

4 November 2021

Our Ref: SF20/7102
Our Contact: Louise Farrell (02) 9562 1602

Pascal van de Walle
Coordinator Development Assessment
Bayside Council
444-446 Princes Highway
Rockdale
NSW 2216

Dear Pascal

Re Works-in-Kind Offer | DA-2021/187 | Botany Aquatic Centre, 2 Myrtle Street, Botany

This is a Works-in-Kind (WIK) offer by Bayside Council, ABN 80 690 785 443 (the Applicant), for the demolition of the existing children's pool with shelter; Construction of three (3) water slides and outdoor aqua play area with concrete hardstand surrounds; plant service and change room building; tree removal; and, landscaping works including replacement tree planting; (the development). The development is located at 2 Myrtle Street, Botany legally described as Lot 1 DP 1148910 (the site) and is known as Botany Aquatic Centre. Council is Crown Land Manager (CLM) of the site.

Council's Botany Bay S94A Development Contributions Plan 2016 (the Plan) requires contributions to be paid for "All Other Development" including 'community facilities and the like...'. This includes the development. The project cost is \$9,756,128 (including GST) detailed in the Cost Summary Report prepared by Bylett Associates at Appendix A. This would require a 1% contribution levy of \$97,561.28 in accordance with the Plan.

Despite this requirement, the development is included in Table A – Works Schedule being OS91 Botany Aquatic Centre of the Plan. Therefore, a WIK offer (being the works proposed by DA-2021/187) is deemed appropriate in this circumstance in lieu of the 1% contribution levy.

This WIK offer satisfies Section 2.12 Undertaking 'Works In Kind' (WIK) or providing a material public benefit of the Plan, which includes the following requirements:

- payment of the levy in accordance with the provisions of the Plan is unreasonable or unnecessary in the circumstances of the case;
 - The development is included in Table A - Works Schedule (OS91 Botany Aquatic Centre) which are partly funded by contributions. Bayside Council is the applicant and will deliver Stage 1 of the Botany Aquatic Centre, being the development.

- the work in kind will not prejudice the timing or the manner of the provision of the facility or service for which the contribution was required;
 - The WIK will assist in delivering works detailed in Table A – Works Schedule of the Plan and will not prejudice timing or the provision of these works.
- the value of the works to be undertaken is at least equal to the value and standard of the contribution assessed in accordance with this plan.
 - The value of the works is greater than the standard contribution and will deliver works in accordance with the Table A - Works Schedule.

In this circumstance, it is requested that Council accept the WIK offer as the applicant has demonstrated the development satisfies the requirements under Section 2.12 of the Plan, and provides a material public benefit by the provision of community infrastructure as part of the existing Botany Aquatic Centre, subject to the approval of the development by the consent authority, being the Sydney Eastern City Planning Panel (the Panel).

Conclusion

This document will form part of the recommendation to the Planning Panel. A condition of consent requiring a WIK agreement is not deemed necessary in this instance. If the development proceeds, the WIK offer is automatically and necessarily satisfied, and therefore does not need to be covered by a separate agreement between Council and the applicant.

Name of Applicant: Bayside Council ABN 80 690 785 443

Signature of Applicant:

A handwritten signature in black ink, appearing to read 'Lawell', is written over a horizontal line.

Date: 04 November 2021