.</p> <p>The Gateway Determination includes a requirement for a minimum of 5000sqm of commercial or non-residential uses to be provided, which is anticipated to generate more employment on the site than what is currently being provided.</p> <p><u>Comment:</u> In October 2018, the</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
		<p>Greater Sydney Commission (GSC) released an Information Note (SP2018-1) relating to transitional arrangements regarding industrial and urban services land.</p> <p>As the Planning Proposal was lodged, and a Gateway Determination issued, prior to March 2018, transitional arrangements apply to the proposal. The Information Note states that if a Planning Proposal received Gateway Determination prior to the adoption of the District Plans in March 2018, and had satisfied the relevant conditions on the Gateway Determination, then the Planning Proposal can proceed to public exhibition and finalisation in the usual manner.</p> <p>The Information Note also states if the Planning Proposal proceeds to finalisation, a sunset clause will be inserted into the LEP prescribing a timeframe for the lodgement of a future DA. However, given that Bayside Council do not have delegation to finalise the Planning Proposal, this is a matter for the DPE's consideration.</p>	

[illegible]

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
	Strategy Direction 3: Managing Growth in the Eastern Centres: “Plan for mixed-use centre in the long term (subject to BATA site coming online and structure planning)”	Strategy Direction, as it facilitates the delivery of additional housing, provides open space, and provides an opportunity to better manage conflicts between industrial and other uses. Comment: The Planning Proposal is consistent with this Strategy Direction, as it proposes controls to enable development that will contribute to a mixed use centre.	
Botany LEP 2013	<i>Clause 6.16 – Design Excellence</i>	Clause 6.16 will be required to be addressed at DA stage.	YES
Future Transport Strategy 2056	The Strategy identifies under the Greater Sydney Initiative for Investigation (10-20 years) item 1 Light rail extension to Maroubra Junction.	Given this is not a committed project, it is anticipated to be serviced by the surrounding bus network. It is considered that future residents will be required to travel Maroubra to access any light rail services, and are unlikely to do so. Discussion between the proponent and TfNSW are ongoing in this regard.	TBD

Botany Bay Development Control Plan 2013 (Botany DCP 2013)

The relevant sections of the BBDCP 2013 have been identified below, with responses included on how the Planning Proposal complies.

Part 8 Character Precincts

8.8 Eastgardens Character Precinct

The site lies with the Eastgardens Character Precinct of the Botany DCP 2013.

8.8.2 Desired Future Character:

The desired future character for the Eastgardens Character Precinct provides the following:

Function and Diversity

- *Enhance the public domain and streetscapes within the Precinct.*
- *Encourage and enhance connections of public domain and open space areas with recreational facilities.*

Comment:

The Concept Master Plan associated with the Planning Proposal outlines a number of through site links within the development. The Planning Proposal does not include detail regarding public domain and streetscapes, however this can be resolved at the DA stage.

Public Domain and Environment

- *Provide sufficient open space to meet a variety of recreational needs.*
- *Encourage landscaping and vegetation planting within both the public and private domain of the precinct.*
- *Facilitate landscaping and street plantings to complement the built form and create cohesiveness throughout the Precinct.*
- *Encourage landscaping to be incorporated within development and the site layout to soften the built form, promote pedestrian comfort and enhance the aesthetics of the neighbourhood.*

Comment:

The Planning Proposal provides approximately 2ha of communal open space across the site. The Planning Proposal does not include detail regarding landscaping for the site. However, this is a matter that can be addressed at the DA stage.

Traffic and Access

- *Encourage new development to have a minimal impact on traffic flow and demand for on street parking spaces.*
- *Encourage development to provide adequate on-site parking to assist in reducing traffic congestion on local road networks.*
- *Discourage through traffic throughout the Precinct through traffic calming measures.*

Comment:

RMS and TfNSW have provided comments in regards to traffic and car parking. This has been addressed in the response to submissions (**Attachment 1**).

Views

- *Retain existing views.*

Comment:

The Planning Proposal includes a clause that requires a site-specific Development Control Plan (DCP) (or a Concept Master Plan DA as per Clause 4.23 of the Environmental Planning and Assessment Act 1979) to be prepared prior to development consent being granted. The Planning Proposal outlines specific considerations that a future DCP or Concept DA are required to address, including the consideration of impacts on view corridors. As such, the Planning Proposal is considered consistent with the above.

Part 9 Key Sites - 9D 130-150 Bunnerong Road & Part 10 – Other Documents: Technical Requirements

The DCP outlines that Part 9D applies to land legally described as Lot 2 DP 1187426, including part of the subject land (outlined in red). See **Figure 18** below.

Figure 1 - Land to which this Part Applies

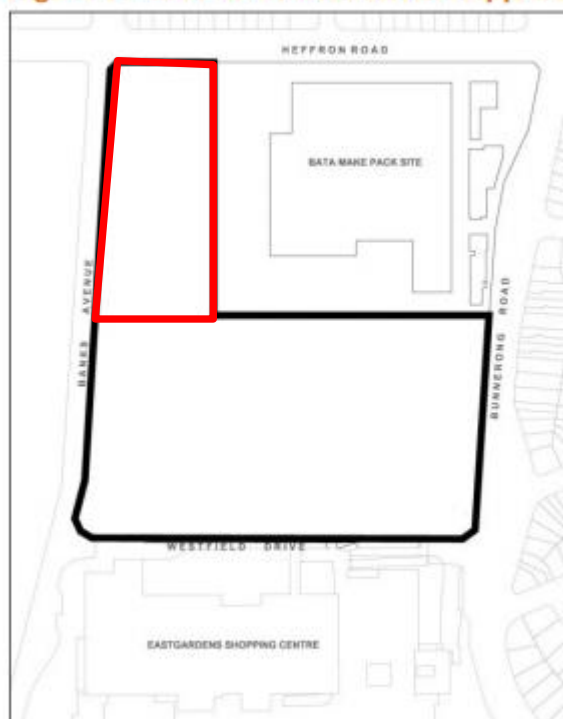


Figure 18: Part 9D land application map

Whilst the DCP applies to part of the subject land zoned R3 – Medium Density Residential, it does not apply to any of the IN1 – Light Industrial zoned land.

Part 9-D includes an artist's impression of the redevelopment of the site which illustrates the intent to develop part of the subject site for residential purposes (part of the site currently zoned R3), and retain employment land uses on the area of the BATA site currently zoned IN1.

The DCP provisions that apply to the subject site specifically apply to R3 zoned land. As the Planning Proposal seeks to rezone the subject site to R4 – High Density Residential, this portion of the DCP will cease to apply to the site if the Planning Proposal proceeds. The general provisions contained within Part 9D of the DCP will continue to apply the portion of the site outlined in red in **Figure 18** above.

Exhibition

The Planning Proposal, proposed Concept Master Plan and associated studies were exhibited from 3 December 2018 to 1 February 2019, in accordance with the requirements of the Gateway Determination. The exhibition was extended beyond the minimum 28 day exhibition requirement as it took place over the holiday period. Notification letters were sent to 1033 property owners in the surrounding area. The Planning Proposal was also advertised on 2 occasions in the St. George and Sutherland Shire Leader and Southern Courier on 17th and 28th November 2019 and 8th and 9th of January 2019. The Planning Proposal and supporting documents were made available for inspection at Rockdale library.

A total of 72 public submissions were received, including 52 opposed, 1 anonymous online petition titled *“Stop Meriton Eastgardens and the Plans to Increase an Already Bad Idea!”* was completed online 232 times, 16 in support and 3 in support but with changes to the proposal.

A summary and response to each of the key points in every submission has been formulated (see **Attachment 1**) to assist Council with identifying the key matters associated with the Planning Proposal. The key themes relate to:

- General objections against the proposal;
- Building Height, Scale and Density;
- Out of Character/Overdevelopment;
- Urban Design;
- Traffic, Access and Car Parking;
- Public Transport;
- Overshadowing and Solar Access;
- Impacts on Infrastructure;
- Impacts on Surrounding Residents (Privacy, Wind Tunnels and Reflectivity);
- Heritage;
- Safety/Increase in Crime;
- Retail Competition;
- Affordable Housing;
- Public Open Space;
- Obstacle Limitation Surface; and

- General support for the proposal.

The proponent provided a response to the submissions dated 15 March 2019 which responded to issues such as building height and density, interface of the development with surrounding development, overshadowing, open space and car parking (**Attachment 17**). The response articulated that these issues could be addressed or further refined in a future DA.

Submissions Made by Public Authorities

The following agencies were required to be consulted in accordance with the conditions of the Gateway Determination:

- Transport for NSW (TfNSW)
- Roads and Maritime Services (RMS)
- NSW Ports
- Sydney Airport Authority
- Civil Aviation Authority;
- Department of Education;
- Environmental Protection Authority; and
- Office of Environment and Heritage (OEH).

Although not required by the Gateway Determination, Council consulted with the Department of Infrastructure & Regional Development (DIRDC), accordance with part (5)(d) of Section 9.1 Direction 3.5 'Development near Regulated Airports and Defence Airfields'. Council also notified Randwick Council of the exhibition of the Planning Proposal. Submissions were received by Transport for NSW, RMS, Sydney Airport Authority, Civil Aviation Authority, DIRDC, Department of Education and OEH. No response was received from NSW Ports or the Environment Protection Authority. No public authorities objected to the Planning Proposal. Submissions made by Public Authorities have been addressed in the response to submissions in **Attachment 1**.

RMS and TfNSW provided a combined submission in response to the exhibition. The submission also provided updated comments from the proponent addressing matters raised by the group of agencies comprising the Transport Cluster. The submission and appendices are provided at **Attachment 18**. The proponent also provided an updated Traffic Modelling Report dated 2 March 2019 (**Attachment 19**). The comments are discussed in detail below under 'traffic, access and car parking' and 'public transport'.

Assessment of Submissions

General Objections Against the Proposal

Some submissions stated their objection to the Planning Proposal. These views have been noted in the response to submissions.

Building Height, Scale and Density

Concerns have been raised in submissions in relation to the proposed building heights and Floor Space Ratio (FSR) controls being excessive, inconsistent with the surrounding area of the site and that will result in overdevelopment of the site. Concerns were also raised that the proposed building heights would penetrate the Sydney Airport Obstacle Limitation Surface (OLS), and therefore should be rejected.

As noted above, when comparing the current Planning Proposal to the original Planning Proposal, maximum building heights along a portion of the northern boundary fronting Heffron Road were reduced from 28m to 16.5m and the maximum building heights along a portion of the eastern boundary fronting Bunnerong Road were reduced from 65m to 37m.

The Planning Proposal represents a significant increase in height and density on the site, however the proposed development standards are generally consistent with the Stage 1 Concept Master Plan consent for the land adjoining to the south of the site (which includes a maximum building height of 67.9m and an average FSR of 2.2:1). The site to the south is characterised by higher density development, including residential flat buildings up to 20 storeys in height.

The Planning Proposal is supported by an urban design report and proposed Concept Master Plan which provides an indicative plan and graphic representation in relation to location of built form and typologies, maximum development building envelopes and building separation, among other matters. The urban design review and proposed Concept Master Plan illustrates that the site is able to accommodate the proposed FSR of 2.35:1 and maximum height of 69m and comply with relevant provisions of SEPP 65 and the ADG.

The proposed Height of Building map includes a maximum height of 16.6m (northern portion of the site), 37m (eastern portion of the site) and 69m (central and south-western portion of the site). The proposed Concept Master Plan also recommends a reduction in building height towards to the northern portion of the site (maximum three storeys) in response to the low density character of the area to the north of Heffron Road. Height and density are also proposed to be distributed away from Bunnerong Road to minimise overshadowing to residential properties to the east, with taller buildings being distributed in a north-south orientation along Banks Avenue and in the centre and south-west portion of the subject site, as demonstrated in the publicly exhibited version of the Concept Master Plan 3D perspective. (refer **Figure 19**)



Figure 19: Exhibited proposed Concept Master Plan – Site Layout

This provides a transition in height between the 1-2 storey dwellings to the north and east of the site, to the taller 4-20 storey buildings located in the central and south-western portion of the subject site. This approach also minimises overshadowing impacts to low density residential development to the east, given that Bonnie Doon Golf Course to the west is located at a higher RL and is a less sensitive land use in terms of overshadowing impacts.

The exhibited proposed Concept Master Plan includes the majority of off-street car parking within 4-5 storey podiums of each block. In response to the post exhibition Bayside Local Planning Panel comments and recommendation, the proponent submitted a revised concept scheme. The revised scheme demonstrates the retention of a maximum FSR of 2.35:1, however includes additional levels of basement car parking, reduced podium heights, reduced building heights, and increased solar access to the public open space within the site, and Central Park to the south of the site. The revised scheme is provided at Figure 20 below:



Figure 20: Post exhibition (revised) Concept Masterplan (retaining FSR of 2.35:1)

As such, the proponent has highlighted that there may be opportunities for a future Development Application to refine the proposed scheme and consider building height articulation, alternative podium heights or provide articulation to mitigate the perceived visual impact of podiums. Alternative podium designs were provided by the proponent in response to the comments made by the BLPP, and a comparison between the original and revised concept schemes is provided in **Figure 21**.

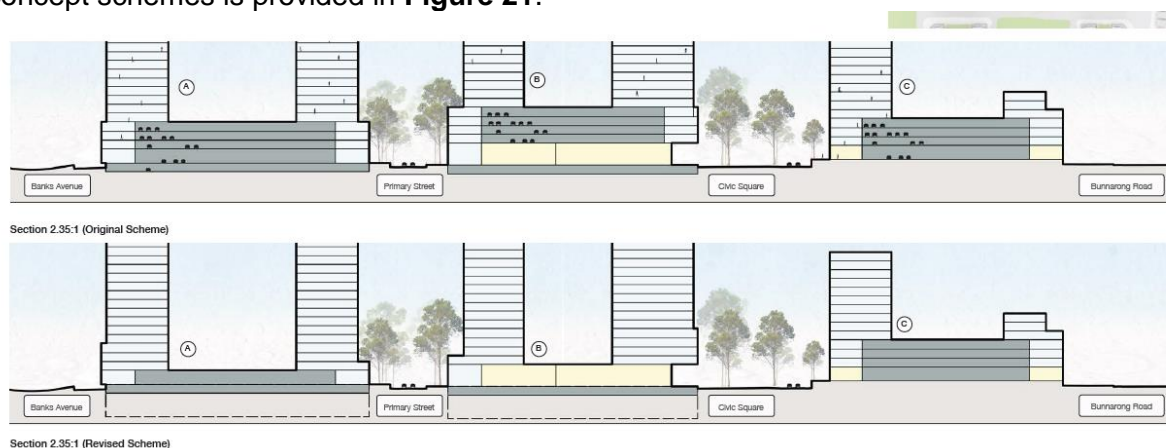


Figure 21: Podium car parking comparison between original scheme with FSR of 2.35:1 and revised scheme with FSR of 2.35:1

The Bayside Local Planning Panel recommended a maximum FSR of 2:1 for the site. A comparison of the 2.35:1 and 2:1 concept schemes is provided in the section of this report titled 'Bayside Local Planning Panel'.

Any future development will be subject to a DA which will be required to provide detailed drawings, plans and elevations which will demonstrate the exact height, location and setbacks of any proposed buildings and podiums to enable a more detailed assessment. The proposed Concept Master Plan should be revised as part of a future DA to demonstrate setbacks after the podium level.

Further, the OLS prescribed for the site is 51m AHD. The proposal includes a maximum height of 91 metres (RL) AHD, which exceeds - by 40 metres - the prescribed OLS for the site. However, on 30 January 2019, the Department of Infrastructure and Regional Development and Cities issued a 'Controlled Activity Approval' to a maximum height of 91m AHD. As such, aeronautical issues are considered to have been resolved.

In any case, building height, bulk, scale, form and design are matters that would be assessed in association with any future DA for the site, if the Planning Proposal was to proceed. Future development of any proposed Residential Flat Buildings within the site would need to comply with the State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the associated Apartment Design Guide, which includes provisions relating to urban design that encourages the modulation of facades to reduce the perceived bulk and scale of a building, including varied building elements and changes in materials.

Out of Character / Overdevelopment

Submissions state that the proposed high density residential zoning/development is out of character with the surrounding low density residential areas to the north and east of the site and that medium density development would be more appropriate.

The site has been identified as being within the Eastgardens-Maroubra Junction 'Strategic Centre' under the Eastern City District Plan, which outlines that such centres should be the focus to deliver employment and economic growth. As such, it anticipated that land located within the strategic centre will undergo significant change in the future to enable the Plan's objective for a 'productive city'. Given the strategic direction, the proposed amendments can be considered to be in keeping with the desired future character of the area.

As outlined above, whilst the Planning Proposal represents a significant increase in height and density on the site, the proposed development is generally consistent with the Stage 1 consent for the land adjoining to the south of the site (which includes a maximum building height of 67.9m and an average FSR of 2.2:1).

The site has been the subject of an urban design and shadow analysis, which demonstrates that the site is able to facilitate the proposed height and density increases whilst also achieving compliance with relevant policies such as the Apartment Design Guide (ADG) in terms of building separation and solar access. The Planning Proposal is considered to reflect the use and character of the immediate surrounding area and will aid in supporting business and the provision of services for the 'strategic centre'.

Urban Design

Submissions have raised concerns with the urban design and quality of future buildings on the subject site.

The subject site is identified as a 'Key Site' under Botany Bay LEP 2013, which triggers a need for any new buildings to comply with Clause 6.16 Design Excellence. This provision requires any future DA to exhibit a high standard of architectural design, including consideration of materials, form, external appearance and ecological sustainable design. Future schemes proposed as part of a DA will also likely require review by Bayside Council's Design Review Panel.

Council staff have reviewed the proposed Concept Master Plan, and have provided comments that should be incorporated into a site-specific DCP or a future concept DA. A summary of the comments is as follows:

- It is acknowledged that the proposed Master Plan provides a transition from 20 storey towers to 2 storey townhouses in response to low density residential development to the north. However, the proposed setbacks between the taller buildings and 2 storey townhouses should be further refined to mitigate any scale impacts at the public domain level.
- Similarly, a consistent setback to the eastern boundary should be provided and addressed as part of a site-specific DCP or future concept DA.
- Setbacks at the podium levels and above, building articulation and modulation should be further explored to ensure the built forms interface with the adjoining public domain and provide an acceptable outcome in regard to amenity and environmental comfort and to minimise any adverse effects on adjacent streets and open space.

As well as addressing the comments above, any future development will also be required to demonstrate compliance with SEPP 65 and the associated Apartment Design Guide (ADG), which includes provisions that encourages the modulation of facades to reduce perceived bulk, the use of high quality materials and minimum apartment sizes. Details relating to urban design can be addressed by further refinement of the proposal at the DA stage.

Traffic, Access and Car Parking

Submissions state that additional traffic from the development will increase congestion on the surrounding street network. Submissions also state concerns that the proposal seeks to provide inadequate off-street car parking, and will result in a loss of on-street parking for surrounding streets.

At the time of the Gateway Determination, Council's peer review of the Transport Impact Assessment (TIA) undertaken by Cardno (**Attachment 21**) concluded that clarification on trip-generation rates, cumulative traffic impacts and forecast traffic generation required further justification. The current version of the TIA and amended Traffic Modelling undertaken by ARUP (**Attachment 20** and **Attachment 19**, respectively) provided by the proponent indicates that the proposed development yields will have little impacts on the network taking into account the current approved and committed network upgrades. The study recommends additional bus services to service the anticipated population increase as result of the Planning Proposal. Please refer to the response in Local Planning Direction *3.4 Integrating Land Use & Transport* above, which includes comments from TfNSW regarding the timing of future network and service planning.

The TIA discusses previous approved intersection upgrades, including Maroubra Road/Heffron Road/Bunnerong Road, Heffron Road and Banks Avenue and Wentworth Avenue and Page Street. The upgrades to Heffron Road and Banks Avenue have been completed, and upgrades to Maroubra Road/Heffron Road/Bunnerong Road are being undertaken. The funding arrangements for the planned upgrade to Wentworth Avenue and Page Street are currently being considered by Council and RMS.

A summary of Stage 1 BATA and the current Planning Proposal for traffic modelling purposes is provided below:

- Stage 1 currently includes 1,300sqm retail, 2,223 residential units and a 300sqm warehouse remaining (although it was initially approved with 5,000sqm retail).
- The current Planning Proposal absorbs two urban blocks from Stage 1, which included 376 residential units and two child-care centres and the remaining warehouse
- The current Planning Proposal includes 5,000sqm retail, 2,015 residential units and two child-care centres

This results in an extra 1,639 residential units and an extra 1,300sqm retail because of the Planning Proposal.

It should be noted, that the Traffic Modelling undertaken in the TIA included traffic scenarios modelled as part of BATA Stage 1. The TIA notes that adjoining BATA Stage 1 had initially been approved for a total of 5,000sqm of retail and four child care centres being developed (in addition to residential), which was later reduced to 1,300sqm retail and two child care centres. It is noted the 5,000sqm retail and four child care centres had been accounted for in the previous Concept Master Plan traffic assessment and agreed road upgrades delivered/being constructed.

As part of the exhibition, Council sought comments from RMS and TfNSW on traffic and car parking related issues.

As referred to above, in their submission dated 1 April 2019, RMS recommended that Council:

- Implement travel demand strategies which could include initiatives such as reduced on-site car parking provisions to mitigate the potential impact of traffic movements to and from future development;
- Include LEP controls to limit the floor space of non-residential retail floor space to 5,000sqm, as any exceedance of the retail floor space has not been accounted for in the traffic assessment, and the associated traffic may exceed the capacity of the road infrastructure and recently delivered upgrades;
- Matters for consideration in the preparation of a site-specific DCP or a Concept DA, such as no vehicular access points to Bunnerong Road, vehicular access points on Heffron Road and Banks Avenue to be located as far away as possible from signalised intersections, and access to childcare centres to be obtained from the internal road network; and
- The Traffic Impact Assessment and associated modelling should be revised to address matters identified by RMS, to support a future DA.

Council have considered the Traffic Impact Assessment (TIA) dated November 18 undertaken by ARUP (**Attachment 20**) (provided by the proponent), the amended Traffic Modelling Report dated 2 March 2019 undertaken by ARUP (**Attachment 19**), and the peer review of the TIA undertaken by Cardno (**Attachment 21**). A response to the above points raised by TfNSW and RMS is provided below.

Travel Demand Strategy

RMS suggest that implementing maximum parking controls will mitigate the potential impact of traffic movements to and from the development, and state that the Eastgardens-Maroubra Junction Strategic Centre would have a range of services, including retail, medical,

restaurants, supported by public transport connections (primarily bus transit). RMS recommended that car parking rates for the development should be consistent with the RMS Guide to Traffic Generating Development.

A comparison of car parking rates as required by BBDCP 2013, those provided as part of Stage 1 BATA, the Traffic Impact Assessment for the current Planning Proposal, and the RMS Guide to Traffic Generating Development is provided below.

Development Type	Part 3A/9D BBDCP	Approved Stage 1 Master Plan	Proposed rates	RMS Guide to Traffic Generating Development
Residential Flat Buildings				
Studio/1 bedroom	1 space per apartment	1 space per apartment	0.5 space per apartment	0.6 space per apartment
2 bedroom apartment	2 space per apartment	1.5 space per apartment	1 space per apartment	0.9 space per apartment
3 bedroom apartment	2 space per apartment	2 space per apartment	1.5 space per apartment	1.4 space per apartment
Visitor parking	1 space per 5 apartments	1 space per 10 apartments	1 space per 10 apartments	1 space per 5 apartments
Commercial/Retail				
Shops	1 space per 25sqm	1 space per 40sqm	1 space per 40 sqm	
Childcare	1 space per 2 employees	1 space per 2 employees	1 space per 2 employees	
	1 space per 5 children	1 space per 5 children	1 space per 5 children	
	1 pick-up and set-down space per 20 children	1 pick-up and set-down space per 20 children	1 pick-up and set-down space per 20 children	

The proposed car parking rates as outlined in the TIA and proposed Concept Master Plan are below those required as part of BBDCP 2013, however they are consistent with the RMS Guide to Traffic Generating Development. However, it should be noted that it is acknowledged by RMS that *“the TIA suggests a considerable mode shift to public transport in future years, however it is noted that there is no committed mass-transit public transport infrastructure improvements proposed within a typical walking distance from the site. The subject site is 1.7km from the light rail terminus.”*

Council's peer review of the TIA undertaken by Cardno (**Attachment 21**) states that reduced car parking rates are unlikely to result in higher usage of public transport, rather, it would increase parking demands on the surrounding street network. Further, whilst the Apartment Design Guide allows reduced car parking rates aligned with the RMS Guide to Traffic Generating Development, this is only in circumstances where the subject site is *“800 metres of a railway station or light rail stop in the Sydney Metropolitan Area”*. The subject site does not meet this criteria, therefore, Council's car parking requirements prevail as per BBDCP 2013.

As such, it is Council's preference that car parking rates are increased beyond what is outlined in the TIA to be consistent with Council's DCP, or, at a minimum BATA Stage 1. This

matter will be subject to further assessment as part of a site specific DCP or Concept DA where higher car parking rates than what is currently proposed may need to be provided.

Retail Floorspace

Council notes RMS's recommendation to limit the 5000sqm non-residential FSR on the site. The non-residential component is a requirement of the Gateway Determination and is deemed necessary to enable future resident's adequate access to shops and services on site. Future DA's will be required to be referred to RMS to enable further comment in this regard and the potential for further upgrades, including any DA involving commercial floor area.

Intersection Upgrades

RMS's submission notes that the Planning Proposal will *"cumulatively increase traffic demands on regional road infrastructure and likely increase the flow of traffic from the site to key employment destinations. A select link strategic traffic analysis undertaken by Roads and Maritime of an established high density residential development to the south of the subject site (TZ424 in Hillsdale), determined that a high proportion of trips originating in the subject locality are likely to travel to/from the west along Wentworth Avenue to key destinations.*

This is also reflected in the development traffic distributions documented in the Transport Modelling Report, dated 2 March 2019, which shows a high proportion of development traffic using Wentworth Avenue. Roads and Maritime also notes increased delays and deterioration of Level of Service at the intersection of Wentworth Avenue and Page Street resulting from the development in both 2021 and 2031, particularly in the AM peak period (through comparison of the 'Future Base with Development Traffic' compared to the 'Future Base' scenarios modelled)."

RMS's submission also states that "It is understood that the proponent has made commitment to contribute towards road improvement initiatives on the surrounding network. TfNSW / RMS would like to continue to work with Council to explore ways in which any of these contributions can be directed towards the planned intersection upgrades on Wentworth venue (at Page Street and Baker Street)".

The traffic modelling included as part of the TIA outlines that surrounding intersections, particularly Wentworth Avenue/Page Street will operate at an improved Level of Service, subject to the planned upgrades and other improvements being delivered. RMS have raised no objection to the traffic modelling, noting the Levels of Service in the traffic modelling report dated 2 March 2019, which include an assessment of "Future Base", "Future Base with Development Traffic" and "Future Development Improvement" scenarios.

As part of the BATA Stage 1 VPA, contributions have been, and will be made, to contribute to these upgrades. The BATA Stage 2 VPA (associated with this Planning Proposal) does not make further contributions to the upgrades of the Wentworth/Baker and Wentworth/Page intersections.

In March 2019, Council submitted a design for the proposed upgrades to RMS for comment, and to request funding to meet the shortfall due to increased costs of the upgrades. In April 2019, RMS responded to Council advising that RMS would not contribute funding to the upgrades, and additional funds should be levied from surrounding development, either through VPA's or Section 7.11 Contributions (**Attachment 22**). It is recommended that

Council again write to the RMS to request additional funding for the upgrades of these intersections.

The TIA does not provide commentary on the intersection of Wentworth Avenue and Baker Street, however, it should be noted that the Baker Street/Wentworth Avenue intersection has been identified as requiring upgrade to a signalised intersection. The City of Botany Bay Section 94 Contributions Plan outlines the required funding to implement this upgrade.

It is recommended that at the DA stage, the traffic modelling be updated to address RMS requirements, as discussed above, as well as include an analysis of the Wentworth/Baker Street intersection. Additional funding over and above Section 7.11 Contributions may be necessary to facilitate any required upgrades to address any traffic impacts that need to be addressed prior to any DA being approved within the site.

While RMS and TfNSW have not objected to the Planning Proposal, the timing and delivery of the necessary infrastructure upgrades should be considered as part of any future DA for the site, including any Staged DA, to ensure the surrounding intersections operate at an appropriate Level of Service in the future. As such, it is ideal that the upgrades to the Wentworth/Page and Wentworth/Baker intersections be completed prior to an Occupation Certificate associated with any future DA for buildings on the site.

Public Transport

Submissions raised concerns about increased density and the cumulative impact of residential development (including BATA Stage 1) on public transport. Submission makers state that the current bus services are at capacity in the peak period.

The submission provided by TfNSW during the exhibition period states that changes to bus services will occur mid-2020. As per the recommendations of the Sydney Central Planning Panel when considering the Rezoning Review for this Planning Proposal, the proponent was required to provide *“assurances from Transport for NSW that public transport will cope with the proposed population increase”*. The proponent states that *“while it is acknowledged that light rail is not directly accessible from the site, additional bus services are proposed. Meriton and STA have discussed bus services that will be provided directly to the site within the short term, including bus stops built within the site”*. However, no supporting information has been provided to Council to this effect.

Please refer to the response in Local Planning Direction 3.4 *Integrating Land Use & Transport* above, which includes comments from TfNSW regarding the timing of future network and service planning.

Overshadowing and Solar Access

Submissions raised concerns that the proposed increase in height would result in overshadowing and loss of solar access for surrounding residential properties. The proposal is supported an urban design report and proposed Concept Master Plan. This documentation demonstrates that the proposal can be designed to comply with the Apartment Design Guide (ADG) requirements for solar access for both new dwellings on the subject site and surrounding residential properties.

The submitted shadow diagrams in the Urban Design study are provided below in **Figure 22**. They are based on the maximum building heights in order to demonstrate the extent of potential overshadowing within the site, and on adjoining land and development.

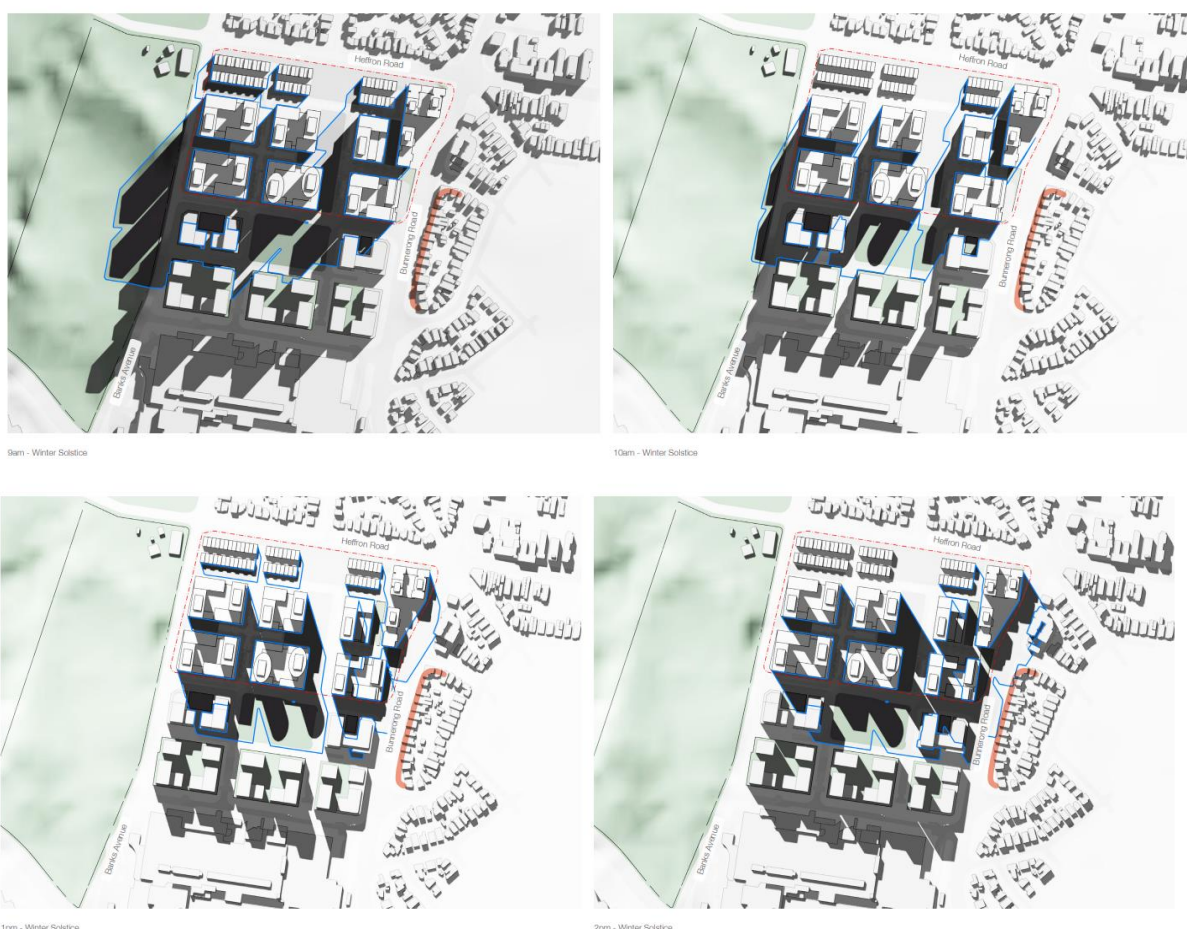


Figure 22: Post exhibition Concept Master Plan – 9am, 10am, 2pm and 3pm shadow diagrams - Winter Solstice

The proposed Concept Master Plan indicates that taller (20 storey) buildings are to be located in the centre and south-west corner of the site in order to limit overshadowing impacts to low-density residences to the east of the site fronting Bunnerong Road. The proposed Concept Master Plan outlines that some overshadowing will be experienced by development to the south between 9am and 3pm in mid-winter, and a small amount of overshadowing to Bonnie Doon Golf Course to the west in mid-winter between 9am-10am.

The proposed Concept Master Plan indicates that 68.8% of dwellings receive more than 3 hours of sunshine in the winter solstice. The report notes that this percentage will be increased to 70% through the detailed design of the development as buildings will be smaller and achieve better solar access.

In response to the comments made by the Bayside Local Planning Panel, the proponent submitted a revised scheme with an FSR of 2.35:1 and an FSR of 2:1. The submitted documentation outlined that the revised scheme retaining and FSR of 2.35:1 increases the solar access to public open space across the site in the winter solstice (the original scheme achieves 60% solar access for 3 hours, the revised concept scheme achieves 69% solar access for 3 hours and the FSR 2:1 scheme achieves 70% solar access for 3 hours). This is demonstrated in Figure 23 below.



Figure 23: Comparison of solar access (original scheme FSR 2.35:1, post exhibition revised scheme FSR 2.35:1 and revised scheme FSR 2:1)

The proposed Concept Master Plan is indicative only, and a future DA will provide more certainty in terms of overshadowing impacts when building locations and forms are finalised. The Planning Proposal includes a clause that requires a site-specific Development Control Plan (DCP) (or a Concept Master Plan DA, as per Clause 4.23 of the Environmental Planning and Assessment Act 1979) to be prepared prior to development consent being granted, which will need to address overshadowing impacts of the proposal on nearby residents. The Planning Proposal outlines specific considerations that a future DCP or Concept DA are required to address issues including:

- minimising impacts on adjoining buildings while improving the public domain;
- environmental impacts such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity; and
- no additional overshadowing will occur to the residential buildings in the R2 zone on the eastern side of Bunnerong Road between 9am and 3pm in mid-winter.

A future DA will also need to ensure that Residential Flat Buildings adjoining directly to the south of the site (such as buildings approved as part of Stage 1 BATA) will also be able to continue to achieve adequate solar access. A detailed overshadowing analysis will be required as part of any future DA for the site, to demonstrate that the final design complies with the solar access requirements of the ADG. Changes to the proposed Concept Master Plan may be required to minimise overshadowing impacts to adjoining properties.

Impacts on Infrastructure

Submissions raise concerns about increased density and the cumulative impact of residential development on the amenity and infrastructure of the local area.

The VPA includes contributions that will assist in upgrading public infrastructure, such as the upgrade of the Botany Aquatic Centre, the dedication of public roads, and 2 hectares of open space. The VPA pertaining to the subject site will be reported separately to Council.

The Due Diligence report prepared by AT&L (**Attachment 16**) identifies that essential services such as water and sewerage can be provided to the site.

Despite the above, any future DA lodged with Council would need to provide detail on the final proposed scheme, including mix of uses (residential, commercial etc.) and be supported by appropriate information. Any future DA will also be referred to relevant infrastructure providers for comment, if necessary, to allow Council to determine whether any additional infrastructure is required to support the development.

Bayside Council continues to work with NSW Government agencies to provide infrastructure that is commensurate with growth in the Local Government Area (LGA).

Impacts on Surrounding Residents (Privacy, Wind Tunnels and Reflectivity)

Submissions raised concerns that the Planning Proposal will result in negative impacts to surrounding residents, and will result in privacy issues, wind tunnels and reflectivity.

The Planning Proposal includes a clause that requires a site-specific Development Control Plan (DCP) (or a Concept DA, as per Clause 4.23 of the Environmental Planning and Assessment Act 1979) to be prepared prior to development consent being granted, which is will need to minimise impacts of the development on nearby residents. The Planning Proposal outlines specific considerations that a future DCP or Concept DA are required to address issues including:

- minimising adverse impacts on adjoining buildings or the public domain; and
- environmental impacts such as overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity.

Any future development should be configured and oriented to ensure that visual privacy of the adjacent residential properties is properly considered and properly considered any protected, with the necessary separation distances being achieved between the existing and proposed development. A future DA will be required to limit impacts on surrounding residents through urban design and may require further refinement of the proposed Concept Master Plan.

Heritage

Submissions raised concerns with the potential removal of items of heritage significance and recommended that these be retained.

A number of items of heritage significance, including the former administration building and remnant plant building pillars were identified in the Heritage Impact Statement (HIS) provided as part of the proposal. These items of heritage significance are not included on the State Heritage Register or identified as items of environmental heritage in Schedule 5 (Environmental Heritage) of the Botany Bay LEP 2013. As such, there is no legal requirement for items to be retained and the proponent has been issued with a Complying Development Certificate to demolish certain buildings on site, including those identified in the HIS as being of heritage significance.

The Planning Proposal outlines that whilst no original buildings are being retained and preserved as part of the proposal, an interpretation strategy and archival recording of the site

will be undertaken and addressed in future DA's for development on the subject site. Furthermore, Office of Environment and Heritage (OEH) did not object to the Planning Proposal.

Safety / Increase of Crime

A submission raised concerns with the provision of affordable housing, and the impacts on safety and increases in crime.

It is unlikely that the provision of affordable housing on the subject site will negatively impact safety and crime. However, Crime Prevention through Environmental Design (CPTED) principles (such as lighting and urban design) will be considered and assessed for all buildings (including affordable housing) as part of any future DA for the site.

A submission also raised concerns regarding risks to future residents due to hazardous materials being transported along Bunnerong Rd, and that intensification of residential uses on the land could therefore significantly increase the risk to human life.

A Planning Risk Assessment was not provided as part of the Planning Proposal as the subject site is located outside of the risk areas for the Botany Industrial Park and Denison Street – Dangerous Goods Route. Furthermore, the Department of Planning and Environment did not raise any issues or require any additional information at the time of the Gateway Determination. As such, these matters are considered to have been addressed or will be addressed as part of a future DA.

Retail Competition

A submission suggested that maximum individual tenancy sizes should be limited to 1000sqm as a large or larger tenancy may not appropriately meet the varied convenience needs of the new residents and may pull from a trade area beyond (i.e. Westfield).

The Planning Proposal seeks to permit a minimum of 5000sqm of non-residential floor space on site as an Additional Permitted Use in the BBLEP 2013, which would aid in providing shops and services to future residents within the site. Planning controls should aim to promote flexibility rather than create barriers that could inhibit economic growth and competition. Section 9.1 Direction 6.3 'Site Specific Provisions' seeks to allow a particular development to be carried out *"without imposing any development standards or requirements in addition to those already contained in the LEP"*.

As such, it is considered that limiting the size of individual tenancies on site is inconsistent with Direction 6.3 and therefore inappropriate in these circumstances. The distribution of non-residential floor space across the site will be subject to further assessment in a future DA.

Affordable Housing

A submission raised concerns with the amount of affordable housing being provided, recommending that more be provided to align with the GSC's target of 5-10% of upzoned land.

The Planning Proposal includes the provision of 50 affordable housing units, containing 100 bedrooms. The 'Greater Sydney Region Plan' requires the preparation of 'Affordable Rental

Housing Target Schemes' and recommends a target of 5-10% of residential floor space be applied to defined precincts prior to rezoning. The Plan states the Targets will not affect projects currently underway. Given that Bayside Council does not have an Affordable Rental Housing Scheme or a local provision to mandate affordable housing, it cannot be implemented via BBLEP 2013.

As such, the provision of affordable housing has been negotiated via a VPA and is considered to have merit. Given that Council does not have an affordable housing policy in place, the provision of 50 units as affordable housing is considered to be appropriate and consistent with Greater Sydney Region Plan the Eastern City District Plan.

Public Open Space

Submissions raised concerns that the provision of public open green space is insufficient.

The Planning Proposal will provide a total of 20,208sqm public open space throughout the site that will be dedicated to Council. The area of public open space represents approximately 22.5% of the total site area. The public open space areas are to be located in a way that provides a green link between Jellicoe Park to the north and the 'Central Park' approved as part of BATA Stage 1 development to the south, as demonstrated in Figure 24.



Figure 24: Proposed Public Open Space

A linear park along the northern edge of the site, and a new civic square, are illustrated in the proposed Concept Master Plan. The open space network provided as part of the proposal will be accessible and usable by future residents of the site and the surrounding community.

The proposed Landscape Master Plan illustrated in **Figure 25**, provided as part of the urban design report and proposed Concept Master Plan seeks to provide:

- A recreation park for recreational activities such as sport and group fitness
- A civic square to create a forecourt to the retail offer and a place for socialisation
- Various link parks that are proposed to be shaded and vegetated areas and provide a transitory space at the edges of the site
- A community park that is proposed to include place spaces, information seating and dining and alfresco areas



Figure 25: Proposed Landscape Master Plan

The proposed open space areas should aim to be functional and active spaces and should be further refined as part of the site-specific DCP or future Concept DA. In particular, the termination of the streets and their interface with the public domain should ensure these areas are contributory to the streetscape experience. The 'local retreats' should be further refined as a pedestrian environment to provide functional through site links. In order to facilitate the provision of a range of street trees throughout the site, it is recommended that landscape verges as illustrated in the proposed Concept Master Plan be widened as part of a future DA to contribute to the character and identity of the precinct.

Future DA's on site will also be required to provide a minimum amount of communal open space of 25% of the site in order to satisfy ADG requirements which is proposed to be located throughout the development at ground level and podium roof tops. The proposed Concept Master Plan and Planning Proposal states that the proposed 2ha of public open space is in addition to the communal open space to be provided, which will therefore result in more open space across the site than what is required under the provisions of the ADG.

The amount of green space and recreational facilities for Bayside Council is currently being investigated as part of the strategic planning to inform the Comprehensive LEP and future strategies for the area.

General Support for the Proposal

Some submissions stated their support to the Planning Proposal. These views have been noted and addressed where necessary in the response to submissions (see **Attachment 1**).

Bayside Local Planning Panel Recommendations

At its meeting of 30 April 2019, the Bayside Local Planning Panel made the following comments and recommendation for the Planning proposal:

“Comments of Panel for Council’s Consideration

1. The Planning Proposal (PP) for the BATA site was first submitted over 2 years ago and was approved for a Gateway Determination by the Department of Planning and Environment in December 2017. An Alteration of the Gateway Determination was then approved in October 2018. This was placed on public exhibition with supporting documentation and 70 submissions were received, 51 opposing the planning proposal for a variety of reasons including: height, scale and density; urban design; traffic access and car parking; public transport; solar access; and impacts on infrastructure and surrounding residents.
2. The Council Officer's assessment report is comprehensive and clearly sets out the history and a response to the submissions received following the exhibition.
3. This Panel notes the Sydney Central Planning Committee in September 2017 required the PP to be revised to respond to a number of issues including a detailed transport report with “assurance from Transport New South Wales that public transport will cope with the proposed population increase”. Such an assurance has not been received to date, although it is noted there are ongoing discussions.
4. At the public meeting The Panel heard from the Director of the Bonnie Doon Golf Club, located to the west of the subject site. Apart from the concern of overshadowing the golf course he raised the need of a road underpass to be provided to enable safe and secure access for maintenance workers. The Panel advised that the \$3m. cost of this is a matter that should be raised with the Council.
5. The Panel also heard from representatives of the Proponent as detailed above. The Representatives also responded to questions from the Panel and clarified some issues.
6. The Panel notes the current revised Planning Proposal includes: rezoning 6 hectares of the site from Industrial (I 1) to Residential 3 and 4; with an increase in

- FSR from 1:1 to 2.35:1; a minimum of 5,000 square metres of non-residential uses; additional permissible uses with consent (to include commercial premises, indoor recreation facility, and serviced apartments); and increased heights up to 69 metres.
7. The Panel acknowledges the advanced stage of the planning proposal. The following comments are made after reviewing submissions and reports and are provided to assist Council in its consideration of the PP.
 8. A peer review of the PP was undertaken by the consultants. Previously engaged by Council to prepare an urban design concept plan in 2015. The peer review on the current PP questioned the proposed FSR of 2.35:1 in terms of outcomes for the site to achieve solar access and an appropriate density and built form for its location and for a site not serviced by fixed transport infrastructure, noting the site relies on bus services.
 9. The Panel is also of the opinion that the justification for an FSR of 2.35:1 should be carefully reconsidered. In response to questions from the Panel concerning this matter it appears the Proponent was of the opinion that podium parking would be assessed as additional FSR. The Panel clarified this and podium parking, which complies with Council's DCP requirements, is excluded from the calculation of FSR. Given the exclusion of podium parking and other factors it is difficult to justify an increase in FSR for the site. , The Panel also notes podium parking can create unnecessary additional bulk, although sleeving in some circumstances may ameliorate such impacts. The proponent's response is that it may be possible to provide some of the parking underground subject to further site analysis, although this is unknown at this stage.
 10. Another consideration of the FSR is the amount of solar access achieved across the site for not only the dwelling units at this density, but also the public open space. The panel notes solar access for the existing surrounding development has generally been considered to the north and east of the proposal, however more detailed study is required to address the solar access/overshadowing of Central Park in stage 1.
 11. A further consideration of the ramifications of the FSR, and the mix of uses, is the impact of the traffic generation on the surrounding network. Further clarification and analysis of the parking rates to apply to the residential component should be factored into the FSR, and this may include different scenarios as part of the analysis. The Traffic Report of the Proponent factors in a lower rate than provided for in the Council's DCP.
 12. Council's peer review of the Proponent's Traffic Impact Assessment (TIA) states that "reduced parking rates only apply in circumstances where the subject site is 800 m from a railway station or light rail stop in the Sydney metropolitan area...Therefore council's car parking DCP should prevail."
 13. The RMS acknowledges there is no committed mass-transit public infrastructure improvements proposed within a typical walking distance from the site. RMS notes the subject site is 1.7 km from the light rail terminus.
 14. The Panel notes the department has specified a minimum amount of FSR for non-residential uses to be 5,000 m². On the other hand the RMS has provided its comments on a maximum of 5,000 m² of non-residential for the site.

Furthermore, given the additional permissible uses on the site this may impact on the parking provision and traffic generation. It is noted that in the approval of the Alteration to the Gateway an updated traffic report is required to assess the additional permissible uses. The TIA comments that the level of service for some intersections at in the surrounding streets currently function at Level E.

15. As recommended by the peer review an FSR of 2:1 would allow a more appropriate density and some flexibility to achieve urban design outcomes for this site that is not located in close proximity to light rail. In this regard Transport for NSW states it has no current plans to provide or extend light rail infrastructure to the site. However, it is noted bus routes and timetables to the area are reviewed and adjusted from time to time.
16. The Community representative who was a member of the Panel raised concern about the additional traffic in an already congested area and the cumulative impacts of all future development in the area. The community representative provides the following comments:

The submissions received demonstrate significant concern about visual impacts, the increase in population for the area, and subsequent impacts on services including roads, public transport and schools. The overwhelming majority of the 70 submissions received in response to the public consultation have been strongly against the density of this development. As such, the community hopes that Council considers these views in deciding next steps (as is the purpose of community consultation) - specifically in relation to height and FSR; these will impact both the increase in density and visual amenity. In turn these considerations will impact upon services, and ultimately quality of life for existing residents. The experience of residents living around and commuting to the Mascot train station precinct – where similar development has taken place – was noted; roads and intersections seem to be failing during peak hour and gridlock ensues. This also signals the scale of new developments in the Bayside catchment – the new dwellings target is already on track to being exceeded – and the BATA site, in it's most recent proposal with FSR of 2.35:1, signifies overdevelopment in the context of all of the above points.

CONCLUSION

17. On balance having considered the issues raised in submissions during the exhibition, and the peer review commissioned by the Council, the Panel is not persuaded that an overall Floor Space Ratio greater than 2:1 is sustainable for this large site. In this regard the panel has considered the site in both its broader context, including public transport provision, and site specific urban design issues of density and built form, solar access, open space and pedestrian connectivity.
18. The Panel is also of the opinion that a site specific DCP should be prepared to provide greater certainty and clarity. This requires reconsidering and addressing issues including: the appropriate car parking rate (including bicycles, disabled scooters); the height, bulk, scale, massing and modulation of buildings; environmental constraint of contamination; environmental impacts such as overshadowing, wind tunnelling, and visual impact; principles of ecologically sustainable development; open space connectivity and pedestrian access and circulation both internal and external to the site. (The panel notes that a Concept Development Application may be prepared instead of a DCP, however, this should include all the issues above and those more specifically listed hereunder in 2.)
19. The Panel endorses the recommendation below as contained in the report of 30 April 2019 on the basis of an FSR of 2:1 for the site.

20. The Bayside Local Planning Panel recommends to Council that:

- (a) Prior to the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) being forwarded to the Department of Planning and Environment for finalisation in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979, assurances regarding the current and future capacity of public transport are provided by RMS and TfNSW.
- (b) That the Concept Master Plan for 128 and 130-150 Bunnerong Road, Eastgardens be further refined as part of a site-specific DCP or Concept Development Application to address the following issues:
 - i) Urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain.
 - ii) Podium car parking options to reduce bulk and encourage articulation.
 - iii) Treatment, embellishment and functionality of public open space.
 - iv) Car parking and other vehicle rates
 - v) Revised traffic modelling to address matters raised by RMS in their submission.

Response to Bayside Local Planning Panel Recommendations

In response to the comments and recommendations of the Panel, the proponent submitted a revised Concept Masterplan, dated 23 May 2019 in order to address concerns raised relating to bulk, scale and overshadowing (**Attachment 7**).

The revised scheme demonstrates the retention of a maximum FSR of 2.35:1, however includes additional levels of basement car parking, reduced podium heights, reduced building heights, increased solar access to the public open space within the site, and Central Park to the south of the site. The revised scheme is provided at Figure 26.

Revised concept retaining proposed FSR (2.35:1)



Proposed changes to massing

The diagram above shows proposed changes to the massing of a 2.35:1 scheme that improves height variation, reduces the overall bulk and scale, and allows goods solar access to the surrounding buildings and open space. This increase in variation and the reduction to visual bulk of the building envelope is achieved through changes to the car parking, adding underground basements instead of podium carparking.

Importantly, the proposed scheme is a representation of the built form envelope. The final built outcome will be 75% of the mass that is shown here. This will further reduce the visual bulk and scale, with a more articulated and varied form.

Key

- Levels reduced by introducing below ground car parking
- Added level to achieve greater variation in height across the site
- Public Open Space

Figure 26: Post exhibition (Revised) Concept Masterplan retaining FSR of 2.35:1

The proponent also provided a revised scheme demonstrating a maximum FSR of 2:1 as per the Panel's recommendation. The FSR 2:1 scheme results in a reduction of Gross Floor Area of approximately 30,000sqm, further reductions to podium and building heights compared with the Revised Concept scheme, improved solar access to public open space within the site, and reduced overshadowing to the south of the site, compared with the Revised Concept scheme.

A comparison of the original concept scheme and revised concept scheme, both with an FSR of 2.35:1 and the revised concept scheme with an FSR of 2:1 is provided at Figure 27, 28 and 29 below.



Original concept with 2.35:1 FSR

Key Data:

- GFA = 210,490sqm
- 20,208sqm public open space
- 60% Solar access to open space for more than 3 hours or more
- Building heights vary from 2 storeys to 20 storeys
- Podium car parking integrated into development



Revised concept with 2.35:1 FSR

Key Data:

- GFA = 210,490sqm
- 20,208sqm public open space
- 69% Solar access to open space for more than 3 hours
- Building heights vary from 2 storeys to 20 storeys
- Basement and podium car parking integrated into development
- VPA/Affordable housing offer maintained



Revised concept with 2:1 FSR

Key Data:

- GFA = 179,140sqm
- 20,208sqm public open space
- 70% Solar access to open space for more than 3 hours
- Building heights vary from 2 storeys to 20 storeys
- Basement and above ground car parking integrated into development
- VPA/Affordable housing offer reduced

Figure 27: Comparison of original scheme (FSR 2.35:1), revised scheme (FSR 2.35:1) and revised scheme (FSR 2:1)

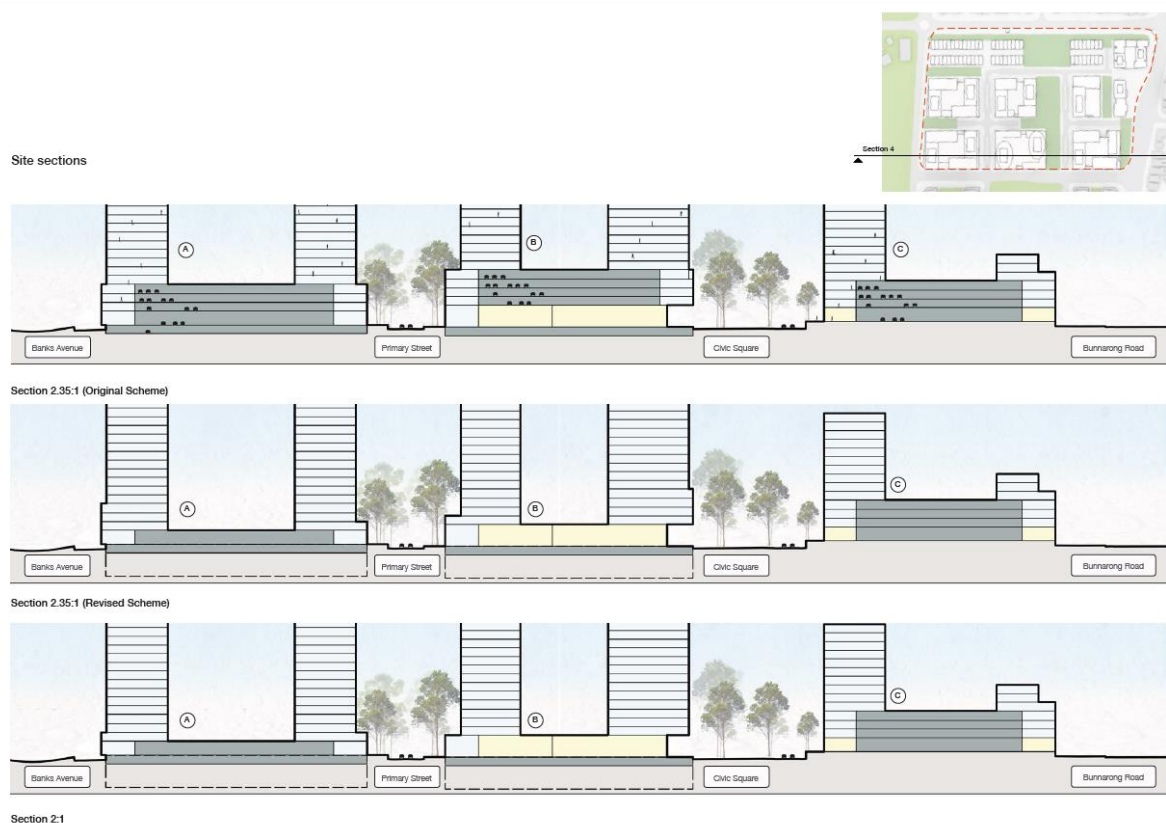


Figure 28: Comparison of sections/podium levels for original scheme (FSR 2.35:1), revised scheme (FSR 2.35:1) and revised scheme (FSR 2:1)

Access to public open space



Figure 29: Comparison of solar access to public open space for original scheme (FSR 2.35:1), revised scheme (FSR 2.35:1) and revised scheme (FSR 2:1)

In their response, the proponent outlined that the post exhibition Revised Scheme with 2.35:1 FSR:

- Achieves better height articulation in the podium and tower forms
- Achieves a reduced street wall height similar to the 2:1 scheme
- The Revised Scheme maintains height variations from 2 to 20 storeys with a range of dwelling types
- Increases the solar access to public open space across the site in the winter solstice (the original scheme achieves 60% solar access for 3 hours, the revised concept scheme achieves 69% solar access for 3 hours and the FSR 2:1 scheme achieves 70% solar access for 3 hours)
- Increases solar access to Central Park in the winter solstice (the original scheme achieves 55% solar access for 3 hours, the revised concept scheme achieves 68% solar access for 3 hours and the FSR 2:1 scheme achieve 70% solar access for 3 hours)

The proponent states that an FSR of 2.35:1 can be retained while addressing the key matters raised by the BLPP.

It is important to note that the Panel also made comments in relation to car parking rates. As discussed in the 'Response to Submissions' above, the Planning Proposal demonstrates reduced car parking rates compared with Council's DCP and BATA Stage 1. It is recommended that car parking rates be addressed as part of a site-specific DCP, or a future Concept Development Application. If car parking rates are increased beyond what is currently proposed, this may have the potential to increase the height of building podiums, and therefore, the bulk of the scheme.

The increased levels of basement car parking rather than above ground podium car parking will also result in reduced sustainability benefits, as outlined previously by the proponent as it would result in the generation of large amount of spoil, truck movements and landfill.

Conclusion

The Sydney Planning Panel's and DPE's assessment of the Planning Proposal identified that the Planning Proposal for the proposed change to the planning controls on the land identified as the BATA site has strategic merit and subsequently a Gateway Determination was issued for the Planning Proposal in December 2017.

The Bayside Local Planning Panel has reviewed the Planning Proposal and recommend that the maximum FSR be reduced from 2.35:1 to 2:1. In response to this recommendation, the proponent submitted a revised concept scheme with an FSR of 2.35:1 and 2:1. The revised concept scheme with an FSR of 2.35:1 is considered to have satisfactorily addressed concerns raised by the Panel.

As discussed above in the response to submissions, the assessment of the proposed Concept Master Plan has identified a number of opportunities for refinement of the proposed development which are to be addressed by either a site-specific Development Control Plan, or a Concept Development Application.

The Traffic Impact Assessment should be updated to address comments by RMS raised in their submission, as well as provide analysis of the Wentworth/Baker intersection. Any additional funding require to facilitate upgrades to mitigate traffic impact should be provided as part of a future Development Application, over and above Section 7.11 Contributions.

The timing of completion of the Wentworth/Page and Wentworth/Baker intersection upgrades should be considered as part of a future Development Application for the site.

It is recommended that Council forward the Planning Proposal to the Department of Planning and Environment for finalisation in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979, incorporating the changes made post exhibition making provision for an FSR of 2.35:1.

It is also recommended that the proposed development as illustrated in the proposed Concept Master Plan be further refined in a site-specific DCP or as part of a Concept Development Application, as outlined in the response to submissions.

Next Step

In the event that Council resolves to endorse the Planning Proposal, it will be forwarded to the Department of Planning and Environment (DPE) so that the Local Environmental Plan (LEP) amendment can be drafted, subject to any amendments resolved by Council. Council does not have delegation from the Minister to make this LEP amendment and as such, DPE will be responsible for the finalisation of this amendment.

Financial Implications

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

Community Engagement

The community engagement actions in relation to this Planning Proposal were:

- Publicly exhibiting the Planning Proposal and associated documentation from 3 December 2018 to 1 February 2019;
- Sending notification letters to 1033 adjacent and surrounding landowners;
- Providing hard copies of all materials for inspection at the Rockdale and Eastgardens Customer Service Centres; and
- Advertising the Planning Proposal in the St George & Sutherland Shire Leader and Southern Courier providing notification of the exhibition period and where exhibition materials could be viewed, including on Council's 'Have Your Say' web page.

Attachments

- 1 Response to Submissions (under separate cover) ➡
- 2 Rezoning Review Decision (under separate cover) ➡
- 3 Gateway Determination (under separate cover) ➡
- 4 Gateway Alteration (under separate cover) ➡
- 5 Planning Proposal (under separate cover) ➡
- 6 Urban Design Report and proposed Masterplan (under separate cover) ➡
- 7 Council letter to DPE (under separate cover) ➡

- 8 Peer Review Urban Design Analysis and Concept Plan (under separate cover) ➡
- 9 Proponent response to BLPP meeting (under separate cover) ➡
- 10 Economic Impact Assessment (under separate cover) ➡
- 11 Peer Review - Economic Impact Assessment (under separate cover) ➡
- 12 Heritage Impact Statement (under separate cover) ➡
- 13 Complying Development Certificate (under separate cover) ➡
- 14 Controlled Activity Approval (under separate cover) ➡
- 15 Summary of previous investigations (contamination) (under separate cover) ➡
- 16 Due Diligence Report (under separate cover) ➡
- 17 Proponent response to exhibition issues (under separate cover) ➡
- 18 RMS submission and appendices (under separate cover) ➡
- 19 Amended Traffic Modelling Report (under separate cover) ➡
- 20 Traffic Impact Assessment (under separate cover) ➡
- 21 Peer Review - Traffic Impact Assessment (under separate cover) ➡
- 22 RMS Letter - Funding (under separate cover) ➡

Council Meeting

12/06/2019

Item No	8.6
Subject	Voluntary Planning Agreement Post Exhibition - 128-130 and 150 Bunnerong Road, Pagewood (BATA II)
Report by	Michael McCabe, Director City Futures
File	F18/740

Summary

Bayside Council placed a Voluntary Planning Agreement (VPA) on public exhibition in relation to a public benefit offer made by Karimbla Properties (No39) Pty Ltd and Meriton Properties Pty Ltd in relation to 128 -130 and 150 Bunnerong Road, Eastgardens.

The proposed Voluntary Planning Agreement includes:

- Dedication of Affordable Housing Units (AHU), containing a total of 100 bedrooms with a maximum of 50 units;
 - Embellishment and dedication of a minimum of 20,000sqm of open space;
 - Dedication of public roads;
 - Monetary contribution of \$23,900,000 (GST exclusive);
 - Monetary contributions that would otherwise have been required to be paid for the Development under the Contributions Plan (being the City of Botany Bay s7.11 Development Contributions Plan 2016 Amendment 1).
 - Monetary contributions that would otherwise have been required to be paid as part of the BATA I VPA (\$2,478,000 indexed in accordance with CPI from 2 March 2018).
-

Officer Recommendation

- 1 That Council notes the outcomes of the exhibition of the Voluntary Planning Agreement (VPA) for 128 – 130 and 150 Bunnerong Road, Eastgardens (BATA II).
 - 2 That the General Manager executes the VPA in accordance with Council delegations.
-

Background

In accordance with Council's resolution on 8 August 2018 (see attachment 1) a draft VPA was placed on public exhibition alongside the draft Planning Proposal and Masterplan for the site between 3 December 2018 and 1 February 2019. The original Council report relating to the history of the VPA Offer is at (see attachment 2). The Planning Proposal and Masterplan are subject to a separate report to Council.

A total of 16 submissions were received by Council relating to the VPA, primarily through the Have your Say webpage and email. A summary of the number and types of submissions is below in Table 1, with Council's responses to each submission at attachment 3.

Total Submissions	16
In Support	4
In Support but with changes	2
In Objection	6
Position on VPA unspecified but proposes new or amended terms	4

Table 1: Snapshot of submissions

It must be noted that execution of the VPA depends on the broader planning conditions being met, which includes:

- Gazettal of amendments to the Botany Bay Local Environmental Plan 2013, including a minimum Floor Space Ratio of 2.35:1 (excluding the affordable housing provision);
- Approval of a Stage 1 Masterplan Development Application (which does not include any conditions that exceed the provisions of the NSW Apartment Design Guide (SEPP 65).

Ownership Details

Land Ownership & Developer	Karimbla Properties (No. 39) Pty Ltd (Developer)
Directorship Details	<p>Director: Harry Oscar Triguboff Appointment Date: 9/10/2012</p> <p>Director: David Cremona Appointment Date: 1/07/2014</p> <p>Director: James Demitrius Sialepis Appointment Date: 1/07/2014</p> <p>Director: Matthew Thomas Appointment Date: 27/10/2015</p> <p>Secretary: Robyn Elizabeth McCully Appointment Date: 9/10/2012</p> <p>Secretary: Dianne Ruby Reynolds Appointment Date: 16/09/2014</p> <p>Secretary: Joseph Guy Callaghan Appointment Date: 15/12/2017</p>
Shareholders	Meriton Properties Pty Ltd – 100%
Guarantor	Meriton Properties Pty Ltd
Directorship Details	<p>Director: Harry Oscar Triguboff Appointment Date: 13/06/1969</p> <p>Director: David Cremona Appointment Date: 1/07/2014</p> <p>Director: James Demitrius Sialepis Appointment Date: 1/07/2014</p>

	Director: Matthew Thomas Appointment Date: 27/10/2015 Secretary: Robyn Elizabeth McCully Appointment Date: 15/11/1991 Secretary: Dianne Ruby Reynolds Appointment Date: 16/09/2014 Secretary: Joseph Guy Callaghan Appointment Date: 9/11/2017
Shareholders	DO-NEBA Holdings Pty Ltd – 31% Karimbla Investments Pty Limited – 25% Harry Triguboff (Holdings) Pty Ltd – 44%

Table 2: Company Owner & Director Details

Financial Implications

Not applicable	<input checked="" type="checkbox"/>	Dedication of affordable housing, embellishment and dedication of open space. public roads and monetary contributions.
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input type="checkbox"/>	

Community Engagement

The Draft VPA was placed on public exhibition for a period of 28 days from 3 December 2018 to 1 February 2019 and was available to view online at the Bayside Council Have Your Say webpage and in hard copy at the Rockdale and Eastgardens Libraries.

Attachments

- 1 Council Meeting Minutes 8 August 2018 - Council Resolution for VPA Offer - 128 and 130-150 Bunnerong Road, Eastgardens [↓](#)
- 2 Council Report - 128 and 130-150 Bunnerong Road, Eastgardens - Meriton VPA Offer - 8 Aug 18 [↓](#)
- 3 Council Responses to VPA Submissions - 128 & 130-150 Bunnerong Road, Eastgardens [↓](#)
- 4 Voluntary Planning Agreement - Public Exhibition Version [↓](#)

Council Meeting

8/08/2018

8.1 128 and 130-150 Bunnerong Road, Eastgardens - Meriton Voluntary Planning Agreement Offer

Mr Matthew Lennartz, speaking for the Officer Recommendation, addressed the Council

Division called by Councillor Saravinovski

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

The division was declared carried

RESOLUTION

Minute 2018/169

Resolved on the motion of Councillors Tsounis and Nagi

That Council drafts a Voluntary Planning Agreement in relation to 128 and 130-150 Bunnerong Road, Eastgardens (known as BATA II) for public exhibition for a period of 28 days as profiled in Table 2 of this report.

8.6 Ador Reserve - Summer Allocation

Mr Angelo Bonura, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2018/170

Resolved on the motion of Councillors Nagi and Tsounis

That Council awards a permit to St George Football Association, Rockdale City Suns and St George Football Club for the 2018/2019 summer use in accordance with Council adopted 2018/2019 Fees and Charges and a further rate to be determined subject to lighting arrangements and costs.

8 Reports**8.2 Draft Planning Proposal: 8 Princess Street, Brighton Le Sands****RESOLUTION**

Minute 2018/171

Resolved on the motion of Councillors McDougall and Nagii

Council Meeting**8/08/2018**

Item No	8.1
Subject	128 and 130-150 Bunnerong Road, Eastgardens - Meriton Voluntary Planning Agreement Offer
Report by	Jeff Appel, Consultant Development Manager
File	F18/740

Summary

In April 2017 Meriton lodged a draft Planning Proposal with Bayside Council for the site known as BATA II at 128 and 130-150 Bunnerong Road, Eastgardens.

In August 2017 Meriton requested that the NSW Department of Planning and Environment issue a Pre-Gateway Review as Council had not determined the rezoning application within 90 days.

In December 2017, a Gateway Determination was issued by the Department of Planning and Environment outlining that Council is now Relevant Planning Authority and that the Planning Proposal be placed on public exhibition. Therefore, the Planning Proposal was not considered by the Bayside Planning Panel or Bayside Council prior to the Gateway Determination.

A Draft Letter of Offer from Meriton to enter into a Voluntary Planning Agreement (VPA) for 128 and 130-150 Bunnerong Road, Eastgardens has been received by Council.

This report profiles the offer and recommends that Council request amendments to the offer prior to public exhibition.

Officer Recommendation

That Council draft a Voluntary Planning Agreement in relation to 128 and 130-150 Bunnerong Road, Eastgardens (known as BATA II) for public exhibition for a period of 28 days as profiled in Table 2 of this report.

Background

BATA I is an 'L' shaped land parcel edged in blue as illustrated below being the Southern and Western area of land.

BATA II is a rectangular shaped land parcel coloured in red (North Eastern corner) but also includes a portion of land to the Western side that overlaps BATA I.



BATA I Summary

Council entered into a Voluntary Planning Agreement with Karimbla Properties in relation to the development of 130-150 Bunnerong Road, Eastgardens on 7 August 2015.

The agreement included:

- Providing a monetary contribution of \$10.5 million to Council for upgrade of intersections on Wentworth Avenue, upgrades to Jellicoe Park, improvements to Munch Park and the balance of funds on other defined public works.
- Other works contributions included:
 - a. Dedication at no cost to Council approximately 8,000 sqm of publically available open space (Central Park).
 - b. Dedication at no cost to Council approximately 2,700 sqm of publically available open space.
 - c. Embellish and dedicate road, East West Boulevarde, Civic Avenue, Road Lot 2 North South, Road Lot 4 and Road Lot 5 North South Street and Local Road Lot 6.
 - d. Design and Construct traffic lights at Banks Avenue and Heffron Road.
 - e. Design and construct traffic lights at Bunnerong Road and Heffron Road, Maroubra Road.

BATA I was determined pursuant to section 34 of the *Land and Environment Court Act* and provided for:

- Subdivision into seven lots.
- Subdivision for parks being Central and Linear Park.

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- Subdivision into Lots for public road.
- An indicative maximum of 2223 residential apartments, up to 5000 sqm of retail space and four child care centres.

See **Attachment 1** – Land and Environment Court Orders August 2015 and associated tables.

BATA II – Summary

The land that forms part of BATA II incorporates Lot 2 in Deposited Plan 1187426 with a site area of approximately 60,800 sqm and 28,600sqm that overlaps BATA I with a total site area subject to the proposal 89,500 sqm.

The land is currently zoned part IN1 General Industrial and part R3 Medium Density (BATA I).

In December 2017, a Gateway Determination was issued by the Department of Planning and Environment for BATA II - See **Attachment 2** – Gateway Determination

The planning proposal includes the following elements:

- Rezoning of Lot 1 from IN 1 General Industrial to R4 High Density Residential.
- Rezoning of part lot 2 from R3 Medium Density Residential to R4 High Density Residential.
- Increasing FSR from 1:1 to 2.35:1.
- Increasing the Height Limit from 11m -32m to part 28 metres and part 65 metres.
- A Draft Masterplan

Voluntary Planning Agreement Offer

A Draft Letter of Offer to enter into a Voluntary Planning Agreement for 128 and 130-150 Bunnerong Road, Eastgardens has been received by Council.

VPAs are provided for in s7.4 of the *Environmental Planning & Assessment Act 1979* ('EPA Act'). VPAs enable planning authorities and developers to negotiate the provision by developers of public infrastructure, facilities and benefits in the planning process. These can be in addition to, or in substitution for, development contributions and works obligations imposed by development consent conditions VPAs can be used in connection with *planning proposals or development applications* ('DAs') under the EPA Act

See **Attachment 4**– Meriton Covering Letter to offer

See **Attachment 5** - Meriton Voluntary Letter of Offer

See **Attachment 6** – Meriton Masterplan Concept

The key elements of the offer are outlined below:

- Dedication of Affordable Housing Units with a total of 100 bedrooms located within Stage 1 of the Pagewood Green Development – delivered circa 2020

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- A single Monetary Contribution of \$23,900,000 (GST exclusive) provided up front circa 2020
- Dedication of approximately 20,000 sqm of Public Open Space. The embellishment works only for the net increase of 17,300sqm to be offset against the Section 7.11 (section 94) contributions.
- The VPA excludes 7.11 (sect 94) contributions. However, Meriton request that all contributions be capped at the existing \$20,000 cap and that the affordable housing component be excluded from contributions payable.

Community Benefit as Part of Value Uplift

In terms of the legislation and supporting Department of Planning and Environment's Guidance Notes, Councils are encouraged to develop a Voluntary Planning Proposal Policy to encourage transparency and consistency in the process. Council is in the process of preparing Draft VPA Policy for Council consideration and adoption.

Typical VPA policies are linked to 'value capture' and may seek affordable housing outcomes. Value capture is most commonly used in proponent initiated Planning Proposals which seek increased density or zoning changes. Bayside Council does not have a published policy however to date in lieu of a specific policy Council's practice has been to benchmark a 50% value capture requirement.

Hill PDA were appointed to undertake an assessment of the Value Uplift, given the significant size of the proposed BATA II development with total yield potentially exceeding 1589 (net yield) apartments, retail and commercial spaces and a 20 year development program.

The assessment identified a residual land value, per apartment of \$265,000 based on a hypothetical building of 120 apartments. (refer **Attachment 3** – Hill PDA Value Uplift Assessment) Assumptions in the financial model included:

- 1 Professional/application fees – 9%
- 2 Construction - \$376,000 per apartment plus parking \$45,000 per space, \$17,000 for balcony and \$7,500 for site costs
- 3 7.11 (Section 94) Charges \$20,000 per unit
- 4 Revenue \$12,600 per sqm less sale costs with sales volumes at 160 apartments per annum
- 5 Finance, equity plus 6% interest per annum

Performance indicators or returns deemed acceptable to the market were adopted at a target Internal Rate of Return of 18% and development margin of 25%. The Residual Land Value was attributed to the marginal apartments over a 20 year cash flow which discounted it at 6% per annum (reflecting a land holding discount rate) and deducted various costs (such as demolition, remediation, roads and services, etc.) to derive a present value of the uplift.

The base case assumed that the affordable housing which has a negative impact on development returns, would be delivered on the final stages, as would be the market expectation.

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The value uplift was determined at \$73.5 million and if Council considers a 50% share as an acceptable target value uplift share this equates to a \$36.6 million share or \$23,000 per apartment in today's values. A mechanism would then be put in place to accommodate escalation over the project time frame with payment on Occupation Certificate for the various stages in BATA II.

As part of Council's negotiations and given the extended development time frame, we have requested that the developer consider the delivery of the affordable housing and potentially the value share uplift at an earlier stage in the development or within soon to be constructed buildings in BATA I. Given the earlier payments or delivery, this has a negative impact on the value uplift. However, Council would receipt the returns earlier as opposed to receiving them proportionally throughout construction of BATA II.

If Council was to receipt the affordable housing as part of BATA I (or year 2020), then the value uplift would be reduced to \$60.2 million and resultant value share reduces to \$30.1 million.

Offer Analysis

The offer of \$23.9 million equates to about 40% of the value uplift as determined by Council's consultants', Hill PDA. The park would be dedicated with no value apportioned to the land, however the park embellishment would be offset against the section 7.11 charges for the net increase in open space dedication from BATA I as determined by an independent QS.

Table 1 - BATA I Comparison with BATA II

	BATA I	BATA II	Total
Units	2,223	1,589	3,812
Cash Contribution	\$10,500,000	\$23,900,000 (Botany Aquatic, Hensley etc)	\$34,400,000
Per unit contribution	\$4,723	\$15,040	
Offset (Estimate) Section 94 (7.11)	\$NIL	(\$6,293) per dwelling	
NET PER UNIT	\$4,723	\$8,747	
Park	11,700sqm	17,300 sqm (\$10 million)	29,000sqm
Affordable Housing	NIL	100 bedrooms (equivalent to say 50 units)	100 bedrooms

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We have tabled the Draft Letter of Offer, received from Meriton, with suggested amendments for Council to consider in adopting the proposal. Noting that Council will seek further legal advice during the drafting process.

Table 2 – Tabulated VPA Offer

Tabulated VPA offer	Council's Position
LEP Amendment: Means to rezone the Land to R4 High Density Residential (with provisions for retail, seniors living and hotel uses to be permissible with consent) and achieve a minimum FSR of 2.35:1 (excluding any the affordable housing provision) and heights at least 91mAH (or higher if supported by a controlled activity approval).	Delete reference to 'minimum' FSR.
Development: Means the future development of the Land subject to and in accordance with the LEP Amendment including the construction of a mixed use / residential development with associated roads and open space across a range of stages (Commonly referred to as Eastgardens Green (Part II)).	Noted
Principles:	
The offer is contingent on all of the following matters:	
<ul style="list-style-type: none"> Gazettal of the LEP Amendment to rezone the Land to R4 High Density Residential (with provisions for retail, seniors living and hotel uses to be permissible with consent) and achieve a minimum FSR of 2.35:1 (excluding any the affordable housing provision) and heights up to 20 storeys (higher if supported by CASA) 	Delete reference to 'minimum' FSR.
<ul style="list-style-type: none"> Approval of a Stage 1 Masterplan DA covering the Land that achieves the maximum permitted height and density of the LEP Amendment generally in accordance with the plan in Appendix A. 	Noted
<ul style="list-style-type: none"> Approval of the Stage 1 Masterplan DA must not include any conditions that exceed the provisions of SEPP65/ADG (that may change from time to time). 	Noted
<ul style="list-style-type: none"> Approval of the Stage 1 Masterplan DA must adopt the minimum residential parking rates in our Planning Proposal (i.e. 0.5spaces per ST/1B; 1spaces per 2B; and 1.5spaces per 3+B) 	Not Agreed
<ul style="list-style-type: none"> Approval of the Stage 1 Masterplan without any requirements for design competitions for the Development. (Note – there will be a separate design excellence strategy outlined in the revised PP to ensure the use of various tier 1 architects throughout the development) 	Noted

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Tabulated VPA offer	Council's Position
The Developer agrees to provide the following public benefits:	
<ul style="list-style-type: none"> Recognition of Meriton's contribution to the area by the naming of future public elements after Meriton (roads, open space etc). 	Not Agreed
<ul style="list-style-type: none"> Dedication of Affordable Housing Units (AHU's) to Bayside Council with a total of 100 bedrooms located within Part 1 of our Eastgardens Green development (subject of DA14/96). The AHU's will be identified at Meriton's discretion and with a preference for a higher proportion of 3-bedroom apartments. The units are to be used in-perpetuity for the purpose of providing affordable / key-worker housing for the local area and be managed by a registered Community Housing Provider. The units will be finished to a standard Meriton specification (to be included in an annexure to the VPA). 	Noted – Additional conditions of Council required including selection process of units and operation in perpetuity.
<ul style="list-style-type: none"> A single Monetary Contribution of \$23,900,000 (GST exclusive) that will be utilised by the Council to fund works or acquisitions inclusive of but not limited to upgrade to Hensley Athletic Field, upgrade to Botany Aquatic Centre and to other local public facilities that would benefit future residents of the Development in agreement with the Developer. 	Noted
<ul style="list-style-type: none"> A Local Contribution payment of \$20,000 per residential dwelling/apartment in the Development. 	Not Agreed – Payable as per Council's Adopted Development Contributions Plan at any time in the future.
<ul style="list-style-type: none"> Dedication of all nominated Public Roads as generally indicated on the plan in Attachment 6 	Noted
<ul style="list-style-type: none"> Dedication of approximately 20,000m² (2ha) of Public Open Space throughout the Development as generally indicated on the plan in Attachment 6 	Noted – Council's Botany Bay Development Contribution Plan 2016 as amended (2018) identifies the need for Council to acquire land as public reserve.
Timing:	
<ul style="list-style-type: none"> AHU's – Prior to any Construction Certificate for residential GFA under the Development 	Noted
<ul style="list-style-type: none"> Monetary Contribution – Prior to any Construction Certificate for residential GFA under the Development 	Noted

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Tabulated VPA offer	Council's Position
<ul style="list-style-type: none"> Local Contribution – Prior to any Construction Certificate for each Building within the Development (subject to CPI adjustments between the date of the relevant Development Consent and issue of the respective Construction Certificate). 	Noted
<ul style="list-style-type: none"> Public Open Space – Prior to any Occupation Certificate in the final building/stage of the Development (may occur earlier subject to development phasing and in agreement with Council) 	Noted
<ul style="list-style-type: none"> Public Roads – Prior to any Occupation Certificate in the final building/stage of the Development (may occur earlier subject to development phasing and in agreement with Council) 	Noted
<ul style="list-style-type: none"> The timing for obligations will not commence until the 1st Construction Certificate for residential GFA in the Development. Therefore, prior to the obligations being triggered the principles will be able to be achieved. If the principles are all met, Meriton will be obliged to fulfil the respective obligations. 	Noted
Application of Section 7.11 Contributions	
<ul style="list-style-type: none"> The application of s7.11 of the Act is excluded for the Development and the following provisions are adopted in the VPA as follows: 	Noted
<ul style="list-style-type: none"> A payment of \$20,000 is payable on any residential apartment/dwelling within the development (including any Independent Living Unit development subject to the Seniors Living SEPP). As per Council's current s7.11 Plan, no Local Contribution is payable on the non-residential items. 	Not Agreed – Payable as per Council's Adopted Development Contributions Plan at any time in the future.
<ul style="list-style-type: none"> Section s7.11 Contributions will not apply to any AHU's and if dedicated from a part of the existing development (under DA14/96) where they have already been paid, a credit should be applied to the Local Contributions or directly reimbursed from Council to the Developer in accordance with the Contributions levied under the respective Development Consent. If the AHU's are dedicated from the Development, the Local Contribution will not apply to the AHU. 	Noted
<ul style="list-style-type: none"> The full amount of the embellishment of the Public Open Space is to be credited from the Local Contribution. The amount, timing and method for the credit is to be agreed between the parties using an independent QS and considering the public open space already approved on the Land under DA14/96 once the Stage 1 DA and 	Noted – The embellishment is accepted but only on the net increase in open space from BATA I VPA. Based on the offer, the

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Tabulated VPA offer	Council's Position
associated Landscape Masterplan is and would be deducted proportionally through each stage of the Development.	net increase is 17,300 sqm
Security:	
<ul style="list-style-type: none"> Meriton Properties Pty Ltd will enter into the Agreement as a Guarantor to guarantee all obligations in accordance with the VPA as opposed to provision of other forms of security (e.g. Bank Guarantee or Insurance Bond). 	Noted
<ul style="list-style-type: none"> Registration of the VPA on the respective titles of the Land excluding any lots created under a strata subdivision (excluding common property) 	Subject to Legal Advice
<ul style="list-style-type: none"> No caveats will be permitted to be registered on the title of the Land except in the following circumstances: 	Noted, subject to satisfaction to the Council of sufficient security offered through the proponent guarantees
<ul style="list-style-type: none"> After execution and before and registration of the VPA on the Land; or 	Noted
<ul style="list-style-type: none"> On the title of the identified AHU's once identified and the respective lot is registered 	Noted
<ul style="list-style-type: none"> The Developer acknowledges that conditions of development consent on future Development Applications may be applied that will align with the obligations of the VPA and provide additional security for the delivery of the obligations. 	Noted

Financial Implications

Financial Implications are detailed in the body of this report. Drafting of the VPA will be commissioned by Council with drafting costs as specified in the drafted VPA.

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

Community Engagement

The VPA will go on public exhibition for a minimum 28 days.

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Attachments

- 1 Section 34 Approval BATA I
- 2 Gateway Determination
- 3 Hill PDA Valuation Uplift Assessment
- 4 Meriton Covering Letter to VPA Offer
- 5 VPA Offer
- 6 Appendix A to offer, Masterplan Concept

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Person or Entity	Submission No.	Position to VPA	Excerpts from Submission	Council Response
Individual	1	Objection	<p>“There is nothing proposed to compensate the public and people who live nearby for the loss of sunshine, loss of privacy, loss of amenity, the increased noise, overcrowding of public transport, increased car movements, and the lack of parking spaces on Bunnerong Road which will occur when people move into, and invite visitors to the urban jungle which is proposed for the above site.”</p>	<p>Section 7.4 of the Environmental Planning and Assessment Act (1979) stipulates that a Voluntary Planning Agreement cannot impose an obligation on Council to grant development consent or change an environmental planning instrument. Any adverse impacts of a proposed development will be assessed with respect to all relevant planning controls throughout the Planning Proposal and Development Application process.</p> <p>Planning outcomes must be satisfied and remain separate from public benefit outcomes that can be achieved through a Voluntary Planning Agreement, which generally aims to capture 50% of the value uplift of the development in order to provide additional public benefits to the community.</p> <p>Accordingly, the matters raised in submission 1 are all planning considerations that will be addressed by either a site specific Development Control Plan (DCP) and/or via a staged Development Application process, as per s4.23 of the Environmental Planning and Assessment Act (1979).</p>
			<p>“Embellishment and dedication of a minimum of 20,000sqm of open space is proposed: This open space should be dedicated as PUBLIC OPEN SPACE WITH AN AREA BUILT WITH PLAY EQUIPMENT SUITABLE FOR CHILDREN. The area should be soft surfaced and have a range of play equipment for children 1 - 18 years of age.”</p>	<p>The Planning Proposal confirms the open space land dedication is available for use by the general public and will not be confined for exclusive use by residents within the development. The elements for inclusion within the open space land dedication (including playgrounds) will be closely examined throughout the DA assessment process.</p> <p>The Planning Proposal does provide a landscape concept plan (located at Figure 17 in the document) which features elements that are intended for further consideration in final design (to be assessed in any subsequent Development Application). The landscape concept plan identifies a Recreation Park (to cater for flexible open play/sporting activities, fitness stations and BBQ facilities), a Community Park (to feature open lawn and an event space), an interactive play area with public art opportunities and a variety of ‘local retreats’ spread across the development.</p> <p>The applicant (Meriton) will need to prepare a more detailed design of the open space for inclusion in a future Development Application. The community will have an opportunity to make submissions on the final design as part of the Development Application assessment process. Standard methods of notification will be used, including mail (for residents in close vicinity to the site), newspaper and on Council’s DA tracker on the Council website.</p>
			<p>“The heritage clock tower building near the corner of Maroubra Road and Bunnerong Road should be refurbished and dedicated for community use BY THE GENERAL PUBLIC.”</p>	<p>This statement within submission 1 relates to the Planning Proposal and proposes repurposing the Clock Tower at the administration building for community use, which is not an item discussed in the Voluntary Planning Agreement.</p> <p>The overall BATA II site (including the administration building and clock tower) is not a listed heritage item under the Botany Bay LEP 2013, nor is it positioned within a heritage conversation area. Accordingly, Council has not supported the dedication and refurbishment of the administration building and associated clock tower. A Complying Development Certificate (CDC) was issued on 23 July 2018 for the demolition of the structure.</p> <p>Notwithstanding the above, some limited historic significance at the local level has resulted in a recommendation for an interpretation strategy and archival recording of the site, which will be considered by Council.</p>
Individual	2	Not specified - proposes new/amended terms	<p>“I hope you might consider encouraging the developer to provide a higher proportion of affordable housing in this development”</p> <p>&</p> <p>“I wasn’t able to find the masterplan information on your website but your</p>	<p>The ‘Greater Sydney Region Plan’ by the Greater Sydney Commission includes the preparation of ‘Affordable Rental Housing Target Schemes’ and recommends a target of 5-10% of residential floor space be applied to defined precincts for very low to low income households, which is subject to viability.</p> <p>Whilst Council continues to work toward achieving a greater level of affordable housing mix throughout the community as specified by the Greater Sydney Region Plan and the newly amended State Environmental Planning Policy (SEPP) No. 70, fifty (50) affordable housing units to include 100 bedrooms have been offered to Council. This offer takes into account development viability and other public benefits that stand to be achieved from the</p>

			letter stated that the VPA includes a maximum of 50 units, of a total of over 2000 - around 2% at best. Given the area's accessibility, a high need across the city for affordable housing, and the GSC's target of 5-10% of new development - it would be encouraging to see Council taking a more active role in capturing the windfall gains from upzoning of industrial land for affordable housing in particular."	Voluntary Planning Agreement (i.e. embellished public open space, monetary contributions to fund public amenities and infrastructure, dedication of public roads, etc).
Individual	3	Objection	"This idea of affordable housing means lower socio economic residents and crime rates in the area will increase. Community safety will suffer."	The provision of affordable housing is consistent with the 'Greater Sydney Region Plan' and the 'Eastern City District Plan'. Affordable housing is defined under the Environmental Planning and Assessment Act 1979 as housing for very low-income households, low-income households or moderate-income households.
			<p>"\$24 Odd Million is not enough to sell out the area, offering 20,000 square metres of open space --- that's about three football fields, can't see where that amount of open space will be allocated."</p> <p>&</p> <p>"Why bother to update the masterplan, hard not to think changes are dictated when \$ are offered."</p>	<p>Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide additional monetary contributions toward improving public facilities and amenities for public benefit. This process, known as a Voluntary Planning Agreement, remains independent to the legislative requirements and planning controls placed on a developer. This ensures Council is not obliged to grant consent to a non-compliant development or to support an unsuitable proposal to change an environmental planning instrument. Accordingly, the planning proposal must be supported based on achieving compliance and sound planning merit alone.</p> <p>The Planning Proposal will result in a total of 20,208sqm public open space being dedicated to Council. The area of public open space represents approximately 22.5% of the total site area. The public open space areas are to be located in a way that provides a green link between Jellicoe park to the north and the 'Central Park' approved as part of BATA Stage 1 development to the south. Subsequent development applications will also be required to provide a communal open space in order to satisfy Apartment Design Guide (ADG) requirements. The Concept Masterplan for the Open Space Land dedication is also illustrated in both the Planning Proposal (p.33 Figure 17) and Voluntary Planning Agreement (Schedule 3).</p>
Individual	4	Not specified - proposes new/amended terms	"The Affordable Housing units would improve housing options for workers locally which is some benefit."	The provision of Affordable Housing was considered to be consistent with the 'Greater Sydney Region Plan', 'Eastern City District Plan' and in line with the Gateway Determination issued by the Department of Planning & Environment.
			<p>"The dedication of some open space is useless to local residents who do not actually live in one of these skyscraper unit blocks but who live nearby and are detrimentally affected by them unless space is made available for use by the general public."</p> <p>&</p> <p>"Space must be dedicated to the general public and be space we can actually walk on, sit down on, play on. That would be some compensation to us for the huge loss of amenity we are</p>	<p>The Planning Proposal confirms the open space land dedication is available for use by the general public and will not be confined for exclusive use by residents within the development. The elements for inclusion within the open space land dedication (including playgrounds) will be closely examined throughout the DA assessment process. The Planning Proposal also identifies an opportunity to integrate the open space network with adjoining open spaces external to the site, which will look to enhance pedestrian and cycling opportunities as part of a wider green grid.</p> <p>The Planning Proposal does provide a landscape concept plan (located at Figure 17 in the document) which features elements that are intended for further consideration in final design (to be assessed in any subsequent Development Application). The landscape concept plan identifies a Recreation Park (to cater for flexible open play/sporting activities, fitness stations and BBQ facilities), a Community Park (to feature open lawn and an event space), an interactive play area with public art opportunities and a variety of 'local retreats' spread across the development.</p> <p>The applicant (Meriton) will need to prepare a more detailed design of the open space for inclusion in a future Development Application. The community will have an opportunity to make submissions on the final design as</p>

			<p>and will suffer from this development, so inappropriate to the site.”</p> <p>&</p> <p>“Play areas equipped for children ranging in age from very young, for example swings, slippery dips, to teenage children who like using ball game equipment, climbing, and flying fox equipment would be of benefit to both residents and neighbours.”</p> <p>&</p> <p>“If these amenities were able to be freely accessed by the public as in a public park that would be of public benefit to locals who cannot easily travel to other parks.”</p>	<p>part of the Development Application assessment process. Standard methods of notification will be used, including mail (for residents in close vicinity to the site), newspaper and on Council’s DA tracker on the Council website.</p>
			<p>“Similarly, adult members of the public could find benefit from this huge development if a community centre building were provided and dedicated for free use by the general public via Bayside Council for activities for locals such as fitness, socializing, craft or art production and exhibition and possibly small scale monthly markets.”</p>	<p>Whilst the Voluntary Planning Agreement does not include the dedication of a community centre as part of the contributions negotiated with the developer, the Planning Proposal features elements that are intended for further consideration in the final design (to be assessed in any subsequent Development Application). The landscape concept plan identifies a Recreation Park (to cater for flexible open play/sporting activities, fitness stations and BBQ facilities), a Community Park (to feature open lawn and an event space), an interactive play area with public art opportunities and a variety of ‘local retreats’ spread across the development.</p> <p>The applicant (Meriton) will need to prepare a more detailed design of the open space for inclusion in a future Development Application. The community will have an opportunity to make submissions on the final design as part of the Development Application assessment process. Standard methods of notification will be used, including mail (for residents in close vicinity to the site), newspaper and on Council’s DA tracker on the Council website.</p>
Individual	5	Support, but with changes	<p>“This Meriton development is trying to pass itself off as a quality development to cater for low-cost housing and I also note there is a big donation towards Botany pool upgrade (this is not appropriate as it looks very much like bribery of the council by developers and does nothing for the people who have to live next to this monstrosity.”</p>	<p>Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide additional monetary contributions toward improving public facilities and amenities for public benefit. This process, known as a Voluntary Planning Agreement, remains independent to the legislative requirements and planning controls placed on a developer. This ensures Council is not obliged to grant consent to a non-compliant development or to support an unsuitable proposal to change an environmental planning instrument. Accordingly, the planning proposal must be supported based on achieving compliance and sound planning merit alone.</p> <p>The quality of the development must comply with both the State Environmental Planning Policy (SEPP) No. 65 - Design of Quality Residential Flat Buildings and the Apartment Design Guide (ADG). These governing documents guide design practices to reduce perceived bulk of a building, require the use of high quality materials, outline minimum dwellings size and provide other standards to set a benchmark for the level of quality required of the development.</p> <p>Additionally, the site is identified as a ‘Key Site’ under Botany Bay LEP 2013, which triggers a need for any new buildings to comply with Clause 6.16 Design Excellence, which aims to ensure a high standard of architectural design is achieved.</p>
Individual	6	Objection	<p>“...the suggested public benefit offer is laughable in relation to the benefit</p>	<p>Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide additional monetary contributions toward improving public facilities and amenities</p>

			these changes will yield to the developer at the cost of ruining this delightful suburb."	for public benefit. This process, known as a Voluntary Planning Agreement, remains independent to the legislative requirements and planning controls placed on a developer. This ensures Council is not obliged to grant consent to a non-compliant development or to support an unsuitable proposal to change an environmental planning instrument. Accordingly, the planning proposal must be supported based on achieving compliance and sound planning merit alone.
Individual	7	Support	"I like the idea of a new centre and park to dress up the area. I think the industrial site is an eyesore and any change is welcome. The developer contributions would further improve the community and that can only be a good thing."	Submission 7 responds to the Planning Proposal only, which states the positive impact the open space dedication and monetary contributions (which form part of the Voluntary Planning Agreement) could have on the broader community.
Bonnie Doon Golf Club	8	Support, but with changes	"BDGC is supportive of affordable housing but is of the understanding that if the affordable housing units are dedicated to a housing authority or council, then affordable housing becomes a state government matter and not a VPA matter. We believe it will only be a VPA matter if the units are retained by the developer for a period of say 10 years and then revert to commercial rates. BDGC seeks clarification in this regard."	The provision of Affordable Housing Units (AHUs) is provided for by Section 7.4 of Environmental Planning and Assessment Act as a form of developer contribution that can be sought by Council as a public benefit. The Affordable Housing Units would be managed by a registered Community Housing Provider and used in-perpetuity for the purpose of providing affordable in the local area. Additionally, the Gateway Determination issued by the Department of Planning and Environment required Council to work with the developer to investigate the provision of Affordable Housing opportunities.
			"Regarding the embellishment and dedication of a minimum of 20,000m2 of open space, BDGC would like to know what amount is above the requirement based on council instruments for the scale of the development and that it is only the additional cost that is included in the VPA."	Council's primary planning instruments for the site (Botany Bay LEP 2013 and Botany Bay DCP 2013) does not state a minimum amount of open space that must be acquired as part of a development. However, the former Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) identified the need for Council to acquire land for open space to address the shortage of larger parks/reserves that have the capacity to provide a wider range of recreation opportunities, such as play, 'kick about', rest, group gathering and picnic activities. The amount of public open space was deemed suitable with consideration to the other public benefits that form part of the Voluntary Planning Agreement. The Planning Proposal also identifies broader planning benchmarks that have been considered in determining the amount of land to be dedicated as open space, such as Government Architect NSW.
			"BDGC contests that the Bayside Council also has a responsibility to make our community a safer place to live." & "BDGC contests that approval by Bayside Council of such density development has created a significant imposition on BDGC and that 'other infrastructure' must therefore include an underpass for the safe passage of our employees and golfing traffic of Heffron Road (to accommodate local community needs and plan for growth in a coordinated manner)."	Council acknowledge all points raised by Bonnie Doon Golf Club in the submission and subsequent communications with Council officers, which form a request for funding a proposed underpass to address the safety concerns to golfers and golf club employees crossing Heffron Road. Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide a monetary contribution to be applied toward a public purpose. The monetary contributions forming part of the overall developer contributions have been assigned for the purpose of upgrading key public facilities and amenities in the immediate vicinity and close surroundings of the development. The predominant focus is the Botany Aquatic Centre, an important community facility in close proximity to the development which has been highlighted in Bayside's Community Strategic Plan and received a Council resolution for upgrade. A number of other public amenities close-by have been identified for consideration to the balance of any uncommitted funds and would take precedence. These include Hensley Athletic Field, L'Estrange Park, Jellicoe Synthetic Field, Tennis Court resurfacing at Mutch Park (along with tennis courts at Mascot Memorial Park and Cahill Park) or any other public purpose that Council reasonably considers the public interest would be better served.

			<p>&</p> <p>The number of course machinery crossings is 50,000 to 55,000 p.a. and despite these vehicles being road registered e.g. hazard, indicator, brake and headlights etc, the introduction of a 4-lane roadway without mitigating the hazard to our employees has now placed them at considerable risk.</p> <p>&</p> <p>“BDGC considers it will be the most affected by this development and that the Bayside Council must take the opportunity through the VPA process to mitigate the risk and ensure the safe passage of our employees and golfing traffic on Heffron Road by facilitating the construction of an underpass.”</p> <p>&</p> <p>“BDGC contests that Bayside Council request the proponent (Karimbla Properties (No 39) Pty Ltd and Meriton Properties Pty Ltd) to amend the VPA to include the construction of an underpass or, that the Bayside Council undertakes to meet the full cost of the construction of the underpass from the \$23.9M monetary contribution received through the proposed VPA. BDGC is strongly of the view that Bayside Council should commit to spending part of that monetary contribution in our precinct where the impact will arise, not in a distant area of the council unaffected by this development.”</p>	<p>As acknowledged in the submission, Council has funded and completed the construction of a new pedestrian crossing in February 2019, resulting from the Roads & Maritime Services (RMS) requirement to relocate the former pedestrian crossing resulting from the Heffron Road/Banks Avenue intersection upgrade. This new crossing facilitates the safe passage of all pedestrians, golfers and golf carts alike.</p> <p>Council maintain that the request by the club to help fund an underpass for the purpose of mitigating the risk to club employees crossing Heffron Road does not constitute a public purpose as defined by the Act. The configuration of the golf course as split across Heffron Road has historically been and continues to be an operational challenge for the club to manage as a privately owned entity.</p> <p>With consideration to the above, Council do not support the request to fund the proposed underpass with the monetary contributions forming part of the Voluntary Planning Agreement.</p>
Individual	9	Objection	<p>With the developers obvious propensity to continuously amend the original masterplan for stage 1, we are very concerned that any agreement will lead to a continuity of overdevelopment. This</p>	<p>Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide development contributions toward improving public facilities and amenities for public benefit. This process, known as a Voluntary Planning Agreement, remains independent to the legislative requirements and planning controls placed on a developer. This ensures Council is not obliged to grant consent to a non-compliant development or to support an unsuitable proposal to change an environmental planning instrument. Accordingly, the planning proposal must be supported based on achieving compliance and sound planning merit alone.</p>

			agreement outlines increased building heights, more apartments, less cars than required by Code, extra apartments to compensate for providing affordable apartments, demolition of the significant symbolic clock tower building and an internal environment on site that should also be addressed. Council must protect the community and the area from overdevelopment.....8 new blocks being 17 to 20 storeys high and the others being 7 to 14 storeys is a density that is inappropriate to this area.	Notwithstanding the above, this submission can be considered as an objection toward the Voluntary Planning Agreement.
Hakoah Sydney City East FC	10	Support	“Development contributions from the development will provide vital funding for infrastructure upgrade and maintenance (such as Hensley and other sporting parks in the locale) which are extensively utilised by the local community and sporting clubs. Hakoah Sydney City East hence supports the Planning Proposal for the positive contribution and associated benefits that it will bring to the area.”	Submission 10 supports the Voluntary Planning Agreement and is focused on the potential for funding from the development contributions. Specifically mentioned is the potential for funding toward Hensley Field and other sporting parks in the local area. It must be noted that clause 12.4 in the Voluntary Planning Agreement applies the funding to the Botany Aquatic Centre upgrade first, with the balance of uncommitted funds to the other community amenities as determined by Council.
Individual	11	Objection	“The planning proposal notes that ‘Council has endorsed a Voluntary Planning Agreement that will deliver 100 rooms of affordable housing and a monetary contribution of \$23.9 million to fund substantial local infrastructure and community facilities.’ This does NOT justify or compensate for more than doubling the FSR and building height.”	Section 7.4 of the Environmental Planning & Assessment Act allows Council to negotiate with a developer seeking the rezoning of land to provide additional monetary contributions toward improving public facilities and amenities for public benefit. This process, known as a Voluntary Planning Agreement, remains independent to the legislative requirements and planning controls placed on a developer. This ensures Council is not obliged to grant consent to a non-compliant development or to support an unsuitable proposal to change an environmental planning instrument. Accordingly, the planning proposal must be supported based on achieving compliance and sound planning merit alone.
Urban Taskforce Australia	12	Support	“The renewal of the site will deliver more homes, jobs, services and infrastructure...Up to 50 apartments (equivalent to \$50 million in value) of affordable rental housing will be provided to council for key workers such as teachers, paramedics and others who would not be able to live in the area” “Provides \$23.9 million in works and monetary contributions to fund and upgrade community facilities including Botany Aquatic Centre, Mutch Park, Jellicoe Park, Hensley	The provision of affordable housing was considered to be consistent with the 'Greater Sydney Region Plan', 'Eastern City District Plan' and Gateway Determination issued to Council by the Department of Planning and Environment. It must be noted that clause 12.4 of the Voluntary Planning Agreement applies the funding to the Botany Aquatic Centre Upgrade first, with the balance of uncommitted funds to the other community amenities.

			Athletic Field, Tennis Course and road interchanges.”	
Department of Education	13	Not specified - proposes new/amended terms	<p>“Without a [Special Infrastructure Contribution] in place, it is requested that Council, in consultation with School Infrastructure NSW (SINSW) and the Department of Planning and Environment, consider a mechanism to obtain developer contributions for public education facilities arising from this planning proposal. One such mechanism is a local environmental plan amendment that includes a requirement for satisfactory arrangements to be in place, prior to approval of the development, to ensure required regional infrastructure is provided. In this regard SINSW may consider a negotiated voluntary planning agreement to ensure developer monetary contributions or works-in-kind to deliver the agreed infrastructure.”</p>	<p>On 12 December 2017, Bayside Council received a letter of Gateway Determination from the Department of Planning & Environment regarding the original Planning Proposal to rezone and amend and planning controls for the site.</p> <p>On 9 October 2018, Bayside Council received an Alteration of Gateway Determination from the Department, in order to cater for a number of amendments related to the Botany Bay LEP 2013. Both documents specifically required Council to investigate making provisions for affordable housing at this site.</p> <p>As such, Council and the developer, Meriton, have negotiated the provision of a total of 100 bedrooms consisting of a maximum of 50 affordable housing units.</p> <p>Other development contributions such as monetary contributions, land dedication and works-in-kind were identified by Council and applied toward a number of public infrastructure, facility and amenity projects which would benefit the local community. These include the upgrade of the Botany Aquatic Centre, key intersections, public parks and the provision of 20,000SQM of embellished open space for public use.</p> <p>With consideration to the above, Council do not support the proposal by the Department of Education for the redirection of the monetary contributions, which have already been negotiated in good-faith following direction from the Department of Planning & Environment.</p>
Transport for NSW	14	Not specified - proposes new/amended terms	<p>“A contribution toward local and regional active transport connections would also help in this regard. The following suggestions should be considered for funding:</p> <ol style="list-style-type: none"> 1. An upgrade of the on-road cycle lanes, along Banks Avenue between Heffron Road and General Bridge Crescent, to a separated cycleway. 2. A new shared path along Heffron Road, Page Street and Cowper Avenue, which will link to a future Green Corridor. <p>The commitment to deliver transport infrastructure would ensure that the planning objectives of the Eastern City District Plan are implemented in conjunction with the dwelling growth associated with the subject land use changes.”</p>	<p>With regard to point 1 “upgrade of the on-road cycle lane along Banks Avenue, between Heffron Road and General Bridge Crescent to a separated cycleway”, this is a regional project identified in the Infrastructure Australia List and also as a TfNSW Priority Corridor. Council has previously requested funding from RMS for this project, however the timing of the funding is uncertain.</p> <p>With regard to point 2 “a new shared path along Heffron Road, Page Street and Cowper Avenue which will link to a future Green Corridor”, this is also a regional project however not a TfNSW priority. Council funding may therefore be appropriate.</p> <p>With consideration to the above, these suggestions will be considered for potential funding by Council alongside other public facilities and public purposes as per clause 11.4 and 12.4 in the Voluntary Planning Agreement.</p>

Individual	15	Objection	“visual density impact, out of character for surrounding low density dwelling, less than 400m from Maroubra residents, lack of privacy, traffic impact. Should not be built a huge mistake for the community should this proceed.”	Submission 15 is focused on the Planning Proposal, not the Voluntary Planning Agreement. These matters raised in this submission are all planning considerations that would be addressed by either a site specific Development Control Plan (DCP) and/or via a staged Development Application process, as per s4.23 of the Environmental Planning and Assessment Act.
Sydney Business Chamber The Hon. Patricia Forsythe (Executive Director)	16	Support	As has been recognised by the Greater Sydney Commission, with the population of greater Sydney expected to increase by 1.7 million people by 2036, the provision of quality, affordable housing, with access to transport as well as economic, social and cultural opportunities is critical to Sydney’s future success. With first home buyers and essential workers like teachers and nurses being priced out of the market the Chamber takes an active interest in the creation of residential developments, within a practical commute from Sydney’s CBD that can help increase access to housing.	The provision of affordable housing is consistent with the 'Greater Sydney Region Plan' and the 'Eastern City District Plan'. Affordable housing is defined under the Environmental Planning and Assessment Act 1979 as housing for very low-income households, low-income households or moderate-income households.

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

**BATA II Site- 128 Bunnerong Road and 120 Banks
Avenue, Eastgardens**

Planning Agreement

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**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

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Eastgardens Planning Agreement****Bayside Council****Karimbla Properties (No. 39) Pty Ltd****Meriton Properties Pty Ltd**

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**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

**BATA II Site- 128 Bunnerong Road & 120 Banks
Avenue, Eastgardens Planning Agreement**

Summary Sheet

Council:

Name: Bayside Council

Address: 444-446 Princes Highway, Rockdale NSW 2216

Telephone: (02) 9562 1666

Facsimile: (02) 9562 1777

Email: [Insert Details]

Representative: General Manager

Developer:

Name: Karimbla Properties (No. 39) Pty Ltd

Address: Level 11 Meriton Tower, 528 Kent St, Sydney NSW 2000

Telephone: (02) 9287 2888

Facsimile: (02) 9287 2777

Email: matthewl@meriton.com.au

Representative: Matthew Lennartz (Executive Manager- Planning and Government)

Guarantor:

Name: Meriton Properties Pty Ltd

Address: Level 11 Meriton Tower, 528 Kent St, Sydney NSW 2000

Telephone: (02) 9287 2888

Facsimile: (02) 9287 2777

Email: matthewl@meriton.com.au

Representative: Matthew Lennartz (Executive Manager- Planning and Government)

Land:

See definition of *Land* in clause 1.1.

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

Development:

See definition of *Development* in clause 1.1.

Development Contributions:

See Part 4, Part 5, and Schedule 1.

Application of s7.11, s7.12 and s7.24 of the Act:

See clause 8.

Enforcement:

See Part 8.

Registration:

See clause 37.

Restriction on dealings:

See clause 38.

Dispute Resolution:

See Part 7.

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement****Bayside Council****Karimbla Properties (No. 39) Pty Ltd****Meriton Properties Pty Ltd**

**BATA II Site- 128 Bunnerong Road & 120 Banks
Avenue, Eastgardens Planning Agreement**Under s7.4 of the *Environmental Planning and Assessment Act 1979***Parties****Bayside Council** ABN 80 690 785 443 of 444-446 Princes Highway, Rockdale NSW 2216 (**Council**)

and

Karimbla Properties (No. 39) Pty Ltd ABN 96 160 693 283 of Level 11 Meriton Tower, 528 Kent St, Sydney NSW 2000 (**Developer**)

and

Meriton Properties Pty Ltd ABN 49 000 698 626 of Level 11 Meriton Tower, 528 Kent St, Sydney NSW 2000 (**Guarantor**)**Background**

- A The Developer owns Lot 1 DP 1187426 and Lot 24 DP1242288 ('**Land**').
- B The Developer has submitted the Planning Proposal seeking the LEP Amendment in relation to the Land.
- C The value of the Land will increase significantly if the LEP Amendment is made.
- D The Developer agrees to share the increased value with the Council by way of provision of Development Contributions being monetary contributions, the dedication of land and the carrying out of work.
- E The Developer, the Council and Guarantor have agreed to enter into this Deed to provide a range of public benefits as a result of the LEP Amendment being made.
- F The Parties also agree to amend the BATA I VPA as set out in Schedule 7 of this Deed.

Operative provisions**Part 1 - Preliminary****1 Interpretation**

- 1.1 In this Deed the following definitions apply:

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

Affordable Housing has the same meaning as in the Act.

Affordable Housing Unit or **AHU** means a Dwelling that is Affordable Housing in a location and to a specification approved by the Council.

Affordable Housing Unit Contributions Credit means, in respect of an AHU that has been selected by the Council under clause 17, the amount of monetary contributions under s7.11 of the Act that has been paid in respect of that unit.

AHU Standards means the Council's standards for Affordable Housing Units as set out in Schedule 2 of this Deed.

Approval includes approval, consent, licence, permission or the like.

Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (iv) St George Bank Limited,
 - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

BATA I Development Consent means Development Consent to concept development application DA14/96 granted by the Land and Environment Court in proceedings 10730 of 2014 and dated as entered 31 August 2015 in respect of the BATA I Land, as modified from time to time.

BATA I Land means land comprising Lots 21, 22, 23 and 24 DP1242288, Lot 3 DP1236520 and any lots owned by the Developer within SP97153 as subdivided from time to time

BATA I VPA means the planning agreement under s7.4 of the Act entered into between the Developer and the Council dated 7 August 2015 and as amended from time to time.

Building has the same meaning as in the Act.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Compliance Certificate means a compliance certificate within the meaning of s6.4(e)(iv) of the Act.

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Concept Development Application has the same meaning as in the Act.

Concept Masterplan means the plans in Schedule 1 prepared by:

- (a) SJB Architects with Job No. 5826, Drawing No. SK-0102 Revision 6 dated 1 August 2018, and
- (b) Urbis dated 4 September 2018.

Construction Certificate has the same meaning as in the Act.

Contributions Plan means the contributions plan approved by the Council under s7.18 of the Act and titled '*Former City of Botany Bay s7.11 Development Contributions Plan 2016 Amendment 1*', as amended and replaced from time to time.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

CPI means the *Consumer Price Index (All Groups – Sydney)* published by the Australian Bureau of Statistics.

Deed means this Deed and includes any schedules, annexures and appendices to this Deed.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work but excludes any intentional damage to the extent it is caused by the Council or any other person other than the Developer.

Defects Liability Period in respect of a Work means the period of 1 year commencing on the day immediately after the Land on which the Work is located is dedicated to the Council.

Development means development on the Land in accordance with a Development Consent (as modified or substituted from time to time under the Act) granted pursuant to the BATA I Development Consent or as a consequence of the making of the LEP Amendment.

Development Application has the same meaning as in the Act and to avoid doubt includes a Concept Development Application.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of s7.4(3)(g) of the Act.

Dispute means a dispute or difference between the Parties under or in relation to this Deed.

Dwelling has the same meaning as in the LEP.

ELNO has the meaning given to that term in the Participation Rules.

Embellishment Work means embellishment of the open space to be dedicated under this Deed.

Embellishment Work Concept Plan means the concept plan in Schedule 6 prepared by Urbis dated 4th September 2018 .

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Embellishment Work Credit Value means the amount that is 86.5% of the Embellishment Work Value.

Embellishment Work Specification means the specification in Schedule 5.

Embellishment Work Value means \$10,091,535 being the estimated value of the Embellishment Work subject to clause 13.5.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Deed.

Floor Space Ratio or **FSR** has the same meaning as in the LEP.

Gross Floor Area or **GFA** has the same meaning as in the LEP.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Independent Certifier means an accredited certifier, within the meaning of the Act, jointly appointed by the Parties for the purposes of this Deed.

Independent Quantity Surveyor means an appropriately qualified quantity surveyor, jointly appointed by the Parties for the purposes of this Deed.

Item means an item specified in Column 1 of the Table in Schedule 1.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means land comprising Lot 1 DP 1187426 and Lot 24 DP1242288, otherwise known as 128 Bunnerong Road, Eastgardens and 120 Banks Avenue, Eastgardens, and any lot or strata lot created from a subdivision or strata subdivision of those lots.

LEP means the *Botany Bay Local Environmental Plan 2013*.

LEP Amendment means an amendment to the LEP as a result of the Planning Proposal.

LG Act means the *Local Government Act 1993*.

Local Contribution means a monetary Development Contribution required to be paid under Item 1 of the Table in Schedule 1.

Lot 24 means land comprising Lot 24 DP1242288 and any lot or strata lot created from a subdivision or strata subdivision of those lots.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

Major Defect means:

- (a) a Defect in a Work that is attributable to defective design, defective or faulty workmanship, defective materials, or a failure to comply with the structural performance requirements of the National Construction Code (or any combination of these), and that causes, or is likely to cause:
 - (i) the inability to inhabit or use the Work (or part of the Work) for its intended purpose, or
 - (ii) the destruction of the Work or any part of the Work, or

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- (iii) a threat of collapse of the Work or any part of the Work, or
- (b) if the external cladding of a Work causes or is likely to cause a threat to the safety of any occupants of the Work if a fire occurs, or
- (c) the use of a building product (within the meaning of the *Building Products (Safety) Act 2017*) in contravention of that Act.

Minor Defect means a Defect that is not a Major Defect.

Occupation Certificate has the same meaning as in the Act.

Party means a party to this Deed.

Participation Rules means the participation rules as determined by the *Electronic Conveyancing National Law* (NSW).

Planning Proposal means the document proposing amendments to the LEP submitted by the Developer to the Council in April 2017 and the subject of the gateway determination dated 12 December 2017 (as altered on 9 October 2018) under s3.34 of the Act and as varied pursuant to s3.35 of the Act.

Proposed Subdivision Plan means the plan in Schedule 4 prepared by JBW Surveyors Pty Ltd with plan reference No. '124815-PROPSUBDSTG2' dated 7 August 2018.

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Security means a Bank Guarantee, or a bond (including an insurance bond) or other form of security to the satisfaction of the Council indexed in accordance with the CPI from the date of this Deed.

Seniors Housing has the same meaning as in the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Stage means a stage of the Development approved by a Development Consent or otherwise approved in writing by the Council for the purposes of this Deed.

Stage 1 DA means the Concept Development Application in respect of the Land to facilitate Development on the Land as a consequence of the making of the LEP Amendment.

Subdivision Certificate has the same meaning as in the Act.

Work means the physical result of any building, engineering or construction work in, on, over or under land.

- 1.2 In the interpretation of this Deed, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Deed.

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- 1.2.2 A reference in this Deed to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Deed is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Deed to dollars or \$ means Australian dollars and all amounts payable under this Deed are payable in Australian dollars.
- 1.2.5 A reference in this Deed to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Deed to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Deed to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Deed.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Deed includes the agreement recorded in this Deed.
- 1.2.14 A reference to a Party to this Deed includes a reference to the servants, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Deed.
- 1.2.17 Notes appearing in this Deed are operative provisions of this Deed.

2 Status of this Deed

- 2.1 This Deed is a planning agreement within the meaning of s7.4(1) of the Act.

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3 Commencement

- 3.1 This Deed commences and has force and effect on and from the date when the Parties have:
 - 3.1.1 all executed the same copy of this Deed, or
 - 3.1.2 each executed separate counterparts of this Deed and exchanged the counterparts.
- 3.2 The Parties are to insert the date when this Deed commences on the front page and on the execution page.
- 3.3 The Parties agree that any provisions in this Deed requiring the provision of Development Contributions do not apply until the LEP Amendment takes effect.

4 Application of this Deed

- 4.1 This Deed applies to:
 - 4.1.1 the LEP Amendment,
 - 4.1.2 the Land,
 - 4.1.3 the Development, and
 - 4.1.4 the BATA I Land and the BATA I Development.

5 Warranties

- 5.1 The Parties warrant to each other that they:
 - 5.1.1 have full capacity to enter into this Deed, and
 - 5.1.2 are able to fully comply with their obligations under this Deed.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

7 Surrender of right of appeal, etc.

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this Deed, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to the validity of this Deed or any condition in the Approval requiring compliance with this Deed.

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8 Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 8.1 This Deed excludes the application of s7.11 and s7.12 of the Act to the Development.
- 8.2 This Deed does not exclude the application of s7.24 to the Development.

Part 2 –Preliminary Actions to be taken by the Developer

9 Preliminary Actions

- 9.1 Within 12 Months after the date the LEP Amendment takes effect, the Developer
 - 9.1.1 is to make a Development Application or the Stage 1 DA to the Council for the Development which will include detailed proposal for the first stage of development authorising the construction of a building in the Development containing a Dwelling.
- 9.2 If a Development Consent is granted to allow construction of the Development, the Developer is to commence carrying out the Development within 6 months of the date of the Development Consent.

Part 3 – Amendment to BATA I VPA

10 Amendment to BATA I VPA

- 10.1 On and from the date the LEP Amendment takes effect, the BATA I VPA is amended in accordance with Schedule 7.

Part 4 – Development Contributions

11 Provision of Development Contributions

- 11.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 1 and any other provision of this Deed relating to the making of Development Contributions..
- 11.2 Any value specified in this Deed in relation to a Development Contribution comprising a Work does not serve to define the extent of the Developer's obligation to carry out the Work.

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- 11.3 The Council is to apply each Development Contribution made by the Developer under this Deed towards the public purpose for which it is made and otherwise in accordance with this Deed.
- 11.4 Despite clause 11.2 and except as provided in clause 12.4, the Council may apply a Development Contribution made under this Deed towards a public purpose other than the public purpose specified in this Deed if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.
- 11.5 The Council may:
- 11.5.1 classify Affordable Housing Units that have been dedicated to it under this Deed as '*operational*' under the Division 2 of Part 6 of the LG Act, and
- 11.5.2 in respect of any Affordable Housing Unit classified operational, sell the unit not sooner than 10 years after its dedication to the Council and hold the net proceeds of sale in trust in the Council's trust fund established under s411 of the LG Act to be applied towards reinvestment in the provision of Affordable Housing in the Council's area.
- 11.6 If the Council decides to sell one or more of the AHU's to a person other than a provider of Affordable Housing, it agrees to give Karimbla Properties (No. 39) Pty Ltd the first right of refusal to purchase the unit at market value.

12 Monetary Contributions

- 12.1 If the LEP Amendment takes effect, the Developer is to make a monetary Development Contribution to the Council, in an amount of \$23,900,000.00 subject to clause 12.2.
- 12.2 The Parties acknowledge that:
- 12.2.1 if the LEP Amendment authorises an FSR of more than 2.4:1 for the Land, the Developer is to pay an additional monetary Development Contribution calculated in accordance with the following formula:
- $$\text{AMDC} = \$113.54 \times \text{SMA}$$
- where
- AMDC** is the additional monetary Development Contribution
- SMA** is the number of square metres of GFA above 210,490sqm that is authorised by the LEP Amendment calculated by reference to the FSR for the Land
- 12.2.2 if the LEP Amendment authorises an FSR of less than 2.3:1 for the Land, the amount of monetary Development Contribution the Developer is to pay under clause 12.1 is to be reduced by an amount calculated in accordance with the following formula:
- $$\text{RMDC} = \$113.54 \times \text{SMB}$$
- where

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RMDC is the amount of reduction of monetary Development Contribution

SMB is the number of square metres of GFA below 210,490sqm that is authorised by the LEP Amendment calculated by reference to the FSR for the Land

- 12.3 The monetary Development Contribution the Developer is required to pay under this clause 12 is to be paid before the issuing of the first Construction Certificate that authorises the erection of a Building in the Development containing a Dwelling.
- 12.4 The monetary Development Contribution paid by the Developer under this clause 12 is to be applied towards upgrading the Botany Aquatic Centre and the balance of uncommitted funds to be applied towards funding works or acquisitions inclusive of but not limited to upgrade to Hensley Athletic Field, l'Estrange Amenities Upgrades, Jellico Synthetic field Tennis Court resurfacing (Aloha Street, Muntch Park, Cahill Park) and the provision of any other public facilities that the Council considers would benefit residents in the Development.

13 Local Contribution Credit

- 13.1 In this clause, **Local Contribution Credit** means the amount calculated in accordance with the following formula:

$$\text{LCC} = \text{EWCV} + \text{AHUCC} - \text{AA}$$

Where:

LCC is the Local Contribution Credit

EWCV is the Embellishment Work Credit Value

AHUCC is the sum of all Affordable Housing Unit Contributions Credits for all AHUs that have been selected under clause 17.

AA means the total amount of Local Contribution Credit that has been applied to satisfy a Local Contribution under clause 13.2.

- 13.2 If a Local Contribution becomes payable under this Deed, the Developer may apply the Local Contribution Credit in satisfaction of the requirement to pay the Local Contribution.
- 13.3 The Developer is to specify the amount of the Local Contribution Credit to be applied under clause 13.2 in respect of Dwellings proposed in a Development Application, prior to the granting of Development Consent to the Development Application.
- 13.4 The Council is not required to pay the Developer any part of the Local Contribution Credit that remains unapplied at the conclusion of the of the Development.
- 13.5 The Parties agree that within 2 months of the granting of the first Development Consent for the Development and before a Local Contribution is due to be paid, the Parties are to jointly request an Independent Quantity Surveyor calculate the value of Embellishment Work approved in the first Development Consent using the rates for items of Embellishment Work

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specified in the Embellishment Work Specification, and provide a written report to the Parties.

- 13.6 The Embellishment Work approved in the first Development Consent is taken to be the Embellishment Work Specification in this Deed.
- 13.7 The value of Embellishment Work calculated by the Independent Quantity Surveyor in clause 13.5 is taken to be the Embellishment Work Value in this Deed.

14 Payment of monetary Development Contributions

- 14.1 A monetary Development Contribution is made for the purposes of this Deed when the Council receives the full amount of the contribution payable under this Deed in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.
- 14.2 A monetary Development Contribution the Developer is required to pay under this Deed is to be indexed in accordance with quarterly movements in the CPI from the date of this Deed until the date the monetary Development Contribution is paid in full to the Council.

15 Dedication of land

- 15.1 A Development Contribution comprising the dedication of land is made for the purposes of this Deed when:
 - 15.1.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public road (including a temporary public road) under the *Roads Act 1993* or creates a public reserve or drainage reserve under the *Local Government Act 1993*, or
 - 15.1.2 the Council is given:
 - (a) an instrument in registrable form under the *Real Property Act 1900* duly executed by the Developer as transferor that is effective to transfer the title to the land to the Council when executed by the Council as transferee and registered,
 - (b) the written consent to the registration of the transfer of any person whose consent is required to that registration, and
 - (c) a written undertaking from any person holding the certificate of title to the production of the certificate of title for the purposes of registration of the transfer;
 - 15.1.3 the Council is given evidence that a transfer has been effected by means of electronic lodgement through Property Exchange Australia Ltd or another ELNO.
- 15.2 The Developer is to do all things reasonably necessary to enable registration of the transfer to occur.
- 15.3 The Developer is to ensure that land dedicated to the Council under this Deed is free of all encumbrances and affectations (whether registered or

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unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.

- 15.4 If, having used all reasonable endeavours, the Developer cannot ensure that land to be dedicated to the Council under this Deed is free from all encumbrances and affectations, the Developer may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.
- 15.5 Despite any other provision of this Deed, if the Developer is required to dedicate land to the Council on which the Developer is also required to carry out a Work under this Deed, the Developer is to comply with clause 15.1.2 not later than 7 days after the Work is completed for the purposes of this Deed.

Part 5 - Provisions relating to Affordable Housing

16 Affordable Housing Units

- 16.1 The Affordable Housing Units to be provided by the Developer under this Deed are to:
- 16.1.1 be located on the BATA I Land or the Land or both,
- 16.1.2 if located on the Land, be located within the first Stage of the Development,
- 16.1.3 comprise a mixture of 1, 2 and 3 bedroom units totalling 100 bedrooms contained in a maximum of 50 units in total, and
- 16.1.4 comprise approximately:
- (a) 20% of bedrooms in 1 bedroom units,
 - (b) 30% of bedrooms in 2 bedroom units, and
 - (c) 50% of bedrooms in 3 bedroom units,
- 16.1.5 be constructed in accordance with the AHU Standards.
- 16.1.6 have the same storage areas as similar units within the Building in which they are located which have the same number of bedrooms as the AHU,
- 16.1.7 subject to clause 16.2, have an average of:
- (a) 0.5 car parking spaces across all 1 bedroom AHUs,
 - (b) 1 car parking space across all 2 bedroom AHUs, and
 - (c) 1.5 car parking spaces across all 3 bedroom AHUs.
- 16.2 For the purposes of clause 16.1.7, if an AHU has already been created as separate strata lot under the *Strata Schemes Development Act 2015*, at the commencement of this Deed, then the AHU is to have car parking spaces as allocated to that AHU under the strata plan that created the strata lot.

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- 16.3 The Parties are to work together in good faith towards supporting an amendment of the LEP which provides additional GFA for the Land in order to compensate for AHUs provided by the Developer under this Deed at a rate of at least 100m² per AHU dedicated.

17 Selection process for Affordable Housing Units

- 17.1 At the time the Developer makes the first Development Application to the Council for the carrying out of the Development which includes construction of the first Stage of the Development, the Developer is to nominate Dwellings comprising a minimum of 120 rooms from which the Council is to select as AHUs to be provided to the Council under this Deed.
- 17.2 No more than 30% of the Dwellings nominated by the Developer under clause 17.1 are to be Dwellings which receive no direct sunlight between 9am and 3pm in the mid winter (21 June).
- 17.3 The Council must select the AHU's within 21 days of notification being given by the Developer under clause 17.1.
- 17.4 The Council acknowledges that the AHU's to be dedicated may be used by the Developer for residential purposes prior to dedication to the Council and the Developer is to repair, replace and renew any aspect of the AHU's to the reasonable satisfaction of the Council prior to dedication to the Council.

Part 6 - Provisions relating to carrying out of Work**18 Carrying out of Work**

- 18.1 Without limiting any other provision of this Deed, any Work that is required to be carried out by the Developer under this Deed is to be carried out in accordance with any design or specification specified or approved by the Council (acting reasonably), any relevant Approval and any other applicable law.
- 18.2 The Developer, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Deed.

19 Variation to Work

- 19.1 The design or specification of any Work that is required to be carried out by the Developer under this Deed may be varied by agreement in writing between the Parties, acting reasonably.
- 19.2 Without limiting clause 19.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.

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- 19.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 19.2.
- 19.4 The Council, acting reasonably, may from time to time give a written direction to the Developer requiring it to vary the design or specification of a Work before the Work is carried out in a specified manner and submit the variation to the Council for approval.
- 19.5 The Developer is to comply promptly with a direction referred to in clause 19.4 at its own cost.
- 19.6 If Council requests a variation of the Embellishment Work after the review of the Embellishment Work Value under clause 13.5, then the Parties are to recalculate the Embellishment Work Value in accordance with clauses 13.5 to 13.7

20 Access to land by Developer

- 20.1 The Council authorises the Developer to enter, occupy and use land owned or controlled by the Council for the purpose of performing its obligations under this Deed.
- 20.2 The Council is to permit the Developer, upon receiving reasonable prior notice from the Developer, to enter any other Council owned or controlled land in order to enable the Developer to properly perform its obligations under this Deed.
- 20.3 Nothing in this Deed creates or gives the Developer any estate or interest in any part of the land referred to in clause 20.1 or 20.2.

21 Access to land by Council

- 21.1 The Council may enter any land on which Work is being carried out by the Developer under this Deed in order to inspect, examine or test the Work, or to remedy any breach by the Developer of its obligations under this Deed relating to the Work.
- 21.2 In accessing the land under clause 21.1, the Council is to comply with the reasonable directions of the Developer relating to work, health and safety.
- 21.3 The Council is to give the Developer prior reasonable notice before it enters land under clause 21.1.

22 Protection of people, property & utilities

- 22.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Deed that:
 - 22.1.1 all necessary measures are taken to protect people and property,
 - 22.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 22.1.3 nuisances and unreasonable noise and disturbances are prevented.

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- 22.2 Without limiting clause 22.1, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

23 Repair of damage and maintenance

- 23.1 The Developer is to Maintain any Work required to be carried out by the Developer under this Deed until the land on which the Work is located is dedicated to the Council or such later time as agreed between the Parties.
- 23.2 From the date the land on which a Work is located is dedicated to the Council until the issuing of the last Occupation Certificate for the last Building in the Development, the Developer is to maintain the Work in accordance with the operation and maintenance strategy and an operation and maintenance agreement agreed and entered into between the Parties under clause 23.3 and 23.4.
- 23.3 For the purposes of clause 23.2, the Parties are to agree on an operation and maintenance strategy to be prepared by a suitably qualified person at the expense of the Developer which outlines the operational objectives and specifications for the operation and maintenance of a Work.
- 23.4 For the purposes of clause 23.2, the Parties are to enter into an operation and maintenance agreement which includes, without limitation, the following terms:
- 23.4.1 the Developer is not responsible for:
- (a) repairing, replacing or renewing any fair wear and tear of the Work, or
 - (b) any Major Defect outside of the Defects Liability Period or
 - (c) malicious damage (other than graffiti) that would not ordinarily be covered under a maintenance agreement,
- 23.4.2 the Developer is responsible for:
- (a) any Major Defect within the Defects Liability Period,
 - (b) any Minor Defect in the Work, and
 - (c) any damage caused by graffiti, and
 - (d) other damage that would ordinarily be covered under a maintenance agreement,
- 23.4.3 the Developer's approach to achieving the operations and management objectives and performance measures set out in the operation and maintenance strategy agreed between the Parties under clause 23.3,
- 23.4.4 the procedures, timing, intervention levels, specifications for activities including but not limited to:
- (a) inspections,
 - (b) operational activities,

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- (c) scheduled maintenance
- (d) preventative maintenance
- (e) reactive maintenance, and
- (f) request/response management.

- 23.5 The operation and maintenance strategy and operation and maintenance agreement referred to in clauses 23.3 and 23.4 are to be agreed and entered into within 9 months of the commencement of this Deed.
- 23.6 The Developer is to carry out its obligation under clause 23.1 at its own cost and to the satisfaction of the Council.

24 Completion of Work

- 24.1 The Developer is to give the Council written notice of the date on which it will complete Work required to be carried out under this Deed or any Stage.
- 24.2 The Council is to inspect the Work the subject of the notice referred to in clause 24.1 and provide written notice to the Developer of such an inspection within 21 days of the date specified in the notice for completion of the Work.
- 24.3 Work required to be carried out by the Developer under this Deed, or a Stage, is completed for the purposes of this Deed when the Council, acting reasonably, gives a written notice to the Developer to that effect.
- 24.4 If the Council is the owner of the land on which Work the subject of a notice referred to in clause 24.3 is issued, the Council assumes responsibility for the Work upon the issuing of the notice, but if it is not the owner at that time, it assumes that responsibility when it later becomes the owner.
- 24.5 Before the Council gives the Developer a notice referred to in clause 24.3, it may give the Developer a written direction to complete, rectify or repair any specified part of the Work to the reasonable satisfaction of the Council.
- 24.6 The Developer, at its own cost, is to promptly comply with a direction referred to in clause 24.5.

25 Rectification of defects

- 25.1 The Council may give the Developer a Rectification Notice during the Defects Liability Period.
- 25.2 The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 25.3 The Developer is taken to have complied with a Rectification Notice if the Council is given a Compliance Certificate issued by the Independent Certifier in respect of the Work the subject of the Rectification Notice.
- 25.4 The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 25.1.

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26 Works-As-Executed-Plan

- 26.1 No later than 60 days after Work is completed for the purposes of this Deed, the Developer is to submit to the Council a full works-as-executed-plan in electronic format in respect of the Work.
- 26.2 The Developer, being the copyright owner in the plan referred to in clause 26.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Deed.

27 Removal of Equipment

- 27.1 When Work on any Council owned or controlled land is completed for the purposes of this Deed, the Developer, without delay, is to:
- 27.1.1 remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
- 27.1.2 leave the land in a neat and tidy state, clean and free of rubbish.

Part 7 – Dispute Resolution

28 Dispute resolution – expert determination

- 28.1 This clause applies to a Dispute between any of the Parties to this Deed concerning a matter arising in connection with this Deed that can be determined by an appropriately qualified expert if:
- 28.1.1 the Parties to the Dispute agree that it can be so determined, or
- 28.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 28.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 28.3 If a notice is given under clause 28.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 28.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 28.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 28.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 28.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

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Part 8 - Enforcement**29 Guarantee**

- 29.1 The Guarantor gives this guarantee and indemnity in consideration of the Council agreeing to enter into this Deed.
- 29.2 The Guarantor unconditionally and irrevocably guarantees to the Council the due and punctual provision of the Development Contributions and any other obligations of the Developer under this Deed.
- 29.3 The Guarantor unconditionally and irrevocably indemnifies the Council, its employees, officers, agents, contractors and workmen from and against all losses, damages, costs (including legal costs on a full indemnity basis), charges, expenses, actions claims and demands whatsoever which may be sustained, suffered, recovered or made arising in connection with the performance of this Deed and any breach of this Deed by the Developer.
- 29.4 If the Developer does not make a monetary development contribution as when required under this Deed, and without prejudice to the Council's rights against the Developer, the Guarantor is to pay any money payable under this Deed to Council within 20 business days of receipt by the Guarantors of a tax invoice for the amount payable.
- 29.5 Such a payment is made for the purposes of this Deed if Council receives the full amount payable under this Deed by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council, as the case may be.

30 Security for performance of obligations

- 30.1 The Developer is to provide Security to the Council in the amount of \$250,000.00 in relation to the performance of its obligations under this Deed.
- 30.2 The Developer is to provide the Security to the Council before it commences any part of the Development.
- 30.3 The Council, in its absolute discretion and despite clause 20, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Deed.
- 30.4 The Council may call-up and apply the Security in accordance with clause 35 to remedy any breach of this Deed notwithstanding any other remedy it may have under this Deed, under any Act or otherwise at law or in equity.
- 30.5 The Council is to release and return the Security or any unused part of it to the Developer within 14 days of completion of the obligation to which the Security relates.
- 30.6 The Developer may at any time provide the Council with a replacement Security.

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- 30.7 On receipt of a replacement Security, the Council is to release and return the Security that has been replaced to the Developer.
- 30.8 If the Council calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Deed.
- 30.9 The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value.

31 Caveat and Discharge

- 31.1 The Developer agrees that:
 - 31.1.1 the Council may lodge a caveat on the title of the Land (excluding any lot created by the registration of a strata plan or a strata plan of subdivision under the *Strata Schemes Development Act 2015*),
 - 31.1.2 notwithstanding clause 31.1.1 the Council may lodge a caveat on the title to any land that is to be dedicated to the Council under this Deed and for the avoidance of doubt includes any AHU that has been selected by the Council under clause 17 but only once a separate title is created that solely contains the land to be dedicated and the individual strata lot that contains an AHU.
 - 31.1.3 the Council cannot be required to have the caveat removed from the title other than in accordance with clause 31.2.
- 31.2 The Developer is not to object or challenge, or cause or procure any objection or challenge to the registration of a caveat under clause 31.
- 31.3 The Council is to withdraw the caveat from the title to any land on which this Deed is registered.
- 31.4 The Council agrees that the caveat shall not prevent the registration of a plan of subdivision, strata plan or strata plan of subdivision in respect of the Land and the BATA I Land.

32 Acquisition of land required to be dedicated

- 32.1 If the Developer does not dedicate land required to be dedicated under this Deed at the time at which it is required to be dedicated, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 32.2 The Council is to only acquire land pursuant to clause 32.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Deed.
- 32.3 Clause 32.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 32.4 If, as a result of the acquisition referred to in clause 32.1, the Council is required to pay compensation to any person other than the Developer, the

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Developer is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can recover that amount in any court of competent jurisdiction.

- 32.5 The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 32.6 The Developer is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 32, including without limitation:
 - 32.6.1 signing any documents or forms,
 - 32.6.2 giving land owner's consent for lodgement of any Development Application,
 - 32.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 32.6.4 paying the Council's costs arising under this clause 32.

33 Breach of obligations

- 33.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
 - 33.1.1 specifying the nature and extent of the breach,
 - 33.1.2 requiring the Developer to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
 - 33.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 33.2 If the Developer fails to fully comply with a notice referred to in clause 33.1, the Council may direct the Guarantor to remedy the Developer's breach and the Guarantor is to comply with the notice.
- 33.3 Without limiting clause 33.2, if the Developer fails to comply with a notice given under clause 33.1 relating to the carrying out of Work under this Deed and the Guarantor also fails to comply with a notice under clause 35.2, the Council may call up the Security provided by the Developer under this Deed and apply it to remedy the Developer's breach, and step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.
- 33.4 Any costs incurred by the Council in remedying a breach in accordance with clause 33.2 or clause 33.3 may be recovered by the Council by either or a combination of the following means:

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- 33.4.1 by calling up and applying the Security provided by the Developer under this Deed, or
- 33.4.2 as a debt due in a court of competent jurisdiction.
- 33.5 For the purpose of clause 33.4, the Council's costs of remedying a breach the subject of a notice given under clause 33.1 include, but are not limited to:
 - 33.5.1 the costs of the Council's servants, agents and contractors reasonably incurred for that purpose,
 - 33.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
 - 33.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 33.6 Nothing in this clause 33 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Deed by the Developer, including but not limited to seeking relief in an appropriate court.

34 Enforcement in a court of competent jurisdiction

- 34.1 Without limiting any other provision of this Deed, the Parties may enforce this Deed in any court of competent jurisdiction.
- 34.2 For the avoidance of doubt, nothing in this Deed prevents:
 - 34.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Deed or any matter to which this Deed relates, or
 - 34.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

Part 9 – Registration & Restriction on Dealings

35 Registration of this Deed

- 35.1 The Parties agree to register this Deed for the purposes of s7.6(1) of the Act.
- 35.2 Upon commencement of this Deed, the Developer is to deliver to the Council in registrable form:
 - 35.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Developer and each person (other than the Council) required by the Registrar-General to execute such instrument, and
 - 35.2.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.
- 35.3 Upon the Council selecting any AHUs on the BATA I Land, the Developer is to deliver to the Council in registrable form:

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35.3.1 an instrument requesting registration of this Deed on the title to those AHUs duly executed by the Developer and each person (other than the Council) required by the Registrar-General to execute such instrument, and

35.3.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.

35.4 The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur.

35.5 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:

35.5.1 in so far as the part of the Land is a lot created by the registration of a strata plan or a strata plan of subdivision under the *Strata Schemes Development Act 2015*, that is not an AHU selected under clause 17, common property or a lot to be dedicated to the Council under this Deed,

35.5.2 in relation to any other part of the land once the Developer has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

35.6 For the avoidance of doubt, nothing in this clause requires the Council to release this Deed from the title to:

35.6.1 any common property on the Land prior to the completion of the Developer's obligations under this Deed,

35.6.2 any land required to be dedicated to the Council under this Deed prior to the dedication or transfer of the Land to the Council in accordance with this Deed.

36 Restriction on dealings

36.1 The Developer is not to:

36.1.1 sell or transfer the Land or any part, or

36.1.2 sell or transfer any AHUs on the BATA I Land that have been selected under clause 17, or

36.1.3 assign the Developer's rights or obligations under this Deed, or novate this Deed,

to any person unless:

36.1.4 the Developer has, at no cost to the Council, first procured the execution by the person to whom the land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and

36.1.5 the Council has given written notice to the Developer stating that it reasonably considers that the purchaser, transferee, assignee or

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novatee, is reasonably capable of performing its obligations under this Deed, and

36.1.6 the Developer is not in breach of this Deed, and

36.1.7 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.

36.2 Subject to clause 36.3, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 36.1.

36.3 Clause 36.1 does not apply in relation to any sale or transfer of:

36.3.1 the land if this Deed is registered on the title to the land at the time of the sale, or

36.3.2 a lot created or to be created by the registration of a strata plan or a strata plan of subdivision under the *Strata Schemes Development Act 2016* that is not an AHU selected under clause 17, common property or a lot to be dedicated to the Council under this Deed, or

36.3.3 any part of the Land where the sale or transfer is solely for the purposes of providing Seniors Housing on that part of the Land and the Council is given not less than 30 days notice of the sale or transfer.

Part 10 – Indemnities & Insurance

37 Risk

37.1 The Developer performs this Deed at its own risk and its own cost.

38 Release

38.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

39 Indemnity

39.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligence or default.

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40 Insurance

- 40.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Deed up until the Work is taken to have been completed in accordance with this Deed:
- 40.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - 40.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - 40.1.3 workers compensation insurance as required by law, and
 - 40.1.4 any other insurance required by law.
- 40.2 If the Developer fails to comply with clause 40.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
- 40.2.1 by calling upon the Security provided by the Developer to the Council under this Deed, or
 - 40.2.2 recovery as a debt due in a court of competent jurisdiction.
- 40.3 The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 40.1.

Part 11 – Other Provisions**41 Notices**

- 41.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Deed is only given or made if it is in writing and sent in one of the following ways:
- 41.1.1 delivered or posted to that Party at its address set out in the Summary Sheet,
 - 41.1.2 faxed to that Party at its fax number set out in the Summary Sheet, or
 - 41.1.3 emailed to that Party at its email address set out in the Summary Sheet.
- 41.2 If a Party gives the other Party 3 business days' notice of a change of its address, fax number or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted, faxed or emailed to the latest address or fax number.

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- 41.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
- 41.3.1 delivered, when it is left at the relevant address,
 - 41.3.2 sent by post, 2 business days after it is posted,
 - 41.3.3 sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number, or
 - 41.3.4 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 41.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

42 Approvals and Consent

- 42.1 Except as otherwise set out in this Deed, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Deed in that Party's absolute discretion and subject to any conditions determined by the Party.
- 42.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

43 Costs

- 43.1 The Developer is to pay to the Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Deed, and any document related to this Deed within 7 days of a written demand by the Council for such payment.
- 43.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Deed within 7 days of a written demand by the Council for such payment.

44 Entire Deed

- 44.1 This Deed contains everything to which the Parties have agreed in relation to the matters it deals with.
- 44.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Deed was executed, except as permitted by law.

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45 Further Acts

- 45.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Deed and all transactions incidental to it.

46 Governing Law and Jurisdiction

- 46.1 This Deed is governed by the law of New South Wales.
- 46.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 46.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

47 Joint and Individual Liability and Benefits

- 47.1 Except as otherwise set out in this Deed:
- 47.1.1 any agreement, covenant, representation or warranty under this Deed by 2 or more persons binds them jointly and each of them individually, and
- 47.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

48 No Fetter

- 48.1 Nothing in this Deed shall be construed as requiring 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.

49 Illegality

- 49.1 If this Deed or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

50 Severability

- 50.1 If a clause or part of a clause of this Deed can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 50.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Deed, but the rest of this Deed is not affected.

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51 Amendment

- 51.1 No amendment of this Deed will be of any force or effect unless it is in writing and signed by the Parties to this Deed in accordance with clause 25D of the Regulation.

52 Waiver

- 52.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Deed, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 52.2 A waiver by a Party is only effective if it:
- 52.2.1 is in writing,
 - 52.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 52.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,
 - 52.2.4 is signed and dated by the Party giving the waiver.
- 52.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 52.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 52.5 For the purposes of this Deed, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

53 GST

- 53.1 In this clause:
- Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice** have the meaning given by the GST Law.
- GST Amount** means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.
- GST Law** has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- Input Tax Credit** has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.
- Taxable Supply** has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier

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chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 53.2 Subject to clause 53.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Deed, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 53.3 Clause 53.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Deed to be GST inclusive.
- 53.4 No additional amount shall be payable by the Council under clause 53.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 53.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Deed by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
 - 53.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;
 - 53.5.2 that any amounts payable by the Parties in accordance with clause 53.2 (as limited by clause 53.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 53.6 No payment of any amount pursuant to this clause 53, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 53.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 53.8 This clause continues to apply after expiration or termination of this Deed.

54 Explanatory Note

- 54.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 54.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

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Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

Schedule 1

(Clause 11)

Development Contributions

Column 1 Item/ Contribution	Column 2 Public Purpose	Column 3 Manner & Extent	Column 4 Timing
A. Monetary Contributions			
1. Local monetary contribution per Dwelling	Public purposes specified in the Contributions Plan	The Developer is to pay to the Council an amount per Dwelling in the Development calculated in accordance with the Contributions Plan, being an amount that would have been required to be paid under s7.11 of the Act if s7.11 applied to the Development.	The amount per Dwelling is to be paid prior to the issuing of any Construction Certificate that authorises the erection of the Building containing the Dwelling.
2. BATA I VPA monetary contributions	<ul style="list-style-type: none"> Upgrading the intersection of Page Street and Wentworth Avenue including works and services at the intersection Upgrading the intersection of Baker Street and Wentworth Avenue including works and services at the intersection Upgrading Jellicoe Park by providing a new sports amenities building (change rooms, referees room, toilets, kiosk, 	\$2,478,000 indexed in accordance with the CPI from 2nd March 2018	The amount is to be paid prior to the issuing of any Occupation Certificate that authorises the occupation of any part of a Building in the Development containing a Dwelling

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- kitchenette, storage and the like) and upgrade to perimeter fencing
- Improvements to Mutch Park, including provision of a skate park and the supply or building of other recreational facilities; and,
- Undertaking other works with any remaining funds being works to be undertaken at the sole discretion of the Council, for use in respect of any public purpose]

B. Dedication of Land

3. Public open space	Open space and recreation	Dedication to the Council free of cost to the Council not less than 20,000m ² of land as public open space generally in the location marked as 'Open Space', 'Civic Plaza', 'Park', 'Site Link' on the Concept Masterplan, and proposed lots 209, 210, 213, 215, 216 and 217 on the Proposed Subdivision Plan.	A public open space lot shown on the Proposed Subdivision Plan is to be dedicated upon the earlier of the completion of the Work that is located on the open space lot or prior to the issuing of any Occupation Certificate for any Building in the last Stage of the Development.
4. Public road	Roads	Dedication of all roads approved in the Development, being those generally as shown on the Concept Masterplan	Roads to be dedicated prior to the issuing of any Occupation Certificate for any Building in the last Stage of the Development.
5. Affordable Housing Units	Affordable housing	Dedication to the Council free of cost the	All AHUs located on the BATA I Land to be dedicated prior to the

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AHUs as selected by the
Council under clause 17

issuing of the first
Construction
Certificate that
authorises the
erection of a Building
in the Development
containing a Dwelling.

An AHU located on
the Land is to be
dedicated prior to the
issuing of any
Occupation Certificate
for any part of the
Building in which the
AHU is located.

C. Carrying out of Work

6. Embellishment
Work

Open space and
recreation

Carrying out and
completion of
embellishment of open
space to be dedicated
under this Deed in
accordance with the
Embellishment Work
Specification and the
Embellishment Work
Concept Plan to the
satisfaction of the
Council.

Embellishment to be
completed before the
time the open space
is required to be
dedicated under this
Deed.

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Schedule 2

(Clause 1.1)

AHU Standards

Each Affordable Housing Unit (AHU), car space and storage space to be transferred to the Council will be to the following standards:

- The quality and standards of construction and finish of an AHU, car space and storage space to be transferred to the Council is to be the same as any other similar unit, car space and storage space in the Building which is not an AHU or for the purposes of an AHU.
- All fixtures, fittings and inclusions in an AHU, car space and storage space to be transferred to the Council are to be consistent with and of the same quality and standards as other similar units, car spaces and storage spaces within the Building unless otherwise required to comply with Australian Standards 1428 and/or Australian Standard 4299, or as otherwise agreed between the parties in a detailed Schedule of Finishes,
- The AHU, car space and storage space will comply with appropriate Australian Standards and the Building Code of Australia
- The AHU will be equipped with the following minimum fittings, if not already included in an agreed schedule of finishes or as otherwise agreed between the Parties in writing:
 - floor coverings to all rooms (tiled kitchens, bathrooms, laundries and hallways; and carpet in living, lounge and bedroom/s),
 - light fittings fit for purpose in each room,
 - telephone and television aerial points in the lounge and main bedroom,
 - cable television fittings if provided in the Building,
 - allocation of car and storage spaces as set out in clause 16 of this Deed,
 - all opening windows to have and blinds consistent with other units, if other units do not have blinds then blinds are to be installed for the AHU to a type and standard approved by the Council,
 - sliding doors to have blinds consistent with other units
 - provision of air conditioning to living area and bedroom/s,
 - security and/or intercom system
- Where specified provision of an AHU including car spaces will comply with Australian Standard 4299 (AS4299). An AHU will be designed in such a way that it can be modified easily in the future to become accessible to both occupants and visitors with disabilities or progressive frailties

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Schedule 3

(Clause 1.1)

Concept Masterplan

Concept Masterplan on the next page.

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**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
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Proposed Masterplan

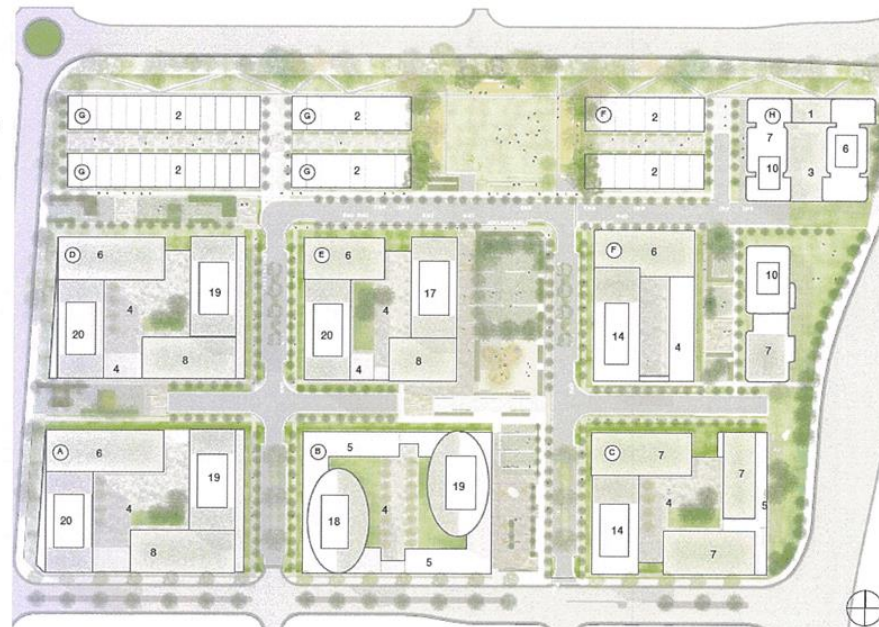
5.1 Site Layout Plan

The site varies from 20 storeys to two storeys across the site to create a sense of transition into the low density development surrounding the subject site.

The tallest parts of the plan are in the south west corner, which minimises overshadowing to sensitive areas and the surrounding development.

The open space forms a spine through the precinct, bringing sunlight deep into the development and allowing residents and retail in the local area to spill out into the public realm. This will form the basis of a high amenity, enjoyable new precinct that has a strong sense of local connection to place and one another.

The podium will allow for communal open spaces to form below the tower, providing shared facilities for residents of the building. The configuration around the podium will maximise solar access with towers to the east and west of the envelope, while also providing shelter from wind tunnel effects, with the two storeys above podium to the north and south of the communal open space.



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Proposed Masterplan

5.4 Subdivision Plan

LOT	Developable Area	Private Road	TOTAL	Percentage
A	7733 m ²	378.4 m ²	8111 m ²	
B	6024.4 m ²	436.4 m ²	7261 m ²	
C	6395.3 m ²	733 m ²	7169 m ²	
D	7354.9 m ²	378.4 m ²	7733 m ²	
E	5578.4 m ²	436.4 m ²	6015 m ²	
F	6615.6 m ²	2397.4 m ²	9013 m ²	
G	7811 m ²		7811 m ²	
H	7511 m ²		7511 m ²	
SUBTOTAL	60616.2 m ²	4810 m ²	65426 m ²	87.4%
PUBLIC OPEN SPACE			20208 m ²	22.6%
PUBLIC ROAD			8782 m ²	9.6%
ROAD RESERVES			199 m ²	0.3%
TOTAL SITE AREA			94615 m ²	100%

- Key
- Residential
 - Residential (Low Rise)
 - Mixed Use
 - Aged Care
 - Public Road
 - Private Road*
 - Open Space
 - Retail/Childcare
 - Site Boundary

*All private roads are associated with respective lot boundaries, all of them include public access easements for pedestrians to increase the permeability of the site.



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5.6 Parking

Parking Allowances:

There are approximately 94 on street car parks provided, as well as an additional 2,344 parking spaces provided within the development envelopes. This is a total of 2,438 car parks across the site.

This accommodates a ratio of two cars per town house; 1.5 cars per 3 bedroom apartment; one car per two bedroom apartment; 0.5 car to every single bedroom apartment; as well as extra to support retail within the site.

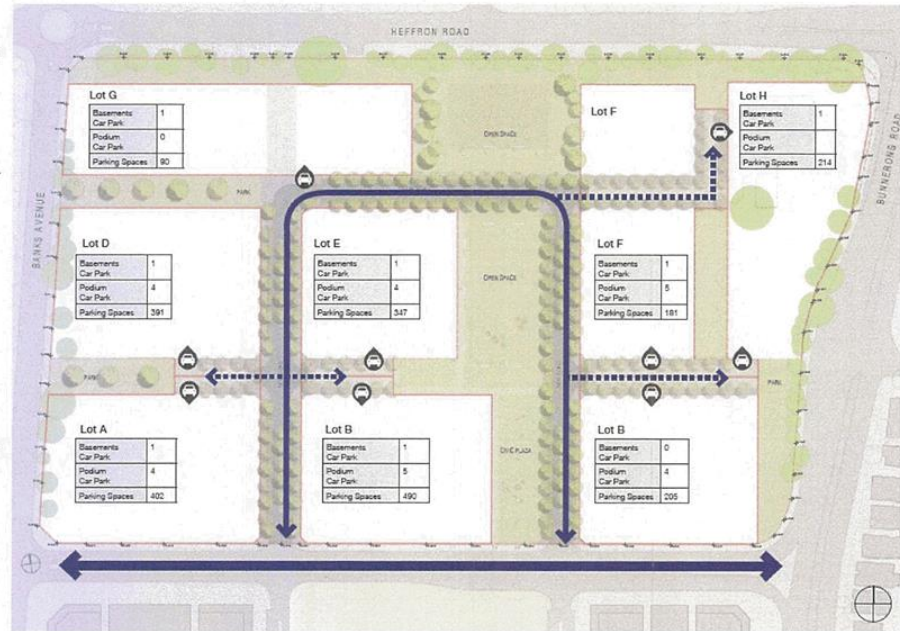
TABLE OF AREAS

	Units	Parking Spaces
Lot A	375	402
Lot B	327	490
Lot C	192	205
Lot D	365	391
Lot E	319	347
Lot F	181	195
Lot G	42	90
Lot H	214	224
On Street		94
Total	2,015	2,438

The masterplan will accommodate a car sharing service with a fleet of approximately 20 share car stations provided across the site. There will be 198 bike parks also located on the site to better facilitate active and sustainable modes of transport.

Key

- Development Lots
- Vehicle entry to basement
- Key Road Linking to Major Roads
- Two-Way Loop Road Through Site
- Minor/Private Streets
- Site Boundary



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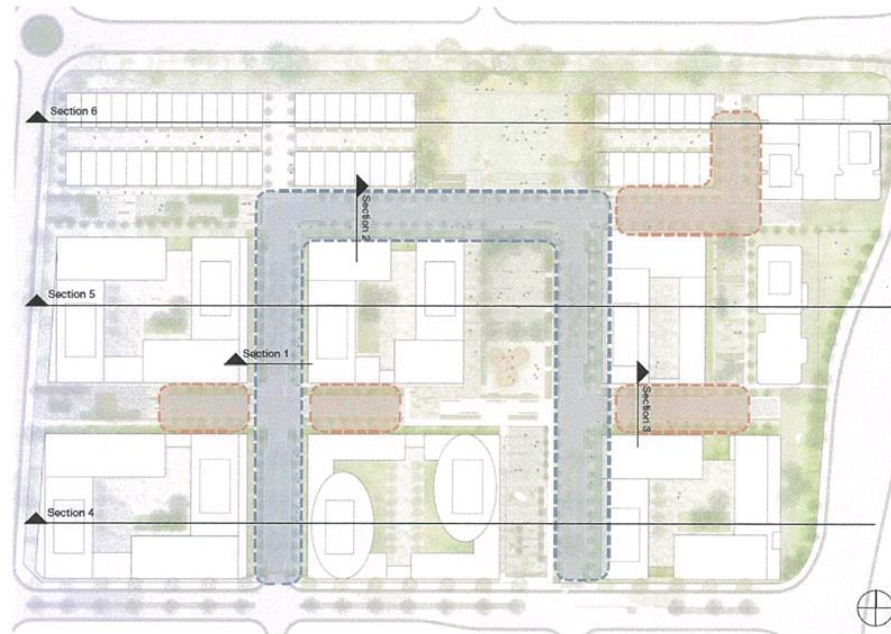
5.7 Typical Street Sections

Six site sections have been identified to show the quality of experience on the street and the relationship to the built form.

Each of the sections demonstrates the different type of street profile, sections 1-3 highlighting the road profile, street setback and interface with the built form, while sections 4-6 are east to west cross site sections of the entire subject site and incorporate the different types of public realm offer in the precinct.

Key

-  Local Road
-  Primary Collector
-  Site Boundary



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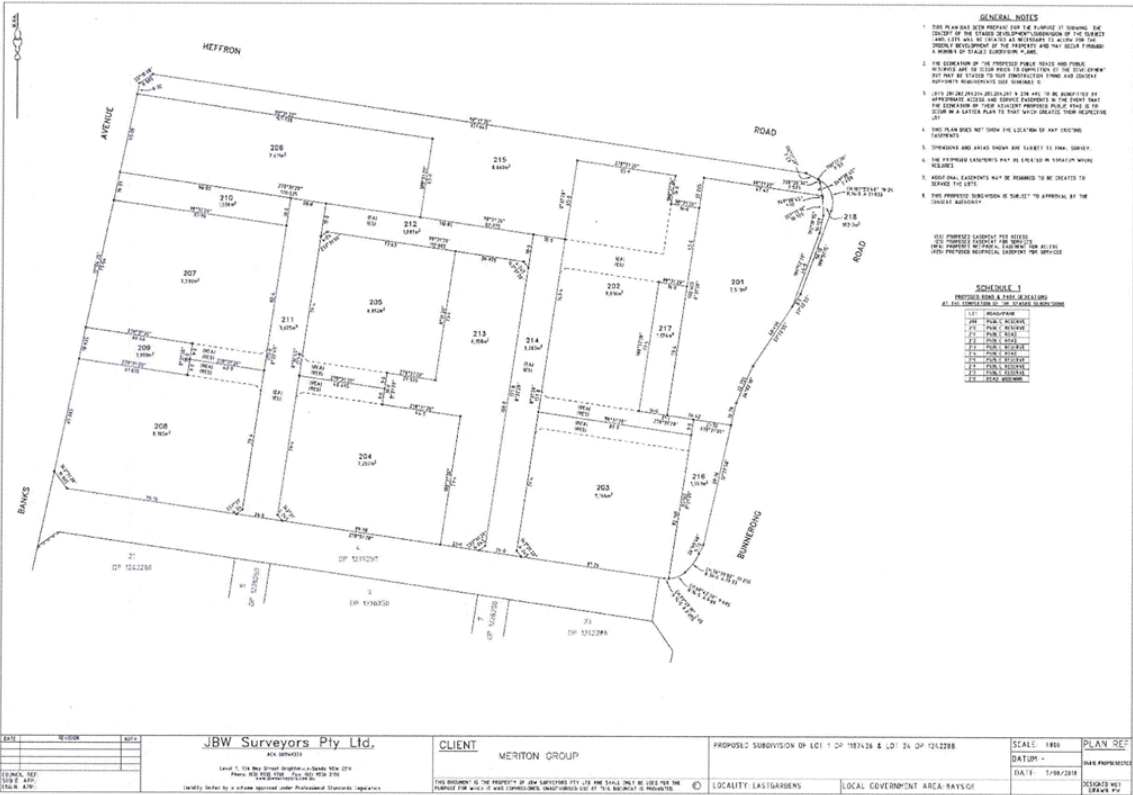
Schedule 4

(Clause 1.1)

Proposed Subdivision Plan

Proposed Subdivision Plan is on the next page.

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Schedule 5

(Clause 10)

Embellishment Work Specification

Embellishment Work Specification is on the next page.

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Trade Breakup

Item No.	URBS BOQ			AGREED BREAKDOWN 28.09.18		MERITON QS
	Item Description	Quantity	Unit	Rate	Amount	
	LOT 202					Comments
	Soft landscaping					
1	Garden beds including imported topsoil and bark mulch	320.00	m2	30.98	9,912.00	Allow for Bark to be blown in to avoid damage to plants and other completed items.
	Strip Site up to 300mm to allow for subgrades and dispose off					Item added by Meriton QS as excluded by Urbs. We will have to remove current topsoil/fill

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1a	Strip Site up to 300mm to allow for subgrades and dispose off site.	1008.00	m2	45.00	45,360.00	Item added by Meriton QS as excluded by Urbis. We will have to remove current topsoil/fill depending on existing and proposed levels. This could potentially be classified as GSW.
2	Timber edging	180.00	m	35.00	6,300.00	
3	Trees 200 litre including pit	16.00	no	1,500.00	24,000.00	Includes excavator, backfill, tree supply & installation.
4	Trees 400 litre including pit	8.00	no	3,000.00	24,000.00	Includes excavator, backfill, tree supply & installation.
5	Shrubs 300 - 400 pot size and ground cover 150 - 200 pot size, (average 5/m2)	2,100.00	no	75.00	157,500.00	Allow 5 x 200mm plants @ \$15 each supply + labour to install.
6	Turf including imported topsoil	585.00	m2	28.00	16,380.00	
7	Irrigation	1,005.00	m2	20.00	20,100.00	
8	Subsoil drainage	1,005.00	m2	10.00	10,050.00	Include separate water supply to each park. Controls/computer to each park. \$20/m2 for Turf areas and \$35/m2 for Garden Areas. As per previous projects we assume Council will require professional design, quality computers & stainless steel fittings.
9	Establishment period and ongoing maintenance	52.00	weeks	544.33	28,305.00	Allow 3xMen every 2 weeks to cut grass, weeding, replacing dead plants. I have allowed \$1/m2 per year to cater replacement of plants or grass.
10	Soft Landscaping Subtotal				345,004.50	
11	Pavements					
12	Excavation including trim and grade to form levels	550.00	m2	25.00	13,750.00	
13	100 thick (thickness assumed) base course	550.00	m2	20.00	11,000.00	Compact Subgrade: \$5/m2, Import Base Course 100mm DGB \$25/m2
14	100 thick (thickness assumed) reinforced concrete paving with washed aggregate finish	290.00	m2	112.60	32,654.00	Concrete Supply with Limestone Additive, Pump Concrete, Screed, Pressure Wash, Wastage, Edgeboards, Cut Construction Joints
15	Decomposed granite paving including sealer and reinforced concrete base slab	260.00	m2	533.00	138,580.00	
16	Pavements Subtotal				185,984.00	
17	Furniture					
18	Type 3 bench seat (no back)	4.00	no	1,400.00	5,600.00	
19	Type 4 bench seat (with back)	7.00	no	1,750.00	12,250.00	
20	Furniture Subtotal				17,850.00	
21	Lighting					
22	Lighting type 1 pedestrian pole lighting	4.00	no	10,000.00	40,000.00	
23	Lighting type 2 feature uplighting	8.00	no	6,000.00	48,000.00	
24	Lighting Subtotal				88,000.00	
	LOT 210 TOTAL	1558	m2		\$646,838.50	
	LOT 211					
	Soft landscaping					
1	Garden beds including imported topsoil and bark mulch	820.00	m2	30.98	25,399.50	Allow for Bark to be blown in to avoid damage to plants and other completed items.
1a	Strip Site up to 300mm to allow for subgrades and dispose off site.	3148.00	m2	45.00	141,660.00	Item added by Meriton QS as excluded by Urbis. We will have to remove current topsoil/fill depending on existing and proposed levels. This could potentially be classified as GSW.
2	Timber edging	260.00	m	35.00	9,100.00	
3	Trees 200 litre including pit	36.00	no	1,500.00	54,000.00	Includes excavator, backfill, tree supply & installation.
4	Trees 400 litre including pit	30.00	no	3,000.00	90,000.00	Includes excavator, backfill, tree supply & installation.
5	Shrubs 300 - 400 pot size and ground cover 150 - 200 pot size, (average 5/m2)	4,100.00	no	75.00	307,500.00	Allow 5 x 200mm plants @ \$15 each supply + labour to install.
6	Turf including imported topsoil	2,000.00	m2	28.00	56,000.00	

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7	Irrigation	2,820.00	m2	20.00	56,400.00	Include separate water supply to each park. Controls/computer to each park. \$20/m2 for Turf areas and \$35/m2 for Garden Areas. As per previous projects we assume Council will require professional design, quality computers & stainless steel fittings.
8	Subsoil drainage	2,820.00	m2	10.00	28,200.00	
9	Establishment period and ongoing maintenance	52.00	weeks	754.23	39,220.00	Allow 4xMen every 2 weeks to cut grass, weeding, replacing dead plants. I have allowed \$1/m2 per year to cater replacement of plants or grass.
10	Soft Landscaping Subtotal				807,479.52	
11						
	Pavements					
12	Excavation including trim and grade to form levels	3,010.00	m2	25.00	75,250.00	
13	100 thick (thickness assumed) base course	3,010.00	m2	20.00	60,200.00	
14	100 thick (thickness assumed) reinforced concrete paving with washed aggregate finish	250.00	m2	112.60	28,150.00	
15	Granite flagstone pavers including sealer and reinforced concrete base slab	2,280.00	m2	533.00	1,215,240.00	
16	Decomposed granite paving including sealer and reinforced concrete base slab	260.00	m2	533.00	138,580.00	
17	Rubber soft fall mat including backing	220.00	m2	150.00	33,000.00	
18	Timber WSUD pedestrian crossings	4.00	no	3,500.00	14,000.00	
19	Pavements Subtotal				1,564,420.00	
20						
	Furniture					
21	Type 1 integrated timber seating in concrete walls	6.00	no	900.00	5,400.00	
22	Type 2 timber bench seating	18.00	no	1,400.00	25,200.00	
23	Type 3 bench seat (no back)	5.00	no	1,400.00	7,000.00	
24	Type 4 bench seat (with back)	5.00	no	1,750.00	8,750.00	
25	Type 5 rubbish bins	4.00	no	1950.00	7,800.00	
26	Type 6 bollards	6.00	no	600.00	3,600.00	
27	Type 7 bike racks	4.00	no	560.00	2,240.00	
28	Type 8 tree grates	10.00	no	1,500.00	15,000.00	
29	Furniture Subtotal				74,990.00	
30						
	Play Equipment & Fitness - Allowances					
31	Play equipment type 1 large play item	1.00	no	40,000.00	40,000.00	
32	Play equipment type 2 soft fall mounds and tunnel	1	no	39,375.00	39,375.00	
33	Play equipment type 3 play dome	1.00	no	15,000.00	15,000.00	
34	Play equipment type 4 sculptural play	5.00	no	5,000.00	25,000.00	
35	Play equipment type 5 stepping logs	8.00	no	1,000.00	8,000.00	
36	Play Equipment & Fitness Subtotal				127,375.00	
37						
	Lighting					
38	Lighting type 1 pedestrian pole lighting	10.00	no	10,000.00	100,000.00	
39	Lighting type 2 feature uplighting	8.00	no	6,000.00	48,000.00	
40	Lighting type 3 feature seat lighting	100.00	m	200.00	20,000.00	
41	Lighting Subtotal				168,000.00	
42						
	Structures - Allowances					
43	Structure 1 Civic Arbour	1.00	Item	25,000.00	25,000.00	
44	Structure 2 Play Space	1.00	Item	30,000.00	30,000.00	
45	Structures Subtotal				55,000.00	
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31	Walls Subtotal				107,374.45	
32	Lighting					
33	Lighting type 1 pedestrian pole lighting	20.00	no	10,000.00	200,000.00	
34	Lighting type 2 feature uplighting	8.00	no	6,000.00	48,000.00	
35	Lighting type 3 feature seat lighting	50.00	m	400.00	20,000.00	
36	Lighting Subtotal				268,000.00	
37	Structures - Allowances					
38	Structure 1 Civic Arbour	1.00	item	20,000.00	20,000.00	BBQ Pavilion: Footings, Structure, Plumbing, Electrical, Seating
39	Structure 2 Play Space	1.00	item	30,000.00	30,000.00	BBQ Pavilion: Footings, Structure, Plumbing, Electrical, Seating
40	Structures Subtotal				50,000.00	
41	Public Art - Allowances					
42	Public Art 1 Civic Square	1.00	item	50,000.00	50,000.00	
43	Public Art 1 Play Space	1.00	item	10,000.00	10,000.00	
44	Public Art Subtotal				60,000.00	
	LOT 215 TOTAL	8660	m2		\$2,141,913.45	
	LOT 216					
	Soft Landscaping					
1	Garden beds including imported topsoil and bark mulch	410.00	m2	30.98	12,699.75	Allow for Bark to be blown in to avoid damage to plants and other completed items.
1a	Strip Site up to 300mm to allow for subgrades and dispose off site.	1383.00	m2	45.00	62,235.00	Item added by Meriton QS as excluded by Urbis. We will have to remove current topsoil/fill depending on existing and proposed levels. This could potentially be classified as GSW.
2	Timber edging	90.00	m	35.00	3,150.00	
3	Trees 200 litre including pit	14.00	no	1,500.00	21,000.00	Includes excavator, backfill, tree supply & installation.
4	Trees 400 litre including pit	5.00	no	3,000.00	15,000.00	Includes excavator, backfill, tree supply & installation.
5	Shrubs 300 - 400 pot size and ground cover 150 - 200 pot size, (average 5/m2)	2,050.00	no	75.00	153,750.00	Allow 5 x 200mm plants @ \$15 each supply + labour to install.
6	Turf including imported topsoil	990.00	m2	28.00	27,720.00	
7	Irrigation	1,400.00	m2	20.00	28,000.00	Include separate water supply to each park. Controls/computer to each park. \$20/m2 for Turf areas and \$35/m2 for Garden Areas. As per previous projects we assume Council will require professional design, quality computers & stainless steel fittings.
8	Subsoil drainage	1,400.00	m2	10.00	14,000.00	
9	Establishment period and ongoing maintenance	52.00	weeks	551.92	28,700.00	Allow 3xMen every 2 weeks to cut grass, weeding, replacing dead plants. I have allowed \$1/m2 per year to cater replacement of plants or grass.
10	Soft Landscaping Subtotal				266,254.75	
11	Pavements					
12	Excavation including trim and grade to form levels	170.00	m2	25.00	4,250.00	
13	100 thick (thickness assumed) base course	170.00	m2	20.00	3,400.00	Compact Subgrade: 55/m2, Import Base Course 100mm DGB \$25/m2
14	100 thick (thickness assumed) reinforced concrete paving with washed aggregate finish	170.00	m2	112.60	19,142.00	Concrete Supply with Limestone Additive, Pump Concrete, Screed, Pressure Wash, Wastage, Edgeboards, Cut Construction Joints
15	Pavements Subtotal				26,792.00	
16	Furniture					
17	Type 3 bench seat (no back)	4.00	no	1,400.00	5,600.00	
18	Type 4 bench seat (with back)	3.00	no	1,750.00	5,250.00	
19	Type 5 rubbish bins	6.00	no	1950.00	11,700.00	
	Type 9 BBQ	3.00		9,000.00	27,000.00	I have added 1xBBQ per pavilion, as was excluded in Urbis BOQ

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20	Type 10 BBQ table and bench seats	4.00	no	4,200.00	16,800.00	
21	Furniture Subtotal				66,350.00	
22	Lighting					
23	Lighting type 1 pedestrian pole lighting	10.00	no	10,000.00	100,000.00	
24	Lighting type 2 feature uplighting	8.00	no	6,000.00	48,000.00	
25	Lighting Subtotal				148,000.00	
26	Structures					
27	BBQ pavilion	3.00	no	30,000.00	90,000.00	BBQ Pavilion Footings, Structure, Plumbing, Electrical, Seating
28	Structures Subtotal				90,000.00	
	LOT 216 TOTAL	1553	m2		\$697,396.72	
	LOT 217					
	Soft Landscaping					
1	Garden beds including imported topsoil and bark mulch	190.00	m2	30.98	5,885.25	Allow for Bark to be blown in to avoid damage to plants and other completed items.
1a	Strip Site up to 300mm to allow for subgrades and dispose off site.	729.00	m2	45.00	32,805.00	Item added by Meriton QS as excluded by Urbis. We will have to remove current topsoil/fill depending on existing and proposed levels. This could potentially be classified as GSW.
2	Timber edging	77.00	m	35.00	2,695.00	
3	Trees 200 litre including pit	10.00	no	1,500.00	15,000.00	Includes excavator, backfill, tree supply & installation.
4	Trees 400 litre including pit	4.00	no	3,000.00	12,000.00	Includes excavator, backfill, tree supply & installation.
5	Shrubs 300 - 400 pot size and ground cover 150 - 200 pot size, (average 5/m2)	950.00	no	75.00	71,250.00	Allow 5 x 200mm plants @ \$15 each supply + labour to install.
6	Turf including imported topsoil	520.00	m2	28.00	14,560.00	
7	Irrigation	710.00	m2	20.00	14,200.00	Include separate water supply to each park. Controls/computer to each park. \$20/m2 for Turf areas and \$35/m2 for Garden Areas. As per previous projects we assume Council will require professional design, quality computers & stainless steel fittings.
8	Subsoil drainage	710.00	m2	10.00	7,100.00	
9	Establishment period and ongoing maintenance	52.00	weeks	538.65	28,010.00	Allow 3xMen every 2 weeks to cut grass, weeding, replacing dead plants. I have allowed \$1/m2 per year to cater replacement of plants or grass.
10	Soft Landscaping Subtotal				201,505.25	
11	Pavements					
12	Excavation including trim and grade to form levels	445.00	m2	25.00	11,125.00	
13	100 thick (thickness assumed) base course	445.00	m2	20.00	8,900.00	Compact Subgrade: \$5/m2, Import Base Course 100mm DGB \$25/m2
14	100 thick (thickness assumed) reinforced concrete paving with washed aggregate finish	255.00	m2	112.60	28,713.00	Concrete Supply with Limestone Additive, Pump Concrete, Scream, Pressure Wash, Wastage, Edgeboards, Cut Construction Joints
15	Decomposed granite paving including sealer and reinforced concrete base slab	190.00	m2	533.00	101,270.00	
16	Pavements Subtotal				150,008.00	
17	Furniture					
18	Type 3 bench seat (no back)	6.00	no	1,400.00	8,400.00	
19	Type 4 bench seat (with back)	5.00	no	1,750.00	8,750.00	
20	Furniture Subtotal				17,150.00	
21	Lighting					
22	Lighting type 1 pedestrian pole lighting	10.00	no	10,000.00	100,000.00	
23	Lighting type 2 feature uplighting	8.00	no	6,000.00	48,000.00	
24	Lighting Subtotal				148,000.00	

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Bayside Council
Karimbla Properties (No. 39) Pty Ltd
Meriton Properties Pty Ltd**

Eastgardens Planning Agreement

LOT 217 TOTAL	1174	m2		\$518,663.25	
TOTAL LOTS	20201	m2	\$361.81	\$7,808,926.45	
Contingency			5%	\$365,446.32	
Preliminaries			18%	\$1,381,387.10	
Margin			7.5%	\$679,181.99	
Design (Landscape, Civil, Lighting)				\$356,593.00	
TOTAL PROJECT	20201	m2	\$499.56	\$10,021,534.86	Lump Sum (to achieve agreed figure)

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

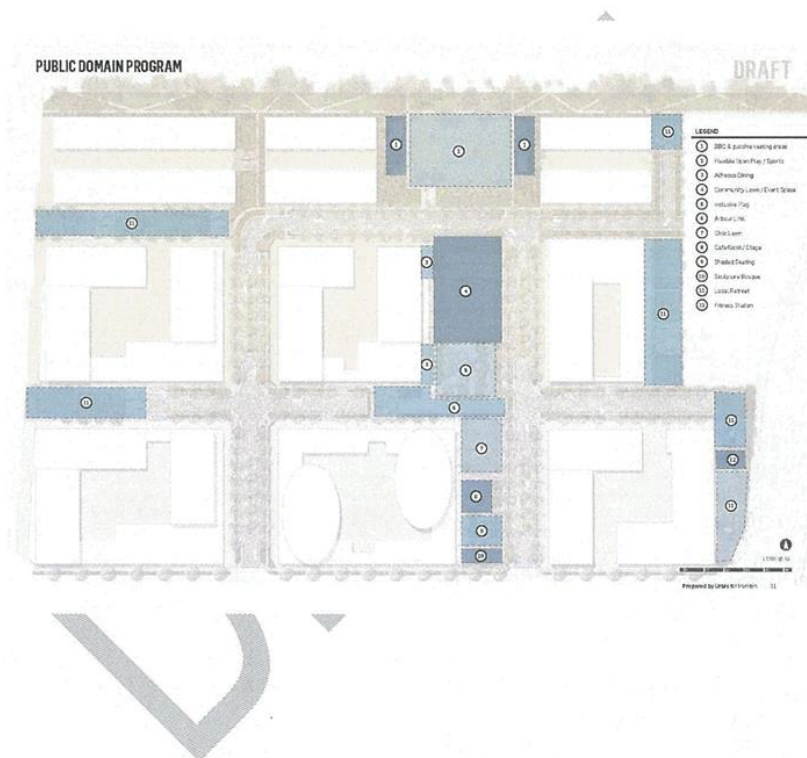
Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

Schedule 6

(Clause 10)

Embellishment Work Concept Plan

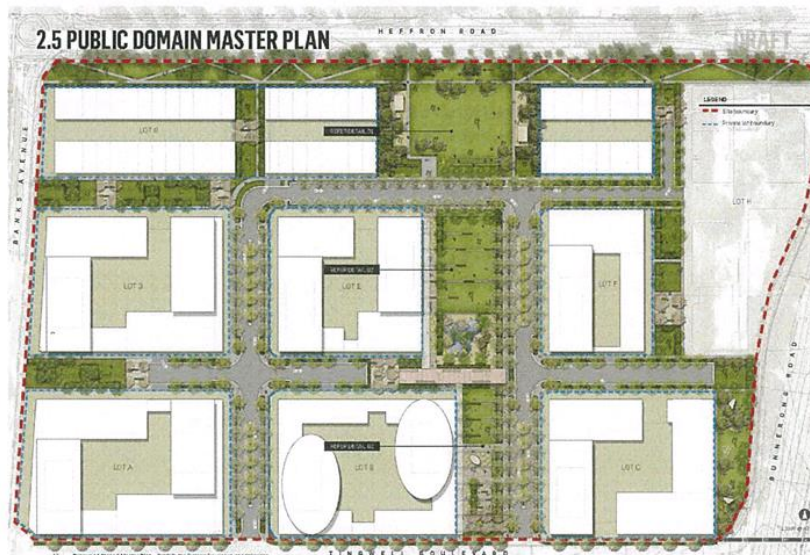


**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd



**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

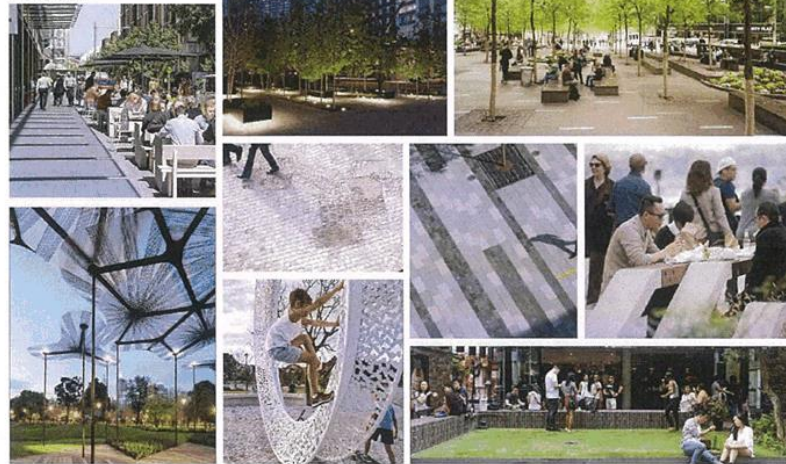
Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd



2.6 PRECEDENT IMAGERY

CIVIC SQUARE



**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement****Bayside Council****Karimbla Properties (No. 39) Pty Ltd****Meriton Properties Pty Ltd****COMMUNITY PARK**

26 - Proposed Stage 2 Master Plan - © 2017/18a Dymally Design and Associates

DRAFT**RECREATIONAL PARK****LINK PARKS**

Proposed by Meriton - 27

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

Schedule 7

(Clause 10)

Amended BATA I VPA

See following pages.

DRAFT

DATED
2015

BETWEEN:

**THE COUNCIL OF THE CITY OF
BOTANY BAY**
("the Council")

AND:

**KARIMBLA PROPERTIES No. 39 PTY
LTD (ABN 96 160 693 283)**
("Karimbla")

PLANNING AGREEMENT

HOUSTON DEARN O'CONNOR

Solicitors
Suite 33, 5th Floor
12 Railway Parade
BURWOOD NSW 2134

DX 8565 BURWOOD
Tel: 9744 9247
Fax: 9744 6739
REF: 113139-488

SS-113139-488-347-V1

THIS PLANNING AGREEMENT made the 7 August 2015

BETWEEN: **COUNCIL OF THE CITY OF BOTANY BAY** of 141 Coward Street,
 Mascot in the State of New South Wales ("the Council") of the first
 part

AND: **KARIMBLA PROPERTIES (No.39) PTY LTD (ABN 96 160 693**
 283) of L.11, 528 Kent Street Sydney NSW 2000 ("Karimbla") of the
 second part.

WHEREAS:

- A. Karimbla is the owner of land located at 130-150 Bunnerong Road Pagewood,
being land comprising Lot 2 in Deposited Plan 1187426 ("the site").
- B. Karimbla is a "developer" as defined at Section 93F(1) of the Environmental
Planning and Assessment Act 1979 ("the Act").
- C. The Council is a consent authority legally entitled to determine development
applications within the Botany Bay Local Government Area and legally entitled
to enter into Planning Agreements.
- D. On 1 May 2014 an integrated development application 14/096 ("DA14/096") was
submitted to the Council by Karimbla seeking consent for a staged development
application setting out the concept proposal ("the stage 1 approval") for
development of the site. The plans and proposal have been altered during the
course of negotiations. DA 14/096 presently seeks consent for the following
concept proposal:
 - i. subdivision into seven lots, known as Urban Blocks;
 - ii. subdivision of lots for open space being a Central Park (Open Space lot
1) and Linear Park, Open Space lot 2;
 - iii. subdivision into lots for public roads being Road lot 1 (East West
Boulevard), Road lot 2 (North South Street 2), Road lot 3 (Civic

SS-113139-488-347-V1

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Boulevard), Road lot 4, Road lot 5, (North South Street 1) and Local Street Road lot 6;

- iv. staging of the development in order of sequence being Stage 1 subject of DA 14/159, lodged by Karimbla Construction Services (NSW) Pty Ltd on 15 July 2014 for the kerb-to-kerb construction of East-West Boulevard and the realignment of the existing stormwater channel, Stage 2A(2) development of Urban Block 5W, Stage 2A(3) development on Urban Block 5C and construction of Central Park, Stage 2A(3) development of Urban Block 5 East, Stage 2B development of Urban Block 4 and Urban Block 5E, Stage 2C development of Urban Block 3, Stage 2D development of Urban Block 2 and Stage 2E development of Urban Block 1 and Open Space lot 2 "Linear Park";
- v. an indicative maximum of 2223 residential apartments, up to 5000 sq m of retail space and four child care centres;
- vi. building envelopes showing building dimensions, setbacks from streets and above podiums, building separation, articulation zone for balconies and heights on each Urban Block;
- vii. maximum Gross Floor Area (GFA) and Floor Space Ratio (FSR) for the proposed lots and Urban Blocks as shown in **Table 1** to **Annexure A** of this planning agreement;
- viii. building heights (as defined in BBLEP 2013) as shown in **Table 2** to **Annexure A**;
- ix. residential unit mix in accordance with **Table 3** to **Annexure A** ;
- x. residential unit sizes in accordance with **Table 4** to **Annexure A** ;
- xi. car parking provided in above ground and basement car parking facilities,

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in accordance with the rates in **Table 5** in **Annexure A** ;

- xii. public open space being "Central Park" comprising 8000 sq m and Open Space Lot 2 "Linear Park" comprising 2703 sq m;
 - xiii. on site stormwater detention system and water sensitive urban design (WSUD) principles.
- E. Once development consent is obtained for Stage 1, Development Applications are to be submitted by Karimbla seeking consent for construction of the development at the site ("the stage 2 and future DAs").
- F. In April and May 2015 Karimbla provided amended plans indicating the components of the Stage 1 concept application. Annexed hereto and marked with the "B" are those plans.
- G. On 1 April 2015, the parties proposed to enter into a Planning Agreement. By way of the proposal, Karimbla has agreed with the Council to offer public benefits including the following public works, land dedications and monetary contributions.
- i. embellishment, construction and dedication at no cost to the Council of 8000 sq m of land on the site for the purpose of a public park/public recreational space being land of land identified on the approved plans as "Central Park" proposed Open Space Lot 1 Annexed hereto and marked with the letter "C".
 - ii. ~~Not used; embellishment, construction and dedication, at no cost to the Council of and 2703 sq m being land identified on the approved plans as "Linear Park", proposed Open Space as Lot 2 Annexed hereto and marked with the letter "C";~~
 - iii. construction of, public domain embellishment, and dedication for the use of a public road and at no cost to the Council that part of the site

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comprising roads identified on the approved plans as:

- East West Boulevard, proposed road Lot 1;
- Civic Avenue, proposed road Lot 3;
- North South Street 2, proposed road Lot 2;
- North South Street 1, proposed road Lot 4 and 5;
- ~~Local Street Road, proposed road Lot 6; and~~

Annexed hereto and marked with the letter "D" is the most up to date plan identifying the location of the proposed public roads;

- iv. undertaking at no cost to the Council the design and construction works inclusive of traffic lights and any other necessary traffic control devices and signals so as to upgrade the intersection of Banks Avenue and Heffron Road as part of Stage 2A(2) and prior to the issue of any occupation certificate for development on Urban Block 5W in accordance with the plan Annexed hereto and marked letter "E" ;
- v. undertaking at no cost to the Council the design and construction of works inclusive of traffic lights and any other necessary traffic control devices and signals so as to upgrade the intersection of Bunnerong Road Heffron Road and Maroubra Road as part of Stage 2A(2) and prior to the issue of any occupation certificate for development on Urban Block 5W in accordance with the plan Annexed hereto and marked letter "F" ;
- vi. Providing a monetary contribution of ~~\$8,022,000~~ 10.5 million to Council for use as follows:
 - a. Upgrade the intersection of Page Street and Wentworth Avenue including works and services at the intersection; and
 - b. Upgrade the intersection of Baker Street and Wentworth Avenue including works and services at the intersection; and,

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- c. Upgrade to Jellicoe Park by providing a new sports amenities building (change rooms, referees room, toilets, kiosk, kitchenette, storage and the like) and upgrade to perimeter fencing; and,
- d. Improvements to Mutch Park, including provision of a skate park and the supply or building of other recreational facilities; and,
- e. Undertake other works with any remaining funds being works to be undertaken at the sole discretion of the Council, for use in respect of any public purpose (public purpose being defined at section 93F(2) of the Act) within the local area (with details to be provided to the developer).

Payment shall be made as follows:

- f. \$8,022,000 as part of Stage 2A(2) and prior to the issue of any occupation certificate for Urban Block 5W in accordance with the plan Annexed hereto and marked letter "G";
- g. ~~not used. \$2,478,000 to be paid at the earlier of an occupation certificate being issued by Council for Urban Block 1 or Urban Block 2 OR any occupation certificate being issued for any residential uses on Lot 2 DP1187426 north of Tingwell Boulevard. This payment shall be indexed in accordance with the Consumer Price Index (All Groups Index — Sydney), from the date of the initial stage 1 payment.~~

- H. On 7 August 2015 the Council and Karimbla entered into an agreement pursuant to s.34 (3) of the Land and Environment Court Act with conditions of consent to DA 14/096 being Annexure "H" to that agreement.
- I. Condition 4 of the conditions consent to DA 14/096 requires Karimbla, at no cost or expense to the Council, to enter into this Planning Agreement.

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- J. Annexed hereto and marked with the letter "I" is a true copy of the development consent to DA 14/096.
- K. The parties have agreed to enter into a Planning Agreement in accordance with section 93F of the Act, the purpose of the said Planning Agreement being for Karimbla to provide a material public benefit in the form of public works, dedications and monetary contributions as described at clause G herein.
- L. Pursuant to Section 93F of the Act the parties hereto now enter into this Planning Agreement.

NOW THIS DEED WITNESSES as follows:

- 1. This Planning Agreement shall:
 - (a) be binding on the parties hereto and upon their respective heirs, executors, transferees and assigns;
 - (b) takes effect on the date of this Planning Agreement is executed by both parties;
 - (c) becomes operative at such time as the benefit of the development consent is taken up; and
 - (d) terminates when Karimbla or its respective heirs, executors, transferees or assigns has satisfied all of its obligations under this Agreement or when the development consent lapses in accordance with the Act.
- 2. The rights of the Council expressly provided for herein are cumulative and in addition to and not exclusive of any rights of the Council existing at law or which the Council would otherwise have available to it.
- 3. In case one or more of the provisions contained in this Planning Agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality or enforceability of the remaining conditions contained therein shall not thereby be effected.
- 4. Karimbla covenants and agrees with the Council that it shall at Karimbla's

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expense and to the Council's satisfaction undertake all works and dedications required under this planning agreement and as set out in this agreement and/or the consent given by Council to integrated development application DA 14/096. All works and dedications are to be undertaken in accordance with the timeframes set out at table 3 to condition 11 of the Council's development consent given in relation to integrated development application DA 14/096. Agreed works, dedications and monetary contributions are as follows:

- i. embellish, construct and dedicate at no cost to the Council of 8000 sq m of land on the site for the purpose of a public park / public recreational space being land on the approved plans as "Central Park";
- ii. ~~not used, embellish, construct and dedicate at no cost to the Council of 2703 sq m of land on the site for the purpose of a public park / public recreational space being land of land identified on the approved plans as Proposed Lot 2 Open Space "Linear Park",~~
- iii. construct and dedicate for the use of a public road and embellish the public domain at no cost to the Council that part of the site comprising roads identified on the approved plans as "East West Boulevard", "Civic Avenue", Road Lot 2 "North South Street 2", Road Lot 4 ~~and Road Lot 5~~ "North South Street 1", ~~and Local Street Road Lot 6,~~
- iv. undertake at no cost to the Council the design and construction of works inclusive of traffic lights and any other necessary traffic control devices and signals so as to upgrade the intersection of Banks Avenue and Heffron Road;
- v. undertake at no cost to the Council the design and construction of works inclusive of traffic lights and any other necessary traffic control devices and signals so as to upgrade the intersection of Bunnerong Road, Heffron Road and Maroubra Road;

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- vi. Providing a monetary contribution of \$8,022,000 ~~\$10.5 million~~ to Council for use as follows:
 - a. Upgrade the intersection of Page Street and Wentworth Avenue including works and services at the intersection; and
 - b. Upgrade the intersection of Baker Street and Wentworth Avenue including works and services at the intersection; and,
 - c. Upgrade to Jellicoe Park by providing a new sports amenities building (change rooms, referees room, toilets, kiosk, kitchenette, storage and the like) and upgrade to perimeter fencing; and,
 - d. Improvements to Mutch Park, including provision of a skate park and the supply or building of other recreational facilities; and,
 - e. Undertake other works with any remaining funds being works to be undertaken at the sole discretion of the Council, for use in respect of any public purpose (public purpose being defined at section 93F(2) of the Act) within the local area (with details to be provided to the developer).

Payment shall be made as follows:

- f. \$8,022,000 as part of Stage 2A(2) and prior to the issue of any occupation certificate for Urban Block 5W in accordance with the plan Annexed hereto and marked letter "G";
 - g. ~~Not used \$2,478,000 to be paid at the earlier of an occupation certificate being issued by Council for Urban Block 1 or Urban Block 2 OR any occupation certificate being issued for any residential uses on Lot 2 DP1187426 north of Tingwell Boulevard. This payment shall be indexed in accordance with the Consumer Price Index (All Groups Index - Sydney), from the date of the initial stage 1 payment.~~
5. Karimbla covenants and agrees that there will be no off sets or reductions to any

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contributions payable under section 94 of the Act for any of the works and dedications referred to in clause 4 herein and Karimbla agrees that the works as set out at clause 4 herein do not replace in any way and are additional to the requirement for Karimbla to pay contributions in accordance with Section 94 of the Act, with the said section 94 contributions to be paid by Karimbla in accordance with the Section 94 Contributions Plan that applies at the time that any Stage 2 or later development application is lodged (or at the time otherwise stated in the Plan), except as otherwise agreed by Council.

6. Karimbla covenants and agrees with the Council:
 - (a) that prior to it lodging a development application for any stage 2 development including a building (but excluding DA 14/159 for East West Boulevard and Sydney Water infrastructure, which is already lodged) it shall do all things reasonably necessary to register this Planning Agreement over the title to the site pursuant to Section 93H of the Act from all persons who have an interest in the site;
 - (b) that forthwith it shall cause this Planning Agreement to be registered on the title of the site (being only the site being Lot 2 DP 1187426 and in the future after subdivision of the site, only the development lots and future public domain lots – but excluding any lots created under a strata plan that are not common property lots), excluding Lot 24 DP1242288 and any lot or strata lot created from a subdivision or strata subdivision of that lot, until such time as all obligations arising under this agreement have been met;
 - (c) that if this Planning Agreement is not registered on the title to the site, and if Karimbla should propose to sell the site, then Karimbla shall:
 - i. within seven (7) days of listing the site for sale, either through an

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agent or privately, notify the Council of such intention;

- ii. as a condition of any sale, require that the incoming purchaser enter into with Council a like Planning Agreement to this present Planning Agreement in which the same covenants as set out herein shall apply;
 - iii. within seven (7) days of exchange of contracts, notify the Council of the sale and provide the Council with a copy of the contract;
 - iv. within twenty one (21) days of receipt from the Council of a replacement Planning Agreement between the Council and the purchaser substantially in the form of this Planning Agreement, have it executed by the purchaser and return it to the Council;
 - v. that if this Planning Agreement is not registered on the title to the site, and if Karimbla should propose otherwise than by sale to transfer or assign their interest in the site or any part thereof to a transferee or assignee, then Karimbla shall before effecting such assignment or transfer have the incoming transferee or assignee enter into an agreement with the Council substantially in the form of this Planning Agreement insofar as concerns the interest assigned or transferred and shall provide same to the Council.
7. The Council acknowledges that if an incoming purchaser of the site as a whole enters into with the Council a like Planning Agreement to this present Planning Agreement in which the same covenants as set out herein apply, Karimbla will be released from any future obligation under this Agreement. Such release will not release Karimbla from any liability to the Council for any antecedent breaches of this Agreement by Karimbla.
8. Karimbla further covenants and agrees with the Council that pending the

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registration of this Planning Agreement on the title of the site as required by clause 6(b), the Council shall be entitled to register a caveat at Land & Property Information New South Wales over the title to the Development Site to protect its interest therein pursuant to this Planning Agreement.

9. If Council lodges a caveat pursuant to clause 8, then the Council must promptly do all things reasonably required to ensure that the caveat does not prevent or delay the registration of:
 - (a) this Agreement;
 - (b) any plan of consolidation or subdivision contemplated, required or permitted under this Agreement or any development consent;
 - (c) any other dealing contemplated, required or permitted under this Agreement or any development consent; and
 - (d) the transfer of any part of the site to a related body corporate of the Owner or a trust or fund of which a related body corporate of the Owner is trustee, manager or responsible entity.
10. The parties agree that if the site is subdivided such that development takes place in more than one stage, the registration of this Agreement will be removed from the title of any allotment of the site subject to a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* except that registration of this agreement will remain over the title to any common property.
11. The Parties will, upon termination of this Agreement in accordance with clause 1(d), do all things required to enable the removal of the Agreement from the title of the Site
12. If a caveat is registered on the title of the site in accordance with clause 8 of this Agreement, then such caveat is to be removed immediately upon registration of

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the Planning Agreement being registered on the title of the site.

13. Karimbla shall pay Council's reasonable solicitor/client costs of preparing this Planning Agreement and any cost of registering the Planning Agreement.
14. Should it be necessary for Council to consent to the registration of any lease, mortgage, consolidation of title, strata plan or other document as a result of a caveat being registered on the titles to the site Karimbla shall pay the Council's reasonable solicitor/client costs of providing Council's consent to such registration. Karimbla shall also pay the Council's reasonable costs of preparing any substitute Planning Agreement between Council and any incoming purchaser, assignee or transferee of the site. Council must give Karimbla a tax invoice for any amount payable by Karimbla under this clause.
15. Should Karimbla be in breach of any terms of this Planning Agreement, and not rectify the default within twenty one (21) days of receiving notice from Council to do so (except if a delay in rectification is likely to cause irremediable damage or prejudice to Council, in which case no notice is required) Council shall be entitled, at its option, to enforce by way of injunctive relief in the Supreme Court any provisions of this Planning Agreement which have been breached, or to seek damages or seek to enforce the provisions of any development consent which relate to the Development Site whether by way of order under Section 121B of the Environmental Planning and Assessment Act 1979, or Class 4 proceedings in the Land and Environment Court, or otherwise.
16. Any amendment or variation to this Planning Agreement is not effective unless it is in writing and signed by both parties.
17. The explanatory note put on exhibition with this Planning Agreement is not to be used in construing the terms of this Planning Agreement.
18. In the event of any disagreement between the parties hereto arising out of the

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provisions of this Planning Agreement, and if the parties are unable within a reasonable time to resolve such disagreement amicably, either party may serve notice on the other requiring the matter to be referred to a conciliation by a single conciliator at the Australian Commercial Disputes Centre Limited in Sydney. The parties shall thereafter in good faith seek to resolve the matter through conciliation and the parties shall equally bear the cost of such conciliation. The parties must keep confidential and must not to disclose or rely upon or make the subject of a subpoena to give evidence or produce documents in any arbitral, judicial or other proceedings:

- (a) views expressed or proposals or suggestions made by a party, an expert or the conciliator during the conciliation relating to a possible settlement of the dispute;
 - (b) admissions or concessions made by a party during the conciliation in relation to the dispute; and
 - (c) information, documents or other material, including any confidential information, concerning the dispute which is disclosed by a party during the conciliation unless such information, documents or facts would have been otherwise discoverable in judicial or arbitral proceedings.
19. (a) All words in this clause which are also defined in the A New Tax System (Goods and Services Tax) Act 1999 (Cth) ("the GST Act") have a corresponding meaning to that in the GST Act
- (b) the consideration for any supply under this Planning Agreement excludes GST;
 - (c) where a party to this Planning Agreement is taken to have made a supply to another party, the recipient of that supply must, in addition to

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the consideration payable for the supply and when paying the consideration for the supply, also pay to the maker of the supply an amount equal to the GST payable in respect of that supply. The recipient of a supply must also pay the GST payable in respect of a supply for which no monetary consideration is payable when the maker of the supply demands payment;

- (d) the maker of a supply must give the recipient a tax invoice in the form required by the GST Act at the same time it receives payment from the recipient of the GST payable for that supply;
- (e) despite any other provision of this Agreement, any amount payable under this Agreement, which is calculated by reference to an amount paid or incurred by a party to this Planning Agreement, is reduced by the amount of any input tax credit to which that party or a member of its GST Group is entitled in respect of that amount.

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ANNEXURE A

TABLE 1

GFA and FSR

2013 LEP Zone	Proposed Lot ^a	Urban Block ^b	Site Area sq m ^c	GFA sq m ^d	FSR ^e	Indicative Unit Nos.
B4	1	UB5 West	13,507	51,712	3.83	517
B4	2	UB5 Central	13,095	45,306	3.84	453
				5,000 ^f		
B4	3	UB5 East	9,011	22,412	2.49	224
B4	part lot 4	part UB4	826	18,225	2.30	182
R3	part lot 4	part UB4	7,089			
B4	part lot 5	part UB3	999	37,011	3.92	370
R3	part lot 5	part UB3	8,435			
R3	6	UB2	9,021	28,603	3.17	286
R3	7	UB1	13,302	19,018	1.43	190
Sub Total			75285	227,287	N/A	2223
B4	part road lot 3	part Civic Avenue	1361			
R3	part Road lot 3	part Civic Avenue	1096			
R3	road lot 4		1359			
R3	road lot 2		1224			
R3	road lot 1	East West Boulevard	8778			
R3	road lot 5		2023			
R3	road lot 6		1596			
R3	Open Space lot 2	Linear Park	2703			
R3	Central Park	Central Park	8000			
sub total			28140			
TOTAL			103,425	227,287	N/A	2223

Notes

- Proposed lots shown on Drawing No. A014 dated 29/4/15
- Urban Blocks shown on Drawing No. A004 dated 29/4/15
- Site area shown on Plan of Subdivision of Lot 2 DP1187426 dated 28/4/15
- GFA is Residential and Child Care Centres unless as noted, taken from Drawing No. A001 dated 29/4/15
- FSR calculated from Table shown on Drawing No. A001 dated 29/4/15 and Drawing No. A014 dated 29/4/15.
- Maximum 5000 sq m retail

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TABLE 2

Building Height

Block No.	Tower No.	Maximum Podium Height	Maximum Building Height	Maximum Plant Room Height
Urban Block 1	A1, A2, A3, A4, A5	N/A	7.6m (RL29.6) plus Attic a	N/A
	B1, C1	N/A	13.8m (RL35.8)	16.4m (RL38.4)
	B2, C3	N/A	20.0m (RL42.0)	22.6m (RL44.6)
Urban Block 2	A1, A2	10.7m (RL32.7)	26.2m (RL48.2)	28.8m (RL50.8)
	B2, C2	13.8m (RL35.8)	35.5m (RL57.5)	38.1m (RL60.1)
Urban Block 3	A1, A2	13.8m (RL35.8)	35.5m (RL57.5)	38.1m (RL60.1)
	B1, B2	13.8m (RL35.8)	44.8m (RL66.8)	47.4m (RL69.4)
	A3, A4	16.9m (RL38.9)	51.0m (RL73.0)	53.6m (RL75.6)
Urban Block 4	A1	16.9m (RL38.9)	20.0m (RL42.0)	22.6m (RL44.6)
	A2	16.9m (RL38.9)	26.2m (RL48.2)	28.8m (RL50.8)
Urban Block 5W	A1, A2, A4, A5	16.9m (RL38.9)	51.0m (RL73.0)	53.6m (RL75.6)
	A3, A6	16.9m (RL38.9)	63.4m (RL85.4)	66.0m (RL88.0)
Urban Block 5C	B1, B2b	18.8m (RL40.8)	40.5m (RL62.5)	43.1m (RL65.1)
	B4, B5	18.8m (RL40.8)	52.9m (RL74.9)	55.5m (RL77.5)
	B3, B6	18.8m (RL40.8)	65.3m (RL87.3)	67.9m (RL89.9)
Urban Block 5E	B2, B3	16.9m (RL38.9)	20.0m (RL42.0)	22.6m (RL44.6)
	B1	10.7m (RL32.7)	26.2m (RL48.2)	28.8m (RL50.8)
	B4	10.7m (RL32.7)	51.0m (RL73.0)	53.6m (RL75.6)

a: Attic is as defined in Botany Bay LEP 2013

TABLE 3

Unit Mix

Unit Size ^a	Proportion	Indicative Maximum Number of Units
Studios	N/A	0
One bedroom	Maximum 20%	445
Two Bedroom	50%	1112
Three + bedroom	Minimum 30%	668
TOTAL		2223

- 17 -

TABLE 4**Unit Size**

Unit Type	Area	Size sq m
One bedroom	Internal	65
	External	12
Two bedroom	Internal	85
	External	12
Three bedroom	Internal	50% of units per urban block 124 50% of units per urban block 110
	External	24 for 124 sq m units 15 for 110 sq m units

Note: a **Internal area** means the area inside the enclosing walls of a dwelling but excludes wall thickness, vents, ducts, staircases and lift wells.

TABLE 5**Car parking Rates**

Use	Min number car spaces	Indicative minimum number of car spaces
Residential		
One bedroom	1	445
Two bedroom	1.5	1668
Three bedroom	2	1336
Residential Visitor	1 per 10 units	222
Car Share Spaces	22 including min 10 in basements	22
Total residential		3693
Other Uses	As per BBDCP 2013	

- 18 -

IN WITNESS WHEREOF the parties have set their hands and seals on the day first
hereinbefore written.

THE COMMON SEAL of the **CITY**)
OF BOTANY BAY COUNCIL was)
hereunto affixed pursuant to a resolution)
of the Council passed on the day)
of)

.....
General Manager

**EXECUTED by KARIMBLA PROPERTIES
No.39 PTY LTD
(ABN 96 160 693 283)**

by:

.....
Director

.....
Secretary

.....
Witness

**BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement**

Bayside Council

Karimbla Properties (No. 39) Pty Ltd

Meriton Properties Pty Ltd

Execution

Executed as a Deed

Dated:

Executed on behalf of the Council

General Manager

Witness

Mayor

Witness

Executed on behalf of the Developer in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

BATA II Site- 128 Bunnerong Road & 120 Banks Avenue,
Eastgardens Planning Agreement
Bayside Council
Karimbla Properties (No. 39) Pty Ltd
Meriton Properties Pty Ltd

Executed on behalf of the Guarantor in accordance with s127(1) of the
Corporations Act (Cth) 2001

Name/Position

Name/Position

DRAFT

Council Meeting

12/06/2019

Item No	8.7
Subject	Request for Gateway Determination: Draft Planning Proposal - 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North
Report by	Michael McCabe, Director City Futures
File	F17/333

Summary

Planning Direction Pty Ltd have submitted a draft Planning Proposal (refer **Attachment 1**) to Bayside Council (Council) to request an amendment to the *Rockdale Local Environmental Plan 2011* (RLEP 2011) in relation to land at 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North (the site).

The draft Planning Proposal requests that Council initiate an amendment to the RLEP 2011, summarised as follows:

- Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Increase the maximum height of buildings on the land from 8.5m to 20.5m;
- Increase the maximum Floor Space Ratio (FSR) on the land from 0.5:1 to 2:1; and
- Remove the requirement for a minimum lot size on the site (currently 450m²).

Post consideration of the draft Planning Proposal at the Bayside Local Planning Panel a Councillor declared a conflict of interest, prior to it being considered at a Council Meeting. Consequently, Council engaged Elton Consulting to:

1. Review the adequacy of the assessment of the draft Planning Proposal undertaken by Council to date, against the strategic planning framework;
2. Undertake an independent, merit-based assessment in accordance with relevant NSW and Commonwealth statutory planning and environmental legislation, relevant regional and strategic planning legislation, and relevant Council plans and policies to determine the suitability of the site for rezoning; and
3. Prepare a Section 3.34 report to Bayside Council.

The Council officer's assessment report (refer **Attachment 2**) concluded that the draft Planning Proposal:

- *seeks to achieve a planning outcome that will facilitate higher density living within 400m walking distance from a train station, existing shops and services;*
- *has strategic planning merit where it gives effect to the priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan; and*
- *proposes a height and FSR which is consistent with the surrounding area.*

Subsequently, the Council Officer's recommendation, as provided in the Section 3.33 report to the Bayside Local Planning Panel, is as follows;

- *That pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EP and A Act) the draft Planning Proposal for land known as 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North be submitted to the Department of Planning and Environment (DPE) for a Gateway determination.*

The independent merit assessment endorses the Council Officer's recommendation, where it is found that the draft Planning Proposal has strategic planning merit for the reasons outlined in this report, in particular:

- It gives effect to the directions, priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan, particularly where it provides additional housing within a 400m catchment of a train station, as well as shops, services and parkland;
- The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre; and
- The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.

Notwithstanding the above, the argument put forward that the proposed development *will substantially reduce traffic* is contested. The existing petrol station is reliant on passing traffic patronage and is not a destination itself. Accordingly, it is not considered that the removal of the petrol station will reduce the traffic in the surrounding street network, however 100 additional dwellings will add to it.

Accordingly, it is recommended that further detailed traffic modelling and potential solutions to this issue needs to be analysed in detail, post Gateway. This may include a site specific DCP which reduces the provision for off-street parking, particularly where the subject site is in close vicinity to rail and a frequent bus network.

It is considered that the relevant matters for consideration under the EP and A Act have been adequately addressed in the Council Officer's Section 3.33 report and has been undertaken in accordance with the DPE's *A Guide to Preparing Planning Proposals* (December 2018).

Council has not received an offer of a Voluntary Planning Agreement (VPA). It is understood that a VPA with Council is to be discussed at a later date.

A draft site specific Development Control Plan (DCP) has not been provided as part of the draft Planning Proposal. It is recommended that a site specific DCP be prepared for the subject site post Gateway determination which includes provision for pedestrian and cycle links to the Bexley North Train Station as well as the investigation of appropriate traffic mitigation measures in any site specific DCP and VPA.

Officer Recommendation

- 1 That the draft Planning Proposal for 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North be forwarded to the Department of Planning and Environment for a Gateway Determination for the reasons outlined in the report, in particular:
 - (i) It gives effect to the directions, priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan, particularly where it provides additional housing within a 400m catchment of a train station, as well as shops, services and parkland;
-

- (ii) The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre;
- (iii) The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.

2 The following additional requirements are recommended post Gateway:

- (i) Preparation of a site specific Development Control Plan to support the planning proposal; and
- (ii) further detailed traffic modelling and analysis of potential solutions to traffic issues;
- (iii) Improvements to pedestrian and cycle links from the development to Bexley North Station, as well as the investigation of appropriate traffic mitigation measures, should be considered as part of any site specific Development Control Plan and Voluntary Planning Agreement.

Background

Applicant: Planning Direction Pty Ltd (Directors: Mr Danny Jones and Mr Christopher Nigel White)

Owners details:

Road	No.	Owner
New Illawarra Road	88	Mrs N Awada
	90-92	Mr E Zoumas and Mrs P Zoumas
	94	Mr A I M Meqdadi
	96	Mr S Ghunaim and Mrs M Ghunaim
Bexley Road	307-311	Mr Tony Soueid Nazah Soueid
	311A	Mr H Rusli and Mrs S Han

Site description:

The draft Planning Proposal relates to 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North. Lots subject to the draft Planning Proposal are shown in **Table 1** below:

Table 1: Lots subject to the draft Planning Proposal

Lot	DP	Address	Site area (m ²)	Current zoning
35	663036	307-309 Bexley Road, Bexley North	48	R2 Low Density Residential
1	1045200	307-309 Bexley Road, Bexley North	673	R2 Low Density Residential
A	388204	96 New Illawarra Road	469	R2 Low Density Residential
B	388204	307-309 Bexley Road, Bexley North	468	R2 Low Density Residential
1	400341	94 New Illawarra Road	562	R2 Low Density Residential
3	508629	88 New Illawarra Road	462	R2 Low Density Residential
4	508629	90 New Illawarra Road	325	R2 Low Density Residential
5	508629	311A Bexley Road	566	R2 Low Density Residential
6	508629	311 Bexley Road	615	R2 Low Density Residential

The site is located within the Local Government Area (LGA) of Bayside (previously Rockdale) and has a total area of approximately 4,257sqm. The site is bound by New Illawarra Road to the west; Bexley Road to the east; Amber Gardens reserve to the north and low-density residential development to the south.

The site is currently occupied by low scale residential development of 1-2 storeys in height, and a metro petrol station in the northern portion of the site. Vehicular access to the site is

gained from Bexley Road and New Illawarra Road. The site is shown in the aerial photograph in **Figure 1**.

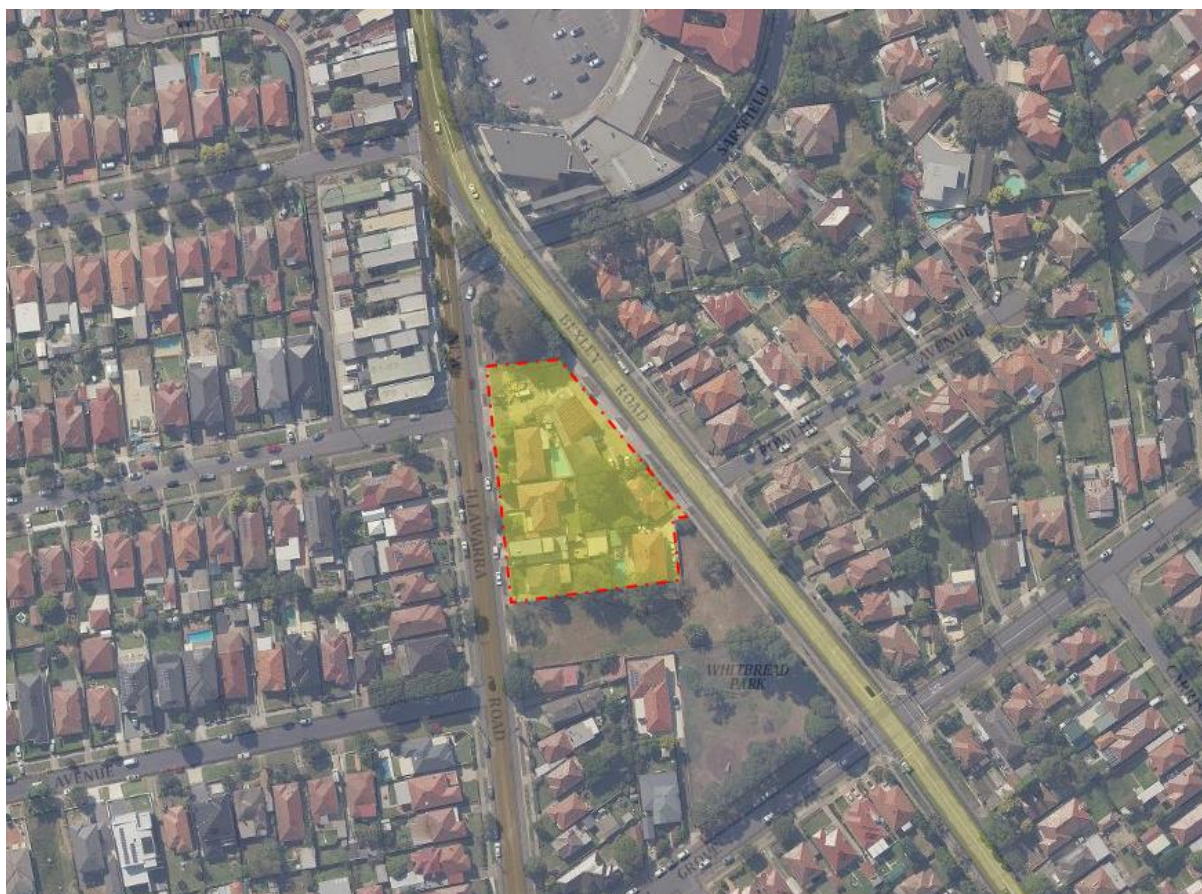


Figure 1 – Aerial Photo of the Subject Site (highlighted)
(Source: Land and Property Information www.maps.six.nsw.gov.au)

Existing development on the subject site is identified in **Figures 2 – 4**.



Figure 2 – Low Scale Residential development on subject site fronting Bexley Road
(Source: Google maps 2017)



Figure 3 – Low Scale Residential development on subject site fronting New Illawarra Road
(Source: Google maps 2017)

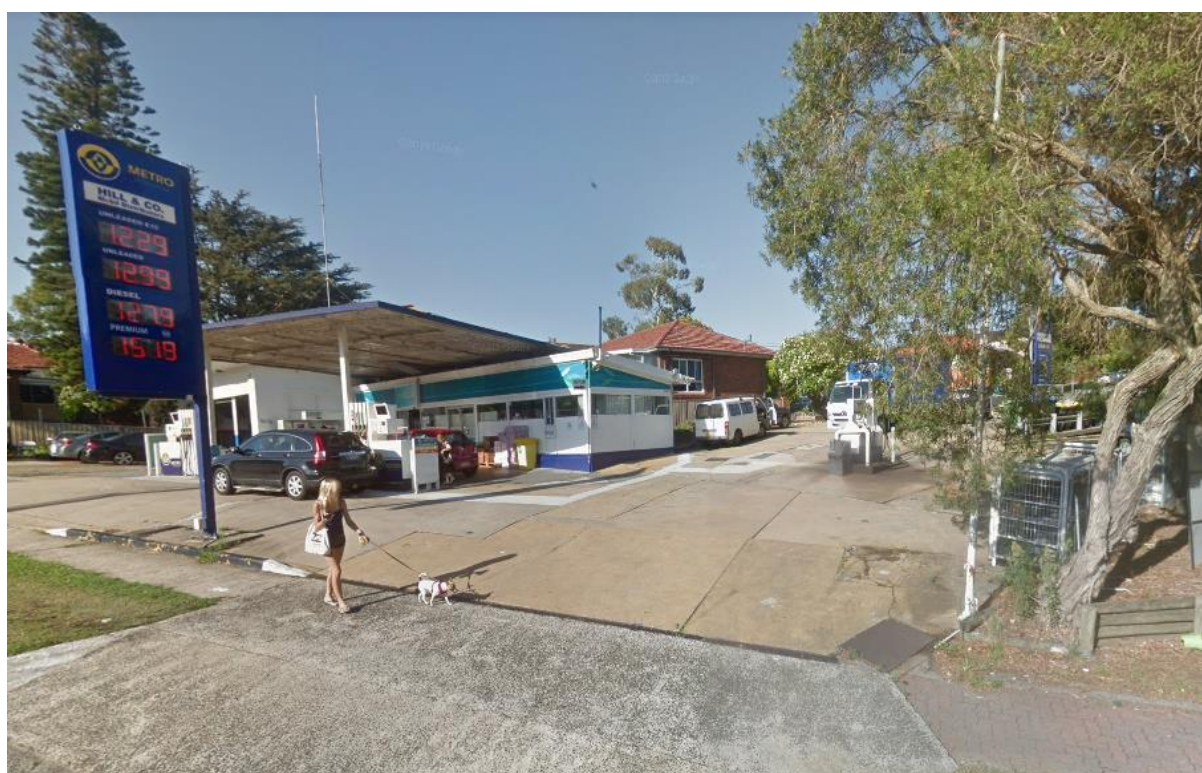


Figure 4 – Existing Metro Petrol Station on the subject site
(Source: Google maps 2018)

The site is currently zoned R2 Low Density Residential. The site is also currently subject to an 8.5m height limit, a 0.5:1 Floor Space Ratio (FSR) and a minimum lot size of 450sqm. A comparison of existing and proposed zoning and relevant controls under the RLEP 2011 is provided in **Table 2** further in the report.

Site context:

Directly to the north of the site is the Bexley North shopping precinct, accessed via Slade Road, which accommodates a deli, café, Woolworths and the Bexley North Hotel. To the west, New Illawarra Road and Bexley Road also accommodate a number of retail shops.

In terms of transport links, the site is located approximately 250m south of Bexley North train station, which provides direct links between Revesby and the City via the T8 Airport and South Line, while Bexley Road provides access to the M5 and Canterbury Road, acting as a transport link to the city and to the western suburbs.

There are also a number of bus services operating in the vicinity of the site including:

- 446: between St George Hospital and Roselands Shopping Centre
- 491: between Five Dock Hurstville
- 493: between Rockdale Station and Roselands
- 410: between Waterloo Park and Hurstville

There is a bus interchange located at Nairn Gardens on Bexley Road, north of the site, which provides 410, 491 and 493 services as well as 420, 420N services to Eastgardens and Burwood.

Surrounding development immediately to the east, south and west predominantly comprises low density residential development, being 1-2 storey freestanding houses.

Adjoining the site to the south at 84 New Illawarra Road is land owned by the NSW Land and Housing Corporation (LAHC), of which has been recently granted development approval by the Sydney Eastern City Planning Panel for the erection of two residential flat buildings to accommodate public housing (**Figure 5**). The assessment of the draft Planning Proposal has been considered in the context of this approved development (Development Application referenced DA-2017/371). Specifically, the proposed building setbacks and massing minimise overshadowing, bulk and scale and overlooking impacts to neighbouring properties as well as provide a transition between the medium to high density of the local centre and the R2 residential zoning.

Bexley North is surrounded by large recreational spaces approximately 600m to the south east of the site is Bardwell Valley Parklands and approximately 350m north is Wolli Creek and Illoura Reserve.

A site context map is provided as **Figure 6**.



Figure 5: Photo Montage of approved development at 84 New Illawarra Road Bexley North, as viewed from New Illawarra Road (top) and Bexley Road (bottom)
(Source: www.eplanning.bayside.nsw.gov.au)

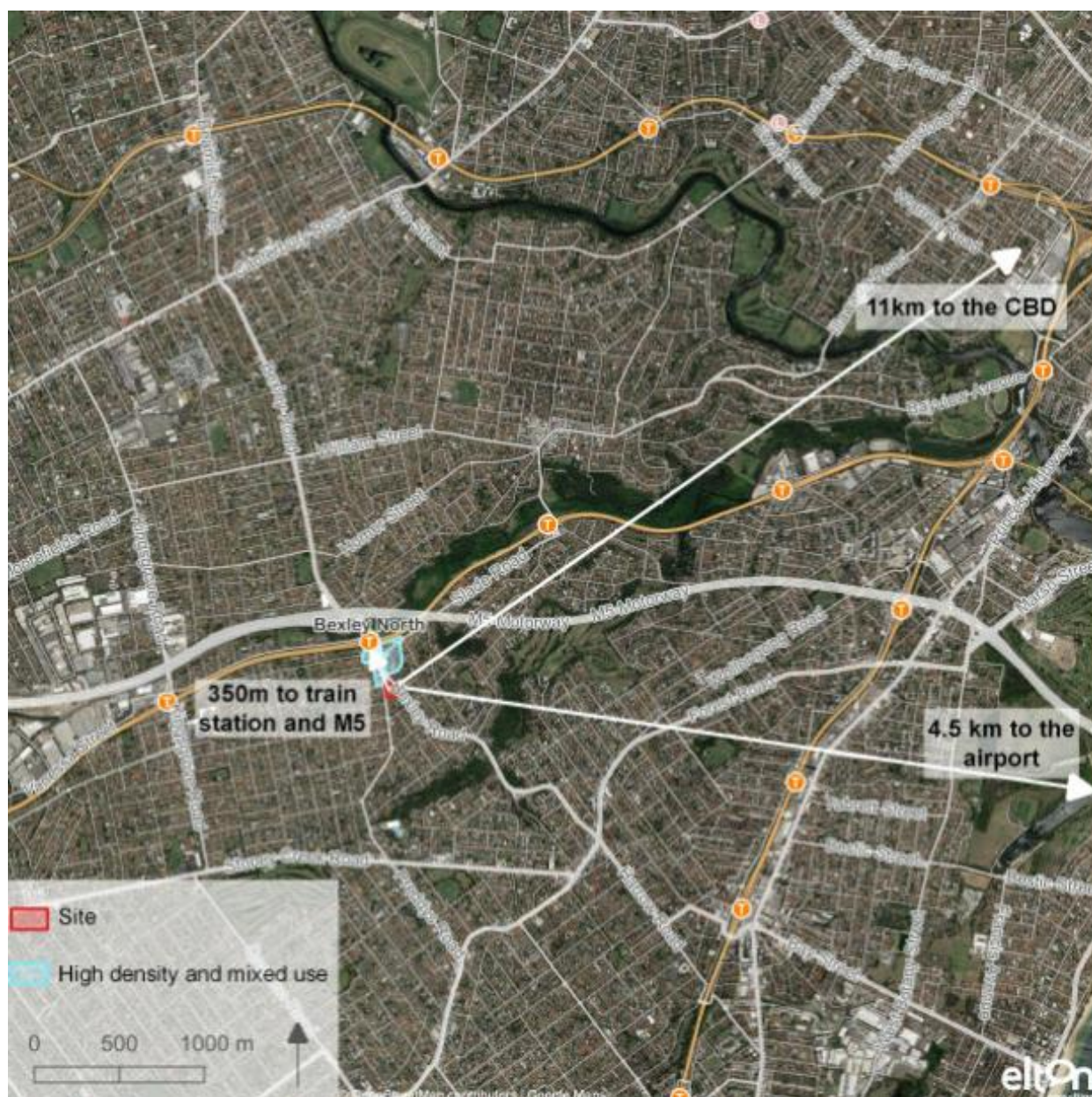


Figure 6: Site Context Map
(Source: [Elton Consulting](#))

Land use zones surrounding the site comprise predominantly R2 Low Density Residential interspersed with relatively small pockets of R3 Medium Density Residential to the south with a larger area to the north west of Bexley North train station. The retail precinct to the south of the station and north of the site is zoned B4 Mixed Use.

Developments surrounding the subject site are provided in **Figures 7-11** below.



Figure 7: Two and three storey mixed use development located to the north-west of the subject site
(Source: Google maps 2018)



Figure 8: Low scale residential dwellings located to the west of the subject site along Bexley Road
(Source: Google maps 2018)



Figure 9: A recent four to five storey mixed use development located to the north-west of the subject site located at 502/2A Sarsfield Circuit, Bexley North
(Source: Google maps 2018)



Figure 10: Five Storey mixed use development located to the north of the subject site on the corner of Slade Road and Bexley Road
(Source: Google maps 2018)

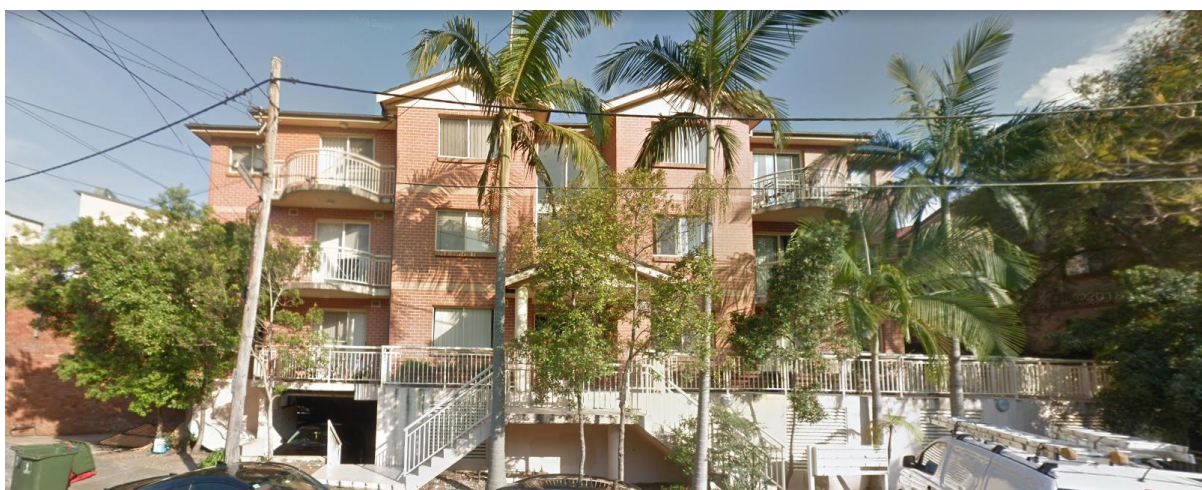


Figure 11: Four Storey residential flat building including basement parking located to the north east of the subject site on Sarsfield Circuit
(Source: Google maps 2018)

Report

Draft Planning Proposal History

The draft Planning Proposal (refer **Attachment 1**) was lodged with Council on the 21st April 2017 by Planning Direction Pty Ltd and has since been assessed internally by relevant Council officers and considered by the Bayside Local Planning Panel (Planning Panel). Comments from these internal referrals and outcome of the Planning Panel are summarised below.

Council Officer Assessment

The Council officer's assessment concluded that the draft Planning Proposal:

- *seeks to achieve a planning outcome that will facilitate higher density living within 400m walking distance from a train station, existing shops and services;*

- *has strategic planning merit where it gives effect to the priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan; and*
- *proposes a height and FSR which is consistent with the surrounding area.*

The independent merit assessment of the draft Planning Proposal endorses the Council Officer's recommendation, where it is found that the draft Planning Proposal has strategic planning merit for the reasons outlined in this report, in particular:

- It gives effect to the directions, priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan, particularly where it provides additional housing within a 400m catchment of a train station, as well as shops, services and parkland;
- The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre; and
- The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.

Furthermore, it is considered that the relevant matters for consideration under the EP and A Act have been adequately addressed in the Council Officer's report and has been undertaken in accordance with the DPE's *A Guide to Preparing Planning Proposals* (December 2018).

Bayside Local Planning Panel

The Council officer's assessment report (refer **Attachment 2**) and draft Planning Proposal were considered at the Bayside Local Planning Panel held on the 1st May 2018, who recommended that the draft Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination, subject to the following recommendations contained in the minutes of the Bayside Local Planning Panel meeting (refer **Attachment 3**):

- a) A Flood Plain Risk Management Plan be submitted for the Council staff's review in accordance with the Flood Plain Development Manual 2005. Exhibition of the Planning Proposal should not proceed until the study is completed to allow it to also be publicly exhibited concurrently.*
- b) Similarly, the RMS comments on the Planning Proposal should also be available for concurrent exhibition.*
- c) An additional provision be drafted prior to exhibition to require a minimum lot size area of 1,650 square metres for development.*
- d) The Panel recommends that the Council request the Gateway Determination require a minimum of 28-day exhibition for the Planning Proposal to allow for community consultation.*

It is noted that recommendation (a) above in relation to the Flood Plain Risk Management has since been addressed by the proponent to the satisfaction of Council.

Council Meeting

Post consideration of the draft Planning Proposal at the Planning Panel, it is noted that a Councillor has declared a conflict of interest, prior to it being considered at a Council Meeting.

Consequently, Council has engaged Elton Consulting to undertake an independent merit-based assessment and to review the adequacy of the assessment of the draft Planning Proposal which forms the basis of this Section 3.34 report.

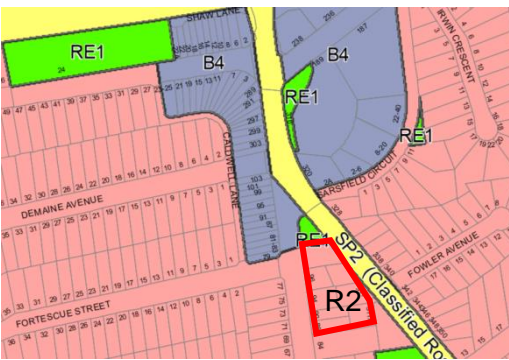
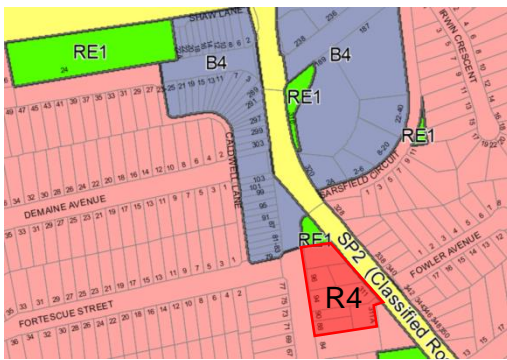
Draft Planning Proposal

A draft Planning Proposal was submitted to Council on the 21st April 2017 for the site known as 88-96 New Illawarra Road and 307-311A Bexley Road, Bexley North. The draft Planning Proposal requests that Council initiate an amendment to the RLEP 2011 as follows:

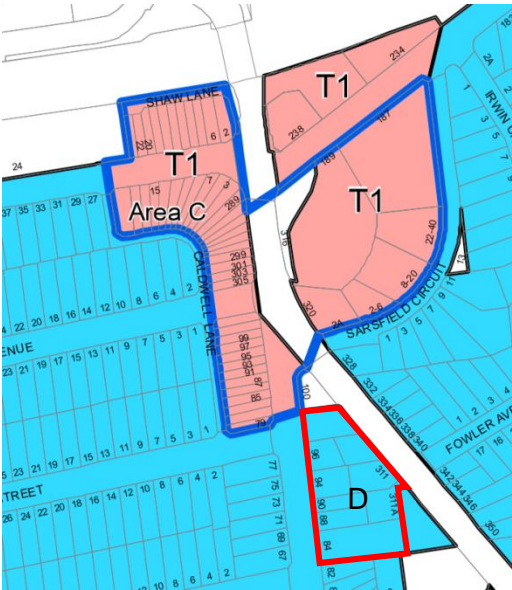
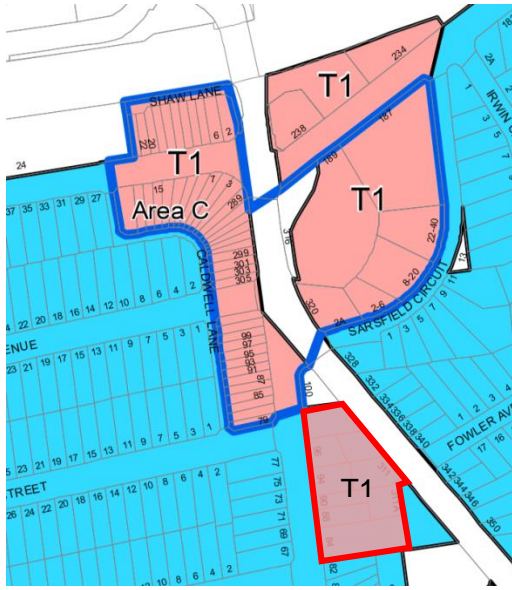
- Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Increase the maximum height of buildings on the land from 8.5m to 20.5m;
- Increase the maximum Floor Space Ratio (FSR) on the land from 0.5:1 to 2:1; and
- Remove the requirement for a minimum lot size on the site (currently 450m²).

A comparison of existing and proposed zoning and relevant controls under the RLEP 2011 is provided in **Table 2** below.

Table 2 comparison of existing and proposed zoning and relevant controls under the RLEP 2011

LEP Provision	Existing	Proposed
Zone	 <div> <div>B1</div> Neighbourhood Centre <div>B2</div> Local Centre <div>B4</div> Mixed Use <div>B6</div> Enterprise Corridor <div>IN2</div> Light Industrial <div>R2</div> Low Density Residential <div>R3</div> Medium Density Residential <div>R4</div> High Density Residential <div>RE1</div> Public Recreation <div>RE2</div> Private Recreation <div>RU4</div> Primary Production Small Lots <div>SP2</div> Infrastructure </div> <p>Existing zoning - R2 Low Density</p>	 <div> <div>B1</div> Neighbourhood Centre <div>B2</div> Local Centre <div>B4</div> Mixed Use <div>B6</div> Enterprise Corridor <div>IN2</div> Light Industrial <div>R2</div> Low Density Residential <div>R3</div> Medium Density Residential <div>R4</div> High Density Residential <div>RE1</div> Public Recreation <div>RE2</div> Private Recreation <div>RU4</div> Primary Production Small Lots <div>SP2</div> Infrastructure </div> <p>Proposed zoning - R4 High Density</p>

LEP Provision	Existing	Proposed																																																																																				
	Residential	Residential																																																																																				
Building Height	<div></div> <div><p>Maximum Building Height (m)</p><table><tr><td>I</td><td>8.5</td></tr><tr><td>M</td><td>12</td></tr><tr><td>N1</td><td>13</td></tr><tr><td>N2</td><td>14.5</td></tr><tr><td>O1</td><td>15</td></tr><tr><td>O2</td><td>16</td></tr><tr><td>P1</td><td>17.5</td></tr><tr><td>P2</td><td>18</td></tr><tr><td>Q1</td><td>19</td></tr><tr><td>Q2</td><td>20.5</td></tr><tr><td>R1</td><td>21</td></tr><tr><td>R2</td><td>22</td></tr><tr><td>S</td><td>24</td></tr><tr><td>T1</td><td>26.5</td></tr><tr><td>T2</td><td>27</td></tr><tr><td>T3</td><td>28</td></tr><tr><td>T4</td><td>29.5</td></tr><tr><td>U</td><td>31</td></tr><tr><td>X</td><td>46</td></tr><tr><td>Y</td><td>51</td></tr><tr><td></td><td>Refer to Clause 4.3</td></tr></table></div>	I	8.5	M	12	N1	13	N2	14.5	O1	15	O2	16	P1	17.5	P2	18	Q1	19	Q2	20.5	R1	21	R2	22	S	24	T1	26.5	T2	27	T3	28	T4	29.5	U	31	X	46	Y	51		Refer to Clause 4.3	<div></div> <div><p>Maximum Building Height (m)</p><table><tr><td>I</td><td>8.5</td></tr><tr><td>M</td><td>12</td></tr><tr><td>N1</td><td>13</td></tr><tr><td>N2</td><td>14.5</td></tr><tr><td>O1</td><td>15</td></tr><tr><td>O2</td><td>16</td></tr><tr><td>P1</td><td>17.5</td></tr><tr><td>P2</td><td>18</td></tr><tr><td>Q1</td><td>19</td></tr><tr><td>Q2</td><td>20.5</td></tr><tr><td>R1</td><td>21</td></tr><tr><td>R2</td><td>22</td></tr><tr><td>S</td><td>24</td></tr><tr><td>T1</td><td>26.5</td></tr><tr><td>T2</td><td>27</td></tr><tr><td>T3</td><td>28</td></tr><tr><td>T4</td><td>29.5</td></tr><tr><td>U</td><td>31</td></tr><tr><td>X</td><td>46</td></tr><tr><td>Y</td><td>51</td></tr><tr><td></td><td>Refer to Clause 4.3</td></tr></table></div>	I	8.5	M	12	N1	13	N2	14.5	O1	15	O2	16	P1	17.5	P2	18	Q1	19	Q2	20.5	R1	21	R2	22	S	24	T1	26.5	T2	27	T3	28	T4	29.5	U	31	X	46	Y	51		Refer to Clause 4.3
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LEP Provision	Existing	Proposed																																																												
	<p>Existing maximum height - 8.5m</p> <p>Note: As shown in the map above, the majority of the Bexley North local centre falls within “Area C” which by way of Clause 4.4, permits a max height of 22m if a minimum site area of 1,200m² is achieved.</p>	<p>Proposed Maximum height - 20.5m</p>																																																												
Floor Space Ratio (FSR)	<div><p>Maximum Floor Space Ratio (n:1)</p><table><tr><td>D</td><td>0.5</td></tr><tr><td>F</td><td>0.6</td></tr><tr><td>N</td><td>1</td></tr><tr><td>S1</td><td>1.5</td></tr><tr><td>S2</td><td>1.8</td></tr><tr><td>T1</td><td>2</td></tr><tr><td>T2</td><td>2.2</td></tr><tr><td>U1</td><td>2.5</td></tr><tr><td>U2</td><td>2.85</td></tr><tr><td>V1</td><td>3</td></tr><tr><td>V2</td><td>3.1</td></tr><tr><td>V3</td><td>3.4</td></tr><tr><td>W</td><td>3.5</td></tr><tr><td>X</td><td>4</td></tr><tr><td></td><td>Refer to Clause 4.4</td></tr></table></div>	D	0.5	F	0.6	N	1	S1	1.5	S2	1.8	T1	2	T2	2.2	U1	2.5	U2	2.85	V1	3	V2	3.1	V3	3.4	W	3.5	X	4		Refer to Clause 4.4	<div><p>Maximum Floor Space Ratio (n:1)</p><table><tr><td>D</td><td>0.5</td></tr><tr><td>F</td><td>0.6</td></tr><tr><td>N</td><td>1</td></tr><tr><td>S1</td><td>1.5</td></tr><tr><td>S2</td><td>1.8</td></tr><tr><td>T1</td><td>2</td></tr><tr><td>T2</td><td>2.2</td></tr><tr><td>U1</td><td>2.5</td></tr><tr><td>U2</td><td>2.85</td></tr><tr><td>V1</td><td>3</td></tr><tr><td>V2</td><td>3.1</td></tr><tr><td>V3</td><td>3.4</td></tr><tr><td>W</td><td>3.5</td></tr><tr><td>X</td><td>4</td></tr><tr><td></td><td>Refer to Clause 4.4</td></tr></table></div>	D	0.5	F	0.6	N	1	S1	1.5	S2	1.8	T1	2	T2	2.2	U1	2.5	U2	2.85	V1	3	V2	3.1	V3	3.4	W	3.5	X	4		Refer to Clause 4.4
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	Existing maximum FSR - 0.5:1	Proposed maximum FSR - 2:1																																																												

LEP Provision	Existing	Proposed								
Minimum lot size	<div><p>Minimum Lot Size (sq m)</p><table><tr><td>B</td><td>230</td></tr><tr><td>D</td><td>340</td></tr><tr><td>G</td><td>450</td></tr><tr><td>S</td><td>840</td></tr></table></div>	B	230	D	340	G	450	S	840	Proposed minimum lot size - Nil
B	230									
D	340									
G	450									
S	840									
	Existing minimum lot size – 450m ²									

Concept Design

The objective of the draft Planning Proposal is to amend the RLEP 2011 to facilitate the rezoning of the subject site from R2 Low Density Residential to R4 High Density Residential permitting the construction of three residential flat buildings ranging in building height from 5 to 6 storeys.

A summary of the proposed concept design contained in the Urban Context Report (refer **Attachment 4**) for the site is provided below:

- The proposed massing on the site is in the form of three residential flat buildings which are configured to conform to the irregular (roughly triangular) shape of the site.
- Site A is 1,693sqm to the northern half of the site consists of one 6 storey residential flat building with a building floor area of 789m². The site is a rounded triangle in shape. There is a 2 two storey basement to accommodate off street parking.
- Site B is 2,564sqm to the southern half of the site and consist of two 5 storey residential flat buildings with a building floor area of 443sqm and 499sqm.
- The two residential flat buildings to the south of the site are proposed to be five storeys in height and the corner building to the north is proposed to be up to six storeys in height.
- There is a single storey basement that spans between the two buildings.
- Basement parking for approx. 70 vehicles with vehicular access via two separate driveways from New Illawarra Road.
- 8027.4m² of GFA equating to an overall FSR of 2.3:1 for Site A and 1.56:1 for Site B

- 2,088sqm of deep soil zone.
- The extent of proposed communal open space is unknown.

The draft Planning Proposal is not accompanied by either a draft DCP nor an offer of a VPA. It is understood that a VPA and site specific DCP will be prepared at a later date.

Assessment of the draft Planning Proposal

The NSW DP&E's *A Guide to Preparing Planning Proposals*, issued under section 3.33(3) of the EP and A Act, provides guidance and information on the process for preparing Planning Proposals. Consistent with the Section 3.33 report undertaken by Council, the independent assessment of the draft Planning Proposal been undertaken in accordance with the latest version of this Guide (dated December 2018).

Strategic Planning Framework

Regional, Sub-Regional and District Plans and Strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure.

In terms of strategic merit, in the large part, both the Region and District Plans are silent on future development intentions for Bexley North, although the Eastern City District Plan nominates it as a local centre. The District Plan states that Councils should consider residential land surrounding local centres for infill development.

An assessment of the draft Planning Proposal's consistency with the relevant strategic plans is provided in **Table 3**, below.

Table 3: Assessment against the relevant Strategic Planning Framework

Name of Strategic Plan	Directions, priorities, objectives and actions	Planning Proposal consistency with Plan	Consistency Y/N
Regional Plans			
Greater Sydney Region Plan: A Metropolis of Three Cities	<i>Objective 10 Greater housing supply</i> <i>'Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population'</i>	The proposal provides additional housing in the form of a residential flat development within a 400m catchment of a train station, as well as shops, services and parkland; thereby providing housing in the right location as well as increasing the housing diversity in the area.	YES
	<i>Objective 11 Housing is more diverse and affordable.</i> <i>'A range of housing choices, including affordable rental housing reduces the need for people to go into social housing and also supports a pathway for people to move out of social housing.'</i>	The proposal will increase housing diversity by making smaller housing typologies (apartments) accessible in Bexley North. The Planning Proposal states that it will provide additional affordable housing opportunities. However, the level of provision is not specified. This could be negotiated as part of a VPA or applied through a Section 7.11 Contributions Plan.	YES
District Plans			
Eastern City District Plan	<i>Planning Priority E1 Planning for a city supported by infrastructure</i>	The draft planning proposal is consistent with this planning priority where it seeks to provide increased	YES

		<p>density in close proximity to an existing railway station and bus services.</p> <p>Furthermore, the additional housing aligns with the government investment in the WestConnex, where the M5 is 500m north of the site.</p>	
	<i>Planning Priority E5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	The draft Planning Proposal is generally consistent where it provides additional housing within close proximity to public transport, shops, and services, within the Bexley North Local Centre, as well as being located within 200m walking distance of parkland (Whitbread Park).	YES
	<i>Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage</i>	<p>The subject site is located in Bexley North which is identified as a Local Centre in the Region and District Plan (Figure 12). A site specific DCP should be developed with consideration of the developments interface with the public realm, built form and its relationship with the Local Centre.</p> <p>The increase in population will have an uplift on the local economy. The addition of approximately 100 apartment dwellings will increase the housing diversity in the locality and the LGA.</p> <p>The subject site contains no heritage items nor is it in vicinity of any heritage items or conservation areas.</p>	YES
	Planning Priority E17 Increasing urban tree canopy cover and delivering Green Grid connections	The subject site is in close proximity of the Wolli Creek Regional Park and Bardwell Valley Parklands priority corridor, identified green corridors and will benefit from these green grid connections.	YES
Other Plans and Strategies			
Future Transport Strategy 2056 – Greater Sydney Services and Infrastructure Plan	<p>The transport vision for Greater Sydney has been developed to support the GSC's vision for Greater Sydney as a metropolis of three cities, where people have access to jobs and services within 30 minutes by public transport.</p> <p>The NSW Government has identified policy, service and infrastructure initiatives to support the customer outcomes and deliver the future networks. Initiatives</p>	The draft Planning Proposal is within close proximity to WestConnex, an integral part of the transport strategy for Greater Sydney. The subject site has other transport links including bus and rail. The proximity to existing and proposed infrastructure makes this planning proposal consistent with the Future Transport Strategy 2056.	YES

	have been prioritised on the basis of delivering on existing commitments, addressing network constraints and supporting growth.		
RLEP 2011	<p>The subject site is currently:</p> <ul style="list-style-type: none"> » zoned R2 Low Density Residential » has a height limit of 8.5m » has an FSR of 0.5:1 » minimum lot size of 450m² 	<p>The planning proposal has been prepared to justify:</p> <ul style="list-style-type: none"> » R4 high density residential zoning » a height limit of 20.5m » an FSR of 2:1 » no minimum lot size (MLS) <p>The proposed zoning, as well as the FSR and height controls for the site are considered acceptable due to the close proximity of similar development controls within the B4 Mixed Use area.</p> <p>Notwithstanding, a minimum lot size requirement for the development would ensure a better built form and amenity outcome given the request for a max height of 20.5m and FSR of 2:1.</p>	NO
Draft Greener Places: Establishing an urban Green Infrastructure policy for NSW (2017)	<p>The draft Greener Places is centred around 4 principles</p> <ul style="list-style-type: none"> • Integration - combine Green Infrastructure with urban development and grey infrastructure • Connectivity - create an interconnected network of open space • Multifunctionality - deliver multiple ecosystem services simultaneously • Participation - involve stakeholders in development and implementation 	<p>The draft Planning Proposal is inconsistent with the draft Greener Places as the development does not outline any green spaces within the proposed development. This will need to be addressed at the Development Application stage.</p> <p>Notwithstanding, the subject site is located in close proximity to parkland including Whitbread Park which is within 200m walking distance.</p>	No
Better placed: An integrated design policy for the built environment of NSW (2017)	<p>The 7 objectives of a Better place are:</p> <ul style="list-style-type: none"> • Better fit contextual, local and of its place • Better performance sustainable, adaptable and durable • Better for community inclusive, connected and diverse • Better for people safe, comfortable and liveable • Better working functional, efficient and 	<p>Many of the principles are related to design and design quality which will be examined during the Development Application stage.</p> <p>The proposal is considered to be consistent with the 'better value', the increase of dwellings should decrease housing prices while increasing diversity in the housing stock.</p>	To be determined

	fit for purpose <ul style="list-style-type: none"> Better value creating and adding value Better look and feel engaging, inviting and attractive 		
NSW Planning guidelines for Walking and Cycling 2004	These guidelines aim to assist land-use planners and related professionals to improve consideration of walking and cycling urban services and public transport.	The draft Planning Proposal is consistent with the guidelines as it provides housing within walking distant to public transport and urban services. The proposal has basement parking to prevent parked cars interfering with walkers and cyclists. It is recommended that a site specific DCP be prepared for the subject site post-Gateway, which includes provision for pedestrian and cycle links to the Bexley North Train Station.	Yes
Local Strategies			
Rockdale Urban Strategy 2010	<u>Strategy Principles:</u> <ul style="list-style-type: none"> To encourage redevelopment and improve built form outcomes in centres that are in close proximity to public transport and services Sustainable transport means reducing car use and increasing use of public transport New developments and public open space improvements will be of a high design quality to create an attractive City and foster pride in the community There is a need to ensure precincts and streets are developed in ways that are consistent with, and reinforce, the overall character of their neighbourhood. It is also important that the amenity of neighbours is protected particularly in relation to privacy and overshadowing. 	<ul style="list-style-type: none"> The draft Planning Proposal seeks to provide a high density residential development that is 250 metres from Bexley North train station, therefore is consistent with this principle The draft Planning Proposal is 250m metres from Bexley North train station and a number of frequent bus services therefore would increase the usage of public transport It is recommended that a site specific DCP be prepared for the subject site post Gateway to address the design quality of the development on this prominent site. It is recommended that a site specific DCP be prepared for the subject site post Gateway to address the design quality of the development on this prominent site and ensure the amenity of neighbours is preserved. 	Yes
Bayside Community Strategic Plan	The guiding principles of the Bayside Community Strategic Plan are as follows: <ul style="list-style-type: none"> Social justice principles Resilient cities principles 	The Planning Proposal is not inconsistent with any of the principles of the strategy.	YES

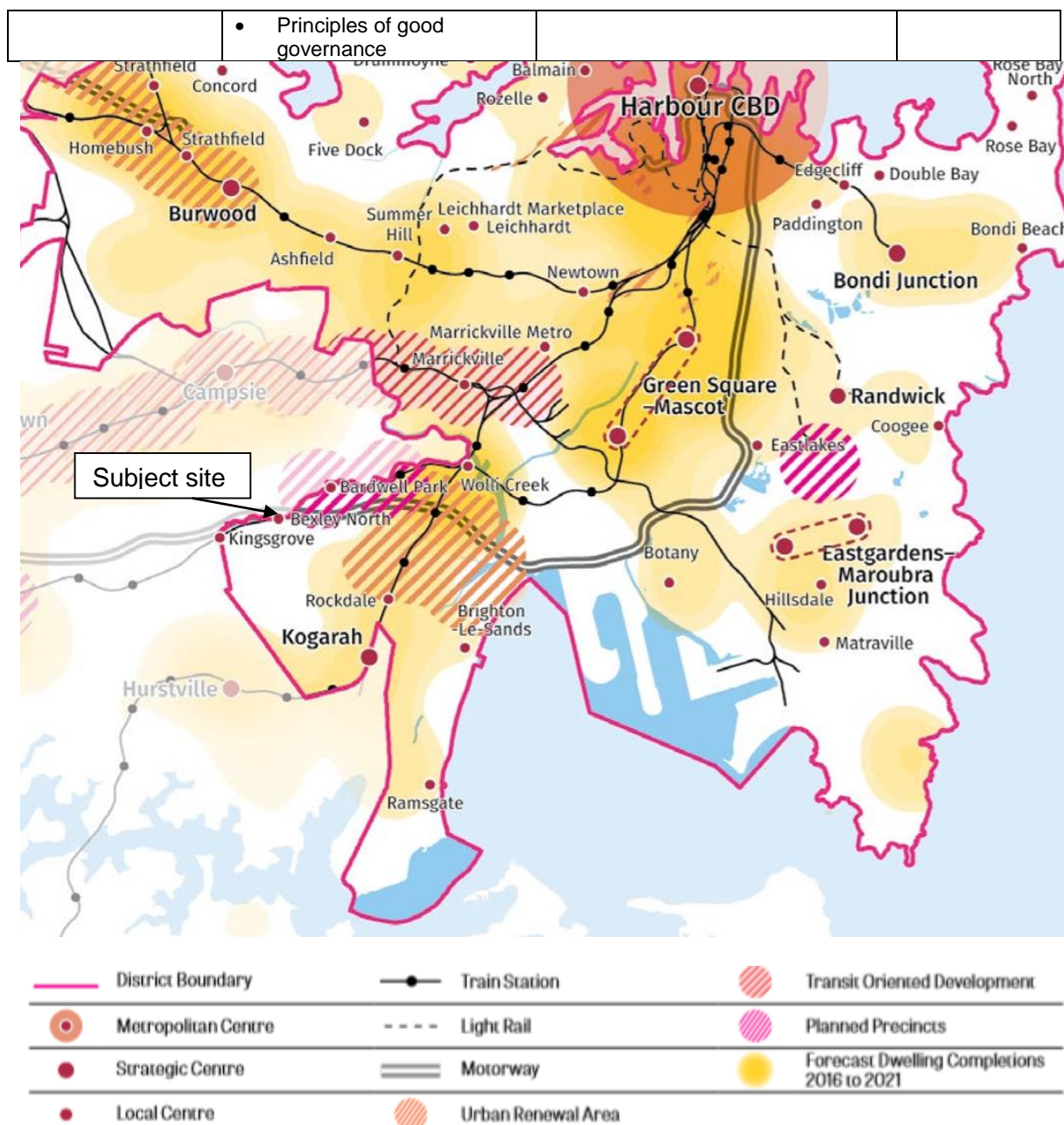


Figure 12: Eastern City District Structure Plan
(Source: Eastern City District Plan)

Section 9.1 Ministerial Directions

Section 9.1 Ministerial directions (S9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a S9.1 direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction may be justified.

An assessment of the draft Planning Proposal against the applicable S9.1 directions is provided in **Table 4** below:

Table 4: Planning Proposal consistency with S9.1 directions.

Ministerial Direction	Planning Proposal consistency with direction	Consistent
2.3 Heritage Conservation	<p>What a RPA must do: A RPA must ensure that a Planning Proposal contains provisions that facilitate the conservation of heritage items, place, building works or precincts of environmental heritage significance to an area.</p> <p><u>Comment:</u> The site is not a heritage item, nor is it located in a heritage conservation area. In addition, the site is not located in close proximity to any heritage items of state or local significance, or any heritage conservation areas.</p> <p>Consistency: <i>A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</i></p> <ul style="list-style-type: none"> a) <i>the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or</i> b) <i>the provisions of the Planning Proposal that are inconsistent are of minor significance.</i> <p><u>Comment:</u> The Planning Proposal is not inconsistent with this direction.</p>	YES
3.1 Residential Zones	<p>What a RPA must do: The RPA must include provisions that encourage the provision of housing that will make more efficient use of existing infrastructure and services.</p> <p><u>Comment:</u> The draft Planning Proposal seeks to rezone the land to accommodate higher density housing, through the provision of the R4 High Density Residential zoning in close proximity to the B4 Mixed Use area adjacent to Bexley North Station.</p> <p>Consistency: <i>A Planning Proposal may be inconsistent with the direction if the provisions of the Planning Proposal that are inconsistent are justified by either a strategy approved by the Director-General of the Department of Planning (now the Department of Planning and Environment – DPE) that identifies the land; a study prepared in support of the Planning Proposal; or in accordance with the relevant regional strategy, regional plan or subregional strategy.</i></p> <p><u>Comment:</u> The site is not identified in any approved strategy for higher density residential development. However, the proximity to Bexley North Station will ensure that the proposed development makes efficient use of the existing infrastructure, being Bexley North train station, existing bus routes and the M5.</p>	YES

3.4 Integrating Land Use and Transport	<p>What a RPA must do: A Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> (guidelines).</p> <p><u>Comment:</u> The guidelines encourage the location of higher density housing 'to mix in centres with offices, services and retail development and 'within a 400m walk of a bus route, accessing a metropolitan railway station' The Planning Proposal seeks to locate high density residential development in a close proximity to a mixed used zone and is with 400m of the railway station, which is considered consistent with the guidelines.</p> <p>Consistency: <i>A Planning Proposal may be inconsistent with the direction if the provisions of the Planning Proposal that are inconsistent are justified by either a strategy approved by the Director-General of DPE that identifies the land; or justified by a study in support of the Planning Proposal; or in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by DPE.</i></p> <p><u>Comment:</u> The land on which the Planning Proposal is situated is not identified in any Regional Strategy, Regional Plan or Sub-Regional Strategy for higher density residential development. However, the site is located within 400m of Bexley North train station.</p>	YES
4.3 Flood Prone Land	<p>What a RPA must do: A RPA must ensure that a Planning Proposal:</p> <ul style="list-style-type: none"> - includes provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 - must not rezone land within the flood planning areas from Special Use to a Residential Zone - does not permit a significant increase in the development of that land <p><u>Comment:</u> The Planning Proposal seeks provisions that will permit a significant increase in development of the land which is impacted by a flood planning area.</p> <p>Consistency: <i>A Planning Proposal may be inconsistent with the direction if the RPA can satisfy the Director-General that:</i></p> <p style="padding-left: 40px;"><i>(b) the Planning Proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</i></p> <p style="padding-left: 40px;"><i>(b) the provisions of the Planning Proposal that are inconsistent are of minor significance.</i></p> <p><u>Comment:</u> The proponent has submitted a Floodplain Risk Management Plan prepared in accordance with the principles and guidelines of the <i>Flood Plain Development Manual 2005</i> to support the Planning Proposal. The Report has been reviewed internally by Council's Flood Engineers and deemed satisfactory, therefore the inconsistency with the terms of the direction have been adequately justified.</p>	YES

State Environmental Planning Policies (SEPPs)

An assessment of the Planning Proposal against the relevant SEPPs is provided in **Table 5** below.

Table 5: Relevant SEPPs

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
SEPP No.32 Urban Consolidation (Redevelopment of Urban Land)	<p>This Policy aims to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.</p> <p>The policy also seeks to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:</p> <ul style="list-style-type: none"> (i) the location of housing in areas where there are existing public infrastructure, transport and community facilities, and increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and (ii) the reduction in the rate at which land is released for development on the fringe of existing urban areas. 	<p>YES</p> <p>The subject site is located with access to existing and proposed infrastructure, transport, services and open space including parkland</p>
SEPP No. 55 Remediation of Land	<p>Clause 6 Contamination and remediation to be considered in zoning or rezoning proposal</p> <p><i>(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:</i></p> <p><i>(a) the planning authority has considered whether the land is contaminated, and</i></p> <p><i>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p>	<p>YES</p> <p>A portion of the site will require remediation as the previous use was a service station. The Planning Proposal was referred to Council's Environmental Scientist, who raised no objections to the rezoning of the site to a residential use, subject to remediation requirements informed by a Remediation Action Plan (to be provided at the Development Application stage).</p>
SEPP No. 65 – Design Quality of Residential Apartment Development	SEPP No. 65 — Design Quality of Residential Apartment Development (SEPP 65) concerns the design quality of residential apartment development across the state through the application of a series of design principles and an accompanying guideline, the <i>Apartment Design Guide</i> (ADG). The SEPP and supporting ADG are required to be considered as part of the assessment process for Residential Flat Buildings.	<p>To be determined</p> <p>Detailed compliance with SEPP 65 and the ADG would be required at the DA stage.</p>
SEPP (Building Sustainability Index: BASIX) 2004	<p>SEPP BASIX operates in conjunction with provision of the EP and A Regulation to encourage sustainable residential development (BASIX scheme).</p> <p>The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and Development Control Plans, which would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.</p>	<p>N/A</p> <p>Detailed compliance with SEPP (BASIX) would be a matter of consideration as part of a future DA.</p>

SEPP (Infrastructure) 2007	This policy aims to facilitate the effective delivery of infrastructure across the State along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	Yes The Planning Proposal aligns with existing infrastructure including Bexley North train station. The subject site is located adjacent to Bexley Road which is a classified Road. RMS have been referred the draft Planning Proposal and comments are provided later in the report.
SEPP (Affordable Rental Housing) 2009	Provides a consistent planning regime for the provision of affordable rental housing and aims to facilitate the effective delivery of new affordable rental housing through incentives.	YES The Planning Proposal states that it will provide additional affordable housing opportunities. However, the level of provision is not specified.
SEPP (Vegetation in non-rural areas) 2017	The aims of the Policy are: a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	YES There are no significant trees on the site.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the Planning Proposal.

Site Specific Merit Assessment

If there is no strategic framework in place or the proposal is inconsistent with the strategic planning framework, an assessment of the proposal against the Site-Specific Merit tests in accordance with the assessment criteria of the “*A Guide to Preparing Local Environmental Plans*” should be undertaken. In terms of the site-specific merit assessment, the following elements of the site have been assessed:

1. Natural environment (including known significant environmental values, resources or hazards);
2. Existing uses, approved uses and likely future uses of land in the vicinity of the land of the proposal;
3. Services and infrastructure that are, or will be, available to meet the demands arising from the proposal and any proposed financial arrangements; and
4. Urban Design.

1. Natural Environment

Environmental Values

The site is already developed and located within a residential area. Hence the site does not contain any significant environmental values.

Flood Risk

The subject site is identified as flood prone. A Floodplain Risk Management Plan (refer **Attachment 5**) was submitted with the draft Planning Proposal and concludes that the site is suitable for the proposed development. The Flood Report was reviewed internally by Council staff and comments provided as follows:

Detailed development specific flood study will be required at future DA lodgement. Following details (not limited to below) shall be investigated for future development applications:

- (i) Appropriate manning's roughness to be applied in different channel section and justification for variation of roughness in each section shall be included.*
- (ii) Void between slab (external only) proposed to convey the overland flow to be considered as 50% blocked and risk of flooding/hazard to be tested. Roughness to be adjusted accordingly.*
- (iii) Flow through fence and any other opening within the overland flow path shall have horizontal louvers.*
- (iv) Every opportunity shall be undertaken to lower the flood risk*

Site Contamination

A Stage 1 Preliminary Environmental Site Assessment report (refer **Attachment 6**) was submitted with the draft Planning Proposal. The report concludes that further investigation in the form of Stage 2 Detailed Site Investigation is warranted. As per the requirement of Clause 6 of SEPP 55, the applicant will be required to provide a Stage 2 Detailed Site Investigation Report with any future DA for the site.

2. Existing uses

The proposed High Density Residential development, in its location on Bexley Road and New Illawarra Road, is located directly south of the B4 Mixed Use zone. The B4 Mixed Use zone permits a maximum height limit of 16m (increased up to 22m on lots of more than 1,200sqm under Clause 4.3(2A) of RLEP 2011) and an FSR of 2:1. The proposed density controls of the draft Planning Proposal are in keeping with the density controls in the B4 Mixed Use zone in the vicinity of the subject site.

The subject site is currently zone R2 Low Density Residential and has a height limit of 8.5m and an FSR of 0.5m. A development under the current controls would result in freestanding houses, which currently occupy the site and the majority of the suburb.

Whilst it is understood that the proposed development would be out of proportion with the surrounding residential zone at present, it would be in keeping with the adjacent Mixed Use area. At present, within the B4 Mixed Use zone, the tallest building stands 6 storeys tall (approximately 18m).

3. Services and infrastructure

Road infrastructure

A Traffic and Parking Assessment Report (refer **Attachment 7**) has been submitted with the draft Planning Proposal, which concludes that there will be no unacceptable impacts on

traffic safety and that the existing road network, including intersections can accommodate for the proposed development. The traffic assessment found that the proposed development is expected to generate potential traffic movements of approximately 19 vehicles per hour (vph) during the AM peak period and approximately 15 vph during PM peak period.

A SIDRA analysis of Bexley Road, Shaw Street and Slade Road demonstrated they are currently operating 'at capacity' during the AM and 'unsatisfactory and requires additional capacity' during the PM.

A summary of the findings within the report is provided as follows;

The results of the SIDRA analysis are summarised in the tables below, revealing that:

- » *the volume of traffic generated by the existing houses and service station on the site is in the order of 85 vph*
- » *the volume of traffic expected to be generated by the Planning Proposal is in the order of 19 vph*
- » *the Planning Proposal would result in a substantial reduction in the traffic flows generated by the site*

It is noted that Bitzios Consulting was engaged by Bayside Council to undertake an independent peer review of the Traffic Impact Assessment completed for the draft Planning Proposal and concluded;

The total trip generation calculated for the site is agreed to be significantly less than the traffic generated by the sites existing permitted uses. The level of intensity proposed is considered to be reasonable considering its proximity to a heavy rail station and high frequency bus services.

There are no traffic or transport issues identified with the planning proposal traffic impact assessment that would preclude its approval. It should be noted however that during the sites development application phase the following will require further attention:

- *Council's parking rates are "1 space per 1 or 2 bedroom unit" and "2 spaces per 3 bedroom unit" plus "1 space per 5 dwelling for visitor bays"; if the applicant can unbundle parking for a significant proportion, they should be entitled to a discount*
- *on parking. The concern is that the DCP is not supporting the RMS trip rates for high density residential uses (i.e. the DCP parking rates are considered to be too high);*
- *the applicant will need to consider the inclusion of a pedestrian treatment across New Illawarra Rd to cater for the pedestrian desire line to the bus stops, shops and train station;*
- *the eastern driveway access possibly reduces the length or alters the existing bus stop/bus zone fronting the development site on New Illawarra Rd; and*
- *liaison will be required with TfNSW to ascertain if bus stop fronting the site on New Illawarra Road is required to be upgraded as part of the development.*

The draft Planning Proposal was referred to the NSW Roads and Maritime Service (RMS) who provided detailed comments in relation to the draft Planning Proposal in a letter dated 2 July 2018 (refer **Attachment 8**). The following provides a summary of RMS' comments:

Roads and Maritime has reviewed the information provided and raises no objection in principle to the planning proposal. However, Roads and Maritime notes that the subject planning proposal may set a precedent for other similar proposals to

increase residential densities in the subject locality. Council may wish to give consideration to the preparation of a Master Plan for the subject locality and a cumulative traffic and transport study to consider the impacts and to identify any regional transport infrastructure improvements required to support future growth in the area, should there be other forthcoming planning proposals for this locality.

Notwithstanding the above, Roads and Maritime recommends the preparation of a site specific Development Control Plan (DCP) to support the planning proposal, to set out the future access strategy and identify appropriate maximum parking rates for the subject site, given its close proximity to public transport and the need to encourage the use of public and active transport infrastructure. Improvements to pedestrian links to Bexley North Station should also be investigated and identified to support the planning proposal.

An Addendum Traffic report prepared by the proponent in response to RMS's comments is included as **Attachment 9**.

The argument that the proposed development *will substantially reduce traffic* is contested. The existing petrol station is reliant on passing traffic patronage and is not a destination itself. This is particularly the case in peak commute periods in the AM and PM, when commuters generally do not travel out of their way to a petrol station. Accordingly, it is not considered that the removal of the petrol station will reduce the traffic in the surrounding street network.

The proposed development would result in approximately 100 new dwellings, will inevitably contribute to the ongoing traffic issues in the area, including the adjoining intersection of New Illawarra Road and Bexley Road, which is particularly congested and problematic during peak commute periods. This would result in increased traffic along Bexley Road and New Illawarra Road, resulting in increased pressure on the existing road network.

Accordingly, it is recommended that further detailed traffic modelling and potential solutions to this issue needs to be analysed in detail, post Gateway. This may include a site specific DCP which reduces the provision for off-street parking, particularly where the subject site is in close vicinity to rail and a frequent bus network.

No road upgrades are currently proposed as part of the draft Planning Proposal; however, it is considered that this would form part of more detailed analysis and strategy post-Gateway as well as including discussions regarding section 7.11 contributions and any future VPA.

Public transport

The extent of public transport which services the site comprises of Bexley North Station that provides direct links between Revesby and the City via the T8 Airport and South Line and bus network with stops along both Bexley Road and New Illawarra Road. The sites proximity to good transport interchanges and the local centre supports a walkable neighbourhood and optimises existing infrastructure.

Notwithstanding, improved pedestrian and cycle links should also be considered, to encourage the uptake of public transport, and should be considered as part of any negotiated VPA.

Social infrastructure

The proposed development does not propose any social infrastructure. Post-Gateway the community infrastructure will be considered as part of a contributions plan or a VPA.

4. Urban Design

An Urban Context Report (refer **Attachment 4**) was submitted with the draft Planning Proposal which has been subject to internal review by Council's Technical Officers.

The proposed building heights and FSR controls on the site are considered to be acceptable in the context of densities within the Bexley North local centre, development approved on the southern adjoining site for a part two and part three storey residential flat building, as well as its close proximity within walking distance to public transport, shops, services and quality open space and parkland.

Voluntary Planning Agreement (VPA)

The proponent is currently negotiating an offer of a VPA with Council officers. Any VPA would be the subject of a future report to Council, if and when negotiated.

Conclusion

The draft Planning Proposal requests that Council initiate an amendment to the *Rockdale Local Environmental Plan 2011* (RLEP 2011), summarised as follows;

- Rezone the site from R2 Low Density Residential to R4 High Density Residential;
- Increase the maximum height of buildings on the land from 8.5m to 20.5m;
- Increase the maximum Floor Space Ratio (FSR) on the land from 0.5:1 to 2:1; and
- Remove the requirement for a minimum lot size on the site (currently 450sqm).

The independent merit assessment of the draft Planning Proposal endorses the Council Officer's recommendation, where it is found that the draft Planning Proposal has strategic planning merit for the reasons outlined in this report, in particular:

- It gives effect to the directions, priorities and objectives of the Greater Sydney Region Plan and Eastern City District Plan, particularly where it provides additional housing within a 400m catchment of a train station, as well as shops, services and parkland;
- The proposed planning controls are generally consistent with the planning controls applicable to the surrounding development within the Bexley North Local Centre; and
- The site specific merit has generally shown the capacity and capability of site to accommodate the proposal.

Notwithstanding the above, the argument that the proposed development *will substantially reduce traffic* is contested. The existing petrol station is reliant on passing traffic patronage and is not a destination itself. This is particularly the case in peak commute periods in the AM and PM, when commuters generally do not travel out of their way to a petrol station. Accordingly, it is not considered that the removal of the petrol station will reduce the traffic in the surrounding street network.

Accordingly, it is recommended that further detailed traffic modelling and potential solutions to this issue needs to be analysed in detail, post-Gateway. This may include a site specific DCP which reduces the provision for off-street parking, particularly where the subject site is in close vicinity to rail and a frequent bus network.

It is also recommended that a site specific DCP be prepared which includes provision for pedestrian and cycle links to the Bexley North Train Station as well as the investigation of appropriate traffic mitigation measures in any site specific DCP and VPA.

Financial Implications

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

Community Engagement

Should the Planning Proposal proceed through Gateway, the Planning Proposal will be subject to community consultation in accordance with Sections 3.34(2)(c) of the Environmental Planning and Assessment Act 1979. The specific requirements for community consultation will be listed in the Gateway Determination, including any governmental agencies that are to be consulted in relation to the Planning Proposal.

Attachments

- 1 Draft Planning Proposal (under separate cover) ➡
- 2 Council officer's assessment report (under separate cover) ➡
- 3 Minutes of the Bayside Local Planning Panel meeting (under separate cover) ➡
- 4 Urban Context Report (under separate cover) ➡
- 5 Floodplain Risk Management Plan (under separate cover) ➡
- 6 Stage 1 Preliminary Environmental Site Assessment (under separate cover) ➡
- 7 Traffic and Parking Assessment Report (under separate cover) ➡
- 8 Letter from RMS dated 2 July 2018 (under separate cover) ➡
- 9 Addendum Traffic Report (under separate cover) ➡

Council Meeting

12/06/2019

Item No	8.8
Subject	Classification of the Arncliffe Youth Centre and Adjoining Open Space being Lot 2 & 3 in DP1214364
Report by	Michael McCabe, Director City Futures
File	SF11/412

Summary

Council entered into a development deed for land it owns at 4 Wardell Street, Arncliffe with the adjoining owner of the property known as 213 Princes Highway, Arncliffe. The development deed will deliver land and improvements back to Council that principally form the Arncliffe Youth Centre.

Council at their meeting of 13 March 2019 resolved to commence the public consultation process to classify the land it will receive (Lot 2 and 3 in DP 1214364) as Operational.

This report advises that outcome of the public consultation period, in that there were no records of any submissions being received. To this end, this report allows Council to formally establish a resolution to classify Lots 2 and 3 in DP 1214364 as Operational, in accordance with the Local Government Act 1993.

Separately, by way of an update on the receipt of Lots 2 and 3 in DP 1214364, all the transfer documents are lodged with the Land Registry Service, pending registration (at the point this report was drafted). Upon registration Council will formally become the owner of Lots 2 and 3 in DP 1214364.

Officer Recommendation

- 1 That Council considers the submissions received relating to the statutory advertising of its intention to classify Lots 2 and 3 in DP 1214364.
 - 2 That Council reconfirms by way of resolution to classify the land, Lots 2 and 3 in DP1214364, as Operational in accordance with Section 31(2) of the Local Government Act 1993.
-

Background

Council was the owner of 4 Wardell Street, Arncliffe which adjoined a larger landholding known as 213 Princes Highway, Arncliffe (hereafter the Sites).

On 9 April 2014, Council and the adjoining owner entered into a development agreement pertaining to the development of the two lots. The principle deliverables (to Council) arising from the development agreement are:

- Increased landholding;
- The delivery of the Arncliffe Youth Centre; and

- Delivery of the adjoining open space.

On 12 June 2015 the Sites achieved (deferred) development consent, whereby on 8 March 2016, the deferred commencement consent conditions were satisfied and the development consent became operative.

The intended use of the site, as a youth centre aligns with an operational land classification. To that end, Council at their meeting of 13 March 2019 resolved to undertake the public consultation to allow a further resolution to establish the land as being operational. This report tables the outcome of the public consultation period.

Relevant Legislation

The following sections of the Local Government Act 1993 are relevant:

- (a) *section 25 requires all public land to be classified as either community or operational;*
- (b) *section 31(2) permits Council to resolve to classify land prior to or within three months after its acquisition of the land;*
- (c) *section 34 requires public notice to be given of classification or reclassification by Council resolution; including:*
 - *Terms of proposed resolution and description of the land concerned; and*
 - *A period of not less than 28 days during which submissions can be made to Council.*

Public Consultation

The public consultation period commenced on 17 April 2019 and concluded on 15 May 2019. The consultation period advertised the proposed resolution (now forming the officer recommendation) and allowed the public to make written submissions on the land becoming operational.

Upon closure of the consultation period there are no records of any submissions being received and in compliance with the Local Government Act 1993, Council can now resolve to classify Lot 2 and Lot 3 in DP 1214365 as operational land.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	<<Enter comment if required or delete>>
Additional funds required	<input type="checkbox"/>	<<Enter comment if required or delete>>

Community Engagement

Completed as noted in the body of this report.

Attachments

Nil

Council Meeting

12/06/2019

Item No	8.9
Subject	Tender for Minor Civil Works
Report by	Michael Mamo, Director City Presentation
File	F18/1060

Summary

Bayside Council is responsible for the installation and maintenance of assets within the road reserve and as such requires the services of civil works contractors. The Minor Civil Works Tender was designed to create a panel of contractors that can be accessed by staff to complete any required maintenance and minor capital works.

Councillors were provided with an overview of this tender at the GM Briefing session held on 29 May 2019.

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 Council endorse the establishment of a Minor Civil Works Preferred Supplier Panel Contract, consisting of the following companies:

- Ally Civil
- Planet Civil
- Ezy Pave
- DX Core
- State Civil
- KK Civil
- Stateline Asphalt

- 3 That Council delegate to the General Manager to finalise the contracts to be issued to the preferred suppliers outlined in recommendation 2 above.
-

Background

Bayside Council is responsible for and maintains a substantial Road Reserve network. This includes assets within the road reserve such as:

- Stormwater pits, lintels, and pipes

- Footpaths, nature strips and pram ramps
- Traffic management facilities
- Local roads

Part of the maintenance requirements for these assets includes restoration work for Utilities and also includes the construction of new traffic management facilities such as pedestrian refuges. As such, Council is seeking to create a panel of contractors to be able to call upon to complete these tasks.

Advertisements were placed in the Sydney Morning Herald, St George Leader, and Southern Courier on 20 November 2018 for appropriate companies to submit a tender for these works. Submissions closed on 12 December 2018.

The initial Contract term is for 3 years subject to satisfactory performance by the successful tenderers. There will be options to extend for a further 2 years (1 year and a further 1 year) at the discretion of Council.

Evaluation

Submissions were received from the companies shown in Table 1. In order for Councillors and staff to be able to identify any possible conflict of interest, the Directors of all companies that made a submission are also shown in Table 1.

Table 1: Companies that tendered and their Directors

Company Name	Director(s)
Trimcon Civil Contractors Pty Ltd	John Campbell Phelim
TGB & Son Pty Ltd	Dennis Twomey
Stateline Asphalt Pty Ltd	Michael Harb / Hanadi Arbid
State Civil Pty Ltd	Wedyan Tehfe
RL Civil Works	Natalie Fardous
Resco Civil	Khoder Reslan / Mouhammed Reslan
Rebuilt Projects Pty Ltd	Hassan Nazzal
PND Civil Group Pty Ltd	Anthony Francesco Di Cello
Planet Civil Pty Ltd	Mohamed El Najjar
Ozgroup Civil Pty Ltd	Ali Mourad
NSW Kerbing Pty Ltd	Moussa Chahine
MSA Civil & Communications	Mohamad Jomaa
Mack Civil Pty Ltd	Karim Mahmoud
KK Consultants T/A KK Civil Engineering	Koda Kassira
Kelbon Project Services	Richard Frank Johnson
Ezy Pave Pty Ltd	Kassem Khalil
DX Core	John Augoustis
CivWorks Pty Ltd	Richard Lloyd Holder
Civilcraft Pty Ltd	Phillip Fillipou
Civil Streetscapes Pty Ltd	Ibrahim Chehab
Civeco Pty Ltd	Habib Saab / Nakhly Chidiac
Awada Civil Engineering	Fouad Al Abd Awada
Ally Property Services Pty Ltd	David Paul Baker

A confidential tender evaluation report is attached. The evaluation report details the tender process along with the scoring of each individual submission. The Evaluation Team which completed the assessment and scoring, recommends the following preferred supplier panel be established (in no specific order):

- Ally Civil
- Planet Civil
- EzyPave
- DXCore
- State Civil
- KK Civil
- Stateline Asphalt

The decision to have 7 contractors on the panel was to ensure that over the 3 year contract period a high standard of responsiveness, serviceability and continuity is maintained for the volume and type of work projected across Bayside. It also allows for the continuation of healthy, fair and open competition.

Financial Implications

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

Community Engagement

Not applicable.

Attachments

Minor Civil Works Evaluation Report (confidential)

Council Meeting

12/06/2019

Item No	8.10
Subject	Stronger Communities Fund - Major Projects and Community Grants Programs - Round One and Two Progress Reporting
Report by	Debra Dawson, Director City Life Meredith Wallace, General Manager
File	F16/965

Summary

This report outlines progress on the projects funded by the Stronger Communities Funding for Major Projects and the Stronger Community Grants Program - Round One and Round Two. These projects were endorsed by Council on 12 April 2017 and 13 December 2017 respectively. Regular progress reports are required by the Office of Local Government with the next report due by 30 June 2019.

Officer Recommendation

That Council approves the Stronger Communities Fund 6 monthly Major Projects report for the period from 1 January 2019 – 30 June 2019 and the Stronger Communities Fund 6 monthly Community Grants report for the period from 1 Jan 2019 – 30 June 2019 for reporting to the NSW Office of Local Government, in accordance with the funding guidelines.

Background

Major Projects

The major projects component of the Stronger Communities Fund involved the allocation of funds to projects that deliver large scaled, new or improved infrastructure or services to the community.

Community consultation on the major projects list was completed with the outcomes presented for endorsement by the Stronger Communities Fund Assessment Panel. An Assessment Panel was convened to review the community consultation outcomes and to recommend the allocation of the \$9m to 3 projects:

- Eastgardens Library and Customer Service Centre (\$2.5M) (now completed);
- Pine Park Masterplan implementation - Ramsgate Beach (\$4M); and
- Cahill Park Masterplan implementation - Wolli Creek (\$2.5M).

Approval by resolution of Council was made at the Council Meeting held 12 April 2017. Attached is the fifth 6 monthly Major Projects report for the period from 1 January – 30 June 2019. All projects that were funded have been completed. Final completion reports are being prepared and will be provided within the required timeframe for reporting to OLG by 31 July 2019.

Stronger Communities Fund (SCF) Community Grant Program

Bayside Council was provided with \$1 million under the Stronger Communities Fund (SCF) Community Grant Program. The fund allows allocation of up to \$50,000 to incorporated not-for-profit community groups to help build more vibrant, sustainable and inclusive local communities.

Council endorsed the allocation of \$483,856 in grants from the \$1 million fund on 12 April 2017. The remaining \$516,144 or Round Two from the Community Grants Program was allocated on 13 December 2017.

Under the SCF Guidelines, approved funding is to be spent or committed by 30 June 2019 and acquitted by 31 December 2019. Six month extensions have been applied for on behalf of the following groups who have had a delayed start date:

- St George Football Association - \$50,000
- Dolls Point Football Club - \$48,400
- 3 Bridges Community Ltd - \$50,000

The Guidelines also require 6 monthly reports (by 31 July and 31 December) to the Office of Local Government on project progress.

The first progress report on Round One was provided to Council on 13 December 2017. A report on Round 1 and Round 2 was also provided in June 2018 and December 2018.

The attached tables provide information on projects in each round, funds allocated to each and the progress they have made to date.

Most of the projects have now been completed or have been committed and some have provided final acquittals with images which are also included.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	\$10M NSW Government funding provided under the Stronger Communities Fund – Major Projects and Community Grant Program
Additional funds required	<input type="checkbox"/>	



Community Engagement



Community engagement was completed to establish the priority projects to be allocated with funding. Community engagement was also undertaken for the individual projects prior to works commencing.

Attachments


- 1 SCF Round 1 - Council Reporting June 19 [↓](#)
- 2 SCF Round 2 - Council Reporting June 19 [↓](#)



- 3 Bayside Council - Final Report - Stronger Councils Fund - Project Eastgardens Library and Customer Service Centre [↓](#)
- 4 Major Projects Progress Report - 31 Dec 2018 [↓](#)
- 5 Major Projects Reporting on SCF Funding to June 2019 [↓](#)


Funded organisation	Project name	Summary	% complete	Progress update	Images
Women's Community Shelters Ltd	New WCS Crisis Accommodation Amount \$50,000	To establish a new crisis accommodation shelter for up to 6 women, with or without dependent children, who are homeless or leaving domestic violence in the Bayside LGA	100%	Project complete and SCF Final Project Report submitted.	
Exodus Youth Worx	Project Food Worx Amount \$50,000	Launch a new Employment Skills Training Program and Social Enterprise. The training program aims to grow technical skills of disengaged young people in hospitality and cooking, The Social Enterprise provides employment opportunities.	100%	Project complete and SCF Final Project Report submitted.	


Funded organisation	Project name	Summary	% complete	Progress update	Images
Sunnyfield	TechKNOWLEDGE Amount \$33,822	Deliver 40 Skills for Life courses that target opportunities for daily independence, social integration, education and employment for people with intellectual disability. Includes the purchase and installation of technology driven equipment and furniture.	100%	Project complete and SCF Final Project Report submitted.	
Kyeemagh Infants Public School P&C Association	Kyeemagh Community Sustainability Hub Amount \$27,632	Purchase a demountable building with kitchen for children to learn about growing food and cooking their own produce and caring for their environment. Provision for community workshops and healthy food program for breakfasts and lunches.	100%	Project complete and SCF Final Project Report submitted.	


Funded organisation	Project name	Summary	% complete	Progress update	Images
Bay City Care	My Youth Hub Amount \$50,000	Establish an additional after school youth “Drop in Centre” to provide a place to connect in structured programs. Life skills education, homework centre, recreational and educational activities.	75%	Funds committed and Final Acquittal Report due December 2019 In the process of final purchases for IT, sound and seating for the Youth Hub.	
South Eastern Community Connect	Community Wellness Mentoring and Empowerment Program Amount \$49,002	The Community Wellness Mentoring and Empowerment project will deliver training for up to 30 community members with the aim of creating a supportive community for people with mental illness. Well-being workshops for residents and people with mental health issues.	75%	Funds committed and Final Acquittal Report due December 2019 Three new Wellbeing workshops have been scheduled. Pre-training resources have been developed and distributed to participants.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
Dolls Point Football Club	Memorial Lighting Enhancement Amount \$48,400	Installation of 2 additional lighting towers on the western side of Memorial Playing Fields. The improved lighting will be used to extend the use of the grounds during the winter months for night training.	10%	6 month extension applied for. Survey and testing complete. Club has proceeded with the DA. Notice of commencement to be approved.	
Pagewood Botany Football Club Inc	Media and Canteen Facilities Upgrade Amount \$50,000	Upgrade the Club's internet and media technology as well as canteen facilities. Provision of technology and canteen equipment.	100%	Project complete and SCF Final Project Report submitted.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
St George Children with Disabilities Fund Inc	Enhancing the Quality of Lives of Children with a Disability and Their Families Amount \$25,000	Providing support to children with a disability and their families. Includes purchase of technology and equipment specific to the children's needs..	100%	Project complete and SCF Final Project Report submitted..	
Arncliffe Scots Baseball Club	Ground Watering Project Amount \$50,000	Installation of dedicated ground watering to the baseball field diamonds to improve both ground amenity and player safety.	100%	Project complete and SCF Final Project Report submitted.	
St George Football Association	New Seating and Goal Posts – McCarthy Reserve Amount \$50,000	Installation of new seating (7x4 tier, 4 metre stands) and portable goal posts at McCarthy Reserve for football field.	15%	6 month extension applied for. Portable goals purchased and equipment delivered to site. DA approved.	





Funded organisation	Project name	Summary	% complete	Progress update	Images
Kingsgrove Community Aid Centre Incorporated	POPPY Mental Health Supported Playgroup (Parents Opportunity to Participate in Play with their Young) Amount \$19,880	In Kind Support to fund various elements of service provision including – Venue / Room Hire; Childcare Worker; Staff recruitment and induction; Playgroup Coordinator; Petty Cash (catering, toys, craft items); mental health clinical support; early intervention; RUOK day; Post-natal depression week etc.	75%	Funds committed and Final Acquittal Report due December 2019. The program continues with steady attendance of 10 mothers and 10 children. Partnership Agreement and minutes submitted.	
St George Children with Disabilities Fund Inc.	Grants for Good Amount \$25,000	Extensive support equipment, therapy, modifications to vehicle, specialised software, financial support, vehicle insurance and registration for Children with Disabilities.	100%	Project complete and SCF Final Project Report submitted.	



Funded organisation	Project name	Summary	% complete	Progress update	Images
Botany Family and Children's Centre	Repair and upgrade of inclusive and interactive outdoor space for families and children. Amount \$50,000	Resurface backyard with soft-fall, install fixed equipment / panels & seating, replacement of sun-protection sails. Much needed repair and renovation of the educational and interactive outdoor play area	100%	Project complete and SCF Final Project Report submitted.	
Bayside Business Enterprise Centre	Small Business Mentor and Connect Amount \$4,833	Facilitation – Programs and incidentals such as transport/parking, stationery, computer software to support the running of the centre	75%	Funds committed and Final Acquittal Report due December 2019. The Bayside BEC has replaced old equipment with a new computer and other hardware.	


Funded organisation	Project name	Summary	% complete	Progress update	Images
The Bay Community Garden Incorporated	Community Garden Shelter Amount \$30,327	Shelter / Shed / Water Tank / Guttering and Downpipe Installation. The Shelter will be used for regular meetings of the gardening group and community workshops and its roof will collect rain water to use on the garden. A storage shed be located adjacent to the shelter.	75%	Funds committed and Final Acquittal Report due December 2019.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
South Eastern Community Connect	Good Beginnings - Start right, Start early Amount \$49,654	Project Coordinator/Health Nurse/Venue Hire/Publicity and Promotion; Admin – to provide a model of integrated care between child and family health nurse, community child health and speech pathology and key child and family service providers and the NGO sector. To ensure children who are under-represented have the best start at school.	75%	Funds committed. Final Acquittal Report due December 2019	
Rockdale Rugby Football Club Inc	RRU Clubhouse Upgrade Amount \$50,000	Funding to upgrade canteen facilities which will include cupboards, bench-tops, storage, commercial refrigerator, and commercial deep fryer, new lighting. Renovation of toilets showers/change room, replacement tanks.	100%	Project complete. Final Acquittal Report due December 2019.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
3Bridges Community Limited	Arncliffe Men's Shed Relocation and Set up Amount \$50,000	<p>The Arncliffe Men's Shed Bayside Relocation.</p> <p>The new site will have a new separate space for a work area where the equipment, machinery and work benches and renovated accessible bathrooms will be included. The roller door will be replaced with an electronic industrial door to secure the building.</p>	40%	<p>6 month extension applied for.</p> <p>Unexpected issues with plumbing in accessible bathroom space have caused delays.</p>	

Funded organisation	Project name	Summary	% complete	Progress update	Images
The Deli Women & Children's Centre	"Standing up for our Children-Safer Home without DV" Project Amount \$26,996	Domestic Violence Groups for Mums with the key focus on strengthening safety, security and reinforcing mother/child attachment. Additional personalised parenting appointments will be offered for those needing extra support.	50%	Funds committed and Final Acquittal Report due December 2019	 <p><i>Regain hope in a safe space in which the healing process can begin</i></p> <p>Sponsored by NSW State Government and Bayside Council under Stronger Communities Grant</p>   <p>"Healing Together"- Mothers Parenting Group for Survivors of Trauma and Abuse</p>  <p>For survivors of domestic violence looking to learn about how their children and their parenting is impacted by trauma and abuse. Support, nurture and increase connection with your child in a safe and empowering environment.</p> <p>Dates: Monday 6/5/19 - 24/6/19 (7weeks) Time: 12.15pm (12.30pm-2.30pm) Where: The Deli Women & Children's Centre 72 Maloney St, Eastlakes NSW 2018 Bookings: FREE Group and childminding. Please call 9667 4664 or admin@thedeli.org.au</p>
Moving Forward DFV Case Management Services Incorporated	Start-up Education Assistance Program for Women Amount \$24,829.70	Education costs for technology, stationery, tertiary fees, text books and some of the other hidden costs associated with study for women escaping domestic and family violence. Payment to provide a Parenting Course through a local community/ government organisation is included.	50%	Funds committed and Final Acquittal Report due December 2019.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
Nurses On Wheels Australia Ltd	Nurses On Wheels (NOW) Day Tripper Bus Amount \$50,000	Nurses On Wheels (NOW), Day Tripper Bus is a vital and highly successful program which currently runs from Monday – Friday. Purchase a bus for frail and socially isolated clients.	100%	Project complete and SCF Final Project Report submitted.	
Shopfront Arts Co. Op. Ltd.	Young Leaders, New Futures Amount \$50,000	Project Manager for 12 months + Carer supervision and support Program Administration – Facilitation of six Youth forums across 12 months for an audience of their peers. Focus on issues relevant to young people in a safe space for genuine engagement.	100%	Project complete and SCF Final Project Report submitted.	

Funded organisation	Project name	Summary	% complete	Progress update	Images
Moving Forward DFV Case Management Service Inc.	Healing Strategies for Children - Professional development series 1 Amount \$10,068	Facilitation of a half day professional development symposium for people who are working with children who have experienced trauma. Training will focus on children who have experienced family violence.	100%	Project complete and SCF Final Project Report submitted.	 <p>The poster is for a 'Healing Strategies for Children Professional Development Symposium'. It features a central image of two hands, one larger and one smaller, cupping each other. Text on the poster includes: 'It is FREE training and you will receive a FREE copy of YOU, ME & THE RAINBOW from the Quest for Life Foundation.', 'The St George Local Domestic Violence Committee would like to invite you to a half day of professional development. The Symposium is intended to increase your knowledge of practical strategies, which you can employ when working with traumatised children, 0-5 years. This invite is extended to those working with vulnerable families, in the South East Sydney Local Health Area. (This is the St George, Sutherland & Eastern Suburbs area.)', 'To ensure early childhood educators have an opportunity to attend relief funding is available (capped at \$160 per person). There are 15 funded spots available to backfill these with casual staff.', 'We have speakers from: The Quest for Life Foundation, Care House - Mary Jo McVeigh, The Australian Childhood Foundation - Pat Jewell', 'Bayside Council' logo, 'St George Domestic Violence Committee' logo, 'Monday 21st May 2018, 9am - 2pm, Registration 8.30 - 9.00am at Rockdale Town Hall, 448 Princes Highway ROCKDALE NSW 2216, 5min walk from Rockdale station', 'This is free to all attendees. Morning tea & a light lunch will be provided.', 'Please RSVP by 16th May admin@movingforward.org.au', 'All day parking available on rooftop level, Council Carpark - entrance via Market Lane', and 'Moving Forward DFV Case Management Service Inc.' logo.</p>
Macedonian Orthodox Community Church St Petka Inc	Fire Detection & Emergency Lighting upgrade Amount \$24,568	New technology - Fire & Emergency Lighting Upgrade. Project is to replace the out of date fire and emergency lighting system which will not require constant testing.	100%	Project complete. Final Acquittal Report due December 2019.	
St George	Youth POP-	The Youth POP-UP! Activities Project			

Funded organisation	Project name	Summary	% complete	Progress update	Images
Youth Services	UP! Activities Project Amount \$50,000	is an innovative, interactive & engaging program for young people. Programs include personal development and life skills, well-being & community engagement of young people aged 17-21.	50%	Funds committed .Final Acquittal Report due December 2019 4 events held with 146 participants in attendance. 3 information stalls with 85 participants. Individual support and life coaching have been undertaken by 21 young people.	



NCIF & SCF Untied 2015-16/2016-17

Final Project Report

Council details

Council: Bayside Council
 NCIF untied grant funding received: <\$00,000,000.00>
 SCF untied grant funding received: \$2,500,000.00

Project details

Project title: Eastgardens Westfield new Bayside Council Customer Service Centre
 Project start date: 01/07/2017
 Project end date: 31/12/2017
 Project location: Eastgardens Shopping Centre, Eastgardens

Project summary: The project is to establish a Bayside Council Customer Service Centre within an operational shopping centre.

Project objectives:

1. *Establishing Of Bayside Council Customer Service.*
2. Replace existing customer service in previous City of Botany Bay Council Administration Centre in Mascot
3. The new customer service centre complements the refurbishment of the library.
4. A Customer Service Centre that is available for the community in a convenient location.

Project outcomes: 1. All Project objectives achieved

Project status: *Completed*

Project funding and expenditure details

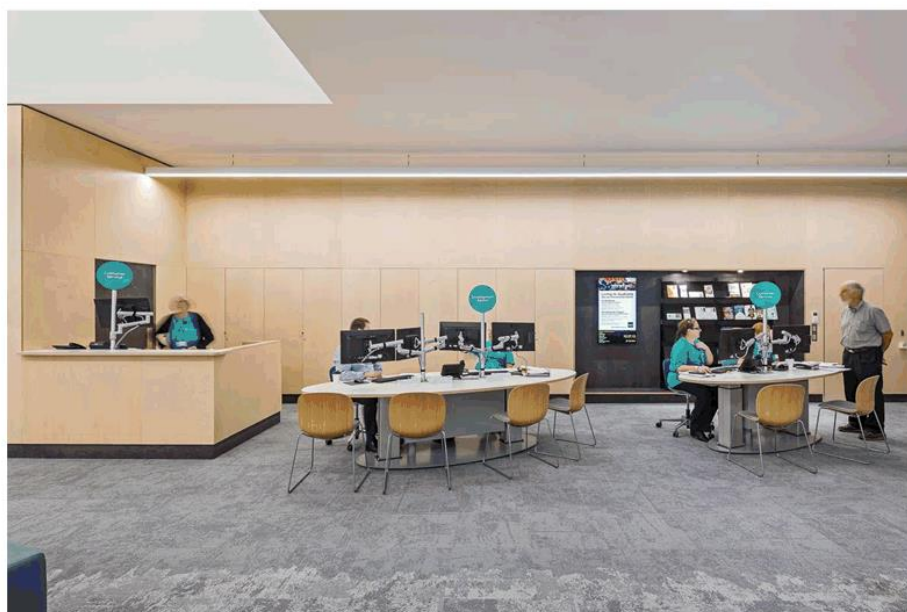
Grant funding source: <NCIF untied/SCF untied>
 Grant funding recipient (if NGO): <NGO>
 Grant funding allocation: <\$0.00>
 Grant funding expenditure: \$ 2,500,000
 Total project expenditure: \$ 3,500,000



NCIF & SCF Untied 2015-16/2016-17

Final Project Report

Project progress photographs





NCIF & SCF Untied 2015-16/2016-17

Final Project Report



Major Projects – Stronger Communities Funding Progress Report (to 31 January 2019)

Project Name	Project Summary	Project Benefits	Project Start Date	Project End Date	Total Project Income	Funding Stream	Amount	Percentage Project Completion (parameters)	Project progress Update
Eastgardens Westfield new Bayside Council Customer Service Centre	The project is to establish a Bayside Council customer service centre which will replace the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot.	The new customer service centre complements the refurbishment of the library. A customer service centre will be available for the community in a convenient location in a shopping centre and library near public transport, parking and amenities.	1/01/2017	31/12/2017	\$2,500,000.00	Stronger Communities Fund - Major projects	\$2,500,000.00	76-100%	COMPLETED. The new Bayside Council customer service centre replacing the existing customer service centre at the previous City of Botany Bay Council Administration Centre in Mascot is now fully operational in Eastgardens Shopping Centre.
Ramsgate - Pine Park	The car-parking area has been closed for many years with a trial conducted recently to reopen the area for public use. This proposal constructs car-parking adjacent to the Grand Parade and returns the prime foreshore area to be used as a six-metre wide promenade. Move carpark and create 6m wide promenade – to reduce scope would reduce community benefit – move carpark for what purpose without the boardwalk	The prime foreshore area will be available for the community to use and enjoy.	1/07/2017	30/06/2019	\$4,000,000.00	Stronger Communities Fund - Major projects	\$4,000,000.00	76-100%	The refined masterplan has been completed and has been endorsed by Council. Stakeholder consultation has been undertaken. The REF has been completed. Detailed design and documentation has been completed. The construction tender has been advertised, evaluated and awarded on the 9th of August 2019. Work has commenced on Site with the main works component to be completed before Christmas 2018. January / February 2019 will be used for implementation of long lead time items and decommissioning of the Ausgrid lighting.

Wolli Creek - Cahill Park	The Masterplan for Cahill Park is well supported and endorsed by the former Council. The funding will be used for the implementation of certain elements of the Masterplan including lighting and pathway connectivity.	Cahill Park is located in a high growth area and provides the open space and recreation needs in this area. The provision of lighting and pathway connectivity will improve the recreational use.	1/07/2017	30/06/2019	\$2,500,000.00	Stronger Communities Fund - Major projects	\$2,500,000.00	76-100%	The refined masterplan has been completed and has been endorsed by Council. Stakeholder consultation has been undertaken. The REF has been completed. Detailed design and documentation has been completed. The construction tender has been advertised, evaluated and awarded on the 9th of August 2019. Work has commenced on Site with the main works component to be completed before Christmas 2018. January / February 2019 will be used for implementation of long lead time items and decommissioning of the Ausgrid lighting.
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Project stream	Funded organisation (enter funded organisation name if in receipt of SCF community grant, otherwise leave blank)	Project name	Project summary	Project objectives	Anticipated or realised project outcomes	Project start date	Project end date	Project funding source no. 1 (grant fund)	Project funding source no. 1 amount	Project funding source no. 2 (grant fund, if applicable)	Project funding source no. 2 amount	Project funding source no. 3 (other, if applicable)	Funding source no. 3 amount	Total project income	Project expenditure	Percentage project completion	Project status update and any relevant comments (brief update on progress against project milestones, any delays to project delivery and reason/s for delays etc.)
SCF untied - major projects component		Ramsgate - Pine Park	The car-parking area has been closed for many years with a trial conducted recently to reopen the area for public use. This proposal constructs car-parking adjacent to the Grand Parade and returns the prime foreshore area to be used as a six-metre wide promenade. Move carpark and create 6m wide promenade – to reduce scope would reduce community benefit – move carpark for what purpose without the boardwalk	The prime foreshore area will be available for the community to use and enjoy.	The prime foreshore area will be available for the community to use and enjoy.	1/07/2017	30/06/2019	SCF untied - major projects component	\$ 4,000,000.00					\$ 4,000,000.00	\$ 5,200,000.00	1	COMPLETED Construction is completed. The Carpark adjacent to the Grand Parade and the Promenade are now open for public use and entertainment.
SCF untied - major projects component		Wolli Creek - Cahill Park	The Masterplan for Cahill Park is well supported and endorsed by the former Council. The funding will be used for the implementation of certain elements of the Masterplan including lighting and pathway connectivity.	Cahill Park is located in a high growth area and provides the open space and recreation needs in this area. The provision of lighting and pathway connectivity will improve the recreational use.	Cahill Park is located in a high growth area and provides the open space and recreation needs in this area. The provision of lighting and pathway connectivity will improve the recreational use.	1/07/2017	30/06/2019	SCF untied - major projects component	\$ 2,500,000.00					\$ 2,500,000.00	\$ 2,500,000.00	1	COMPLETED Construction is completed. The lighting and pathways connectivity improved the recreational use by Public.

Council Meeting

12/06/2019

Item No	8.11
Subject	Councillor Fees 2019/2020
Report by	Michael Mamo, Director City Presentation
File	SF15/665

Summary

This report proposes the Councillor fees for the 2019/2020 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 2019/2020 being a 2.5% increase over the fees set last year.

Officer Recommendation

- 1 That the annual fee for Councillors for 2019/2020 be set at the maximum for a Metropolitan Medium Council as determined by the NSW Local Government Remuneration Tribunal.
 - 2 That the additional annual fee for the Mayor for 2019/2020 be set at the maximum for a Metropolitan Medium 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 2019 Determination for mayor and councillor fees for the period 1 July 2019 to 30 June 2020. Bayside Council continues to be classified in the Metropolitan Medium 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 2.5% consistent with the NSW Government's Wages Policy. The annual fees to be paid for the period 1 July 2019 to 30 June 2020 for a Metropolitan Medium council are as follows:

Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan Medium	\$13,820	\$25,790	\$29,360	\$68,530

* 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 2019/2020 would be as follows:

Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
Current	Proposed	Current	Proposed
\$25,160	\$25,790	\$66,860	\$68,530

* 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 2019/2020 includes an increased amount for the proposed Councillor / Mayoral fees.
- Additional funds required ☐

Community Engagement

Not applicable.

Attachments

NSW Local Government Remuneration Tribunal - Annual Report and Determination 2019 [↓](#)



Government Gazette

of the State of

New South Wales

Number 37

Friday, 26 April 2019

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

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**Local
Government
Remuneration
Tribunal**

**Annual Report
and
Determination**

*Annual report and determination under sections 239 and
241 of the Local Government Act 1993*

**15 April
2019**

[NSW Remuneration Tribunals website](#)

Local Government Remuneration Tribunal

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Local Government Remuneration Tribunal

Executive Summary

The Local Government Remuneration Tribunal (the Tribunal) is required to report to the Minister for Planning and Public Spaces by 1 May each year as to 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 did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate.

The Tribunal will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories are published in Appendix 1 of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent which is consistent with the government's policy on wages.

Local Government Remuneration Tribunal

Section 1 Introduction

1. The role of Assessor assisting the Local Government Remuneration Tribunal (the Tribunal), pursuant to section 236 (1) (b) of the *Local Government Act 1993* (the LG Act) was undertaken by Mr Ian Reynolds from 1 July 2015 until the expiration of his appointment on 27 November 2018. The Tribunal thanks Mr Reynolds for his contributions over those years.
2. On 28 November 2018, Dr Robert Lang was re-appointed as the Tribunal and Mr Brian Bell PSM was appointed to the role of Assessor assisting the Tribunal pursuant to section 236 (1) (b) of the LG Act. The role of Assessor assisting the Tribunal pursuant to 236 (1) (a) continues to be undertaken by Mr Tim Hurst, CEO, Office of Local Government, Department of Planning and Environment.

Section 2 Background

3. Section 239 of the LG Act provides for the Tribunal to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.
4. Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under section 239, 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.
5. In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the LG Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission. The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.
6. The Tribunal is however able to determine that a council can be placed in another existing or a new category with a higher range of fees without breaching the government's wage policy pursuant to section 242A (3) of the LG Act.

Local Government Remuneration Tribunal

7. The Tribunal's determinations take effect from 1 July in each year.

Section 2 2018 Determination

1. The Tribunal considered ten requests for re-categorisation having regard to the case put forward and the criteria for each category. A multi variable approach was adopted in assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
2. The Tribunal noted that at the time of making the determination only the population data as of 2016 was available.
3. The Tribunal found that the current categorisation for the ten councils was appropriate and noted that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations in the medium term.
4. The Tribunal's 2018 Determination was made on 17 April 2018 and provided a general increase of 2.5 per cent which was consistent with the Government's policy on wages.

Section 3 2019 Review

5. The Tribunal wrote to all mayors in December 2018 advising of the commencement of the 2019 Annual Review. In doing so the Tribunal noted that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.
6. The Tribunal also stated that it does not intend to alter the groups that apply to individual councils unless there is a very strong case to do so. Any requests for a review should be supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
7. The Tribunal also wrote to the President of Local Government NSW (LGNSW) in similar terms, and subsequently met with the President and Chief Executive of LGNSW. The Tribunal thanks the President and Chief Executive for making the time to meet with the Tribunal.
8. In response to this review the Tribunal received 20 submissions from individual councils and a submission from LGNSW. Those submissions addressed the allocation of councils into

Local Government Remuneration Tribunal

those categories and fees. The Tribunal also received a submission from a joint organisation requesting that the Tribunal determine the fees for members of the boards of joint organisations. A summary of the matters raised, and the Tribunal's consideration of those matters is outlined below.

Categorisation

9. Ten submissions received from councils requested re-categorisation now and two submissions requested re-categorisation when the Tribunal considers the categories in detail in 2020. Each of the ten requests for re-categorisation now were considered having regard to the case put forward and the criteria for each category.
10. At the time of making the determination the Tribunal had available to it the 30 June 2018 population data released by the Australian Bureau of Statistics (ABS) on 27 March 2019. In reviewing the submissions received the Tribunal also applied a multi variable approach assessing each council against all the criteria (not only population) for the requested category and the relativities within the categories.
11. The Tribunal finds that the allocation of councils into the current categories is appropriate but again notes that some of those councils seeking to be moved are likely to meet the criteria for re-categorisation in future determinations.
12. A few submissions have suggested alternative categorisation models. The Tribunal will consider this in detail in the 2020 review. The Tribunal intends to commence the 2020 annual review earlier than usual to ensure there is time to review the existing model and to examine alternatives. The Tribunal is of the preliminary view that a case may exist to revise the number of categories, and their applicable criteria, particularly for regional and rural councils.
13. A summary of the Tribunal's findings for each of the 2019 applications for re-categorisation is outlined in the following paragraphs.

Metropolitan Large

14. Canterbury-Bankstown and Penrith have sought re-categorisation to new categories noting that no changes to the categories of councils are planned until 2020. Canterbury-Bankstown has proposed a new categorisation model for consideration in the 2020 review. The proposed model would provide different categories for metropolitan councils. Penrith

Local Government Remuneration Tribunal

has again sought to be re-categorised to a new category - 'Metropolitan Large – Growth Centre'.

15. Both councils may wish to provide further details for consideration in the 2020 annual review.

Metropolitan Medium Councils

16. Inner West has again sought to be re-categorised to Metropolitan Large. The Tribunal outlined in the 2018 determination that Inner West did not demonstrate enough additional criteria to warrant re-categorisation at that time, but with population growth the council would likely be more comparable with other Metropolitan Large councils in the short to medium term.
17. The Tribunal has again considered in detail the features of Inner West having regard to the other criteria for Metropolitan Large councils. The Tribunal finds that Inner West does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as other Metropolitan Large councils. This is supported by development and planning information published by the Greater Sydney Commission.
18. Inner West's June 2018 population of 198,024 is below the indicative population of other Metropolitan Large councils. Based on existing growth predictions it is likely Inner West will meet the minimum population threshold for inclusion in Metropolitan Large in 2020.

Metropolitan Small Council

19. Willoughby and Camden have sought to be re-categorised to Metropolitan Medium.
20. Willoughby's June 2018 population of 80,339 is below the indicative population of Metropolitan Medium Councils. The Tribunal outlined in the 2018 determination that Willoughby sought recognition of its scale of operations and businesses and regional significance of its centres and high percentage of non-resident visitors and workers. The Tribunal found the characteristics of the council were more appropriately aligned with those of other Metropolitan Small councils and found no case for it to be re-categorised at that time.
21. Willoughby's 2019 submission argues there is an over emphasis on resident population and no recognition of the complexity or burden on high volumes of non-resident populations.
22. As previously stated, the Tribunal considers a range of factors (not only population) in determining categories as required under section 240 of the LG Act. The Tribunal has again considered in detail the features of Willoughby having regard to the other criteria for other

Local Government Remuneration Tribunal

Metropolitan Medium councils and finds that Willoughby has not demonstrated the criteria to warrant inclusion in the Metropolitan Medium group at this time.

23. Camden's 2018 population of 94,159 is below the indicative population of Metropolitan Medium councils. The Tribunal has considered the features of Camden having regard to the other criteria for Metropolitan Medium councils. The Tribunal finds that Camden does not provide the same degree of regional servicing or have an equivalent sphere of economic influence as Metropolitan Medium councils. The Tribunal notes however that the ABS identifies that Camden has the largest and fastest population growth in NSW. Based on existing growth predictions it is likely Camden will meet the minimum population threshold for inclusion in Metropolitan Medium in 2020.

Regional Strategic Area Councils

24. Central Coast has sought to be re-categorised to Regional City. The council submits that its characteristics are more like Newcastle and Wollongong (Regional City) and substantially different to Lake Macquarie (Regional Strategic Area). The Tribunal finds that Central Coast has not demonstrated the additional criteria to warrant inclusion in the Regional City group.

Regional Rural Councils

25. Shellharbour and Port Macquarie have sought re-categorisation to Regional Strategic Area.
26. Shellharbour's June 2018 population of 72,240 is significantly below the indicative population of Regional Strategic Area councils. In addition, the submission was not supported by evidence which would indicate that the council is more appropriately allocated in another category based on the criteria.
27. Port Macquarie's June 2018 population of 83,131 is significantly below the indicative population of Regional Strategic Area councils. The Tribunal finds that Port Macquarie has not demonstrated the additional criteria to warrant inclusion in the Regional Strategic Area group.
28. Port Macquarie (as an alternative) and Mid-Coast sought to be re-categorised to a new category between Regional Strategic Area and Regional Rural. Both councils may wish to provide further details for consideration in the 2020 annual review.

Rural Councils

29. Muswellbrook and Federation have sought to be re-categorised to Regional Rural.

Local Government Remuneration Tribunal

30. Muswellbrook's June 2018 population of 16,383 and Federation's June 2018 population of 12,462 are well below the indicative population of Regional Rural councils. Both councils have not demonstrated the additional criteria to warrant inclusion in the Regional Rural group.
31. The Tribunal also undertook a review of Hilltops having regard to its 2018 submission and the Tribunal's findings that re-categorisation at that time was not warranted:

"41. Hilltops Council has sought to be re-categorised from Rural to Regional Rural. The new Hilltops Council is an amalgamation of three former councils in the Rural category (Young, Boorowa and Harden). The submission states that the new council has increased complexity of business and should be recognised as Regional Rural.

42. The Tribunal notes that Hilltops has a population of 19,150 (2016) which is just below the indicative population range of Regional Rural councils. The category of Regional Rural currently includes one council – Broken Hill – which has a population similar to that of Hilltops. Broken Hill warrants categorisation as Regional Rural in recognition of the degree of regional servicing it provides to far western NSW. It is not considered that Hilltops provides the same degree of regional services and on that basis re-categorisation is not warranted at this time."

32. Hilltops' June 2018 population of 18,782 is below the indicative population range of Regional Rural councils. The Tribunal has reviewed the additional criteria and finds no reason to alter its findings as outlined in the 2018 determination.

Fees

33. The LGNSW submission requested that the Tribunal increase fees by the allowable maximum of 2.5 per cent. The submission also repeated its view that the current arrangement for setting fees is inadequate and does not compensate elected members for the significant workload and range of responsibilities which are expanding. Comparative information was presented in respect to board fees, fees paid to mayors and councillors of councils in Queensland, and salaries for members of Parliament. A report detailing the findings of an independent review conducted on current remuneration paid to councillors and mayors was also provided. The LGNSW submission

Local Government Remuneration Tribunal

also requested that the Tribunal make a recommendation in support of the payment of superannuation.

34. Several submissions sought an increase to the allowable maximum of 2.5 per cent and raised similar issues to LGNSW in respect to the current fees not being adequate compensation for increased responsibilities and workload required to carry out mayoral and councillor duties and non-payment of superannuation. Several submissions also sought an increase significantly higher than the allowable 2.5 per cent or that fees be increased by benchmarking them to Principal CBD fees or population per councillor or using the base salary and allowances for Members of Parliament in the relevant region.
35. Two submissions also raised the matter of fees for deputy mayors. The Tribunal addressed this matter in the 2018 determination and will make no further comment.
36. The Tribunal has considered the submissions received. The Tribunal is mindful that the roles and responsibilities of councillors and mayors in NSW are outlined in the LG Act and notes that they are not necessarily comparable to the roles and responsibilities of councillors and mayors in other states, members of Parliament or members of boards and committees.
37. The Tribunal again notes that some of the other matters raised by submissions are more appropriately dealt with in the context of the current Local Government reform agenda and are outside the Tribunal's powers.
38. The Tribunal is required to have regard to the Government's wages policy when determining the increase to apply to the maximum and minimum fees that apply to councillors and mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.
39. The Tribunal has reviewed the key economic indicators, including the Consumer Price Index and Wage Price Index, and had regard to budgetary limitations imposed by the Government's policy of rate pegging, and finds that the full increase of 2.5 per cent is warranted. The 2.5 per cent increase will apply to the minimum and the maximum of the ranges for all existing categories.

Local Government Remuneration Tribunal

Other matters

40. The submission from LGNSW and several councils have again raised the matter of the non-payment of superannuation. The Tribunal addressed this matter in the 2018 determination as outline below and will make no further comment:

“54. The matter of the non-payment of superannuation has been previously raised in submissions to the Tribunal and is not a matter for the Tribunal to determine. Section 251 of the LG Act confirms that councillors are not employees of the council and the fee paid does not constitute a salary under the Act. The Tribunal notes that the Australian Tax Office has made a definitive ruling (ATO ID 2007/205) that allows councillors to redirect their annual fees into superannuation on a pre-tax basis and is a matter for councils (Ref: Councillor Handbook, Oct 2017, Office of Local Government p.69).”

41. The Tribunal also received a submission from the Canberra Region Joint Organisation (CRJO) although no invitation to do so was issued by the Tribunal. The CRJO has requested that the Tribunal set chair and member fees for joint organisations in the 2019 annual determination.
42. The Tribunal is constituted under Chapter 9, Part 2, Division 4 of the LG Act. The Tribunal’s determinations apply to Councils, Mayors and Councillors within the meaning of Chapter 9 of the LG Act.
43. Joint organisations, including the Board of a joint organisation, are constituted under Chapter 12, Part 7 of the LG Act. The Tribunal’s jurisdiction does not apply to joint organisations, as provided for in section 400ZH(3)(e) of the LG Act.
44. On that basis the Tribunal has no power to consider the CRJO submission and it is a matter that the CRJO may wish to raise with the Minister for Planning and Public Spaces who is the Minister responsible for the LG Act. The Tribunal has written to the CRJO in the above terms.

Conclusion

45. The Tribunal’s determinations have been made with the assistance of the two Assessors - Mr Brian Bell and Mr Tim Hurst. The allocation of councils into each of the categories,

Local Government Remuneration Tribunal

pursuant to section 239 of the LG Act, is outlined in Determination No. 1. The maximum and minimum fees paid to councillors and mayors and members and chairpersons of county councils, pursuant to section 241 of the LG Act, are outlined in Determination No. 2.

The Local Government Remuneration Tribunal

(Signed)

Dr Robert Lang

Dated: 15 April 2019

Local Government Remuneration Tribunal

Section 4 Determinations

Determination No. 1- Determination Pursuant to Section 239 of Categories of Councils and County Councils Effective From 1 July 2019

Table 1: General Purpose Councils - Metropolitan

Principal CBD (1)	Major CBD (1)
Sydney	Parramatta
Metropolitan Large (8)	Metropolitan Medium (9)
Blacktown	Bayside
Canterbury-Bankstown	Campbelltown
Cumberland	Georges River
Fairfield	Hornsby
Liverpool	Ku-ring-gai
Northern Beaches	Inner West
Penrith	Randwick
Sutherland	Ryde
	The Hills
Metropolitan Small (11)	
Burwood	
Camden	
Canada Bay	
Hunters Hill	
Lane Cove	
Mosman	
North Sydney	
Strathfield	
Waverley	
Willoughby	
Woollahra	

Local Government Remuneration Tribunal

Table 2: General Purpose Councils – Non-Metropolitan

Regional City (2)		Regional Strategic Area (2)	
Newcastle		Central Coast	
Wollongong		Lake Macquarie	

Regional Rural (37)		Rural (57)	
Albury		Balranald	Kyogle
Armidale		Bellingen	Lachlan
Ballina		Berrigan	Leeton
Bathurst		Bland	Liverpool Plains
Bega		Blayney	Lockhart
Blue Mountains		Bogan	Moree Plains
Broken Hill		Bourke	Murray River
Byron		Brewarrina	Murrumbidgee
Cessnock		Cabonne	Muswellbrook
Clarence Valley		Carrathool	Nambucca
Coffs Harbour		Central Darling	Narrabri
Dubbo		Cobar	Narrandera
Eurobodalla		Coolamon	Narromine
Goulburn Mulwaree		Coonamble	Oberon
Griffith		Cootamundra-Gundagai	Parkes
Hawkesbury		Cowra	Snowy Valleys
Kempsey		Dungog	Temora
Kiama		Edward River	Tenterfield
Lismore		Federation	Upper Hunter
Lithgow		Forbes	Upper Lachlan
Maitland		Gilgandra	Uralla
Mid-Coast		Glen Innes Severn	Walcha
Mid-Western		Greater Hume	Walgett
Orange		Gunnedah	Warren
Port Macquarie-Hastings		Gwydir	Warrumbungle
Port Stephens		Hay	Weddin
Queanbeyan-Palerang		Hilltops	Wentworth
Richmond Valley		Inverell	Yass
Shellharbour		June	
Shoalhaven			
Singleton			
Snowy Monaro			
Tamworth			
Tweed			
Wagga Wagga			
Wingecarribee			
Wollondilly			

Local Government Remuneration Tribunal**Table 3: County Councils**

Water (4)
Central Tablelands
Goldenfields Water
Riverina Water
Rous

Other (6)
Castlereagh-Macquarie
Central Murray
Hawkesbury River
New England Tablelands
Upper Hunter
Upper Macquarie

Local Government Remuneration Tribunal

Determination No. 2- Determination Pursuant to Section 241 of Fees for Councillors and Mayors

Pursuant to s.241 of the *Local Government Act 1993*, 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 2019 are determined as follows:

Table 4: Fees for General Purpose and County Councils

Category		Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee*	
		Minimum	Maximum	Minimum	Maximum
General Purpose Councils - Metropolitan	Principal CBD	27,640	40,530	169,100	222,510
	Major CBD	18,430	34,140	39,160	110,310
	Metropolitan Large	18,430	30,410	39,160	88,600
	Metropolitan Medium	13,820	25,790	29,360	68,530
	Metropolitan Small	9,190	20,280	19,580	44,230
General Purpose Councils - Non-metropolitan	Regional City	18,430	32,040	39,160	99,800
	Regional Strategic Area	18,430	30,410	39,160	88,600
	Regional Rural	9,190	20,280	19,580	44,250
	Rural	9,190	12,160	9,780	26,530
County Councils	Water	1,820	10,140	3,920	16,660
	Other	1,820	6,060	3,920	11,060

*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

The Local Government Remuneration Tribunal
(Signed)

Dr Robert Lang

Dated: 15 April 2019

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 has 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 population of 200,000.

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 population of 100,000.

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.

Metropolitan Small

Councils categorised as Metropolitan Small will typically have a 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.

Local Government Remuneration Tribunal

Regional City

Councils categorised as Regional City will typically have a population above 150,000. These councils are metropolitan in nature with major residential, commercial and industrial areas. These Councils typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development.

These councils provide a full range of higher order services and activities along with arts, culture, recreation and entertainment facilities to service the wider community and broader region. These councils typically also contain ventures which have a broader State and national focus which impact upon the operations of the council.

Newcastle City Council and Wollongong City Councils are categorised as Regional City.

Regional Strategic Area

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Rural category on the basis of their significant population. Councils categorised as Regional Strategic Area will typically have a population above 200,000. These councils contain a mix of urban and rural settlements. They provide a range of services and activities including business, office and retail uses, along with arts, culture, recreation and entertainment facilities to service the wider community. These councils host tertiary education campuses and health facilities.

While councils categorised as Regional Strategic Area may have populations which exceed those of Regional City, they would not typically provide the same range of regional services or have an equivalent sphere of economic influence.

Central Coast Council and Lake Macquarie Council are categorised as Regional Strategic Area.

Regional Rural

Councils categorised as Regional Rural will typically have a minimum population of 20,000.

Other features which distinguish them from other non-metropolitan councils include:

- a major town or towns with the largest commercial component of any location in the surrounding area
- a significant urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages or may be located on or close to the coast with high levels of population and tourist facilities
- provide a full range of higher-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- regional services to the wider community through principal referral hospitals, tertiary education services and major regional airports
- these councils may also attract large visitor numbers to established tourism ventures.

Local Government Remuneration Tribunal**Rural**

Councils categorised as Rural will typically have a population below 20,000.

Other features which distinguish them from other non-metropolitan councils 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 *Noxious Weeds Act 1993*.

(n2019-1018)

Council Meeting

12/06/2019

Item No	8.12
Subject	Adoption of the 2018-21 Delivery Program, 2019-20 Operational Plan, 2019-20 Budget and 2019-20 Fees & Charges
Report by	Michael Mamo, Director City Presentation
File	F19/61

Summary

This report provides consideration of submissions received as a result of the public exhibition of Council's Draft 2018-21 Delivery Program and Draft 2019/20 Operational Plan including budget and fees and charges. Council approved the exhibition of the draft at its meeting of 10 April 2019 and the statutory public exhibition period closed on 14 May 2019. Five submissions in relation to proposed actions and activities were received particularly in relation to the Bexley Town Centre. These are addressed in the report but require no changes to the Operational Plan. Some changes are recommended for the exhibited Capital Projects Program and Fees & Charges as a result of further internal reviews.

Officer Recommendation

- 1 That Council notes and acknowledges all feedback received from the community regarding the Draft Delivery Program 2018-2021 and Operational Plan 2019/20.
 - 2 That Council adopts the Final Delivery Program 2018-2021 and Operational Plan 2019/20 (circulated under separate cover) being the exhibited Draft Delivery Program 2018-2021 and Operational Plan 2019/20 and the amendments as detailed in this report.
 - 3 That Council makes the rates and charges for the period 1 July 2019 to 30 June 2020, as outlined in the Revenue Policy 2019-20 within the attached Final Delivery Program and Operational Plan (circulated under separate cover) which includes the general rate increase of 2.7% as determined by the Independent Pricing and Regulatory Tribunal (IPART).
 - 4 That Council authorises the General Manager to levy the rates and charges for the period 1 July 2019 to 30 June 2020 by service of the rates and charges notices pursuant to the Local Government Act 1993 and the Regulations made there under.
 - 5 That Council adopt the exhibited Schedule of Fees & Charges for 2019-2020 subject to the amendments as detailed in Attachment 2 to this report.
-

Background

At the Council meeting held on Wednesday 10 April 2019, Council resolved to place the Draft Delivery Program 2018-2021 and Operational Plan 2019/20 on public exhibition for a period of 28 days. This report deals with the public submissions received and other changes recommended from Council's internal review.

Community Feedback (Attachment 1)

Five submissions from the community were received on the Operational Plan. Comments on the points raised in these submissions are in Attachment 1 to this report. The submissions are helpful in terms of future planning or may be accommodated within Council's existing operational budget. Following consideration of the submissions no changes are proposed to the Operational Plan. A brief outline of some of the submissions follows:

- Three submissions focus on suggestions, strategies and improvements consistent for Bexley Town Centre. These are consistent with the overall themes of the Community Strategic Plan and Council's Delivery Program. The Bexley Chamber of Commerce (a submitter to the public exhibition process) and other stakeholders will be consulted during the year in scoping and designing improvements to the Bexley Town Centre which will then assist in informing future financial year budgets.
- A submission seeks Council's consideration to resurfacing Bonar Street (near Thompson Street and Guess Avenue). While that section of Bonar Street is not scheduled for resurfacing as the condition rating (3) does not deem this is necessary, the potholes will be investigated to address the immediate concerns as part of Council's regular road maintenance program.
- A submission seeks upgrading to landscaping, lighting, signage to Belmore Reserve Arncliffe as well as tree planting on Station Street between Belmore and Done streets. It is noted that Belmore Reserve has been identified in the draft Arncliffe and Banksia Contribution Plan as a reserve that requires embellishment to cater for increased demand that will result from the growth stemming from the Arncliffe and Banksia priority precinct.

Capital Projects Program

The Capital Projects Program has been further reviewed to take into account recent Council resolutions and other changes. Additional projects or changes to the exhibited Program are as follows:

- Deferred projects from 2018/19 to be carried over to 2019/20 (as approved at Council's meeting of 8 May 2019) except for:
 - Water Quality - Dominey Reserve which will be deferred further to 2020/21 as the anticipated grant funding will not be available in 2019/20.
 - Botany Golf Course Site Review - deferred for further consideration.
- Arncliffe Youth Centre - additional funds allocated from AYC reserve
- Bexley Oval Amenities (roof) - additional funds from Infrastructure Levy reserve
- Rockface Wall design (Bardwell Valley) - \$60K allocated from Community Safety Reserve
- McCarthy Reserve rehabilitation - deferred to 2020/21.
- Mascot Memorial Park - deferred to 2020/21

The total estimated cost of the City Projects Program for 2019/20 is \$55.5m and includes:

- Upgrade to Cahill Park Amenities & Café - Stage 1 (\$1.385M)
- Fit out Arncliffe Youth Centre (\$1M)
- Upgrade to Ador Reserve Amenities (\$1.7M)
- Upgrade to Syd Frost Memorial Hall & Amenities (\$1.2M)
- Upgrade to AS Tanner Reserve Amenities & Arche's Hall (\$1.2M)
- Development of Gardiner Park Synthetic Field (\$2.27M)
- Development of Arncliffe Park Synthetic Football Field (\$4.305M)
- Upgrade to Mutch Park Skate Park & Toilets - Stage 2 (\$1.4M)
- Upgrade to Wentworth Ave / Baker Street & Page Street Intersection - Stage 1 (\$4.9M)
- Bonar Street Stormwater Project - Stage 1 (\$2.53M)

- Construction of Cahill Park Seawall - Stage 2 (\$1.45M).

Budget 2019/20

As a recap, the Financial Plan within the 2019/20 Operational Plan forecasts a cash surplus of \$57,656 for 2019/20. This has been achieved by using the following parameters:

- Rates indexed by 2.7 % (Rate Peg set by IPART),
- Operational income indexed by CPI at 3%;
- Operational expenditure indexed by the components of the LGCI (Local Government Cost Index).
- There are no external borrowings in the 2019/20 budget.

The Summer Foreshore Enhancement Program has been included but there is no impact on budget as it is estimated to be cost neutral.

Fees & Charges (Attachment 2)

There has been no public submissions or comment on the exhibited draft Schedule of Fees & Charges. However an internal review is proposing new and/or amendments. Those changes are summarised below:

Family Day Care

- Included Bond (not a new fee but not previously listed under FDC)
- Updated descriptions of Educator Membership Fee

Finance

- S603 Certificate increased to \$85 as a result of Ministerial determination
- Urgent fee for additional certificate reduced to \$78.50 to ensure consistency with same fees elsewhere in the Document

Property

- Updated terms & conditions of venue hire

Recreation

- Updated terms & conditions of hire for Picnics, Events & Exhibitions
- Included updated previous fee for Cricket Wickets Synthetic - Seasonal hourly usage Junior due to an administrative omission from exhibited Fees & Charges.

Rating Structure

The exhibited Revenue Policy indicated that it was accurate as at April 2019. The Rating Table has been updated to reflect changes in land values and generally effects some ad valorem rates in the dollar. It is proposed that Council makes and levies rates in accordance with changes reflected within the Final Delivery Program and Operational Plan (circulated under separate cover).

Financial Assistance

The wording of the section relating to Financial Assistance given by Council has been reviewed and amended to better reflect Council's Community Grants and Donations Policy (circulated under separate cover).

Conclusion

The draft final Delivery Program and Operational Plan 2019-20 circulated under separate cover is submitted for adoption.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	The approval of the Delivery Program and Operational Plan will approve the annual budget for 2019/20.

Community Engagement

Not applicable

Attachments

- 1 Attachment 1 - Public submissions and responses - Exhibition Draft Delivery Program 2018-21 and Operational Plan 2019-20 [↓](#)
- 2 Attachment 2 - Amendments to 2019-20 Fees & Charges - Final [↓](#)
- 3 Final Delivery Program 2018-2021 and Operational Plan 2019/20 [↓](#)

RESPONSES TO PUBLIC EXHIBITION as at close of business 14 May 2019				
ID	Source	Suburb	Comment	Response
1	EMAIL - HYS	Wolli Creek (individual)	Bonar Street in Wolli Creek (near Thompson Street and Guess Avenue) is filled with potholes and the road surface is severely degraded. Council should strongly consider resurfacing the road so that drivers can have safe conditions to drive on	Bonar Street is not scheduled for resurfacing as the condition rating (3) does not deem resurfacing necessary however the potholes will be investigated to address the immediate concerns.
2	EMAIL - HYS	Bexley (Individual)	In the City Projects program section of Council's Draft Delivery Plan (from page 42) Bexley Town Centre is included in the Thriving Town Centres program sharing an amount of \$1.876 million with 6 other centres. I am very grateful for this inclusion. As the owner of both a residential and commercial property in Bexley and representative of the Bexley Chamber of Commerce, I would like to make a submission to Council on any work proposed for Bexley Town Centre within the Thriving Town Centres Plan. To assist this, I would appreciate more detail on how much of the \$1.876 million will come to Bexley Town Centre, what work is envisaged and finally from where it will be financed. I understand that Town Centre improvements are often funded from Local Special Area Levies contributed to by Town Centre commercial property owners such as myself.	Submitted was provided with the information requested to make a submission.
3	EMAIL - HYS	Bexley (Individual)	1. Deliver program strategy- local areas activated with cafes, restaurants- Consider thinking about what would activate and motivate people to support local cafes and restaurants after hours. For example, better street lighting along shopping strips that maximises visibility and enhances safety. This has worked in other areas where shopping strips had become tired and rundown. Consider this for Bexley strip of shops- from Bayview St to Bexley Rd intersection. The section that stretches between the two clusters of shops is a perfect opportunity-it has a footbridge overpass between the two schools.	The Delivery Program includes concept design for the Bexley town centre. Stakeholders will be invited to be part of this process.
			2. Places have their own village atmosphere and sense of identity. It makes assumptions of low levels of identity and connectedness due to safety. This may or may not be true. Fostering village atmosphere and sense of identity has more correlation with public campaigns for residents to 'shop, eat local' and the council could play a part in this campaign by funding a village-specific round of Shop Local, Eat local' posters, full page adverts in the Leader and flag-banners across the respective shopping villages. Ultimately, a success measure could be, more people shopping close to home and eating out within the council boundary areas. It would be great to get our residents focused on spending their money at businesses that are within the same council boundary.	The Delivery Program includes concept design for the Bexley town centre. Stakeholders will be invited to be part of this process.
			3. Public spaces innovative and put people first- this does not map well to the action item related to complaints, or, the success measure. Consider including some installations at the local parks- for example, Silver Jubilee Park is located very close to a number of retirement villages run by the major charities. The local park has nothing on offer for this demographic group; other areas have outdoor fitness machines that promote fitness, agility and movement. This would be inexpensive yet would yield great outcomes for ageing populations. Silver Jubilee Park only caters to young children, with the footpath and playgrounds occupied by children. We must not forget to design our open spaces for the benefit of all residents across the lifecycle continuum. Word spreads quickly, people would come out of their homes, be more active, be more connected and less isolated. This in turn produces positive outcomes and less reliance on government services arising out of greater social connectedness within their community.	A recreation needs analysis is underway to guide our social infrastructure planning process. This will consider local demographics and trends and cultural trends in demand for social infrastructure
			4. There is an appropriate community owned response to threats- Council needs to seriously consider installing barriers (safety barriers or large planter boxes with flowers) alongside Forest Rd between Westminster St and Broadford Street. This shopping street now offers a number of fantastic eateries, restaurants, pizzerias and cafes including the award winning Traditional Gyradikos that is famous across Sydney, has had its profile increased via the TimeOut award and Channel Nine mentions by Karl Stefanovic. There is also a significant number of customers attending this fabulous Greek street food eatery. The shop is on the corner of Westminster and Forest Rd- also the site of many traffic accidents. With al fresco dining, this is a high-risk area and desperately needs council support by way of large concrete planter boxes as barriers or other large barriers to avoid traffic climbing onto footpath where customers are dining.	Council will consider whether there is a strategic need for safety barriers at this site.

RESPONSES TO PUBLIC EXHIBITION as at close of business 14 May 2019				
ID	Source	Suburb	Comment	Response
			5. Other food outlets include: Arthurs Pizza, Anater Lebanese restaurant that also caters for very large groups, weddings and christenings, Mama's café- a specialty café that offers superb breakfasts and lunches and opens very early during weekdays. These businesses are investing significant funds in establishing and running quality food outlets for our local residents. Installing planter boxes along this strip of food outlets would create a distinct zone for eating out and would bring more revenue to the Bexley shopping village between Broadford st and Westminster st. In addition to this, from a safety perspective, the barriers are a requirement to keep al fresco diners given that Forest Rd is a state road and unfortunately, is synonymous with drivers exceeding the speed limit. It also accommodated heavy vehicles that cannot use the M5 tunnel and this is a heightened risk to residents and diners. The installation of barriers or planter boxes would also go a long way in recognising that Bexley town centre has largely been left out of much of the other planning instruments as it does not have a train station and is not recognised as a major precinct.	Council will consider whether there is a strategic need for safety barriers at this site.
			6. 6. Consider including cycle path along Lorraine Avenue all the way from Bexley Rd section to Wolli Creek train station. This would avoid roads with heavy traffic and better connect areas that are not well connected to train stations and avoid extra vehicles on road.	Lorraine Avenue is current identified as a cycle route due to it's suitability.
			7. All segments of our community are catered for – children, families, young people and seniors – this strategic priority should be linking life stages across the core domains of health, housing support activity and recreation. Based on this outcomes-focused analysis, Bexley is not meeting the needs of an ageing population. Its parks should incorporate outdoor exercise equipment for adults. At present, parks including Silver Jubilee park mostly cater for young children and this assumption that only young people utilise equipment is outdated and not supportive of health and active lifestyles for our older residents.	A recreation needs analysis is underway to guide our social infrastructure planning process. This will consider local demographics and trends and cultural trends in demand for social infrastructure
			8. and Our spaces are accessible to all- this strategic priority should be affirmative in how it achieves this, not exclusionary or targeting people with dogs/pets. Consider thinking about how other councils achieve better synergies between dog owners and shared open spaces 9 for example, dog off leash between certain hours of the day) thereby communicating clearly to all that if they do not want to share open spaces with animals, they can avoid those hours of the day. This works in many other councils and Bayside should consider this for many of its green spaces. Recording and reporting of dog attacks does not fit well under this strategic priority. Consider moving under a' Residents with pets are responsible with their animals and communities are compliant with laws and regulations in respect of companion animals. -this strategic priority should map to 'council installing doggy-poo bag dispensers in major parks, including Silver Jubilee Park to encourage people to pick up after their dog. Councils should also encourage dog owners to understand where to get info on pet-care and training so that they are not a nuisance to other residents. This would minimise complaints on barking and shift behaviour toward compliance.	Council is currently preparing a Social Infrastructure Strategy that will consider demand and availability of open space. The Bayside Council website has a Pets and Animals page which provides links to the State Government legislation governing Companion Animals, details where our 'Off Leash Parks' are situated and a wealth of information regarding Pet Registration, Fees and associated educational material.
			9. There is ample scientific research on synthetic playing fields being a health hazard when exposed to heat and extreme temperatures. This should be adequately researched, assessed and scenario tested given children will be utilising the playing fields and in close contact with the surface material.	There is a large body of evidence that doesn't support this claim.
			10. SMART cities – making life better through smart use of technologies: consider installing a CCTV camera on the corner of Westminster St, about ten metres from Forest Rd corner. This is a dumping HOTSPOT as people take advantage of nil residential building in the vicinity. The illegal dumping is an eyesore and WHS hazard to customers frequenting the local restaurants on the vicinity.	The locations of the CCTV cameras are dependent on information provided to Council via CRMS and or local knowledge from known hot-spots. We will review this site to determine the need
			11. Traffic and parking are a thing of the past- this requires closer review particularly given the new and emerging eatery hubs in Bexley between Westminster St and Broadford st. Council should install time limited parking at the top end of both Westminster St and Broadford st Bexley. This is to better facilitate parking options for customers attending eateries and restaurants and deter all day parking in areas with high commercial and retail activity. These parts of Broadford St and Westminster St do not have residential street frontage and as such, would not impede on local residents' ability to park in front of their homes. This shopping strip has several excellent eateries and restaurants. Parking is a BIG problem. A proposal has already been sent to the council to review the shops zoning from B1 to B4 and, to scope opportunities to include additional parking spaces at the top end of both Broadford and Westminster St by reducing the width of the footpath (that is rarely used).This would potentially accommodate 90degree parking for an additional 10 vehicle son either side of the food-eatery hub shopping strip. This area should not be left behind and certainly the Council should be seen as supporting local businesses that have invested in these fantastic eateries.	Council is currently preparing a Transport Strategy that considers parking and transport issues. This will guide Council decision making on planning controls and other related issues.

RESPONSES TO PUBLIC EXHIBITION as at close of business 14 May 2019				
ID	Source	Suburb	Comment	Response
			12. Page 42 indicates funds available for the carparks rehab and renewal program. This could be put toward creating parking for the 'emerging eatery hub' at Bexley village shops between Broadford st and Westminster st. (for Arthurs Pizza, Traditional Grydikos, Anater Lebanese Restaurant, Mama's Café and soon to open Kalamari-seafood eatery Greek street food concept. This is a total of 5 eateries all in the same cluster and council needs to prioritise its support to this area, given that Bexley Village has largely been left out of its major planning projects due to having no train station. This support should then offset the disadvantageous position and enable business to prosper and attract local customers that are able to find parking easily, quickly and within the vicinity of the eateries.	Council is currently preparing a Transport Strategy that considers parking and transport issues. This will guide Council decision making on planning controls and other related issues.
			13. City Projects Program- Asset Forward Planning- pp 45- please ensure council incorporates community safety review for the Bexley 'eateries hub' from Westminster St to Broadford St.	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades
			14. Property & building asset improvement program- consideration to improvements to the Bexley footpath areas alongside the eateries hub	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades
			15. Consider improving and connecting the two sections of shops in Bexley and painting the overpass footbridge that connects the two schools- footbridge is over Forest Rd between Broadford St and Bayview St. This footbridge could accommodate artistic installation, painting of a culturally relevant mural or other.	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades
			16. Transport & road infrastructure program-footpath renewal for Bexley eateries hub between Broadford St and Westminster st and planter boxes or barriers to enhance pedestrian safety.	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades
			17. Consider speed humps to Westminster St to minimise accidents and deter speeding and hooning.	There are no current plans for installing speed humps in Westminster Street. According to the crash data provided by Roads and Maritime Services, there has been 1 injury crash in the street in the latest 5-year period ending March 2018. Speed management devices are installed on an area wide basis for them to be effective and are prioritised for installation at locations
			18. Pp 47 Thriving town centres. Bexley Town Centre has been included in the forward planning for expenditure. Council needs to ensure that Bexley Eatery-hub' shopping village that runs between Broadford st and Westminster St with up to 5-6 eateries is also included in upgrades, footpath or pavement replacements, planter boxes or barriers and lighting so that this fantastic local eatery hub is supported as a thriving town centre within Bayside council. Local businesses have invested significant funds in their fitouts and rely upon council maintaining the streetscape and accessibility to the businesses. A small investment will go a long way in improving the appearance of this part of Bexley village. Most of these business owners are members of the Bexley Chamber of Commerce.	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades
			Of the total funding \$54,191,158 for city program expenditure, Bayside council should consider reviewing historically, the most recent allocation of funds to the Bexley village town centre and eateries hub- between Broadford and Westminster st. Council should ensure that these important and historical shopping and key services' hubs are supported and not left behind, in this momentum of focus on priority precincts. One area should not experience a decline at the expense of another area's growth. This would not be in line with councils' values or its broader objectives. A prosperous business and commercial district in Bexley is to the benefit of its broader community, beyond the business owners interests. It facilitates growth, pride in one's locality and a positive energy and enthusiasm in its local residents.	Council collects funds and maintains the Bexley Local Area Fund Reserve for use in the Bexley Town Centre
4	EMAIL - HYS	Arncliffe (individual)	I would be more than happy to contribute or participate further in any strategic planning meetings.	Noted
			Upgrades to landscaping, lighting, signage at Belmore Reserve, Arncliffe should be included in plan. The park is in terrible condition, is unsafe and should be upgraded to address increased population. The Arncliffe Town Centre will be getting urgently needed upgrades with funding from state government to allow the reasoning to take place. Belmore Reserve is an integral part of the town centre and should be part of these upgrades. Tree planting on Station Street between Belmore Street and Done Street is also required.	Belmore Reserve has been identified in the draft Arncliffe and Banksia Contribution Plan as a reserve that requires embellishment to cater for increased demand that will result from the growth stemming from the Arncliffe and Banksia priority precinct.

RESPONSES TO PUBLIC EXHIBITION as at close of business 14 May 2019				
ID	Source	Suburb	Comment	Response
5	EMAIL - HYS	Bexley (Bexley Chamber of Commerce)	The Bexley Chamber of Commerce Inc. is pleased to submit formal comments on Bayside Councils' current draft Delivery Program and Operational Plan. Our comments are relevant to Bexley Shopping Centre which extends along Forest Road between Dunmore Street in the South and Princes Street in the north, including cross streets. We include all properties zoned as B1 and B4 in this area.	Noted
			THEME ONE - IN 2030 BAYSIDE WILL BE A VIBRANT PLACE.	
			CSP Goal - Our places are people focused Delivery Program Strategy - Local areas are activated with cafes, restaurants and cultural events.	
			<p>Page 11 - Deliver an inclusive Bayside Council Events Program which adds value to our community and City, activated spaces and invigorates town centres.</p> <p>Comment - The Bexley Chamber of Commerce would be pleased to participate in and promote events planned by council for Bexley Town centre in FY20. Places have their own village atmosphere and sense of identity 2019-20 Action</p> <p>Page 12 - Strengthen local business through engagement and collaboration on town centre issues.</p> <p>Comment - Whilst there has been some engagement with local business in Bexley Town Centre through the Bexley Chamber of Commerce this needs to be developed. The Bexley Chamber of Commerce submitted a report to Councils General Manager on 4 February 2019 raising concerns over the state of Bexley shopping centre with a suggested course of action to improve the centre. There were several site inspections following this letter but the matter seems to have stalled. We would like to continue meaningful dialogue with council and ask for a formal response to our letter as a start.</p>	as per 4. -Stakeholder involvement will be sought for the concept design for Bexley Town Centre upgrades. A formal response will issue following the Council Meeting.
			<p>Public spaces are innovative and put people first 2019-20 Action</p> <p>Page 13 - Improve the vibrancy of village centres at Banksmeadow, Swinbourne Street and Kingsgrove village centres.</p> <p>Comment - As Bexley shopping centre has now been included in Councils Thriving Town Centre program in the 2019 - 2020 Operational Plan it should be included with other village centres nominated above.</p> <p>Page 13 - Plan and deliver a range of programs, initiatives and events across all libraries that engage, support and enrich our community.</p> <p>Comment - Bexley Library is in a prime position at the southern gateway to Bexley shopping centre. It's well known and very accessible. It is however underutilised being open on only Mondays and Wednesdays and is currently closed due to water damage. It also does not support the community of Bexley in the same way as do other libraries in the LGA.</p> <p>Page 13 - Promote and enable public access to utilise library spaces including study facilities and meeting rooms.</p> <p>Comment - Many councils such as Georges River support their Chambers of Commerce by offering free office space and meeting rooms. The Bexley Chamber of Commerce would welcome any such initiative by Bayside Council and the library would be an appropriate location for such a facility.</p>	The Bayside Library Team provide a broad range of popular programs within its facilities to the local community. Eg Rhyme Time, Author Talks, HSC preparation talks, School Holiday activities and Cultural Activities. These facilities including meeting rooms are also available to be booked and used by community groups. The Botany Enterprise Centre have booked the Library meeting rooms at a couple of venues to deliver a few business education initiatives to the local businesses throughout the year. The Bexley Chamber of Commerce can do the same. Bayside Council does provide a discounted rate to use the facilities for non-for profit community organisations. Please contact Bayside Council's Manager customer experience
			CSP Goal - Our places are accessible to all Delivery Program Strategy - Assets meet community expectations	
			<p>Page 15 - Ensure Councils' properties and facilities are fit for purpose and meet statutory requirements.</p> <p>Comment - Bexley Library currently does not meet this community expectations as described above.</p>	Library condition and operational assessments are being completed to assist the Council to determine its future. The community will be notified of the outcome of the assessments during the next few months.
			<p>Page 16 - Promote and increase usage of community facilities</p> <p>Comment - The Bexley Community Centre we believe needs to be better promoted. The facilities offered in the centre are not well known to the community and the centre would appear to be underutilised.</p>	Council currently advertises the Centre but will review its advertising to determine a broader range of options.

RESPONSES TO PUBLIC EXHIBITION as at close of business 14 May 2019				
ID	Source	Suburb	Comment	Response
			<p>CSP Goal - My place will be special to me Delivery Program Strategy - Roads, rates and rubbish are not forgotten</p> <p>Page 17 - Provide and effective cleaning program of town centres.</p> <p>Comment - I have attended numerous inspections of Bexley Town Centre with representatives of Councils City Presentation Directorate. These walkthroughs were arranged to discuss consistency of town centre cleaning and maintenance and I thank the various Councils officers for their attendance and actions following these inspections. What is still lacking however is a holistic, quality controlled and accountable plan for cleaning and maintenance of the centre. For example street cleaners generally do a reasonable job of keeping streets clean but responsibility for litter control within garden beds would appear to be with the parks and open spaces team along with garden maintenance. I would like town centre inspections to continue perhaps every 3 months or so perhaps prior to meetings of Councils' Public Works and Maintenance Committee.</p>	<p>Waste & Cleansing Services – Bexley Town Centre Street Sweeping occurs at 4am daily 7 days a week and a maintenance run occurs at 10am from Monday to Friday. For the maintenance run 2 staff walk through the town centre and litter pick and clean mainly at the bus stops when the busy period of school children have left the area. Parks & Open Space – Bexley Town Centre has a maintenance crew that services the town centre fig trees and several garden islands, mulching of car park area in Albyn Street and also maintain a garden in Orient Street. This is maintained on a monthly schedule. The mowing crew attends to the nature strips in Albyn Street car park area on a monthly schedule.</p>
			<p>Delivery Program Strategy - Gateway sites are welcoming and attractive</p> <p>Page 17 - Upgrade gateway signage</p> <p>Comment - There are limited gateways to Bexley Town Centre. One is located at the southern end at the junction of Forest Road and Albyn Street and another on Bexley Road adjacent the abandoned tennis courts. These need to be reviewed and upgraded with additional gateways established along other approach roads to Bexley Town Centre.</p>	<p>A town centre wayfinding design is being developed. The roll out program has not yet been established.</p>
			<p>THEME THREE - IN 2030 BAYSIDE WILL BE GREEN, LEAFY AND SUSTAINABLE.</p> <p>CSP Goal - We are prepared for climate change Delivery Program Strategy - Waterways and green corridors are regenerated and preserved.</p>	
			<p>Page 26 - Maintain all garden areas on council assets within LGA. Undertake landscape & construction maintenance services.</p> <p>Comment - Bayside Council are currently rejuvenating street planting in Bexley shopping centre along Forest Road with a very pleasing result. Council offices involved in this process are to be commended for their efforts here. As a further initiative I suggest that Council support and encourage community gardens where space is available as well as nature strip gardens. Another strategy that needs to be addressed is the need to inspect and clean drainage pits and pipework systems on a regular basis to minimise the impact of flash flooding should extreme rain events be more frequent with climate change.</p>	<p>Council supports community gardens and has a community gardens policy, available for review on the Council website. The policy covers both verge gardens and larger group community gardens.</p>
			CITY PROJECTS PROGRAM	
			Sub-Program Building - Renewals & Rehabilitation (page 42)	
			<p>Comment</p> <p>A project is listed to replace HVAC to Bexley Community Centre. What are council's plans for the Library at the other end of Bexley that is badly in need of repair? The library would not appear to have been maintained for many years. It is approaching derelict condition with rotting timberwork, peeling paint, rusted out gutters and leaking roof.</p>	<p>There is a library review underway. Condition and operational assessments are being completed to assist the Council to determine its future. The community will be notified of the outcome of the assessments during the next few months.</p>
			Thriving Town Centres (page 47)	
			<p>Comment</p> <p>The Bexley Chamber of Commerce is pleased to see that Bexley Town Centre has now been included on this program. We have been told by Mr Fausto Sut, Councils' Manager of Governance and Risk that: "... An amount of \$40,000 is earmarked for the Bexley Town Centre subject to the Capital Works Program being approved by Council. This money will be used to scope and design improvements to the Centre which will then assist in informing future financial year budgets. I understand that as part of the scope and design work to be undertaken there will be further consultation with the Chamber and obviously Council is aware of some of the Chambers' priorities from its February submissions." We look forward to further discussions with council in this regard.</p>	<p>The chamber of commerce will be involved as a stakeholder during the concept design for town centre improvements</p>
			<p>The committee of the Bexley Chamber of Commerce would like to congratulate all those involved in Bayside Council for their "Have Your Say Website". We will continue to promote this initiative through our Facebook page and other sites that we contribute to.</p>	<p>Noted with thanks</p>

Child Care

Fee Name	Fee Description	Previous Fee Incl. GST (where applicable)	Proposed Fee Incl. GST (where applicable)	Variation \$	Unit
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Family Day Care

Educator Fees

Bond - 2 weeks		2 weeks notice or 2 weeks fees x number of days in care	2 weeks notice or 2 weeks fees x number of days in care		Per Child
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Coordination unit fees

New educator registration fee	Educators will receive 4 weeks educator membership levy upon initial Registration	\$275.00	\$275.00		Per educator
Educator membership fee (annual option)	Charged weekly for a minimum of 48 weeks and maximum of 52 weeks	\$55.00	\$27.50	-\$27.50	Per week
Educator membership fee (quarterly option)	Charged weekly for 13 weeks per quarter	\$62.00	\$31.00	-\$31.00	Per week

Finance

Fee Name	Fee Description	Previous Fee Incl. GST (where applicable)	Proposed Fee Incl. GST (where applicable)	Variation \$	Unit
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603 Certificates

Rating certificates (set by the Minister)		\$80.00	\$85.00	\$5.00	Per Certificate
Additional fee for urgent certificate		\$75.00	\$78.50	\$3.50	Per Certificate

Property

Fee Name	Fee Description	Previous Fee Incl. GST (where applicable)	Proposed Fee Incl. GST (where applicable)	Variation \$	Unit
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Venue Hire

Hire is subject to availability and the terms and conditions of the hire agreement The following categories apply to Council facilities:

- Category A Full Fee - to apply to Commercial and Private Hire.

- Category B Discounted Fee - A discount may apply for Community Service Organisations and Local Not for Profit Groups (including playgroups)

- Category C No Charge -the following groups have been granted special exemption by Council:- the Rockdale Opera Company, the Rockdale Musical Society and the Regals Musical Society. No charge also applies to Seniors Groups using Senior Citizen Centres.

Recreation

Fee Name	Fee Description	Previous Fee Incl. GST (where applicable)	Proposed Fee Incl. GST (where applicable)	Variation \$	Unit
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Picnics, Events & Exhibitions

Hire is subject to availability and the terms and conditions of the hire agreement The following categories apply to Council facilities:

A discount may apply for Community Service Organisations and Local Not for Profit Groups (including playgroups).

Sporting fields

Junior Sports - Under 18 years old (Former Rockdale LGA) no charge Seasonal bookings subject to minimum 20 bookings.

Cricket Wickets Synthetic

Seasonal hourly usage Junior	\$10.25	\$11.00	\$0.75 Per Hour
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Bayside 2018-2030

Delivery Program

2018-2021

Operational Plan

2019-2020



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Mayor's Message



I am delighted to present Bayside Council's Delivery Program / Operational Plan to 2020, which sets out our priorities and the actions we will take to improve the quality of life for our residents and business owners across Bayside.

We manage 55km² area and house a residential population of 156,500 people. Our local economy provides 94,923 local jobs, with the largest portion working in the transport, postal and warehousing sectors.

Bayside plays a significant role in the bigger picture for Sydney, forming part of the Eastern City in terms of the Greater Sydney Commission. We are vitally important to the success and prosperity of our global city, with key partners and infrastructure including Sydney International Airport and Port Botany, amongst the industries operating within our boundaries.

Our population is growing at a rapid rate and is estimated to reach 212,836 by 2036. We must remain prosperous and provide great places to live and work, so Council is focussed on planning for our larger community by protecting our open space and providing state-of-the art facilities to cater for the strong growth predicted in our area.

We will continue to maintain existing infrastructure and explore new infrastructure opportunities to keep pace with the change. Our partnerships with all levels of government will focus on transport, infrastructure, land use, housing, health, education, heritage and environment.

We will also continue working positively with the private sector and our neighbouring Councils, taking a leadership role to create a more liveable, productive and sustainable city for residents, businesses and visitors to Bayside.

On behalf of Councillors, I thank you for the submissions and feedback you have provided. These partnership opportunities allow us to work with you to understand the needs of our neighbourhoods and centres.

Together, we can plan a brighter future for Bayside.

A handwritten signature in black ink, appearing to read 'Bill Saravinovski', written over a horizontal line.

Cr Bill Saravinovski
Mayor

Message from the General Manager

There are many new challenges for Council in the coming years and these are reflected in this Delivery Program and Operational Plan.

Technology will be a big focus for us to enable smarter solutions for moving people, goods and services across our local government area. The evolution of smart cities thinking into our work, will ensure we are using technology to enhance the lives of our residents. Smart Cities talks about things like smart parking; energy efficiency; improved community safety and mobilised service delivery. Our existing work continues to update ageing infrastructure and ensure urban renewal projects deliver liveability and sustainability outcomes to our community.

Our parks have beautiful, established green trees and shrubs and we will continue to care for these in our natural environments and established open spaces. Through this plan, we will undertake more intensive plantings to connect our green links and add to our street tree canopy throughout Bayside.

Working with you, we will foster a stronger, more connected community that celebrates artistic and creative activities, is respectful of our heritage and considers both Indigenous and non-Indigenous cultures.

Our planning for the future will involve a new Local Environmental Plan that will consider all housing choices for our community. From affordable local housing and better and more social housing to help people who want to change housing type but stay within the local area.

Established commercial areas in Bayside must continue to support our economic future including a more resilient approach to the impacts of climate change.

I encourage you to partner with Council to deliver the services and facilities that you want for our community.



A handwritten signature in black ink that reads "Meredith Wallace".

Meredith Wallace
General Manager

About Bayside

Bayside Council was formed in September 2016, following the amalgamation of the City of Botany Bay Council and Rockdale City Council.

Bayside is a cultural mix of communities from Australia and all over the world living in a diverse landscape of urban sprawl, medium density and high rise development, alongside beautiful beaches, parklands and natural wetlands.

The area has an emerging identity and a future filled with promise and opportunity.

Central to the area are the state significant transport hubs of Kingsford Smith International Airport in Mascot and Port Botany container terminal which provide an entry point for NSW's ever expanding tourism industry and a central location for the distribution of goods into and around Australia.

The local government area stretches over twenty nine (29) suburbs from Bexley and Kingsgrove in the west, to Pagewood and Daceyville in the east, Arncliffe in the north through to Mascot and down to the coastal communities of Brighton Le Sands and Sandringham.

The future completion of major works including the WestConnex link and exciting urban renewal projects and developments planned for Cooks Cove and Turrella will firmly establish Bayside as a gateway to the Sydney CBD, eastern and southern suburbs.

Changing and emerging patterns of employment coupled with improvements to existing public transport links and State Government plans for new Train Links and light rail services will strengthen Bayside's position as a location of choice for residential living.

Who lives here

Bayside has a population of 164,880 people. This is projected to increase to around 209,000 people in 2031. 47% of the community were born in Australia and 1% of these are indigenous. 73.7% are Australian citizens.

While the main language spoken at home is English, 41% of Bayside residents come from countries where English is not the first language. The main overseas countries of birth are China, Nepal, Bangladesh, England and Indonesia. 8.2% of residents do not speak English fluently.

Improvements to health services and more positive attitudes to ageing have seen the number of residents aged 70 years and over increase by 1% to 10.5%. Conversely Bayside's population of people aged 25 - 34 years is significantly higher than the Greater Sydney average with 19.7% compared to 16.1%.

Where do we live

Increasing urbanisation of the area into increasing numbers of medium and high density housing has impacted on where and how we live. Bayside is spread over 50 square km with 33.02 persons for every hectare.

There are 62,036 dwellings with an average household size of 2.65 people in every household.

In the Bayside area, 55% of households were purchasing or fully owned their home, 32.4% were renting privately, and 4.2% were in social housing. While 29.8% of these households are lived in by couple families with children, 25.7% house people living alone.

About Council

Local government plays a key role within Australia's system of government. It is the level of government closest to the people and gives people a say in matters affecting their local area.

Bayside Council was formed in September 2016, following the amalgamation of the City of Botany Bay Council and Rockdale City Council.

Bayside Council works within the laws established by NSW Parliament and the legislative framework outlined under the NSW Local Government Act 1993.

This framework gives Council broad powers to plan for and provide a wide variety of services and functions and enforce relevant federal, state and local laws for the community. These include those affecting public health, traffic, parking and animal management.

Additionally, Councils establish and maintain community infrastructure such as community buildings, libraries, sport and recreation facilities, parks, gardens and roads.

Council is constantly reviewing its policies, practices and procedures to ensure it is providing continual improvement and good governance to the community.

Governance

Principles of Good Governance

Good governance exists when Council makes decisions for and on behalf of its community. This means having the best possible processes in place to ensure Council is able to make the best possible decisions.

The key characteristics of good decision making are:

- ▶ *Accountability.* Local government has an obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.

- ▶ *Transparency.* People should be able to follow and understand the decision-making process. This means that they will be able to clearly see how and why a decision was made – what information, advice and consultation council considered, and any legislative requirements Council was required to follow.
- ▶ *Equity.* Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner. This means that all groups, particularly the most vulnerable, should have opportunities to participate in the process.
- ▶ *Participation.* Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. A community's wellbeing results from all of its members feeling their interests have been considered by council in the decision-making process.
- ▶ *Implementation.* Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.

Decision Making

Effective decision-making demonstrates to the community and other stakeholders that Council is operating with transparency, probity, and in the best interests of all concerned. Sound decisions withstand scrutiny by regulators, courts and the media.

Decision-making occurs at many levels within Council – it is supported by various forums that comprise councillors, staff, community members and/or independent specialists. Council strives to have effective decision-making processes in place that underpin excellence in governance.

There are four groupings of meetings:

- ▶ Councillor meetings (Council, GM Briefing Sessions)
- ▶ Statutory Committees (Planning Panel and Traffic)
- ▶ Advisory Committees
- ▶ Administrative Committees (Executive and Leadership)

Community Engagement

Through the implementation of its Community Engagement Policy, Bayside Council works hard to establish opportunities for valuable two way communication with the community.

Council utilises a variety of platforms to ensure all areas of the community are able to participate in the decision making and direction of Bayside and to access information and decisions that impact on their lifestyle, wellbeing and environment.

Our methods of consultation and engagement are a consistent mix of direct mail, surveys, the use of community newspapers and community newsletters, digital platforms such as social media and *Have Your Say Bayside* portal.

In order to specifically target different community groups engagement methods also involve targeted strategies such as focus groups, one on one interviews and pop up stalls which vary depending on the project and the community we are trying to reach.

Council also seeks community representation from suitably qualified and experienced people on internal Council Advisory Committees and values the input provided by those representatives to help make decisions about matters impacting on the community.

100 Resilient Cities

The 100 Resilient Cities initiative helps cities around the world become more resilient to the physical, social and economic challenges that are a growing part of the 21st century. Bayside Council is an active member of the Resilient Sydney initiative. This initiative has been developed to help Sydney respond to stresses such as a lack of housing affordability, transport congestion and chronic illness and shock events such as extreme heat, storms and flooding or bushfires and cyber attacks.

In July 2018 Resilient Sydney released its first Resilient Sydney Strategy: Resilient Sydney – A strategy for city resilience 2018 (https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0013/303700/Resilient-Sydney-A-strategy-for-city-resilience-2018.pdf). This strategy sets the direction that must be taken to strengthen Sydney's ability to survive, adapt and thrive in the face of increasing global uncertainty and local shocks and stresses. This strategy calls for business, government, academia, communities and individuals to lead and work as

one city. The Strategy was developed after consultation with over 1000 people and over one hundred organisations.

The resilience challenges and opportunities for Sydney are described as five directions in the Resilient Sydney Strategy.

► Direction 1: People Centred City

We include communities in decision making for growth and equity, so people connected to where they live and able to access transport, affordable housing and education and employment opportunities.

► Direction 2: Live with our Climate

We adapt to sustain our quality of life and our environment, so people have access to public and recreation space and natural environments throughout the city for climate comfort and safety, health and city connections.

► Direction 3: Connect to Strength

Every Sydneysider will feel they belong in Sydney as part of the community with equal access to engage in society, the economy and all the city has to offer.

► Direction 4: Get Ready

We know how to prevent, prepare, respond and recover, where Sydneysiders and organisations understand the risks they face and how to work together to respond to them, now and in the future

► Direction 5 One City

We are one city, where governing organisations across Sydney pledge to build their capacity to understand and manage vulnerabilities, interdependencies and risks for everyone in a resilient metropolitan Sydney.

Each of these direction have a number of key actions identified whose implementation will deliver the change to create a more Resilient Sydney.

Within this Operational Plan Bayside Council has identified a number of actions it will be undertaking which will support the delivery of a more Resilient Sydney, refer to action tables below.

How to read this plan...

The Delivery Program and Operational Plan are part of the Bayside 2030 Plan which is Council's Integrated Planning and Reporting framework. They should be read along with the Community Strategic Plan and Resourcing Strategy.

Delivery Program

This Delivery Program shows our response to the community's long term goals, identified through community engagement and documented in the Community Strategic Plan. It is a commitment to our community from the elected Council and identifies the actions our organisation will take to work towards that commitment.

As well as the work that we do throughout the LGA, Council has an important role to play in advocating for and partnering with other agencies to achieve local outcomes.

The Delivery Program is linked to the Workforce Management Plan, Long Term Financial Plan and Asset Management Strategy. They have been developed to ensure that Council is in the best possible position to deliver community priorities while continuing to provide services at current levels.

The 2018 - 2021 Delivery Program is designed as the single point of reference for activities undertaken throughout the organisation for the three years 2018-2021. All plans, projects, activities, funding and resource allocations are directly linked to the Delivery Program.

The Delivery Program is structured on the themes outlined in the Community Strategic Plan - *Bayside 2030*.

The themes for the Operational Plan are:

- ▶ Theme One - In 2030 Bayside we will be a vibrant place.
- ▶ Theme Two - In 2030 our people will be connected in a smart city
- ▶ Theme Three - In 2030 Bayside will be green, leafy and sustainable
- ▶ Theme Four - In 2030 Bayside will be a prosperous community

Each theme has a number of indicators – data that can be collected and used to measure the impact of our activities as well as our operational commitments to the community.

As well as the four themes identified in the Bayside 2030 Community Strategic Plan, the Delivery Plan includes a commitment to Council's role as a trusted leader in the community.

Operational Plan

The Council's one-year Operational Plan for 2019 - 2020 sits within the Delivery Program. It spells out the actions and projects that will be undertaken by the Council in 2019 - 2020 towards achieving the commitments made in the Delivery Program and Community Strategic Plan.

The Operational Plan also provides detailed information on the budget including a breakdown on each service area, our revenue policy which sets out the rates, charges and levies which form part of our revenue stream, our fees and charges for the services provided, and a list of capital works projects. The Operational Plan is maintained and revised annually to show progress.

Theme One

In 2030 Bayside will be a vibrant place

Built forms focus on efficient use of energy, are sympathetic to the natural landscape and make our area a great place to live. Neighbours, visitors and businesses are connected in dynamic urban environments.

Delivery Program Indicators...

- ▶ Community satisfaction with range and quality of local cultural events and activities increasing (source 2018 Community Satisfaction Survey benchmark)
- ▶ Reported Crime statistics (Source BOCSAR)
- ▶ Community perception of attachment to local area (source 2018 Community Satisfaction Survey benchmark)
- ▶ Community satisfaction with quality of local developments (source 2018 Community Satisfaction Survey benchmark)

Our Operational Commitment to the Community...

Development

- ▶ We will turn around Complying Development Certificates within 20 working days
- ▶ We will decrease the Development Assessment turn-around time
- ▶ We will decrease the average Development Assessment Pre-lodgement Time

Compliance

- ▶ We will make sure that reported dog attaches in the local area are recorded on the Companion Animal Act within 72 hours

- ▶ We will increase the number of regulated premises (ie food business, skin pen, hairdressers) that pass compliance regulations
- ▶ We will respond to graffiti removal requests within 72 hours

Public Spaces

- ▶ We will clean all beaches fortnightly
- ▶ We will ensure flood lighting of our active parks are operational at all times
- ▶ We will ensure all Council tenants have a current lease/ license

A Snapshot ...

Summary of the key components

New Initiatives

- ▶ Constructing Synthetic Fields at Gardiner Park & Arncliffe Park
- ▶ Undertaking Botany Town Hall Roof Restoration & Access Improvements
- ▶ Undertaking Rockdale Park Water Feature Renewal
- ▶ Constructing Cahill Park Amenities & Café
- ▶ Finalising the draft Bayside Local Environmental Plan (LEP) & Bayside Development Control Plan (DCP)

Business as Usual

- ▶ Proactively maintaining our facilities to ensure they are meeting the community's needs and expectations
- ▶ Carrying out turf maintenance of approx..400 parks and reserves for the community to enjoy
- ▶ Promoting the use of footways for outdoor dining and retailing to invigorate town centres
- ▶ Delivering an inclusive Bayside Council Events Program to activate public spaces

The Details ...

CSP Goal	Delivery Program Strategy	2019-20 Action
Our places are people focused	Local areas are activated with cafes, restaurants and cultural events	Conduct mandatory annual inspections of regulated premises (eg. food businesses, skin penetration, hairdressers)
		Deliver an inclusive Bayside Council Events Program which adds value to our community and City, activates public spaces and invigorates town centres
		Deliver Bayside Arts Festival including Sculptures @ Bayside, the Visual Arts prize and photography competition
		Engage with the local arts community through the Georges River and Bayside (GRAB) Arts and Cultural Forum
		Finalise and implement Bayside Council Draft Community Safety Plan, with a focus on external partnerships, addressing community perceptions of safety (Resilient Strategy Direction 3 Action 20)
		Identify opportunities for public art through development applications and place based planning and ensure that they comply with Council's Public Art policy
		Partner with community organisations to deliver a wide range of community events including Seniors and Youth Week activities (Resilient Strategy Direction 1 Action 6; Direction 3 Action 18)
		Promote and oversee the use of footways for outdoor dining and retailing

CSP Goal	Delivery Program Strategy	2019-20 Action
		Support and celebrate our culturally diverse community through community led local initiatives (Resilient Strategy Direction 3, Action 20)
		Upgrade Beach Hut Dolls Point
		Upgrade Cahill Park Amenities & Café
	Places have their own village atmosphere and sense of identity	Finalise and implement the Rockdale Town Centre Master Plan
		Finalise acquisitions associated with the Rockdale Town Centre Masterplan
		Finalise Eastlakes Town Centre Masterplan
		Finalise the Economic & Centres Strategy (Resilient Strategy Direction 1 Action 4)
		Finalise the Brighton Le Sands Master Plan
		Implement Arncliffe and Banksia Public Domain Plan
		Strengthen local business through engagement and collaboration on town centre issues
		Undertake Banksmeadow Town Centre rehabilitation & traffic improvements
		Undertake planning and design of Swinbourne Street
		Improve Ramsgate Beach TC Wayfinding Signage
		Undertake Botany Town Hall roof restoration & access improvements
	My community and Council work in partnership to deliver better local outcomes	Assets provided to Council by developers (i.e. contributed assets) will be designed and constructed to a high quality and the design review times will be reduced
		Continue to work with DPE to implement Kogarah Collaboration Area
		Continue to work with Sydney Water for naturalisation of Muddy Creek
		Develop and Continue to work with DPE to implement the Kogarah Collaboration Area with the Greater Sydney Commission
		Finalise and implement an Outdoor Advertising Policy in accordance with State Environmental Planning Policy 64
		Finalise and implement the Arncliffe – Banksia s.7.11 Development Contributions Plan
		Finalise Bayside Housing Strategy which facilitates housing diversity including affordable housing (Resilient Strategy Direction 1 Action 7)
		Finalise the draft Bayside Local Environmental Plan (LEP) (Resilient Strategy Direction 1 Action 1)

CSP Goal	Delivery Program Strategy	2019-20 Action
		Finalise the Land Use Limitation Study (Resilient Strategy Direction 1 Action 1)
		Finalise the Bayside Local Strategic Planning Statement
		Finalise the draft Bayside Development Control Plan (DCP) (Resilient Strategy Direction 1 Action 1)
		Implement the Bayside Voluntary Planning Agreement Policy
		Improve lease/licence arrangements for open space land owned by other government agencies
		Plan for and advocate to minimise the impact of the proposed F6 / WestConnex
		Progress planning proposals to amend the Local Environmental Plan and Development Control Plan
		Provide planning advice to the organisation
		Start to prepare a Bayside s.7.11 Development Contributions Plan to consolidate Rockdale and Botany Bay Plans
		Use digital platforms to increase utilisation and improve customer experience when booking sporting facilities and open space parks
	Public spaces are innovative and put people first	Achieve value for the community in response to any F6 property acquisition notices issued by the Roads and Maritime Services
		Develop a Bayside Property Strategy to optimise community benefits
		Improve the vibrancy of village centres at Banksmeadow, Swinbourne Street and Kingsgrove village centres
		Plan and deliver a range of programs, initiatives and events across all libraries that engage, support and enrich our community
		Promote and enable public access to utilise library spaces including study facilities and meeting rooms
		Respond to community complaints about unauthorised development, uses or unsafe structures
	There is an appropriate community owned response to threats	Review and update Bayside Park's Plan of Management
		Support Bayside Local Emergency Management Committee and provide assistance to emergency agencies (Resilient Strategy Direction 4 Action 29)
Our places connect people	Walking and cycling is easy in the city and is located off road in open space where possible	Improve cycleways at Bayside East

CSP Goal	Delivery Program Strategy	2019-20 Action
	We are one city with shared objectives and desires	Manage community bookings through an online booking system
		Manage the Design Review Panel for development applications in accordance with legislative requirements
		Manage the Design Review Panel for Planning Proposals in accordance with legislative requirements
		Prepare submissions and reporting to Council on environmental planning instruments and policy
		Prepare submissions and reporting to Council on state significant development
		Provide a development advisory service
	Our heritage and history is valued and respected	Provide an effective development assessment service
		Finalise Bayside Heritage Strategy including Indigenous Heritage Strategy
		Implement the outcomes of the Library Services review
		Maintain the Heritage Conservation Management Plans Register for key community facilities
Our places are accessible to all	Open space is accessible and provides a range of active and passive recreation opportunities to match our growing community	Plan, promote and implement collaborative Local History & Museum programs
		Prepare Conservation Management Plans for individual buildings
		Preserve, maintain and create community history collections that are accessible to the community
		Construct a synthetic playing field at Arncliffe Park
		Construct a synthetic playing field at Gardiner Park
		Deliver Sporting facilities and bookings Policy to ensure community focused sports and recreation services
		Enforce the Companion Animal Act
		Ensure all active and passive parks and well maintained and fit for purpose
		Finalise the Social Infrastructure Strategy (Resilient Strategy Direction 1, Action 5; Direction 3 Action 16)
		Implement the Disability Inclusion Action Plan
		Maintain Council's civil assets being roads, drainage, kerb and gutter and footpaths
		Manage parks, recreation and open space bookings through an online booking system
		Upgrade Rockdale Park including water feature and amenities renewal
		Upgrade Cahill Park Tennis Courts
		Upgrade Ador Reserve fencing

CSP Goal	Delivery Program Strategy	2019-20 Action
	<p>SMART cities – making life better through smart use of technologies</p> <p>Assets meet community expectations</p>	Renew Hensley Reserve Athletic Synthetic Track
		Deploy mobile CCTV cameras in response to identified illegal dumping hotspots, reports of anti-social behaviours and requests from police
		Explore opportunities to use technology to provide better outcomes for the community
		Administer Council's Graffiti Removal Program in accordance with Council's policy
		Audit and monitor seasonal permits for sporting facilities and open space
		Deliver parks and open space bookings through effective systems and procedures
		Deliver sport and recreation services to the community through Council's Aquatic Centres, Golf Courses, Tennis and Squash Courts and other facilities
		Design and document access improvements to Botany Town Hall including a lift
		Develop and maintain key partnerships to improve community safety (Resilient Strategy Direction 3 Action 20)
		Ensure Council's properties and facilities are fit for purpose and meet statutory requirements
		Explore parking and redevelopment opportunities for the Boulevard Carpark, Brighton Le Sands in accordance with adopted parking strategies and the masterplan
		Implement 50 asset condition audits for Council owned buildings
		Implement a city wide asset condition audit for Council footpaths, shared paths and cycle paths
		Implement a city wide asset condition audit for Council open space infrastructure
		Implement a proactive maintenance program of facilities (pest control, cleaning , fire safety etc)
		Implement the Bayside Asset Management Strategy
		Implement the Fire Safety Awareness and Action Program including the management of Annual Fire Safety Statements
		Investigate grants and funding opportunities to enhance sport and recreation facilities within Bayside LGA
		Maintain flood lighting within active parks
		Prepare a feasibility study into Bayside East Flood mitigation options (Resilient Strategy Direction 4 Action 25)
		Promote and increase usage of community facilities
		Property acquisitions and disposals are actioned in accordance with adopted strategies and Council resolutions

CSP Goal	Delivery Program Strategy	2019-20 Action
		Report on the leasing performance of the Bayside Real Estate Portfolio - new leases, renewals and income
		Report on the leasing performance of the Mascot Administration Building and Coronation Hall
		Upgrade Bonar Street & Mt Olympus Lighting
		Undertake Bridges and Structures Rehab and Renewal Program including Swinbourne St retaining wall
		Upgrade Moate Ave Community Centre HVAC
		Undertake Cahill Park Seawall Construction (Stage 2)
		Undertake restoration of Council assets impacted by public authorities works
	Bayside provides safe and engaging spaces	Comply with Council's obligations under the Development Agreement to progress the construction of the Arncliffe Youth Centre
		Continue to support the Summer Foreshores Program
		Develop a Bayside Bus Shelter Strategy incorporating outdoor advertising opportunities
		Masterplan the former Brighton Fisherman's Club Site, Kyeemagh
		Report on the progress of the Bayside City Projects Program
	People who need it can access affordable housing	Advocate for affordable housing (Resilient Strategy Direction 1 Action 7)
		Investigate affordable housing contribution scheme (Resilient Strategy Direction 1 Action 7)
		Prepare the Community Housing Provider governance framework
		Provide property support for the development of Affordable Housing Property Strategy (Resilient Strategy Direction 1 Action 7)
	We welcome tourists to our city	Continued implementation of branding of Bayside Council
My place will be special to me	Traffic and parking are a thing of the past	Enforce NSW Road Rules School Parking Patrol Program
		Ensure regulation of timed parking in shopping centres and business centres
		Explore opportunities for smart parking
	Roads, rates and rubbish are not forgotten	Conduct litter collection along Bayside's 8km of beachfront mechanically
		Deliver an efficient street sweeping program across the Bayside Local Government area
		Enforce the Abandoned Vehicle Policy by confirmed abandoned vehicles removed from road

CSP Goal	Delivery Program Strategy	2019-20 Action
		Provide an effective cleaning program of town centres
		Undertake litter education campaigns
		Undertake the Kerb and Gutter Renewal Program
		Undertake the Road Pavement Renewal Program
	Gateway sites are welcoming and attractive	Ensure Bayside Council creates and maintains partnerships with government agencies and external bodies to advocate on behalf of the community (ie SSROC, AMAC)
		Improve traffic flow at Wentworth Avenue; Page Street and Baker Street intersections
		Upgrade gateway signage

Theme Two

In 2030 our people will be connected in a smart city

Knowledge sharing and collaboration ensures that we have the expertise and relationships to lead with integrity, adapt to change, connect vulnerable people to community and effectively respond in times of adversity and stress

Delivery Program Indicators...

- ▶ Residents feel they are able to engage with Council in a manner of their choosing (source 2018 Community Satisfaction Survey benchmark)
- ▶ Satisfaction with the reliability and quality of Council's public IT services (source 2018 Community Satisfaction Survey benchmark)
- ▶ Increased attendance and participation at Community Forums (source Council data)
- ▶ Levels of volunteering increase (source ABS Statistics)

Our Operational Commitment to the Community...

Engagement

- ▶ We will increase resident satisfaction with the range of community groups and support networks
- ▶ We will increase the number of communication resources published to the community
- ▶ We will increase the number of residents involved in the 'Talking Bayside' Community Panel

Community Services

- ▶ We will adhere to National Quality Framework for education and care services

- ▶ We will increase our utilisation rates of community facilities
- ▶ We will increase our utilisation of long day care and school aged care
- ▶ We will increase our community interactions through library services (members, visitors, computer sessions)

Technology

- ▶ We will increase the number of smart forms and online services for the community
- ▶ We will increase our social media reach (likes and followers)

A Snapshot ...

*Summary of the key components***New Initiatives**

- ▶ Increasing the number of smartforms and online services for the community
- ▶ Upgrading Ador Reserve amenities
- ▶ Upgrading Mutch Park Skate Park
- ▶ Reviewing the Communication & Community Engagement Strategy to improve our understanding of the community's needs
- ▶ Developing a Reconciliation Action Plan to increase engagement with our Aboriginal & Torres Strait Islander community

Business as Usual

- ▶ Engaging the community through a variety of methods to ensure we respond to the community's needs
- ▶ Delivering a range of community services including services and activities for children, youth, older people, families and culturally & linguistically diverse residents
- ▶ Conducting food handling workshops with food businesses to ensure safe practices
- ▶ Holding Pop up Libraries in target areas to engage with the wider community

The Details ...

CSP Goal	Delivery Program Strategy	2019-20 Action
We benefit from technology	Council engages with us and decision making is transparent and data driven	Councillors utilise social media to engage with the community
		Develop and maintain the 'Talking Bayside' Community Panel (Resilient Strategy Direction1 Action 6)
		Engage the community through a variety of methods as outlined in Council's Communication & Community Engagement Strategy (Resilient Strategy Direction1 Action 6)
		Ensure all documents are produced in accordance with Council's image and branding
		Improve community engagement at Council events
		Review and update the Delivery Program & Operational Plan for 2020/21
		Review the Communication & Community Engagement Strategy

	We can access information and services online and through social media	Continue to monitor and update website content to provide accessible and up to date information on activities, events and services across Bayside
		Implement online services and smart forms
		Improve online presence on Social Media
		Maintain accurate property register to reflect changes to registered strata and deposited plans
		Ongoing issuing of planning certificates
		Produce newsletters (quarterly), media releases, e-newsletters (monthly) to inform the community about Council
		Provide access to Telephone Interpreter Service so key documents are available in alternative languages
	We are a digital community	Implement Bayside Council Digital Technology Strategy
		Plan, source and provide collections and resources that respond and support the community's educational and recreational needs
	Technological change has been harnessed and we are sharing the benefits	Enhance our digital platforms
		Implement a Social Media Strategy including policy, framework and content management approach across all platforms
		Implement an online facility booking system
		Publish Council's events calendar – providing quarterly updates to the community
We are unified and excited about the future	Community leadership is developed and supported	Ensure a response to media enquiries in timely manner
		Work with key stakeholders including NSW Family and Community Services (FACS), South East Sydney Local Health District (SESLHD), community partners and NGOs to address identified gaps (Resilient Strategy Direction 1 Action 6)
	We are all included and have a part to play in the city	Citizenship Ceremonies conducted and presided over by the Mayor - to recognise our diversity and acknowledge our newest citizens
		Implementation of an employee self-service to ensure application of leave and other employee activities are effective, efficient and provides relevant governance control measures
	The city is run by, with and for the people	Develop a long-term Staff Accommodation Strategy
		Provide advice on event planning as requested
The community is valued	Aboriginal culture and history is recognised and celebrated	Develop a Reconciliation Action Plan and implement actions to increase interaction with our Aboriginal & Torres Strait Islander community (Resilient Strategy Direction 3, Action 17)

	We are a healthy community with access to active recreation and health education	Co-deliver Connecting Communities program in partnership with South Eastern Sydney Local Health (SESLHD) (Resilient Strategy Direction 1 Action 6; Direction 3 Action 18)
		Collaborate with the Office of Sport to contribute to positive regional outcomes, planning and grants opportunities
		Conduct a minimum of 4 Food handling Workshops with food businesses across our Local Government Area
		Construct a skate park at Mutch Park to increase recreation opportunities for youth
		Establish the Sport and Recreation Working Party with sporting clubs key stakeholders
		Partner with local and NSW stakeholders to advocate on behalf of the community and deliver social and health initiatives
		Promote and support active recreation, leisure and sporting activities and initiatives
		Undertake Angelo Anestis Carpark Access Improvement
		Upgrade AS Tanner Reserve Amenities & Arche's Hall
		Upgrade Syd Frost Memorial Hall & Amenities
		Upgrade L'Estrange Park Amenities & embellishment
		Upgrade Ador Reserve Amenities
		Upgrade Brighton Baths Amenities Building - Roof Rehabilitation
		Undertake fit out of the new Arncliffe Youth Centre
	All segments of our community are catered for – children, families, young people and seniors	Administer Bayside Council's Community Grants and Donations Policy and programs
		Build the capacity of seniors and other community groups to deliver relevant programs to their members (Resilient Strategy Direction 1 Action 6; Direction 3 Action 18)
		Deliver a range of social and recreational programs to older people in Bayside
		Manage and operate a Family Day Care Service
		Manage and operate Long Day Care Centres
		Manage and operate a School Aged Care (Before and After School Care/Vacation Care) Service
		Meet requirements under Federal and State funding agreements in relation to Community Builders and Commonwealth Home Support Program outputs
		Monitor and review effectiveness of Council's direct Community services

		Partner with local services to deliver programs which address gaps in service delivery for children and young people
		Review social planning in the areas of ageing , CALD, families, children & safety
		Support local youth through provision of youth drop-in and school holiday activities
		Undertake the Playspace Renewal & Shade Improvement Program
	Opportunities for passive and active activities are available to community members, including people with pets	Confirm tenancies of the Rockdale PCYC Building for recreation and community uses
		Deliver ongoing programs and events across all libraries to enhance life-long learning opportunities for the range of demographic groups within the community
		Undertake reactive sportsfield renovation works
		Undertake Linear Park embellishment
		Upgrade Bonar St Park
	We can participate in cultural and arts events which reflect and involve the community	Hold Pop up Libraries in target areas to activate areas, promote library services and programs and support community activities
		Investigate sponsorship opportunities for event provision
	Flexible/care support arrangements for seniors, children and people with disabilities are available across the Bayside	Deliver community play session throughout Bayside to support families and children
		Promote and deliver a sustainable Bayside Home Library Service
	Cultural diversity is reflected and celebrated in the city's activities	Develop and implement a Community Capacity Building program with partners to support our community through local initiatives (Resilient Strategy Direction 1 Action 6; Direction 3 Action 18)
		Review guidelines and policies for events to ensure they are up to date

Theme Three

In 2030 Bayside will be green, leafy and sustainable

The biodiversity of the area is protected and enhanced through collaborative partnerships. Vital habitats are supported to rehabilitate, thrive, adapt and recover from risks and climate events. The landscape will be preserved and regenerated to benefit a healthy environment now and in future.

Delivery Program Indicators...

- ▶ Decrease in kerb side and domestic waste generation (source Council data)
- ▶ Satisfaction with Council's management of tree canopy (source Council data)
- ▶ Community involvement in the preservation of natural areas (source Council data)
- ▶ Community satisfaction with Council's preparedness for Climate Change (source Council data)

Our Operational Commitment to the Community...

Waste

- ▶ We will increase the number of Waste App downloads
- ▶ We will increase the number of tonnes put through community recycling drop off events
- ▶ We will increase the number of schools and students participating in waste education programs

Sustainability

- ▶ We will provide high quality sustainability events

- ▶ We will ensure a one for one replacement of all trees removed
- ▶ We will provide flood level advice within 10 days

Cleansing

- ▶ We will collect litter from all town centres daily
- ▶ We will sweep every street within LGA twice per month
- ▶ We will remove illegally dumped material within 28 days

A Snapshot ...

Summary of the key components

New Initiatives

- ▶ Upgrading links to high speed internet to support more CCTV camera usage
- ▶ Undertaking water and energy efficiency initiatives in community and Council facilities
- ▶ Supporting sustainability efforts through sensors and data analytics (Smart Meters)
- ▶ Improving the water quality at Bardwell Creek

Business as Usual

- ▶ Removing debris from streets and gutters
- ▶ Proactively dealing with illegal dumping through mapping of hotspots
- ▶ Protecting and restoring the health of waterways and wetlands
- ▶ Undertaking 22 annual recycling drop off events per year to increase opportunities for the community to recycle
- ▶ Implementing community sustainability events and workshops
- ▶ Undertaking actions from the Biodiversity Strategy to protect and enhance natural areas

The Details ...

CSP Goal	Delivery Program Strategy	2019-20 Action
Our waste is well managed	I can reduce my waste through recycling and community education	Co-partner with pharmacies to safely dispose of medical sharps
		Implement Councils Waste Avoidance Resource Recovery Strategy (WARRS) 2030 + Action Plan
		Increase in landfill diversion from kerbside clean up services
		Inform residents about Councils Domestic Waste and Clean Up Programs (via electronic and print media)
		Program and offer waste education programs to all primary schools and at 6 community events per annum
		Provide an effective public place litter bin program
		Seek funding through the NSW Environment Protection Authority's 'Waste Less, Recycle More' Waste and Resource Recovery Initiative.
		Undertake 22 annual recycling drop off events per year
		Undertake the management of essential waste and recycling services to over 62,000 households
	Illegal Dumping is a thing of the past	Ascertain hotspots through mapping and analysing reported incidents of illegal dumping
		Investigate incidents of illegal dumping and enforce compliance
		Maintain the contaminated land management and recording system through the development process

CSP Goal	Delivery Program Strategy	2019-20 Action
We are prepared for Climate Change	We understand climate change and are prepared for the impacts	Remove and dispose of illegally dumped materials throughout the LGA within Service Level Agreement timeframes
		Upgrading links to high speed internet to support more CCTV camera usage
		Finalise the Bayside Environmental Strategy (Resilient Strategy Direction 2 Action 10 & 13)
		Implement the Community Sustainability Program via events and workshops
		Plan & design for the effects of climate change on the community (Resilient Strategy Direction 2 Action 11)
	Our city is prepared and able to cope with severe weather events	Construct stormwater infrastructure at Arncliffe St, Willis St and Guess Ave
		Finalise the Botany Bay Foreshore Beach Flood Plain Risk Management Study and Plan
		Finalise the Stormwater & Flood Management Strategy (Resilient Strategy Direction 4 Action 25)
		Improve water quality and upgrade infrastructure at Bardwell Creek
		Investigate upgrades to trunk drainage in response to the land use changes in Bayside West precinct
		Prepare Bayside West Floodplain risk management study (Resilient Strategy Direction 4 Action 25)
		Undertake Bonar Street Stormwater Project (Stage 1)
		Undertake Stormwater Drainage Rehab and Renewal Program
	We increase our use of renewable energy	Develop ESD policy and targets for council facilities
		Installation of water and energy efficiency initiatives in community and administrative buildings
		Support sustainability efforts through sensors and data analytics (Smart Meters)
	Waterways and green corridors are regenerated and preserved	Carry out turf maintenance of approx. 400 parks and reserves and approx. 150 lineal kilometres of grass verges
		Continue to work with Sydney Water to identify opportunities for stormwater management in Dominey Reserve
		Implement key priorities in Council's adopted Biodiversity Strategy to protect and enhance natural areas
		Implement the Water Management Strategy (Resilient Strategy Direction 2 Action 14)
		Improve the tree canopy across LGA (Resilient Strategy Direction 2 Action 9)
		Investigate water quality and drainage infrastructure in and near Sir Joseph Banks Park to inform future planning

CSP Goal	Delivery Program Strategy	2019-20 Action
		Maintain all garden areas on council assets within LGA
		Manage and maintain all trees within LGA
		Protect and restore the health of waterways and wetlands through planned Gross Pollutant Traps (GPTs) inspection and cleaning program
		Undertake landscape & construction maintenance services
		Undertake tree planting in public domain & open space (Resilient Strategy Direction 2 Action 9)

Theme Four

In 2030 we will be a prosperous community

Business innovation, technology, flourishing urban spaces and efficient transport will attract diverse business, skilled employees and generate home based business. Growth in services to the local community will generate employment support, a thriving community and livelihoods.

Delivery Program Indicators...

- ▶ Community satisfaction with quality of new developments (source 2018 Community Satisfaction Survey benchmark)
- ▶ Increase in active, sustainable transport use
- ▶ Local employment is increasing (source ABS Statistics)

Our Operational Commitment to the Community...

Customer Service

- ▶ We will increase the number of customer telephone enquiries resolved within first point of contact
- ▶ We will decrease the number of transfers to customer service over flow during business hours

Finance

- ▶ We will work towards a balanced budget

- ▶ We will ensure that our own operating revenue can fund more than 60% of our expenditure

Governance

- ▶ We will ensure the Council Meeting Agenda is published 5 days before a Council meeting and Council Minutes are published 2 working days after a Council Meeting
- ▶ We will decrease the number of code of conduct complaints
- ▶ We will ensure all Councillors undertake continuing professional development and training

A Snapshot ...

*Summary of the key components***New Initiatives**

- ▶ Improving the Wentworth Avenue / Baker Street & Page Street Intersection
- ▶ Finalising the Transport Strategy to improve the community's ability to travel in and around the area
- ▶ Implementing continuous improvement actions for financial operations
- ▶ Improving our customer experience to better serve the community

Business as Usual

- ▶ Supporting and engaging small business through forums and partnerships
- ▶ Undertaking swimming pool inspections to ensure safety compliance
- ▶ Advocating to minimise the impact of proposed F6 / WestConnex on the community
- ▶ Implementing the Road Safety Program

The Details ...

CSP Goal	Delivery Program Strategy	2019-20 Action
Opportunities for economic development are recognised	Major employers support/partner with local small business	Administer Local Area Funds
		Support and inform small business through forums and partnerships
	We are an international hub for transport and logistics related business	Develop a qualitative Risk Assessment of Botany Industrial areas
Local housing, employment and business opportunities are generated	Bayside will be a 30 minute city – residents work locally or work off site – no one has to travel more than 30 minutes to work	Finalise the Transport Strategy (Resilient Strategy Direction 1, Action 3 and 4)
		Prepare and finalise Development Control Plan (DCP) amendments
		Prepare and finalise Local Environment Plan (LEP) amendments

The transport system works	We can easily travel around the LGA – traffic problems and gridlock are a thing of the past	Advocate for improvements in transport
		Finalise the Bayside Employment and Economic Development Strategy to identify opportunities for activation of local areas (Resilient Strategy Direction 1 , Action 4)
		Implement the Road Safety Program with annual matching funding from NSW Roads and Maritime Services
		Undertake Traffic Committee projects
		Upgrade Wentworth Avenue / Baker Street & Page Street Intersection
		Undertake Mascot Station Precinct Traffic Improvements
We are prepared for a sharing economy	We can easily travel to work by accessible, reliable public transport	Undertake bus shelter renewal
	Innovative businesses are supported to locate in Bayside	Facilitate programs to develop skills for current and future businesses
		Partner with Botany Enterprise Centre, TAFE and others to strengthen local business
		Deliver effective and competitive Complying Development Certificate (CDC) and Construction Certificate (CC) services
		Investigate and implement opportunities to improve development assessment processing times and customer satisfaction for development applications
		Report on the performance of the Bayside Local Planning Panel in regard to determination of Development Applications
		Report on the performance of the Bayside Local Planning Panel in regard to Planning Proposal recommendations
		Undertake Building Information Certificates assessments
Transparent & accountable governance	Ethical Governance	Undertake swimming pool inspections to ensure that all swimming pools are inspected within a 3 year period
		Administer Bayside Council's Traffic Committee
		Complete the decommission of legacy IT systems
		Develop a contractor management framework
		Effectively manage enterprise risks
		Enhance IT governance, including the remediation of outstanding IT Audit issues

		Finalise the harmonisation of key Council policies
		Finalise the procurement framework
		Implement an Internal Audit Program
		Implement the Archival & Disposal Record Strategy
		Implement the Information Management Governance Strategy
		Implement the IT strategy
		Maintain, co-ordinate and support Council's Committee system
		Monitor and report on compliance with purchasing procedures
		Prepare a Councillor Induction Program
		Provide information access proactively and/or in a timely manner
		Review and test Business Continuity Plans
		Review and update Council's IT Business Continuity Plan
		Support the Risk & Audit Committee
		Support the Local Government Election process
		Undertake a Ward Boundary Review
		Undertake Councillor Professional Development
		Undertake GM briefing session with Councillors to ensure strategic thinking and effective decision making
	Strong Financial Management	Complete the remediation of audit issues to remove the external audit disclaimer of opinion on Council's financial statements (Project 2020)
		Develop and implement procurement data analytics and reporting for strategic procurement decision making
		Develop and implement the TechnologyOne review roadmap
		Embed the business process and control framework for financial and asset management (Project 2020)
		Implement continuous improvement actions for financial operations
		Implement continuous improvement of internal financial reporting
		Implement, monitor and review a new financial reporting framework
		Maintain procurement data repositories

		Manage and review Councils Financial Position on a continual basis
		Maximise returns on Council's investment portfolio to exceed benchmark
Skilled Staff		Process and administer Voluntary Planning Agreements
		Provide effective management of Council's stores operation
		Provide effective management of Council's fleet
		Provide procurement advice to the organisation
		Review and update the Long Term Financial Plan
		Ensure a timely completion of Council's audited financial statements
		Undertake a review for harmonisation of Council's rating structure's
		Undertake legislative financial management and reporting
		Conduct a staff survey to inform the creation of a Staff Engagement Strategy
		Continue to reduce employees' absenteeism caused by injury through a comprehensive return to work framework
		Create a customer centric culture where all staff are providing a positive experience every time, for all of its customers
		Deliver an annual Supplier and Staff procurement education program
		Deliver leadership programs to develop current and future leadership capabilities and promote and encourage strong, driven and accountable leaders
		Implement a fully compliant payroll framework, including policy and procedures of identified processes
		Implement a work health and safety digital solution that provides real time data to Managers and Executive whilst ensuring Council is compliant with legislative requirements
		Review and implement PULSE a digital solutions for employee's performance agreements that provides an active solution for Council to monitor progress on project, activities and tasks
		Review, research and develop recruitment policy and processes and 3 months Induction Program that effectively induct employees to the organisation and their job responsibilities
		WH&S inspections carried out in accordance with annual schedule, corrective actions identified, recorded and implemented

	High Standards of Customer Service	Community facing IT services are managed as a priority
		Deliver IT support - hardware, software and systems
		Develop and deliver a program of organisational service reviews
		Develop and implement a continuous improvement framework to increase the efficiency and effectiveness of service delivery across the organisation
		Embed newly established business processes and controls for customer experience services
		Implement business improvement initiatives across the organisation
		Improved response to public enquiries & requests relating to traffic and parking issues
		Participate in customer service and library networks, including benchmarking opportunities where relevant
		Provide flood level advice to the community
		Provide responsive customer service (counter, call centre, customer requests and complaints)
		Review and implement an Customer Experience Improvement Strategy & Plan (including establishing baseline service standards) that anticipates and responds to our customers service expectations

Financial Plan

Executive Summary

Under the New South Wales Local Government Act (LGA) 1993 Council is required to prepare and adopt an annual budget by 30 June each year.

A Financial Plan has been developed to assist Council in adopting the budget. The Plan provides information and recommendations on a number of financial issues and highlights options in terms of expected outcomes in a number of key areas such as:

- ▶ Long term Financial Sustainability
- ▶ City Projects Program
- ▶ Sale of Assets
- ▶ Rating Policy
- ▶ Annual Charges Policy
- ▶ Pricing Policy

The budget for 2019/2020 presented in this Financial Plan has been developed through a rigorous process of consultation and review with Council and staff. The budget puts forward the framework for Council to achieve the objectives and actions Operational Plan 2019/2020. It fits within a longer term framework which seeks to achieve financial sustainability.

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

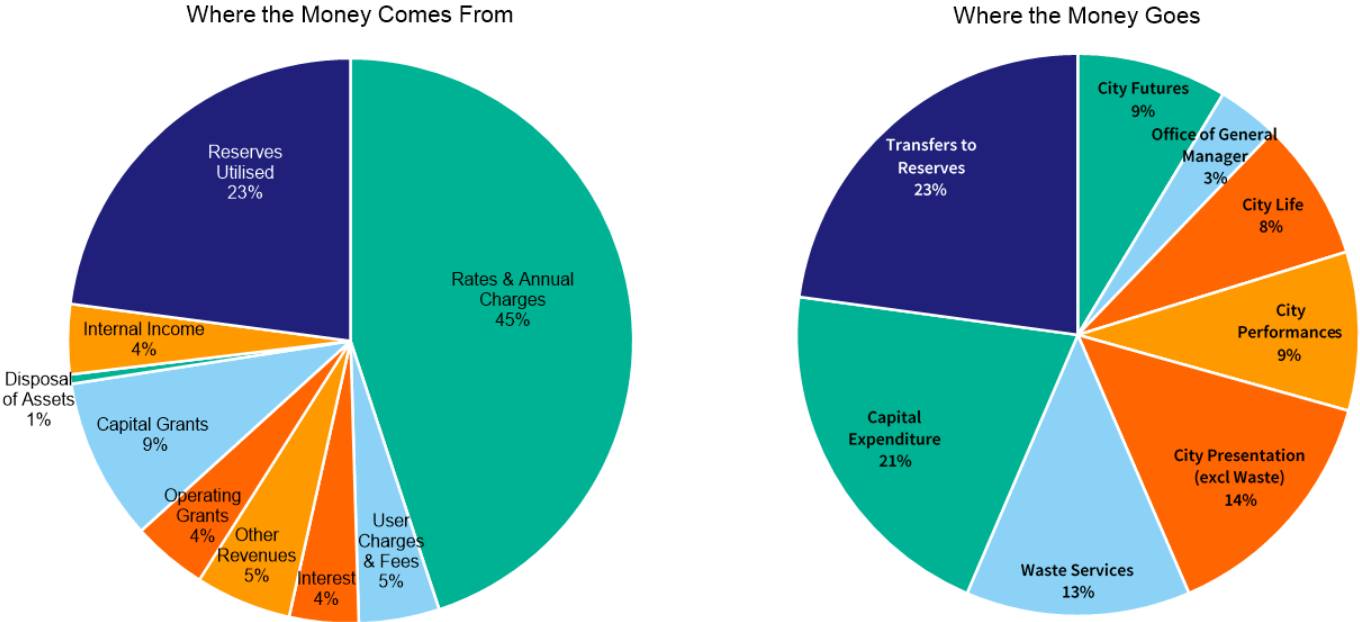
The Plan forecasts a cash surplus of \$57,656 for 2019/20. This has been achieved by using the following parameters:

- ▶ Former Rockdale City Council area Rates indexed by 2.7 % (Rate Peg set by IPART),
- ▶ Former City of Botany Bay Council area Rates indexed by 2.7% (Rate Peg set by IPART);
- ▶ Operational income indexed by CPI at 3%;
- ▶ Operational expenditure indexed by the components of the LGCI (Local Government Cost Index).
- ▶ There are no external borrowings in the 2019/20 budget.

As with the majority of 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.

Financial Plan Context

The following diagrams illustrate Council's revenue stream and expenditure allocation for 2019/2020. A more detailed breakdown may be found in the Budget Summary section of this plan.



Long Term Financial Sustainability

The cost of goods and services increases each year by an amount greater than our income as a result of a number of 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.

In addition, Council carefully manages its income and expenditure through the use of sound financial reporting systems and regular budget monitoring and review.

The biggest single financial issue facing Council is the need to repair and replace ageing assets, while providing new assets to meet the needs and expectations of our growing community.

Council understands that there is currently a significant financial backlog from the former Council's, which is needed to bring its assets up to a satisfactory standard for the community. The review of the Asset Management Plans and Strategies of the former councils will provide a basis to develop new asset plans and strategies to identify and address the challenge of Bayside Council

Budget Summaries

Organisation wide Budget Summary	2018-2019 Original Budget	2018-2019 Revised Budget	2019-2020 Budget
Income from Continuing Operations			
Rates and Annual Charges	114,469,999	114,359,999	118,010,484
User Charges and Fees	12,074,558	11,965,489	12,113,597
Interest and Investment Revenue	8,396,965	8,396,965	10,404,858
Other Revenue	14,233,208	14,672,610	14,529,902
Operating Grants & Contributions	8,270,399	10,605,458	11,281,968
Capital Grants & Contributions	38,204,000	35,320,762	24,401,187
Internal Income	7,745,556	7,696,927	10,482,619
Profit or Loss On Disposal	-	-	-
Total income from continuing operations	203,394,685	203,018,210	201,224,615
Expenses from Continuing Operations			
Employee Costs	71,917,110	71,740,102	71,939,465
Borrowing Costs	216,961	216,961	166,866
Material and Contracts	39,517,957	46,132,689	45,141,850
Depreciation and Amortisation	22,866,053	22,866,053	20,734,544
Other Expenses	18,325,555	18,131,365	20,149,019
Internal Expenses	7,716,515	7,669,519	10,482,628
Total Expenses from Continuing Operations	160,560,151	166,756,689	168,614,372
Operating profit/ (loss) from continuing operations	42,834,534	36,261,521	32,610,243
Discontinued Operations			
Airport Business Unit	(1,233,431)	(232,339)	-
Operating Profit/ (Loss) from Discontinued Operations	(1,233,431)	(232,339)	-
Operating Profit/ (Loss) from all Operations	41,601,104	36,029,182	32,610,243

Organisation wide Budget Summary	2018-2019 Original Budget	2018-2019 Revised Budget	2019-2020 Budget
Capital and Reserve Movements			
Capital Expenditure	54,655,833	65,922,954	55,519,235
Loan repayments	1,079,150	1,079,150	991,741
Proceeds from sale of assets	(1,236,450)	(2,751,523)	(1,415,261)
Book Value Assets Sold	1,236,450	2,406,450	1,415,261
Net transfers to/ (from reserves)	9,891,405	(5,367,564)	(1,808,587)
Net Capital and Reserve Movements	65,626,388	61,289,467	54,702,389
Net Result (Including Depreciation)	(24,025,285)	(25,260,285)	(22,092,146)
Add back: Non-cash Items	24,102,502	25,272,503	22,149,802
Cash Budget Surplus / (Deficit)	77,217	12,218	57,656

By Directorate	Total	GM Office	City Futures	City Life	City Performance	City Presentations	Corporate
Income from continuing operations							
Rates and Annual Charges	118,010,484	-	-	-	736,774	28,660,196	88,613,514
User Charges and Fees	12,113,597	12,927	5,738,966	3,524,676	207,302	2,629,726	-
Interest and Investment Revenue	10,404,858	-	-	-	2,608	67,620	10,334,630
Other Revenue	14,529,902	458,320	2,846,832	6,128,183	101,045	200,446	4,795,076
Grants and Contributions - Operational	11,281,968	-	1,581,367	2,547,633	-	1,764,837	5,388,131
Grants and Contributions - Capital	24,401,187	-	8,401,187	-	-	-	16,000,000
Internal Income	10,482,619	128,100	209,181	109,380	826,631	9,209,327	-
Profit or Loss On Disposal	-	-	-	-	-	-	-
Total income from continuing operations	201,224,615	599,347	18,777,533	12,309,872	1,874,360	42,532,152	125,131,351
Expenses from continuing operations							
Employee Costs	71,939,465	6,062,738	15,188,959	16,726,931	8,548,647	25,116,749	295,441
Borrowing Costs	166,866	-	-	-	-	-	166,866
Material and Contracts	45,141,850	1,264,613	6,149,693	1,399,883	3,749,985	32,027,676	550,000
Depreciation and Amortisation	20,734,544	-	-	-	-	3,052,075	17,682,469
Other Expenses	20,149,019	1,748,358	661,715	2,015,385	5,684,112	5,666,193	4,373,256
Internal Expenses	10,482,628	239,265	612,095	1,050,719	494,714	8,085,835	-
Total expenses from continuing operations	168,614,372	9,314,974	22,612,462	21,192,918	18,477,458	73,948,528	23,068,032
Operating Profit/ (Loss) from All Operations	32,610,243	(8,715,627)	(3,834,929)	(8,883,046)	(16,603,098)	(31,416,376)	102,063,319

General Manager's Directorate	Total	General Managers Office	Media Communications & Public Relations	People & Organisational Culture	Major Project Delivery
Income from Continuing Operations					
User Charges & Fees	12,927	-	12,927	-	-
Other Revenues	458,320	-	43,320	415,000	-
Internal Income	128,100	21,880	-	106,220	-
Total Income from Continuing Operations	599,347	21,880	56,247	521,220	-
Expenses from Continuing Operations					
Employee costs	6,062,738	1,352,084	1,053,308	3,322,973	334,373
Materials & Contracts	1,264,613	-	1,214,613	-	50,000
Other Expenses	1,748,358	664,281	813,510	273,079	(2,512)
Internal Expenses	239,265	63,243	103,632	32,430	39,960
Total Expenses from Continuing Operations	9,314,974	2,079,608	3,185,063	3,628,482	421,821
Operating Profit/ (Loss) from Continuing Operations	(8,715,627)	(2,057,728)	(3,128,816)	(3,107,262)	(421,821)

City Futures Directorate	Total	Directorate City Futures	Certification	City Infrastructure	Development Assessment	Property	Strategic Planning
Income from Continuing Operations							
User Charges & Fees	5,738,966	-	1,126,222	1,288,000	2,247,310	260,384	817,050
Other Revenues	2,846,832	-	-	-	337,160	2,509,672	-
Operating Grants & Contributions	1,581,367	-	-	325,300	-	-	1,256,067
Capital Grants & Contributions	8,401,187	-	-	8,401,187	-	-	-
Internal Income	209,181	-	-	-	-	60,765	148,416
Total Income from Continuing Operations	18,777,533	-	1,126,222	10,014,487	2,584,470	2,830,821	2,221,533
Expenses from Continuing Operations							
Employee costs	15,188,959	467,736	1,693,343	3,706,633	5,199,288	1,116,647	3,005,312
Materials & Contracts	6,149,693	51,500	-	1,307,700	1,223,000	678,298	2,889,195
Other Expenses	661,715	3,451	(7,035)	47,029	78,355	252,369	287,546
Internal Expenses	612,095	19,040	139,885	163,405	196,610	46,320	46,835
Total Expenses from Continuing Operations	22,612,462	541,727	1,826,193	5,224,767	6,697,253	2,093,634	6,228,888
Operating Profit/ (Loss) from Continuing Operations	(3,834,929)	(541,727)	(699,971)	4,789,720	(4,112,783)	737,187	(4,007,355)

City Life Directorate	Total	Directorate City Life	Community Life	Compliance	Customer Experience	Sports and Recreation
Income from Continuing Operations						
User Charges & Fees	3,524,676	-	2,335,480	481,096	88,100	620,000
Other Revenues	6,128,183	100,233	70,350	4,842,650	8,250	1,106,700
Operating Grants & Contributions	2,547,633	-	2,157,633	-	390,000	-
Internal Income	109,380	-	-	-	109,380	-
Total Income from Continuing Operations	12,309,872	100,233	4,563,463	5,323,746	595,730	1,726,700
Expenses from Continuing Operations						
Employee costs	16,726,931	600,273	4,841,890	3,840,839	5,376,693	2,067,236
Materials & Contracts	1,399,883	33,000	670,130	367,753	25,000	304,000
Other Expenses	2,015,385	18,500	484,507	541,797	424,611	545,970
Internal Expenses	1,050,719	215,417	32,870	352,002	200,253	250,177
Total Expenses from Continuing Operations	21,192,918	867,190	6,029,397	5,102,391	6,026,557	3,167,383
Operating Profit/ (Loss) from Continuing Operations	(8,883,046)	(766,957)	(1,465,934)	221,355	(5,430,827)	(1,440,683)

City Performance Directorate	Total	Directorate City Performance	Business Improvement & Innovation	Finance	Governance & Risk	Information Technology	Procurement
Income from Continuing Operations							
Rates & Annual Charges	736,774	-	-	736,774	-	-	-
User Charges & Fees	207,302	-	-	206,072	1,230	-	-
Interest & Investment Revenue	2,608	-	-	2,608	-	-	-
Other Revenues	101,045	-	-	97,620	-	-	3,425
Internal Income	826,631	-	-	34,740	642,788	149,103	-
Total Income from Continuing Operations	1,874,360	-	-	1,077,814	644,018	149,103	3,425
Expenses from Continuing Operations							
Employee costs	8,548,647	378,073	697,141	2,640,552	2,524,641	1,687,942	620,298
Materials & Contracts	3,749,985	40,000	290,000	1,044,250	202,660	2,109,000	64,075
Other Expenses	5,684,112	(10,503)	(12,528)	628,307	2,930,087	2,090,487	58,262
Internal Expenses	494,714	17,980	33,960	341,316	60,848	18,480	22,130
Total Expenses from Continuing Operations	18,477,458	425,550	1,008,573	4,654,425	5,718,236	5,905,909	764,765
Operating Profit/ (Loss) from Continuing Operations	(16,603,098)	(425,550)	(1,008,573)	(3,576,611)	(5,074,218)	(5,756,806)	(761,340)

City Presentations Directorate	Total	Directorate City Presentation	Business Services	City Works	Nursery	Parks & Open Space	Waste & Cleansing Services
Income from Continuing Operations							
Rates & Annual Charges	28,660,196	-	-	-	-	-	28,660,196
User Charges & Fees	2,629,726	-	-	1,100,000	-	67,713	1,462,013
Interest & Investment Revenue	67,620	-	-	-	-	-	67,620
Other Revenues	200,446	-	-	50,566	-	29,880	120,000
Operating Grants & Contributions	1,764,837	-	-	1,135,839	48,000	-	580,998
Internal Income	9,209,327	152,480	102,860	7,889,511	-	211,217	853,259
Total Income from Continuing Operations	42,532,152	152,480	102,860	10,175,916	48,000	308,810	31,744,086
Expenses from Continuing Operations							
Employee costs	25,116,749	512,413	147,940	8,185,288	120,616	9,726,174	6,424,318
Materials & Contracts	32,027,676	500	5,500	6,381,078	500	1,944,298	23,695,800
Depreciation & Impairment	3,052,075	-	-	3,052,075	-	-	-
Other Expenses	5,666,193	(2,811)	16,000	4,403,526	(4,864)	505,191	749,151
Internal Expenses	8,085,835	17,980	500	1,657,227	78,745	3,408,349	2,923,034
Total Expenses from Continuing Operations	73,948,528	528,082	169,940	23,679,194	194,997	15,584,012	33,792,303
Operating Profit/ (Loss) from Continuing Operations	(31,416,376)	(375,602)	(67,080)	(13,503,278)	(146,997)	(15,275,202)	(2,048,217)

Corporate Directorate	Total	General Purpose Revenue	Corporate Income & Expenditure	Capital Revenue	Capital Expenditure
Income from Continuing Operations					
Rates & Annual Charges	88,613,514	88,613,514	-	-	-
Interest & Investment Revenue	10,334,630	10,334,630	-	-	-
Other Revenues	4,795,076	-	4,795,076	-	-
Operating Grants & Contributions	5,388,131	5,388,131	-	-	-
Capital Grants & Contributions	16,000,000	-	16,000,000	-	-
Total Income from Continuing Operations	125,131,351	104,336,275	20,795,076	-	-
Expenses from Continuing Operations					
Employee costs	295,441	-	295,441	-	-
Borrowing Costs	166,866	-	166,866	-	-
Materials & Contracts	550,000	-	550,000	-	-
Depreciation & Impairment	17,682,469	-	17,682,469	-	-
Other Expenses	4,373,256	-	4,373,256	-	-
Total Expenses from Continuing Operations	23,068,032	-	23,068,032	-	-
Operating Profit/ (Loss) from Continuing Operations	102,063,319	104,336,275	(2,272,956)	-	-

City Projects Program

Council's objective, over a number of preceding years, was to maintain community assets to at least the same standard they were in at the beginning of each year.

City Major Projects 2019-2020

As part of the City Projects Program, Bayside Council is committed to progressing six major community projects to provide quality and appropriate facilities which support community life.

These projects are:

- ▶ Ador Reserve Amenities
- ▶ AS Tanner Amenities
- ▶ Cahill Park Cafe
- ▶ Cahill Park Seawall
- ▶ Rockdale Park
- ▶ Syd Frost Memorial Hall & Amenities

Ador Reserve Amenities

What are we doing?

Council is undertaking an upgrade of the Ador Reserve Sporting Amenities to support the newly installed synthetic field.

The project aims to provide improved facilities for the community and sporting clubs and will include:

- ▶ 5 unisex toilets and 1 ambulant toilet
- ▶ 1 accessible toilet with baby change facilities
- ▶ External hand wash, bubbler and water fill station
- ▶ 2 change rooms with showers and toilets
- ▶ 1 referee room
- ▶ 1 sports club meeting room
- ▶ 1 medical room
- ▶ 1 canteen
- ▶ 1 operational storage room
- ▶ 1 sports club storage room
- ▶ Water tank (for toilet flushing)

Estimated project start date: Construction to commence October 2019

Estimated project completion date: Construction to be completed by June 2020



AS Tanner Amenities

What are we doing?

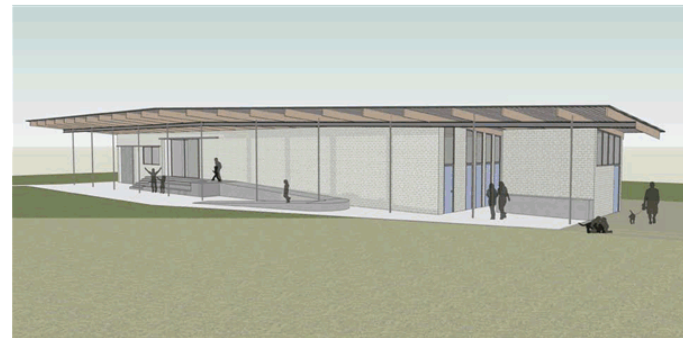
Council is building a new Sports and Public amenities building to replace the existing buildings at AS Tanner Reserve.

The project aims to provide safe facilities for the community and will include:

- ▶ 4 public toilets;
- ▶ 1 accessible toilet with baby change table;
- ▶ 1 ambulant toilet;
- ▶ Indoor Archery/Community Space;
- ▶ External hand wash and bubbler;
- ▶ Covered area; and
- ▶ Operational Lunch Room.

Estimated project start date: Construction commenced in May 2019

Estimated project completion date: Construction to be completed by January 2020



Cahill Park Amenities & Cafe**What are we doing?**

Council is constructing a new Public Amenities and Café building at Cahill Park. The projects aim to provide improved facilities for the community and will include:

- ▶ New public amenities, including:
 - ▶ 4 unisex toilets and 2 ambulant toilets;
 - ▶ Accessible toilet;
 - ▶ Family toilet including child size toilet pan and baby change table;
 - ▶ External hand wash;
- ▶ A café/restaurant building to be fitted out by tenant;
- ▶ Outdoor seating area for café.

The construction is anticipated to commence in the 2019/2020 financial year. Construction commencement will be dependent on the Development Approval timing.

Estimated project start date: Construction due to commence 2020 pending development approval timing. Project continues in 2020/2021 financial year.



Cahill Park Seawall

What are we doing?

In December 2018, Bayside Council completed Stage 1 of a significant Masterplan upgrade of Cahill Park at Wolli Creek, including the restoration of approximately 350 metres of degraded seawall.

Council is now progressing with Stage 2 seawall works which will include enhancement and restoration of the two remaining sections of the degraded seawall to integrate seamlessly into the existing park and previous seawall upgrade works.

Stage 2 includes the following work:

Reach 1: Tempe Bridge to the new viewing platform near the Princes Highway

This reach will include minor repair and retrofit features to create a more environmentally friendly seawall.

Reach 5: From the new viewing platform near the St George Rowing Club to Kogarah Golf Course

Work will include full reconstruction as an environmentally friendly seawall. New top of bank landscaping elements will be incorporated including a pathway, planting, new trees and park furniture. These new works will maintain existing use by the rowing club and patrons together with access to the river.



Rockdale Park Upgrades

What are we doing?

Rockdale Park is an important component of an open space corridor along West Botany Street and the Muddy Creek precinct. The park holds considerable value for the local community and is unique due to the dense plantings of mostly cool climate conifers. The 2007 Draft Plan of Management's vision for the park is as a focus for informal, passive recreational activities and social gatherings set amongst m

The proposed improvements to Rockdale Park are consistent with the Plan of Management objectives, that is, to retain the character and structure of the park, improve existing facilities and features and ensure the safety of park users. The proposed improvements are also consistent with key issues and actions of the Plan such as pathway circulation and linkages to and through the park, tree management, park entry and accessibility, replacement of the water feature and playground improvements.

The Masterplan improvements to Rockdale Park propose the following:

- ▶ An internal, accessible network of circulation paths which will integrate existing and proposed features and facilities in the park such as the new playground, amenities building and water gardens as well as picnic facilities and spaces
- ▶ Improved entry and access points into the park from road frontages, including a footpath on West Botany Street
- ▶ Relocated public amenities, including accessible and family friendly facilities;
- ▶ New park furniture including seats, picnic settings, bike racks, drinking fountains and signage
- ▶ Tree management to improve sightlines and surveillance to and through the park
- ▶ Water gardens to replace the existing water feature. A sequence of shallow pools / reflection ponds connected by flow deviators and weirs that create sound, interest and restful ambience, sitting edges, a new bridge crossing and water plants for interest. Its reduced length means it is physically and visually separated from the playground.
- ▶ A new, relocated playground with play equipment suitable for a range of ages and abilities and the current and projected demographics of the local community. Its new location is more central in the park and integrated with the new amenities building and open space facilities adjoining the park to the east and south. With the construction of pathways the playground will be fully accessible.



The proposed improvements to Rockdale Park will provide new, renewed and upgraded facilities, enhancing park functionality and community enjoyment and experience of the park. Rockdale Park is a unique horticultural park and the combination of park improvements will improve its amenity and attractiveness to the local community.

Estimated project start date: Construction to commence in September 2019

Estimated project completion date: Construction to be completed by June 2020

Syd Frost Memorial Hall & Amenities**What are we doing?**

Council is refurbishing the existing hall and building a new amenities building at Syd Frost Hall.

The project aims to provide safe facilities to the community and will include:

Refurbished Existing Hall

- ▶ New internal male and female toilets;
- ▶ New internal accessible toilet and shower;
- ▶ New internal showers and change room;
- ▶ Storage rooms;
- ▶ New kitchen with servery; and
- ▶ General upgrade to the hall including external painting.

New Amenities

- ▶ 2 unisex toilets and 1 ambulant toilet;
- ▶ 1 accessible toilet with baby change; and
- ▶ External hand wash.

Estimated project start date: Construction to commence in October 2019

Estimated project completion date: Construction to be completed by June 2020



City Projects Program 2019-2020

Program	Sub-Program	Projects	2019/2020
Asset Planning & Systems	Asset Forward Planning	Carparks Rehab and Renewal Program	\$20,000
Beaches & Waterways	Foreshore Infrastructure	Cahill Park Seawall Construction (Stage 2)	\$2,250,000.00
		Sandringham Seawall Rehabilitation Options Study	
		Brighton Le Sands Boardwalk renewal	
Buildings & Property	Building - New & Improvements	Arncliffe Youth Centre	\$3,450,000.00
		Beach Hut Dolls point	
		Cahill Park Amenities & Café	
		Childcare Centre Laundry Upgrades	
		Fisherman's Club	
		Hillsdale Hall Youth Facilities	
		Mutch Park toilets for skate park	
		Water and energy efficiency initiatives in community and council	
		Bexley Oval Amenities (roof)	
	Building - Renewals & Rehabilitation	Accessible Toilets: Update Seniors & Community	\$8,258,000
		Ador Reserve Amenities	
		AS Tanner Reserve Amenities & Arche's Hall	
		Bexley Community Centre HVAC Replacement	
		Bexley Depot Rehabilitation	
		Botany Town Hall Access Improvements	
		Botany Town Hall Roof Restoration	
		Brighton Baths Amenities Building - Roof Rehabilitation	

Program	Sub-Program	Projects	2019/2020
		Capital Works Contingency	
		Citywide High Priority Asbestos Implementation Program	
		L'Estrange Park Amenities & Embellishment	
		Lydham Hall - Heritage Restoration	
		Mascot Library Roof Repair	
		Moate Avenue Community Centre - HVAC Replacement	
		Rockdale Admin Building	
		Rockdale Park Amenities	
		Sans Souci Preschool Shed Replacement & Ceiling	
		Syd Frost Memorial Hall & Amenities	
IT & Communications	IT & Communications	Infrastructure	\$2,380,500
		Online Services	
		Software Application Lifecycle	
Library Resources	Library Resources	Purchase of library collections	\$650,000
Open Spaces	Active Parks	Ador Reserve Fencing Landscaping	\$8,522,500
		Arncliffe Park Synthetic Football Field	
		Cahill Park Tennis Courts	
		Cricket Nets Renewal	
		Gardiner Park Synthetic Field(s)	
		Hensley Reserve Athletic Synthetic Track Renewal	
		Kendall Reserve Remediation (Contaminated Land)	
		Park Signage Re-branding	
		Scarborough Park Central and South Cycle and Pathways	
		Scarborough Park Central Field Rehab and Renewal	

Program	Sub-Program	Projects	2019/2020
		Scarborough Park East Field Rehab and Renewal (inc irrigation)	
		Scarborough Park South - Tonbridge Oval - Field Rehab and Renewal	
		Sports Field Centralised Flood Lighting Control System	
	Cycleways	Cycleways Bayside East	\$376,077
		Cycleway - Bike Parking ML18	
		Cycleway - Coward Street ML4 Shared Path	
		Cycleway - Stephens Rd ML15 Oage to Heffron	
	Natural Environment	Tree Planting in Public Domain & Open Space	\$260,000
		Bardwell Valley Cliff Stabilisation Project	
	Passive Parks	10 Cross Street Demolition for Open Space	\$3,895,000
		14 Edgehill St, Demolition	
		18 Edgehill St Demolition	
		35 Mimosa Street Demolition	
		Bonar Street Park	
		Dominey Reserve demolition for open space	
		Linear Park embellishment	
		Mutch Park Skate Park	
		Peter Depena Reserve, Dolls Point (VPA related)	
		Rockdale Park Concept Plan Implementation	
		Rockdale Park Water Feature Renewal	
	Playgrounds	Playground Renewal - Chapel St	\$1,750,000
		Playspace Rehabilitation - Bona Park, Sans Souci	
		Playspace Renewal - Cecil Street Reserve, Monterey	
		Playspace Renewal - Gilchrist Reserve, Bexley North	
		Playspace Renewal - Grace Campbell Reserve, Hillsdale	

Program	Sub-Program	Projects	2019/2020
		Playspace Renewal - Marinea Reserve, Arncliffe	
		Playspace Renewal - Moorefield Reserve, Kogarah	
		Playspace Renewal - Muller Reserve, Eastgardens	
		Playspace Renewal - Scarborough Park (Tonbridge Reserve), Ramsgate	
		Playspace Renewal - Scott Park, Sans Souci	
		Playspace Renewal - Studdert Reserve, Kyeemagh	
		Playspace Renewal - Whitbread Park, Bexley North	
		Playspace Shade Improvement - Chapel Street Reserve	
		Playspace Shade Improvement - Grace Campbell Reserve	
		Playspace Shade Improvement - Studdert Reserve	
		Rockdale Park Playground	
Plant, Fleet & Equipment	Fleet Replacement	Fleet Small Plant Renewals	\$2,834,320
		Fleet Med & Heavy Vehicle Renewals	
		Fleet Passenger Vehicle Renewals	
Roads & Transport	Bridges and Structures	Citywide Bridge and Structures Renewal	\$850,000
		Swinbourne Street Retaining Wall Renewal	
		Veron Road Retaining Wall Renewal	
	Kerb & Gutter	K&G - O'Neill Street, Brighton-Le-Sands	\$160,000
		K&G Renewal - Dewsbury Street, Botany	
	Pedestrian Access & Mobility	Footpath widening - Bourke Road, Mascot	\$100,000
		Footpaths Rehab and Renewal Program	
	Road Pavements	Arncliffe Street Stage 1 Public Domain, Road & Stormwater	\$8,031,838
		Local Roads Pavement Renewal - Arlington Street	
		Local Roads Pavement Renewal - Barden Lane	
		Local Roads Pavement Renewal - Bay Street	

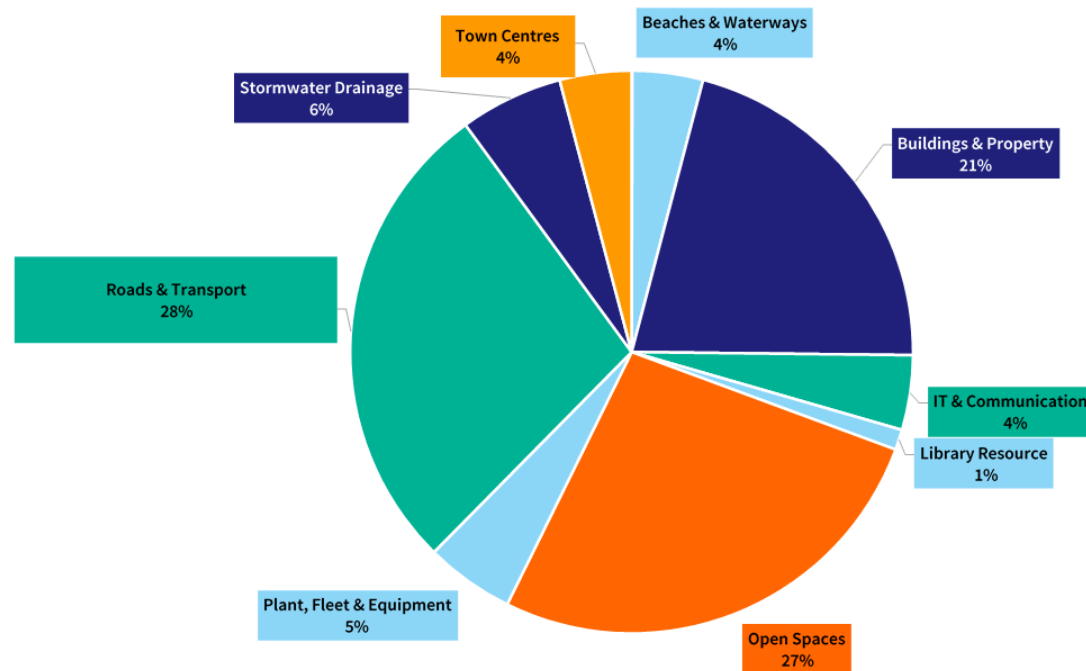
Program	Sub-Program	Projects	2019/2020
		Local Roads Pavement Renewal - Booth Street	
		Local Roads Pavement Renewal - Brantwood Street	
		Local Roads Pavement Renewal - Bryant Lane	
		Local Roads Pavement Renewal - Coronation Lane	
		Local Roads Pavement Renewal - Dransfield Avenue	
		Local Roads Pavement Renewal - Eddystone Road	
		Local Roads Pavement Renewal - Gray Crescent	
		Local Roads Pavement Renewal - Grey Street	
		Local Roads Pavement Renewal - Henderson Street Turrella	
		Local Roads Pavement Renewal - Iliffe Street	
		Local Roads Pavement Renewal - Jameson Lane	
		Local Roads Pavement Renewal - John Street	
		Local Roads Pavement Renewal - Kelsey Street	
		Local Roads Pavement Renewal - Kent Road	
		Local Roads Pavement Renewal - King Lane	
		Local Roads Pavement Renewal - Lansdowne Lane	
		Local Roads Pavement Renewal - Longworth Avenue	
		Local Roads Pavement Renewal - Luland Street	
		Local Roads Pavement Renewal - Macquarie Street	
		Local Roads Pavement Renewal - Mainerd Avenue	
		Local Roads Pavement Renewal - Monash Gardens	
		Local Roads Pavement Renewal - Prospect Lane	
		Local Roads Pavement Renewal - Rhodes Street	
		Local Roads Pavement Renewal - Robert Lane	
		Local Roads Pavement Renewal - Segenhoe Lane	

Program	Sub-Program	Projects	2019/2020
		Local Roads Pavement Renewal - Smith Street	
		Local Roads Pavement Renewal - Tantallon Lane	
		Local Roads Pavement Renewal - Xenia Avenue	
		Regional Roads Pavement Renewal Croydon Road	
		Regional Roads Pavement Renewal Harrow Road	
		Regional Roads Pavement Renewal Hartill-Law Avenue	
		Regional Roads Pavement Renewal King Street	
		Road Pavement Heavy Patching Program	
		Road Pavement Testing and Design	
	Street Lighting	Bonar Street & Mt Olympus Lighting	\$410,000
	Traffic & Road Safety	Kyeemagh Boat Ramp Controls	\$5,497,500
		Local Area Traffic Management Ramsgate	
		Mascot Station Precinct Traffic Improvements	
		Traffic Committee Projects	
		Wentworth Avenue / Baker Street & Page Street Intersection	
	Car Parks	Angelo Anestis Carpark Access Improvement	\$200,000
Stormwater Drainage	Drainage Infrastructure	Bonar Precinct Stormwater	\$2,642,000
		Bonar Street Stormwater Stage 1	
		Gore Street Drainage Modification	
		Stormwater Drainage Rehab and Renewal Program	
	Water Quality	Bardwell Creek Water Quality	\$650,000
		Sir Joseph Banks - Water quality improvement	
Town Centres	Thriving Town Centres	Arncliffe Town Centre Improvements	\$1,921,500
		Banksmeadow Town Centre Public (Stage 2) Traffic	
		Banksmeadow Town Centre Rehabilitation	

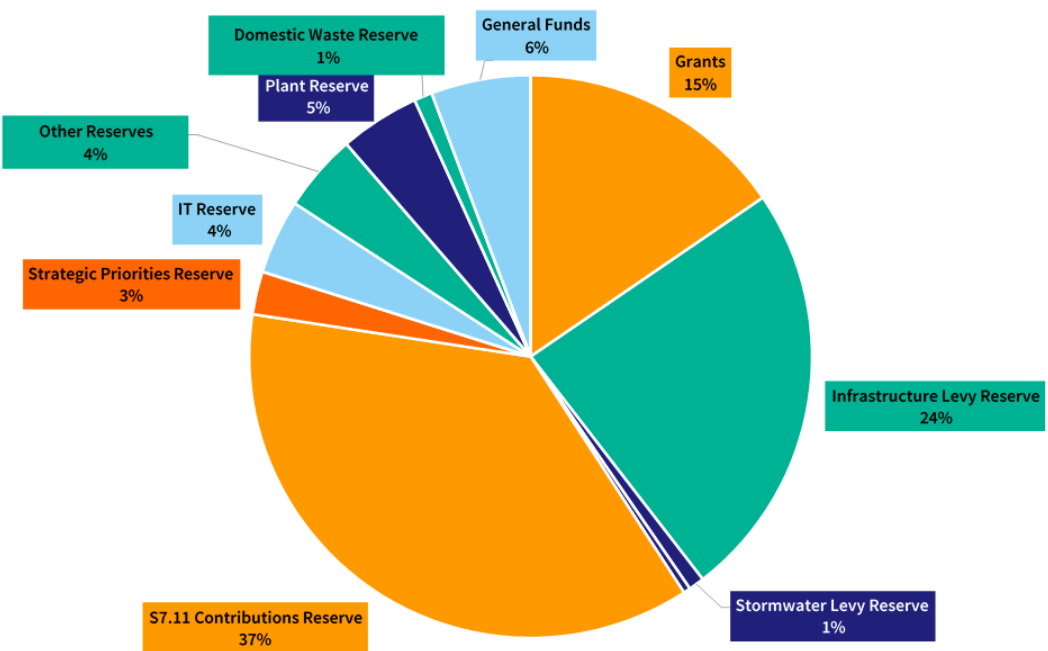
Program	Sub-Program	Projects	2019/2020
		Bexley Town Centre	
		Princess Street Footway Upgrade	
		Ramsgate Beach TC Wayfinding Signage	
		Swinbourne Street - planning and design	
	Street Furniture	Bus Shelter Renewal	\$410,000
		Gateway Signage	
			\$55,519,235

Capital Budget Summary

Allocation of expenditure for 2019-2020



Funding sources for 2019-2020



Asset Replacement and Sales

In making any decision in regard to asset replacement and sales Council will weigh up the benefits and costs of the different options available to produce the optimal outcome. In some situations Council will simply want to select the lowest cost solution, but in doing so it is important for Council to recognise the time cost of money.

Additionally, Council will consider whether there are any non-financial factors which may need to be analysed. Therefore, many asset replacement and sales decisions may require multi-criteria analysis, which may include:

- ▶ the trade-offs between unplanned and planned maintenance expenditure and asset renewal
- ▶ the lifecycle cost of the asset when making new asset decisions
- ▶ the benefits and costs of alternative asset options for major projects, even if the benefits are described in a qualitative rather than a quantitative way
- ▶ benefit-cost and least-cost analysis applied for major capital works projects
- ▶ optimal timing of capital works, particularly asset renewals
- ▶ addressing financial planning and capital expenditure guidelines pursuant to the Local Government Act 1993.

Plant and Equipment Replacement Program

Council's Motor Vehicles and Plant Policy objective to ensure Council's major motor vehicle and plant fleet is managed at the least financial and environmental cost, whilst satisfying the operational needs of Council. It is anticipated that the 2019/20 proceeds from sales of plant and equipment will amount to \$1,415,261.

Land and Buildings

Land and buildings held for commercial or strategic purposes are periodically reviewed to ensure they continue to meet Council's changing needs and yield acceptable rates of return. Council has established the Investment Strategy Working Group. Under the groups charter the group will investigate Council's need to divests, or invests, in assets to meet the anticipated future needs of the community.

Motor Vehicle Replacement

Motor Vehicle	Replacement
Sedans/Station Wagons	24 months or 40,000 kms
Utilities	36 months or 60,000 kms

Environmental Impact

Council where possible will purchase vehicles that meet the following CO2 emission and fuel consumption standards.

Vehicle Size	CO2 Emission per kilometre	Fuel Consumption per 100 kilometres
Small Vehicle	Less than 180g	6.9
Medium Vehicle	Less than 227g	9.3
Large Vehicle	Less than 240g	13.1

Fleet & Depot Plant Replacement Program

Council has a Policy and Procedures framework for planning, procuring, allocating and disposing of Council fleet and plant. This includes passenger vehicles, utility vehicles, trucks, and large plant (such as backhoes) and small plant (such as whipper snippers). Procurement of these items is informed by: whole of life costing, environmental considerations (such as emissions), fuel consumption, expected operational life in Council and most importantly, safety. Council has produced a Long Term Financial Plan that proposes funding to 2030. During each budget preparation period, the next financial year's budget is reviewed before adoption. This ensures that the operational needs of Council are met.

Revenue Policy

Rating Structure

General Overview

For the rating year commencing 1st July 2019, IPART has determined that the rate pegging limit will be 2.7%.

The NSW Government's Policy position in relation to the rating structure for newly merged Councils, like Bayside Council, has been encapsulated in the Local Government Amendment (Rates – Merged Council Areas) Act 2017. This Act amended the Local Government Act 1993 with the addition of Section 218CB "Transition provision for maintenance of pre-amalgamation rate paths". Section 218CB provides for the Minister to make a determination "for the purpose of requiring a new Council, in levying rates for land, to maintain the rate path last applied for the land by the relevant former Council". A determination made by the Minister under Section 218CB was published in the NSW Government Gazette No 56 of 26 May 2017. Changes to the Botany and Rockdale Valuation Districts have been made by Bayside Council in accordance with this Determination by the Minister.

In achieving this requirement, rates for any land in Bayside Council will be calculated using the rate pegging limit of 2.7% determined by IPART.

During the exhibition period, Council has continued to process adjustments to its rating records (to account for any newly ratable land) in accordance with its legislative requirements. As a consequence minor changes have been made to the ad-valorem rates in the Draft Plan so that Council stays within the increase limits detailed above.

For land in the Bayside Council Rockdale Valuation District

Rate Type	Category	Land Value (\$)	Rate Income (\$)	Ad-valorem rates or Minimum Rate
Ordinary Minimum Rates	Residential	4,908,077,799	17,058,936	\$749.04
	Business	86,000,080	457,633	\$749.04
	Farmland	0	0	\$749.04
Ordinary Ad valorem Rates	Residential	18,131,813,301	25,504,652	0.00140663
	Business	1,667,241,832	4,441,926	0.00266424
	Farmland	5,018,000	7,206	0.00143595
Community Safety Levies (Base rate + ad valorem)	Base Rate	n/a	211,260	\$4.68
	Residential Ad valorem	23,039,891,100	211,061	0.00000917
	Business Ad valorem	1,753,241,912	28,358	0.00001618
	Farmland Ad valorem	5,018,000	42	0.00000854
Infrastructure Levies (Base rate + ad valorem)	Base Rate	n/a	3,291,682	\$72.92
	Residential Ad valorem	23,039,891,100	7,363,349	0.00031960
	Business Ad valorem	1,753,241,912	904,436	0.00051587

Rate Type	Category	Land Value (\$)	Rate Income (\$)	Ad-valorem rates or Minimum Rate
Local Area Rates	Farmland Ad valorem	5,018,000	1,550	0.00030899
	Arncliffe	25,755,702	20,074	0.00077942
	Rockdale	330,277,060	269,591	0.00081626
	Bexley	48,589,070	38,164	0.00078545
	Brighton Le Sands	109,048,591	93,423	0.00085671
	West Botany St	97,358,860	47,223	0.00048505
	Ramsgate	32,422,002	9,046	0.00027904
	Kingsgrove	40,160,460	23,975	0.00059698
	Banksia	5,252,890	2,379	0.00045291
	Ramsgate Beach Base + Ad valorem	n/a 43,905,920	12,228 12,332	\$249.56 0.00028088
TOTAL YIELD			60,010,526	

**Note - figures quoted for ad valorem rates may include rounding*

Safer City Program (funded by the Community Safety Levy)

This levy which is funded by a Special Rate Variation, which came into effect on 1 July 2007 and continues in perpetuity, will yield approximately \$450,721 for the 2019/2020 rating year. The Safer City Program comprises of four key components:

- ▶ Graffiti – Assess and Remove Graffiti (provides for 12,000 m² per year)
- ▶ CCTV – Maintenance Costs, and Coordination of Facility
- ▶ Safer Places – Undertake Safety Audits and Identify Improvement Measures. Works identified are to be prioritised and scheduled as part of the Capital Works Program
- ▶ Community Education – Raising Awareness through community programs.

Asset Rehabilitation and Improvements Program (funded by the Infrastructure Levy)

This levy which is funded by a Special Rate Variation which came into effect on 1 July 2007 and which was supplemented by a further Special Rate Variation granted for the 4 years from the 1st July 2014, will yield approximately \$11,561,017 for the 2019/2020 rating year. A detailed program listing individual projects has been developed which is reviewed annually.

For land in the Bayside Council Botany Valuation District

Rate Type	Category	Land Value (\$)	Rate Income (\$)	Minimum rate	Ad-valorem rates or Minimum Rate
Ordinary Rates	Residential	9,730,731,376	13,622,545	539.59	0.00093615
	Business A	1,594,098,407	5,483,047	539.59	0.00320392
	Business B	1,050,045,000	3,618,489	539.59	0.00344565
	Business C	6,000,000	6,191	539.59	0.00103183
	Business A Mascot Precinct	235,480,869	414,683	539.59	0.00168540
	Business B Mascot Precinct	172,585,000	275,768	539.59	0.00157827
	Business Port Botany	327,500,100	2,755,919	539.59	0.00841381
	Business Banksmeadow Industrial (A)	201,816,590	864,061	539.59	0.00427880
	Business Banksmeadow Industrial (B)	392,990,000	1,631,624	539.59	0.00415182
	Business Banksmeadow Industrial Nth (A)	9,230,000	37,501	539.59	0.00406298
	Business Banksmeadow Industrial Nth (B)	206,661,000	1,078,233	539.59	0.00521740
Special Rates	Mascot Mainstreet	70,336,400	104,297		0.00148283
	Mascot Local Parking	70,336,400	104,297		0.00148283
TOTAL YIELD			29,996,655		

**Note - figures quoted for ad valorem rates may include rounding*

Airport Land

In accordance with the deed of agreement dated 28th November 2018 between Sydney Airport Corporation Ltd and Council, a payment in lieu of rates will be calculated for all airport land deemed rateable using the Business - Port Botany rate. For the 2019/2020 year, the Business - Port Botany rate will be 0.00841381 cents in the dollar with a minimum rate of \$539.59

For land in Bayside Council**Pensioner Rebates**

Each year Council is required to grant a pension rebate to ratepayers deemed eligible under the provisions of the Local Government Act 1993. The rebate is calculated as 50 per cent of the ordinary rates and waste charges levied, up to a maximum of \$250.00 per annum.

Hardship Policy

Council recognises that from time to time certain ratepayers may have difficulty in paying their Council rates and charges. The Local Government Act allows Council to provide a range of assistance to these ratepayers in circumstances detailed in our Hardship Policy.

Interest on Overdue Rates

For the 2019/2020 rating year, daily interest will be calculated at the rate of 7.5% p.a. recommended by the Office of Local Government (circular 19-05).

Local Area Rates

Special rates are levied on identified local businesses to cover the cost of any works, services, facilities or activities carried out and for the benefit of specific local business areas. Rates collected are principally used for, but not limited to, providing the following works:

- ▶ Provision and maintenance of car parking facilities
- ▶ Street scaping and beautification of shopping centres.

Annual Charges Policy

Domestic Waste Management Service Charge

Section 496 of the Act requires Council to levy a charge on each residential parcel of land for which the service is available, regardless of whether or not the garbage and recycling collection service is used. This charge is recovered via the domestic waste admin fee. Section 502 of the Act then allows Council to levy users of the service an annual waste charge dependent upon the number of waste bins being utilised.

It is important to note that until such time as the services provided to residents of the new Council are harmonised, the waste fees applicable to rateable parcel of land in each former Council district will vary. The domestic waste fees proposed for the 2019/2020 rating year are:

Annual Domestic Waste Charges	Former Rockdale City Council		Former City of Botany Bay	
	2018/2019	2019/2020	2018/2019	2020/2021
Domestic Administration Fee	\$120.00	\$124.50	\$120.00	\$124.50
240L Domestic Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
Additional 240L Domestic Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
Strata Unit Domestic Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
Non-strata Unit Domestic Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
Additional Non-strata 240L Domestic Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
240L Non-rateable Waste Bin Service	\$468.00	\$482.80	\$507.00	\$523.30
Additional 240L Non-rateable Waste Bin Service	\$348.00	\$358.30	\$387.00	\$398.80
Additional 240L Red-Lidded Bin ONLY	NEW	\$289.80	NEW	\$289.80
Additional 240L Yellow-Lidded Bin ONLY	NEW	\$68.50	NEW	\$68.50
Additional 240L Green-Lidded Bin ONLY	NOT AVAILABLE		NEW	\$40.50

These charges only cover the cost of providing this service and are influenced by factors such as collection contract price, tipping fees, government levies and the associated costs of recycling. Council is committed to supplying a cost effective waste service and complying with objectives of the Waste Avoidance and Resource Recovery Act 2001.

Bayside Council is required by the Local Government Act to levy an annual Domestic Waste Charge (DWC) for providing domestic waste management services to each parcel of rateable residential land where the service is available. The DWC is levied through rates notices to residential properties and includes administration, collection, processing, treatment, community education and other activities associated with domestic waste services.

In 2019/2020, Bayside Council will allow residents that generate additional waste and/or recycling to request additional specific bin services, subject to published schedule of rates, to supplement their 240L domestic waste bin service.

The Domestic Waste Administration Fee is levied on all domestic properties and includes, but is not limited to, the provision of services such as the annual scheduled kerbside household clean up service, pre-booked kerbside household clean up service (only applicable to some areas of the local government area), 22 annual community recycling drop off events (includes metal, white goods, mattresses, e-waste, green-waste, car tyres, etc.), management, waste regulation, waste education, and illegal dumping removal.

Commercial Waste and Recycling Service Charges

Bayside Council also offers standard and flexible waste and recycling collection services for non-residential properties, such as businesses or commercial premises.

Business or commercial refuse (including recyclable materials) is defined as generated as part of ordinary business activities. It does not include:

- ▶ Construction and demolition waste;
- ▶ Waste defined by the NSW EPA Waste Classification Guidelines 2014 as special waste, such as clinical and related waste (including pharmaceutical and sharps), asbestos and tyres;
- ▶ Liquid waste; and
- ▶ Restricted solid waste.

A Standard Commercial Waste Service Agreement provides a weekly kerbside garbage and organics recovery (red lid) bin, and fortnightly recycling (yellow lid) bin collection service for non-residential properties.

A Flexible Commercial Waste Service Agreement provides greater flexibility and capacity than the standard kerbside collection, as bins can be picked up as many times per week as required. Larger waste bins are also available.

Please refer to Bayside Council's Commercial Waste fees and charges for 2019/2020 for specific pricing options available.

A Commercial Waste Service is an optional service that Council can provide to businesses within the local government area. As a non-residential property, a business owner has the opportunity to choose and use any third party waste collection provider and opt not to use the Commercial Waste Service options provided by Council if collected on private property. Please note that Section 68 of the Local Government Act requires any business owner and/or third party operator to seek approval from Council to place any waste in a public place and/or placement of waste storage containers in a public place.

The commercial waste fees for 2019/2020 are:

Commercial Waste and Recycling Service Charges	2018/2019 (GST exempt)	2019/2020 (GST exempt)
Kerb side collection		
240L Commercial Waste Bin Service	\$780.39	\$816.93
Additional 240L Commercial Waste Bin Service	\$780.39	\$816.93
Strata Unit Commercial Waste Bin Service	\$780.39	\$816.93
Non-strata Unit Commercial Waste Bin Service	\$780.39	\$816.93
Additional non-strata 240L Commercial Waste Bin Service	\$780.39	\$816.93
On property collection		
240L Commercial Waste Bin Service	\$780.39	\$816.93
Additional 240L Commercial Waste Bin Service	\$780.39	\$816.93
Strata Unit Commercial Waste Bin Service	\$780.39	\$816.93
1,100L Commercial Waste Bin Service	\$2,349.00	\$2,427.30

Note: Council also provides additional commercial waste and recycling services on a per lift basis whereby bins can be emptied more often than the above mentioned scheduled service. These additional lifts will be charged in accordance with section 502 which allows Council to 'charge for a service referred to in section 496 or 501 according to the actual use of the service'. Details of these charges, which will be levied via a sundry debtor invoice payable within thirty (30) days, can be found in the Waste Section of Council's 2019/2020 Fees and Charges.

Stormwater Levy

Council charges a Stormwater Levy to every household and business in accordance with the policy gazetted by the Minister in October 2005 to improve the management of stormwater.

The maximum amounts of the Levy are set by Legislation is outside the capped rates to improve the management of stormwater within our City. The Stormwater Levy allows Council to undertake significant improvements to the stormwater system to provide a cleaner and safer environment for the benefit of owners, residents and visitors.

The stormwater levies proposed for the 2019/2020 rating year are:

Residential Properties	
Units/Strata	\$12.50 per lot
Single Dwellings	\$25.00 per assessment

Business Properties										
Units/Strata	Total fee for entire building (using calculation for business premises below) apportioned by the unit entitlement or \$5 per lot (whichever is the greater)									
Business Premises	\$25 per 350m ² of site area, to a maximum of \$250 (see table below)									
Land size (m²)	Up to 350	Up to 700	Up to 1,050	Up to 1,400	Up to 1,750	Up to 2,100	Up to 2,450	Up to 2,800	Up to 3,150	3,151 & over
Charge per year	\$25	\$50	\$75	\$100	\$125	\$150	\$175	\$200	\$225	\$250

For businesses over 3,500m² the full levy will be applied and then discounted to the maximum levy of \$250 per year. This provides an incentive for larger businesses to recycle their stormwater onsite rather than off site. For those properties that choose not to recycle, Council has the option of reducing the discount and therefore increasing the levy for individual assessments.

Section 7.11 (Formerly section 94) Developer Contributions

Section 7.11 of the Environmental Planning and Assessment Act (1979) enables Council to levy contributions for public amenities and services required as a consequence of development.

- ▶ Recreational facilities (including open space acquisitions and embellishments)
- ▶ Stormwater and Pollution Control Facilities
- ▶ Town Centre/Street scaping Improvements
- ▶ Community Facilities & Car Parking
- ▶ Roads and Traffic Management Facilities
- ▶ Plan Administration and Project Management.

Section 7.12 (Formerly Section 94A) Developer Contributions

Council's Plans allow for the collection of a levy (between ½ per cent - 1.0 per cent) on development proposals that don't pay section 7.11 contributions. The application of the levy is dependent on the type of development and value of works. These plans are prepared in accordance with the Environmental Planning and Assessment Act (1979).

Work on Private land

Council carries out work on private land on a cost recovery basis subject to the provisions of the Local Government Act (1993) unless there are extenuating circumstances.

Rating of Gas Mains

Council charges AGL in accordance with the rating of gas mains provisions.

Commercial Activities

Council does not conduct any significant activities of a business or commercial nature.

Other Fees and Charges

Apart from the Rates and Charges outlined above, the full schedule of fees and charges is available as an attachment to this document.

Financial Assistance given by Council

Council supports eligible organisations, individuals and groups in the development of services and activities that enhance the social, cultural, economic and environmental outcomes outlined in Council's Community Strategic Plan, Delivery Program and Operational Plan. This is done in accordance with Section 356 and 610 of the Local Government Act.

Support is provided to the local community through the provision of financial assistance to not for profit organisations, community groups and individuals provided in the form of community grants, donations and fee waivers. These are allocated through program guidelines.

The Community Grants and Donations Policy provides for the following categories of financial assistance:

- ▶ **Community Grant** - A community grant is a financial award given to a community organisation to develop a project or assist in the provision of a service or activity. A grant is given with acquittal reporting requirements.
- ▶ **Donation** – A donation is the provision of a one-off monetary contribution or an in-kind contribution of goods or services to a cause, community organisation or individual that may or may not be part of an ongoing program. Generally there are fewer conditions attached to the provision of a donation by Council.
- ▶ **Fee Waiver for Use of Venues and Facilities** – is an arrangement whereby Council foregoes revenue where they would normally charge a fee. Not for profit community organisations and clubs, may be eligible for the waiver of 50% of the fee for use of Council operated venues and facilities, including halls and parks.
- ▶ **Student Excellence Award** – is given by Council annually, in recognition of excellence in young people, to every primary and secondary school in the Bayside area to award to a student who has made a significant and positive contribution to their school environment.

In addition to these categories of financial assistance, Council has a Rental Assessment and Subsidy Policy providing a property rental subsidy based on specific criteria under the Policy as well as a Community Facilities Occupancy Renewal Policy.



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www.bayside.nsw.gov.au

Council Meeting

12/06/2019

Item No	8.13
Subject	Finance Policies - Rates Hardship, Rates & Sundry Debtors Recovery, Rating and Investment Policy.
Report by	Michael Mamo, Director City Presentation
File	F16/259

Summary

Council needs to undertake a review of its policies and as part of this process a number of key financial policies have been updated. These policies were presented to the General Managers Briefing on 29 May 2019.

Officer Recommendation

- 1 That the Rates Hardship Policy be adopted.
 - 2 That the Rates & Sundry Charges Recovery Policy be adopted.
 - 3 That the Rating Policy be adopted.
 - 4 That the Investment Policy be adopted.
-

Background

Council has undertaken a review of its policies and as part of this process a number of key financial policies have been updated and are now presented to Council for adoption.

The following draft policies have been reviewed.

Rates Hardship Policy and Rates & Sundry Charges Recovery Policy

In November 2018, the Office of Local Government released guidelines that Council must consider when implementing debt management & hardship policies.

In line with the guidelines, draft rates Hardship and Recovery of Rates & Sundry Charges policies have been prepared for adoption by Council.

The objectives of these guidelines are:

1. efficient and effective collection of council rates, charges and outstanding debt
2. contemporary and flexible options to collect money from ratepayers
3. fair and equitable treatment of ratepayers, including those facing hardship
4. how to identify and work with ratepayers in hardship when collecting money
5. reduced use of expensive court processes to recover debts
6. improved financial sustainability of councils, including performance in managing outstanding rates and charges, and

7. Compliance with legislative requirements, including the *Local Government Act* and privacy laws.

Rating Policy

The Local Government Amendment (Rates - Merged Council Areas) Act 2017 requires newly created Councils to maintain the rate path of the former Councils.

This Policy formalises Council's Rating Policy prior to any future harmonisation of its rating structures.

Investment Policy

The Investment Policy provides the overarching guidance on the types and limits of investments Council surplus funds will be invested in. Council is required to review and adopt an Investment Policy and review on a regular basis.

Since Proclamation Bayside has been using the former Council's investment policies to guide its investments and needs to adopt a policy that provides effective guidance on the management of its investment portfolio.

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

- 1 Draft Rates Hardship Policy [↓](#)
- 2 Draft Rates & Sundry Charges Recovery Policy [↓](#)
- 3 Draft Rating Policy [↓](#)
- 4 Draft Investment Policy [↓](#)



Rates Hardship Policy

Draft



Draft

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Rates Hardship Policy
File: F16/259 Document: 17/32791
Class of document: Council Policy

Enquiries: Manager Finance



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Rates Hardship Policy

2

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Draft

1 Introduction

Council recognises that from time to time certain ratepayers may have difficulty in paying their Council rates and charges.

The Local Government Act allows Council to provide a range of assistance to these ratepayers depending on the circumstances.

This Policy will provide:

- guidance to Council staff to enable an effective and consistent approach,
- greater transparency.

2 Scope

This policy details the entire range of assistance available to any ratepayer encountering difficulty in paying their Council rates and charges.

3 Policy Statement

3.1 Hardship

Hardship is difficult to define and can be the result of:-

- Loss or change in income
- Illness
- Loss arising from an accident
- Natural disaster or emergency situation
- Death in the family
- Separation, divorce or other family crisis
- Family violence, and/or
- Some other temporary financial difficulty due to loss of income or increase in essential expenditure
- Rental vacancy rate (where an investor owns multiple properties)

For the purpose of this Policy, all ratepayers requesting assistance will be required to provide proof of hardship.

3.2 Pensioner ratepayers

For the purposes of this policy, a pensioner is one who satisfies the requirements of section 575 of the Local Government Act 1993 and therefore receives a pension rebate on their rate account.

Pensioner ratepayers are allowed to defer payment of their rate account until such time as the property is sold, or passes to their Estate. In these instances, interest will still accrue each year on any arrears at the interest rate adopted by Council.

The Deferred Rates Scheme offered by the former Rockdale City Council ceased on the 1 July 2018 for new applications. However, it continues for existing applications until the relevant property is either sold or transferred to a person who is not currently the owner of the property (i.e. a beneficiary).

Any pensioner ratepayers who decide to defer payment of their rate account or who fall behind in their payments through financial hardship will not be subject to any legal action on their rate account except where rates and charges on their rate account have been unpaid for nineteen (19) years. In those instances:-

- 1 Contact will be made with the ratepayer to have them reduce the amount owing, or
- 2 Judgment may be sort through the Local Court to prevent any claim for non-payment owing to a statute of limitations. Any costs of taking such action will be borne by Council.

Each year, pensioner ratepayers will be assisted in keeping their rate accounts up to date by waiving any interest charges raised during the current rating year where the total amount due stated on the annual notice (issued in July each year) is paid in full by the second last working day of that rating year.

During the end of year process the Council will waive any interest charges that have been raised on a rate account during that rating year if:

- 1 the ratepayer was in receipt of a pension rebate on the 30 June of the rating year for which interest is to be waived via the end of year process, and
- 2 Council has received payment of the total amount due (as stated on the annual notice).

3.3 Arrangements and writing off of accrued interest and costs

At any time, Council may enter into a formal agreement with a ratepayer for the payment of rates and charges by dates other than those dates specified on Council's annual rate notice.

Any arrangement can be made on a weekly, fortnightly or monthly basis.

An application for an arrangement must be submitted by the ratepayer in writing, and can be lodged by:-

- 1 email from an email address containing the ratepayers name
- 2 mail
- 3 using the prescribed form

No more than two (2) arrangements can be made by a ratepayer in any two (2) year period. Where two (2) arrangements have previously been made, further arrangements will only be accepted where at least 50% of the arrears owing is paid within one (1) calendar month. This will be stated in the acceptance letter posted to the ratepayer when accepting their second arrangement.

Section 567 of the Local Government Act 1993 allows for Council to write off accrued interest charges. Upon written application from the ratepayer, Council will agree to do so for any ratepayers who satisfy the following criteria:

- 1 those ratepayers owing the current year's rates and charges only:

- I. the arrangement should be submitted in the approved form by the 31 August of the year in which interest is to be waived,
 - II. all payments must be made as per the terms of the agreement, and
 - III. the amount owing as at the 1st July must be paid in full by the 30 June
- 2 those ratepayers owing more than the current year's rates and charges:-
 - 3 the arrangement should be submitted in the approved form by the 31 August of the year in which interest is to be waived,
 - 4 all payments must be made as per the terms of the agreement, and
 - 5 where payments made in a given year equal the annual rates levied for that year, then only interest raised on the current annual year's rates will be written off, and
 - 6 in order to have interest raised on any arrears written off, payments made in any given year must total at least 1.5 times the annual rates for that year.

NOTE: where an arrangement is made after the 31 August, only interest raised from the month the arrangement is made will be written off.

A ratepayer may make a large payment to reduce the amount owing on their rate account. Where this occurs, Council will agree to waive accrued interest totalling 10% of the payment made up to a maximum amount of \$500.00 in any one year.

However, where Council agrees to do waive interest totalling 10% of the payment made, relief cannot also be sort in the same year by the ratepayer described by criteria 1 or 2 above.

3.4 Legal costs

The recovery of any costs incurred in taking any of the above actions is limited by the relevant sections of the Local Government Act 1993.

As legal action is only commenced after prior warning has been given to the debtor, any requests for legal costs to be waived are to be denied except in instances where Council has failed to update its database correctly following:-

- 1 the receipt of a change of address notification from the debtor or an authorised agent acting on their behalf but only where such a request is recorded as being received by Council's electronic records system (i.e. the onus is on the debtor or their authorised agent to ensure that any such request is received by Council) ,
or
- 2 the downloading of notice of transfer information from LPI NSW.

3.5 Valuation changes

Section 601 of the Local Government Act 1993 allows for Council to provide rate relief to a ratepayer who incurs a rate increase following a new valuation of land. Notwithstanding this provision, Council will not consider any such applications as valuations are independently determined by the Valuer General.

Any affected ratepayers will be directed to the Valuer General where an application may be made under the appeal provisions of the Valuation of Land Act 1916.

Council Fees payable under section 608 of the Local Government Act 1993
The General Manager will have delegated authority to waive or reduce any such fee.

4 Policy Responsibilities

The Manager Finance is authorised to administer the processes defined in this Policy.

The Coordinator Rates & Revenue is authorised to waive interest charges raised on overdue pensioner rates in accordance with clause 3.2 of this policy.

5 Document control

This policy should be reviewed every three (3) years, or where changes made to the relevant sections of the Local Government Act require it.

The Manager Governance & Risk may approve non-significant and/or minor editorial amendments that do not change the policy substance.

5.1 Related documents

This document should be read in conjunction with:

- Local Government Act 1993
- Rating & Revenue Raising Manual – issued by the Department of Local Government
- Guidelines for a Council Rates Hardship Policy – issued by the Local Government & Shires Association of NSW (August 2011)
- Debt Management and Hardship Guidelines – issued by the Office of Local Government (November 2018)

5.2 Version history

This policy was based on a former Rockdale City Council policy last approved on 5 March 2013.

Version	Release Date	Author	Reason for Change
0.0	Draft	David Grima	Harmonised document from former Councils



Rates & Sundry Charges Recovery Policy



Draft

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Rates & Sundry Charges Recovery Policy
File: F16/259 Document: 17/32553
Class of document: Administrative Policy

Enquiries: Manager Finance



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Rates & Sundry Charges Recovery Policy

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Draft

1 Introduction

Throughout the year Council issues:-

- 1 notices for rates and charges, and
- 2 tax invoices for sundry fees & charges.

This Policy and the processes in place provide:

- guidance to Council staff in order to enable an effective and consistent approach,
- greater transparency.

2 Scope

This policy is used by Council staff to ensure an effective and consistent approach is followed when recovering rate notices and tax invoices issued by Council.

3 Policy Statement

3.1 Rates & Charges

Council Rates & Charges are levied on the 1 July each year. Council rates are due for payment by the 31 August each year. However, a ratepayer is allowed the option to pay the total annual amount by quarterly instalments due for payment on the 31 August, 30 November, 28 February and 31 May.

Furthermore:

- should an instalment not be paid by the due date, only that instalment becomes recoverable
- Council allows for an instalment to be paid within the following month before accruing interest charges
- any arrears of rates (other than those mentioned in item 2) are due and payable immediately and subject to interest charges until they have been paid. This requirement is irrespective of the due date printed on any subsequent notice issued to a ratepayer.
- for the purposes of this policy, a rate account will be considered to be in arrears when two (2) of more instalments remain unpaid, and the sum of these instalments is at least \$750.00 (being the cost effective amount to recover).
- rate accounts that are in arrears and who have failed to make alternative arrangements to pay the overdue amount will be referred to an external Agency for recovery action to be commenced.
- rate accounts will be referred at least two times per year – in September following the due date of the 1st instalment and then in March following the due date of the 3rd instalment.

3.2 Pensioner Ratepayers

For the purposes of this policy, a pensioner ratepayer is one who currently satisfies the requirements of section 575 of the Local Government Act 1993 and therefore receives a pension rebate on their rate account.

Pensioner ratepayers who are in arrears are not to be subject to recovery procedures of any nature except for the posting of reminder notices. However, any unpaid rate arrears are still subject to the applicable interest charges (unless relief is provided under a Council policy).

3.3 Sundry Accounts (i.e. all invoices issued other than Rate Notices)

A sundry account is a tax invoice issued to recover a miscellaneous fees payable under Council's adopted Fees & Charges document. Any such invoice issued is due for payment within thirty (30) days of the date of the invoice.

A sundry account will be considered in arrears when it is more than 60 days overdue. Accounts that are in arrears and who have failed to make alternative arrangements to pay the overdue amount will be referred to an external Agency for recovery action to be commenced.

3.4 Legal Costs

The recovery of any costs incurred in taking any of the above actions is limited by the relevant sections of the Local Government Act 1993.

As legal action is only commenced after prior warning has been given to the debtor, any requests for legal costs to be waived are to be denied except in instances where Council has failed to update its database correctly following:-

- 1 the receipt of a change of address notification from the debtor or an authorised agent acting on their behalf but only where such a request is recorded as being received by Council's electronic records system (i.e. the onus is on the debtor or their authorised agent to ensure that any such request is received by Council) , or
- 2 the downloading of notice of transfer information from LPI NSW.

4 Document control

4.1 Review

This policy should be reviewed every three (3) years, or where changes made to the relevant sections of the Local Government Act require it.

The Manager Governance & Risk may approve non-significant and/or minor editorial amendments that does not change the policy substance.

4.2 Related documents

This document should be read in conjunction with:

- Local Government Act 1993
- Rating & Revenue Raising Manual – issued by the Department of Local Government
- Debt Management and Hardship Guidelines – issued by the Office of Local Government (November 2018)

4.3 Version history

This policy was based on a former Rockdale City Council policy last approved on 7 June 2016.

Version	Release Date	Author	Reason for Change
0.0	Draft	David Grima	Harmonised document from former Councils

Draft



Rating Policy

Draft



Draft

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Rating Policy

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Enquiries: Manager Finance



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Rating Policy

2

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1 Introduction

The Local Government Act requires Council to set the framework overarching Council's Annual Rating Policy. This policy does that.

2 Scope

This policy will be used to administer rates and charges for all properties within Bayside Council.

3 Rates & charges

The Local Government Amendment (Rates – Merged Council Areas) Act 2017 requires newly created Councils to maintain the rate path of the former Councils.

3.1 Ordinary rates

Ordinary rates in both former Councils are calculated using an ad valorem amount and where minimums are applied in accordance with section 548 of the Local Government Act 1993.

Properties in the former Rockdale City Council will be categorised according to their dominant use as either:

1. Residential, or
2. Business, or
3. Farmland

Properties in the former City of Botany Bay will be categorised according to their dominant use. These categories are identified in the attached maps as:

1. Residential, or
2. Business – Mascot Precinct (refer to attachment A), or
3. Business – Port Botany (refer to attachment B), or
4. Business – Industrial (refer to attachment C), or
5. Business – Industrial North (refer to attachment D).

All other properties will be categorised as Business A except:

1. Those categorised as Business B (refer to note below), and
2. the property located at 31 Edgehill Avenue Botany which is to be categorised as Business C.

Refer to the attachments **Schedule of properties in B categories** which identifies those properties categorised in the B category of the Mascot Precinct, Industrial, Industrial North and Business B categories.

Where properties in the schedule are subdivided, the new subdivided properties will also be categorised in the category of the historic property provided that the dominant use of the newly subdivided properties is also Business.

3.2 Determining the rating category

The Local Government Act requires every assessment to be categorised for rating purposes within one of the Ordinary rate categories according to its dominant use.

Where a property has more than one use (i.e. a mix of residential and business uses) it may be deemed by the Valuer General to be eligible for a **Mixed Development Apportionment Factor (MDAF)**. These properties are then rated part residential and part business on the basis of that MDAF and not categorised according to the dominant use.

Those properties deemed **not** eligible for a MDAF by the Valuer General must be categorised according to its dominant use.

As the Act allows a ratepayer to object to the categorisation of their property and further appeal Council's decision to the Land & Environment Court, the Council's basis for categorising these properties must be consistent and logical.

Where a ratepayer lodges an objection to Council's determination, an independent Valuer is to be engaged to supply a report on the property including estimates of the floor area occupied by each use, the estimated rental of each use (where the actual rental have not or will not be supplied by the ratepayer) and an estimate of the MDAF that would be applicable were the property eligible.

The report supplied by the Valuer can be used along with the following considerations when determining the dominant use of a property:

1. if the use of a parcel of rateable land complies with the Dictionary definition of Home Occupation, as stated in the Rockdale Local Environmental Plan – the property is to be categorised for rating purposes as residential
2. the intensity of the different uses
3. the general appearance of the property (i.e. which use occupies the ground floor) and the use of other properties in the immediate vicinity in which it is located
4. if there has been Council approval to use the land for a purpose other than for residential
5. if there has been any subsequent DA's in relation to a purpose other than for residential
6. if there is signage located on the land advertising the activity
7. if the activity is advertised (for e.g. in the White or Yellow Pages) or has a website
8. consideration as to whether the activity would still exist if the residence was not there
9. whether the owner would endeavour to maintain that right or purpose in terms of existing use rights if the parcel of land was put on the market to be sold.

3.3 Local area rates

The former Rockdale City Council has designated commercial districts where Local Area Rates are levied on business properties to fund works in those districts. These districts are listed below:

1. Arncliffe Local Area (refer to attachment E)
2. Banksia Local Area (refer to attachment F)
3. Bexley Local Area (refer to attachment G)
4. Brighton Le Sands Local Area (refer to attachment H)
5. Kingsgrove Local Area (refer to attachment I)
6. Ramsgate Local Area (refer to attachment J)
7. Ramsgate Beach Local Area (refer to attachment K)
8. Rockdale Local Area (refer to attachment L)
9. West Botany Street Local Area (refer to attachment M)

The above Local Area Rates will be calculated using an ad valorem amount except for the Ramsgate Beach Local Area Rate which is calculated using a base amount plus ad valorem amount.

The former City of Botany Bay has designated the Mascot commercial district where a Mainstreet Rate and a Mascot Local Parking Rate are to be levied on business properties to fund works and parking in those districts. This district is identified in attachment N.

3.4 Special levies

The former Rockdale City Council has previously been granted special rate variations to fund specific works. These funds are calculated via the:

1. Community Safety Levy which is used to fund The Safer City Program
2. Infrastructure Levy which is used to fund The Asset Rehabilitation and Improvements Program.

These special levies are levied on all rateable properties and calculated using a base amount plus ad valorem amount.

3.5 Rating of newly registered subdivisions

Rates for each rating year will be levied on all properties registered on or before the 30th June. Where a subdivision is registered after rates have been levied:

1. rates will be levied on the newly registered properties from the commencement of the next quarter (i.e. 1 July, 1 October, 1 January and 1 April) following the date of registration of the new plan, and
2. rates levied on the historic property will be adjusted to the end of the quarter (i.e. 30 June, 30 September, 31 December, 31 March) in which the new plan is registered.

3.6 Interest

Council will adopt the maximum rate as declared by the Minister.

3.7 Pension rebates

The Local Government Act 1993 allows for a 50% mandatory rebate to be granted to eligible pensioners up to a maximum annual amount of \$250.00

As required by the Local Government Act, an eligible pensioner must:-

1. be the owner or joint owner of the property, and
2. occupy the property as their principal place of residence and
3. be in possession of a current pensioner concession card issued by Centrelink and/or the Department of Veteran Affairs (DVA), or a gold card issued by DVA with the letters EDI or TPI stamped on it.

Where the pensioner part owns the property with someone other than their spouse, the amount of the rebate will be reduced proportionately according to their share of the property.

However, where the other owner does not reside at the property, Council will agree to extend the rebate amount to cover the other owner's proportion of ownership upon the other owner providing a statutory declaration stating:

1. their full residential address, and
2. declaring that they do not live at the property nor make any contribution to the outgoings for the property.

Where an eligible pensioner has not previously applied for a pension rebate on their rate account although they may have been eligible, a rebate shall be granted for the current year plus a retrospective rebate granted for the immediately preceding year (or part thereof).

Pensioner reference numbers will be verified with the relevant authority at least once yearly, and any write back of pensioner rebate amounts will be made as required by the Local Government Act 1993.

3.8 Aggregation (or Combining) of lots for rating purposes

Where separate rates are levied on lots that are used in conjunction with one another, section 548A of the Local Government Act 1993 allows for the aggregation of these lots for rating purposes. Any aggregation of lots will be limited too the lot occupied by the apartment or commercial activity and no more than two (2) other lots where they are occupied by a garage, car space or storage lot. These lots must be within the same building, strata plan or the immediately adjoining building or strata plans.

3.9 Change of mailing address for the service of rate notices

Requests to change the mailing address for the service of rate notices can only be accepted from:

1. the owner, or
2. their managing agent, or
3. a third party who has the owner's power of attorney and who provides a copy of such documentation.

4 Document control

4.1 Review

This policy should be reviewed when rating structures are to be harmonised and then every three (3) years in line with the general revaluation.

The Manager Governance & Risk may approve non-significant and/or any minor editorial amendment that does not change the policy substance.

4.2 Related documents

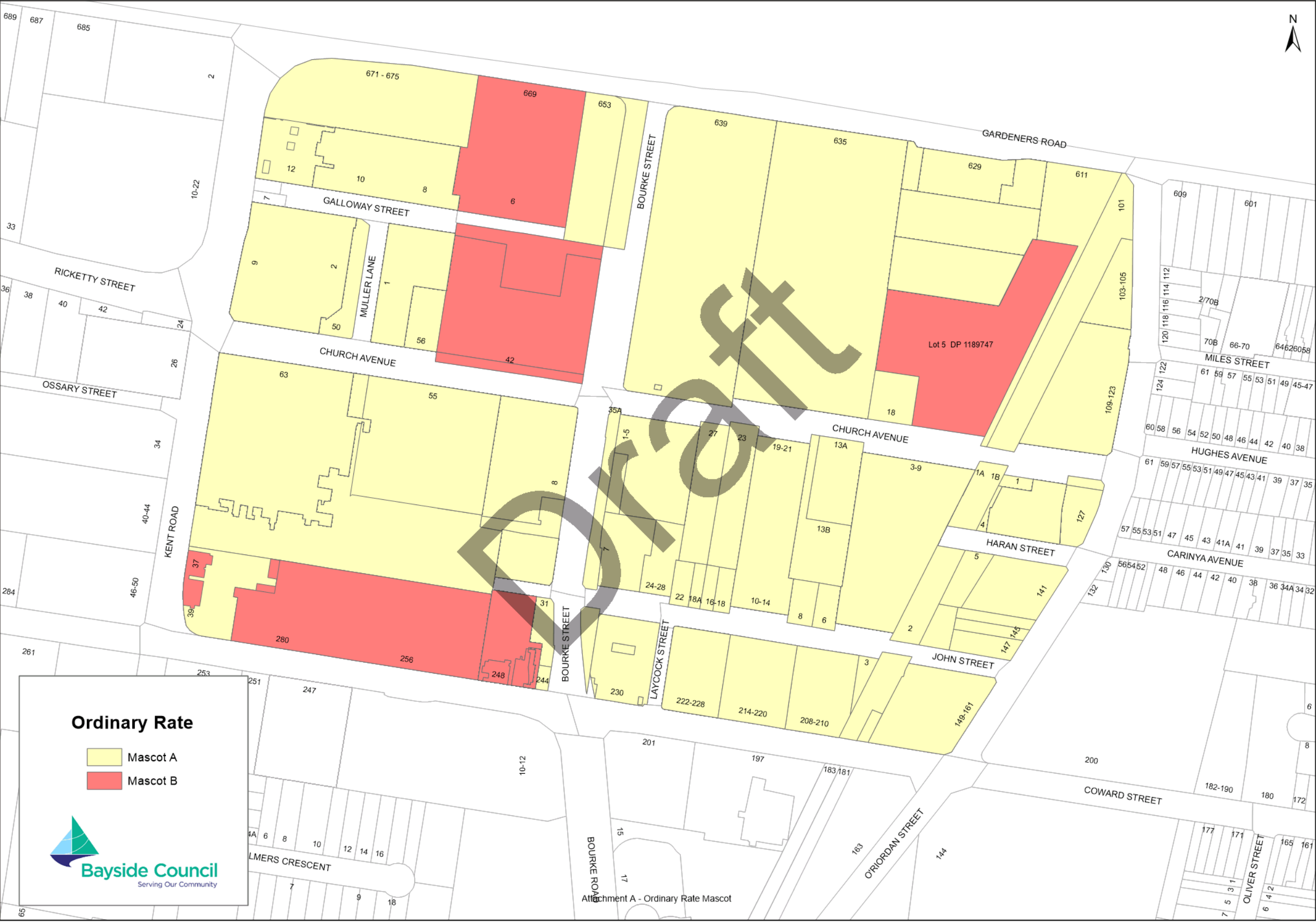
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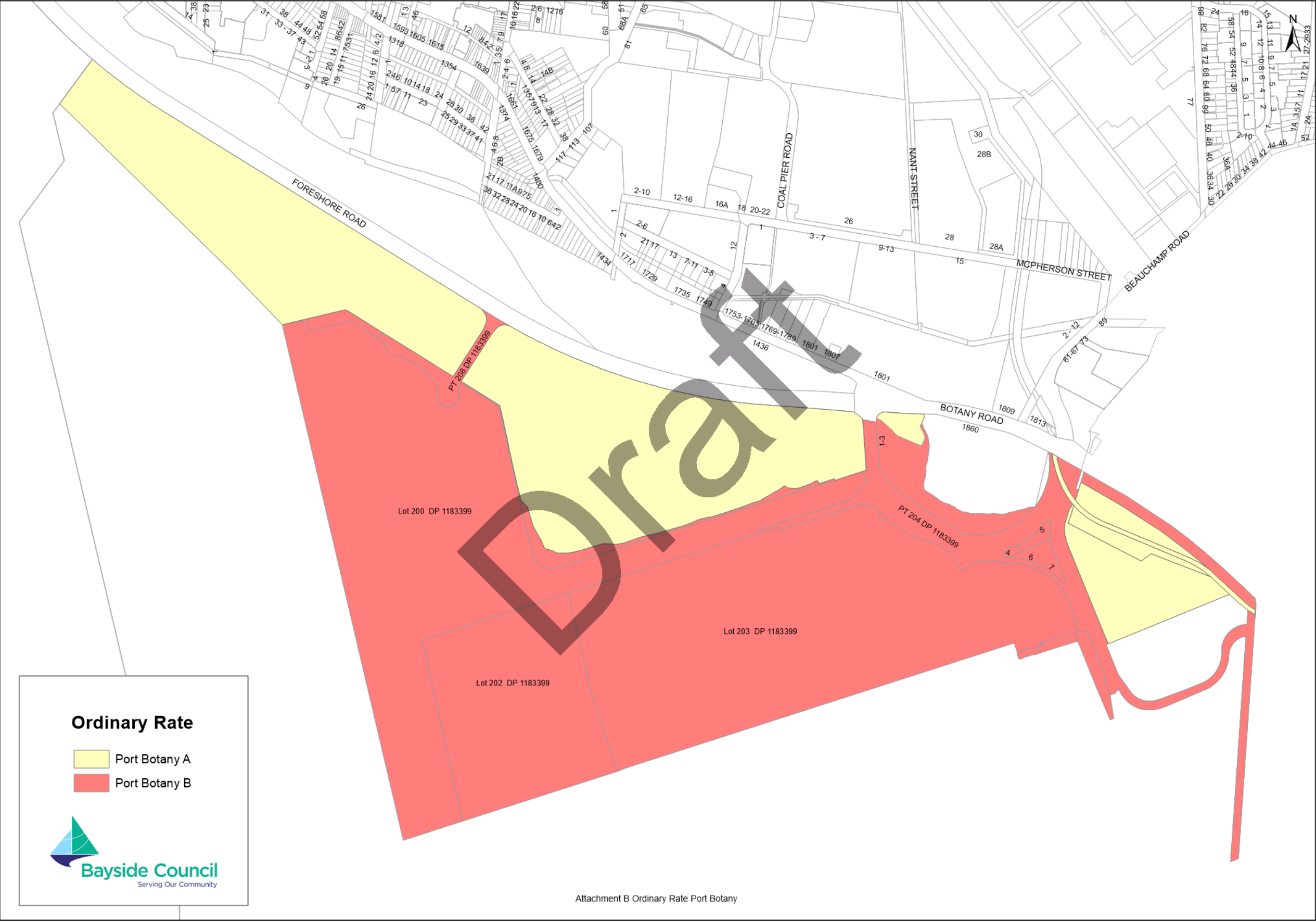
1. Local Government Act 1993
2. Council's Annual Rating Policy which forms part of the Operational Plan

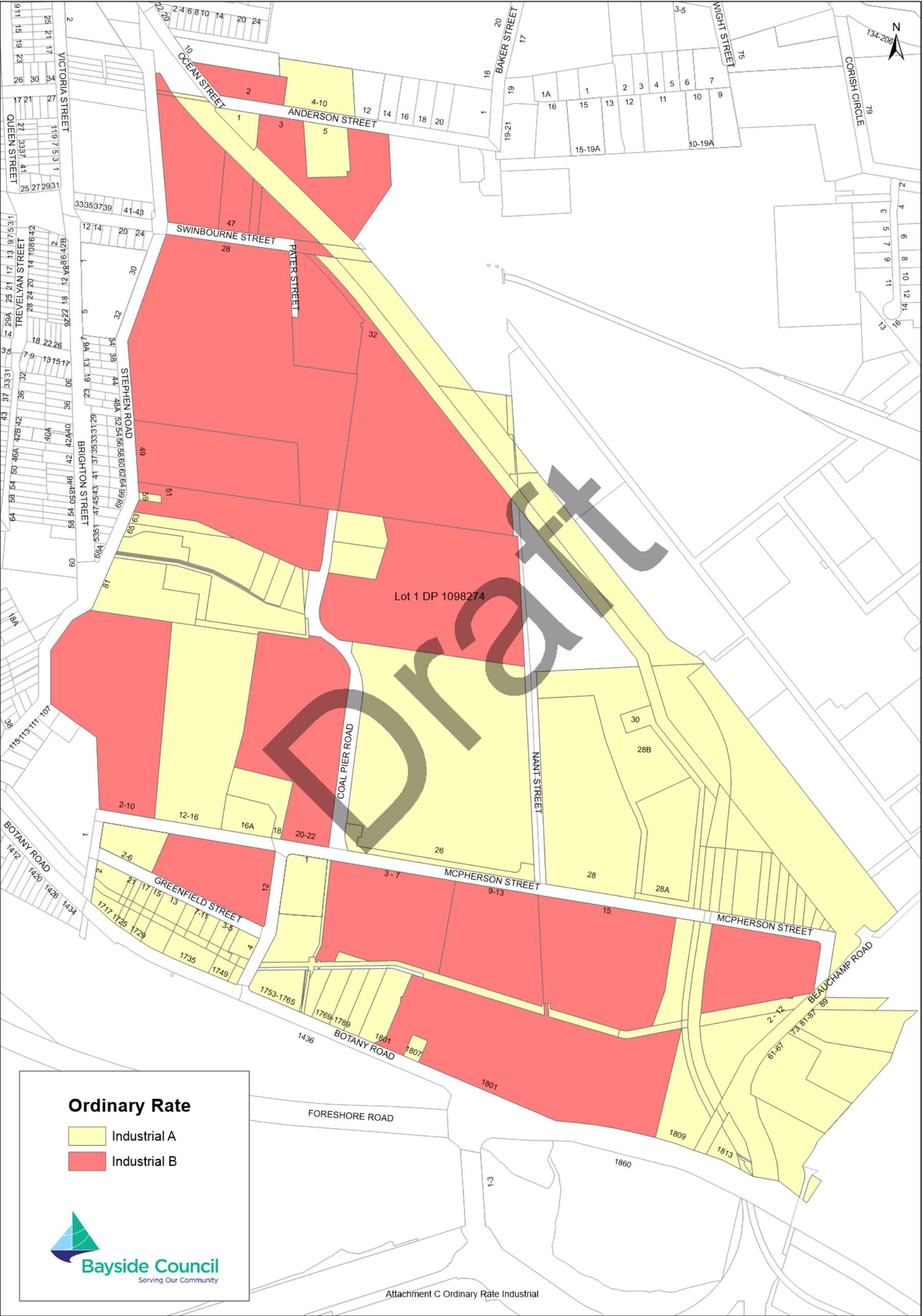
4.3 Version history

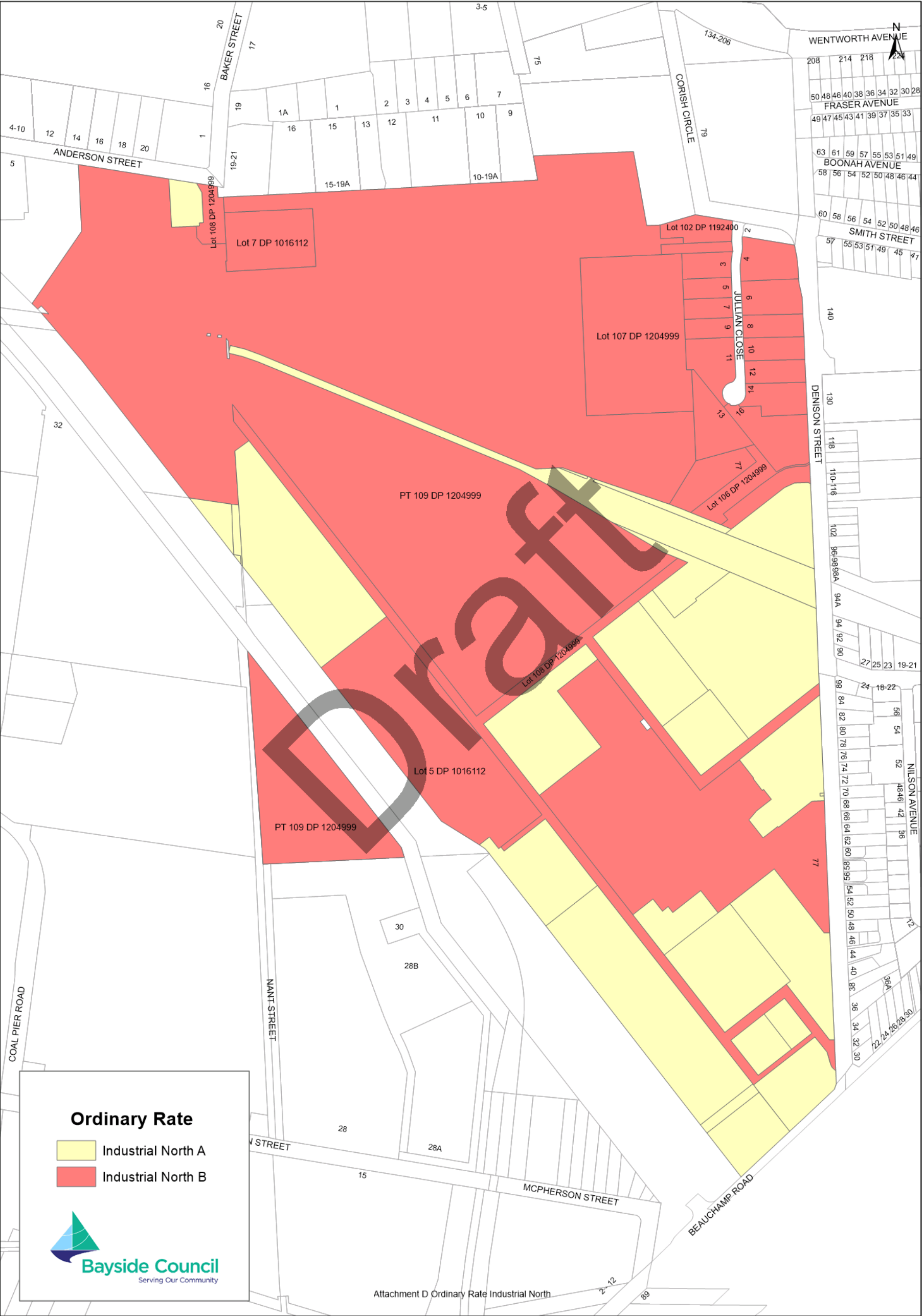
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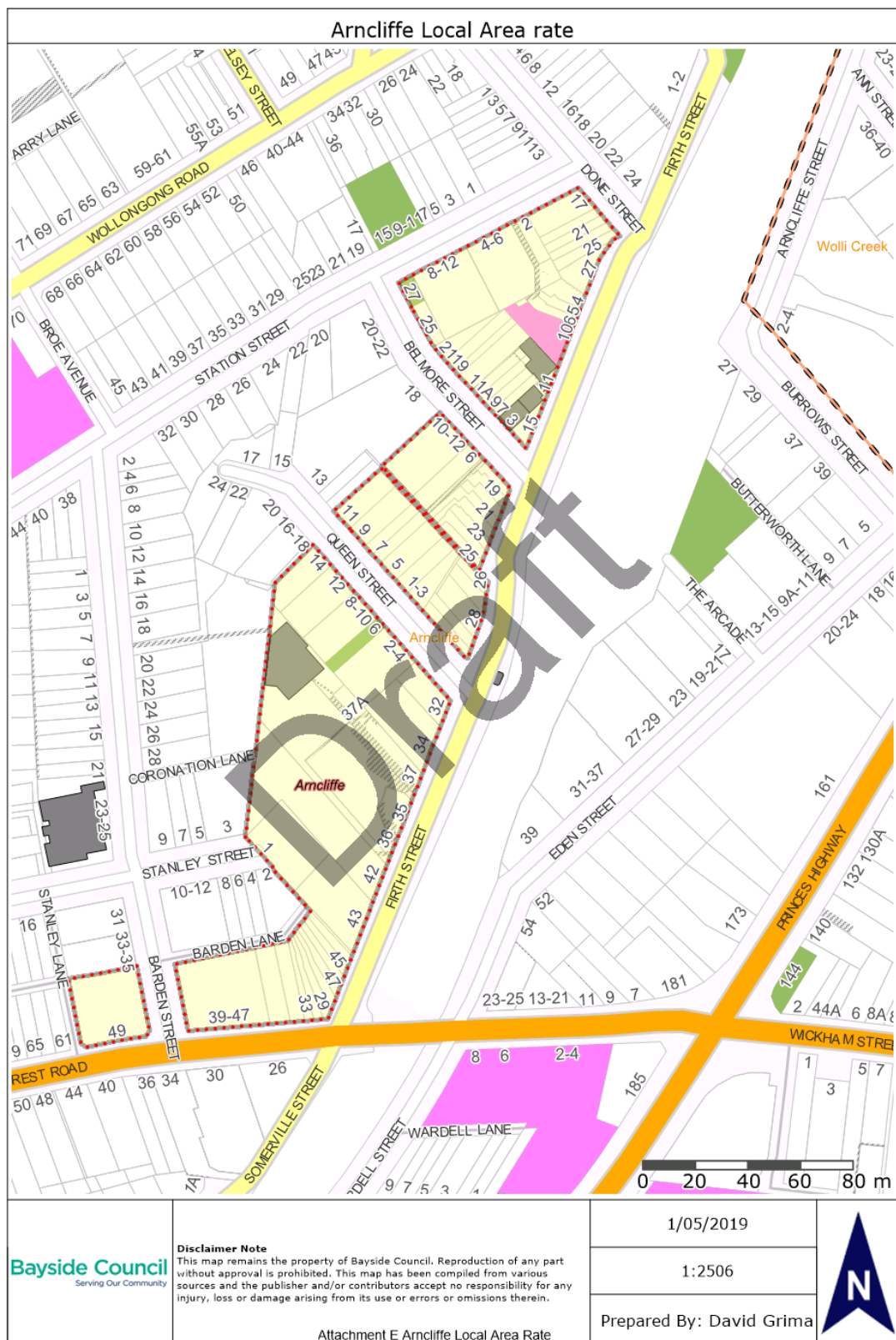
Version	Release Date	Author	Reason for Change
1.0	TBA	David Grima	Original, Harmonised document from former Councils

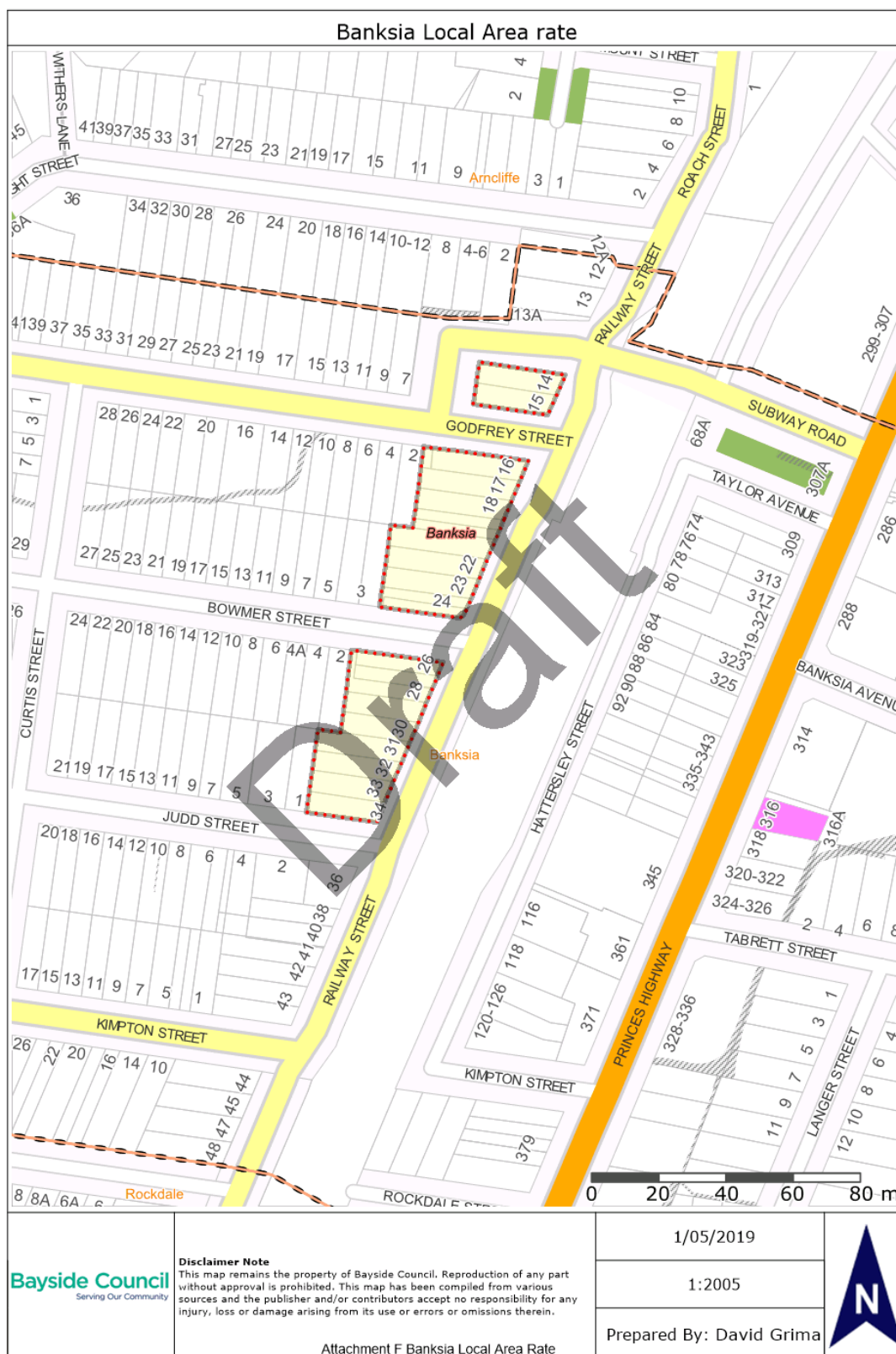


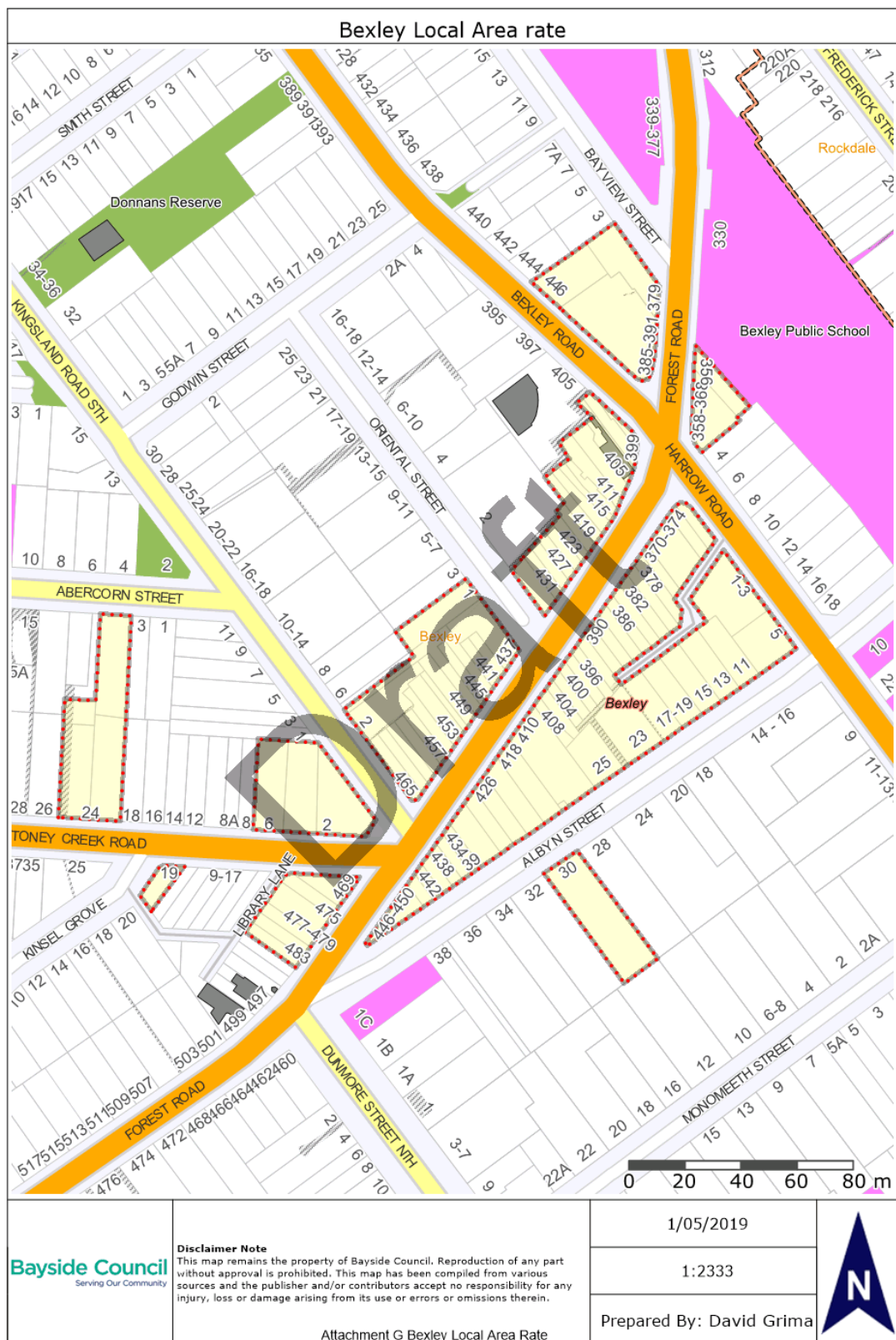


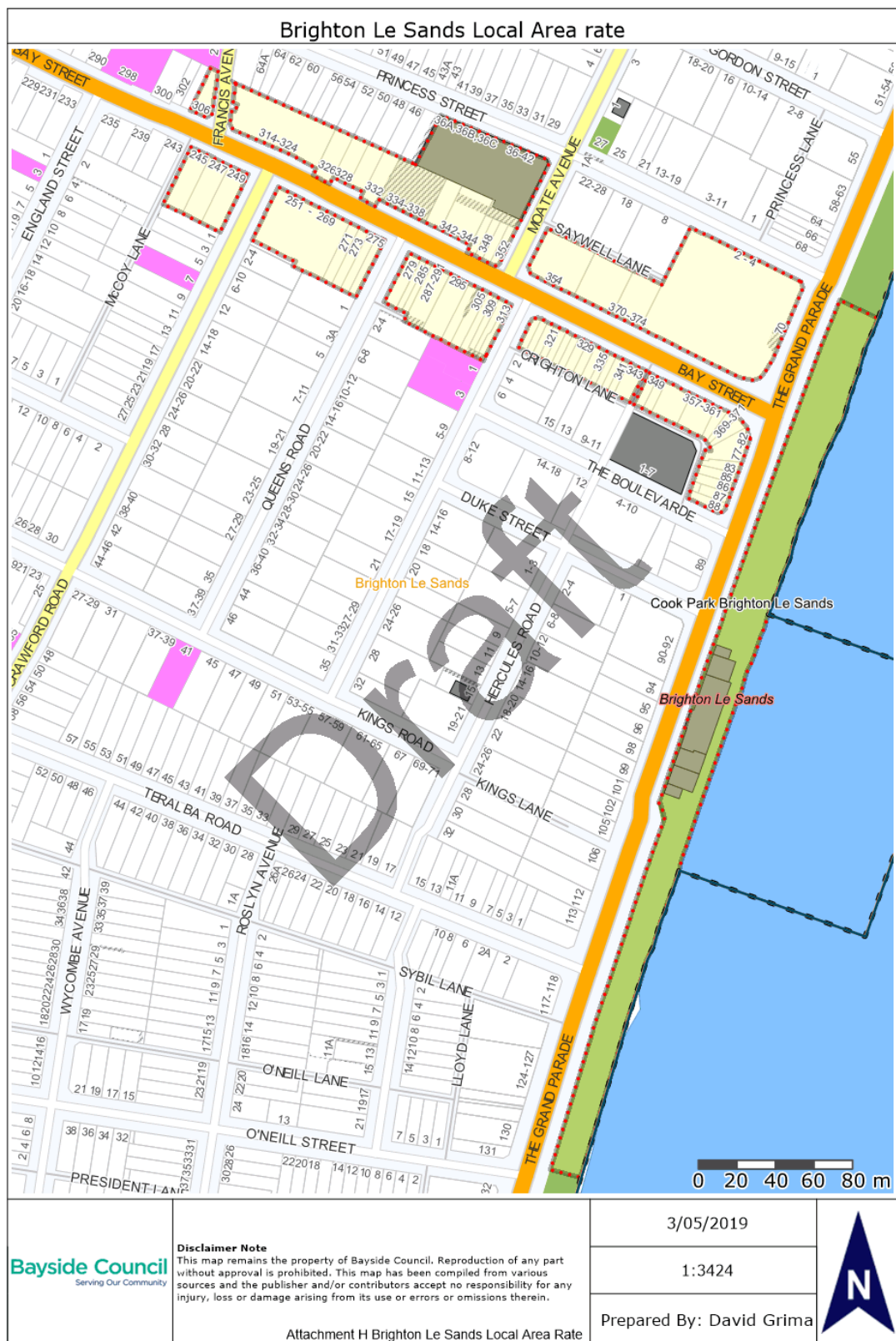


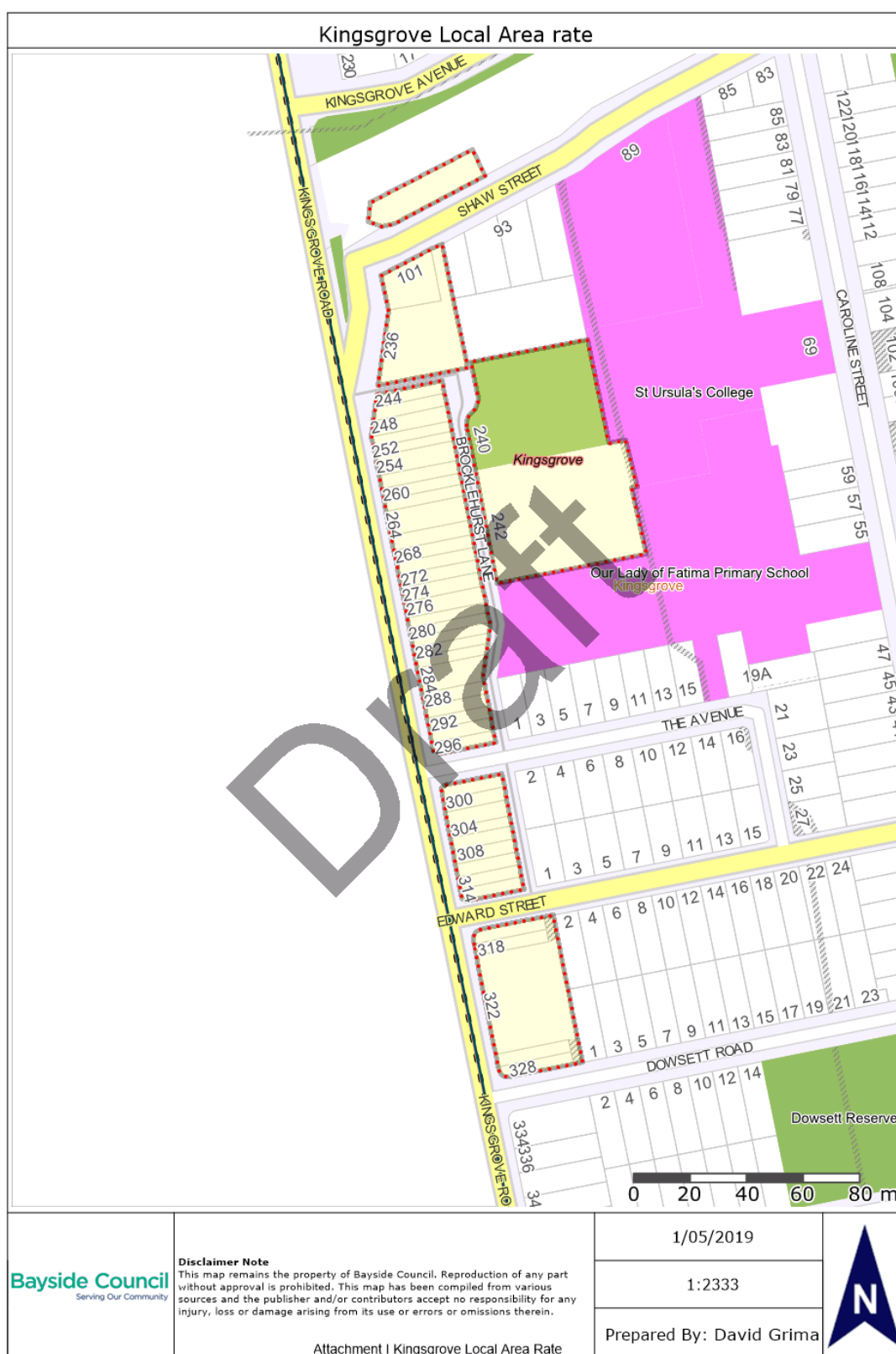








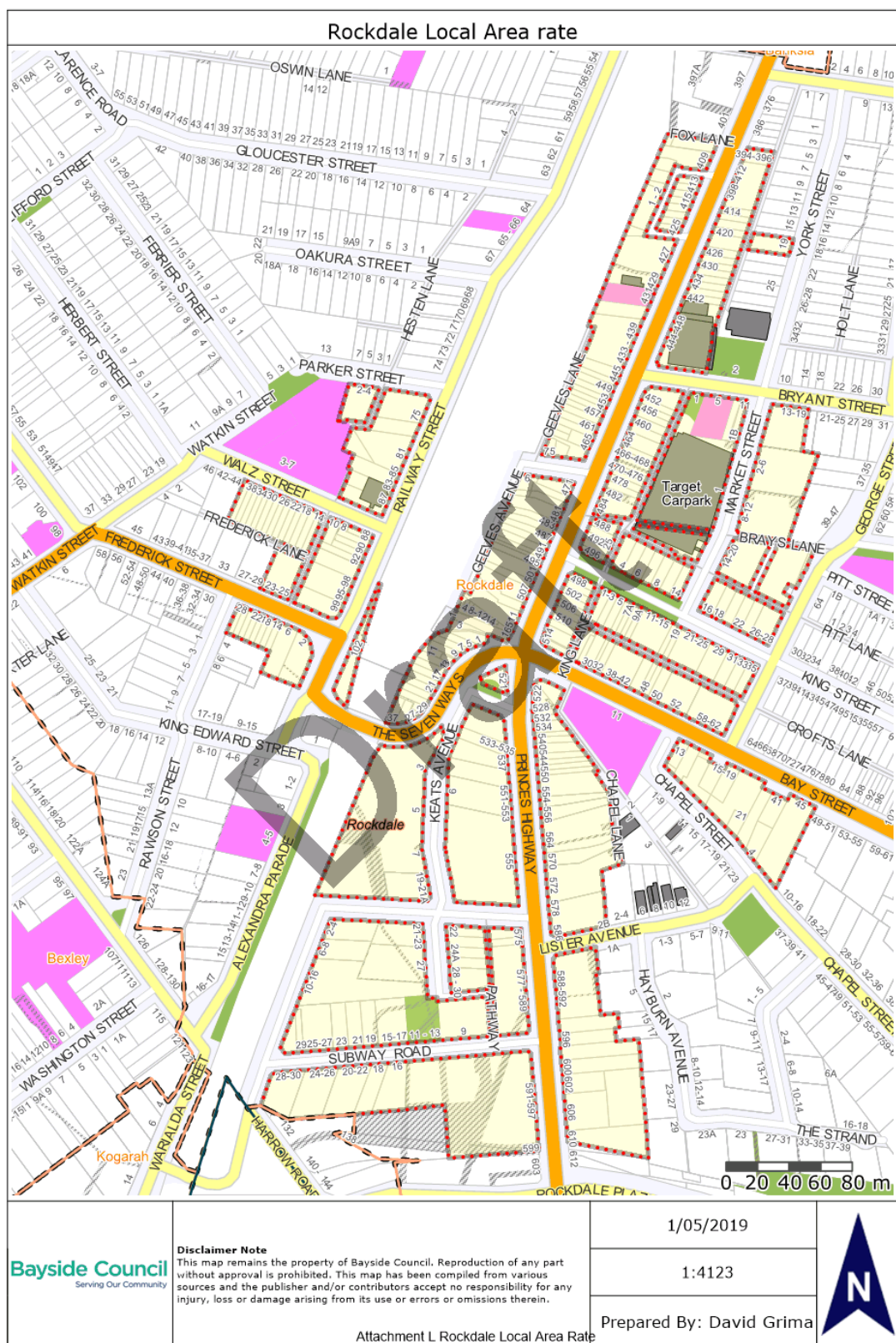


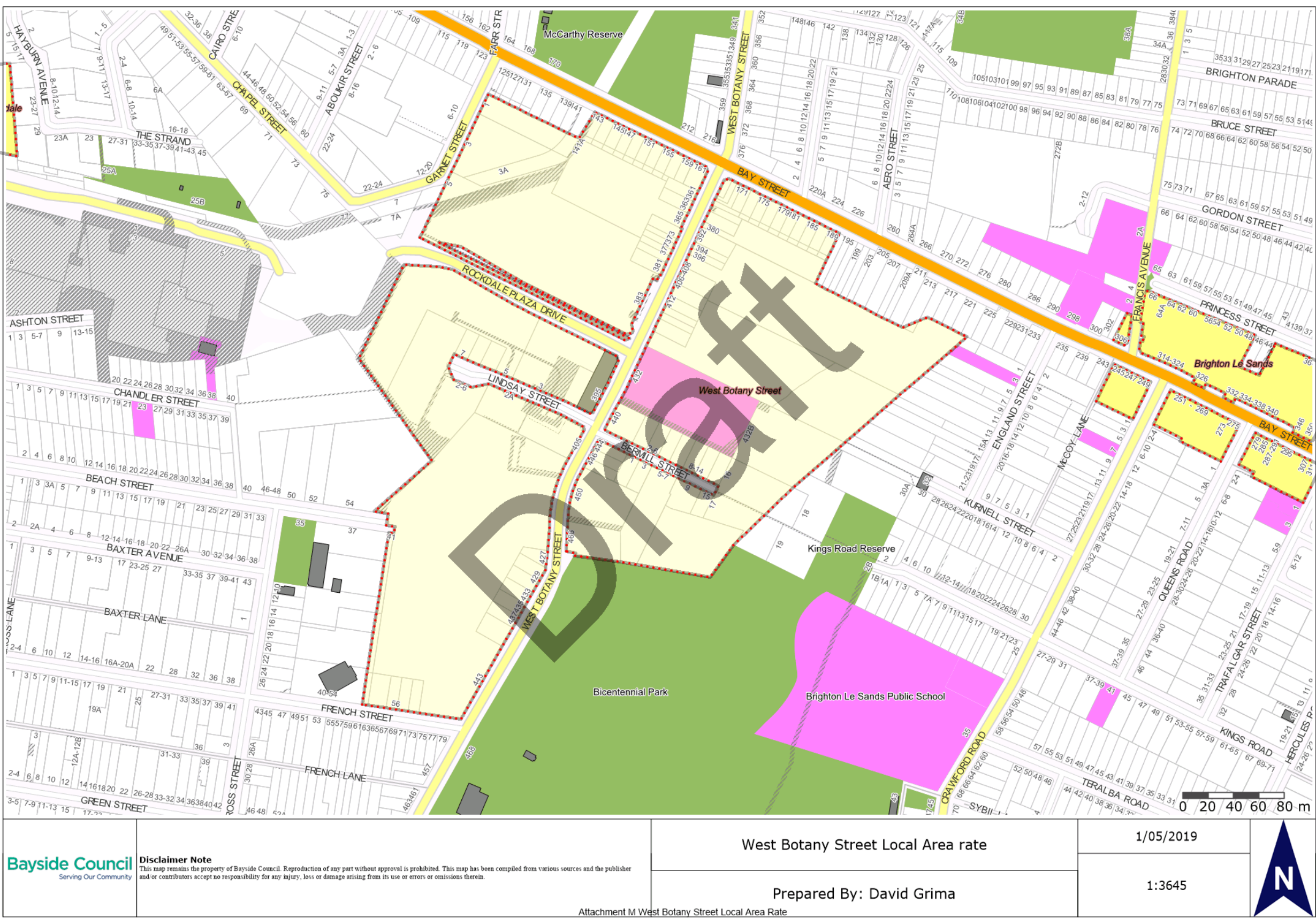


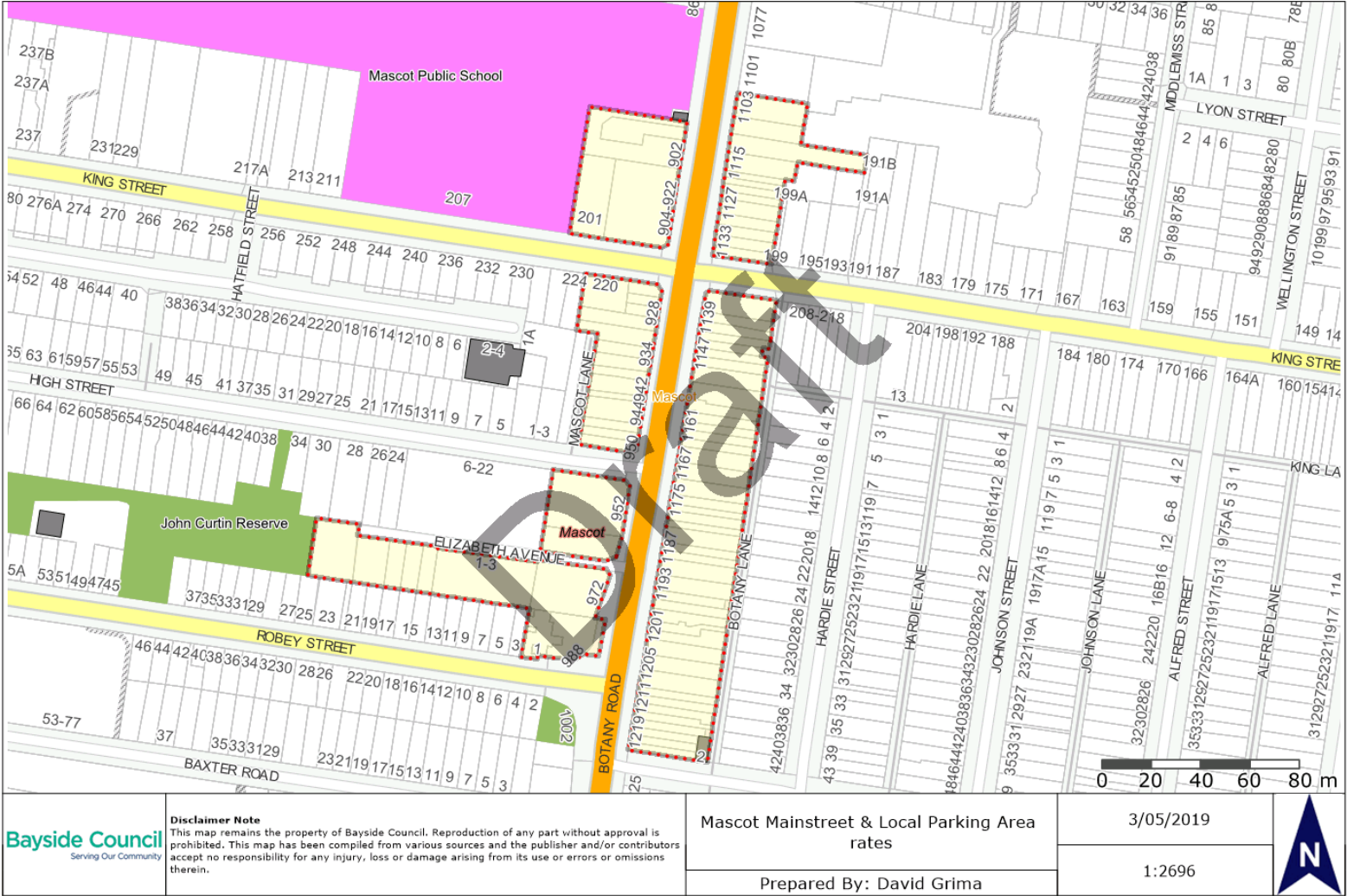




Attachment K Ramsgate Beach Local Area Rate







Attachment N Mascot Main Street and Local Parking Area Rates



Investment Policy

May 2019



Draft

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1 Purpose

1.1 Purpose

The Cash Investment Policy seeks to establish a framework within which investment principles are to apply to optimise the investment of Bayside Council (Council) surplus funds.

1.2 Definitions

Refer Appendix 5 for list of terms

2 Scope

2.1 Scope

This Policy applies to investments made by Council in accordance with its legislative obligations and delegations of authority.

3 Policy Statement

This Policy recognises the legislative requirements and obligations for the investment of Council's surplus funds. In the event of inconsistencies with this Policy, Council will comply with investment regulations and directions from the Office of Local Government.

3.1 Policy Objectives

Preservation of capital invested is the principal objective of the investment portfolio. Investments are to be placed in a manner that safeguards the investment portfolio. This includes managing credit and interest rate exposure risk within identified thresholds and parameters.

Other objectives include:

- to maximise the return to Council in line with all requirements of the policy;
- to comply with the legislative requirements and regulations relevant to the management of Council's investments;
- to ensure sufficient liquidity to meet all reasonably anticipated cash flow requirements;
- to establish a framework for monitoring investments. Investments are expected to achieve a market average rate of return in line with Council's risk tolerance;
- to confirm delegations and other relevant governance matters in relation to Council's investments.

"Maximising" within policy constraints and having regards to current plans and liquidity needs is the role of strategy.

3.2 Legislative & Regulatory Framework

All investments are to comply with the following:

- Local Government Act 1993 Section 625 and 412;
- Prevailing Ministerial Investment Order dated 12 January 2011;
- NSW Local Government (General) Regulation 2005 – Clause 212;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Section 14;
- Office of Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Division of Local Government Investment Policy Guidelines; and
- Division of Local Government Circulars

Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible ADI;
- Bills of Exchange, (< 200 days duration) guaranteed by an ADI;
- Debentures issued by a NSW Council under Local Government Act (1993);
- Investments with NSW Treasury Corporation (T-Corp) &/or Investments in a T-Corp Hour Glass investment facility;
- Term Deposits guaranteed for the full term by the Australian Federal Government (Refers to Term Deposits that would not otherwise comply with this policy)

Prohibited Investments

This investment policy prohibits the following types of investment:

- Derivative based instruments
- Principal only investments or securities that provide potentially nil or negative cash flow.
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.
- Leveraging (borrowing to invest) of an investment
- Foreign Currency investments.

3.3 Delegated Authority

Authority for the implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993. The General Manager may in turn sub delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer or other officers through Council's delegated authority process.

Council officers will have the appropriate level of skills and knowledge to undertake the investment functions of Council and not engage in activities that conflict with the proper implementation and management of Council's

3.4 Prudent Person Standard

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy.

Investments that are placed within this policy framework will be considered to be compliant with the prudent person standard.

3.5 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. Disclosure of any conflict of interest should be made in accordance with the Code of Conduct.

Where appointed, independent investment consultants are also required to declare that they have no actual or perceived conflicts of interest.

3.6 Risk Management Framework

Investments obtained are to be considered in light of the following key criteria:

- **Preservation of Capital** – the requirement for preventing losses in an investment portfolio's total value.
- **Credit Risk** – The risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment.
- **Diversification** – the requirement to place investments in a broad range of products so as not to be over exposed to a particular sector of the investment market.
- **Liquidity Risk** – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans).
- **Market Risk** – the risk that fair value or future cash flows will fluctuate due to changes in market prices, or benchmark returns will unexpectedly overtake the investment's return.
- **Maturity Risk** – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.
- **Rollover Risk** – the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future.

3.7 Investment Advisor

Council may engage an independent investment advisor. This advisor will be licensed by the Australian Securities and Investment Commission.

The advisor must be independent and have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the policy. This includes receiving no commissions or other benefit in relation to the investment being recommended or reviewed.

Council's investment advisor will not receive any commission, brokerage or trailers.

Each appointment of an independent investment advisor will be for a period up to three (3) years.

4 Approved Investments

Council must at all times only invest surplus funds in accordance with the latest Minister's Order – Forms of Investment as further restricted to prohibit the investment in the products of foreign branch ADIs, and investments in those ADIs which do not hold an investment grade credit rating (at least BBB- equivalent).

In the event of any conflict between this policy and any legislative instrument or direction from the Minister or Division of Local Government, these instruments will prevail over the policy.

However, any regulatory change that renders a formerly-compliant investment outside policy will not necessarily impose a forced disposal. Subject to grandfathering rules, Council will seek advice and resolve how to deal with such investments. Investment guidelines and parameters

4.1 Limits

This section provides criteria for:

- Limits on a single financial institution;
- Limits on term of direct investments;
- Minimum credit ratings of investments, and allocation to rating bands.

4.2 Strategy

A separate investment strategy will consider Council's current investment portfolio, its financial position and financial commitments, current legislative constraints, the global investment environment, and specifies investment goals for the forthcoming year. This shall address the following risks:

- Preservation of Capital: Preventing losses in an investment portfolio's total value
- Credit Risk: The risk that a party or guarantor to a transaction will fail to fulfil its obligations – a failure of an investee institution/entity to pay interest and/or principal on schedule, or effects of exposure to other parties such as brokers or custodians
- Diversification: Avoiding over-exposure to a particular issuer or sector of the investment market
- Liquidity Risk: The risk that Council, or an institution, runs out of cash – as a result of which, Council is unable to redeem investments at a fair price within a timely

period, and thereby Council incurs additional costs (or in the worst case is unable to execute its spending plans)

- Market Risk: Fair value or future cash flows will fluctuate due to changes in market prices, or that benchmark returns will unexpectedly overtake the investment's return

4.3 General investment criteria – all investments

- Investments must be denominated in Australian dollars;
- Investments must be held in the name of Bayside City Council.
- The Custodian nominated by TCorp for Hour-Glass facilities

4.4 Credit ratings

Creditworthiness of investments is primarily determined using industry standard credit ratings, but also has regard to the term and seniority of the investment as well as the external support expected for ADI deposits and the secured assets backing covered bonds.

The primary creditworthiness of investments will be assessed with reference to the Standard & Poor's (S&P) long and short term credit and fund ratings and Moody's and Fitch equivalents. Reporting will be carried out on S&P ratings where available, and any implications for policy compliance noted.

The S&P ratings are broadly defined as follows:

Rating band	Description
AAA	Extremely strong capacity to repay
AA+, AA, AA-	A very strong capacity to repay
A+, A, A-	A strong capacity to repay
BBB+, BBB, BBB-	Adequate protection and adequate capacity to pay
Non-investment grade: BB+, BB, BB	Less vulnerable to non-payment, however adverse economic conditions could lead to inadequate capacity to meet financial obligations.
CCC	Vulnerable to non-payment and requires positive economic conditions to meet its financial obligations

Investments with credit ratings downgraded to an extent that they no longer comply will be assessed as soon as practicable, having regard to the risks of default and prevailing market liquidity as well as break costs and any constraints on redemption. Where the recommendation is to retain the investment, Council will be notified of the circumstances and the reason for the recommendation.

Where an investment has a "split rating" (different rating bands for different agencies), they can only be purchased where they comply with policy under the lowest rating. However, when considering the compliance of existing investments and the need for divestment, the highest rating may be considered. As such, no breach of policy results from a single downgrade.

The following credit rating parameters apply to Council's investment portfolio:

Type of investment/credit rating	Maximum % of portfolio
Government bonds/debentures/securities/ TCorp cash facility	100%
AAA Rated	100%
AA Rated, or greater	100%
A Rated	50%
BBB (Refer to note below)	30%

It is a requirement of the Investment Policy that, with the exception of government bonds, debentures, securities and the TCorp cash facility, investments may only be made with Australian Prudential Regulation Authority (APRA) regulated Approved Deposit taking Institutions (ADI's) with a minimum credit rating of BBB or higher.

The Australian Prudential Regulation is listed under definitions and further references.

Credit ratings on institutions can be verified in real time at the three agencies' websites as follows:

www.standardandpoors.com

www.moodys.com

www.fitchratings.com

4.5 Diversification

Council will invest across a range of different issuers and investments to reduce risk, as no single type of investment consistently performs better than another. However, investments other than deposits need to demonstrate a clear advantage.

Decisions made regarding the composition of Council's investment portfolio must ensure adequate levels of diversification are maintained at all times.

The table below specifies the maximum proportion of Council's investment portfolio which may be held with an individual institution:

Type of investment/credit rating range	Maximum % of total portfolio with single institution
Government bonds/debentures/securities/TCorp cash facility	100%
AAA Rated	100%
AA Rated	60%
A Rated	40%
BBB	5%

4.6 Investment duration

Decisions made regarding the composition of Council's investment portfolio must ensure adequate levels of liquidity are maintained at all times.

This section contains parameters regarding the maximum duration of the investments into certain maturity bands, as shown in the table below.

Investment duration	Minimum % of total investment portfolio	Maximum % of total investment portfolio
0 – 6 months	25% *	100%
6-12 months	25% *	100%
1-3 years	0%	50%
3-7 years	0%	25%

*Based on these parameters a minimum of 50% of Council's portfolio will have a duration of 0 – 12 months. It is noted that on a month by month basis there may be a slight variation within the 0-6 months and 6-12 months allocations due to cashflow

requirements. However, the overall proportion of the total portfolio must have a duration of 0-12 months.

Decisions made regarding the duration of investments must also take into account the relative creditworthiness of each investment. This section also sets parameters regarding the duration of investments, as shown in the following table:

Investment duration	Minimum credit rating range
0-6 months	BBB or greater
6 months – 3 years	A or greater
3-7 years	AA or greater

5 Performance Benchmarking

The performance of each investment will be assessed against the benchmarks listed in the following table.

Investment	Performance Benchmark	Time Horizon
11 am Account, short dated bills, deposits issued by financial institutions of appropriate term	Official RBA/Cash Rate	3 months or less
Term Deposits of appropriate remaining term, FRN's nearing maturity.	Ausbond Bank Bill Index (BBI)	3 to 12 months
Term Deposits with a maturity date between 1 and 2 Years, FRN's.	Ausbond Bank Bill Index (BBI)	1 to 2 years
FRN's, Bonds, Term deposits with a maturity date between 2 and 7 Years. Grandfathered Income Funds.	Ausbond Bank Bill Index (BBI)	2 to 7 years

It is Council's expectation that the performance of each investment will be greater than or equal to the applicable benchmark by sufficient margin to justify the investment taking into account its risks, liquidity and other benefits of the investment.

6 Monitoring and Reporting

Reporting & Reviewing Requirements (Accounting)

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment. All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30 June each year and reconciled to the Investment Register.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns

7 Review of Investment Policy and investments

Annual review

The Code of Accounting Practice & Financial Reporting requires Council to review the Investment Policy annually or in the event of legislative change or as a result of significantly changed economic/market conditions.

The Investment Policy may also be changed as a result of other amendments that are to the advantage of the Council and in the spirit of this policy.

Any amendment to the Investment Policy must be by Council resolution.

Internal review

Investment reports are reviewed internally and reported to Council monthly.

External audit

Council's external auditor is required to review Council's investments as part of the audit of the Annual Financial Reports.

8 Document control

8.1 Review

This procedure is to be reviewed annually per the Code of Accounting Practice & Financial Reporting, or in-line with any material change to or new legislation, or as result of significantly changed economic/market conditions.

The Director City Performance may approve non-significant and/or minor editorial amendments that do not change the procedures effectiveness – giving due consideration to the internal controls.

8.2 Related documents

Statutory Delegations
Administrative Delegations
Financial Delegations

8.3 Version history

Include the details of the original adoption / approval and subsequent changes.
Version 1.0 is the initial adopted/approved version.

Version	Release Date	Author	Reason for Change
1.0			New document

- **Appendix 1 –**

Local Government Act 1993 - Section 625 How may councils invest?

(1) A council may invest money that is not, for the time being, required by the council for any other purpose.

(2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.

Note: See Gazette No 152 of 24.11.2000, p 12041.

(3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.

(4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section

Draft

- **Appendix 2**

The Trustee Amendment (Discretionary Investments) Act 1997 Sections 14A (2), 14C (1) & (2);

Section 14A - Duties of trustee in respect of power of investment

(1) This section has effect subject to the instrument (if any) creating the trust.

(2) A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) If the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

Note: Some Acts deem investments under the Acts to be investments that satisfy the prudent person test. See, for example, section 39 of the Public Authorities (Financial Arrangements) Act 1987.

(3) A trustee must exercise a power of investment in accordance with any provision of the instrument (if any) creating the trust that is binding on the trustee and requires the obtaining of any consent or approval with respect to trust investments.

(4) A trustee must, at least once in each year, review the performance (individually and as a whole) of trust investments.

Section 14C - Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,
- (k) the aggregate value of the trust estate,
- (l) the effect of the proposed investment in relation to the tax liability of the trust,
- (m) the likelihood of inflation affecting the value of the proposed investment or other trust property,

- (n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,
- (o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

- (a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,
- (b) pay out of trust funds the reasonable costs of obtaining the advice.

(3) A trustee is to comply with this section unless expressly forbidden by the instrument (if any) creating the trust.

Draft

- **Appendix 3**

Local Government (General) Regulation 2005 – Clause 212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

(i) if only one ordinary meeting of the council is held in a month, at that meeting, or
(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies. The report must be made up to the last day of the month immediately preceding the meeting.

Note: Section 625 of the Act says how a council may invest its surplus funds (Attachment A)

Draft

- **Appendix 4**

**Local Government Code of Accounting Practice and Financial Reporting
Section 11.3.4**

Councils must maintain a separate record of money it has invested under 625 of the LGA.

The record must specify:

- (a) the source and amount of money invested; and
- (b) particulars of the security or form of investment in which the money is invested; and
- (c) if appropriate, the rate of interest to be paid, and the amount of money that the council has earned, in respect of the money invested.

Section 11.3.5

Council must maintain an investment policy that complies with the Act and ensures *"it or its representatives exercise care, diligence and skill that a prudent person would exercise in investing council funds"*.

For an extensive list of matters a prudent person would be expected to consider, reference is made to Section 4 of the NSW Local Government Investments Best Practice Code

- **Appendix 5**

Definitions**Act**

Local Government Act, 1993.

Ausbond Bank Bill Index

In 2014, Bloomberg acquired the UBS Australia Bond Indices. The benchmark index formerly referred to as UBSA BBI was rebranded as Ausbond Bank Bill Index. Bloomberg calculates a daily Bank Bill Index representing the performance of a notional rolling parcel of bills averaging 45 days.

Austraclear

Austraclear is a clearing and settlement facility, licensed by the Australian Securities and Investments Commission and subject to certain financial stability standards administered by the Reserve Bank of Australia.

Australian Prudential Regulation Authority – APRA

APRA (Australian Prudential Regulation Authority) is the prudential regulator of the Australian financial services industry. APRA enforces prudential standards and practices (e.g. capital adequacy and other risk management issues) of banks, credit unions, building societies, insurance companies and friendly societies.

Authorised Deposit-Taking Institutions ADI

Authorised Deposit-Taking Institutions (ADIs) are corporations that are authorised under the Banking Act 1959 (Cwth) to take deposits from customers.

Bill of Exchange

A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

BBSW

The Bank Bill Swap reference rate (BBSW) is the average of mid-rate bank-bill quote from brokers on the BBSW Panel. The BBSW is calculated daily. Floating rate securities are most commonly reset quarterly to the 90-day BBSW.

Council Funds

Surplus monies that are invested by Council in accordance with section 625 of the Act

Credit Rating

Credit Rating refers to a short or long term summary assessment of the credit worthiness of a debt issuer or of a specific issue.

Debenture

A debenture is a document evidencing an acknowledgement of a debt, which a company has created for the purposes of raising capital. Debentures are issued by companies in return for medium and long term investment of funds by lenders.

Direct Deposits

Direct Deposits refer to investments made by Council (or on behalf of Council) directly with financial institutions.

FRN

A Floating Rate Note (FRN) is a medium to long term fixed interest investment where the coupon is a fixed margin ("coupon margin") over a benchmark, also described as a "floating rate". The benchmark is usually the BBSW and is reset at regular intervals – most commonly quarterly.

LGGR

Local Government (General) Regulation 2005 (NSW).

Minister's Order

Refers to the Order of the Minister for Local Government relating to Investments made by Councils. Last Minister's Order was dated 12 January 2011.

Negotiable Certificate of Deposit – NCD

Is a short term investment in an underlying security being a negotiable certificate of deposit (NCD) where the term of the security is usually for a period of 185 days or less (sometimes up to 2 years). NCDs are generally discount securities, meaning they are issued and on-sold to investors at a discount to their face value.

OLG

NSW Office of Local Government, Department of Premier and Cabinet

Responsible Accounting Officer – RAO

Responsible Accounting Officer of a council means a member of the staff of the council designated by the General Manager, or if no such member has been designated, the General Manager. (LGGR, clause 196)

T-Corp

New South Wales Treasury Corporation. For headings, sub-headings, normal text and bullets use the styles on the 'Home' ribbon. In particular the bullet styles options are defined below.

Council Meeting

12/06/2019

Item No 8.14
Subject **Fraud & Corruption Prevention Policy**
Report by Michael Mamo, Director City Presentation
File F11/439.002

Summary

The draft Fraud and Corruption Prevention Policy has harmonised existing policies and clearly states Council's commitment to fraud and corruption prevention and setting lines of accountability and responsibility for Council officials. The draft Policy is consistent with guidelines set down by the NSW Auditor General.

Officer Recommendation

That the Fraud and Corruption Policy attached to this report be adopted.

Background

Significant work is being undertaken to provide community confidence in the decision making processes of Council. Council response to the ICAC and NSW Auditor General recommendations including Project 2020 and its business processes and controls framework is a testament to that good work.

The Fraud and Corruption Prevention Policy is Council's firm commitment to the community that it is driving a culture free of fraud and corruption. The draft Policy has been reviewed as part of a Fraud & Corruption Prevention project currently underway and in conformity with guidelines issued by the NSW Audit Office. The Policy will be supported by a Fraud and Corruption strategy which is currently being developed.

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

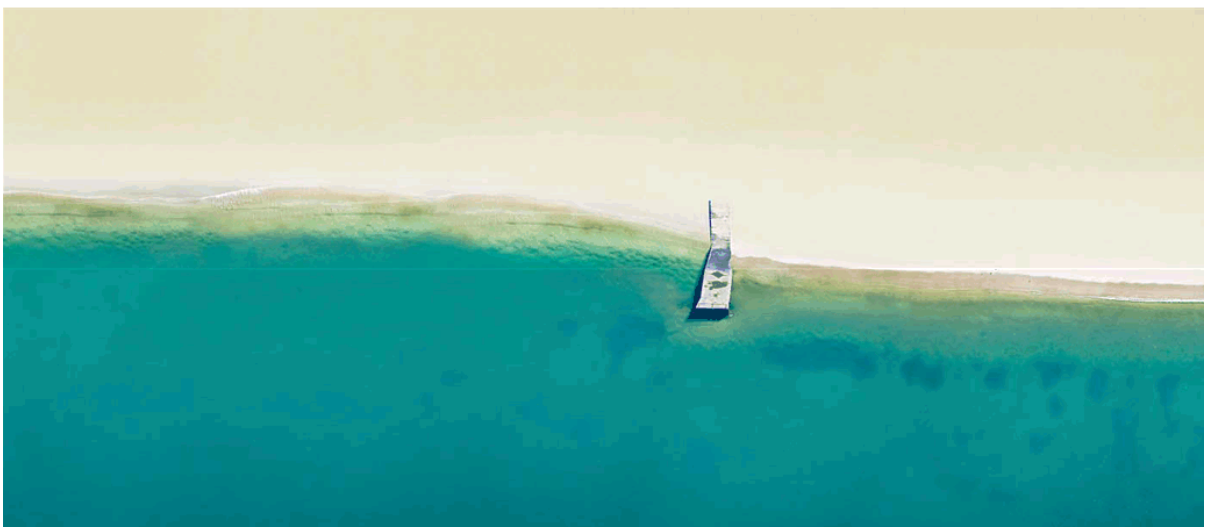
Attachments

Fraud and Corruption Prevention Policy - Bayside [↓](#)



Fraud and Corruption Prevention Policy

May 2019



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Corruption Prevention Policy

File: F11/439 Document: 18/170604

Policy Register: F16/951 Policy No.: PP18/24

Class of document: Administrative Policy

Enquiries: Manager Governance & Risk



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Fraud and Corruption Prevention Policy

2

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Corruption Prevention Summary

Corruption committed by Council officials and/or staff will not be tolerated in any form.

All staff and other Council officials are required to report all observed or suspected significant maladministration and corruption within Council to the General Manager, Disclosures Coordinator or other external party (i.e. ICAC, NSW Ombudsman) in accordance with Council's Public Interest Disclosures Policy.

If employees and other stakeholders are in any way in doubt as to whether their actions could be perceived as being corrupt they are required to consult Council's Disclosure Coordinator or their Manager.

1 Introduction

1.1 Title & commencement of policy

This policy is entitled the *Fraud and Corruption Prevention Policy*. It takes effect from the date of adoption and remains in force until further amended.

1.2 Definitions

Council

means Bayside Council and its associated entities

Fraud

means an intentional dishonest act or omission done with the purpose of gaining an advantage, usually a financial benefit from a position of trust and authority.

Misconduct

means conduct by a Council official, which constitutes a ground for disciplinary action whilst acting in their capacity as a Council official; where such conduct contravenes Council's Code of Conduct.

Staff

means any paid employee, volunteer whether in a part time or full time capacity engaged on council business or the provision of council services

Stakeholders

means any other person engaged on or somehow involved in Council business

Contractors

any person engaged on council business under contract to provide goods or services

Consultants

any person engaged in the provision of goods, advice or services to Council under an accepted proposal or engagement

Council officials

means Councillors, Administrator, staff members, independent conduct reviewers, members of Council committees, delegates of Council, volunteers

Public

means a member of the general public receiving or requesting Council services

Corruption

means Corruption as defined in Section 8 of the Independent Commission Against Corruption (ICAC) Act 1988. In brief, corruption is any deliberate or intentional wrongdoing that is improper, dishonest or fraudulent.

ICAC Act

means Independent Commission Against Corruption Act 1988.

1.3 Purpose of policy

- This policy is designed to compliment and be utilised in conjunction with Council's Risk Management Policy. The purpose of this policy is to assist

Council to: Manage the risk and incidence of perceived or actual fraud, corruption and maladministration activity across Council.

- Provide guidance to all Council officials and other stakeholders in relation to the requirements and expectations of Council Management and the Executive towards the management of corruption including but not limited to the prevention, detection and investigation of suspected corruption within Council.
- Define the requirements of Council to manage corruption in order to meet NSW and local government requirements.

1.4 Scope

This policy is applicable to all Council officials, contractors, consultants, any other person engaged in the delivery of Council services and business or otherwise involved in the operations of Council.

1.5 Statement of commitment

Council is committed to the comprehensive control of corruption within the organisation and views adequate management of corruption prevention as paramount to the success of Council. Council is committed to the prevention, detection and management of corruption within Council and, where necessary and appropriate, will take disciplinary or legal action against any Council official, or contractor/consultant found to be involved in corruption. Council encourages all officials to be actively involved in the prevention and detection of corruption across the organisation.

Bayside Council is committed to ensuring:

- An ethical workplace, free of corruption, maladministration and waste and a culture that is based upon the highest standards of ethical conduct;
- The Support its Council officials who disclose wrongdoing and corruption within Council as outlined in the Public Interest Disclosures Policy;
- The establishment of policies, procedures, programs and functions which support the prevention, detection and investigation of fraud and corruption within Council;
- The provision of relevant and suitable training and awareness programs to increase the understanding of staff of the risks and symptoms of fraud and corruption;
- Maintenance of current best practice knowledge in managing the risk of fraud and corruption across Council;
- Investigating and acting upon reported conduct in accordance with Council requirements; and
- Sufficient information is provided to our customers, suppliers and business partners on the expectations and responsibilities when conducting business with Council

1.6 Council's Values

Bayside Council demonstrates the following values in its work:

Visionary Leadership

We are all leaders - decisive, outward focused and forward thinking, setting the vision for Bayside Council today and into the future.

Empowered People

We are courageous and innovative - committed to making a difference in our work

Meaningful Relationships

We support and invest in each other - creating a strong collaborative culture

Exceptional Service

We go above and beyond – delivering an outstanding customer experience every time

1.7 Code of Conduct

Staff are required to consider and accept Council's Code of Conduct, which establishes the requirements and expectations of conduct for Council officials in carrying out their official functions, or otherwise impacting on the operations of Council.

2 Definition of corruption

Council adopts the Independent Commission Against Corruption (ICAC) definition in respect of corruption which is defined in *Section 8 of the ICAC Act 1988* as:

Section 8 – General Nature of Corrupt Conduct

- 1 Corrupt conduct is:
 - a any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest and impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
 - b any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
 - c any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
 - d any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
- 2 Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:
 - a official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition)
 - b bribery
 - c blackmail
 - d obtain or offering secret commissions
 - e fraud
 - f theft
 - g perverting the course of justice

h	embezzlement
i	election bribery
j	election funding offences
k	election fraud
l	treating
m	tax evasion
n	revenue evasion
o	currency violations
p	illegal drug dealings
q	illegal gambling
r	obtaining financial benefit by vice engaged in by others
s	bankruptcy and company violations
t	harbouring criminals
u	forgery
v	treason or other offences against the Sovereign
w	homicide or violence
x	matters of the same of similar nature to any listed above
y	any conspiracy or attempt in relation to any of the above.

3 Types of corruption / corrupt behaviour

Corruption can arise in almost any area of Council's operations. Typical areas of potential corruption include:

- Bribes / bribery
- Gifts and benefits
- Improper use of resources or theft
- Conflict of interest / pecuniary interest
- Inappropriate tender management and procurement
- Release of confidential information
- Improper and undue influence of public officials.

4 General obligations

4.1 Reporting of suspected corruption

All Council officials, contractors, consultants and suppliers who observe or become aware of potential or suspected corruption have an obligation to report the matter to the Council in accordance with Council's Public Interest Disclosures Policy.

Reporting also may be made where a Council official honestly believes on reasonable grounds that information shows or tends to show corrupt conduct.

4.2 Adherence to Council's ethical and other policies

Council officials are to at all times act in a professional manner, with honesty and integrity. Council officials are expected to abide by and act in accordance with Council's Code of Conduct and other supporting policies including but not limited to:

- Conflict of Interests Policy
- Secondary Employment Policy
- Gifts & Benefits Policy

- Expenses & Facilities Policy

Council officials are also expected to read, understand and abide by the contents of this and other policies such as:

- Public Interest Disclosures Policy
- Electronic Communications Policy
- Motor Vehicle policies
- Procurement Policy

4.3 Corruption Prevention Strategy

This policy is supported by a Corruption Prevention Strategy, which includes a range of strategies, actions, timeframes and responsibilities that give effect to the principles and commitments contained in this policy.

Refer also to 'Responsibilities'.

5 Additional obligations – management

In addition to the obligations of staff, Council management has a number of specific responsibilities common with other public sector agencies including the following:

5.1 Duty to report – ICAC Act 1988 (Section 11)

Under Section 11 of the ICAC Act, a principal officer (General Manager or delegated representative) of Council has a duty to report to the Commission any matter where there is a reasonable suspicion that corrupt conduct has occurred or may occur.

Reasonable grounds for suspicion means there is a real possibility that corrupt conduct is, or may be, involved. No proof is required.

Reports to the ICAC must be completed with no significant delay as the ICAC Act contains no provision permitting delay in reporting. To delay can result in the loss of investigative opportunities to the ICAC.

The duty to report overrides any duty of confidentiality. As it is a statutory duty, a principal officer is protected in making such a report from any civil or criminal liability.

Principal Officers who report a matter to the ICAC under section 11 must also consider any obligations to report the matter to bodies such as the NSW Police Force, Office of Local Government or NSW Ombudsman or to be prepared to carry out any warranted disciplinary action.

If a matter is declined to be investigated by the ICAC, Principal Officers are then required to bring resolution to the matter either via an internal investigation or other suitable action.

5.2 Training and support (including communication)

Council provides periodic corruption and ethics based training deemed necessary and based on the level of assessed risk; to Councillors, staff and committee members.

Council ensures that all staff attend such training and acknowledgements of attendance and acceptance of policies are retained.

Council ensures that all changes to ethical policies and procedures are adequately communicated to Councillors, staff and committee members.

Council ensures that all relevant ethical requirements of doing business with Council are communicated to suppliers, contractors and consultants prior to the engagement of services.

6 Investigations

Any investigation of corruption allegations is to be authorised by the General Manager prior to the commencement of the investigation.

Any investigation undertaken is to be in accordance with a defined Investigations process and procedure (such as those set out in the Code of Conduct) by suitably trained staff with skills in the conduct of investigations or outsourced to an external provider with investigation services.

Internal investigations should not commence until such time as the ICAC has been provided the opportunity to undertake the investigation to avoid tainting the evidential process.

Investigations conducted by Council (including outsourced) are to be completed with regard to the rules of natural justice and procedural fairness.

7 Responsibilities

7.1 Councillors

All Councillors are required to abide by the provisions of this policy and to take all practical steps within their authority to prevent, detect and report corrupt conduct. The Mayor is responsible for assessing complaints of alleged breaches of the Code of Conduct or corruption by the General Manager and determining actions to be taken in accordance with relevant policies and legislation.

7.2 General Manager

The General Manager is required to abide by the provisions of this policy and to take all practical steps within his/her authority to prevent, detect, deal with and report corrupt conduct. The General Manager is also responsible for receiving disclosures under this policy and determining the actions to be taken in respect of each report of corruption or suspected corrupt activity that requires determination under relevant policies and legislation.

The General Manager is responsible for approving the associated Corruption Prevention Strategy and any required variations, following consideration by the Executive Committee.

7.3 Directors

Directors are required to abide by the provisions of this policy and to take all practical steps within their authority to prevent, detect, deal with and report corrupt conduct. Directors are also responsible to ensure that their staff are aware of this policy, its intent and the associated procedures, and to be available to give advice on its interpretation.

7.4 Manager Governance & Risk

The Manager Governance & Risk is:

- accountable and responsible for the review, update and general maintenance of this policy
- authorised to receive disclosures that show or tend to show corrupt conduct in accordance with Council's policies
- provides advice to Council officials in relation to the issues covered by this policy
- also has roles of Public Officer, Disclosures Coordinator (Public Interest Disclosures Policy) Complaints Coordinator (Code of Conduct Policy).

7.5 Managers / Coordinators

Managers and Coordinators and others supervising staff are required to abide by the provisions of this policy and to take all practical steps within their authority to prevent, detect, deal with and report corrupt conduct. They are also responsible to ensure that their staff are aware of this policy, its intent and the associated procedures, and to be available to give advice on its interpretation.

7.6 Staff and other council officials

All Council officials are required to abide by the provisions of this policy and to take all practical steps within their authority to prevent, detect and report corrupt conduct. Staff are also required to be aware of this policy and to be available for appropriate training.

7.7 Members of the public

All members of the public who, in their dealings with Council, become aware of potential corrupt behaviours by Council officials are requested to make a report of these matters to the General Manager or Mayor.

Members of the public are also advised that it is contrary to Council's policy for Council officials to accept gifts, benefits or bribes which may influence or attempt to influence them in the course of their public duties.

8 Document control

8.1 Related Documents

This document should be read in conjunction with:

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Independent Commission Against Corruption Act 1988

- ICAC Managing Gifts & Benefits in the Public sector – Toolkit 2006
- Council's Code of Conduct
- Council's Public Interest Disclosures Policy
- Council's Expenses and Facilities Policy
- Council's Gifts & Benefits Policy
- Council's Conflict of Interests Procedure (for staff)

8.2 Review

A review of the policy is required to be undertaken each Council term to ensure its currency.

8.3 Version history

This document is based on a previous Rockdale City Council policy last adopted 14 November 2012 with subsequent minor amendments.

Version	Release Date	Author	Reason for Change
1.0	20/11/2018	Coordinator Governance	Harmonised document with minor amendments; approved for publication by Manager Governance & Risk
2.0	May 2019	Coordinator Governance	External review and update of some minor elements

Council Meeting

12/06/2019

Item No	8.15
Subject	Information and Records Policy
Report by	Michael Mamo, Director City Presentation
File	F18/529

Summary

An information and recordkeeping program is fundamental to the Council's commitment to transparency and accountability. It enables Council to account for decisions and actions by providing essential evidence in the form of records and ensures trust and collaboration across all Council's business processes. This policy is concerned with all aspects of recordkeeping responsibilities regardless of the technology used within Council to create and manage records while ensuring wherever possible Council records are managed digitally.

Officer Recommendation

- 1 That the report be received and noted.
 - 2 That Council adopts the Bayside Council Information and Records Policy (as shown in Attachment 1 of this report).
-

Background

Information and Records Management within Council is covered by the State Records Act 1998. Records tell us what, where and when something was done or why a decision was made. They tell us who was involved and under what authority, providing evidence of government and individual activity. Records are an indispensable ingredient for accountable Local Government. Poor recordkeeping results in inefficiencies and poor decision-making.

Common record groups covered within this policy:

- Records that document communications between council employees, and between council employees and community members such as emails and letters.
- Records that document core business processes such as reports, briefing notes, plans, agendas, minutes, working papers and presentations.
- Records that document core financial activities such as reports, budgets, estimates, receipts, contracts, tenders, invoices and statements.

The policy outlines Council's records management responsibilities and informs the Information and Records Management Strategy.

Bayside Council is committed to sound information and records management practice which meets legislative requirements, reflects the business need, provides evidence of business transactions and protects Council and community interests.

This policy covers:

- Responsibilities
- Creation and capture of records
- Access to records within Council
- Handling and storage of records
- Disposal of records
- Identification and transfer of records which are considered State Records.

Information and records are Council's organisational memory and provide the community with evidence based decision making.

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

Bayside Council Information and Records Policy (for adoption) [↓](#)



Information and Records Management Policy

June 2019



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Information and Records Management

File: F18/529 Document: 18/77764

Policy Register: Policy No.:

Class of document: Council Policy Enquiries: Coordinator Records Management



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Information and Records Management

2

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1 Introduction

1.1 Background

The Information and Records Management policy establishes the governance framework for the creation, capture, control, use, maintenance, and disposal of records within Bayside Council.

An information and recordkeeping program is fundamental to the Council's commitment to transparency and accountability. It enables Council to account for decisions and actions by providing essential evidence in the form of records and ensures trust and collaboration across all Council's business processes.

Council is concerned with all aspects of its recordkeeping independent of the technology being used or the medium the record is in. This policy seeks to ensure that Council's information and records, wherever possible, are managed digitally.

1.2 Policy statement

The policy outlines Council's records management responsibilities and informs Council's Information and Records Management Strategy.

Bayside Council is committed to sound information and records management practice which meets legislative requirements, reflects the business need, provides evidence of business transactions and protects Council and community interests.

Information and records are Council's organisational memory and provide the community with evidence based decision making - building trust.

1.3 Objectives

The objectives of this policy are to:

- Ensure Council information and records remain accessible
- Support our ongoing business activity and customer services
- Meet legislative requirements and community expectations to manage records efficiently and effectively
- Store records cost effectively and when no longer required disposed of them in accordance with approved disposal authorities
- Ensure that records of longer term value are identified and protected for historical and other research
- Maintain digital and other technology dependent records in an accessible format for as long as they are required
- Comply with State and Commonwealth legislation and International Standards.

1.4 Scope of policy

This policy applies to:

- Councillors and staff at Bayside Council and the information and records they deal with
- Anyone performing work on Council's behalf including casuals, volunteers, contractors and consultants
- Any information or corporate record in any format, created, received or maintained by Council.

2 Principles

2.1 Digital Records Management

Council has a legal obligation to manage its records and must be able to account for its actions and expenditure of resources appropriated by the Council on behalf of the community. Information is a key Council asset and needs to be managed well to realise its value.

Digital management of records enables Council to make the best use of new technologies and innovative ways of doing business.

It enables Council to implement information reforms more efficiently and effectively.

2.2 Creation and capture

Records are created every time someone in Council writes an email, drafts a brief, writes a report or records minutes, adds data to a spread sheet or takes a photo.

This information is created as part of a specific business process, and needs to be managed so that it can be searched, shared, reused and repurposed, and increasing its value to Council. Records need to contain specific information to make them complete, accurate and reliable.

The information needs to reflect:

- What happened, the order of events
- What was decided or recommended
- What advice or instruction was given
- When it happened and who was involved.

2.3 Access to Council Records

Bayside Council requires open access to information and records unless the record itself requires protection. Protecting our information and records are governed by:

- Council's Access to Information Policy
- Access to Information Guidelines for Local Government
- Privacy and Personal Information Protection Act 1998
- Government Information (Public Access) Act (GIPPA) 2009.

Many Council records are public documents and must be managed to provide easy access by our community.

2.4 Records Security

Records should be stored within approved recordkeeping systems to prevent unauthorised destruction, alteration or removal. Council's approved recordkeeping systems have a full audit log, have security and are managed and monitored.

- Council records must be stored only in Council's official recordkeeping systems – for example EDRMS, Finance System and Customer Relationship Management System
- All staff must ensure they lock their PC prior to leaving their desk to ensure information and records are secure.

2.5 Disposal and Destruction of Records

General staff cannot destroy or dispose of Council records. Only Records staff may destroy or dispose of Council records following strict procedures and with the final approval of the Coordinator Records Management.

Records can only be destroyed in accordance with:

- The General Disposal Authorities
- Council specific Disposal Authorities
- Transferred to State Archives for permanent retention.

Council records must be protected, maintained and accessible for their total retention period and must be disposed of in accordance with the State Records Act 1998 and Council's disposal procedures.

Information and records, which staff deem as ephemeral, may be destroyed using a procedure called 'Normal administrative practice (NAP)'. This practice usually occurs because the records are duplicated, unimportant or for short-term use only. General staff do not have permission to delete information and records under NAP and all items deleted under NAP are undertaken by approved officers only.

2.6 Value of Records as a corporate asset

The records of Bayside Council are an essential resource for information as they:

- Are a vital asset which Council can use to make future decisions
- Are the major component of the Council's corporate memory and provide evidence of business transactions and decisions
- Exist for a variety of administrative, functional, historical and legal reasons
- Support policy formulation and consistent and equitable decision making.

3 Policy implementation

3.1 Policy responsibilities

General Manager

Responsible for ensuring Council's compliance with the regulations and requirements of relevant legislation and standards.

Manager Governance and Risk

Accountable to the General Manager for the implementation of the Information and Records Strategy to ensure continued management of all Council records.

Coordinator Records Management

Responsible for the protection, safe custody and management of all records, ensuring continued accessibility. Ensures the Information and Records Training and Education Program targets skills to support compliance with the Information and Records Management Strategy. Ensures that no records are destroyed except as authorised by the Retention and Disposal Schedule or Normal Administrative Practice.

Directors/Managers

Ensure that records which are created and managed within their section comply with the Records Management Policy and Procedures, are registered only in the approved recordkeeping systems and that staff attend the Information and Records Training and Education Program as required.

- Managers are responsible for monitoring their staff to ensure that they create and capture records of business transactions
- Content Manager is provided to staff to create and maintain records. Business rules for capture of official records are documented and published on the intranet. Staff are obligated to attend Information and Records Training
- The Coordinator Records Management manages the Information and Records Training and Education Program which sits under this policy
- Council no longer support the creation of hard copy records. All information and records must be created or captured electronically as per Council business processes.

All staff

All Council staff must

- Comply with this Information and Records Management Policy and its supporting procedures
- Keep full and accurate records of Council business in the approved recordkeeping systems and not within network, group or personal drives or using USBs
- Ensure by default open access to all records unless that record needs protection
- Not dispose of or destroy any records.

Contractors

Manage records that they create on behalf of Bayside Council according to this policy and its supporting procedures.

3.2 Compliance and Breaches

The Manager Governance and Risk is responsible for making and administering arrangements for the monitoring of the Information and Records Policy. Reports of noncompliance and breaches in policy will be reported to the General Manager.

Information and Records Management must comply with relevant legislation and approved standards and procedures.

- The Coordinator Records Management is responsible for implementation of the Information and Records Management Strategy and the business owner of the recordkeeping system
- Each Section Manager is accountable for the effective management of information and records and the promulgation of the Information and Records Strategy across their business unit
- All staff are responsible for the capture, maintenance and security of records related to their business transactions
- All staff are responsible for ensuring continued and appropriate access to Council's information and records.

4 Document control**4.1 Review**

This policy will be reviewed every 4 years in line with the Information and Records Strategy or when changes to legislation occur.

4.2 Related documents

- Bayside Information and Records Management Strategy

Appendix 1 – Glossary of Terms

This glossary has been compiled from the State Records Authority Glossary of Recordkeeping Terms. Terms include Australian and international standards on records management.

Access

Right, opportunity, means of finding, using or retrieving information. AS ISO 15489 Part 1 Clause 3.1

Appraisal

The process of evaluating business activities to determine which records need to be captured and how long the records need to be kept, to meet business needs, the requirements of organisational accountability and community expectations. AS 4390 Part 1 Clause 4.3

Archives

Those records that are appraised as having continuing value. AS 4390 Part 1 Clause 4.5

Disposal

A range of processes associated with implementing appraisal decisions. These include the retention, deletion or destruction of records in or from recordkeeping systems. They may also include the migration or transmission of records between recordkeeping systems, and the transfer of custody or ownership of records. AS 4390 Part 1 Clause 4.9

Recordkeeping

Making and maintaining complete, accurate and reliable evidence of business transactions in the form of recorded information. AS 4390-1996, Part 1.4.19

Recordkeeping systems

Information systems which capture, maintain and provide access to records over time. AS 4390-1996, Part 1. Clause 4.20

Records

Information created, received, and maintained as evidence and information by an organisation or person, in pursuance of legal obligations or in the transaction of business. AS ISO 15489 Part 1 Clause 3.15

Any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means. State Records Act 1998 (NSW)

Records management program

A records management program encompasses the management framework, the people and the systems required within an organisation to manage full and accurate records over time. This includes the identification and protection of records with longer-term value that may be required as State archives.

Retention and Disposal Authority

Documents authorised by the Board of State Records NSW that set out appropriate retention periods for classes of records.

State archive

A State record that the State Records Authority of New South Wales has control of under the State Records Act, 1998 (NSW).

Council Meeting

12/06/2019

Item No	8.16
Subject	Statutory Financial Report for April 2019
Report by	Michael Mamo, Director City Presentation
File	F09/605.002

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 2019, Bayside Council had \$416.2m in cash and investments with an adjusted portfolio return on investments of 2.75%. Our income and expenditure cash-flow movements for the period primarily comprised the following:

- Income from operating activities totalled \$7.5m from rates, interest, grants, sale of assets and development planning contributions.
- Expenses from operating activities totalled \$14.2m for payments for employee costs, utilities, waste, contract and infrastructure work.

The restricted cash and investments funding dissection will be included in a future report to Council.

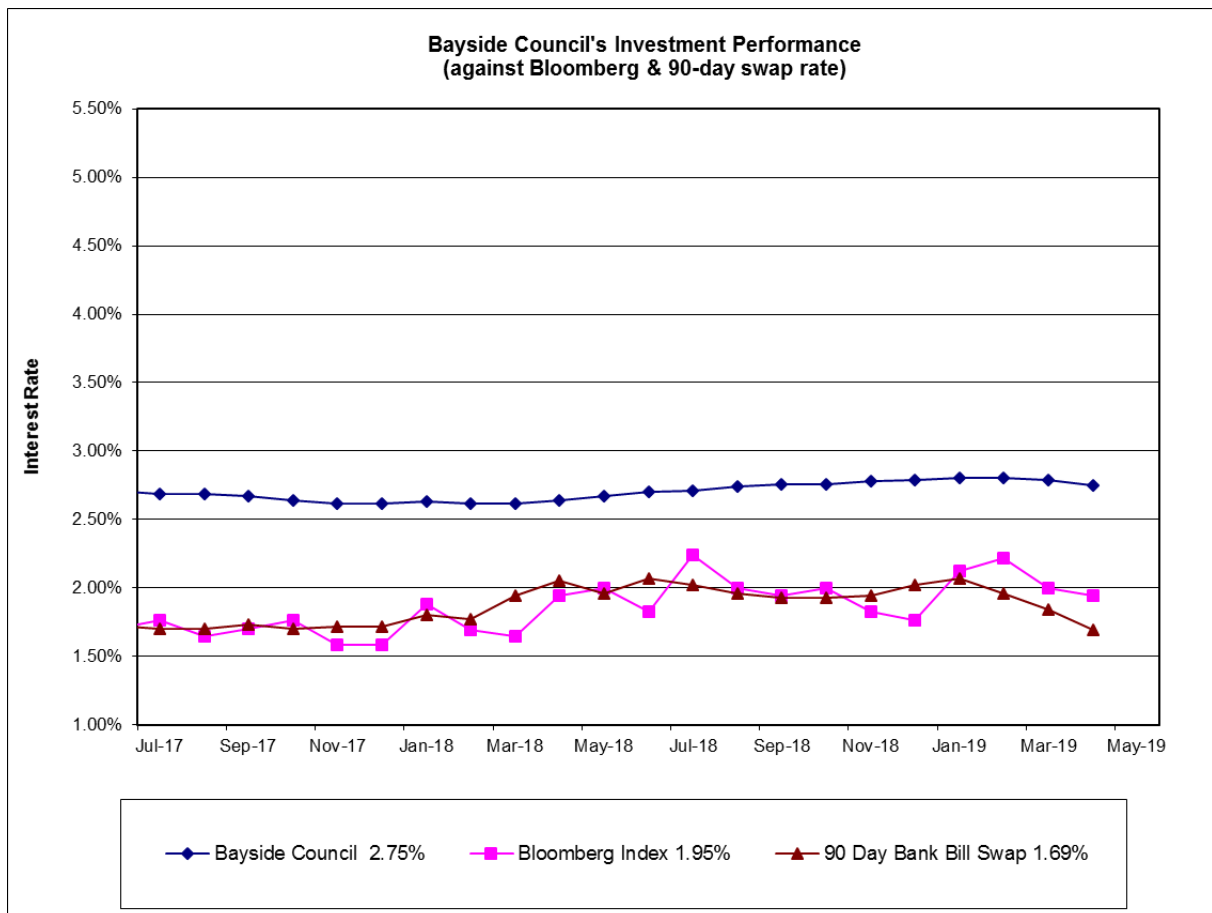
Officer Recommendation

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

Background

The following table shows the performance of Council's investments since July 2017. 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 80 basis points. As demonstrated by the investment performance graph, investment returns are stable and consistently above the industry benchmark and 90-day Bank Bill Swap Rate.



Statement of Bank Balances

The table below shows details of movements in Council's cash at bank for April 2019.

STATEMENT OF BANK BALANCES AS AT 30 April 2019		
	GENERAL FUND	
Cash at Bank (Overdraft) as per Bank Statement as at: 31/03/2019		\$314,238
Add: Income from Operating Activities for the Period		
- Rates and other receipts*	\$2,617,868	
- Sundry Debtor Deposits	\$870,251	
- DA Fees, FCDs & Application & Construction Fees	\$405,508	
- Interest	\$753,006	
- Parking and Other Infringements	\$510,577	
- Rents, Leases, Booking Fees, Certificates & Licences	\$508,607	
- Sale of Assets	\$215,701	
- Long Service Levy	\$120,953	
- Grants	\$77,005	
- Childcare Income	\$461,532	
- Pool, Golf, Mutch Park & Library Income	\$93,926	
- S.94 & Planning Contributions	\$817,920	
Total Income from Operating Activities for the Period	\$7,452,854	
Less: Expenses from Operating Activities for the Period		
Accounts Paid for Period (includes urgent cheques & refunds)	-\$9,700,445	
Direct Payroll	-\$4,414,351	
Presented Cheques	-\$33,992	
Miscellaneous Expenses	-\$6,000	
Bank Charges (including Agency Fees)	-\$19,988	
Total Expenses from Operating Activities for the Period	-\$14,174,776	
Total Net Movement from Operating Activities:		-\$6,721,922
Investment Activities for the Period		
- Investments redeemed	\$14,700,000	
- Transfer from Short-Term Money Market	\$12,060,000	
- Transfer to Short-Term Money Market	-\$13,220,000	
- New Investments	-\$5,000,000	
Net Investment Flows for the Period	\$8,540,000	
Funding Activities for the Period		
Loan Repayments	-\$33,901	
Net Funding Flows for the Period	-\$33,901	
Total Net Movement from Investment & Funding Activities:		\$8,506,099
Cash at Bank (Overdraft) as per Bank Statement as at: 30/04/2019		\$2,098,415
Limit of overdraft arranged at Bank for: Bayside West \$350,000 & Bayside East \$540,000		
* other receipts include Australia Post & Bank Tape		

Schedule of Investments

Bayside Council currently holds \$416.2m in investments and cash at call. In accordance with current accounting standards, investments are recorded at Fair Value (market value).

SCHEDULE OF INVESTMENTS HELD ON BEHALF OF BAYSIDE COUNCIL AS AT: 30/04/2019								
	Credit Rating	Purchase Price	Purchase Date	Maturity Date	Term Days	Prop %	Interest Rate	Market Value
Term Deposits								
Bank of Western Australia	A1	\$5,000,000	31/07/2018	02/05/2019	275	1.34%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	09/08/2018	09/05/2019	273	1.34%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	16/08/2018	16/05/2019	273	2.69%	2.80%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	24/08/2018	23/05/2019	272	1.34%	2.80%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	30/08/2018	30/05/2019	273	1.34%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	05/09/2018	05/06/2019	273	1.34%	2.75%	\$5,000,000
Bank of Western Australia	A1	\$10,000,000	10/10/2018	10/07/2019	273	2.69%	2.70%	\$10,000,000
Bank of Western Australia	A1	\$5,000,000	21/11/2018	13/06/2019	204	1.34%	2.65%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	20/03/2019	18/09/2019	182	1.34%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	27/03/2019	25/09/2019	182	1.34%	2.35%	\$5,000,000
Bank of Western Australia	A1	\$5,000,000	24/04/2019	23/10/2019	182	1.34%	2.30%	\$5,000,000
						<u>17.44%</u>		
Illawarra Mutual Building Society	A2	\$3,077,104	30/05/2018	30/05/2019	365	0.84%	2.75%	\$3,077,104
Illawarra Mutual Building Society	A2	\$2,659,570	5/06/2018	05/06/2019	365	0.71%	2.75%	\$2,659,570
Illawarra Mutual Building Society	A2	\$5,000,000	6/06/2018	06/06/2019	365	1.34%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	30/08/2018	29/08/2019	364	1.34%	2.75%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	28/02/2019	21/08/2019	174	1.34%	2.60%	\$5,000,000
Illawarra Mutual Building Society	A2	\$5,000,000	3/04/2019	02/10/2019	182	1.34%	2.50%	\$5,000,000
						<u>6.91%</u>		
Newcastle Permanent Build Society	A2	\$6,000,000	31/01/2019	30/10/2019	272	1.61%	2.50%	\$6,000,000
						<u>1.61%</u>		
ME Bank	A2	\$1,000,000	08/05/2018	08/05/2019	365	0.27%	2.75%	\$1,000,000
ME Bank	A2	\$4,000,000	11/05/2018	10/05/2019	364	1.07%	2.75%	\$4,000,000
ME Bank	A2	\$2,000,000	22/05/2018	22/05/2019	365	0.54%	2.75%	\$2,000,000
ME Bank	A2	\$1,000,000	23/05/2018	22/05/2019	364	0.27%	2.75%	\$1,000,000
ME Bank	A2	\$1,000,000	12/07/2018	11/07/2019	364	0.27%	2.80%	\$1,000,000
ME Bank	A2	\$5,000,000	31/07/2018	01/08/2019	366	1.34%	2.80%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	07/08/2019	182	1.34%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	06/02/2019	16/10/2019	252	1.34%	2.70%	\$5,000,000
ME Bank	A2	\$5,000,000	27/02/2019	27/11/2019	273	1.34%	2.65%	\$5,000,000
ME Bank	A2	\$5,000,000	15/03/2019	11/12/2019	271	1.34%	2.60%	\$5,000,000
ME Bank	A2	\$5,000,000	03/04/2019	31/07/2019	119	1.34%	2.50%	\$5,000,000
						<u>10.46%</u>		
Westpac	AA-	\$3,000,000	01/05/2018	01/05/2019	365	0.81%	2.76%	\$3,000,000
Westpac	AA-	\$5,000,000	06/06/2018	06/06/2019	365	1.34%	2.76%	\$5,000,000
Westpac	AA-	\$3,000,000	08/06/2018	11/06/2019	368	0.80%	2.76%	\$3,000,000
Westpac	AA-	\$10,000,000	31/07/2018	31/07/2019	365	2.69%	2.76%	\$10,000,000
Westpac	AA-	\$3,000,000	01/08/2018	01/08/2019	365	0.81%	2.76%	\$3,000,000
Westpac	AA-	\$5,000,000	09/08/2018	09/08/2019	365	1.34%	2.79%	\$5,000,000
Westpac	AA-	\$5,000,000	30/08/2018	29/08/2019	364	1.34%	2.74%	\$5,000,000
Westpac	AA-	\$5,000,000	10/09/2018	11/09/2019	366	1.34%	2.68%	\$5,000,000
Westpac	AA-	\$5,000,000	09/11/2018	06/11/2019	362	1.34%	2.76%	\$5,000,000
Westpac	AA-	\$5,000,000	28/11/2018	28/11/2019	365	1.34%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	03/12/2018	04/12/2019	366	1.34%	2.73%	\$5,000,000
Westpac	AA-	\$5,000,000	02/01/2019	08/01/2020	371	1.34%	2.70%	\$5,000,000
Westpac	AA-	\$5,000,000	11/02/2019	11/02/2020	365	1.34%	2.76%	\$5,000,000
Westpac	AA-	\$5,000,000	04/03/2019	04/03/2020	366	1.34%	2.65%	\$5,000,000
Westpac	AA-	\$10,000,000	07/03/2019	11/03/2020	370	2.69%	2.60%	\$10,000,000
Westpac	AA-	\$5,000,000	28/03/2019	25/03/2020	363	1.34%	2.60%	\$5,000,000
						<u>22.54%</u>		
AMP Bank	A1	\$3,000,000	12/06/2018	12/06/2019	365	0.81%	2.80%	\$3,000,000
AMP Bank	A1	\$5,000,000	21/02/2019	20/11/2019	272	1.34%	2.80%	\$5,000,000
						<u>2.15%</u>		

Schedule of Investments cont'd								
National Australia Bank	A1	\$1,000,000	14/06/2018	14/06/2019	365	0.27%	2.75%	\$1,000,000
National Australia Bank	A1	\$2,000,000	11/07/2018	11/07/2019	365	0.54%	2.75%	\$2,000,000
National Australia Bank	A1	\$5,000,000	04/09/2018	04/09/2019	365	1.34%	2.65%	\$5,000,000
National Australia Bank	A1	\$6,000,000	28/11/2018	12/06/2019	196	1.61%	2.65%	\$6,000,000
National Australia Bank	A1	\$5,000,000	06/12/2018	19/06/2019	195	1.34%	2.68%	\$5,000,000
National Australia Bank	A1	\$5,000,000	09/01/2019	08/05/2019	119	1.34%	2.65%	\$5,000,000
National Australia Bank	A1	\$5,000,000	09/01/2019	09/10/2019	273	1.34%	2.67%	\$5,000,000
National Australia Bank	A1	\$5,000,000	16/01/2019	17/07/2019	182	1.34%	2.67%	\$5,000,000
National Australia Bank	A1	\$10,000,000	06/02/2019	06/11/2019	273	2.68%	2.67%	\$10,000,000
National Australia Bank	A1	\$5,000,000	19/03/2019	18/12/2019	274	1.34%	2.48%	\$5,000,000
National Australia Bank	A1	\$5,000,000	24/04/2019	22/01/2020	273	1.34%	2.39%	\$5,000,000
NAB- Bank of QLD FRN	BBB+	\$1,000,000	29/10/2015	01/05/2019	1280	0.27%	3.22%	\$1,007,950
NAB- Suncorp FRN	A+	\$2,000,000	12/04/2016	12/04/2021	1826	0.54%	3.07%	\$2,032,656
						15.29%		
ING Direct	A	\$4,000,000	31/08/2017	04/09/2019	734	1.08%	2.75%	\$4,000,000
ING Direct	A	\$3,000,000	12/09/2017	12/09/2019	730	0.80%	2.75%	\$3,000,000
ING Direct	A	\$3,000,000	13/09/2017	18/09/2019	735	0.80%	2.75%	\$3,000,000
ING Direct	A	\$2,000,000	15/09/2017	25/09/2019	740	0.54%	2.75%	\$2,000,000
ING Direct	A	\$1,000,000	06/06/2018	06/12/2019	548	0.27%	2.80%	\$1,000,000
ING Direct	A	\$2,000,000	24/07/2018	04/09/2019	407	0.54%	2.53%	\$2,000,000
ING Direct	A	\$5,000,000	18/12/2018	24/06/2020	554	1.34%	2.70%	\$5,000,000
						5.37%		
Direct Investments (Floating Rate & Fixed Rate Term Deposits -TDs)								
CBA- AMP FRN	A	\$750,000	11/12/2015	11/06/2019	1278	0.19%	2.96%	\$753,787
CBA- Bank of QLD FRN	A-	\$2,000,000	26/02/2016	06/11/2019	1349	0.54%	3.09%	\$2,004,700
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	26/02/2016	18/08/2020	1635	0.54%	3.05%	\$2,025,120
CBA - Rabobank FRN	A+	\$2,000,000	04/03/2016	04/03/2021	1826	0.54%	3.38%	\$2,047,160
CBA- Westpac FRN	AA-	\$1,000,000	11/03/2016	10/05/2019	1155	0.27%	2.99%	\$1,006,830
CBA- Bank of QLD FRN	BBB+	\$1,000,000	18/05/2016	18/05/2021	1826	0.27%	3.43%	\$1,021,850
CBA- Greater Bank FRN	BBB-	\$3,000,000	07/06/2016	07/06/2019	1095	0.80%	3.46%	\$3,018,135
CBA FRN	AA-	\$2,000,000	12/07/2016	12/07/2021	1826	0.54%	2.90%	\$2,033,660
CBA- ME Bank FRN	BBB	\$3,000,000	09/08/2016	18/07/2019	1073	0.80%	3.14%	\$3,010,020
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	09/08/2016	19/09/2019	1136	0.54%	2.77%	\$2,010,780
CBA- Greater Bank FRN	BBB+	\$2,000,000	30/08/2016	30/08/2019	1095	0.54%	3.42%	\$2,014,780
CBA- Bendigo & Adelaide FRN	A-	\$2,000,000	21/11/2016	21/02/2020	1187	0.54%	3.01%	\$2,020,940
CBA FRN	AA-	\$3,000,000	17/01/2017	17/01/2022	1826	0.80%	2.79%	\$3,047,550
CBA- Greater Bank FRN	BBB-	\$4,000,000	24/02/2017	24/02/2020	1095	1.07%	3.34%	\$4,028,440
CBA- Rabobank FRN	A+	\$2,000,000	03/03/2017	03/03/2022	1826	0.54%	2.96%	\$2,034,820
CBA- Credit Union Australia FRN	BBB+	\$2,750,000	20/03/2017	20/03/2020	1096	0.73%	3.12%	\$2,776,070
CBA- Greater Bank FRN	BBB-	\$2,000,000	25/03/2017	29/05/2020	1161	0.54%	3.27%	\$2,012,910
CBA- ME Bank FRN	BBB+	\$3,000,000	06/04/2017	06/04/2020	1096	0.80%	2.97%	\$3,019,950
CBA- Greater Bank FRN	BBB-	\$1,000,000	04/08/2017	29/05/2020	1029	0.27%	3.27%	\$1,006,455
CBA- AMP FRN	A	\$2,000,000	06/10/2017	06/10/2020	1096	0.54%	2.47%	\$1,996,760
CBA - Heritage Bank FRN	BBB+	\$2,000,000	27/11/2017	04/05/2020	889	0.54%	3.34%	\$2,010,360
CBA - Newcastle Perm Build Soc FRN	BBB	\$2,000,000	29/11/2017	07/04/2020	860	0.54%	3.07%	\$2,017,120
ANZ - Heritage Bank FRN	BBB+	\$1,450,000	04/05/2017	04/05/2020	1096	0.39%	3.34%	\$1,457,251
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	18/04/2019	16/10/2019	181	1.34%	2.40%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	24/08/2018	23/05/2019	272	1.34%	2.68%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	30/11/2018	28/08/2019	271	1.34%	2.70%	\$5,000,000
Bendigo Adelaide Bank Fixed Rate TD	A2	\$5,000,000	01/03/2019	04/09/2019	187	1.34%	2.60%	\$5,000,000
						18.23%		
FTD= Floating Rate Deposit								
FRN= Floating Rate Note								
Unlisted Community Bank Shares								
NRMA/IAG Shares	Unrated	\$7,552				0.01%		
Bendigo Bank	A2	\$5,000				0.00%		
Total Investments		\$372,699,225				100.00%		
Operating Accounts		\$2,098,415						
Cash Deposit Accounts		\$30,768,606						
AMP 31 Day Notice Account		\$10,591,484						
Total Investments and Cash		\$416,157,730						
Investment and Cash Flows for Bayside Council:								
	Mar-19	Apr-19	Total Net Movement					
Total Investments	\$381,399,225	\$372,699,225	-\$8,700,000					
Operating Accounts	\$314,238	\$2,098,415	\$1,784,177					
Cash/Short Term Money Market	\$29,601,459	\$30,768,606	\$1,167,147					
AMP 31 Day Notice Account	\$10,570,835	\$10,591,484	\$20,649					
TOTAL Investments and Cash:	\$421,885,757	\$416,157,730	-\$5,728,027					
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.								
MATTHEW WALKER								
RESPONSIBLE ACCOUNTING OFFICER								

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 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 required.

Attachments

Nil

Council Meeting

12/06/2019

Item No	8.17
Subject	Australian Mayoral Aviation Council (AMAC)
Report by	Meredith Wallace, General Manager
File	F17/328

Summary

In May 2019, Councillors Macdonald, Nagi, Rapisardi and Tsounis attended the Australian Mayoral Aviation Council (AMAC) Conference in Melbourne. An attendance report is now provided.

AMAC was established in 1982 as a national association. Primarily focused on working with relevant authorities and the airline industry, AMAC aimed to achieve workable solutions to issues associated with aircraft movement.

Upon proclamation, Bayside Council continued membership of AMAC and also inherited the custom and practice of providing the AMAC Executive Director with cost-free office accommodation and administrative support services on behalf of the 18 local government authorities across Australia who were members of AMAC, at that time.

Bayside Council pays full membership annually, the current year's membership is \$12,200 and is valid to 30 June 2019. Registered attendance by Bayside Councillors at the 2019 Annual AMAC Conference incurred an additional cost of approximately \$8,900 for the five nominated Councillors.

In 1996, the Sydney Airport Community Forum (SACF) was established, followed by the Planning Coordination Forum (PCF) in 2010. Both of these associations focus specifically on issues arising from the proximity of Sydney Airport to local communities and the impacts such as noise; pollution; increased traffic and transport thoroughfares; parking etc.

It is acknowledged that, in the past, AMAC has added value to the debate about land development and the impact of aircraft noise, however the SACF and PCF are the relevant bodies to progress local issues and impacts on behalf of the Bayside Community.

Officer Recommendation

- 1 That Councillors' Attendance Reports be received and noted.
 - 2 That correspondence be forwarded to the President of the Australian Mayoral Aviation Council to formally:
 - a Acknowledge and thank the AMAC for their assistance to Bayside Council and its predecessor Councils over the years.
 - b Seek AMAC's agreement to relocating the secretariat (administration, support & office space) to another Council. This request is based on the existing Mayor of Canterbury Bankstown's role as the NSW member of the AMAC Executive
-

Committee.

c Advise that Bayside Council will:

1. discontinue its membership of AMAC beyond the current financial year; or
2. continue membership for a further year, allowing Council to more fully review the relevance of AMAC to the Bayside community once the secretariat is relocated or Council is fully reimbursed for administrative support services provided to AMAC.

Background

AMAC is a voluntary national association of local governments whose communities are adjacent to and impacted by airport operations and aircraft noise. It is not a Sydney Airport specific group and has membership Australia wide.

AMAC has operated continuously since 1982 and presently represents the interests of some 4 million residents. Although one of its prime objectives is to progress noise abatement, AMAC is not an anti-aviation organisation. Rather it seeks to cooperate with the appropriate authorities and the airline industry to achieve an acceptable and balanced solution to the obvious problems associated with the movement of aircraft.

AMAC objectives can be summarised as achieving recognition and understanding of matters of concern to communities affected by aircraft noise and airport operations by establishing a collaborative approach in seeking the resolution of those concerns. Over the years, Council has been invited to attend numerous annual conferences held by AMAC around Australia on a range of topics.

Whilst supportive of strategic improvements to AMAC such as a business plan and documentation to demonstrate a progressive and contemporary organisation, Council is concerned that AMAC does not have an existing website publicly outlining its role and encouraging new memberships from Councils, nor have the Councils surrounding the new Western Sydney Airport seen the benefits of membership and joined the association.

Further, there is no information available to the community to inform AMAC's role in facilitating on behalf of Council and any recent achievements AMAC have progressed in this area. Minutes of the meetings contain 'receive and note' items and quarterly AMAC newsletters sent out to member Councils, are generic in content rather than specific to the issues being progressed by AMAC on behalf of members and their communities.

DISCUSSION

The Sydney Airport Community Forum (SACF) was established in 1996 as the peak consultation forum on the Sydney Airport Long Term Operating Plan. SACF provides advice to the relevant Federal Minister, Sydney Airport Corporation and aviation authorities on the abatement of aircraft noise and related environmental issues. SACF includes representatives from all levels of government including Bayside Council. Meetings of the SACF are held quarterly.

Sydney Airport also established the Planning Coordination Forum (PCF) in 2010. The group meets bi-annually with the aim to ensure effective partnerships between the Airport and relevant Federal, State and Local Government planning and land use authorities. The group

provides for a two-way exchange of information about development occurring at the airport that might affect nearby areas, and development occurring adjacent to the airport that might impact or be impacted by its operations. Bayside Council is a member of the PCF.

Bayside Council has recently negotiated with Sydney Airport Corporation Limited (SACL) to enter into a multi-million dollar local partnership to fund a number of community and environmental projects over the next 10 years.

This Joint Community and Environmental Projects Reserve Fund will focus on delivering key projects for the benefit of the Bayside community. The partnership commits more than \$11M over the next 10 years to projects which might include bike paths, river water quality improvement activities and the upgrade of community facilities. AMAC played no role in the establishment of this fund or in any of the amalgamation issues involving harmonisation of the rate equivalent payments by SACL to Bayside Council.

It must be acknowledged that AMAC was very useful to Council as a focussed interest group during the rapid change and development of the Sydney Airport through the late 1980's and 1990's. In more recent years Bayside Council has focussed on building a successful partnership with SACL, while AMAC has developed a more national focus. Our partnership with SACL continues to develop through the recently established reserve fund; the renegotiation of rate equivalent payments to Council and our ongoing representation and advocacy for the Bayside community through involvement through key planning and consultation groups.

FINANCIAL IMPLICATIONS

AMAC MEMBERSHIP

Annual cost to Council is \$12,200 per annum for financial year 19/20 and this generally increases by several hundred dollars each year, with the next annual membership payment due 30 June 2019. As at February 2019, membership of AMAC had declined to include the following twelve Australian Councils:

1. Bayside NSW;
2. Blacktown NSW;
3. Canada Bay NSW;
4. Canterbury Bankstown NSW; (NSW Board Member)
5. Inner West NSW.
6. Hume VIC.
7. City of West Torrens SA.
8. Belmont WA;
9. Kalamunda WA;
10. City of Swan WA;
11. City of Clarence TAS;
12. Northern Midlands Council TAS.

COUNCILLOR ATTENDANCE – AMAC CONFERENCE & AGM

At the ordinary meeting of Council held in March 2019, Councillors nominated to attend the AMAC Conference and Annual General Meeting to be held in Melbourne from 2-3 May 2019.

It is noted that Councillor Ibrahim withdrew his attendance prior to the Conference, at no cost to Council.

Attendance Report

The following reports from Councillors are based on the knowledge and information gained by attending the conference.

Councillor Macdonald

Attending the AMAC conference highlighted the need for stronger regulation around the recreational use of drones being flown in public and private spaces. CASA have more than 6,000 registered commercial drone users and as part of that process, commercial fliers agree to follow strict safety rules to uphold public safety. More needs to be done to ensure all fliers are operating within the safety rules, particularly in and around the 'no fly zones' near Sydney Airport and in public parks to ensure community safety is maintained. CASA will be introducing the requirement for recreational users to have a license to ensure safety rules are adhered to and public awareness is raised as to where you can and cannot fly a drone.

Councillor Nagi

Attendance at the Conference reinforced the shared interests amongst airports, all levels of government and local communities to ensure the aviation industry continues to perform well and is committed to balancing the needs of airport development with the needs of communities near airports.

Stakeholders shared information about airport operations and their impact on neighbouring communities with a view to helping improve planning consistency between airport land and that beyond airport perimeters. My interest is more specifically aligned to addressing the impacts of Sydney Airport on Bayside's infrastructure and communities. The recently released Sydney Airport Master Plan 2039 identifies a 51% increase in passenger numbers to 65.6 million by 2039. There are transport plans and strategies incorporated into the Master Plan aimed at improving the road network performance in and around Sydney Airport to ensure the Airport is addressing congestion and future traffic flows. Council's participation in the planning and community forums at Sydney Airport ensures we are well placed to represent the local needs and specific interests of our community.

Councillor Rapisardi

The AMAC conference raised my understanding of how acutely airports impact on planning. The presentations that touched on noise measurements and guidelines, in particular, seemed to posit that the disclosure of proneness to noise events can be just as important for residents as the actual noise levels themselves.

Similarly, planning around airports must also account for the associated transport network required to move freight and passengers to and from said airport. It seems to me that the current Local Strategic Planning Statement (LSPS) process may present an opportunity to outline expectations for surrounding and noise-affected land.

In NSW, the intersecting timelines for the implementation of new local government planning processes and the Western Sydney Airport construction mean that AMAC would be particularly well placed to advocate for more appropriate planning around the second Sydney airport.

Councillor Tsounis

The Australian Mayoral Aviation Council conference was held on 2-3 May in Melbourne with the remaining 13 delegate councils invited to attend. Bayside Council had 4 delegates present as the recent amalgamation between Rockdale Council and The City of Botany Bay Council brought to light the need for a more robust relationship between Council and Sydney Airport Corporation Limited.

The conference, much like others in the past discussed issues surrounding airports in big cities, in particular the impact of the current noise attenuation metric that impacts planning decisions along flight paths and to some extent supports future growth of the airports.

At this Conference it was abundantly clear that the current measure of noise impact, the ANEF contour system has become dated and seems no longer to be a good guide to strategic and statutory planning frameworks. The ANEF contour system fails to show actual noise levels in relation to number of movements of aircraft that are experienced over a specific timeframe.

The alternative measure of aircraft noise whether there is an adoption of flight corridor maps, maximum noise contour maps or average noise contour maps will have a significant impact on the new second airport for Sydney or the change in curfew for the current Sydney airport and will need to be addressed by the great majority of local councils in consultation with federal aviation bodies which currently are not delegates to AMAC.

Whilst Bayside is presently a financial delegate, I find little need for our participation as the activities of AMAC seem to be far from the needs of Bayside Council. The organisation itself seems antiquated having no website, no access to any information online, and indeed Bayside was not given an opportunity to nominate a delegate within the Executive, even though AMAC is housed within Bayside Council premises.

Without the membership of councils surrounding the new Sydney Airport and the opening of the Executive Committee to other less traditional delegates and modernisation of the organisation in terms of electronic reporting and information distribution, Bayside should give consideration to ceasing membership until these matters are addressed and remedied.

ELECTION OF BOARD MEMBERS

An email was sent to all member Councils advising of the 2019 Conference and Annual General Meeting (AGM) with agenda item "Election of board members". It is noted that whilst documentation referred to the election, there was no available information for member Councils advising how to nominate for a position. Further, the minutes from 2018 AGM reflect that the Executive Committee is formed prior to the Annual General Meeting, as per the minutes at:

"ITEM 6: Election of Executive Committee - The President advised that the Executive Committee would be composed of the following State Representatives for 2018/2019: NSW Mayor Khal Asfour Mayor, Canterbury Bankstown; QLD Councillor Paul Tully, City of Ipswich; SA Mayor John Trainer, City of West Torrens; TAS Deputy Mayor Jock Campbell, City of Clarence VIC; Councillor Jack Medcraft, City of Hume; WA Mayor Phil Marks, City of Belmont.

The President advised that, at an earlier Executive Committee meeting he had been re-elected President for the coming year with Mayor Phil Marks re-elected as Vice-President.

THAT: The Executive Committee as presented be noted and endorsed and that Deputy Mayor Jock Campbell and Mayor Phil Marks' election as President and Vice President respectively for the year 2018/2019 be also noted and endorsed."

RESOURCING

Office space

The Executive Director of the AMAC is engaged by an external company however the present incumbent is provided with office space and computer access 3 days per week at Bayside Council, free-of-charge.

Appointment

Records were not available at the time of writing to demonstrate the appointment process for the present incumbent in securing the role of Executive Director, nor how his performance is measured against the objectives of the AMAC.

Secretariat services

Provided by Bayside Council administration staff approximately 12 hours/\$700 per month, at a cost to Council. This includes printing and stationery however where possible electronic documentation is created.

Email Account - Until recently, Bayside Council provided a serviced email account to the Executive Director that was aligned to Bayside Council's corporate email system and active directory. Recent changes to the IT security policy has required the AMAC to obtain an off-site email account with no connectivity to Bayside's systems.

Recordkeeping - All electronic records associated with the AMAC are stored on a portable, external drive with some paper based records held at offsite storage at AMAC House. As AMAC House is a Bayside Council facility, this record storage also comes at an additional cost to Council in the vicinity of \$2,500 per annum.

Council has continued to provide these services free-of-charge to the AMAC Executive Director and the organisation generally. In fact, these services have been free-of-charge to the AMAC since inception in 1982. Going forward, it is suggested that the costs involved in running the AMAC secretariat out of Council offices, could be offset by providing free annual membership and conference attendance to the host Council.

CONCLUSION

As a voluntary national association of local governments whose communities are adjacent to and impacted by airport operations, AMAC has added value to the debate about land development and the impact of aircraft noise in particular on local communities.

The relationship between Council and Sydney Airport is now well established and Bayside is involved as a member of its peak planning and consultative bodies. The establishment of the Joint Community and Environmental Projects Reserve Fund in partnership with SACL will add value and ensure continued partnerships between Bayside Council and SACL for the next 10 years and beyond.

On this basis, the value of maintaining membership of the AMAC has therefore diminished to the point where it is recommended that it be fully reviewed or discontinued.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Savings in the vicinity of \$20Kpa could be achieved by discontinuing membership.
Additional funds required	<input type="checkbox"/>	

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

12/06/2019

Item No 8.18
Subject **National General Assembly 2019 - Canberra**
Report by Meredith Wallace, General Manager
File SF18/1344

Summary

This report seeks to endorse nominations by the Mayor, Deputy Mayor, interested Councillors to attend the National General Assembly in Canberra on 16-19 June 2019.

Officer Recommendation

That Council endorses, as per the Expenses and Facilities Policy adopted in July 2017, the following nominations to attend the National General Assembly in Canberra on 16-19 June 2019 - Mayor Bill Saravinovski; Deputy Mayor Joe Awada; Councillors Macdonald, Nagi, Rapisardi and Sedrak.

Background

The Australian Local Government Association's National General Assembly, held in Canberra, attracts more than 870 representatives from councils across the states and territories. The theme for the 2019 Conference is *Future Focused*. This assembly considers what councils can do today to get ready for the challenges, opportunities and changes that lie ahead.

The National General Assembly of Local Government (NGA) is an important opportunity for Bayside Council to influence the national policy agenda. The 25th National General Assembly will focus on the future of local government and local communities.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input checked="" type="checkbox"/>	Councillor Expenses & Facilities Policy – Professional Development Training for Elected Members
Additional funds required	<input type="checkbox"/>	

Community Engagement

Not applicable.

Attachments

Nil

Council Meeting

12/06/2019

Item No	8.19
Subject	Waste Conference 2019
Report by	Colin Clissold, Director City Presentation
File	F17/1300

Summary

This report summarises the *Waste 2019* Conference in Coffs Harbour, Tuesday 14 May – Thursday 16 May, based on the reports provided by Councillors James Macdonald, Michael Nagi, Ron Bezic, Vicki Poulos, Dorothy Rapisardi and Andrew Tsounis.

Officer Recommendation

- 1 That Council receives and notes the report.
 - 2 That the reports by Councillors included in this summary, inform their individual professional development plan for 2019.
-

Background

Waste 2019 is Australia's leading conference for waste management professionals in Australia.

Six hundred and forty seven (647) delegates participated in the *Waste 2019* Conference, including representatives from local government authorities across Australia. There were 82 exhibits set up and operated by government authorities, consultants, equipment and technology providers. There were 137 presenters including Joe Logiaccio, Manager Waste & Cleansing Services at Bayside Council and Dr Patricia Chamberlain, Coordinator Waste Avoidance & Resource Recovery at Bayside Council.

The *Waste 2019* program covered topics critical to industry including law, policy, markets, infrastructure, technology and innovation. This report provides a summary of key points acquired in relation to Council delegates, learning and development program.

Conference Day 1 – Tuesday May 14

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 a Panel Discussion on Social Enterprise, Non-profits and the Circular Economy. This discussion focussed heavily in reuse. Being top of the Waste Hierarchy, facilitating greater reuse is a key objective of Bayside Council. The importance of reuse in job creation was flagged with reuse providing significantly higher employment than disposing of waste to landfill.

The panel discussed, with questions from the facilitator and the audience, the achievements and challenges with increasing reuse of unwanted materials throughout Australia. Challenges to greater reuse in Australia include developing markets and encouraging the community to embrace second-hand materials. Strategies to make it easier for social enterprises to compete for local government procurement were discussed, including a greater focus on non-price criteria and building social enterprise knowledge of local government procurement policies.

This was followed by separate streams on Education, Community Projects, Innovation, Litter and Landfill.

As part of the Litter stream, Bayside Council's Manager Waste & Cleansing Services, Joe Logiaccio presented the new Beach Litter Program 2018/19: Litter Prevention through Innovation. Joe explained how Bayside Council are custodians of the 8km beach that runs adjacent to Cook Park and detailed the issues that motivated the new program, most importantly, the lack of location specific waste infrastructure to make it easy for beachgoers to correctly dispose of their waste. As part of the program, Council designed and trialled several infrastructure solutions, leading to the beach-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 signage, which combined NSW EPA messaging and Council customisation, also highlighted how Bayside Council works with the NSW government to provide education that provide consistency across NSW local government borders. This project was partially funded by the NSW EPA using the waste levy. This presentation was well attended and provoked several interesting and thoughtful questions from the audience. A aerial video of Bayside's beach landscape and waste management activities highlighted how Council's programs have resulted in a beautiful area for both residents and visitors to enjoy.

A PDF copy of Joe's presentation as well as a You Tube video can be viewed here: <https://www.coffswasteconference.com.au/2019/presenters> (enter : "Logiaccio" in the search box).

Encycle Consulting gave an interesting presentation on how composting and worm farming could work in strata community gardens. The key seems to be residential champions or a building manager to manage the program, and provision of suitable space/infrastructure during the building development phase. A high level of resident engagement (at least 50%) was also a factor for all three successful case studies.

Cleanaway's Education Officer also provided some interesting case studies for resource recovery in public places, including organics and recyclables.

Conference Day 2 – Wednesday May 15

Day 2 started with 3 keynote addresses by:

- Rozalina Petrova, Policy Officer, European Commission
- Ronni Kahn AO, Founder and CEO, OzHarvest
- Molly Tregoning, Director, 20 Year Waste Strategy, NSW EPA

Rozalina Petrova provided insight into the European model for waste management and the circular economy. The European Union (EU) target for municipal waste by 2035 is 65%

recycling and 90% landfill diversion, with the additional landfill diversion over recycling (25%) demonstrating the role of Energy from Waste (EfW) in the EU circular economy model. These targets are similar to those proposed by Bayside Council in their WARR Strategy, with Council working towards a 85% domestic Municipal Solid Waste (MSW) diversion target by 2030.

Ronni Kahn then provided information on the work that OzHarvest is doing to reduce food waste whilst creating jobs and providing food to those in need.

The final address was on the 20 Year Waste Strategy being developed by the NSW EPA. This strategy is designed to build in the former NSW Waste Avoidance and Resource Recovery Strategy 2014-21 by addressing new challenges to the industry and providing longer term strategic goals. During the Q&A session, Bayside Council's Joe Logiaccio asked Molly Tregoning how they intended to fund the strategy, given that Bayside Council is currently paying approximately \$6 million through the waste levy and only receiving back 3% in non-contestable funds for resource recovery management and innovation. Ms Tregoning replied that the NSW EPA would advocate for the best investment case to improve resource recovery but that funding decisions would rest with the NSW Government. Funding for resource recovery initiatives is imperative and Bayside Council, SSROC and NSW local government representatives continue to advocate for greater hypothecation of the waste levies paid by local government back to local government. Bayside Council remains concerned with the uncertainty regarding funding for NSW EPA led strategies.

These addresses were followed by an Industry Leaders Forum with representatives from leading waste industry organisations Veolia, Cleanaway, Re.Group, Bingo Industries and SUEZ. The forum was facilitated by the CEO of the Waste Management and Resource Recovery Association of Australia (Bayside Council are a member of WMRR). The forum highlighted some of the key challenges facing the waste and resource recovery industry including the need for national focus and leadership, the need for mandatory recycled content in products and civil works, the need for a greater focus on waste avoidance, and the need for workable Energy from Waste solutions within the entire suite of recovery initiatives. It was also suggested that local government could facilitate higher resource recovery by sharing the risk of resource recovery projects with industry (in current procurement models, the risk largely rests with industry).

The afternoon consisted of separate streams for Circular Economy, Bulky Waste, Education, Planning and Illegal Dumping. The Illegal Dumping stream was chaired by Bayside Council's Coordinator Waste Avoidance and Resource Recovery, Dr Patricia Chamberlain. Patricia has extensive experience in illegal dumping, having managed Council's illegal dumping education and regulations program since 2017.

These afternoon sessions provided valuable information and insights into issues including: the benefits and challenges with different kerbside clean up systems, new education initiatives such as the Australasian Recycling Label, the role of the production industry in facilitating resource recovery, the use of recycled material in civil works, clothing reuse, and the role of waste innovation in development planning for new multi unit dwellings.

Conference Day 3 – Thursday May 16

The final day of the conference started with a welcome address by the CEO of WMRR, Gayle Sloan and an address by Ricki Hershburgh, Board Director/Acting Executive Director of Plastic Oceans Australasia on Ocean Plastics. Bayside Council is addressing the issue of plastic pollution through its litter education campaign and Beach Litter Program (see Day 1 summary).

This was followed by a state roundup on policy and strategy. The panel includes representatives from NSW, ACT, SA, WA and Vic. Several states are developing or revising their strategies for Energy from Waste and organics. The disparity in waste levies across the states was a hot topic, with Queensland introducing a levy of \$75 (significantly lower than NSW) with 70% of that levy going back into waste management initiatives (significantly higher than NSW). Management of plastics also featured as a high priority. The question of national harmonisation and national leadership was again raised. The ACT representative put that question back to industry to also address by way of initiatives such as national industry standards.

From late morning until the close of conference, there were separate streams on Energy from Waste, Organics, Problem Wastes, Container Deposit Scheme, Regulation, Technology and Disaster Management.

As part of the Problem Waste stream, Dr Patricia Chamberlain, Council's Coordinator Waste Avoidance and Resource Recovery, presented on Council's Community Recycling Drop Off Event Program. In this presentation, Patricia provided information on how Council had taken the best elements of both former Council's drop off programs to develop a improved drop off event program which optimised convenience, safety, resource recovery and service provision whilst providing the community with a cost effective solution to manage and recycle waste responsibly. Patricia's presentation provided councils with an uncomplicated solution for recyclable materials in a way that minimised economic, safety and amenity risks without the need for an expensive, purpose built facility. An aerial video of a recent drop off event highlighted how such an event program could work successfully for all Councils' using an existing works depot, even in the midst of construction works to improve the depot's temporary recycling storage. This drop off event program is partially funded by the NSW EPA using the waste levy. This presentation was well attended and provoked interesting discussions in the networking breaks following the presentation.

A PDF copy of Patricia's presentation as well as a You Tube video can be viewed here: <https://www.coffswasteconference.com.au/2019/presenters> (enter : "Chamberlain" in the search box).

Gavin Shapiro, Partner, Hones Lawyers provided a very interesting presentation on the issues surrounding trace asbestos contamination in NSW waste streams and how the regulatory framework surrounding asbestos has created uncertainty and issues with resource recovery. This is an issue that Council is currently watching with the expectation that NSW EPA will provide greater regulatory certainty in the future (for example, by providing tolerance levels for trace asbestos in recycling loads).

Details of all presenters and presentations, including PDF presentations and You Tube videos can be accessed via: <https://www.coffswasteconference.com.au/QuickEventWebsitePortal/2018/waste/Agenda>

Knowledge & Development - Industry Understanding

Councillors Ron Bezic, James Macdonald, Michael Nagi, Vicki Poulos, Dorothy Rapisardi and Andrew Tsounis attended the Waste Conference 2019 and found the entire conference extremely informative with the following issues of particular interest:

- ▶ The NSW EPA has now launched a revised Better Practice Guide for Resource Recovery in Residential Developments. This document is available online

(<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/warrlocal/080042-mud-waste-mgt.pdf?la=en&hash=196E62123F730C6991FFAC427FA7E8A96102522E>). This guide will prove useful for Council in ensuring that resource recovery considerations are included in residential development applications. There are many strategies and technologies for improving resource recovery in large residential developments and in the commercial sector.

- ▶ The use and reuse of toner printer cartridges, soft plastic, glass and concrete to make a better and more sustainable road base product called “TonerPave” and “Reconphalt”. Council may consider trialling the product developed by Downer in future civil works projects. Research has indicated a 65% improvement in fatigue for longer life pavements. (with superior deformation resistance).
- ▶ Cleanaway’s Regional Manager, Alex Hatherly presented on the Cleanaway ResourceCo facility, which offers a very promising technology for converting bulky waste, including clean up waste, into a fuel for energy in cement kilns and other Energy from Waste facilities.

Councillor Attendance Report

Councillor Tsounis provided the following report on behalf of delegates.

The annual Waste Conference held at Coffs Harbour is one of the better information platforms offered to councillors of Bayside Council. The 2019 Conference was no different. The common theme which reverberated throughout the meeting was “recycling, recycling and recycling”.

It was quite apparent that the circular economy had now come into effect. Communities have called for recycling or repurposing of waste rather than dumping it and contributing to landfill. The recent closure of the Chinese borders to foreign waste brought this to sharp relief, forcing many countries worldwide to reconsider their position on waste.

The desire for recycling is supported by a great number of communities and can be achieved by organisations both private and business committing to providing a process of eliminating or reducing waste.

Once the process is clear, that is knowing what needs to be done, then a commitment can be undertaken by the community and governments in understanding the problem at hand and offering permission for others to act and allocating necessary resources.

Local councils will take on the role of leadership with a clear vision of targets and can also offer a mechanism for recycling or reuse of “waste”.

The future is bound by the level of technology and the desire to repurpose used materials, where many local councils have already undertaken local programs to classify, segregate and recycle waste for recycling or alternate use.

Bayside Council provided two presentations at the Conference. The first spoke about the new measures the Council has implemented at its depot to recycle everything from glass clippings to e-waste. The second presentation focused on the importance of keeping the beaches of Cook Park clean by providing accessible waste receptacles and in the future, Council will be looking at also separating recyclables from non-recyclables.

Councillor Rapisardi added:

This year's Waste Conference provided great insight into the progress and intentions of both regulatory and industry bodies around Australia. The development of technology has meant that Councils will be in a greater position than ever to reduce landfill waste and encourage the development of circular economies, wherein what was once considered final form waste products can now be treated as a further resource.

Relevant and cutting edge examples from around Australia and the world showed how considered planning measures, particularly with respect to individual multi-unit dwellings and potentially even entire high-density residential communities, can increase resource recovery options, which can go to saving the community money and reducing landfill.

Financial Implications

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

Community Engagement

Education has always been a key theme at the *Waste* conference, and this year was no exception. Included in this year was a greater emphasis on community responsibility and ownership, especially in terms of litter management, waste avoidance and community drop off facilities.

Consistency in resource recovery education is important. Council is currently using NSW EPA litter messaging in its beach education program and supports government and industry providing a national approach to waste education.

Attachments

Nil

Council Meeting

12/06/2019

Item No	9.1
Subject	Minutes of the Botany Historical Trust Meeting - 6 May 2019
Report by	Debra Dawson, Director City Life
File	SF18/3016

Officer Recommendation

That the Minutes of the Botany Historical Trust meeting held on 6 May 2019 be received and the recommendations therein be adopted.

Summary

The minutes of this Committee do not contain any recommendations that are controversial or significantly impact on the budget.

Present

President Anne Slattery
Vice President Christopher Hanna
Secretary Robert Hanna
Committee Member Clarence Jones
Committee Member Peter Orlovich

Also Present

Councillor Dorothy Rapisardi
Councillor Scott Morrissey
Bobbi Mayne, Manager Customer Experience
Jenny MacRitchie, Community History Librarian
Michael McCabe, Director City Futures
Michael Azzi, Manager Compliance

The Chairperson opened the meeting in the Mascot Library and George Hanna Memorial Museum at 6.35 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

The following apologies were received:

Treasurer Richard Smolenski

Senior Vice President Alice McCann

Committee Member Jacqueline Milledge

Committee Member Barbara Keeley

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Botany Historical Trust Meeting - 4 February 2019

Trust Recommendation

Moved Christopher Hanna and seconded by Peter Orlovich:

That the Minutes of the Botany Historical Trust meeting held on 4 February 2019 be confirmed as a true record of proceedings, with the following addition:

Item 5.3 refers to Beckenham Park, which will be created on the corner of Wentworth Ave and Botany Rd.

5 Reports

The Chairperson brought forward item 5.4 and invited Michael McCabe and Michael Azzi to address the meeting.

5.4 Planning, Development and Compliance Matters

Note:

Michael McCabe and Michael Azzi provided an update as to the current status of these properties. The former police station is State-owned and Bayside Council has no control over it. The City of Botany Bay Council last inspected it in February 2016.

Michael McCabe and Michael Azzi left the meeting at 7:15pm.

Trust Recommendation

On the motion of Robert Hanna, seconded by Christopher Hanna:

- 1 That the Committee notes the information provided about the former Botany Police Station property, 1441 Botany Road.
- 2 That the Committee notes the information provided about the withdrawal of DA 2018/329 for the demolition of 1445-1447 Botany Road and that DA 2018/1201 for mixed use is still active and remains under assessment.
- 3 That the Committee endorses Mr Orlovich's suggestion that he prepare a document for the next meeting outlining possible sources of information regarding the history of the former Botany Police Station and the local police force.
- 4 That the Committee requests Council officers to inform the BHT Committee of any further progress or developments once known that relate to these properties.

5.1 Community History and Museum

The Community History Librarian gave an update on exhibitions and events. The talk on Saturday 4 May titled **The Wretched Flu** was attended by about 40 people and was held in conjunction with the National Trust's Heritage Festival.

Mr Christopher Hanna noted that the Mascot RSL Sub-Branch's centenary dinner had been a great occasion with a military band and speeches by both the Hon. Matt Thistlethwaite, Member for Kingsford Smith and the Hon. Ron Hoenig, Member for Heffron. He commended Pam Richardson OAM and Carolyn McMahon OAM for their work with the Sub-Branch.

Trust Recommendation

On the motion of Christopher Hanna, seconded by Peter Orlovich:

That the report is received and noted.

5.2 Arthur Park Memorial and Interpretative Sign

The Manager Customer Experience provided an update on the progress on the plaque and interpretative sign. She also presented draft designs of the proposed plaque and sign for the Committee's information.

These will be ordered very soon and will be installed in late July. A small ceremony will be held to unveil these in Arthur Park on the morning of 15 August 2019, Victory in the Pacific Day.

Trust Recommendation

On the motion of Robert Hanna, seconded by Clarence Jones:

That the Committee notes the progress on the Arthur Park Memorial and Interpretative Sign project.

5.3 2019 BHT Program

Committee Recommendation

On the motion of Peter Orlovich, seconded by Christopher Hanna:

- 1 That the Committee notes the status report on 2019 BHT program.
- 2 That the Committee provides feedback on the 2019 BHT program at the meeting and confirm the program's activities for the next quarter which include include a newsletter, the completion of the interpretive sign and memorial plaque for Arthur Park and the next Committee meeting to be held on 5 August.

6 General Business

6.1 Leave of Absence

BHT President, Ms Slattery announced that she will be taking a leave of absence from the Committee until November 2019. The Vice President or Senior Vice President will chair the next meeting to be held in August 2019. All development matters of heritage interest will be sent directly to Committee members by email or post by the Council officers.

7 Next Meeting

That the next meeting be held in the Mascot Library and George Hanna Memorial Museum at 6:30 pm on Monday, 5 August 2019.

The Chairperson closed the meeting at 8:42pm.

Attachments

Nil

Council Meeting

12/06/2019

Item No 9.2
Subject **Minutes of the Risk & Audit Committee Meeting - 23 May 2019**
Report by Michael Mamo, Director City Presentation
File SF18/3016

Officer Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 23 May 2019 be received and the recommendations therein be adopted.

Summary

The minutes include the following substantial recommendations:

5.1 Project 2020 Status Report

- 1 That the Risk & Audit Committee received the updated Project 2020 Project Status Report as of April 2019 and noted the major P2020 project risks and mitigations. In particular, WBS 2 Fixed Assets and the Audit Office assessment of Extreme Risks noting:
 - a Action plans are in place and risks being managed.
 - b Extreme Risk rating over remediation of the Land Improvements and Other Structures.
 - c High Risk rating in IT due to number of new system implementations in 2018/19 not yet having been subjected to audit.
 - 2 That the Risk & Audit Committee noted the NSW Audit Office have advised dates for the audit program and P2020 reporting timeframes have been updated to reflect:
 - i Draft Statements submitted to Audit Office, 23 August 2019.
 - ii Extraordinary Risk & Audit Committee Meeting, 24 October 2019.
 - iii Extraordinary Council Meeting to refer to Audit, 30 October 2019.
 - iv Submission of 2018/19 Financial Statements to the Office of Local Government, 31 October 2019.
 - v The Audit Opinion and final Statements will be reported to the November Council meeting (subject to receiving audit opinion).
 - 3 That the Risk & Audit Committee noted the major P2020 project risks and mitigations.
 - 4 That the Risk & Audit Committee noted the status of implementation of Council's management responses to Audit Management letters and finalising the implementation of the ICAC action plan (refer Attachment 6).
-

Present

Jennifer Whitten, Independent External Member
Lewis Cook, Independent External Member
Catriona Barry, Independent External Member
Barry Munns, Independent External Member
Councillor Liz Barlow
Councillor Scott Morrissey

Also Present

Councillor Dorothy Rapisardi
Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Fausto Sut, Manager Governance & Risk
Natasha Balderston, Coordinator Risk & Audit
Jeremy Morgan, Manager City Infrastructure
Matthew Walker, Manager Finance
Colin Clissold, Director City Presentation
Bobbi Mayne, Manager Customer Experience
David Nolan, Director Financial Audit Services - Audit Office of NSW
Mark Cleland, Acting Manager IT
Cate Trivers, Project Manager Project 2020
Sandra Kapsalis, Coordinator Payroll
Kate Kennedy, Coordinator Fleet Operations & Stores
Antoinette Naudi, Coordinator Financial Accounting
Bryce Spelta, Coordinator City Works

The Chairperson opened the meeting in the Conference Room, Level 2 of the Administration Building at 6.30 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Risk & Audit Committee Meeting - 28 February 2019

Committee Recommendation

- 1 That the Minutes of the Risk & Audit Committee meeting held on 28 February 2019 were confirmed as a true record of proceedings.
- 2 That outstanding Actions from previous meetings were updated.

Item	Action	Responsible Officer
Outstanding 22/11/18 5.1	An annual report of the Risk & Audit Committee will be prepared for the February 2019 meeting.	Committee Chair
23/05/19 5.1	Project 2020 Reports are to include percentage completed of each task.	Project Manager, Project 2020
23/05/19 5.3	A copy of the Audit Opinion to be sent to Committee Members as soon as possible after receipt.	Manager, Governance & Risk
23/05/19 5.8	A report come back to the Committee on the outstanding recommendations that are 'overdue', including detailed reasons, and timeframes if they cannot be completed by the next meeting.	Internal Auditor
23/05/19 6.1	A report come back to the Committee's November 2019 meeting on Council's Legislative Compliance Framework.	Manager, Governance & Risk

4.2 Minutes of the Extraordinary Risk & Audit Committee Meeting - 28 March 2019

Committee Recommendation

That the Minutes of the Extraordinary Risk & Audit Committee meeting held on 28 March 2019 were confirmed as a true record of proceedings.

5 Reports

5.1 Project 2020 Status Report

Committee Recommendation

- 1 That the Risk & Audit Committee received the updated Project 2020 Project Status Report as of April 2019 and noted the major P2020 project risks and

mitigations. In particular, WBS 2 Fixed Assets and the Audit Office assessment of Extreme Risks noting:

- a Action plans are in place and risks being managed.
 - b Extreme Risk rating over remediation of the Land Improvements and Other Structures.
 - c High Risk rating in IT due to number of new system implementations in 2018/19 not yet having been subjected to audit.
- 2 That the Risk & Audit Committee noted the NSW Audit Office have advised dates for the audit program and P2020 reporting timeframes have been updated to reflect:
- i Draft Statements submitted to Audit Office, 23 August 2019.
 - ii Extraordinary Risk & Audit Committee Meeting, 24 October 2019.
 - iii Extraordinary Council Meeting to refer to Audit, 30 October 2019.
 - iv Submission of 2018/19 Financial Statements to the Office of Local Government, 31 October 2019.
 - v The Audit Opinion and final Statements will be reported to the November Council meeting (subject to receiving audit opinion).
- 3 That the Risk & Audit Committee noted the major P2020 project risks and mitigations.
- 4 That the Risk & Audit Committee noted the status of implementation of Council's management responses to Audit Management letters and finalising the implementation of the ICAC action plan (refer Attachment 6).

5.2 2017/18 IT Audit of General Controls - Management Response Letter to Audit NSW

Committee Recommendation

That the Risk & Audit Committee received and noted this report.

5.3 Audited 2017/18 Financial Statements & Audit Reports

Committee Recommendation

- 1 That the report was received and noted.
- 2 That the Risk & Audit Committee Chair and Members noted the invitation to attend the June 2019 Council meeting for the presentation of the Audited 2017/18 Financial Statements.

5.4 Final Cash Handling Audit Report

Committee Recommendation

That the Risk & Audit Committee received and noted the final internal audit report on Cash Handling.

5.5 Draft Inventory Management Audit Report

Committee Recommendation

That the Risk & Audit Committee received and noted the Draft Inventory Management Internal Audit Report.

5.6 2018/19 Audit Plan Status Report

Committee Recommendation

That:

- 1 The progress made on the 2018/19 internal audit plan was noted;
- 2 The internal audits yet to be undertaken for 2018/19 and the timing of these audits were noted;
- 3 The Committee endorsed and approved the deferment of the Asset Management audit to 2019/20.

5.7 Revised 3-Year Audit Plan

Committee Recommendation

That the Risk & Audit Committee received and noted the 3 year internal audit plan, including the internal audits for 2019/20.

5.8 Audit & Health Check Recommendations Progress Update

Committee Recommendation

That the Committee received and noted the status on the internal audit and health check recommendations.

5.9 Proposed Risk & Audit Committee Meeting Schedule for 2019/20**Committee Recommendation**

- 1 That the proposed meeting schedule for the Risk & Audit Committee meetings in 2019/20 was received and noted.
- 2 That the proposed meeting schedule for the Risk & Audit Committee meetings for 2019/20 was approved.

5.10 TechnologyOne Post Implementation Review Project Update**Committee Recommendation**

That the report was received and noted.

5.11 Strategic & Operational Risks - Quarterly Review**Committee Recommendation**

- 1 That the report on the Risk Register Review was received and noted.
- 2 That the Committee endorsed the actions to improve the quality of the risk register.

5.12 Liability Claims Performance Overview**Committee Recommendation**

That the report was received and noted.

5.13 Final Inventory Management Audit Report**Committee Recommendation**

That the Risk & Audit Committee received and noted the Final Inventory Management internal audit report as part of consideration of Item 5.5.

5.14 Audited 2017/18 Financial Statements and Audit Reports**Committee Recommendation**

That the report was received and noted as part of the Committee's consideration of Item 5.3.

6 General Business

6.1 Legislative Compliance

Note: Council's progress on legislative compliance was raised.

7 Next Meeting

That the next meeting be held in the Conference Room, Level 2 of the Administration Building at 6:30 pm on Thursday, 22 August 2019.

The Chairperson closed the meeting at 8:37 pm.

Attachments

Nil

Council Meeting

12/06/2019

Item No	9.3
Subject	Minutes of the Bayside Traffic Committee Meeting - 5 June 2019
Report by	Michael McCabe, Director City Futures
File	SF18/3016

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 5 June 2019 be received and the recommendations therein be adopted

Present

Maritza Abra, Acting Manager City Infrastructure, Bayside Council, Acting Convenor
Senior Constable Alexander Weissel, Botany Bay Police Area Command
Traffic Sergeant Sandra Dodd, St George Police Area Command
James Suprain, representing Roads and Maritime Services

Also present

Pintara Lay, Coordinator Traffic and Road Safety, Bayside Council
Lyn Moore, NSW Pedestrian Council
Peter Hannett, St George Bicycle User Group
Yvonne Poon, BIKEast
David Carroll, Senior Parking Patrol Officer, Bayside Council
Agasteena Patel, Traffic Engineer, Bayside Council
Pat Hill, Traffic Committee Administration Officer, Bayside Council
Robbie Allen, Transport Planner, Bayside Council (Item BTC19.114 Daceyville)
Robert Rosadi, Roads and Maritime Services (Informal Session – Bexley Rd Clearway)
Ken Shepherd, Randwick City Council (Item BTC19.114 Daceyville)

The Convenor opened the meeting in the Rockdale Town Hall, Pindari Room at 9:25 am and affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

1 Apologies

The following apologies were received:

Councillor Ed McDougall
Councillor Dorothy Rapisardi
George Perivolarellis, representing State Members for Rockdale and Heffron
Les Crompton, representing State Member for Kogarah
Harry Haidar, St George Cabs
Asith Nagodauithane, Transit Systems

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC19.097 Minutes of the Bayside Traffic Committee Meeting - 1 May 2019

Committee Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 1 May 2019 be confirmed as a true record of proceedings.

4 Reports

BTC19.098 Bonanza Parade, Sans Souci - Proposed 3m 'No Parking 9 am - 2 pm Mon-Fri' parking restrictions outside number 48

Committee Recommendation

- 1 That approval be given for the installation of 3m 'No Parking 9 am – 2 pm Mon-Fri' parking restriction east of the existing driveway to 48 Bonanza Parade, Sans Souci.
- 2 That the parking situation in front of 48 Bonanza Parade, be reviewed annually.

BTC19.099 Cecil Street Monterey - proposed 'No Parking 6am - 10am Thursday' to accommodate waste collection operations

Committee Recommendation

That approval be given to the provision of 'No Parking 6 am – 10 am Thursday' along both sides of the road around the bend of Cecil Street as follows:

Inner kerb line of bend:

- 10m 'No Parking 6 am – 10 am Thursday' restriction north of corner
- 10m 'No Parking 6 am – 10 am Thursday' restriction west of corner

Outer kerb line of bend:

- 10m 'No Parking 6 am – 10 am Thursday' restriction north of corner
- 7m 'No Parking 6 am – 10 am Thursday' restriction west of corner

BTC19.100 Chuter Avenue near Scarborough Street, Monterey - Proposed signposting of 'No Stopping' and 'Bus Zone' restrictions.

Committee Recommendation

- 1 That approval be given to signpost a 10m 'No Stopping' restriction along the eastern kerb line of Chuter Avenue north of Scarborough Street, Monterey.
- 2 That approval be given to install a 15m 'Bus Zone' restriction along the eastern kerb line of Chuter Avenue north of Scarborough Street, Monterey.
- 3 That approval be given to signpost a 10m 'No Stopping' restriction along the western kerb line of Chuter Avenue north of Scarborough Street, Monterey.
- 4 That approval be given to signpost a 10m 'No Stopping' restriction along the western kerb line of Chuter Avenue south of Scarborough Street, Monterey.
- 5 That approval be given to install a 15m 'Bus Zone' restriction along the western kerb line of Chuter Avenue south of Scarborough Street, Monterey.

BTC19.101 1 and 1A Connemarra Street, Bexley - Proposed 'No Parking' restriction.

Committee Recommendation

That the approval be given for a 'No Parking' restriction in Connemarra Street, Bexley to include the driveways of numbers 1 and 1A.

BTC19.102 138 Croydon Road, Bexley - Proposed 6m extension of 'No Stopping' restriction zone to improve sight distance at intersection with Unwin Street

Committee Recommendation

That approval be given to the extension of the 'No Stopping' zone in front of 138 Croydon Road, Bexley by 6m as per the attached drawings.

BTC19.103 Duff Street Arncliffe - proposed 20m 'No Stopping' restriction around bend

Committee Recommendation

That approval be given to the provision of a 20m 'No Stopping' restriction including a yellow line along the inner kerb line of the bend:

- **Start:** Tree between the rear of 57 Hirst Street and 2 Duff Street
- **End:** 32m from intersection with Hirst Street along western kerb line of Duff Street before bend

BTC19.104 Florence Street East of Chuter Avenue, Ramsgate Beach - Proposed signposting of 'No Stopping' restriction.**Committee Recommendation**

That approval be given for signposting the 'No Stopping' zones in Florence Street near Chuter Avenue, Ramsgate Beach as follows:

- 12m 'No Stopping' restriction along the northern kerb line of Florence Street, east of Chuter Avenue, Ramsgate Beach.
- 10m 'No Stopping' restriction along the southern kerb line of Florence Street, east of Chuter Avenue, Ramsgate Beach.

BTC19.105 6-10 Gertrude Street Wolli Creek - Proposed 65m '1P 8:30 am – 6 pm Mon-Fri' parking restriction.**Committee Recommendation**

That approval be given to the introduction of a 65m long '1P 8:30 am – 6 pm Mon-Fri' parking restriction zone in front of 6-10 Gertrude Street Wolli Creek.

BTC19.106 Godfrey Street, Banksia - Proposed S1 centre lane line marking**Committee Recommendation**

That approval be given for the installation of 75m S1 centre lane line marking in Godfrey Street, Banksia between Subway Road and Curtis Street.

BTC19.107 Hill Street, Carlton - Proposed 6m '1/2P 8:30 am – 6 pm Mon-Sat'**Committee Recommendation**

That approval be given to the installation of 6m '1/2P 8:30 am – 6 pm Mon-Sat' along the northern kerblines of Hill Street east of Willison Road, Carlton.

BTC19.108 88 Johnson Street, Mascot - Proposed 9m 'Works Zone' for 25 weeks.**Committee Recommendation**

That the approval be given to the installation of 9m of 'Works Zone, 7 am – 6:30 pm, Mon – Fri- and 8 am – 3:30 pm Sat' restriction outside No. 88 Johnson Street, Mascot for the duration of 25 weeks, subject to relevant conditions.

BTC19.109 Railway Street, Banksia - Proposed combination of 15m 'P5min Mon-Fri 7.30 am – 9.30 am 4pm-6pm Mon-Fri' restriction and '1P 9:30 am - 4:00 pm Mon-Fri 8:30 am - 12:30 pm Sat' along eastern kerbline north Godfrey Street to allow for drop off and pick up zone for Banksia Station.

Committee Recommendation

That approval be given to the replacement of existing parking restrictions and installation of a combined 'P5min 7:30am-9:30am 4pm-6pm Mon Fri' restriction and '1P 9:30 am – 4 pm Mon - Fri 8:30 am – 12:30 pm Sat' along the eastern kerb line north of Godfrey Street, 50m north from the gate of Banksia Station.

BTC19.110 RMS Major Road Projects - Airport East and Airport North

Committee Recommendation

That the Report on the status of the Airport East and Airport North Projects be received and noted.

BTC19.111 Smith Street west of Tierney Avenue, Eastgardens - Proposed signposting of statutory 'No Stopping' restrictions.

Committee Recommendation

That approval be given for the installation of 'No Stopping' signs to reinforce the 10m statutory 'No Stopping' zones in Smith Street and Tierney Avenue, Eastgardens.

BTC19.112 Station Street and Union Street, Arncliffe - proposed 'No stopping' restrictions on the corners of the intersection

Committee Recommendation

That approval be given to the installation of four (4) 'No stopping' signs at both corners of the Station Street and Union Street intersection in Arncliffe as per the attachment.

BTC19.113 Tierney Avenue between Smith Street and Flint Street, Hillsdale - proposed painting 'One way arrow' line marking to reinforce the existing 'One way' restriction

Committee Recommendation

That two (2) 'One way straight pavement arrows' be painted on the road to reinforce the existing one way restriction, to raise awareness and to enhance the public safety in Tierney Avenue between Smith Street and Flint Street.

BTC19.114 Walking and Cycling Improvements: Daceyville**Committee Recommendation**

Following detailed design in the upcoming financial year 2019/20 that plans be provided for comprehensive peer review by suitably qualified consultants to ensure that the construction drawings meet Australian Standards for all components.

That the Committee support the concept *Walking and Cycling Improvements: Daceyville* in principle.

BTC19.115 Referrals from Anti-Hooning Taskforce**Committee Recommendation**

The Anti-Hooning Taskforce has not referred any matters for consideration of the Bayside Traffic Committee.

BTC19.116 Matters referred to the Bayside Traffic Committee by the Chair**Committee Recommendation**

No items were raised.

BTC19.117 General Business**Committee Recommendation**

No items were raised.

The Acting Convenor closed the meeting at 11:25 am.

Attachments

Nil

Council Meeting

12/06/2019

Item No	9.4
Subject	Minutes of the Brighton Le Sands Working Party Meeting - 5 June 2019
Report by	Michael McCabe, Director City Futures
File	SF18/3016

Officer Recommendation

That the Minutes of the Brighton Le Sands Working Party meeting held on 5 June 2019 be received and the recommendations therein be adopted.

Present

Mayor Bill Saravinovski
Councillor Vicki Poulos
Councillor Joe Awada
Councillor Michael Nagi
Councillor Andrew Tsounis
Councillor James Macdonald
Councillor Dorothy Rapisardi
Councillor Liz Barlow

Also present

Meredith Wallace, General Manager
Michael McCabe, Director City Futures
Samantha Urquhart, Manager Property
Clare Harley, Manager Strategic Planning
Maritza Abra, Acting Manager City Infrastructure
Sharon Mitchell, Coordinator Community Engagement
Alex Vandine, Coordinator Policy & Strategy
Irene Chan, Urban Designer
Agasteena Patel, Traffic Engineer
Dawson Heperi, Customer Relationship Analyst
Kathy Pasalich, Development Manager

The Chairperson opened the meeting in the Level 2 Conference Room at 6.45 pm.

1 Acknowledgement of Traditional Owners

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

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest

4 Minutes of Previous Meetings

4.1 Minutes of the Brighton Le Sands Working Party Meeting - 3 April 2019

This item was withdrawn.

4.2 Minutes of the Brighton Le Sands Working Party Meeting - 31 October 2018

Committee Recommendation

That the Minutes of the Brighton Le Sands Working Party meeting held on 31 October 2018 be confirmed as a true record of proceedings, and the Committee notes that the Minutes of the meeting of 31 October 2018 were received and the recommendations therein were adopted by the Council on 14 November 2018.

5 Reports

5.1 Update on Brighton Le Sands Parking Strategy & Unsolicited proposal for The Boulevarde Carpark

Committee Recommendation

That the Status update be received and noted.

5.2 Hercules Road and Teralba Road, Brighton Le Sands - Community engagement outcomes in response to the proposed 90 degree angle parking

Committee Recommendation

- 1 That the petition against the proposal be received and noted.
- 2 That the Brighton Le Sands Working Party notes that the RMS have no technical objection to the proposal and the proposal will result in increased parking.
- 3 That the proposed 90 degree angle parking be referred to Bayside Traffic Committee.

5.3 Brighton-Le-Sands Masterplan Update

Committee Recommendation

That a further GM Briefing Session be held in June.

6 General Business

6.1 The Boulevarde, Brighton Le Sands

Committee Recommendation

That front/rear to kerb on-street parking at The Boulevarde, Brighton Le Sands be an agenda item at the next meeting.

7 Next Meeting

That the next meeting be held in the Level 2 Conference Room, Bayside Administration Centre at 6.30pm on Wednesday, 31 July 2019.

The Chairperson closed the meeting at 8.40 pm.

Attachments

Nil

Council Meeting

12/06/2019

Item No	10.1
Subject	Notice of Motion - Vanston Parade, Sandringham
Submitted by	James Macdonald, Councillor
File	F08/752P02

Summary

This Motion was submitted by Councillor Macdonald.

Motion

- 1 That Council investigate and report back on the feasibility of installing gates at Vanston Parade, Sandringham.
 - 2 That the report includes:
 - a the level of resident and police support for the overnight exclusion of vehicular access to Vanston Parade and possible traffic changes;
 - b the feasibility of closing the road between 9pm and 5am every day, similar to other Council foreshore car-parks along the waterfront;
 - c the cost of implementation and ongoing operations of the gate closure including the initial cost of the installation to create the road closure and any ongoing funding required that is consistent with other road and parks closures operating between 9pm and 5am;
 - d the likely impact this installation will have on the reported incidents of anti-social behaviour in Vanstone Parade, Sans Souci and the likelihood of this leading to further requests for road closures in Bayside;
 - e other measures or options that may be reasonable and appropriate to reduce anti-social behaviour at the location.
-

Background

Supporting Statement by Councillors

I have received representations from residents regarding increased instances of antisocial behaviour in the area of Vanston Parade at Sandringham. Residents are very concerned, so much so that some have installed CCTV cameras to capture evidence of antisocial activities including late night drinking and reckless driving.

Council needs to work closely with the State Government, NSW Police and other agencies to address this issue and protect the amenity of local residents.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil

Council Meeting

12/06/2019

Item No	10.2
Subject	Notice of Motion - Single-use Plastics: Refusing and Reducing Council's Non-recyclable Waste
Submitted by	Dorothy Rapisardi, Councillor Andrew Tsounis, Councillor James Macdonald, Councillor Vicki Poulos, Councillor
File	F15/301

Summary

This Motion was submitted by Councillors Rapisardi, Tsounis, Macdonald and Poulos.

Motion

- 1 That Bayside Council lead by example and investigate the cost and procurement implications of phasing out, where possible, single-use plastics across all Council departments and operations including plastic bags, non-recyclable packaging, single use plastic drink bottles, plastic straws, plates and cutlery.
 - 2 That a report be produced and presented to Councillors in a GM Briefing advising of the steps that Council can take to phase out single use plastics.
 - 3 That a final strategy report be brought to Councillors at an Ordinary Meeting for adoption by Council.
-

Background

Supporting Statement by Councillors

Bayside Council's Waste Avoidance and Waste Resource Recovery (WARR) Strategy 2030 has identified that a reduction in the use of single-use plastics is among the primary actions that we as a community can take to protect the health of our waterways and support Bayside's journey to a circular economy.

As part of Bayside's WARR Strategy, Community Recycling Drop Off Events have been operating fortnightly, alternating between the Botany and Bexley Depots. Residents have responded enthusiastically to these events, which have continued to expand and accept more materials as the program and waste education evolved over time. This demonstrates to Council a real desire by residents to cultivate environmentally and ecologically responsible attitudes to waste.

This motion aims to promote Council's WARR strategy and build on the growing community awareness of the dangers associated with single-use, petroleum-based materials.

Comment by General Manager:

This Notice of Motion is in order and can be dealt with.

Attachments

Nil