

MEETING NOTICE

The **Ordinary Meeting** of
Bayside Council
will be held by
Audio Visual Link
on **Wednesday 8 April 2020** at **7.00 pm**

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

2 OPENING PRAYER

3 APOLOGIES

4 DISCLOSURES OF INTEREST

5 MINUTES OF PREVIOUS MEETINGS

5.1 Minutes of the Council Meeting - 11 March 20203

5.2 Minutes of the Extraordinary Council Meeting - 1 April 2020 19

6 MAYORAL MINUTES

Nil

7 PUBLIC FORUM

Members of the public, who have applied to speak at the meeting and have provided a written submission, will have their written submissions read out at the meeting.

There will be no members of the public in attendance at the meeting, however, the meeting will be live streamed on Council's Facebook page for the benefit of the public.

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

8 REPORTS

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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

8/04/2020

Item No	5.1
Subject	Minutes of the Council Meeting - 11 March 2020
Report by	Michael Mamo, Director City Performance
File	SF19/9475

Officer Recommendation

That the Minutes of the Council meeting held on 11 March 2020 be confirmed as a true record of proceedings.

Present

Councillor Joe Awada, Mayor
Councillor James Macdonald, Deputy Mayor
Councillor Liz Barlow
Councillor Ron Bezic
Councillor Christina Curry
Councillor Petros Kalligas
Councillor Ed McDougall
Councillor Scott Morrissey
Councillor Michael Nagi (left 10.15 pm)
Councillor Dorothy Rapisardi
Councillor Bill Saravinovski
Councillor Paul Sedrak
Councillor Andrew Tsounis

Also present

Meredith Wallace, General Manager
Michael Mamo, Director City Performance
Debra Dawson, Director City Life
Clare Harley, Acting Director City Futures
Colin Clissold, Director City Presentation
Liz Rog, Manager Executive Services
Michael Azzi, Manager Compliance
Samantha Urquhart, Manager Property
Ali Rizwan, Development Manager
Rachael Cahill, Property Portfolio Manager
Denize Venn, Community Grants and Administration Officer
Christine Stamper, Communications & Events Lead
Veronica Giles-Cook, Executive Assistant to the Mayor
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer
Gina Nobrega, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.11 pm.

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

1 Acknowledgement of Country

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

2 Opening Prayer

Father Manuel Santiago, Parish Priest of St Thomas More, Brighton-Le-Sands, opened the meeting in prayer.

3 Apologies

RESOLUTION

Minute 2020/028

Resolved on the motion of Councillors McDougall and Sedrak

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

- Councillor Tarek Ibrahim
- Councillor Vicki Poulos

4 Disclosures of Interest

Councillor Saravinovski declared a Pecuniary Interest in Item 8.1 on the basis that his family owns property in the Rockdale Town Centre, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 8.2 on the basis that during his previous term as Mayor, he had met the applicant with staff present, and stated he would remain in the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Pecuniary Interest in Item 8.6 on the basis that his family owns property in the Rockdale Town Centre, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Saravinovski declared a Less than Significant Non-Pecuniary Interest in Item 9.2 (Item 5.9) on the basis that his son is registered to play in their Club, but he has no role in his son's team or the Club, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Pecuniary Interest in Item 8.3 on the basis that he owns properties and business in the Arncliffe precinct, and stated he would leave the Chamber for consideration and voting on the matter.

Councillor Nagi declared a Significant Non-Pecuniary Interest in Recommendation 6 of the Officer Recommendation for Item 8.5 on the basis that the children of Dur Holdings Pty Ltd own businesses that he buys chicken products from, and stated he would leave the Chamber for consideration and voting on the matter.

5 Minutes of Previous Meetings

5.1 Minutes of the Council Meeting - 12 February 2020

RESOLUTION

Minute 2020/029

Resolved on the motion of Councillors Nagi and Barlow

That the Minutes of the Council meeting held on 12 February 2020 be confirmed as a true record of proceedings, with the notation that Councillor Nagi had advised that he is withdrawing his nomination to attend the conference.

Presentation – Community Grants Recipients

Bayside Council has provided \$53,988 for community projects.

The Mayor, Councillor Awada, presented Certificates of Congratulation to the following organisations who have received funding under Council's 2019/2020, Round 2, Community Grants Program:

- Bangladesh Puja Association Inc
- Bardwell Park Uniting Church
- Mascot Junior Rugby League Football Club
- NSW Wildlife Information Rescue & Education Service Inc
- Rockdale City Raiders
- Rockdale Community Services
- Sans Souci Baptist Church
- Scots Football Club
- Shopfront Arts Co-op Pty Ltd
- St George Children with Disabilities Fund Inc
- St Matts Community Garden
- The Crateful Group

- The Deli Women's and Children's Centre
- Wrap with Love Inc

6 Mayoral Minutes

6.1 Mayoral Minute - Showcasing Bayside

A special Bayside video was shown which tells our story from our residents' point of view.

Three of the actors in the video were present at the Council Meeting, Mona, Tony and Lauren, and the Mayor, Councillor Awada, thanked them for their voluntary time and effort in letting us know how much they enjoy being a member of the Bayside community.

RESOLUTION

Minute 2020/030

Resolved on the motion of Councillor Awada

That Council receives and notes the presentation.

6.2 Mayoral Minute - Bayside responds to the Upper Lachlan Shire

RESOLUTION

Minute 2020/031

Resolved on the motion of Councillor Awada

That Council receives and notes the report.

7 Public Forum

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

10.3 Notice of Motion - Kyeemagh Carpark and Boat Ramp

- Peter Flynn, interested resident, speaking for the Officer Recommendation, addressed the Council.
- Amit Chandra, affected neighbour, speaking for the Officer Recommendation, addressed the Council.
- Paul Patterson, interested resident, speaking for the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/032

Resolved on the motion of Councillors McDougall and Macdonald

- 1 That Council reviews the recorded film evidence regarding the use of the Kyeemagh carpark and boat ramp between 9pm and 5am for a four week period to establish the level of legitimate use of the area for boating related activities and incidentally the level of anti-social behaviour.
- 2 That the review is to commence with the examination of stored data from the on-site security cameras, for the period two weeks prior to this Council Meeting and two weeks after the Meeting.
- 3 That the results of the 4 week period, in particular the number of cars with boats using the carpark overnight and the number of unique users over the period, be reported to the next Council Meeting.
- 4 That options as outlined in the residents' petition be considered at the April meeting of Bayside Council following a review of CCTV data and costing of these options.
- 5 That an urgent meeting be held with the police and Mr Steve Kamper, MP, Local Member for Rockdale, to work through possible solutions, including the potential for a street meeting to be held.

8.6 Proposed Sale of 429 Princes Highway, Rockdale

Councillor Saravinovski had previously declared a Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

Lynette Overton from Better Connected Community Services, speaking against the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/033

Resolved on the motion of Councillors Nagi and Tsounis

That the report be deferred to the next Council Meeting to further explore options to work closer with Better Connected Community Services while formal communications progress with the church.

10.1 Rescission Motion - Off Leash Dog Exercise Area Proposal

Rachel Sussman, interested resident, speak for the Motion, addressed the Council.

RESOLUTION

Minute 2020/034

Resolved on the motion of Councillors Nagi and Tsounis

That Council rescinds the following Council resolution relating to Item 5.5 of the Minutes of the Sport & Recreation Committee Meeting of 26 November 2019 adopted at the Council Meeting held on 11 December 2019:

That the trial of an Off Leash Dog Exercise Area at Mutch Park proceed in accordance with the conditions outlined below:

- 1 *Councillor Morrissey proposed a trial Off Leash Dog Exercise Area within a designated zone of Mutch Park, from the northern side of the skate park to Heffron Road between the hours of 4:00 pm - 10:00 am, Monday to Sunday, noting that these times are consistent with the hours for the beach off leash times at Kyeemagh.*
- 2 *The trial would include a 12 month period with an ensuing review and report to the Sport & Recreation Committee for further discussion and consideration.*
- 3 *The trial period will commence once necessary signage, controls and communication have been put in place, with a view to having it in place in the first quarter of 2020.*
- 4 *That monitoring and maintenance at Mutch Park be increased as required to ensure that the Environmental Management Plan with respect to contamination is fully compliant at all times.*

Division called by Councillors Nagi and Tsounis

For: Councillors Nagi, Kalligas, Tsounis and Bezic

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

The Motion was declared lost.

10.2 Notice of Motion - Off Leash Dog Exercise Area Proposal

In view of the Rescission Motion being lost, this Motion lapsed.

Procedural Motion

RESOLUTION

Minute 2020/035

Resolved on the motion of Councillors Rapisardi and Saravinovski

That Recommendations 5 and 6 of the Officer Recommendation for Item 8.5 be dealt with separately.

8.5 Property Leasing Tenders - Various Sites

Ahmed Mokachar, spokesperson for Muslim Care, speaking against the Officer Recommendation, addressed the Council.

RESOLUTION

Minute 2020/036

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Attachments 3, 6, 11 and 14 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) (c) of the Local Government Act 1993, the attachments relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

- 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Windgap Foundation Limited for the use of 21 Vernon Avenue, Eastlakes as a community service in line with the the tender documentation.
- 3 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Advance Diversity Services Limited for the use of Suites 3 and 4, Level 1 Bexley Community Centre at 405 Bexley Road, Bexley as a community service in line with the the tender documentation.
- 4 That Council offers Suite 2, Brighton Community Centre, 36-42 Princess St, Brighton Le Sands through an informal Expression of Interest process to all community tenderers that were unsuccessful throughout this tender process.
- 5 That Council delegates to the General Manager to negotiate and to finalise any leases or licences, including the execution of any documentation that may be determined by the General Manager for any of the tenders detailed within the body of the report.

Procedural Motion

RESOLUTION

Minute 2020/037

Resolved on the motion of Councillors McDougall and Bezic

That Council deal with Recommendation 5 of the Officer Recommendation for Item 8.5 in Closed Session.

Procedural Motion

Councillor Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, Recommendation 6 of the Officer Recommendation for Item 8.5.

RESOLUTION

Minute 2020/038

Resolved on the motion of Councillors Saravinovski and Morrissey

That Council deal with Recommendation 6 of the Officer Recommendation for Item 8.5 in Closed Session.

8 Reports

8.1 Bayside Local Strategic Planning Statement

Councillor Saravinovski had previously declared a Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

Councillors McDougall and Sedrak were absent for the voting on this item.

RESOLUTION

Minute 2020/039

Resolved on the motion of Councillors Rapisardi and Nagi

- 1 That the Bayside Local Strategic Planning Statement (LSPS) be adopted by Council.
- 2 That the General Manager be delegated the authority to make further minor amendments if required by the Greater Sydney Commission in order to finalise the Bayside Local Strategic Planning Statement and meet the required deadlines.
- 3 That the Bayside Local Strategic Planning Statement be uploaded to the NSW Planning Portal in accordance with Section 3.9(3A) of the Environmental Planning and Assessment Act 1979 by 31 March 2020.

Division called by Councillors Rapisardi and Nagi

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

The Motion was declared carried.

8.2 The Boulevarde, Brighton-Le-Sands - Potential Planning Proposal

Councillor Saravinovski had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2020/040

Resolved on the motion of Councillors Saravinovski and Macdonald

- 1 That Council notes that an unsolicited proposal has been received for 1-13 The Boulevard Brighton-Le-Sands.
- 2 That Council notes that the proponent for the unsolicited proposal has indicated their intention to submit a Planning Proposal for the site.
- 3 That, consistent with the indicative timeframe included in this report, a further Briefing be held to provide information about the Brighton Le Sands Masterplan, including the detailed urban design study for 1-13 The Boulevard in response to the potential Planning Proposal.

Division called by Councillors Saravinovski and Macdonald

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

The Motion was declared carried.

8.3 Arncliffe and Banksia Public Domain Plan Tree Species Addendum and Arncliffe Town Centre Concept Plan

Councillor Nagi had previously declared a Pecuniary Interest, and left the Chamber for consideration of, and voting on, this item.

RESOLUTION

Minute 2020/041

Resolved on the motion of Councillors Tsounis and Saravinovski

- 1 That Council resolves to adopt the tree species selection attached in this report as an addendum to the Arncliffe and Banksia Public Domain Plan and Technical Manual endorsed at its meeting of 11 Dec 2019.
- 2 That the Arncliffe Town Centre Concept Plan be endorsed and included as a addendum to the Public Domain Plan.
- 3 That the application of Tree Species for the Public Domain Plan extends to include Argyle Street.
- 4 That the updated Arncliffe and Banksia Public Domain Plan and Technical Manual be made available to the general public on Council's website.

8.4 Draft Barton Park Masterplan

RESOLUTION

Minute 2020/042

Resolved on the motion of Councillors Macdonald and Tsounis

- 1 That Council endorses the draft Barton Park Masterplan, Option 2 detailed in the attached report, for public exhibition.
- 2 That public exhibition of the draft Barton Park Masterplan be undertaken for a period of 28 days.
- 3 That the activities as per the Community Engagement Plan are commenced.
- 4 That a future report be prepared for Council's consideration in relation to submissions received during the public exhibition period.

Item 8.5 was dealt with in Public Forum

Item 8.6 was dealt with in Public Forum

8.7 Plans of Management Categorisation

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/043

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Council endorses the proposed categories for all Crown Reserves as tabled.
- 2 That Council endorses the submission of the written categorisation for all Crown Reserves to be issued to the Minister for endorsement.

8.8 Extension of Recycling Supply Agreement

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/044

Resolved on the motion of Councillors Rapisardi and Nagi

- 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 pursuant to s 55(3)(i) of the Local Government Act 1993 (NSW) enters into an agreement with Visy Paper Pty Ltd (trading as Visy Recycling) ("Visy") for the provision of Recycling Service without the calling for tenders, as it considers that a satisfactory result will not be achieved by inviting tenders because of the extenuating circumstances as follows:
 - a Foreign waste bans, such as China's 'National Sword' Policy, has placed restrictions on waste imports, impacting the entire domestic recycling processes within Australia;
 - b Market conditions are such that there is an unavailability of competitive or reliable tenders which would achieve the required outcomes required. This result is due to the limited alternative Material Recovery Facility (MRF) operators available with capacity and viable cost;
 - c The expiry of this proposed Supply Agreement will coincide with the expiry of the current St George Combined Council's Provision of Waste Management Contract (recyclable material collected within the western side of Bayside LGA), which will allow Council at that time to tender utilising economies of scale and harmonise this service.
- 3 That the General Manager be given delegated authority to sign the Supply Agreement and any associated documentation on behalf of Bayside Council in accordance with information contained in this report.

8.9 Waste Conference 2020 - Call for nominations to attend

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/045

Resolved on the motion of Councillors Tsounis and Rapisardi

- 1 That Councillors Awada, Bezic, Macdonald, Nagi, Rapisardi and Tsounis be registered to attend the annual Waste Conference in Coffs Harbour from Tuesday 5 May to Thursday 7 May 2020 and registration of nominated Councillors be completed.
- 2 That Councillors registered to attend, have their attendance recorded against their Professional Development Plans for 2020 and be required to provide an Attendance Report to Council, as soon as possible after the conference.

8.10 Local Government NSW Annual Conference 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/046

Resolved on the motion of Councillors Barlow and Curry

- 1 That Council approves registration of nine (9) voting delegates for voting on motions and elections at the LGNSW Annual Conference in November 2020.
- 2 That Council delegates to the General Manager authority to coordinate and submit any motions authorised by Council by the closing deadline of 6 November 2020.
- 3 That Council meets the cost of attendance by Councillors at the Conference in accordance with its Expenses & Facilities Policy.

8.11 Statutory Financial Report - January 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/047

Resolved on the motion of Councillors McDougall and Barlow

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

8.12 Delivery Program & Operational Plan 2019/20 - 6 Month Progress Report

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/048

Resolved on the motion of Councillors Barlow and Rapisardi

That Council receives and notes the six monthly progress report on Council's Delivery Program 2018/21 and Operational Plan 2019/20.

9 Minutes of Committees

9.1 Minutes of the Botany Historical Trust Meeting - 3 February 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/049

Resolved on the motion of Councillors Morrissey and Curry

That the Minutes of the Botany Historical Trust meeting held on 3 February 2020 be received and the recommendations therein be adopted.

9.2 Minutes of the Sport & Recreation Committee Meeting - 24 February 2020

Councillor Saravinovski had previously declared a Less than Significant Non-Pecuniary Interest on Item 5.9 of this item, and left the Chamber for consideration of, and voting on, this item.

RESOLUTION

Minute 2020/050

Resolved on the motion of Councillors Macdonald and McDougall

That the Minutes of the Sport & Recreation Committee meeting held on 24 February 2020 be received and the recommendations therein be adopted with the exception of Item 5.4 which was recommitted on the Motion of Councillors Saravinovski and Tsounis, and adopted.

Item 5.4 Botany Aquatic Centre – Update

of Item 9.2 Minutes of the Sport & Recreation Committee Meeting - 24 February 2020

RESOLUTION

Minute 2020/051

Resolved on the motion of Councillors Saravinovski and Tsounis

- 1 That the Sport & Recreation Committee received and noted the report.
- 2 That the Council adopts the Draft Botany Aquatic Centre - Community Reference Group - Terms of Reference endorsed by the Committee subject to the inclusion of the following amendment:

8.2.6 Where Council has sought nominations but received insufficient suitable

nominations for a particular category, Council may directly appoint a representative to that category.

and subject to the terms of reference being amended to include membership consisting of four community representatives, and that the recommendation for community representatives, as noted by the Sport and Recreation Committee, be adopted with the inclusion of as Mark Hanna as the fourth community representative.

9.3 Minutes of the Extraordinary Botany Historical Trust Meeting - 2 March 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/052

Resolved on the motion of Councillors Macdonald and Rapisardi

That the Minutes of the Extraordinary Botany Historical Trust meeting held on 2 March 2020 be received and the recommendations therein be adopted.

9.4 Minutes of the Bayside Traffic Committee Meeting - 4 March 2020

Councillor Saravinovski was absent for the voting on this item.

RESOLUTION

Minute 2020/053

Resolved on the motion of Councillors Rapisardi and McDougall

That the Minutes of the Bayside Traffic Committee meeting held on 4 March 2020 be received and the recommendations therein be adopted.

10 Notices of Motion

Item 10.1 was dealt with in Public Forum

Item 10.2 was dealt with in Public Forum

Item 10.3 was dealt with in Public Forum

11 Questions With Notice

11.1 Councillor Printing Budget

Councillor Barlow asked the following question:

Could officers investigate Councillor entitlements to mass printing of letters to residents by individual Councillors.

Could I be advised what limits, if any, are put on this mass printing and also if this practice will cease before Council goes into caretaker mode.

Could I get a cost breakdown of the costs incurred to date by individual Councillors for printing.

12 Confidential Reports

In accordance with Council's Code of Meeting Practice, the Mayor invited members of the public to make representations as to whether this part of the meeting should be closed to the public.

There were no representations.

Closed Council Meeting

RESOLUTION

Minute 2020/054

Resolved on the motion of Councillors Rapisardi and Macdonald

That, in accordance with section 10A (1) of the Local Government Act 1993, the Council considers the following item in closed Council Meeting, from which the press and public are excluded, for the reason indicated:

8.5 Property Leasing Tenders - Various Sites (Recommendations 5 and 6 of the Officer Recommendation)

In accordance with Section 10(A) (2) (c) of the Local Government Act 1993, the discussion and attachments to the report relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.

8.5 Property Leasing Tenders - Various Sites

RESOLUTION

Minute 2020/055

Resolved on the motion of Councillors Nagi and Saravinovski

That in accordance with Regulation 178 (3)(a) of the Local Government (General) Regulations 2005, Council rejects all tenders submitted for 96 Mutch Ave, Kyeemagh and enters into negotiation with 3 Bridges Community Limited and Muslim Care to explore the creation of a shared space within this 640 m2 site, and be referred back to a GM Briefing.

In discussion on the tenders for 110 General Holmes Drive, Kyeemagh, Councillor Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Chamber for consideration of, and voting on, Recommendation 6 of the Officer Recommendation for Item 8.5, resolution at 10.15 pm, and did not return to the Chamber.

RESOLUTION

Minute 2020/056

Resolved on the motion of Councillors Saravinovski and McDougall

That in accordance with Regulation 178 (3)(a) of the Local Government (General) Regulations 2005, Council rejects all tenders submitted for 110 General Holmes Drive, Kyeemagh and enters into direct negotiations with the recommended organisations for the reasons outlined within the Tender Recommendations in the body of the report, acknowledging that while 3 of the submissions had merit, none specifically aligned with Council's vision for the site.

Resumption of Open Council Meeting

RESOLUTION

Minute 2020/057

Resolved on the motion of Councillors Macdonald and Tsounis

That, the closed part of the meeting having concluded, the open Council Meeting resume and it be open to the press and public.

The Mayor made public the resolutions that were made during the closed part of the meeting.

The Mayor closed the meeting at 10.32 pm.

Councillor Joe Awada
Mayor

Meredith Wallace
General Manager

Attachments

Nil

Council Meeting

8/04/2020

Item No	5.2
Subject	Minutes of the Extraordinary Council Meeting - 1 April 2020
Report by	Michael Mamo, Director City Performance
File	SF19/9475

Officer Recommendation

That the Minutes of the Extraordinary Council Meeting held on 1 April 2020 be confirmed as a true record of proceedings.

Present

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

Also present

Meredith Wallace, General Manager
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
Liz Rog, Manager Executive Services
Karin Targa, Major Projects Director
Mark Cleland, Manager Information Technology
William McIntyre, IT Technical Project Officer
Fred Saad, Coordinator IT Technical Support
Taif George, IT Technical Support Officer
Anne Suann, Governance Officer

The Mayor opened the meeting in the Council Chambers, Rockdale Town Hall, Level 1, 448 Princes Highway, Rockdale at 7.00 pm, and by audio visual link to Councillors.

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

1 Acknowledgement of Country

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

2 Opening Prayer

Fausto Sut, Manager Governance & Risk, opened the meeting in prayer.

3 Apologies

There were no apologies.

4 Disclosures of Interest

Councillor Barlow declared a Significant Non-Pecuniary Interest in Items 5.1 and Item 8.1 on the basis that she currently pays footpath trading fees, and stated she would leave the online Meeting for consideration and voting on the matter.

Councillor Nagi declared a Significant Non-Pecuniary Interest in Items 5.1 and Item 8.1 on the basis that he owns business in the Bayside Area and currently pays footpath trading fees, and stated he would leave the online Meeting for consideration and voting on the matter.

Councillor Tsounis declared a Less than Significant Non-Pecuniary Interest in Items 5.1 and Item 8.1 on the basis that he is the President of an organisation that has a lease on a Council property, but stated he would remain in the online Meeting for consideration and voting on the matter.

Councillor Awada declared a Less than Significant Non-Pecuniary Interest in Items 5.1 and Item 8.1 on the basis that he has a family member who currently pays footpath trading fees, but stated he would remain in the online Meeting for consideration and voting on the matter.

5 Mayoral Minutes

5.1 Mayoral Minute - Bayside response to Covid-19 Global Pandemic

Councillors Barlow and Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Meeting for consideration of, and voting on, this item.

Councillors Tsounis and Awada had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2020/058

Resolved on the motion of Councillors Awada and Tsounis

- 1 That Council's initial response to the COVID-19 Pandemic, which is included as a Notice of Motion on this meeting agenda, be noted.
- 2 That the budget impact of those immediate measures be provided to Council at a future meeting prior to end of the three (3) month period of the fee waiver, as proposed in the Notice.
- 3 And, as a further measure to assist in the post-crisis rebuilding of our community and local economy, that the draft Delivery Program/Operational Plan and Budget 2020/2021 be reviewed while on public exhibition to incorporate the impacts of the COVID-19 pandemic including rent relief for;
 - a outdoor dining areas;
 - b Community tenants;
 - c Sporting Organisations;
 - d Council's hospitality tenants, provided that those hospitality tenants also provide equivalent rent relief to their sub-tenancies for the same period as that which is offered by Council;
 - e food shop inspections; and
 - f other fees and charges applicable to the hospitality industry.

6 Public Forum

There were no Public Forum presentations.

7 Reports**7.1 2019/20 Capital Program Carry Overs****RESOLUTION**

Minute 2020/059

Resolved on the motion of Councillors Saravinovski and McDougall

- 1 That the projects identified in the report be deferred from the 2019/20 City Projects Program and included in the draft 2020/21 City Projects Program.
- 2 That in accordance with *Clauses 203 and 211 of the Local Government (General) Regulations 2005*, the proposed variations to the adopted revised budget detailed in this report are adopted by Council and the changes to funding and expenditure items in 2019/20 be voted.

7.2 Draft 2018-21 Delivery Program, 2020/21 Operational Plan, 2020/21 Budget and 2020/21 Fees & Charges

RESOLUTION

Minute 2020/060

Resolved on the motion of Councillors Rapisardi and Ibrahim

- 1 That Council receives and notes the report.
- 2 That Council approves the placement of the Draft 2018-21 Delivery Program and Draft 2020/21 Operational Plan and budget on public exhibition for comment by the community.

8 Notices of Motion

8.1 Notice of Motion - Bayside Council Responding to COVID-19

Councillors Barlow and Nagi had previously declared a Significant Non-Pecuniary Interest, and left the Meeting for consideration of, and voting on, this item at 7.27 pm and did not return to the Meeting.

Councillors Tsounis and Awada had previously declared a Less than Significant Non-Pecuniary Interest.

RESOLUTION

Minute 2020/061

Resolved on the motion of Councillors Saravinovski and Macdonald

- 1 That in response to the current COVID-19 crisis Council take immediate steps to waive, for a period of three months from 1 April 2020 to 30 June 2020, the fees associated with:
 - a Outdoor dining licences.
 - b Rent for Council's commercial tenants who are unable to operate their businesses because of the current prohibitions relating to COVID-19, providing that an equivalent rent relief is passed on by a head tenant to any sub-tenancies.
 - c Sporting organisations who currently have an agreement to use Bayside sporting facilities.
 - d Community tenants who pay rent, including a subsidised rent, for the use of Bayside Council facilities which are closed because of the prohibitions associated with COVID-19.
 - e All fees for open space exercise activities until COVID-19 direction is

lifted.

f A-frame charges.

- 2 That Council examine ways to encourage residents to shop locally and to support our local businesses where possible.
- 3 That fees attached to food shop inspections or other inspections be considered at the General Manager's discretion for the remainder of this financial year.
- 4 That a report be provided to the next Council meeting with options for providing relief to residential and business ratepayers by way of waiving new interest charges on overdue rates for those ratepayers who are experiencing financial hardship as a consequence of the current COVID-19 pandemic.

The Mayor closed the meeting at 7.55 pm.

Councillor Joe Awada
Mayor

Meredith Wallace
General Manager

Attachments

Nil

Council Meeting

8/04/2020

Item No	8.1
Subject	Rate Relief for Ratepayers Impacted by COVID-19
Report by	Michael Mamo, Director City Performance
File	F16/259

Summary

At the Extra-Ordinary meeting of Council on 1 April 2020, it was requested a report be provided to the next Council meeting with options for providing relief to residential and business ratepayers by way of waiving new interest charges on overdue rates for those ratepayers who are experiencing financial hardship as a consequence of the current COVID-19 pandemic.

This report responds to this request and proposes temporary relief options to be applied to those ratepayers (residential, business and farmland) experiencing financial hardship as a consequence of the COVID-19 pandemic.

Officer Recommendation

- 1 That Council allow ratepayers experiencing financial hardship as a consequence of the COVID-19 pandemic the option to defer the payment of their rates and annual charges until 30 June 2020 based on providing to Council a copy of the supporting documentation required by Federal and State Government agencies for COVID-19 financial support due to unexpected financial hardship.
 - 2 That Council reduce the interest rate applicable on overdue rates and annual charges from 7.5% to 0% for the period 1 April 2020 to 30 June 2020 for ratepayers who meet the deferral requirements and establish and maintain an agreed payment plan.
 - 3 That Council ceases formal legal recovery proceedings otherwise required under Council's Rates & Sundry Charges Recovery Policy until 30 June 2020.
 - 4 That the General Manager be delegated authority to extend the above dates should the Public Health Orders dealing with COVID-19 extend beyond 30 June 2020.
 - 5 That any cash flow shortfalls experienced during this period as a consequence of rate payment deferrals be reported back to Council for approval to establish an internal loan from internally restricted reserves.
-

Background

Council currently has a Rates Hardship Policy and Rates and Sundry Charges Recovery Policy that were developed in line with the Debt Management and Hardship Guidelines issued by the Office of Local Government in November 2018 and approved by Council in June 2019.

These Policies are effective in addressing hardship under normal circumstances and do contain options still relevant to the current situation, including:

1. Allowing ratepayers to defer the payment of a rate instalment.
2. Allowing ratepayers an alternative payment schedule that better suits the ratepayer's situation.
3. Allowing pension ratepayers to defer payment of their rates.

Given the current unprecedented times and impact of the COVID-19 pandemic, this report proposes additional measures to our current Rates Hardship Policy to provide access to financial relief for ratepayers experiencing hardship due to the current COVID-19 pandemic.

It is proposed to extend the current financial relief offered by:

1. Establishing a simplified and streamlined process for affected ratepayers (residential, business and farmland) to request a deferral of the payment of their rates until 30 June 2020 based on providing to Council a copy of the documentation required by Federal and State Government agencies for COVID-19 financial support due to unexpected financial hardship.
2. For the ratepayers approved for deferral, applying a 0% interest rate on overdue rates and annual charges for the period 1st April 2020 and 30 June 2020 provided an agreed payment plan is established and maintained.
3. Ceasing legal recovery otherwise required under Council's Rates & Sundry Charges Recovery Policy until the 30 June 2020.

Even though the above additional options will be enacted by Council's Rates & Revenue Team, rate notices and reminder notices will still be required to be issued under Local Government legislation. Any notices issued will include information about the additional options available to ratepayers. These options will also be detailed on Council's website.

Council's website and any correspondence issued to ratepayers (including notices and application forms) will encourage the ratepayer to continue making payments during this period to reduce the amount payable when the deferment ceases and payments become due.

Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required ☒

Temporary measures may be required to fund anticipated cash flow shortfalls with any shortfall as consequence rate payment deferrals to be funded by way of an internal loan from internally restricted reserves.

The COVID-19 pandemic is expected to have significant financial impacts on Council and our community.

The application of a 0% interest charge and relaxing of legal recovery processes during the period 1 April to 30 June 2020 for accepted rates and annual charges deferral and payment plans will provide some financial relief during this period.

The application of a 0% interest charge on outstanding rates and charges during this period (1 April 2020 to 30 June 2020) will allow those ratepayers (residential, business and farmland) experiencing financial hardship as a consequence of the current pandemic some short term financial relief. This will allow these ratepayers to defer the payment of their next rate instalment due on 31 May 2020 till 30 June 2020 and not incur any interest charges.

A GM briefing will be provided for Councillors prior to considering this report detailing the financial modelling and analysis that has been undertaken to date.

Council currently has a cash and investments balance of around \$427 million which is comprised of:

Externally restricted reserves = \$364 million

Internally restricted reserves = \$62 million

Unrestricted funds = \$0.95 million

The impact on our cash flow will depend on the volume of rate and annual charges payment deferrals received. The current balance of outstanding rates and annual charges is approximately \$32 million. This amount is due for payment on 31 May 2020.

If significant deferrals are experienced during the period 1 April 2020 to 30 June 2020, it will be necessary for the cash flow shortfall to be funded as an internal loan from our internally restricted reserve balance (currently \$62 million). This is only a short term measure, which if required, will also require Council to defer the allocation of internally restricted funding to currently planned capital projects.

Should longer term deferral of rates and annual charges be experienced, it will not be financially sustainable to fund the shortfall from internally restricted reserves. Should cash flow requirements exceed these capacities during the crisis other financing arrangements may need to be considered. It is important to note that temporary use of external restricted reserves (currently \$364 million) is not permitted unless approval is provided by the Minister for Local Government.

Community Engagement

Not applicable

Attachments

Nil

Council Meeting

8/04/2020

Item No	8.2
Subject	Planning Proposal - 152 Bunnerong Road, Eastgardens
Report by	Michael McCabe, Director City Futures
File	S17/75

Summary

On 29th May 2017 a draft Planning Proposal was submitted to Bayside Council. The draft Planning Proposal requested Council initiate an amendment to the *Botany Bay Local Environmental Plan 2013* (Botany Bay LEP 2013) at 152 Bunnerong Road, Eastgardens, to amend the Height of Building (HOB) control to permit a maximum height of 34 metres and amend the Floor Space Ratio (FSR) control to permit a maximum FSR of 1.7:1.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, proposing a maximum FSR of 1.7:1 and a maximum HOB of 34 metres over the existing shopping centre; and a maximum HOB of 70 metres along the Bunnerong Road frontage of the site, from the intersection with Wentworth Avenue to the southern extent of the British American Tobacco Australia (BATA) site at Westfield Drive.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information / justification to address a number of matters. In summary:

- the scale and massing of potential built form outcomes at the Bunnerong Road and Wentworth Avenue frontages was unacceptable;
- the economic impacts of, and justification for, the proposed intensification of development in this location;
- the submitted Planning Risk Assessment had not adequately taken into consideration the increased height of buildings; and
- insufficient detail was provided in the submitted site specific Development Control Plan.

On 5 March 2019, a revised draft Planning Proposal was submitted to Council, proposing a maximum FSR of 1.85:1 and HOB controls of part-34 metres; part-40 metres and part-70 metres.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information/ justification to address several remaining concerns with the proposal, in summary:

- insufficient details of proposed improvements to the public domain and to pedestrian safety at Westfield Drive, adjoining the BATA site.
- unreasonable overshadowing of properties located on the southern side of Wentworth Avenue.
- insufficient detail contained in the submitted site specific Development Control Plan in key areas such as activation of the northern boundary of the site; height strategy; public domain improvements generally; landscaping; and built form controls.

- Inappropriate street wall heights.

Council staff conducted a series of workshops at Council offices, and on site with the proponent to resolve the abovementioned concerns.

On 23rd December 2019, a revised draft Planning Proposal 'Revised Planning Justification Report' dated December 2019 and prepared by Urbis (refer **Attachment 1**), including supporting documents, was submitted to Council, which is the subject of this report. The revised draft Planning Proposal proposes to amend the following the following provisions in the Botany Bay LEP 2013, in summary:

- Amend the Botany Bay LEP 2013 HOB to increase the maximum HOB from 25 metres to part-34 metres; part-40 metres and part-59 metres; and
- Amend the Botany Bay LEP 2013 FSR Map to increase the maximum FSR from 1:1 to 1.80:1.

The revised draft Planning Proposal would enable additional floor space on the site for the purposes of large floor plate commercial office space, and the revitalisation and upgrading of the existing shopping centre and bus interchange, which have not been significantly upgraded since the early 2000's. This is consistent with the strategic direction of the Eastern City District Plan, which seeks to strengthen the identified Eastgardens – Maroubra Junction Strategic Centre by reinforcing the centre's economic role.

The additional commercial office and retail uses together with the upgraded bus interchange and improvements to the public domain surrounding the site are also consistent with delivering the objectives of the B3 Commercial Core zone under the Botany Bay LEP 2013.

A merit assessment of the draft Planning Proposal by Council staff indicates that the proposed amendment to the Botany Bay LEP 2013 has strategic merit for the reasons outlined in this report, in particular:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 22 '*Investment and business activity in centres*' (Region Plan) and Planning Priority E11 '*Growing investment, business opportunities and jobs in strategic centres* (District Plan)';
- The proposal is consistent with the objectives and detailed requirements of the Section 9.1 Directions in the *Environmental Planning and Assessment Act 1979* (EPAA) - in particular: 1.1 *Business and Industrial Zones*; 3.4 *Integrating Land Use and Transport* (subject to consultation with Transport for NSW (TfNSW) regarding the current and future capacity of public transport); and 7.1 *Implementation of A Plan for Growing Sydney*;
- The proposal is consistent with the strategic directions and planning priorities contained in the *Bayside Community Strategic Plan 2030* and the *Bayside Local Strategic Planning Statement*; and
- The proposal is consistent with the objectives of the B3 Commercial Core zone in the *Botany Bay LEP 2013*.

On 18th February 2020, the Planning Proposal was reported to the *Bayside Local Planning Panel*. The *Bayside Local Planning Panel* recommended further refinements of the built form

to ensure reasonable solar access can be provided to dwellings on the south side of Wentworth Avenue; and for the site-specific DCP to be updated to include:

- a
 - a landscape strategy with the provision of canopy trees;
 - public domain interfaces and active street frontages;
 - car park screening;
 - maximum building length, maximum footprint area, building depths and articulation;
 - pedestrian connections;
 - building separation;
 - a building height strategy; and
 - primary and secondary building setbacks.
- b Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.

The Panel also requested Council to facilitate joint discussions between Scentre Group and Karimbla Properties to resolve pedestrian safety and amenity at the site's northern interface.

The proponent has not made an offer to enter into a Voluntary Planning Agreement (VPA), however the proponent has indicated that they are agreeable to entering into a VPA with Council, subject to a Gateway determination being issued by Department of Planning, Industry and Environment (DPIE).

The proponent has outlined that the planning proposal will facilitate the following benefits:

- Improved lifestyle amenities and supporting the creation of new jobs.
- Upgrade of the bus interchange through expansion and improved amenity as detailed in the proposal.
- New publicly accessible plaza above the bus interchange, with landscaping, seating and activated by externalised retail.
- Improvements to the public domain along Bunnerong Road and Westfield Drive.
- Upgrade of adjacent road intersections as informed by traffic modelling included in the proposal.
- New employment opportunities for the community via provision of new format office space and additional retail, leisure and entertainment jobs.

On the 25th March 2020, the draft Planning Proposal was presented to the General Manager briefing of the Bayside Councillors. Further information was requested in relation to:

- the amount of staff car parking proposed and whether this is paid or free; and

The proponent has noted that staff car parking is provided at level 4 of the centre in a concessional, designated car parking area with a total capacity of approximately 700 spaces, controlled by license plate recognition. Based on data collected by the proponent, the provision is considered adequate to support current car parking, and the additional staff car parking resulting from the additional GFA. However, as noted

in the report, further details and refinement of car parking provision will be required at the Development Application (DA) stage.

- *how many additional car spaces are to be provided as a result in the increase in Gross Floor Area?*

It is understood that approximately 700 additional spaces (customers and staff) will be provided, being approximately a 20% increase. Further details about car parking provision will be required at the DA stage and required to be supported by a detailed traffic and transport assessment.

Officer Recommendation

- 1 That, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EPAA), Council considers the recommendation of the Bayside Local Planning Panel from 18th February 2020 and forwards the draft Planning Proposal for land known as 152 Bunnerong Road, Eastgardens to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
- 2 That, pursuant to Clause 18 of the Environmental Planning and Assessment Regulation 2000, if a Gateway Determination is issued by DPIE, Council publicly exhibits the site-specific Development Control Plan (DCP) concurrently with the Planning Proposal for 28 days, subject to the following refinements being made to the site-specific DCP prior to exhibition:
 - a The draft DCP being updated to include further details and controls in relation to:
 - landscape strategy with the provision of canopy trees;
 - public domain interfaces and active street frontages;
 - car park screening;
 - maximum building length, maximum footprint area, building depths and articulation;
 - pedestrian connections;
 - building separation;
 - building height strategy; and
 - primary and secondary building setbacks.
 - b Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.
- 3 The Council invite the Scentre Group to enter into a Planning Agreement with Council to ensure public benefits are provided to the local community, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- 4 That if a Gateway Determination is issued by DPIE, a further report be presented to

Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.

Background

Applicant:

Urbis Pty Ltd. (ABN: 50105256228)

Directors:

- James Joseph Tuma
- Timothy Marshall Blythe
- Lisa Chung
- Michelle Tredenick
- Lloyd James Elliott
- Marcus Brace Conabere
- Matthew Fraser Cleary

Owners:

Eastgardens Pty Ltd. (ABN: 90002365326)

Directors:

- Robert Malcolm Goot
- Barry Hugh Roxborough Neil
- Monica Hannah Saunders-Weinberg
- Richard Amnon Mayer Weinberg
- Richard Anthony Longes
- Betty Ann Klimenko
- Warwick Martin Negus

Secretary:

- Timothy James Dodd

Parliv Pty Ltd (ACN: 056 002 558)

Directors:

- Peter Kenneth Allen
- Elliott Chaim Aaron Rusanow

Secretaries:

- Maureen Therese McGrath
- Paul Francis Giugni

Site Description:

The draft Planning Proposal relates to 152 Bunnerong Road, Eastgardens. Lots subject to the draft Planning Proposal are shown in **Table 1**:

Table 1: Lots subject to the draft Planning Proposal

Lot	DP	Address	Site area (sqm)	Current zoning
Part Lot 1	1058663	152 Bunnerong Road, Eastgardens	92,200	B3 Commercial Core

The site has a total area of approximately 92,200 sqm and is bounded by Westfield Drive to the north, which adjoins the BATA site; Banks Avenue to the west; Wentworth Avenue to the south; and Bunnerong Road to the east. A thick, red outline delineates the site in the aerial photograph at **Figure 1**.

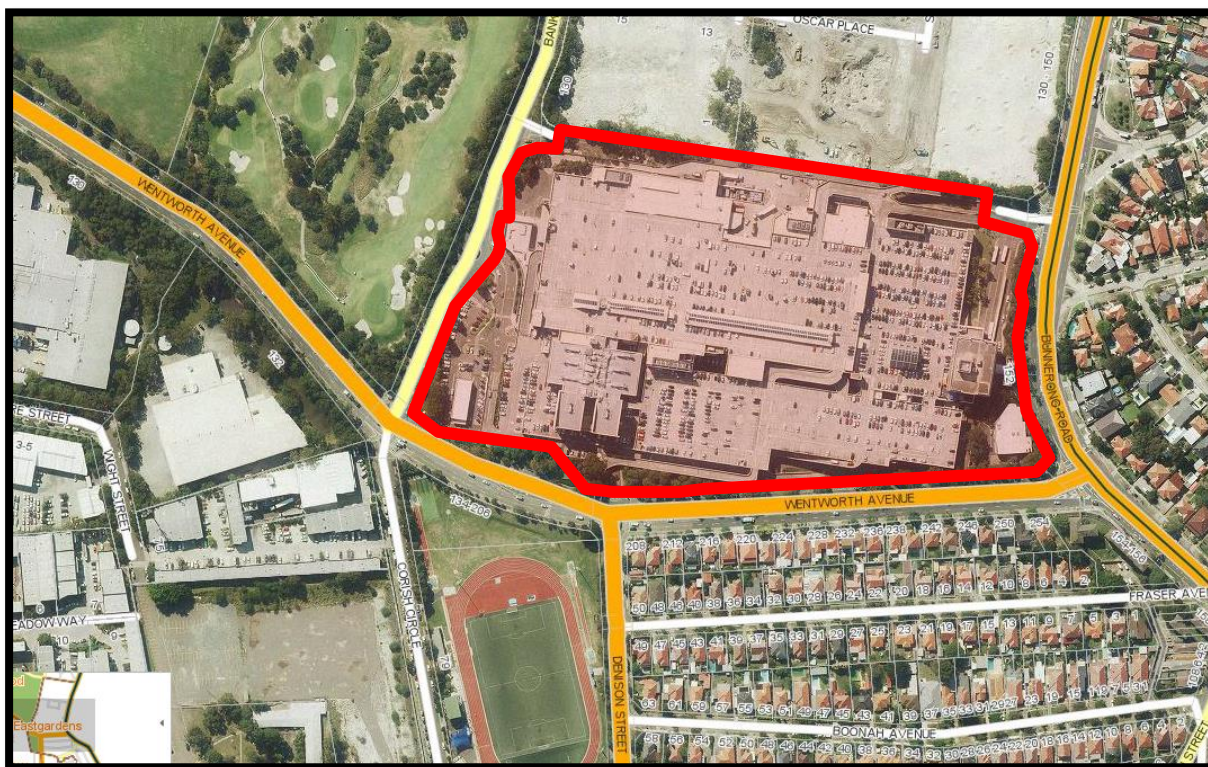


Figure 1 – Aerial Photo of the Subject Site
(Source: www.maps.six.nsw.gov.au)

Site Context:

The site is located at the northern extent of the Eastgardens suburb within the Bayside Local Government Area (Bayside LGA).

Bunnerong Road defines the eastern boundary of the site, which delineates the western extent of the Randwick Local Government Area (Randwick LGA) in this location. To the east of Bunnerong Road, opposite the subject site, existing development is characterised by predominantly low density residential development. Bonnie Doon Golf Course is situated west of the site, beyond Banks Avenue. The southern boundary of the site has frontage to Wentworth Avenue. Existing development to the south of Wentworth Avenue is characterised by low density residential development; and by public open space (Hensley Athletic Field) and to the south-west by light industrial development. The northern boundary of the site is defined by Westfield Drive and recently completed residential development within the directly adjoining BATA site to the north.

A number of major bus routes (including Nos 301, 302, 316, 317, 353, 400N, X92) currently service the site via the bus interchange located within the centre at the Bunnerong Road frontage. Current bus services provide access to the Sydney CBD, Bondi Junction, Mascot Station and La Perouse.

The original shopping centre was constructed in the 1980's, when the adjoining BATA site operated as a car manufacturing plant. The centre was constructed such that loading dock facilities were located at the northern side of the site along Westfield Drive, facing this industrial land use. Within the centre, large floor plate tenants with substantial length lease terms such as Coles are located along the northern side of the centre, in proximity to the loading docks. These large floor plates extend from the northern boundary to the central east-west spine of the centre. It is noted that the shopping centre has not been significantly upgraded since the early 2000's.

A site context map is provided at **Figure 2**.

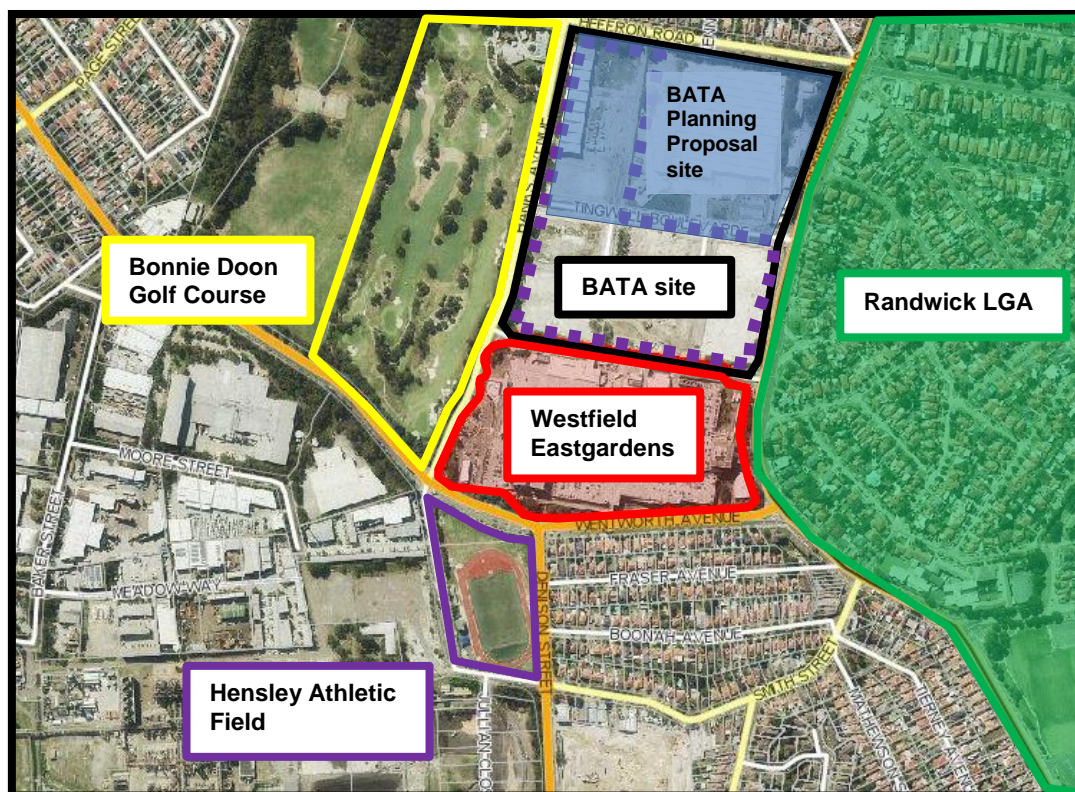


Figure 2: Site Context
(Source: www.maps.six.nsw.gov.au)

- *BATA site*

On 21 June 2013, an amendment was made to the Botany Bay LEP 2013 to rezone (former) Lot 2 DP 1187428 of the former BATA site (shown bold black in **Figure 2**) from industrial to part-B4 Mixed Use (southern portion of the site) and part-R3 Medium Density Residential and to apply development standards for building height (part-11m, part-17m, part-28m, part-32m, part-39m and part-44m) and FSR (part-3:1 and part-1:1).

On 7 August 2015, the NSW Land and Environment Court (NSWLEC) approved a Concept Master Plan (Stage 1 consent) for Lot 2 (which forms part of the subject site and adjoins the subject site to the south), which included in the subdivision into seven urban lots, 2 open space lots and allocation of public roads (refer to **Figure 3** below). The Concept Master Plan contained approval for the development of 2,221 dwellings. Development consent has been granted for five of the seven urban blocks, totalling 1,739 dwellings. The two remaining urban blocks (UB1 and UB2) form part of the subject site and have not received development consent.

The approved Stage 1 Master Plan (dotted purple in **Figure 2**, above) contains building envelopes that deviate from the development standards of the Botany Bay LEP 2013. The approved building height ranges from 16.4m to 67.9m. The average FSR of the Master Plan area amounts to 2.20:1 (227,287m² GFA/ 103,425m² site area). Construction is currently underway.

Despite the Stage 1 Development Application (DA) approval, the height and FSR development standards have not been amended for the BATA site since the commencement of the Botany Bay LEP 2013.



Figure 3 Approved Stage 1 Master Plan for Lot 2 of the BATA site (area shown dotted purple in **Figure 2**)

BATA 2 Planning Proposal

On the 22 November 2019, Amendment 8 to the Botany Bay LEP 2013 was notified in the Government Gazette and relates to the area identified as 'BATA Planning Proposal site' in **Figure 2**, above. The amendment updated the Botany Bay LEP 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 FSR control from 1:1 to 2.35:1;
- Amend the HOB 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 Botany Bay LEP 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 summary of the estimated dwelling numbers in the Stage 1 BATA and the dwellings potentiated by the recently approved amendments to the Botany LEP 2013 as part of Amendment No. 8 to the Botany Bay LEP 2013 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 Amendment 8 to the Botany Bay LEP 2013.

The maximum building height map for the BATA site is shown in **Figure 4**:

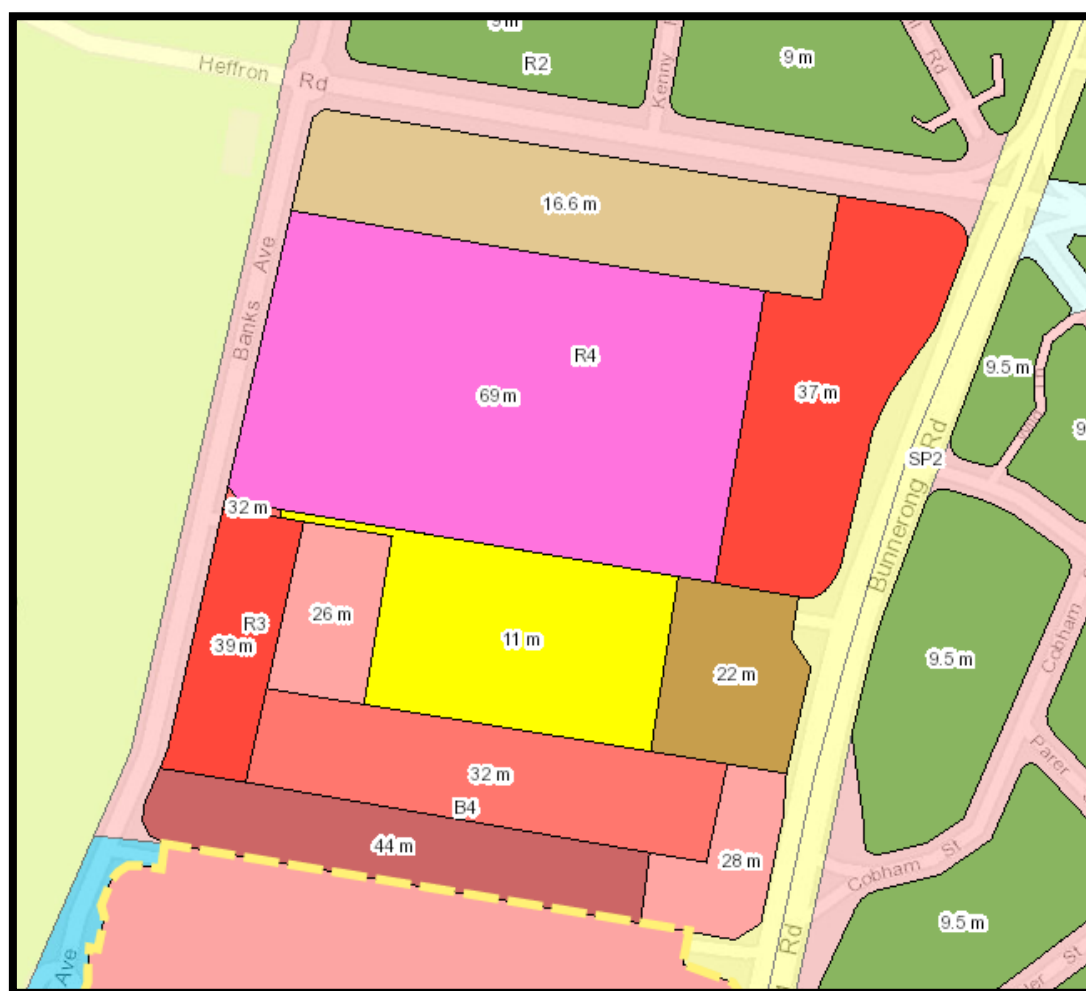


Figure 4: BATA site – Height of Buildings Map
(Source: www.planningportal.nsw.gov.au)

As shown in the height of buildings map, above, building heights within the BATA site at the frontage with Bunnerong Road vary from 37 metres to 28 metres.

- *Botany Industrial Park and Denison Street Dangerous Goods Route*

The southern part of the subject site is within the 500 metre Botany Industrial Park (BIP) risk referral area and adjoins the Denison Street Dangerous Goods Route, which intersects with Wentworth Avenue at the sites southern boundary as shown in **Figure 5**:

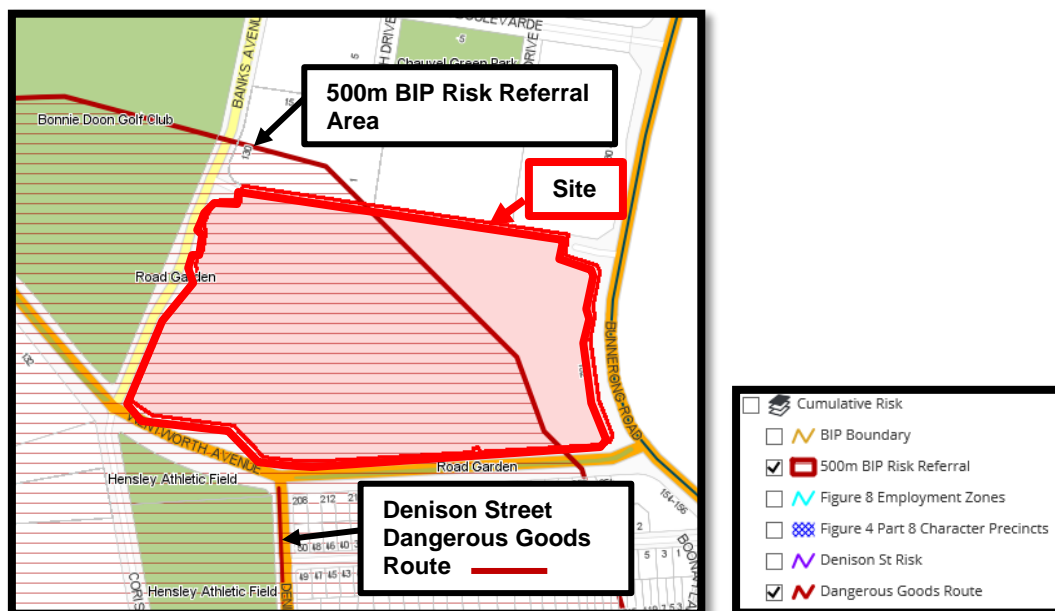


Figure 5: Denison Street Dangerous Goods Route and the 500m BIP Risk Referral Area
(Source: Bayside Council – Intramaps)

The proponent submitted a 'Quantified Risk Assessment' (**Attachment 2**) in support of the draft Planning Proposal. Refer to the heading 'Risk Assessment' for details in relation to risk assessment.

- *Eastgardens-Maroubra Junction Strategic Centre*

The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the *Eastern City District Plan*. Maroubra Junction is located approximately 1 km to the east of the subject site as shown in **Figure 6**. For further details about the sites strategic context, refer to **Table 5**.

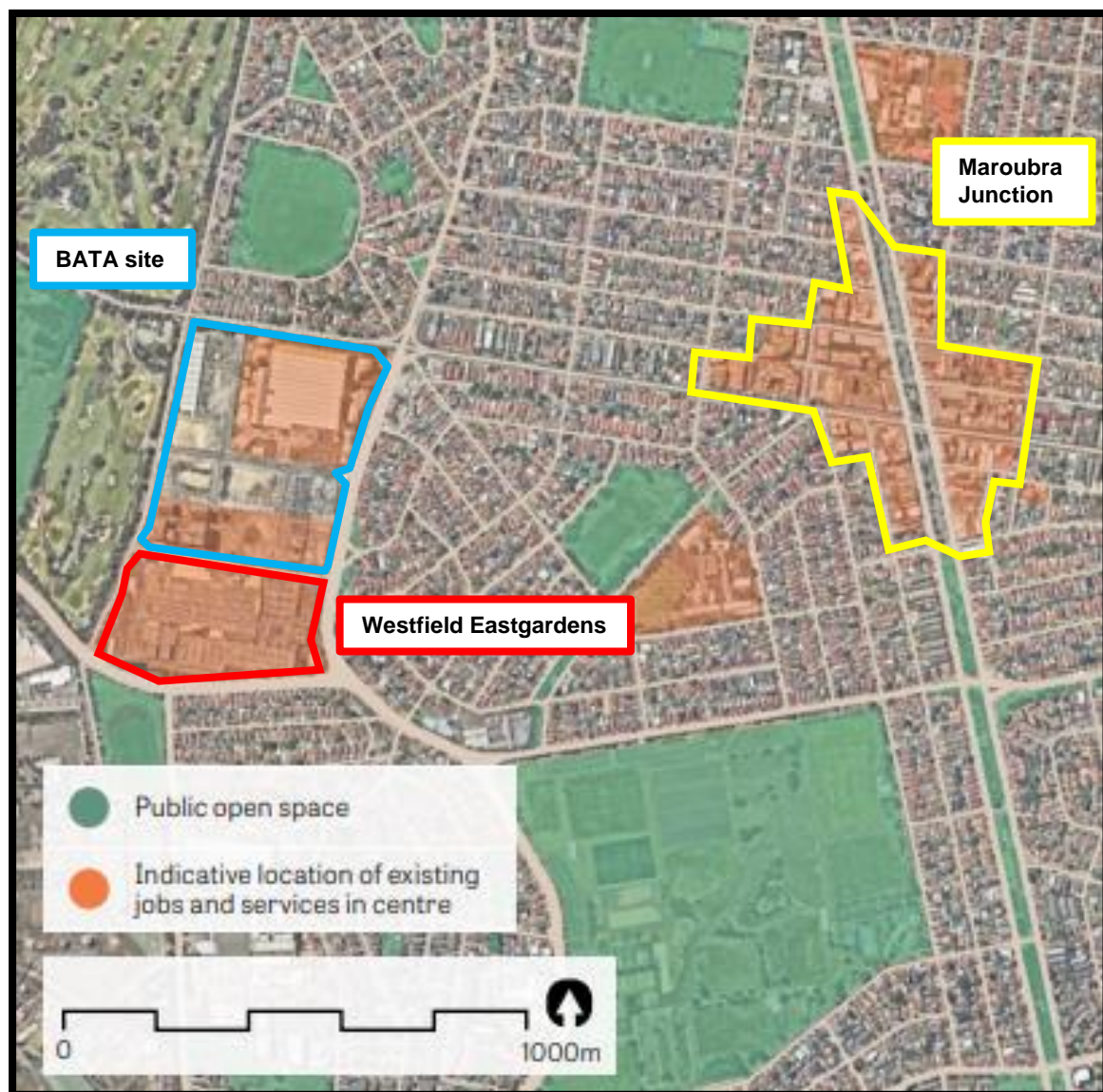


Figure 6: Eastgardens-Maroubra Junction Strategic Centre
(Source: Eastern City District Plan)

Existing Planning Controls:

The site is located at the interface of Bayside and Randwick City Council LGAs. Extracts from the Botany Bay LEP 2013 and *Randwick Local Environmental Plan 2012* (Randwick LEP 2012) are provided in **Figures 7-9**. The extracts include the site and immediately adjoining land.

Land use

The subject site is currently zoned B3 Commercial Core and is outlined in thick red in **Figure 7**. Land use zones surrounding the site comprise R4 High Density Residential to the north; R2 Low Density Residential and RE1 Public Recreation (Hensley Athletic Field) to the south; SP1 Recreation Facility (Outdoor) to the west (Bonnie Doon Golf Course); R2 Low Density Residential to the east; and IN2 Light Industrial to the south-west (refer to **Figure 7**).

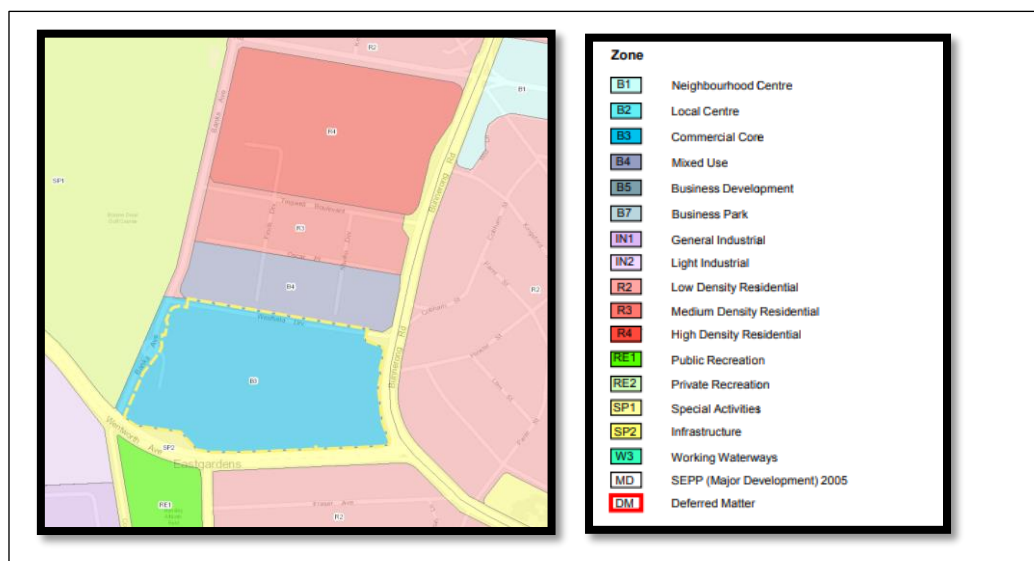


Figure 7 – Botany Bay LEP 2013 and Randwick LEP 2012 Zoning Map [Subject site: B3 – Commercial Core]
(Source: www.planningportal.nsw.gov.au)

Height of Buildings

To the south and east of the site, development is characterised by low density residential dwellings with a maximum height of buildings of 8.5 metres (south of Wentworth Avenue), and 9.5 metres (east of Bunnerong Road within the Randwick LGA). Directly adjoining the site to the north, building heights vary between 11 metres and 69 metres under the NSW LEC approval for the BATA Stage 1 Master Plan approval, although these heights are not reflected on the Botany Bay LEP 2013 mapping as noted earlier. Refer to the extract of the Botany Bay LEP 2013 height of Buildings map in **Figure 8**.

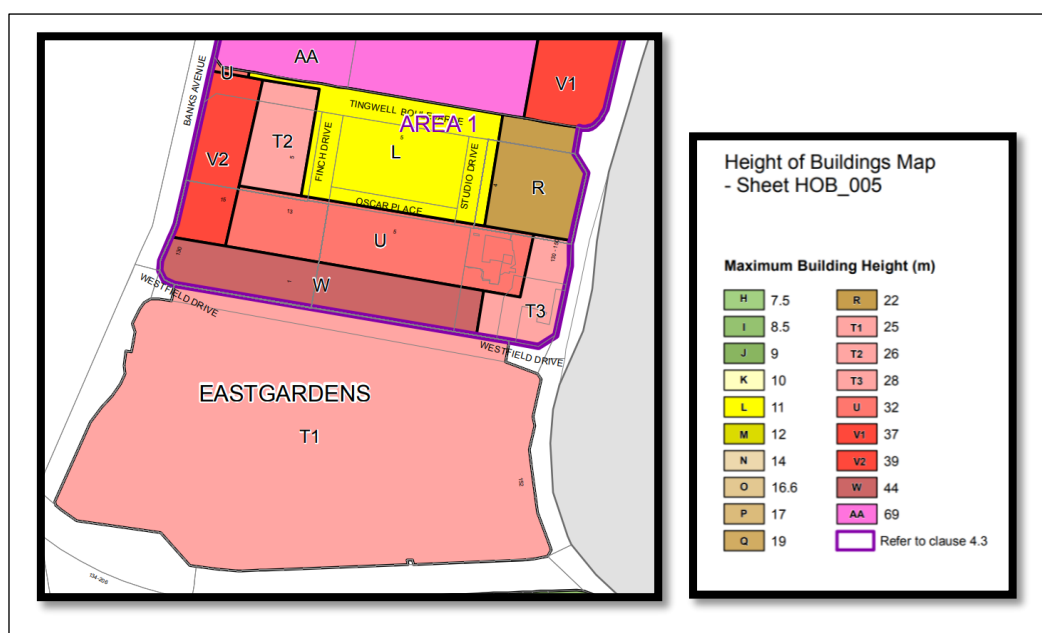


Figure 8 – Botany LEP 2013 Height of Buildings Map_HOB_005 [Subject site: T1 = 26 metres]
(Source: www.legislation.nsw.gov.au)

Floor space ratio

To the south and east of the site, FSRs reflect the low density residential development character of the locality, being between 0.5:1 and 0.55:1. Directly adjoining the site to the north, the FSR varies between 1:1 and 3:1. Refer to the extract of the Botany Bay LEP 2013 FSR map in **Figure 9**.

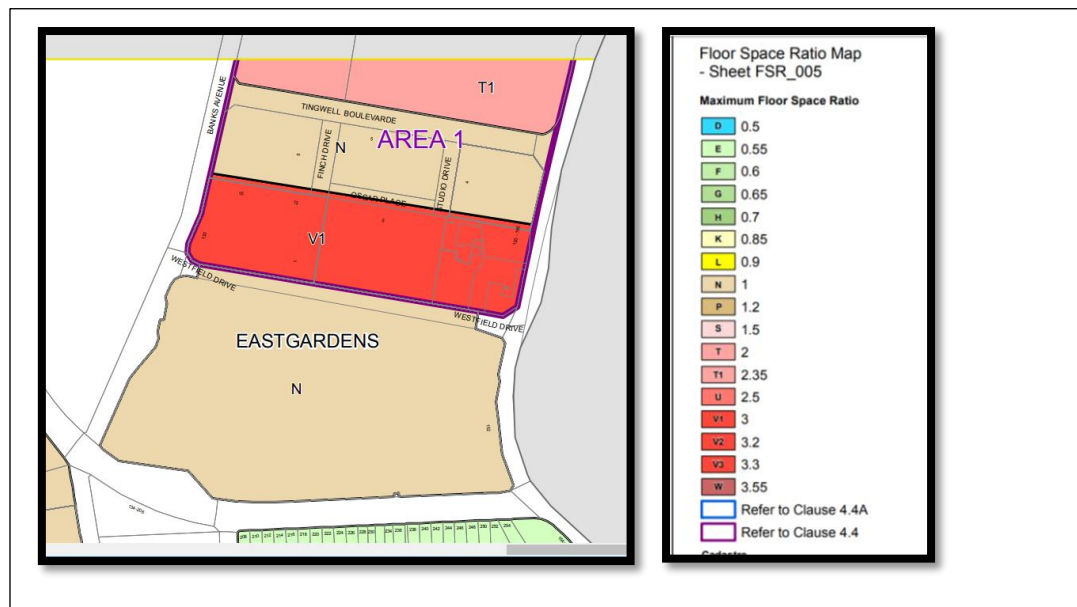


Figure 9 – Botany Bay LEP 2013 Floor Space Ratio Map [Subject site: 1:1]
(Source: www.planningportal.nsw.gov.au)

Report

Planning History

Under the previous *Botany Local Environmental Plan 1995* (Botany LEP 1995), the site was zoned 3(a) General Business. The equivalent (and current) zoning of B3 Commercial Core was adopted in the Botany Bay LEP 2013 when it commenced. A height of building of 25 metres and FSR of 1:1 apply to the site.

Development consent (DA14-123) approved a FSR of up to 1.087:1 for the site, equating to a total Gross Floor Area (GFA) of approximately 100,926m².

Draft Planning Proposal

On 29th May 2017 the proponent submitted a draft Planning Proposal to Bayside Council. The draft Planning Proposal requested that Council initiate an amendment to the Botany Bay LEP 2013 at 152 Bunnerong Road, Eastgardens, to amend the HOB control to permit a maximum height of 34 metres and amend the FSR control to permit a maximum FSR of 1.7:1.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, proposing a maximum FSR of 1.7:1 and a maximum HOB of 34 metres over the existing shopping centre, and a maximum HOB of 70 metres along the Bunnerong Road frontage of the site from the intersection with Wentworth Avenue to the southern extent of the BATA site at Westfield Drive.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information/ justification to address several significant concerns with the proposal:

- Scale and massing of potential built form outcomes at the interface of the site with Bunnerong Road;
- the economic impacts of, and justification for, the proposed intensification of development in this location;
- that the submitted Planning Risk Assessment had not adequately taken into consideration the increased height of buildings.
- insufficient detail contained in the submitted site specific Development Control Plan.

On March 5th 2019, a revised draft Planning Proposal was submitted to Council, proposing a maximum FSR of 1.85:1 and HOB controls of part-34 metres; part-40 metres and part-70 metres.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information / justification to address several remaining concerns with the proposal, in summary:

- insufficient details of proposed improvements to the public domain and to pedestrian safety at Westfield Drive, adjoining the BATA site.
- unreasonable overshadowing of properties located on the southern side of Wentworth Avenue.
- insufficient detail contained in the submitted site specific Development Control Plan in key areas such as activation of the northern boundary of the site; height strategy; public domain improvements generally; landscaping; and built form controls.
- Inappropriate street wall heights.

Council staff conducted a series of workshops at Council offices, and on site with the proponent to resolve the abovementioned concerns.

On 23rd December 2019, a revised draft Planning Proposal (refer **Attachment 1**) was submitted to Council and is the subject of this report. The revised draft Planning Proposal proposes to amend the following the following provisions in the Botany Bay LEP 2013, in summary:

- Amend the Botany Bay LEP 2013 HOB to increase the maximum HOB from 25 metres to part-34 metres; part-40 metres and part-59 metres; and
- Amend the Botany Bay LEP 2013 FSR Map to increase the maximum FSR from 1:1 to 1.80:1
- The amended height and FSR would facilitate an additional 37,500 sqm of retail GFA and 27,300 sqm of commercial office GFA.

The proposed LEP amendments are illustrated in **Figure 10**:

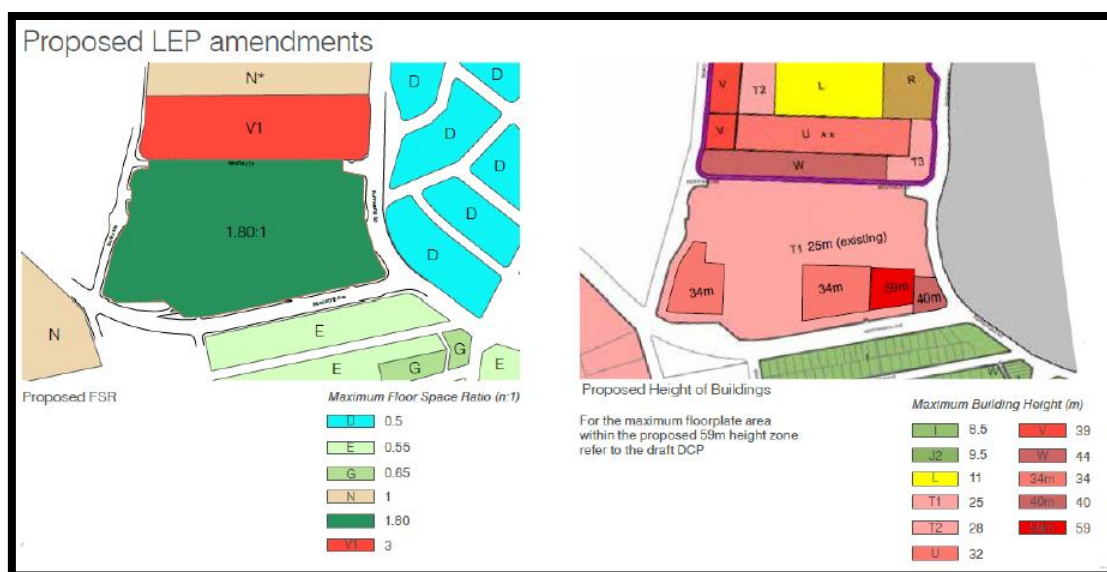


Figure 10: Proposed LEP amendments (Source: Architectus)

A comparison of the current and proposed zoning and development standards for the site, based on the provisions of the Botany Bay LEP 2013, is provided in **Table 2**:

Table 2: Existing and proposed zoning and development standards

Development standard	Existing	Proposed
Building height	25 metres	Part-34 metres; part-40 metres and part-59 metres
Floor space ratio	1:1	1.80:1
Zone	B3 Commercial Core	B3 Commercial Core

A summary of the **intended outcomes** of the draft Planning Proposal is provided below:

- Additional retail GFA of 37,500 sqm distributed over the existing shopping centre.
- Additional commercial office space GFA of 27,300 sqm including two new towers 59 metres and 40 metres in height ('A' and 'B', respectively, in **Figure 11**) and located at the corner of Bunnerong Road and Wentworth Avenue, noting that tower 'A' is situated within the existing shopping centre footprint whilst tower 'B' is a stand-alone building; and the refurbishment of an existing commercial office space ('C' in **Figure 11**), located over the main entrance to the shopping centre at the Bunnerong Road frontage of the site.

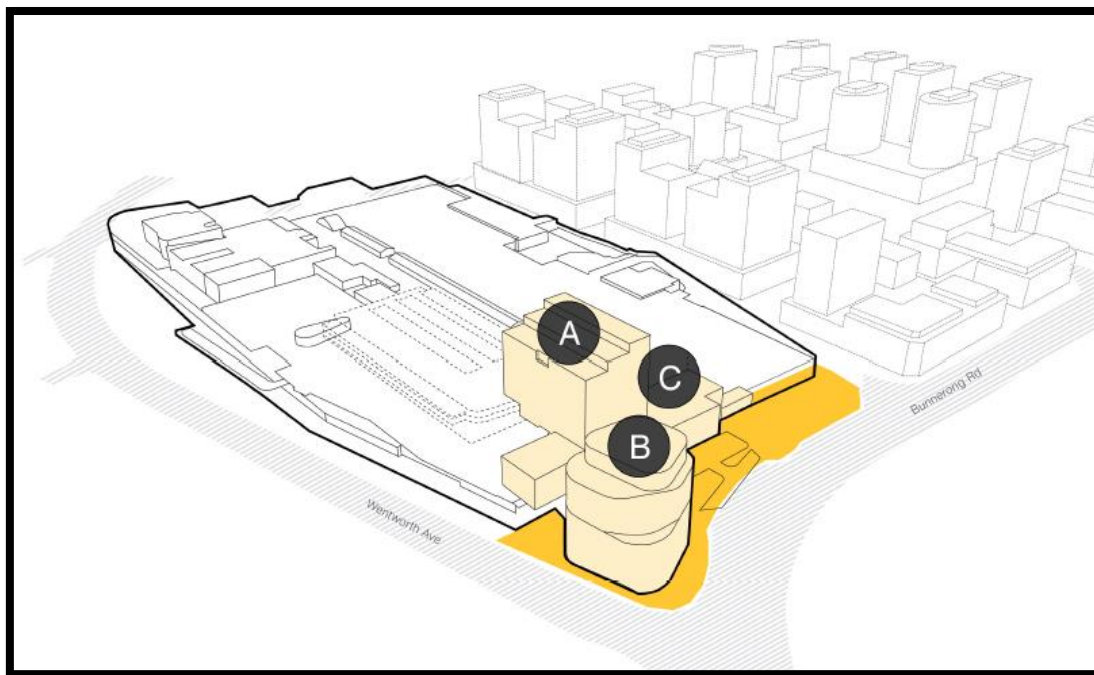


Figure 11: Commercial office arrangement
(Source: Urbis)

- Additional car parking, noting that the number of car parking spaces has not been determined at this stage.
- Upgrading of the existing bus interchange to include:
 - additional operating capacity and accommodation for larger design vehicles.
 - Enhanced bus waiting areas, pedestrian amenity and security.
 - Improved pedestrian connections with the shopping centre and new vertical transport to the proposed commercial towers.
 - Generally improved facilities for bus drivers.
- Improvements to the public domain surrounding the site, including:
 - a new public plaza at the main entrance to the site along the Bunnerong Road frontage, enveloping the upgraded bus interchange, as shown in **Figure 12**:

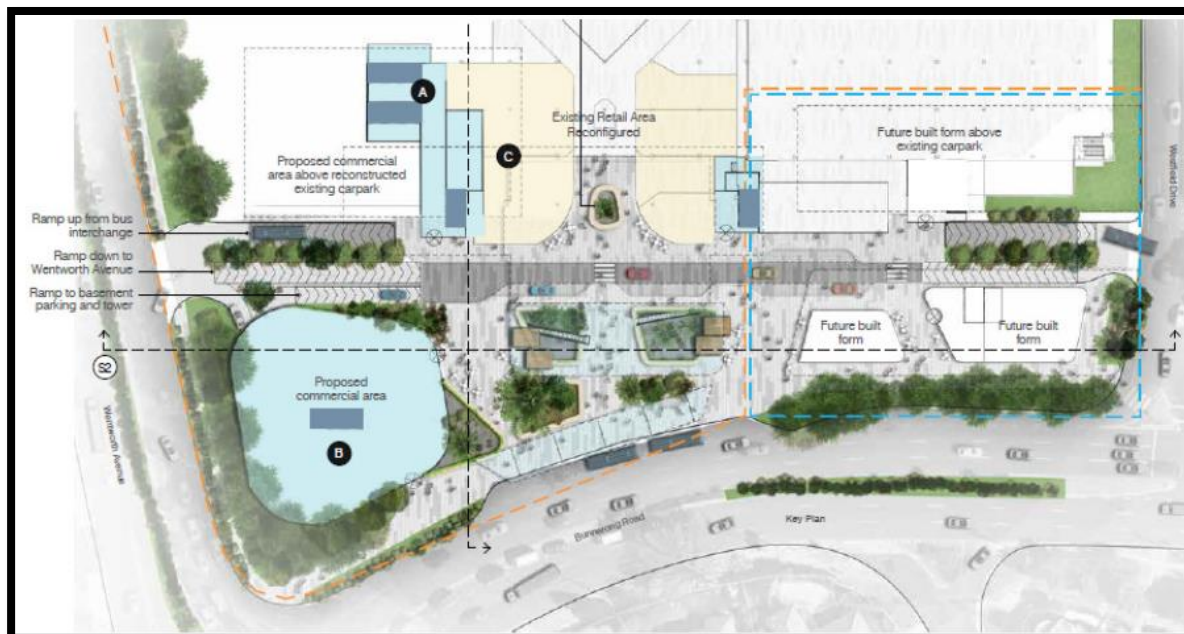


Figure 12: Proposed Bunnerong Road Public Plaza
(Source: Urbis)

- Other improvements to the sites interfaces with the public domain, in summary:
 - activation of the public domain via proposed outdoor dining areas and general greening at the western extent of the site
 - general greening of the southern interface, noting that general activation of this street frontage is discouraged due to its proximity to the intersection of the Denison Street dangerous goods route with Wentworth Avenue
 - traffic calming, tree and shrub plantings along Westfield Drive and urban design treatments to the northern elevation

Further details of the proposed public domain improvements are included in the 'Urban Context Report' prepared by Architectus and dated 19 December 2019 (**Attachment 3**) and 'Draft DCP – Part 9E Eastgardens Mixed-Use Centre' (**Attachment 4**) supporting the draft Planning Proposal.

Assessment of Draft Planning Proposal

Environmental Planning and Assessment Act 1979 (EPAA)

The DPIE's publication '*Planning Proposals - A Guide to Preparing Planning Proposals*' (guide) - issued under s3.33 (3) of the EPAA - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted draft Planning Proposal by Council staff has been undertaken in accordance with the latest version of this guide (dated August 2016).

Section 9.1 Directions by the Minister

Section 9.1 Directions by the Minister (Section 9.1 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 3**.

Table 3: Draft Planning Proposal consistency with s9.1 directions issued on or after 1 July 2009 (updated 28 February 2019)

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
1.1 Business and Industrial Zones	<p>What a RPA must do:</p> <p><i>A planning proposal must:</i></p> <p>(a) <i>give effect to the objectives of this direction,</i></p> <p><i>The objectives of this direction are to:</i></p> <p>(a) <i>encourage employment growth in suitable locations,</i></p> <p>(b) <i>protect employment land in business and industrial zones, and</i></p> <p>(c) <i>support the viability of identified centres.</i></p> <p>(b) <i>retain the areas and locations of existing business and industrial zones,</i></p> <p>(c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p>(d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>(e) <i>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.</i></p> <p>Comment:</p> <p>The draft Planning Proposal intends to retain the current zoning and increase the height of buildings and floor space ratio, enabling intensification of the existing shopping centre and commercial office development thereby supporting the viability of the centre.</p> <p>The 'Economic Impact Assessment' for the commercial office component of the draft Planning Proposal prepared by Colliers International and dated February 2019 (Attachment 5) states that the</p>	YES

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>impact of the proposed office component of the draft Planning Proposal will have negligible impacts on existing office provision in the region and is not considered to negatively impact the viability of other identified centres in this regard, noting also that the submitted Economic Impact Assessment (EIA) addresses the addendum Planning Proposal, which was of greater scale than the iteration that is subject of this report. Further discussion about the EIA for the commercial component of the Planning Proposal is provided under the heading 'Economic Impact Assessments', below.</p> <p>In terms of the viability of retail within other identified centres, the 'Westfield Eastgardens Retail EIA – Response to RPS Peer Review' prepared by Urbis and dated 12 October 2018 (Attachment 6) notes that a significant number of trade area residents travel beyond Westfield Eastgardens, indicating an undersupply of retail floor space and that the expansion of the centre would provide additional retail floor space within the region to serve the local population. Further discussion about the EIA for the retail component of the Planning Proposal is provided under the heading 'Economic Impact Assessments', below.</p> <p>Consistency: No inconsistencies with the terms of the direction were identified.</p>	
<p>3.4 Integrating Land Use and Transport</p>	<p>What a RPA must do: <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) and The Right Place for Business and Services – Planning Policy (DUAP 2001) (Guidelines).</i></p> <p>Comment: The guidelines note that best practice is achieved when: <i>'shopping centres, and entertainment and recreational facilities, are encouraged to locate in activity centres that are within an acceptable walking distance of public transport nodes.'</i></p> <p>The draft Planning Proposal seeks to revitalise and intensify an existing shopping centre, including the upgrade of the existing bus interchange at Bunnerong Road, which is serviced by several major bus routes.</p> <p>During the recent consideration of the adjoining BATA 2 Planning Proposal, Transport for NSW (TfNSW) responded to enquiries made by Council on current and projected public transport capacity in the locality, stating: <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 provided by TfNSW in relation to network planning and service provision for the broader centre provide adequate assurance that the agency is aware of the planned growth of the centre and its likely impacts.</p>	<p>YES – subject to consultation with TfNSW</p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>Should Council and the DPIE support the draft Planning Proposal, the proponent is to consult with TfNSW about the planned upgrade works to the existing bus interchange and to seek further assurance that the public transport bus network can support the anticipated increase in usage as a result of the draft Planning Proposal.</p> <p>Consistency: The proponent is to consult with TfNSW to address the potential inconsistency.</p>	
<p>3.5 Development Near Regulated Airports and Defence Airfields</p>	<p>What a RPA must do: (4) 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:</p> <p>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS:</p> <ul style="list-style-type: none"> (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 <p>(d) 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.</p> <p>Comment: The direction applies because the draft Planning Proposal seeks to alter the height of buildings provision on land in the vicinity of a core regulated airport, namely, Sydney Airport.</p> <p>The site has an approximate Reduced Level (RL) of 21 metres, whilst the Obstacle Limitation Surface (OLS) prescribed for the site is 51m above Australian Height Datum (AHD).</p> <p>The draft Planning Proposal proposes a Height of Building of 70 metres equating to a RL for the highest part of the building envelope of approximately:</p> <ul style="list-style-type: none"> • 21 metres + 70 metres = 91 metres <p>The draft Planning Proposal would therefore exceed the prescribed OLS for the site.</p> <p>The proponent submitted an 'Aeronautical Impact Assessment, Westfield Eastgardens redevelopment' prepared by Strategic Airspace and dated 26 February 2019 (Attachment 7). The assessment concluded that:</p> <p><i>"there is no technical impediment to approval of the proposed development by the Commonwealth Department of Infrastructure and Regional Development and Cities (DIRDC)"</i></p> <p>Notwithstanding, permission from DIRDC is required under s3.34 of the EPAA as the proposal penetrates the prescribed OLS for the site.</p>	<p>YES – subject to consultation with DIRDC</p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	Consistency: As the draft Planning Proposal would result in the penetration of the OLS, permission from DIRDC is required prior to community consultation pursuant to s3.34 of the EPAA, to determine consistency with the terms of the direction.	
4.1 Acid Sulfate Soils	What a RPA must do: The direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The Botany Bay LEP 2013 Acid Sulfate Soils Map identifies the site as affected by Class 5 acid sulfate soils. Consistency <i>A Planning Proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a study prepared in support of the Planning Proposal.</i> Comment: Clause 6.1 of the Botany Bay LEP 2013 requires an acid sulfate soils management plan at DA stage, before carrying out any development on the land. The inconsistency with this direction is therefore considered minor and justifiable.	NO Inconsistency justified. -
7.1 Implementation of A Plan for Growing Sydney [Now superseded by: The Greater Sydney Region Plan - A Metropolis of Three Cities]	What a RPA must do: <i>Planning proposals shall be consistent with:</i> (a) the NSW Government's A Plan for Growing Sydney published in December 2014. Comment: A Plan for Growing Sydney is the former regional plan for Greater Sydney. It was replaced by A Metropolis of Three Cities (Regional Plan) in March 2018. An assessment of the draft Planning Proposal against the objectives of the Region Plan is provided as follows: Objective 4 – Infrastructure use is optimised The intensification of the centre will support the use of existing public transport infrastructure and is therefore considered generally consistent with this objective. Objective 6 – Services and infrastructure meet communities changing needs The draft Planning Proposal seeks to intensify the B3 Commercial Core zone, which permits a range of uses including commercial services, commercial office space, medical centres, entertainment facilities and child care facilities integrated with a bus interchange located on a strategic bus corridor. Please refer to the response in Direction 3.4 <i>Integrating Land Use and Transport</i> above, which include comments from TfNSW regarding the timing of future network and service planning. However, whilst bus services are anticipated to be modified mid-2020, confirmation from TfNSW is to be obtained to ensure the surrounding bus infrastructure servicing the site is adequate. Objective 14 – A Metropolis of Three Cities - integrated land use and transport creates walkable and 30-minute cities	YES

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>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>Westfield Eastgardens is part of an identified Strategic Centre, and is connected to other strategic centres via frequent public transport services. The draft Planning Proposal includes commercial office and retail floor space within walking distance of the adjoining BATA site and the broader residential areas surrounding the site.</p> <p>The proponent proposes public domain upgrades at the periphery of the site which will encourage walking and public transport use and these are detailed in the accompanying DCP.</p> <p>The Plan references the TfNSW <i>Future Transport Strategy 2056</i> 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 (nor funded) at this time.</p> <p>The draft Planning Proposal is considered generally consistent with this objective.</p> <p>Objective 22 – Investment and business activity in centres The Plan identifies the site as being part of the Eastgardens-Maroubra Junction Strategic Centre. The proposal seeks to provide additional commercial floor space with large floor plates which are not generally available within the region, which will increase employment opportunities within the site and contribute to the establishment and growth of the strategic centre, as noted in the supporting EIAs at Attachments 5 and 6.</p> <p>Consistency: The draft Planning Proposal is considered consistent with overall intent of the Plan. No inconsistencies with the terms of the direction were identified.</p>	

State Environmental Planning Policies (SEPPs)

An assessment of the draft Planning Proposal against the relevant SEPPs is provided in **Table 4.**

Table 4: Relevant SEPPs

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
<p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p> <p>(Infrastructure SEPP)</p>	<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 two classified roads, namely, Bunnerong Road and Wentworth Avenue. Should Council and the DPIE support the draft Planning Proposal, any future DA will be required to be referred to TfNSW for comment as the development is likely to constitute 'traffic generating development' as defined by the Infrastructure SEPP.</p> <p>In addition, 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

There are no other SEPPs applicable to the draft Planning Proposal.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the draft Planning Proposal.

Strategic Planning Framework – Regional and District

Regional, Sub-Regional and District Plans and local 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.

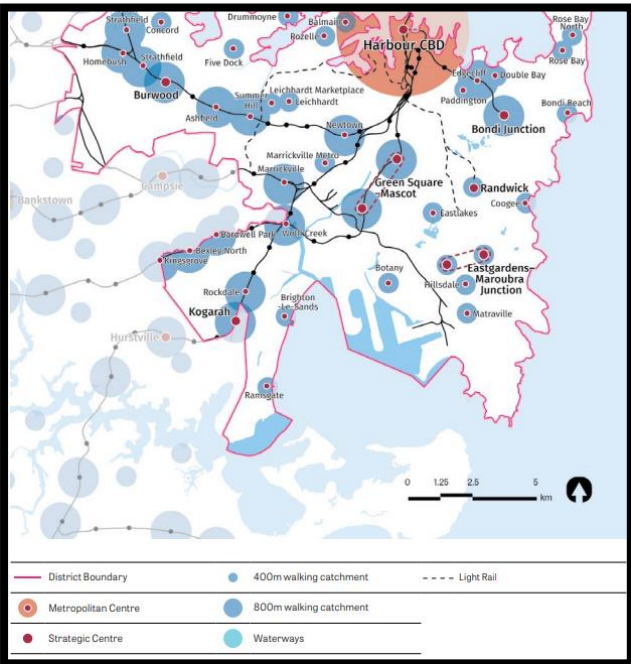
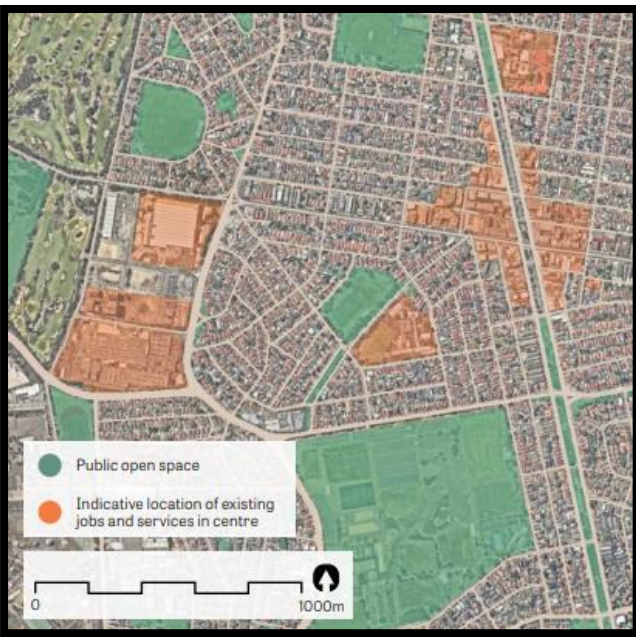
An assessment of the draft Planning Proposal's consistency with the relevant Regional and District strategic plans is provided in **Table 5**:

Table 5: Strategic Planning Framework – Regional and District

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
Regional Plans			
The Greater Sydney Region Plan – A Metropolis of Three Cities	Refer to the assessment at Table 3 .	Refer to the assessment at Table 3 .	YES
District Plans			
Eastern City District Plan (ECDP)	<p>E1 Planning for a city supported by infrastructure</p> <p>E3 Providing services and social infrastructure to meet people's changing needs</p>	<p>Comment: This priority requires that land use planning aligns with infrastructure planning.</p> <p>Several major bus routes currently service the site with bus stops located at the Bunnerong Road frontage of the site, which is proposed to be upgraded as part of the draft Planning Proposal.</p> <p>Please refer to the response in Direction 3.4 Integrating Land Use and Transport, above, which includes comments from TfNSW regarding the timing of future network and service planning.</p> <p>Comment: This priority encourages the provision of services and social infrastructure to meet the needs of future residents. The draft Planning Proposal states that the future development is to include childcare facilities, gyms and medical centres in order to meet future demand on such social infrastructure. The proposal also includes commercial floor space to</p>	YES

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>E4 Fostering healthy, creative, culturally rich and socially connected communities</p> <p>E6 Creating and renewing great places and local centres, and respecting the District's heritage</p> <p>E10 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>support the provision of services to the region.</p> <p>Comment: The draft Planning Proposal seeks to provide an upgraded centre that will act as a focus for the community. Facilities such as gyms, a cinema and medical services will service the community within walking distance from where existing and future residents will live (e.g. adjoining BATA site).</p> <p>Comment: 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 draft Planning Proposal outlines an indicative design for the site which includes new commercial office space with large floor plates; and public domain upgrades, including the upgraded bus interchange, an outdoor dining area at the western boundary and general improvements to the northern and southern boundaries.</p> <p>Comment: The draft Planning Proposal to intensify retail and commercial capacity at Westfield Eastgardens, part of the Eastgardens-Maroubra Junction Strategic Centre, is considered consistent with Planning Priority E10.</p> <p>The draft Planning Proposal will provide a significant increase in commercial floor space. The proponent states that census data indicates that 77.5% of working residents who reside in the former Botany LGA were engaged in workplaces outside the LGA which is relatively high compared to the average outcome for LGAs in Greater Sydney. The increase in commercial floor space with larger floor plates will assist in containing workers within the former Botany LGA reducing travel times.</p> <p>Several major bus routes (including route 301, 302, 307, 391, 392, 400, X92) currently service the site at the</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>E11 – Growing investment, business opportunities and jobs in strategic centres</p> <p>The ECDP states the following:</p> <p><i>“Research has shown that the Eastern City District will need to accommodate approximately 1.8 million square metres of additional retail floor space over the next 20 years. In addition, there will be significant demand for additional office floor space. Creating the opportunities to attract retail and office development requires growth in either existing or new centres.”</i></p>	<p>Westfield Eastgardens bus terminal, south-east of the site. Current bus services provide access to the city, Bondi Junction, Mascot station and La Perouse.</p> <p>Should Council and the DPIE support the draft Planning Proposal, referral to TfNSW would be required to ensure that the surrounding bus infrastructure can accommodate the anticipated increase in activity as a result of the draft Planning Proposal and increased residential density resulting from the recently approved adjoining BATA 2 Planning Proposal.</p> <p>Comment: The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the ECDP, as shown in Figures 13 and 14.</p> <p>The ECDP highlights that opportunities exist for the centre to strengthen economic growth, leverage public transport connections and generate additional employment opportunities.</p> <p>The draft Planning Proposal includes 27,300 sqm of additional commercial floor space and 37,500 sqm GLA additional retail floor space which will generate significant employment opportunities (estimated: 1,100 operational retail jobs; 830 construction jobs and 2120 to 2625 operational commercial office jobs).</p> <p>The draft Planning Proposal is considered to satisfy the ‘actions’ to strengthen the Eastgardens-Maroubra Strategic Centre by:</p> <ul style="list-style-type: none"> strengthening and reinforcing the economic role of the centre by potentiating a diverse mix of commercial and retail uses. improving public transport connections through the upgrade of the bus interchange. 	

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<div></div> <p>Figure 13: Eastern City District - Centres (Source: Eastern City District Plan)</p> <div></div> <p>Figure 14: Location map of Eastgardens-Maroubra Junction (Source: Eastern City District Plan)</p> <p>Maroubra Junction is located with the Randwick City Council LGA. Council staff contacted the strategic planning department to determine whether Randwick City Council were preparing any studies / strategies for the Maroubra-Eastgardens corridor. At the time of the preparation of this report, Randwick City Council staff advised that no studies / strategies were under preparation or were available.</p>		
Future 2056	Transport	The Strategy identifies under the Greater Sydney Initiative	Given this is not a committed (nor funded) project, it is anticipated that
			To be determined

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	for Investigation (10-20 years) Item 1 - Light Rail Extension to Maroubra Junction.	the site will be serviced by the surrounding bus network, users of the shopping centre and offices will be required to travel to Maroubra to access any light rail services and are unlikely to do so.	

Strategic Planning Framework – Local

Bayside Community Strategic Plan 2030

An assessment of the draft Planning Proposal's consistency with the following relevant themes and strategic directions contained in the Bayside Community Strategic Plan 2030 (Plan) is provided in **Table 6**:

Table 6: Bayside Community Strategic Plan 2030

Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>Our places are people-focussed</i> 	<i>Local areas are activated with cafes, restaurants and cultural events</i>	The draft Planning Proposal proposes to activate the western extent of the site with outdoor dining and upgrade the existing bus interchange.
<ul style="list-style-type: none"> Strategic Direction – <i>Our places connect people</i> 	<i>Walking and cycling is easy in the City and is located in open space where possible</i>	The proponent has committed to public domain improvements that will encourage walking around the site.
<ul style="list-style-type: none"> Strategic Direction – <i>My place will be special to me</i> 	<i>Bayside will be a 30 minute City – residents work locally or work off-site – no-one has to travel for more than 30 minutes to work</i>	The provision of large floor plate commercial office space will provide office work opportunities for local residents as noted in the submitted Commercial EIA.
	<i>Traffic and parking issues are a thing of the past</i>	The proponent has committed to intersection upgrades in the vicinity of the site and proposes additional car parking to accommodate the growth of the centre.
Theme Two – In 2030 our people will be connected in a smart City	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>We benefit from technology</i> 	<i>Council engages with us and decision making is transparent and data driven</i>	The draft Planning Proposal will be publicly exhibited should a Gateway Determination be issued by the DPI&E.
Theme Three – In 2030 Bayside will be green, leafy and sustainable	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>We are prepared for climate</i> 	<i>Our streetscapes are green and welcoming</i>	The proponent has outlined public domain improvements, including

<i>change</i>		landscaping, to the periphery of the site as demonstrated in the submitted draft DCP and Urban Context Report.
Theme Four – In 2030 we will be a prosperous community	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – Opportunities for economic development are recognised 	<i>Major employers support/ partner with local small business</i>	The Economic Impact Assessment notes that the impact of the draft Planning Proposal on other centres is insignificant.

Draft Bayside Local Strategic Planning Statement

Recent amendments to the EPAA introduced the requirement for a LSPS to be prepared by Councils.

Council's LSPS sets the 20-year vision for the Bayside LGA, including identifying the special character and values to be preserved and how change will be managed.

The LSPS explains how council is implementing the planning priorities and actions in the relevant district plan in conjunction with their Community Strategic Plan.

The draft Planning Proposal is aligned with the following relevant Planning Priorities identified in the Bayside LSPS, as noted in **Table 7**, below:

Table 7: Draft Bayside Local Strategic Planning Statement

Bayside Planning Priority	Action	Draft Planning Proposal consistency
<i>2. Align land use planning with the delivery and management of assets by Bayside Council to support our community</i>	<i>Council will take a place based approach to land use and asset planning to ensure growth aligns with infrastructure provision</i>	<i>The proponent has committed to intersection upgrades and public domain improvements at the periphery of the site.</i>
<i>5. Foster healthy, creative, culturally rich and socially connected communities</i>	<i>Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.</i>	Public domain improvements at the periphery of the site and an upgrade to the existing bus interchange are proposed.
<i>9. Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm.</i>	<i>Council will encourage good built form outcomes through Design Excellence Competitions, Design Excellence Guidelines and Design Review Panel.</i>	Any future Development Applications will be required to demonstrate design excellence.
<i>12. Delivering an integrated land use and a 30-minute city</i>	<i>Ensure land-use planning aligns with existing and proposed transport corridors</i>	The centre is located on an existing bus transport corridor. TfNSW have noted that capacity is regularly reviewed.
<i>15. Deliver an integrated land use and transport planning 30-minute city.</i>	<i>Align land use, infrastructure and transport plans to deliver the 30-minute city.</i>	The proposal is consistent with this strategic direction given that the proposal intensifies an identified centre. The proposal is also consistent with the Ministerial direction in relation to

		Integrating Land Use and Transport (refer to Table 3).
16. Growing investment, business opportunities and jobs in Bayside's strategic centres.	Identify opportunities to strengthen the economic role of the Eastgardens – Maroubra Junction centre based on the Bayside Centres and Employment Land Strategy, with clear complementary roles for Eastgardens and Maroubra Junction.	The Planning Proposal proposes to intensify the existing Eastgardens strategic centre. The Economic Impact Assessments supporting the draft Planning Proposal have demonstrated that the proposed intensification will not unreasonably impact the role of other centres in the locality. Any strategy for the Eastgardens-Maroubra Junction corridor will be prepared in collaboration with Randwick City Council.
	Promote place making initiatives and walking and cycling connections to open space and the Green Grid including: b) Support the east-west link identified in Future Transport 2056 to connect Maroubra Junction with East Gardens and west to Mascot and Green Square and green space in both Bayside and Randwick LGAs.	Public domain improvements are proposed, encouraging walking around the centre and with broader connections.
21. Increase urban tree canopy cover and enhance green grid connections.	Finalise and implement the key findings of the review of Bayside's Environmental planning controls into Bayside LEP 2020 and Bayside DCP 2020 and associated technical specifications to improve urban tree canopy cover.	The draft DCP details of landscaping requirements at the sites periphery to be provided in any future Development Applications.

Botany Bay Planning Strategy 2031

- Chapter 3: Housing and Job Futures
Chapter 3 of the Strategy identified Eastgardens as an employment area and outlines a future direction of retail employment and future mixed-use town centre. The Strategy states the intent to:

"plan for a mixed-use centre in the long term (subject to the BATA site coming online and structure planning)".

As such, the draft Planning Proposal is generally consistent with this Chapter, as it proposes intensified commercial and retail uses on the site, compatible with the increase in residential development on the adjoining BATA site.

Local Plans

Botany Bay Local Environmental Plan 2013

Clause 2.1 Land Use Zones – B3 Commercial Core

The objectives for the B3 Commercial Core zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*

Comment: The draft Planning Proposal does not seek to change the land use zone. The proposed amendments to FSR and building height development standards will enable additional capacity for retail, business, office, entertainment and community uses, and encourage additional employment. The improvements to the bus interchange also encourage public transport use and the public domain improvements will encourage walking in the vicinity of the centre.

The draft Planning Proposal is considered to be consistent with the B3 zone objectives.

Clause 4.3 Height of Buildings

The objectives of the Height of Buildings clause are:

- *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*

Comment: The proposed building height limits are generally compatible and appropriate given the context of the broader centre comprising the adjoining BATA site.

- *to ensure that taller buildings are appropriately located,*

Comment: The proposed building height and building envelope is consistent with the heights and built form of the adjoining BATA site. As an area for retail / commercial / entertainment uses, the proposed heights will enable increased employment densities and opportunities with good access to public transport.

- *to ensure that building height is consistent with the desired future character of an area,*

Comment: The desired future character of the area is articulated in part 8.8.2 of the Botany Bay DCP 2013. The draft Planning Proposal is consistent with the desired future character to maintain Westfield Eastgardens as a major shopping centre.

- *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.*

Comment: The Urban Context Report at **Attachment 3** includes a View Impact Assessment (VIA). Assessment by Council staff determined that view impacts are considered to be reasonable and appropriate for the site's context.

However, in relation to solar access to existing development, the solar access study indicates that the proposed building envelope results in unreasonable overshadowing of a number of dwellings located on the southern side of Wentworth Avenue. Further refinement of the proposed building envelopes is required to demonstrate how this can be mitigated.

Clause 4.4 Floor Space Ratio

The objectives of the Floor Space Ratio clause are:

- *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*

Comment: The proposed bulk and scale is considered generally compatible and appropriate given the context of the broader centre comprising the adjoining BATA site. The desired future character of the area is articulated in part 8.8.2 of the Botany Bay DCP 2013. The draft Planning Proposal is consistent with the desired future character to maintain Westfield Eastgardens as a major shopping centre.

- *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

Comment: The proposed floor space ratio will enable development that is complimentary with existing approved and proposed development on the adjoining BATA site.

- *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*

Comment: The Urban Context Report and draft site specific DCP are considered to have adequately demonstrated that any future development can achieve consistency with the objective.

- *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Comment: The Urban Context Report and draft site specific DCP have adequately demonstrated that any future development can achieve consistency with the objective.

- *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- *to facilitate development that contributes to the economic growth of Botany Bay.*

The proposed FSR is considered necessary and reasonable to facilitate a development that aligns with strategic direction to maintain Westfield Eastgardens as a major regional shopping centre. The proposal seeks to increase floor space ratio controls on the site to

enable increased employment density and job opportunities, which is considered in keeping with this objective.

Botany Bay Development Control Plan 2013 (Botany Bay DCP 2013)

The relevant sections of the Botany Bay DCP 2013 have been identified below, with responses included on how the draft Planning Proposal complies.

Part 8 Character Precincts

The site is within the Eastgardens Character Precinct. Section 8.8.2 of the Botany Bay DCP 2013 outlines Desired Future Character for this precinct and includes the following relevant considerations:

- *Function and Diversity*

- *Enhance the public domain and streetscapes within the Precinct.*
- *Maintain Eastgardens Westfield Shopping Centre as the major shopping centre providing goods and essential services for the region.*
- *Maintain and enhance the bus interchange facility at Eastgardens Westfield Shopping Centre to service bus routes connecting Eastgardens with the City, Bondi Junction, Burwood, Rockdale, Little Bay, Port Botany and La Perouse*

Comment: The draft Planning Proposal to enable intensification of the site will assist in maintaining Eastgardens Westfield Shopping Centre as the major shopping centre and includes commitments to upgrading the bus interchange and improvements to the public domain surrounding the site as detailed in the draft Site Specific DCP, '*Part 9E Eastgardens Mixed-use Centre*' (draft Site Specific DCP, refer to **Attachment 5**).

Should the draft Planning Proposal be supported by Council and the DPIE, consultation will be required with RMS and TfNSW to determine the details of the proposed upgrades to the bus interchange.

- *Facilitate pedestrian and street access for any extensions/ additions/ alterations to Westfield Eastgardens.*

Comment: The draft Site Specific DCP details improvements to the site to reconfigure footpaths to facilitate equitable pedestrian movement around the site.

- *Public Domain and Environment*

- *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 draft Site Specific DCP, prepared in support of the draft Planning Proposal, details proposed public domain improvements, including landscaping and wayfinding, which can be addressed at the DA stage.

- **Solar Access**

- *Encourage buildings to maximise solar access to surrounding residential properties and to public and private open spaces*
- *Preserve solar access to adjoining properties*

Comment: The solar access study contained in the Urban Context Report indicates that the proposed building envelope results in unreasonable overshadowing of a number of dwellings located on the southern side of Wentworth Avenue. Further refinement of the proposed building envelopes is required to demonstrate how this can be mitigated.

- **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.*

Comment: The draft Planning Proposal proposes to contribute to intersection upgrades to assist in traffic flow, whilst additional car parking within the site is proposed. Final provision of car parking will be determined as part of any future Development Application(s).

- *Promote walking, cycling and a safe pedestrian environment in and around the Eastgardens Westfield Shopping Centre.*

Comment: The draft Planning Proposal is supported by a draft Site Specific DCP, which provides details of proposed improvements around Westfield Eastgardens to promote walking and cycling, accessibility and a safe pedestrian environment, noting that Westfield Shopping Centre is a legacy site designed primarily as a car-oriented shopping centre and that the centre's northern side, when constructed, faced the General Motors Pagewood Holden Assembly plant.

- **Views**

- *Retain existing views*

Comment: The Urban Context Report at **Attachment 3** includes a View Impact Assessment (VIA). Assessment by Council staff determined that view impacts are reasonable and appropriate for the site's context.

- *Risk*

- *Recognise that development for 'residential intensification', 'sensitive use intensification', and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must consider a transport risk assessment report; and receive development concurrence for the application from the DPIE.*

Comment: Refer to the heading 'Risk Assessment' for details in relation to risk assessment, which found that a satisfactory level of risk assessment has been performed at this stage of the draft Planning Proposal, which will be subject to further assessment by the Hazards Team at the DPIE should the Bayside Local Planning Panel and Council recommend that the draft Planning Proposal proceed to Gateway stage.

Other Considerations

Traffic Impact Assessment

On the 29th May 2017, in support of the draft Planning Proposal, the proponent submitted the 'Transport Review for Planning Proposal for Westfield Eastgardens' dated May 2017 prepared by Colston Budd Rogers and Kafes (Transport Review).

A peer review of the Transport Review was undertaken, which identified the need for cumulative traffic modelling to take into consideration the combined impacts of the adjoining BATA 2 Planning Proposal and approved BATA Stage 1, and for planned infrastructure upgrades for the land bounded by Wentworth Avenue, Bunnerong Road, Heffron Road and Banks Avenue. The planned infrastructure upgrades include:

- Wentworth Avenue / Banks Avenue / Corish Circle – additional turning lanes on the northern and eastern approaches
- Wentworth Avenue / Denison Street / Site Access – additional turning lanes on the eastern and western approaches and modification to site access
- Wentworth Avenue / Bunnerong Road - additional turning lane on the northern approach
- Bunnerong Road / Westfield Drive – additional turning lane on the northern approach

On 3rd February 2018, a meeting was held between Council officer's traffic consultant (Cardno), the proponent's traffic consultant (SLR) and representatives from RMS (now TfNSW). The purpose of the meeting was to brief RMS on the assumptions to be used for the cumulative traffic modelling prior to public exhibition, should Council and the DPIE support the draft Planning Proposal.

On the 21st March 2018, the proponent lodged an addendum to the original draft Planning Proposal, which was supported by an updated Traffic Assessment Report prepared by SLR. A peer review of the updated Traffic Assessment Report was conducted by Cardno, which considered the traffic modelling assumptions adopted by SLR appropriate for pre-Gateway submission.

On 5th March 2019, a revised draft Planning Proposal as described above was submitted, supported by the 'Revised Planning Proposal Transport Review' (Revised Transport Review) (**Attachment 8**) prepared by SLR Consulting Australia and dated 28 February 2019.

The Revised Transport Review addresses the cumulative impacts of the (revised) draft Planning Proposal, planned infrastructure upgrades committed to in the original Transport Review (noted above), and the adjoining BATA site including the 5000 sqm of non-residential development within the BATA site.

The peer review found that there are no traffic or transport issues that would preclude the draft Planning Proposal from proceeding, noting that the impact of the development is considered insignificant on the level of service (LOS) at nearby intersections. However, at the time of review, it was noted that the Revised Transport Review had not included the latest revision considered as part of the BATA 2 Planning Proposal and the diagrams for the intersection upgrades required more detail to determine whether the proposed upgrades are feasible. The peer review therefore recommends that the Revised Transport Review be updated to address these concerns and consultation with TfNSW undertaken at Gateway stage, should Council support the draft Planning Proposal.

In addition, the timing and delivery of the proposed infrastructure upgrades should be considered as part of any future DA for the site to ensure the surrounding intersections operate at an appropriate LOS in the future.

It is noted that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio than the previous iteration of the draft Planning Proposal. Accordingly, the Revised Transport Review and peer review recommendations are considered sufficient to address the current draft Planning Proposal at this stage.

During assessment of the Urban Context Report, concerns were raised about the pedestrian environment at the northern boundary. Since the centres construction, the adjoining BATA site has developed into a high density residential development, increasing the numbers of pedestrians crossing from the BATA site to Westfield Eastgardens via Westfield Drive. Council staff observed potential conflict between pedestrian movement, loading dock operations, and cars and buses travelling in excess of the 40km/h speed limit.

The proponent was therefore requested to consider improvements to pedestrian safety along Westfield Drive, including consideration of urban design treatments, wayfinding and fencing and in this regard have updated the draft DCP and provided the 'Addendum to Review of Transport Matters' prepared by SLR Consulting Australia dated 27 November 2019 (**Attachment 9**) to address pedestrian safety concerns at the northern boundary.

Council staff reviewed the Addendum to Review of Transport Matters, and raised concern that the suggested crossings would direct pedestrians toward the existing loading docks. Whilst fencing at the centre of Westfield Drive was suggested by Council staff, this would not be achievable due to trucks turning across the centre line of the road to access the existing loading docks. Fencing to the existing pathway at the northern side of Westfield Drive, together with signposting / wayfinding to encourage pedestrians to use the signalised crossings is preferred. It is recommended that the draft DCP be amended at Gateway stage to address this.

Public Transport

The proponent states that the draft Planning Proposal will enable upgrading of the existing bus interchange, however, no supporting information has been provided to the effect that TfNSW have been consulted in relation to whether bus infrastructure can service the cumulative impacts of the subject draft Planning Proposal and the adjoining BATA site, currently, and beyond mid-2020. These matters will need to be resolved at the Gateway determination stage should Council and the DPIE support the draft Planning Proposal.

Risk Assessment

The site is located within 500m of the Botany Industrial Park and is sited within the Denison Street Risk Study Area.

Accordingly, the proponent submitted a Quantified Risk Assessment (QRA) prepared by Systra Scott Lister in support of the draft Planning Proposal that was submitted to Council on 29th May 2017.

On the 21st March 2018, the proponent lodged an addendum to the original draft Planning Proposal, as described earlier in the report, however an updated PRA to reflect the addendum draft Planning Proposal was not submitted at that time.

A peer review of the PRA was conducted by Arriscar dated 2nd July 2018. The peer review provided several recommendations including that the PRA required updating to address the revised height of buildings proposed in the addendum draft Planning Proposal, and that consultation with the DPIE was recommended to attain an interpretation of incremental risk in societal risk assessments. A copy of the Arriscar peer review which includes all the recommendations made to Council is included as **Attachment 10**.

On the 5th March 2019, the proponent submitted a revised draft Planning Proposal, including a revised QRA prepared by Systra Scott Lister (**Attachment 2**). The revised QRA has addressed the recommendations of the Arriscar peer review, however, **it is noted that whilst Systra Scott Lister had attempted to contact representatives from the DPIE to attain the interpretation as noted in the Arriscar peer review, the DPIEs Hazards Team advised that a review of the PRA would be conducted at post-Gateway stage should the draft Planning Proposal be recommended to proceed.** The proponent noted that the QRA has taken a conservative interpretation in the absence of any specific engagement with the DPIE and noted that this is consistent with how other projects have been assessed by the DPIE.

It is noted that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio and reduced built form than the previous iteration of the Planning Proposal. Accordingly, the PRA submitted 5th March 2019 and peer review recommendations are considered sufficient to address the subject Planning Proposal at this stage.

Economic Impact Assessments

The proponent submitted Economic Impact Assessment (EIA) to address the impacts of the intensification of retail development proposed in the draft Planning Proposal lodged with Council on 29th May 2017.

Subsequently, an addendum draft Planning Proposal was lodged with Council on 21st March 2018, which proposed a significant additional component of commercial office space. Accordingly, separate EIAs were submitted to address the retail and commercial impacts of the draft addendum Planning Proposal, noting that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio than the addendum Planning Proposal lodged March 2018.

EIA - Commercial:

As noted above, the proponent submitted an Economic Impact Assessment (EIA) in relation to commercial demand in support of the addendum draft Planning Proposal, and was referred to an independent consultant for peer review.

The peer review raised concerns about the market need for the commercial office space on the scale proposed and the potential impact on supply and demand for commercial office space in the region.

On 5th March 2019, the proponent submitted a revised draft Planning Proposal, supported by a revised EIA addressing commercial demand, prepared by Colliers International* (**Attachment 5**). The revised EIA addressing commercial impacts states that there is a demand for large floor plate office space in the region and that the impact of the proposed commercial office component will have negligible impacts on existing office provision in the region as summarised below:

- the floor plate size (>1,000m²) will not be in direct competition with surrounding office supply which is comprised of predominately 50 to 200m² floor plates that typically provide professional services to local clients. Site amalgamation would be required to provide larger floor plates of the type proposed by the draft Planning Proposal.
- there is a demand for office space of approximately 35,000 to 44,000m² in the region.
- the proposed office space is consistent with the objectives of the B3 Commercial Core in contrast to the B2 Local Centre zoning of Maroubra Junction, which does not include offices as a land use within the core objectives of the zone.
- The intensification of commercial office space would provide opportunity for job creation within the centre and broader Bayside LGA, in alignment with the Eastern City District Plan.

* *Colliers International prepared the background document 'Sydney Office Market Research Report' (June 2014) and as such it is considered that the consultant has an in-depth knowledge of the Sydney commercial office market. A copy of the report is available in the 'Background Material' section of the Greater Sydney Commissions website:*

https://gsc-public-1.s3.amazonaws.com/s3fs-public/sydney_office_market_research_report_colliers_2014_06_0.pdf?SEZIWd9pECSIYYUp.qc_t2u90L7dCq7S

The EIA for commercial impacts estimates that the commercial office component will create approximately 2,120 to 2,625 operational jobs, which is consistent with Planning Priority E11 – *Growing investment, business opportunities and jobs in strategic centres* in the Eastern City District Plan.

Based on the above, the revised EIA for commercial impacts was considered to have adequately addressed the concerns raised in the peer review and the proposed amount of commercial floor space adequately justified.

EIA - Retail:

The peer review of the EIA for retail impacts undertaken by RPS raised concerns in relation to the contribution of local office workers; the adequacy of the market demand assessment; and retail impact assessment.

Urbis provided a response to the concerns raised in the RPS peer review in a letter dated 12 October 2018 (**Attachment 6**), which is summarised below:

- Treatment of local office workers

The peer review requested further analysis of the contribution of office workers to the retail potential of the centre. Urbis noted that the estimated worker expenditure is based on survey undertaken by Urbis across Australia.

Based on the survey data, a portion of office worker expenditure would be directed toward Westfield Eastgardens. In addition, the office expansion would also likely capture the expenditure of workers who live within the trade area who, based on credit card data collected by Westfield, would ordinarily travel beyond the trade area, which RPS review had not considered.

- Market demand assessment

RPS noted that the net need for the retail space had not been adequately demonstrated. The response prepared by Urbis provided a detailed assessment of the types of retail in the trade area and recorded spending patterns, noting that a significant number of trade area residents travel beyond Westfield Eastgardens, indicating an undersupply of retail floor space for discretionary expenditure and food catering in the locality. Urbis' response also noted that the peer review had not considered future growth within the trade area, which is expected to grow by 24% over the period 2017-2023 and that the expansion of the centre would accommodate the future demand from this growth.

- Retail impact assessment

RPS raised concerns about the adequacy of the assessment of trading impacts from the proposed expansion of Westfield Eastgardens on other centres.

Urbis responded with a further analysis of trading impacts on centres within the trade area. The analysis concluded that impacts on other centres are reasonable, being in the range of 1% to 3%, which is below the notional level of 10% where impacts become an issue.

Based on the above, the revised EIA for retail impacts was considered to have adequately addressed the concerns raised in the peer review.

Urban Design

On the 29th May 2017, the proponent submitted a draft Planning Proposal, which proposed a maximum building height of 34 metres across the centre and a FSR of 1.7:1. The draft

Planning Proposal was supported by a series of architectural plans, but was not supported by an urban design report.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, superseding the original Planning Proposal. The addendum Planning Proposal proposed a maximum FSR of 1.7:1 and maximum building envelopes of 34 metres height over the existing shopping centre, and 70 metres at the Bunnerong Road frontage, as shown shaded in light blue in **Figure 15**, below:



Figure 15: Proposed building envelope and footprint (Source: Woods Baggott Urban Context Report)

An independent peer review of the Urban Context Review supporting the addendum Planning Proposal was conducted by GM Urban Design and Architecture (GMU). The key concerns raised in the GMU peer review included, in summary:

- Justification for additional FSR and height to 70 metres
- Justification for the tower location
- Interface areas and streetscape response
- Street wall heights
- Setbacks
- Amenity impact to adjoining residents, in particular, solar access
- Inadequate information in the DCP, particularly in relation to controls for built form and public domain improvements

On 5th March 2019, the proponent lodged a revised draft Planning Proposal as illustrated in Figure 16, which proposed a 70 metre building envelope for an office tower ('1'); a 40 metre high building envelope ('3') and a future masterplan building envelope 70 metres high ('4'):

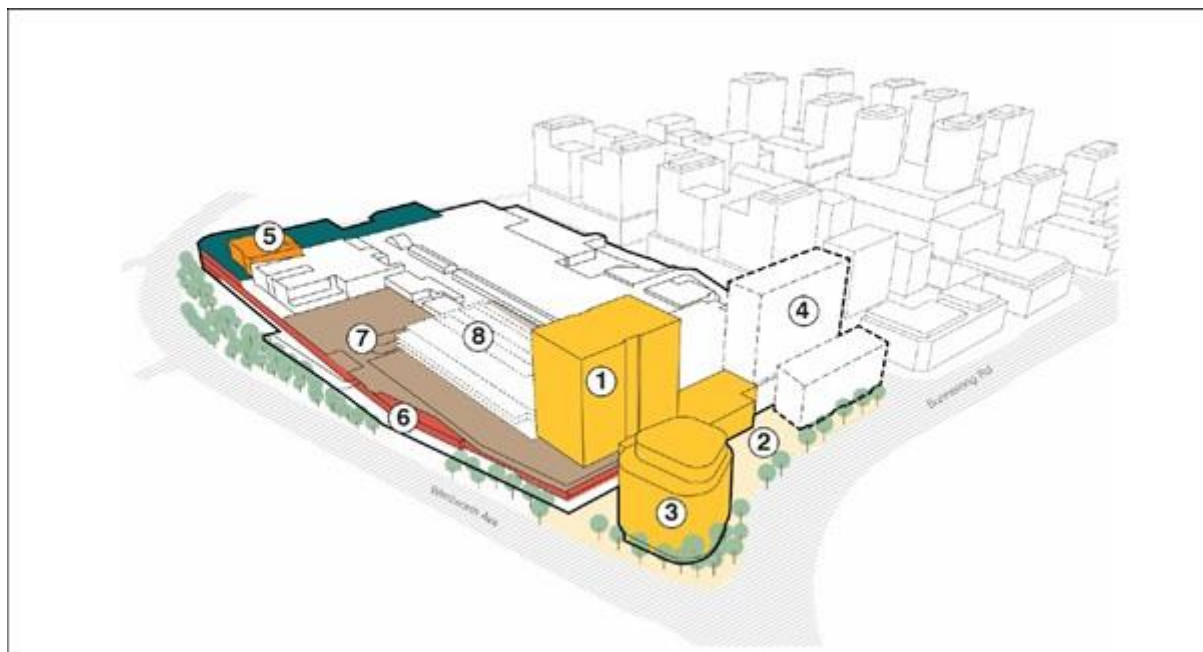


Figure 16: Master Plan – Key Features (Source: Architectus)

GMU conducted a peer review of the amended UCR and draft DCP and noted that the proposal had been amended in an attempt to address previous concerns. However, a number of significant concerns remained:

- Justification for additional FSR and height to 70 metres
- Justification for the tower location
- Interface areas and streetscape response
- Street wall heights
- Building setbacks
- Amenity impact to adjoining residents, in particular, solar access
- Inadequate information in the DCP, particularly in relation to controls for built form and public domain improvements

On 23rd December 2019, the proponent lodged a revised Planning Proposal, which proposes to increase the maximum building height of 25 metres to part-34 metres, part-40 metres and part-59 metres; and to increase the FSR to 1.8:1. The indicative built form envelopes are illustrated in **Figure 17**:

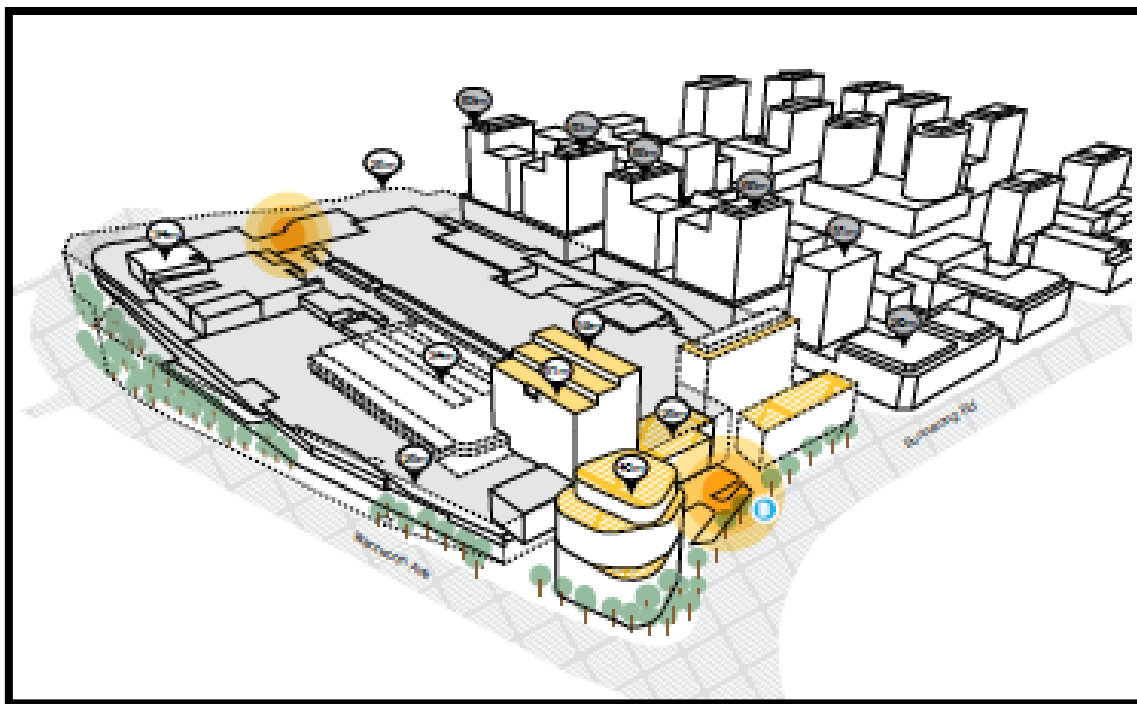


Figure 17: Built form massing (Source: Architectus)

Council staff have assessed the Urban Context Report and draft Site Specific DCP and note the following issues require resolution:

- Controls should be expanded to include details for all existing and new public domain interfaces
- Given the magnitude of the proposal, controls relating to screening of existing and new car parking are to be included
- Detailed controls to guide the nature and visual quality of the proposed screening
- Detailed controls should be provided relating to streetscape presentation and upgrades to the existing interface activation, built form articulation, corner articulation and design excellence to ensure a quality outcome
- Active frontages are proposed to a small part on Bunnerong Road and the proposed controls only relate to a minor portion of the frontages which are nominated as active (Figure 22 Active frontage diagram). The controls do not sufficiently emphasise the need to minimise exposed blank wall areas to all street frontages and public domain areas.
- The draft controls should be expanded to include controls requiring active frontages to be maximised, improved pedestrian connections, reduced access and car parking dominance as well as improved passive surveillance to all site edges.
- Provide controls relating to building separation. Appropriate building separation is essential to achieving good built form outcomes and reasonable levels of amenity for future occupants as well as solar access to the public domain and mitigating the dominance of taller forms.
- The Building Height Strategy is very general with varying number of storeys for the majority of the site. Given the substantial site area, a comprehensive Building Height Strategy should be provided for all areas within the DCP.

- Controls should be provided to ensure a compatible outcome and well-proportioned built forms. Such as maximum building length, maximum footprint area, depth and articulation.
- The Draft DCP provides insufficient setback controls. Detailed controls should be provided for primary and secondary setbacks to create the potential for future enhanced pedestrian environments and massing impacts.
- Landscape controls for the northern or western edges of the site.

Bayside Local Planning Panel

On the 18th February 2020, the Bayside Local Planning Panel considered the draft Planning Proposal and made the following comments and recommendations:

“Consideration:

This Planning Proposal seeks to increase the FSR from 1:1 to 1.85:1 and increase the building height from 25m to 34m and with portions of the site to 40m and 59m. The applicant has provided a concept plan and an urban design analysis to support the Planning Proposal.

The Panel inspected the site earlier in the day and at the public meeting heard from the Bonnie Doon golf club about its concerns for the safety of its maintenance team in having to cross busy roads with an increase in traffic and pressed the need for an underpass. This is a matter the club is to pursue separately and not one for this Panel.

Consultants for the applicant provided a briefing and the Panel has the benefit of a detailed assessment in the Council Officer’s report, including a number of recommendations.

The applicant responded to questions raised by the Panel, including the following. Future development of this large site should endeavour to activate the street frontages to provide connectivity to the surrounding area. At the same time the Panel is cognizant of the constraints of the regional road network that adjoins the site to the east and south.

The northern boundary of Westfield Drive also has difficulties as this is the loading and main service area for the shopping centre and there is a need for the centre to continue to operate during the construction period.

The applicant maintains there are inherent conflicts with pedestrians utilizing this major access road that functions to serve the centre for vehicular traffic, and as such pedestrians and cyclists should be directed to safe crossing areas.

The Panel is of the opinion that the pedestrian and cyclists movements should be separated and this could be achieved by widening the formal footpath on the northern side and the provision of palisade fencing to direct pedestrians and cyclists to defined crossings. The Panel urges Council to facilitate joint discussions and action by the two land owners to provide improved amenity and safety for cyclists and pedestrians along Westfield Drive. The Panel understands a pedestrian overpass is not feasible because the centre is constructed with the northern portion of the building to be back of house facilities.

The concept plan provides an east – west pedestrian internal plaza for the centre. The Panel considers the western portion of the site could be further activated with cafes and gathering spaces. The eastern part of the site is to provide a sense of public place with an upgraded bus interchange area and further activation should be considered also.

The issue of the south-east corner tower element of the proposed commercial building and the solar access for the 5 dwellings on the corner of Wentworth Ave was discussed at length. The Panel is of the view this requires careful consideration, at the development application stage, however, is satisfied the Planning Proposal can proceed to Gateway. It is noted the applicant provided additional information to the Panel on this issue and this needs to be formalized. The Panel considers this corner has the benefit of a wide intersection and is appropriate for a gateway commercial building.

Comment:

The Panels comments in relation to the northern interface are noted.

Council staff have discussed the requirement for Scentre Group to work with Karimbla Properties (owners of the adjoining site to the north) to resolve the northern interface issues during the preparation of this Planning Proposal. The Officer Recommendation includes requirements for details to be provided in relation to public domain interfaces and pedestrian connections in the site specific DCP.

The Panel's comments in relation to solar access are included in the Officer's Recommendation to Council as items that can be addressed in the site-specific DCP prior to public exhibition.

Panel Recommendation to Council

- 1 *The Bayside Local Planning Panel recommend to Council that pursuant to section 3.34 of the EPAA, the draft Planning Proposal for 152 Bunnerong Road, Eastgardens be submitted to the DPIE for a Gateway Determination subject to:*
 - a *The draft DCP being updated to include further details and controls in relation to:*
 - *landscape strategy with the provision of canopy trees;*
 - *public domain interfaces and active street frontages;*
 - *car park screening;*
 - *maximum building length, maximum footprint area, building depths and articulation;*
 - *pedestrian connections;*
 - *building separation;*
 - *building height strategy; and*
 - *primary and secondary building setbacks.*
 - b *Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.*

- 2 *If the DPIE issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council."*

Comment:

Panel recommendations 1a and 1b are included in the 'Officer Recommendation', earlier in the report, and are to be addressed in the site-specific DCP prior to public exhibition.

Panel recommendation 2 is a standard legislative requirement and is included in the Officer Recommendation, above.

Conclusion

The draft Planning Proposal has been the subject of a merits-based assessment against the strategic and statutory planning framework as established by the EPAA, relevant guidelines, Planning Circulars and Practice Notes. In considering whether or not to progress the draft Planning Proposal to a Gateway Determination, Council is required to consider if the proposed changes to the Botany Bay LEP 2013 have strategic and site specific merit.

In summary, Council's assessment has identified that the draft Planning Proposal establishes strategic and site specific merit to amend the current planning controls for the following reasons:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 22 '*Investment and business activity in centres*' (Region Plan) and Planning Priority E11 '*Growing investment, business opportunities and jobs in strategic centres* (District Plan)';
- The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the EPAA - in particular: *1.1 Business and Industrial Zones*; *3.4 Integrating Land Use and Transport* (subject to consultation with Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) regarding the current and future capacity of public transport) and *7.1 Implementation of A Plan for Growing Sydney*; and
- The proposal is consistent with the B3 Commercial Core zone objectives of the *Botany Bay LEP 2013*.

However, the proposed building envelope needs to be further refined to ensure reasonable solar access is provided to the properties located on the southern side of Wentworth Avenue. Additional details and controls are also required in the site-specific Draft Development Control Plan in relation to matters including landscaping, active street frontages, pedestrian connections, building separation, setbacks, building height strategy, visual screening, and public domain interfaces.

Voluntary Planning Agreement (VPA)

The proponent has not made an offer to enter into a Voluntary Planning Agreement (VPA), however the proponent has indicated that they are agreeable to entering into a VPA with

Council, subject to a Gateway determination being issued by Department of Planning, Industry and Environment (DPIE).

The proponent has outlined that the planning proposal will facilitate the following benefits:

- Improved lifestyle amenities and supporting the creation of new jobs.
- Upgrade of the bus interchange through expansion and improved amenity as detailed in the proposal.
- New publicly accessible plaza above the bus interchange, with landscaping, seating and activated by externalised retail.
- Improvements to the public domain along Bunnerong Road and Westfield Drive.
- Upgrade of adjacent road intersections as informed by traffic modelling included in the proposal.
- New employment opportunities for the community via provision of new format office space and additional retail, leisure and entertainment jobs.

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 the requirement to consult with government agencies.

Attachments

- 1 Revised Planning Justification Report (under separate cover) ➡
- 2 Quantitative Risk Assessment (under separate cover) ➡
- 3 Urban Context Report (under separate cover) ➡
- 4 Draft DCP (under separate cover) ➡
- 5 Economic Impact Assessment - Commercial (under separate cover) ➡
- 6 Response to RPS Peer Review (under separate cover) ➡
- 7 Aeronautical Impact Assessment (under separate cover) ➡
- 8 Revised Planning Proposal Transport Review (under separate cover) ➡
- 9 Addendum to Review of Transport Matters (under separate cover) ➡
- 10 Arriscar Peer Review (under separate cover) ➡

Council Meeting

8/04/2020

Item No	8.3
Subject	Proposed Sale of 429 Princes Highway, Rockdale
Report by	Michael McCabe, Director City Futures
File	SF19/5298

Summary

Council is the owner of 429 Princes Highway, Rockdale (**Council property**), which comprises a 625 sqm land parcel and commercial premises leased to Better Connected Community Services, with the lease expiring in September 2021.

On 21 November 2019, City West Housing Pty Ltd (CWH) submitted an unsolicited proposal to Council to purchase the Council property at 429 Princes Highway. City West Housing Pty Ltd are an Affordable Housing provider.

Details pertaining to the purchase proposal from CWH, including key terms of the sale and site considerations were put before Council for consideration at its meeting of Wednesday 11 March 2020.

Council subsequently resolved that the report be deferred to Council's next meeting of 8 April 2020 in order to:

- 1 Explore options to work closer with Better Connected Community Services, being Council's tenant currently occupying 429 Princes Highway via leasehold tenure.
- 2 Progress formal communications with the Church, being the adjoining owner immediately to the South of 429 Princes Highway.

Council Officers have progressed both matters pertaining to working closer with Better Connected Community Services and advancing communications with the Church. To this end, this report provides additional information to address the above two matters (refer to *"Resolution of Council on 11 March 2020"* within the body of this report).

Further, this report tables a letter received from City West (on the 26th March 2020) which maintains the current commercial terms offered, however clarifies a date for which a decision would need to be made to provide certainty.

Officer Recommendation

- 1 That Attachments 1, 2, 3, 5, 6, 7, 8, 9 and 10 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)(ii) of the Local Government Act 1993, the attachments relates to 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 notes the update within the body of this report which seeks to address the matters raised within its resolution of 11 March 2020, namely to explore options to work closer with Better Connected Community Services and address formal communications with the Church who are the southern adjoining owner.
- 3 That Council approves the execution of the Probity Plan which facilitates this transaction; as shown at Confidential Attachment 1.
- 4 That Council approves the sale of 429 Princes Highway, Rockdale (Lot 10 DP 825235), to City West Housing Pty Ltd for the purchase price as shown at Confidential Attachment 2 and Confidential Attachment 3.
- 5 That Council enters into appropriate Documentation with City West Housing, with Key Terms outlined within Confidential Attachment 2.
- 6 That Council authorises the General Manager to finalise formal negotiations and the commercial terms associated with the transfer and sale of 429 Princes Highway, Rockdale and execute all documentation to affect the transfer of the land on the terms outlined within this report.

Background

Council is the owner of 429 Princes Highway, Rockdale (**Council property**), which comprises a 625 sqm land parcel, classified operational land comprising a lease to the Rockdale Community Centre, expiring in September 2021.

The Council property is bound to the north by 427 Princes Highway, Rockdale (circa 1,260 square metres) which is now owned by City West Housing (**CWH**). To the South, it is bound by 431 to 431A Princes Highway, Rockdale (circa 1,220 square metres), owned by Anglican Church Property Trust (ACPT), as shown on the Location Plan at Attachment 4.

Planning Controls

While the Council property enjoys a B4 Mixed Use and permissible 22 metre height limit, there has been little opportunity to redevelop or sell the site on a stand-alone basis, as it does not meet the minimum standards for development under the Rockdale LEP 2011.

Clause 4.3 of the Rockdale Local Environmental Plan 2011 provides a height incentive of 12 metres for sites that exceed 1,500 square metres in area C, for areas nominated within the Rockdale Town Centre. Both the Council property and adjoining properties fall within the height incentive area. To this effect, CWH has recently acquired the former Blakelands Pty Ltd Property at 427 Princes Highway and now seek to consolidate their newly acquired site with the Council site (429) to unlock the improved Development capability.

A site context plan depicting 427 and 429 Princes Highway is shown at Attachment 4.

Previous Offers

Council has previously received offers from adjoining land owners to purchase the Council property. The most recent offer received in April 2017 from the Anglican Church Property Trust (ACPT). Whilst Council resolved to sell the Council Property, the ACPT could not secure a Development partner and pulled out of the sale.

In December 2018 Council resolved to sell in line with Blakelands Pty Ltd Property at 427 Princes Highway, however Council decided not to progress.

Following the sale of 427 Princes Highway, CWH initially approached Council in September 2019 with the intention to acquire 429 Princes Highway.

City West Housing

City West Housing Offer

On 21 November 2019, CWH submitted an unsolicited proposal to Council to purchase the Council property at 429 Princes Highway.

The proposal is comprised of a cash offer for Council's site at a premium derived from consolidation of the two parcels (427 and 429 Princes Highway), as well as a possible provision of Social Infrastructure on the amalgamated site in the form of an Affordable Housing Development.

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. Low and very low-income households are the most vulnerable to housing stress because proportionally they have less money for living costs once they have paid their housing costs.

About City West Housing

CWH is a not-for-profit registered tier one community housing provider established in 1994 with the mandate to create Affordable Housing within the Pyrmont area. Over the last 25 years their geographic area has expanded from Pyrmont and Ultimo to the entire City of Sydney LGA, as a result of developer contributions enabling the continued expansion of Affordable Housing.

Enabling people to live near their place of work and support networks, improves health and well-being, delivers economic and environmental benefits and provides stability for families and children.

CWH provides affordable rental housing to very low, low and moderate-income households, with rents set at 25-30% of gross household income. This rental methodology ensures that none of their residents are in housing stress. Housing stress occurs when a household pays more than 30% of their gross household income on housing. This can result in a decreased quality of life for the person/family experiencing such stress.

The Diagram below shows the role Affordable Housing plays in the current provision of housing.

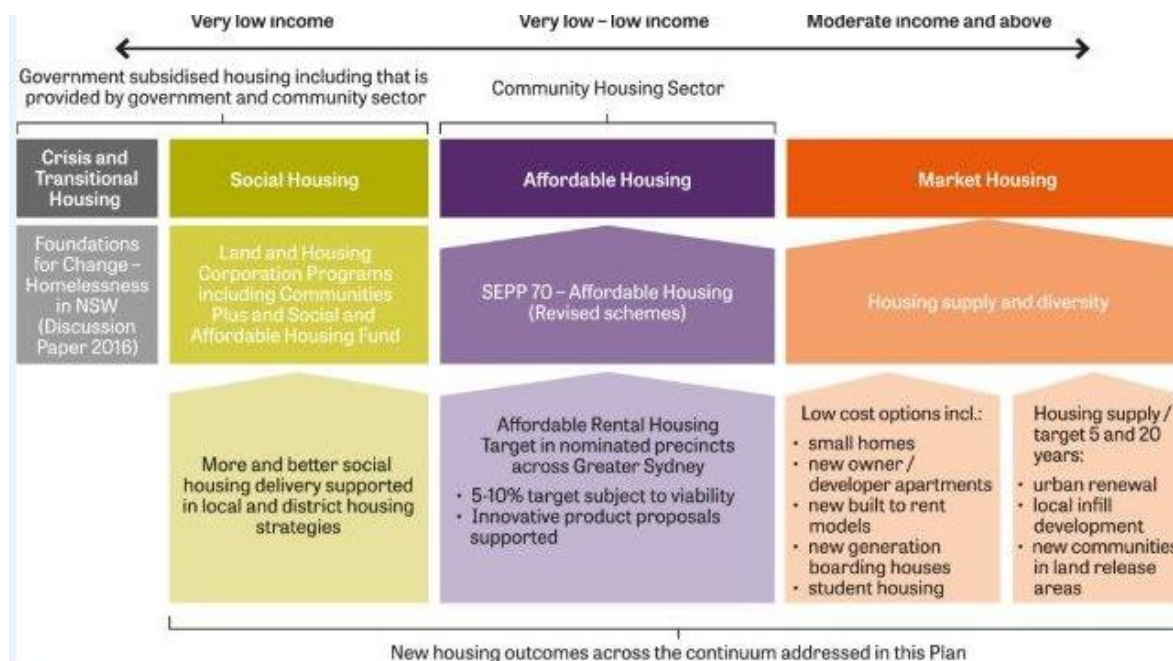


Diagram 1

City West Housing proposed Development Concept

CWH has undertaken high level design feasibilities for 427 and 429 Princes Highway in accordance with the Rockdale Development Control Plan 2011(RDCP) the Rockdale Local Environmental Plan 2011 (RLEP), and the Affordable Housing Rental SEPP (AHRSEPP). Their preliminary concept complies with the principal planning controls.

The concept also incorporates other relevant site constraints, parking requirements and an indicative unit mix, all subject to planning consent. The planning assumptions, including unit sizes are aligned to the NSW State Environmental Planning Policy for Affordable Rental Housing.

CWH is exploring the option of a mixed tenure building that provides a mix of affordable rental (majority of the mix) and market rental apartments (minority of the mix) and ground floor retail in order to provide a cross subsidy to help meet operating costs. CWH would have ownership and management of the entire building while offering quality rental apartments to a broader community. This option is in its early stages and requires funding, planning and legal advice.

A high level concept sketch plan of the preliminary concept can be found in Attachment 9.

PROBITY

To ensure Council adheres to the required ICAC principles for Direct Negotiations, it has relied on the ICAC document *“Direct Negotiations: Guidelines for Managing Risks”* (August 2018) and subsequently adopted a Probity Plan to facilitate the transaction.

The key functions of the Probity Plan are to ensure the following principles are applied throughout the negotiation and transaction process:

- Appropriate Conduct (facilitated through Conduct Guidelines)
- Confidentiality
- Conflict of interest management (facilitated through Conflict of Interest Declaration)

- Appropriate Communication protocols with City West
- Record keeping
- Conflict of Interest Declaration
- Confidentiality Deed Poll

This will be assisted by a “Probity Issues Register” to appropriately capture relevant matters as required.

DIRECT DEALING ASSESSMENT CRITERIA

In assessing the proposal, Council has relied upon the NSW Department of Premier and Cabinet’s “*Unsolicited Proposals Guide for Submission and Assessment (August 2017)*” which contains seven Assessment Criteria:

- Uniqueness
- Value for Money
- Whole of Government Impact
- Return on Investment
- Capability and Capacity
- Affordability
- Risk Allocation

In assessing the proposal, Council has formed the view that the proposed offer from City West Housing sufficiently satisfies these criteria. The Criteria Assessment Table is contained within Confidential Attachment 5.

DETERMINATION OF REQUIRED PURCHASE PRICE

Council undertook an independent valuation of the site (Confidential Attachment 6), relying on a market-determined development scheme of the amalgamated site area (1,886m²). To this effect, the valuation accounted for the value uplift achieved from FSR uplift attributable to height bonus resulting from the acquisition.

Based on Council’s Independent Valuation, City West’s offer is superior relative to what would be attained in the open market for 429 Princes Highway as a standalone site, as the FSR and height premium is achieved through consolidation of the two sites. City West’s current monetary offer falls within Council’s Independent Valuation range, based on the three criteria below:

- 1 On a \$/Per Unit basis (of Raw unimproved land)
- 2 The Residual Land Value percentage split of pro-rata Council land area relative to total amalgamated site area
- 3 Pro-rata of FSR/m² attributable to Council land relative to total site area

Rationalisation and assessment of the City West offer relative to the above market based criteria can be found in Attachment 8.

KEY TERMS

Condition	
Price	As shown as the 'Price' at Confidential Attachment 2
Deposit	As shown as the 'Deposit' at Confidential Attachment 2
Settlement	As shown as the 'Settlement' at Confidential Attachment 2
Current Lease	City West Housing have agreed to honour the term of tenure for Rockdale Community Services. The carriage of Landlord rights and obligations will take effect upon settlement of the land (in favour of City West Housing).
Costs	Each shall be responsible for their own legal costs associated with the transaction.

RISK MITIGATION

Refer Confidential Attachment 5 Risks and Mitigation Table.

Resolution of Council on 11 March 2020

At its meeting of 11 March 2020, Council resolved to defer the report seeking to sell 429 Princes Highway to City West housing to defer its report to further explore options to work closer with Better Connected Community Services while formal communications progress with the Church.

The following addresses the request for further information arising from the Council resolution of 11 March 2020.

1. Working Closer with Better Connected Community Services**Future Occupancy Options**

Since the first contemplation of a sale of 429 Princes Highway, Council staff have engaged with the Better Connected Community Services (former Rockdale Community Aid) regarding accommodation options for the service during and post the current expiry date of the lease. To satisfy Council's 11 March resolution, Council Officers have again formally engaged with Better Connected Community Services to ascertain the operational requirements in order to identify accommodation options post the conclusion of the current lease (2021).

Discussions in this regard are ongoing, and will seek to explore the feasibility of the service maintaining a presence within the Rockdale Town Centre, as this is the indicated preference for the service. Further, via negotiation, Council staff will seek to explore options with City West Housing to ascertain their ability to support/participate in accommodation options post the expiration of the current lease.

Security of Current Lease

In relation to Better Connecteds security of lease tenure in its current location, Council will seek to condition the sale contract to ensure:

- (i.) That upon transfer of ownership, City West Housing honour the remaining lease tenure under the terms of the current lease agreement between Better Connected Community Services and Council.
- (ii.) In satisfying obligation (i.) above, City West Housing do not activate the demolition clause prior to the end date of the remaining lease term of Better Connected Community Services.
- (iii.) City West Housing continue to maintain the rental subsidy currently in place for the remaining duration of the lease.
- (iv.) That upon expiry of the current lease held by Better Connected Community Services, City West Housing will support relocating/accommodating Better Connected Community Services.

2. Progressing Formal Communications with the Church

To satisfy Council's 11 March resolution, Council has formally engaged with the Anglican Church immediately to the South of 429 Princes Highway via written exchanges and verbal dialogue to satisfy measures to progress formal communications.

The Church has informally advised that they would not be in an immediate position to purchase the property. This position aligns with the last position of the church post the last resolution to sell established by Council.

To this effect, the Church has indicated that they are amenable to issue a letter confirming the above, which as of the date of publishing this report is still pending. In any event this is not viewed as an impediment to the sale progressing to City West Housing.

Financial Implications

Not applicable	<input type="checkbox"/>	
Included in existing approved budget	<input type="checkbox"/>	
Additional funds required	<input checked="" type="checkbox"/>	Legal Fees (Conveyancing) \$20,000 will be required from the Strategic Priorities Reserve to pay for the legal fees associated with this sale.

The proceeds of this sale will be placed in the Strategic Priorities Reserve.

Community Engagement

Not applicable.

Attachments

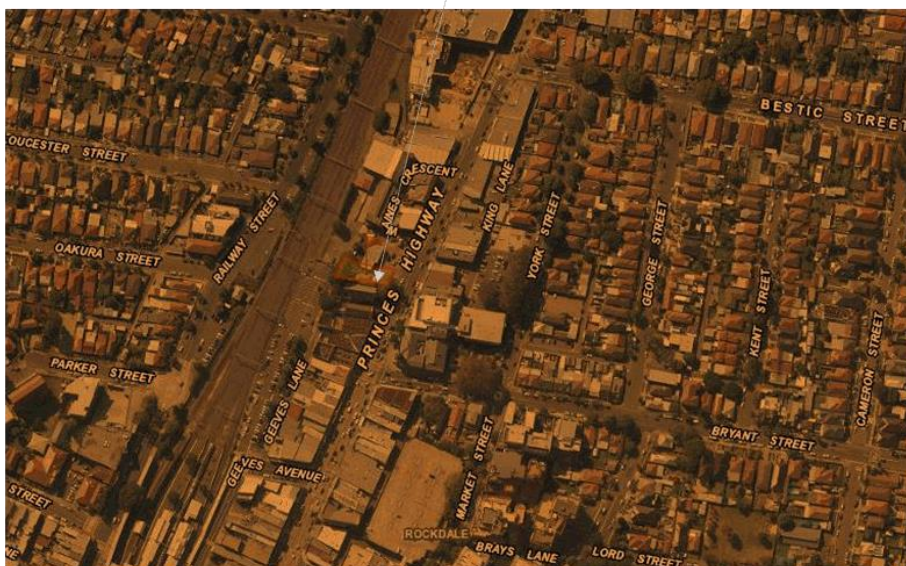
- 1 Draft Probity Plan - 429 Princes Hwy, Rockdale - Confidential (confidential)
- 2 Price and Key Conditions - 429 Princes Highway - Confidential (confidential)
- 3 Unsolicited Proposal - City West Housing - Confidential (confidential)
- 4 Site Location Plan - 429 Princes Highway [↓](#)
- 5 Direct Dealing - Unsolicited Proposal Assessment Criteria - 429 Princes Highway, Confidential (confidential)
- 6 Council Valuation Feb 2020 - 429 Princes Highway Rockdale - Confidential (confidential)
- 7 Risk & Mitigation Table - 429 Princes Highway, Rockdale - Confidential (confidential)
- 8 Rationalisation of Value - 429 Princes Hwy - Confidential (confidential)
- 9 Sketch Concept Plan - 429 Princes Hwy - Confidential (confidential)
- 10 Expiry of Offer Letter from City West Housing - Confidential (confidential)

429 Princes Highway – Site Location Plan

Immediate Proximity



General Proximity



Council Meeting

8/04/2020

Item No	8.4
Subject	Temporary Parking Arrangements - Response to COVID-19 - Permit Parking Areas, Work Zones and No Parking
Report by	Michael McCabe, Director City Futures
File	SF20/2230

Summary

Council has received requests to consider temporary parking arrangements to better manage the changing environment related to the current pandemic situation.

There are greater parking demands generated by residents working from home, extended construction hours, supermarket grocery collections and hospital parking.

Officer Recommendation

That Council authorise the following temporary parking arrangements to assist the Bayside Community in managing parking demands associated with the changed operating environment associated with the COVID-19 pandemic:

- 1 That all existing permit parking areas be suspended and signs covered for a period of 3 months, with the exception of "No Stopping permit holders excepted" areas.
 - 2 That the General Manager be granted delegated authority to approve the extension of Works Zone operating hours to facilitate the extended Construction Work Days approved under the *Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2020*.
 - 3 That the General Manager be granted delegated authority to approve temporary No Parking restrictions in retail centres to facilitate kerbside goods collection.
-

Background

Parking Permit Areas

Many local street across the Bayside Local Government area are signposted as part of a Parking Permit Area. These have largely been established to balance the parking supply with high parking demand generated by nearby facilities such as the airport and rail stations.

With the recommendations of the Government to work from home, temporary closure of certain business types and children being home schooled, there is a greater demand for on street parking for residents. Councillors and Council officers have been requested to consider improving access for residents to park on street for extended periods in permit parking areas during this time.

The main demand generators (excluding residential parking), as mentioned above, are currently experiencing significant downturns in airport and rail demand. As a result, a Councillor has requested an exemption for residents to park unrestricted in permit parking

areas. Issuing of permits under these circumstances will create significant administrative demand for residents and Council. As an alternative, it is recommended that the existing permit parking areas be temporarily suspended, and signs covered to provide greater access to residents to park on-street. This will enable all motorists (including non-residents) to park in permit parking areas for an unrestricted time.

Permit Parking areas associated with “No Stopping” signs will be excluded from the proposed temporary arrangements as these areas operate to exclude parking during certain hour and not to manage a demand.

Work Zones

Planning and Public Spaces Minister Rob Stokes has announced that construction sites can now operate on weekends and public holidays under new rules introduced on 2 April by the NSW Government to support the industry during the COVID-19 pandemic.

Construction sites often operate with the assistance of a Work Zone adjacent to the site. Council typically issues Works Zone restrictions during the following times:
Works Zone, 7 am – 6:30 pm, Mon – Fri - and 8 am – 3:30 pm Sat’ restriction

To assist with the effect of the Minister’s Order, it is recommended that Council provide a delegation to the General Manager to vary the hours of any current approved Works Zone to align with the amended construction times in the Order.

Supermarket Kerbside Collection Areas

Council has received a request to facilitate easy kerbside collection of goods at supermarkets. The request is to consider the provision of 2 or 3 spaces to enable members of the community at greater risk of COVID-19 to order their goods over the phone or online and collect without the need to enter the store. No Parking restrictions will allow people to stop and collect goods (or passengers), provided their vehicle is not left unattended and is for no longer than 2 minutes, or 5 minutes for drivers with a valid permit for people with disabilities.

To enable this recommendation to be administered efficiently, without referral to Traffic Committee, it is recommended that delegation be granted to the General Manager to approve No Parking Signs for a temporary period not exceeding 3 months.

Hospital Parking

The NSW Government has reached out to Local Government to assist in making parking available to healthcare workers in the vicinity of Hospitals. The request is to nominate parking dedicated to healthcare workers only.

Council was asked to consider Bicentennial Park as a dedicated parking location, and local roads in the immediate surrounds.

A response has been provided noting that Bicentennial Park is approx. 1.8km from the Emergency ward, and it seems too far to be a comfortable walk (approximately 20-25 min walk). Additionally, Bicentennial Park is subject to redevelopment as part of the RMS M6 – Stage 1 project.

The vast majority of on street parking in the Bayside LGA nearest the hospital is unrestricted. Conversely, the George’s River LGA has restricted parking through most of Kogarah, extending through to Jubilee Ave. Much of the restricted parking area is part of a permit parking area.

It was suggested that George's River Council be approached to consider issuing temporary parking permits to healthcare workers.

With the current recommendations to keep school children at home, and reduced face to face classes delivered at TAFE, the parking demands in the Bayside LGA surrounding the hospital would be reduced as most parking associated with James Cook High, Moorefields Girls High and the TAFE have reduced substantially.

At this point the request to consider Bicentennial Park as a dedicated parking location for healthcare workers is noted and will be further considered should the NSW Government seek to pursue this option.

Financial Implications

Not applicable ☐

Included in existing approved budget ☐

Additional funds required ☒

The costs associated with covering permit parking areas is not included in existing budgets. It is proposed that internal staff be engaged to carry out the works. Costs to amend Work Zones signs would be at the cost of the applicant, should they request a modification.

Community Engagement

As the matters above have not been considered by the Bayside Traffic Committee, the NSW Police and Transport for NSW must be given 14 days in which to appeal the decision of Council to modify parking restrictions. Should either agency appeal, the matter will be referred to the Regional Traffic Committee.

Attachments

Nil

Council Meeting

8/04/2020

Item No	8.5
Subject	Tender - Botany Aquatic Centre Lead Design Consultant
Report by	Meredith Wallace, General Manager
File	SF20/198

Summary

The Botany Aquatic Centre project is included in the City Projects Program for the preparation of Concept, detailed design, DA application and tender documentation in 2019/20 and 2020/21. This report outlines the lead design consultant tender process.

Officer Recommendation

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

With reference to Section 10(A) (2) (d) (i) of the Local Government Act 1993, the attachment relates to the 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 issues it deals with.
 - 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts stage 1 of the Tender from CO-OP Studio Pty Ltd for the Contract F19/1266 being the Botany Aquatic Centre Principal Consultant Engagement: Design Phase for the amount of \$1,488,010.00 exclusive of GST; and
 - 3 That following successful completion of Stage 1 and Council approval to engage a contractor to undertake the construction of the Botany Aquatic Centre CO-OP Studio Pty Ltd be engaged for the Stage 2: Construction Phase of the Botany Aquatic Centre Principal Consultant Engagement for the amount of \$447,375 exclusive of GST.
-

Background

The Botany Aquatic Centre is located on the corner of Myrtle Street and Jasmine Street, Botany.

A presentation was provided to Councillors on the development options in December 2019.

Council at its meeting of 11 December 2019 resolved that:

Minute 2019/265

Resolved on the motion of Councillors Curry and Morrissey

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

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

- 2 *That Council resolves to proceed with the preferred option contained within the body of this report – Option 3 and to commence detailed design, a development application and tender documentation for this option.*
- 3 *That Council resolves to include funding of \$656,000 (exclusive of GST) in the current 2019/2020 capital budget to commence the detailed design and documentation of the Botany Aquatic Centre.*
- 4 *That \$2,000,000 (exclusive of GST) is included as a budget item in 2020/2021 budget to complete the detailed design and documentation and Development Application for the Botany Aquatic Centre.*
- 5 *That Council resolves to establish a community reference group for the Botany Aquatic Centre as outlined in this report.*
- 6 *That Council nominates Councillors Curry, Morrissey and Rapisardi for the membership of the Botany Aquatic Centre Community Reference Group.*
- 7 *That Council advises the State and Federal Members of Parliament of the resolution and seeks their support in obtaining funding.*

Subsequent to the Council resolution, open tenders were invited for the Botany Aquatic Centre Principal Consultant Engagement on Tuesday 4 February 2020. The Tender closed at 10am on Tuesday 3 March 2020.

A presentation on the tender process and recommendations regarding the preferred tenderer were provided to Councillors at the GM Briefing Session on Wednesday 1 April 2020.

Although times are uncertain at the moment with the current COVID–19 situation proceeding with and completing this design consultancy and associated cost plans and feasibility study will put Council in a good position to be able to apply for any stimulus infrastructure funding packages that the Government will put forward.

Tenders Received

Seventeen (17) tender submissions were received, from the following companies (in alphabetical order):

- Brewster Hjorth Architects;
- Cottee Parker/City Collective;
- CKDS Architecture;
- CO-OP Studio Pty Ltd;
- DesignInc Sydney Pty Ltd;
- Dunn Hillam Architects;
- Grimshaw Architects;
- Hayball Pty Ltd;
- Jackson Teece Chesterman Wills Pty Ltd TA Jackson Teece;
- Michael Davies Architecture Pty Ltd;
- Mode Design Corp Pty Ltd;

- NBRS & Partners Pty Ltd TA NBRS Architecture;
- Team 2 Architects Pty Limited;
- The Trustee for Peter Hunt Architect Unit Trust TA Peter Hunt Architect;
- Warren and Mahoney Architects Australia Pty Ltd; and
- Williams Ross Architects Pty Ltd.

Directors and office location of the companies that submitted tenders:

Tenderer / Principal Lead Design consultant	Company Directors	Location & Postcode
Brewster Hjorth Architects	Ian Halstead Brewster; Andrew Peter Hjorth; and Lawrence John Melocco.	Surry Hills 2010
Cottee Parker City Collective	Angelo Dimarco; and David Cooke.	East Sydney 2010 Melbourne 3000
CKDS Architecture	Caine King; and Stuart Campbell.	East Gosford 2250
CO-OP Studio Pty Ltd	Nick Cini; and Clinton Wyner.	Sydney 2000 East Melbourne 3002
COX Architecture Pty Ltd	David Holm; Ian Connolly; Joe Agius; John Richardson; Nick Tyrrell; Russell Lee; Alex Small; John Ferendinos; Lachlan Abercrombie; Ramin Jahromi; and Satvir Mand.	Sydney 2000
DesignInc Sydney Pty Ltd	Richard Does; Sandeep Amin; Ian Armstrong; Mary Anne McGirr; and Cathryn Drew-Bredin.	North Sydney 2060
Dunn Hillam Architects	Ashley Dunn; and Lee Hillam	Botany 2019
Grimshaw Architects	Neil Boyde; Neil Timothy Stonell; Michael Janeke; Keith Edwin Brewis; Andrew John Cortese; and Andrew Perez.	Sydney 2000
Hayball Pty Ltd	Tom Jordan; Richard Leonard; Sarah Buckeridge; Luc Baldi; David Tweedie; Ann Lau; Eugene Chieng; Bianca Hung; and David Tordoff.	Surry Hills 2010
Jackson Teece Chesterman Wills Pty Ltd TA Jackson Teece	Damian Barker; Dan Hudson;	Sydney 2000

	John Gow; Connie Argyrou; Georgios Anagnostou; and Andrew Tesoriero.	
Michael Davies Architecture Pty Ltd	Michael John Davies; and Michaela Emma Ikin.	Sydney 2000
Mode Design Corp Pty Ltd	Rhonan O'Brien; Peter Bertram.	Surry Hills 2010
NBRS & Partners Pty Ltd TA NBRS Architecture	Andrew Duffin; Garry Hoddinett; Samantha Polkinghorne; James Ward; Rodney Drayton; and Andrew Leuchars.	Milsons Point 2061
Team 2 Architects Pty Limited	Zack Ashby; and Richard Webster.	St Leonards 2065
The Trustee for Peter Hunt Architect Unit Trust TA Peter Hunt Architect	Ronald Edenburg; Constantinous Lampropoulos; Thomas Oosterhof; and Giovanni Groppoli.	Waverton 2060
Warren and Mahoney Architects Australia Pty Ltd	Daryl Maguire; John Coop; Graeme Finlay; Richard Wienman; and Sven Ollmann.	Sydney 2000
Williams Ross Architects Pty Ltd	Virginia Ross; Tammy Beck; Stephen Maxwell; and Chris Hose.	Fitzroy 3065

Scope of the tender

The Request For Tender outlines the requirement for principal lead design consultant that is required to lead a team of specialist consultants to take the project design and consultation further through to realising a state of the art new facility for the Bayside community. The tender process seeks to obtain Tenders from consultants experienced in all aspects of design, costing and contract documentation for Aquatic and Recreational Centres. The Consultant is required to provide specialist expertise and advice for the redevelopment of the Botany Aquatic Centre.

The tender submission is required to include all processes and documentation for the provision of submission of a Development Application, Tender and Contract Documents that provide for the optimum delivery of a fit for purpose, energy efficient pool and "cutting edge" leisure centre with related dry and wet spaces. The commission is also required to provide suitable contract documents to enable Council to fully determine the outcome, which will provide the most cost efficient and effective delivery of its services and the building, taking into account capital and recurrent financial costs. This will include documentation to provide an attractive, interesting pool and leisure facility that works well. The leisure centre must be fit for purpose and functional, it should provide a return on investment and be commercially/economically viable. Most importantly it must provide ambience and a high standard of aesthetics that reflects optimism and welcomes the community.

The services are broken down into two stages, which were to be priced separately:

Stage 1 – Design Phase

- Site analysis, including survey, services location, full geotechnical and environmental studies, review of building condition reports, consultation undertaken to date and full site analysis resulting in a functional brief and all related documents as a return brief;
- Preparation of a concept design for the complete site which include illustrative plans and photo montages of a quality suitable for community and stakeholder consultation;
- Development and implementation a Community Engagement Framework covering methodology and deliverables for the duration of the project;
- Provision of all input required to complete Council's Capital expenditure review submission as per the Division of Local Government Department of Premier and Cabinet Capital Expenditure Guidelines this includes a feasibility assessment of the proposal;
- Preparation of a development application including all the required supporting reports and documentation;
- Preparation of Developed Design documentation;
- Preparation of full tender and Contract Documentation including specifications. Project to be fully documented (no design and construct component);
- Preparation of Construction Certificate application addressing all required conditions;
- Co-ordination of the engineering works and services being designed and documented by Sub-Consultants for the project.
- Maintain cost within the limit of the program estimate, and verifying this with formal check estimates at the nominated stages. This should include a value management strategy in context with the Life Cycle Costing of the building. A Quantity Surveyor will be separately engaged by Council to prepare check estimates for building work based on advice from the Principal Consultant (PC). The Principal Consultant (Architect) shall be fully responsible for the controls to meet the upper limit budget and shall, together with sub-consultants, re-design and re-document to contain the project within this budget at each stage, at no cost to Council; and
- Provision of advice as requested to assist the Council during the Construction Tender Analysis Period, provide responses to RFI's during tender and construction. Noting that Council will receive, analyse and recommend the selection of the preferred tender.

Stage 2 – Construction Phase

- Submission of a Construction Certificate including all reports and associated documentation;
- Checking of shop drawings and review of prototypes/samples;
- Construction Documentation and responding to RFI's during Construction;
- Conduct site inspections and provide design certification;
- All certification required for Occupation.

The Request for Tender required the Principal / Lead design consultant to include for the following sub-consultant services:

- a) Structural - including Civil Engineering Services;
- b) Electrical Services (including Building Management System, Information Technology and Security);
- c) Mechanical Services;
- d) Hydraulic Services (including Fire Services);
- e) Flood Engineer;
- f) BCA/Fire Engineering;
- g) Access Specialist;
- h) Aquatic Engineering Specialist;
- i) Urban Planner;
- j) Landscape Architect;

- k) Statutory/Town Planner;
- l) Surveyor;
- m) Geotechnical Services;
- n) Lift Services;
- o) Parking / Traffic Engineer;
- p) Section J Consultant;
- q) Acoustic Consultant;
- r) Arborist;
- s) ESD Consultant (solar panels, water collection and re-use);
- t) Community Engagement Consultant;
- u) Waste Management Consultant;
- v) Feasibility report and operating model.

Assessment Methodology

The tender submission assessment process and scoring are outlined in the confidential attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulations 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the Request for Tender documents.

The Tender submitted by CO-OP Studio Pty Ltd was comprehensive and included a detailed methodology and programme. CO-OP Studio Pty Ltd have recent experience in similar aquatic centre projects and excellent references from other local Councils who have worked with CO-OP on aquatic centre redevelopments and upgrades.

Proposed Program

The preliminary program submitted as part of the tender has the following project milestones:

- Principal consultant engagement – April 2020;
- Preparation of detailed design and Development Application (DA) documentation, Community Engagement, Preparation of Plan of Management, preparation of CAPEX report – 20 weeks (lodge DA – September 2020);
- DA process (6 months – anticipated date of DA determination May 2021);
- Tender documentation concurrently with DA process (6 months – May 2021);
- Tender for a suitable building contractor (June – September 2021);
- Report to Council on outcomes of building Tender – October 2021;
- Construction – 18 months (November 2021 – May 2023);

The above program does not have any allowance for any delays which may occur due to COVID-19. CO-OP studio have confirmed that they and their proposed team have capacity to work remotely and that they don't see any issues with their capacity to deliver the services required. Meetings and consultation sessions may be required to be limited or undertaken in alternate ways.

Although times are uncertain at the moment with the current COVID-19 situation proceeding with and completing this design consultancy and associated cost plans and feasibility study will put Council in a good position to be able to apply for any stimulus infrastructure funding packages that the Government will put forward.

Tender Recommendation

References were checked for CO-OP Studio Pty Ltd and their key proposed consultants. It was found that CO-OP Studio Pty Ltd had excellent communication skills, good time management and a wealth of knowledge in aquatic centres.

The proposed team has undertaken the following projects:

- Campbelltown Sports Centre for Excellence (\$30M) – Campbelltown City Council;
- Sutherland Leisure Centre (\$5.4million - new water play, 50m pool upgrade and pool filtration/plant upgrade) – Sutherland Shire Council;
- Aquapulse Leisure Centre (\$51.7m) – Wyndham City Council;
- Mount Gambier Community and Recreation Hub (\$40million) – City of Mount Gambier; and
- Fleurieu Aquatic Centre, Hayborough, South Australia (\$21million).

Financial Implications

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

Community Engagement

An engagement strategy forms part of the scope of works to be undertaken by the consultant in collaboration with Council.

Attachments

Confidential supporting tender attachment (confidential)

Council Meeting

8/04/2020

Item No	8.6
Subject	Tender - Botany Town Hall Access Improvements
Report by	Meredith Wallace, General Manager
File	SF19/5668

Summary

The City Project's Program lists the Botany Town Hall access improvements on the 2019/2020 program. This report outlines the works and tender process.

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 the commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
 - 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from RELD Group Pty Ltd for the Contract F20/72 being the Botany Town Hall access improvements for the amount of \$378,942.77 exclusive of GST;
 - 3 That Council notes that a Q3 budget adjustment will be made to transfer \$96,500.00 from the Botany Town Hall Roof Works budget to the Botany Town Hall Access Works budget.
-

Background

The City Project's Program lists the Botany Town Hall Access Improvements on the 2019/2020 and 2020/2021 program. The Botany Town Hall Roof works are currently underway.

This report outlines the Access works and the tender process. A presentation on the tender process was given to Councillors at the GM Briefing Session on Wednesday 1 April 2020.

The Tender Process

Council invited open tenders for the Botany Town Hall Access Improvements on Tuesday 04 February 2020. The Tender closed at 10am on Tuesday 10 March 2020.

Tenders Received

Five (5) Tender submissions were received, as follows (in alphabetical order):

- Auscare Constructions Pty Ltd;

- Cooper Commercial;
- Exbuild Pty Ltd;
- RELD Group Pty Ltd; and
- Sullivans Constructions.

Directors and Location of Companies That Submitted a Tender:

Company	Company Directors	Location & Postcode
Auscare Constructions Pty Ltd	Richard Sapsford	Leichhardt 2040
Cooper Commercial	Dale Poland	Caringbah 2229
Exbuild Pty Ltd	Jonathan Green	Edgecliffe 2027
RELD Group Pty Ltd	Elie Esber & Reuben Lagos	Concord 2137
Sullivans Constructions	Damian Sullivan	Engadine 2233

The recommended tenderer is RELD Group Pty Ltd.

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment process and scoring are outlined in the confidential attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the Request for Tender documents.

The Tender submitted by RELD Group Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints. RELD Group Pty Ltd are currently undertaking the demolition and roof replacement works at Botany Town Hall and have proven to be highly professional and skilled company committed to achieving an excellent outcome.

Proposed Program

RELD Group Pty Ltd have outlined a program that permits the completion of all works prior to the lift car installation.

The preliminary program submitted as part of the tender has the following project milestones:

- Contract Award – April 2020;
- Commence works – May 2020;
- Completion of all works, ready for lift installation – July 2020; and
- Lift installation – date to be confirmed.

The program does not include a wet weather allowance.

Council ordered the lift on 9 December 2019 to ensure that the lift would arrive towards the end of June 2020. Due to Covid-19, the lift manufacture in Spain has been significantly

delayed. The factory is currently closed and the date of recommencement of manufacturing works is currently unknown.

Financial Assessment of RELD Group Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of RELD Group Pty Ltd undertaking the access improvement works.

Details on this assessment are included in the confidential supporting attachment to this report.

Tender Recommendation

References were checked for RELD Group Pty Ltd and it was found that RELD Group Pty Ltd is a reputable contractor that delivers high quality work.

RELD Group Pty Ltd are currently undertaking the roof and demolition works at Botany Town Hall and have proven to be highly professional and skilled company committed to achieving an excellent outcome.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from RELD Group Pty Ltd for an amount of \$378,942.77 exclusive of GST.

RELD Group Pty Ltd has in place insurances of \$20 Million Public Liability and they have the statutory workers compensation policy in place.

Financial Implications

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

Community Engagement

No community engagement was undertaken in relation to the tender.

Attachments

Confidential tender attachment (confidential)

Council Meeting

8/04/2020

Item No	8.7
Subject	Tender - Brighton Baths Building Refurbishment Works
Report by	Meredith Wallace, General Manager
File	SF19/7908

Summary

The City Project's Program lists the Brighton Baths Building renewal on the 2019/2020 and 2020/2021 program funded through the Infrastructure Levy. This report outlines the scope of works and the tender process undertaken.

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 the commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
 - 2 That in accordance with Regulation 178 (1) (a) of the Local Government (General) Regulations 2005, Council accepts the Tender from Mainserve Australia Pty Ltd for the Contract F20/49 being the remediation works to the Brighton Baths Building for the amount of \$732,755 exclusive of GST.
-

Background

This report outlines the scope of works and the tender process undertaken.

A presentation on the tender process and outcomes was provided to Councillors at the GM Briefing Session on Wednesday 1 April 2020.

The Tender Process

Council invited open tenders for the Brighton Baths Building refurbishment on Tuesday 4 February 2020. The Tender closed at 10am on Tuesday 10 March 2020.

Tenders Received

Seven (7) tender submissions were received, as follows (in alphabetical order):

- Dalski Pty Ltd;
- Mainserve Australia Pty Ltd;
- Murphy's Remedial Builders Pty Ltd;
- Olympia Group (NSW) Pty Ltd;

- Renfay Projects Pty Ltd;
- Specbuilt Constructions Pty Ltd; and
- The Walsh Group constructions Pty Ltd.

Directors and company location of the companies that submitted a tender:

<u>Brighton Baths - tender submission details</u>			
	Tenders Received	Directors	Location of Company
1	Dalski Pty Ltd	Martin Skudlarek and Grzegorz Drazkiewicz	Smithfield
2	Mainserve Australia Pty Ltd	Bill Bakas	Taren Point
3	Murphy's Remedial Builders Pty Ltd	Mark Murphy	Redfern
4	Olympia Group (NSW) Pty Ltd	William Fuller	Bondi Junction
5	Renfay Projects	Fady Bechara	Strathfield South
6	Specbuilt Constructions Pty Ltd	Alexander Vidakovic; and Yanni Vassilios Halias	Prestons
7	The Walsh Group Constructions Pty Ltd	Joseph Yousef; and Bill Walsh	Waterloo

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment process and scoring are outlined in the confidential attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the Request for Tender documents.

The Tender submitted by Mainserve Australia Pty Ltd was comprehensive and included a detailed methodology and a detailed program taking into consideration the site limitations and constraints.

Proposed Program

The preliminary program submitted as part of the tender has the following project milestones:

- Contract Award – April 2020;
- Commence Works – May 2020; and
- Works complete – August 2020.

The works are scheduled to occur from May – August 2020 being the offseason (Winter) to minimise impact to businesses and the community. Given the current situation with Covid-19 and the government regulations to close all dine in restaurants and only offer take away, the construction works will not impact on the operations and could go ahead straight away.

The program does not include a wet weather allowance or impacts of Covid-19.

Financial Assessment of Mainserve Australia Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Mainserve Australia Pty Ltd undertaking the remediation works.

Details on this assessment are included in the confidential supporting attachment to this report.

Tender Recommendation

References were checked for Mainserve Australia Pty Ltd and it was found that Mainserve Australia Pty Ltd is a reputable contractor that delivers high quality work.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Mainserve Australia Pty Ltd for an amount of \$732,755 exclusive of GST.

Mainserve Australia Pty Ltd has in place insurances of \$20 Million Public Liability and they have the statutory workers compensation policy in place.

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 in relation to the tender process.

Attachments

Confidential supporting attachment Brighton Baths building renewal (confidential)

Council Meeting

8/04/2020

Item No	8.8
Subject	Tender - Swinbourne Street Neighbourhood Centre and Retaining Wall
Report by	Meredith Wallace, General Manager
File	F20/64

Summary

The Swinbourne Street Neighbourhood Centre and Retaining Wall are listed on the City Projects program for redevelopment in 2019/20 and 2020/21 financial years.

This report outlines the tender process and recommends the appointment of a contractor to construct the retaining wall and upgrade the Swinbourne Street neighbourhood centre.

Officer Recommendation

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

With reference to Section 10(A) (2) (d)(i) of the Local Government Act 1993, the attachment relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. It is considered that if the matter were discussed in an open Council Meeting it would, on balance, be contrary to the public interest due to the issue it deals with.
 - 2 That in accordance with Regulation 178 (1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Mack Civil Pty Ltd for Contract F20/64 being for the Swinbourne Street neighbourhood centre and retaining wall for the amount of \$1,755,626.47 exclusive of GST.
-

Background

The City Project's Program lists the Swinbourne Street neighbourhood centre and retaining wall on the 2019/2020 and 2020/2021 program.

The Swinbourne Street Neighbourhood Centre has been identified in the Botany Council's 7.11 plan for improvement to cater for the growth and new mixed use developments which have been approved in the area. The proposed improvements will enhance the appearance and safety of the town centre and improve liveability and amenities for residents and the general community.

The following streetscape design and traffic calming measures form part of the proposed improvements works and aim to improve the pedestrian environment and safety:

- Wider footpaths and kerb extensions;
- A safer pedestrian crossing point with lighting;
- A relocated bus stop; and

- Improved road markings.

Swinbourne Street retaining wall is located on the southern side of Swinbourne Street adjacent to Brighton Street and Trevelyan Street.

Council engaged Safe Oz Consulting Engineers to carry out a defect inspection and report on the retaining wall and has identified the wall as being a high priority for repair due to severe deterioration. The condition of the wall, based on nature of the defects is poor as the terraced retaining walls are structurally compromised. The condition of the wall, based on the nature of the defects is poor. The terraced retaining walls are structurally compromised and require replacement of damaged stretchers & headers.

A presentation on the tender process was provided to Councillors at the GM Briefing Session on Wednesday 1 April 2020.

This report outlines the proposed works and the tender process.

The Tender Process

Council invited open tenders for the works for the Swinbourne Street neighbourhood centre and retaining wall on Tuesday 4 February 2020. The tender period stipulated in the documents was a 4-week tender period, which was extended by 3 days. The tender closed at 10:00am on 6th March 2019.

Tenders Received

Three (3) tender submissions were received, as follows (in alphabetical order):

- CA & I Pty Ltd;
- Mack Civil Pty Ltd; and
- Resco Civil Pty Ltd.

Directors of the Companies that Provided Tender Submissions

Company	Company Directors	Location & Postcode
CA & I	Robert Matchett, Scott Williams and Sean Woellner	Chippendale 2008
Mack Civil	Karim Mahmoud	Sans Souci 2219
Resco Civil Pty Ltd	Mick Reslan and Khoder Reslan	Kogarah Bay 2217

The recommended tenderer Mack Civil Pty Ltd is Bayside-based.

Late Tenders

No late tenders were received.

Assessment Methodology

The tender submission assessment and scoring are outlined in the confidential supporting attachment to this report.

A comprehensive assessment of the tender submissions was undertaken by the Tender Evaluation Panel. The assessment process has been undertaken in accordance with the provisions of the Local Government Act 1993 and Tendering Regulation 2005. The evaluation was undertaken based on the conditions of tendering and the evaluation criteria as provided in the Request for Tender documents.

Proposed Program

Milestone	Date
Contract Award	March 2020
Construction Commencement	April 2020
Project Complete	July 2020

Financial Assessment of Mack Civil Pty Ltd

Corporate Scorecard was engaged to undertake a Detailed Financial and Performance Assessment to assess the financial viability, capacity and risk of Mack Civil Pty Ltd in relation to the construction works for Swinbourne Street Neighbourhood Centre Public Domain Improvements and Replacement of Retaining Wall.

Details on the assessment are included in the conditional supporting document.

Tender Recommendations

References were checked for Mack Civil Pty Ltd and it was found that Mack Civil Pty Ltd is a reputable contractor that delivers high quality work. The referees indicated that they would definitely re-employ Mack Civil Pty Ltd if the opportunity would arise.

Based upon the assessment criteria, the tender assessment panel recommends acceptance of the tender from Mack Civil Pty Ltd for an amount of \$1,755,626.47 exclusive of GST.

Mack Civil Pty Ltd has in place insurance of \$20 Million Contract works and Public Liability and they have the statutory workers compensation policy in place. Mack Civil Pty Ltd have a Quality Management System in compliance with ISO 9001.

Financial Implications

The financial implications are outlined in the confidential supporting document to this report.

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

Community Engagement

Community engagement was undertaken on the Swinbourne Street Neighbourhood Centre Masterplan in December 2018. As a result of the feedback the town centre was included in the Banksmeadow Local Traffic Management Studies. As part of the study recommendations were made to include pedestrian and traffic solutions in the Swinbourne Neighbourhood masterplan. The community was advised on these inclusions in January 2020 following the adoption of the Banksmeadow LATM and the adoption of the Masterplan by Council.

The inclusions were reported to the December 2019 Traffic Committee meeting; 2 October GM Briefing Session and were endorsed by Council 9 October 2019.

Attachments

Confidential supporting attachment (confidential)

Council Meeting

8/04/2020

Item No	8.9
Subject	Response to Question - Councillor Printing
Report by	Meredith Wallace, General Manager
File	SF17/2446

Question

The following Question With Notice was submitted at Council's Meeting of 11 March 2020 by Councillor Barlow:

Could officers investigate Councillor entitlements to mass printing of letters to residents by individual Councillors?

Could I be advised what limits, if any, are put on this mass printing and also if this practice will cease before Council goes into caretaker mode?

Response

Could officers investigate Councillor entitlements to mass printing of letters to residents by individual Councillors?

A review of the Expenses and Facilities Policy adopted by Council in October 2018 enables the reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties. At 12.7 the Expenses and Facilities Policy states:

"Personalised Councillor professional letterhead with colour photograph and their contact details will be provided as well as paper supplies up to a value of \$250 per annum."

This is a generous allowance, noting that a ream of A4 paper currently costs under \$5 per 500 sheets.

and

"Dedicated Executive Services in typing of Councillor correspondence and other needs."

Could I be advised what limits, if any, are put on this mass printing and also if this practice will cease before Council goes into caretaker mode?

There is no specific limit on mass printing identified within the Policy, presuming the amount of paper used is within the limits noted above. All Councillor requests for items not specifically identified within the Policy are put forward for consideration by the Mayor of the day and approval, in consultation with the General Manager.

The NSW local government election has now been postponed until September 2021.

The caretaker period commences on the day nominations for candidates for an election closes. During caretaker period, Council continues to provide support to Councillors with

respect to their normal day-to-day Council business during the caretaker period. Out-of-pocket expenses paid by Councillors during the election period for necessary costs incurred in the performance of their duties, which do not relate to any election campaign, would be reimbursed as normal.

Attachments

Nil

Council Meeting

8/04/2020

Item No	8.10
Subject	Disclosure of Interest Return
Report by	Fausto Sut, Manager Governance & Risk
File	SF19/84

Summary

The Code of Conduct now details the requirements in respect of the lodgement of Disclosure of Pecuniary Interest and Other Matters Returns by Councillors and Designated Persons upon commencement at Council, annually, and where there is a change in circumstances disclosed in the Return. It requires any Returns of Interest lodged with the General Manager to be tabled at the first meeting of Council held after the last day of lodgement of the Return.

This report provides information regarding the Return recently lodged with the General Manager by Designated Persons who have recently commenced at Council and have been requested to lodge their Return within three (3) months of starting.

Officer Recommendation

That the information be received and noted.

Background

Clause 4.21 of the Code of Conduct relates to the requirement to lodged written returns.

Clauses 4.24 and 4.25 of the Code of Conduct relates to the register of Disclosure of Interest Returns and the tabling of these Returns, which have been lodged by Designated Persons.

As required by Clause 4.24, a register of all Returns lodged by Designated Persons in accordance with Clause 4.21 is established by Council.

With regard to Clause 4.25, all Returns lodged by Designated Persons must be tabled at the first Council Meeting held after the last day of the three (3) month lodgement date.

In accordance with Clause 4.21(a), the following Returns have been lodged by employees who have commenced at Council and are Designated Persons.

POSITION	RETURN DATE	DATE LODGED	LODGEMENT DATE
Coordinator Community Capacity	02/12/2019	12/03/2020	02/03/2020
Manager Community Life	06/01/2020	12/03/2020	06/04/2020
Development Assessment Planner	07/01/2020	18/02/2020	07/04/2020

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 issue raised in this report does not require community consultation under Council's Community Engagement Policy.

Attachments

Nil

Council Meeting

8/04/2020

Item No	9.1
Subject	Minutes of the Risk & Audit Committee Meeting - 27 February 2020
Report by	Michael Mamo, Director City Performance
File	SF19/9475

Officer Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 27 February 2020 be received and the recommendations therein be adopted

Summary

The minutes include the endorsement of outcomes from a number of Internal Audits, including audits on development contributions, voluntary planning, procurement and customer service.

Present

Jennifer Whitten, 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
Karen Taylor, Audit Director - Audit Office of NSW
Rodney Sanjivi, Acting Manager Finance
Natasha Balderston, Internal Auditor
Debra Dawson, Director City Life
Clare Harley, Acting Director City Futures
Joe Cavagnino, Manager Procurement
Ray D'Angelo, Coordinator Risk
Mitchel Morley, Inconsult

The Chairperson opened the meeting in the Level 2 Conference Room at 6:40 pm.

1 Acknowledgement of Country

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

2 Apologies

The following apology was received and leave of absence granted:

Lewis Cook, Independent External Member

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 November 2019

Committee Recommendation

That the Minutes of the Risk & Audit Committee meeting held on 28 November 2019 be confirmed as a true record of proceedings.

Item	Action	Responsible Officer
23/05/19 6.1	A report come back to the Committee's November 2019 meeting on Council's Legislative Compliance Framework.	Manager, Governance & Risk
22/8/19 5.4	A report come back to the Committee in six months on the effectiveness of the recommendations of the Rates Management Audit in achieving the identified key improvements.	Manager, Finance
22/8/19 5.6	A report come back to the Committee in six months on the progress in implementing the improvements of the Fraud and Corruption Audit.	Manager Governance & Risk
28/11/19 5.4	Progress on Fleet & Plant audit report and recommendations be provide to the Committee over the next four scheduled meetings.	Internal Auditor
27/02/20 5.1	Confidential Attachment to Final Responses - 2018/2019 Audit Management Letter be emailed to the Committee members.	Manager Governance & Risk
27/02/20 5.2	The Risk & Audit Committee notes that an Extraordinary meeting may be required on 8/10/2020 to consider the draft financial statements 2019/20.	Manager Governance & Risk

27/02/20 5.3	Internal Audit to ensure that plan activities ranked high risk as part of the development contribution Audit report are monitored as a priority.	Internal Audit
27/02/20 5.5	The Risk & Audit Committee be provided with a report which demonstrates actions taken to address the action plan for the procurement audit.	Manager Procurement
27/02/20 5.9	A presentation will be made at the next meeting on the WHS Compliance Framework Audit.	Manager PAC
27/02/20 5.10	An update will be provided on the review of the Council's Strategic Risk Register, including any emerging strategic risks at the next meeting.	Manager Governance & Risk

4.2 Minutes of the Extraordinary Risk & Audit Committee Meeting - 30 January 2020

Committee Recommendation

That the Minutes of the Extraordinary Risk & Audit Committee meeting held on 30 January 2020 be confirmed as a true record of proceedings.

5 Reports

5.1 Final Responses to the 2018/2019 Audit Management Letter

Committee Recommendation

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

With reference to Section 10(A) (2) General of the Local Government Act 1993, the attachment relates to The matters in this report are confidential, as it is considered that it is in the public interest that they not be disclosed to the public. In accordance with the Code of Conduct, the matters and the information contained within this report must not be discussed with or disclosed to any person who is not a member of the meeting or otherwise authorised.

- 2 That the Risk & Audit Committee noted the presentation by the Acting Manager Finance but deferred consideration of the final 2018/19 audit management letter and the responses from management as the attachment was not included as part of the Business Paper.

5.2 Audit Engagement Plan (AEP) for the Year Ending 30 June 2020

Committee Recommendation

That the Risk & Audit Committee received and noted the Audit Engagement Plan for the year ending 30 June 2020.

5.3 Final Development Contributions Audit Report

Committee Recommendation

- 1 That the Risk & Audit Committee received and noted the final development contributions audit report.
- 2 That the Risk & Audit Committee received and noted management comments in the final development contributions audit report.

5.4 Final Voluntary Planning Audit Report

Committee Recommendation

- 1 That the Risk & Audit Committee received and noted the final Voluntary Planning audit report.
- 2 That the Risk & Audit Committee noted the management comments in the final Voluntary Planning audit report.

5.5 Final Procurement Audit Report

Committee Recommendation

- 1 That the Risk & Audit Committee received and noted the final Procurement audit report.
- 2 That the Risk & Audit Committee noted the management comments in the final Procurement audit report.
- 3 That the Risk & Audit Committee noted the three outstanding action items from the Procurement health check, which have not been incorporated in the audit report, and which will continue to be monitored separately through the Pulse system.

5.6 Final Customer Service Audit Report

Committee Recommendation

- 1 That the Risk & Audit Committee received and noted the final Customer Service Audit report.
- 2 That the Risk & Audit Committee noted the management comments in the Audit report, particularly those with an interim due date.

5.7 Final Report - Verification of implementation of outstanding Auditor General recommendations

Committee Recommendation

That the Risk & Audit Committee noted the representations made on the implementation of audit recommendations from the 2016/17 Interim Management Letter and the 2017/18 IT Audit, and that further clarity and advice be forthcoming from the Internal Auditor.

5.8 Final Report to ICAC on Operation Ricco Matters

Committee Recommendation

- 1 That the Risk & Audit Committee received and noted the final submission to the ICAC on the matters relating to Operation Ricco.
- 2 That the Risk & Audit Committee commended the General Manager and staff for achieving the milestone of implementing all the recommendations.

5.9 Progress Report on 2019/20 Audit Plan

Committee Recommendation

- 1 That the Risk & Audit Committee noted the progress on the 2019/20 Audit plan.
- 2 That the Risk & Audit Committee noted the staging of the WHS Compliance Framework audit.

5.10 Risk Management Overview

Committee Recommendation

That the Risk & Audit Committee received and noted the Risk Management Overview report.

6 General Business

6.1 Presentation to Council Meeting

Barry Munns advised the Committee that he presented to the Council meeting of 12 February 2020 on the audit of the financial statements and that his speech was circulated.

6.2 Confidentiality of Internal Audit Reports

The General Manager considered whether a review of the practice to make Internal Audit Reports public is necessary.

7 Next Meeting

The next meeting will be held in the Level 2 Conference Room at 6:30 pm on Thursday, 28 May 2020.

The Chairperson closed the meeting at 8:45 pm.

Attachments

Nil

Council Meeting

8/04/2020

Item No	9.2
Subject	Minutes of the Bayside Traffic Committee Meeting - 1 April 2020
Report by	Jeremy Morgan, Manager City Infrastructure
File	SF19/9475

Officer Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 1 April 2020 be received and the recommendations therein be adopted.

With consideration of the current advice on social distancing from the Australian Government issues by the Department of Health, the scheduled 1 April 2020 Bayside Traffic Committee meeting operated under modified arrangements.

The current version of "A guide to the delegation to councils for the regulation of traffic – including the operation of Traffic Committees" describes the requirements for meetings at section 5.3 Meetings. An acceptable alternative to face to face meetings is an electronic meeting, with advice of the members sought via email.

The agenda was circulated via email to all members and advisors for review and comment by 12pm Monday, 30 March 2020. If any change was proposed to an Officer Recommendation by a voting member, the suggested change was collated and circulated to all voting members. The final vote on amendments to recommendations were requested to be submitted by 12pm Wednesday, 1 April, 2020. All members to receive the final recommendations by 5pm Wednesday 1 April, 2020.

Present

Note: as a face to face meeting was not held, the following list represent members who were provided with the agenda:

Councillor Dorothy Rapisardi (Convener)
Sanda Dodd, St George Police Area Command Traffic Sergeant Sandra Dodd
Senior Constable Corinne Dawes, Eastern Beaches PAC
Senior Constable Matthew Chaplin, St George PAC
James Suprain, representing Transport for NSW
George Perivolarellis, representing State Members for Rockdale and Heffron

Also present

The following advisors to the Bayside Traffic Committee were provided the Agenda and invited to comment:

Councillor Ed McDougall
Councillor Christina Curry
Dean Superina, representing the Office of Michael Daley MP
Senior Constable Alexander Weissel, South Sydney PAC

Les Crompton, representing State Member for Kogarah
Cheryl Han, Electorate Officer for Parliament
Jeremy Morgan, Manager City Infrastructure, Bayside Council
Agasteena Patel, Coordinator Traffic and Road Safety, Bayside Council
Erika Pontes, Traffic Engineer, Bayside Council
Alejandro Silio, Asset Officer, Bayside Council
David Carroll, Senior Parking Patrol Officer, Bayside Council
Glen McKeachie, Coordinator Regulations, Bayside Council
Bushara Gidies, State Transit Authority
Adrian Prichard, Transit Systems
Peter Whitney, Transit Systems
Eric Graham, Transit Systems
Dora Christoforidis, Transdev Buses
Steve Babbage, Transdev Buses
Hamish Fraser, Punchbowl Buses
Telfords Bus and Coach
Harry Haidar, St George Cabs
Kathee Quirk, St George Bicycle User Group
Darrin Tucker, BIKEast

1 Apologies

The following apologies were received:

Col Drever, St George Bicycle User Group
Lyn Moore, NSW Pedestrian Council

2 Disclosures of Interest

There were no disclosures of interest.

3 Minutes of Previous Meetings

BTC20.026 Minutes of the Bayside Traffic Committee Meeting - 4 March 2020

Committee Recommendation

That the Minutes of the Bayside Traffic Committee meeting held on 4 March 2020 be confirmed as a true record of proceedings.

4 Reports

BTC20.027 Birdwood Avenue, Pagewood - Proposed 'No Stopping' restrictions

Committee Recommendation

- 1 That a 'No Stopping' restriction be signposted along the northern kerb line of Birdwood Avenue, 20m from the intersection with Bunnerong Road.
- 2 That a 'No Stopping' restriction be signposted along the southern kerb line of Birdwood Avenue, 10m from the intersection with Bunnerong Road.

BTC20.028 Bonar Street and Thompson Street Arncliffe - Detailed design drawing for traffic calming scheme and kerb extension at the intersection with Thompson Street

Committee Recommendation

- 1 That both parking and centre lines be implemented in Bonar Street, as per the attached design.
- 2 That kerb extension be provided along the western kerblines of Thompson Street at the intersection of Bonar Street with additional 'STOP' sign.
- 3 That a median island with additional 'STOP' signs in Thompson Street south of its intersection with Bonar Street be installed.

BTC20.029 Canonbury Grove, Bexley North - Extension of existing 'No Parking' restrictions by 15m up to the driveway of No. 3 Canonbury Grove.

Committee Recommendation

That approval be given for the extension of 'No Parking' restriction along northern kerblines by 15m of existing restrictions up to the driveway of No. 3 Canonbury Grove, Bexley North.

BTC20.030 19A Evans Avenue, Eastlakes - DA-17/1134 - Proposed road and footpath closure for 12 months

Committee Recommendation

- 1 That the Committee endorse the proposed relocation of pedestrian crossings and new pedestrian crossings in Evans Avenue and Barber Avenue as proposed by the developer for a temporary period of 12 months from the date of Council's determination.
- 2 That the implementation of the pedestrian crossings must not be done without the provision of associated lighting as required by Australian Standards.
- 3 That footpath closure on the northern kerblines to be used as Works Zone for a period of 12 months can occur only after the pedestrian crossings (new and relocated) are fully operational.

- 4 That the construction vehicles enter and leave the site via Evans Avenue and Racecourse Place

BTC20.031 Proposed Works Zone at 5-11 Ewan Street (342 King Street), Mascot

Committee Recommendation

- 1 That approval be given for the installation of a 30m 'Works Zone, 7 am – 6 pm, Mon-Fri and 7am – 4 pm Sat' restriction in front of No. 342 King Street, Mascot for 20 weeks subject to relevant conditions.
- 2 That parking restrictions on the opposite side of King Street will not be amended to facilitate access to this Works Zone.

BTC20.032 Fraser Avenue, Eastgardens - Detailed design drawing for the proposed pedestrian refuge island near Bunnerong Road

Committee Recommendation

- 1 That a pedestrian refuge island be constructed in Fraser Avenue, Eastgardens west of the intersection with Bunnerong Road.
- 2 That the residents be notified 2 weeks in advance of the implementation of the proposal.

BTC20.033 Joffre Crescent, Daceyville - Proposed signposting of 'No Stopping' restrictions

Committee Recommendation

That 'No Stopping' restriction be signposted along the northern kerb line of Joffre Crescent, Daceyville, 13m from the intersection with Bunnerong Road.

BTC20.034 Sutherland Street, between Coward Street and Wentworth Avenue, Mascot - Parking investigation outcomes

Committee Recommendation

- 1 That the existing parking restrictions at the western and eastern kerb line of Sutherland Street between Coward Street and Wentworth Avenue be retained except in Section 1 (western kerblines of Sutherland Street between Hollingshed Street and Wentworth Avenue)
- 2 That the following parking restrictions be implemented in Section 1 – along the

western kerbline of Sutherland Street between Hollingshed Street and Wentworth Avenue:

- Wednesday – 8hr parking 8am – 6pm
- Saturday – 3hr parking 8am – 1pm

- 3 That the residents be notified of Council's decision and reasons for doing so.

BTC20.035 Tenterden Road and Botany Road, Botany- Signposting of statutory 'No Stopping' restrictions along both kerbline of Tenterden Road

Committee Recommendation

- 1 That the statutory 10m 'No Stopping' restrictions be installed in Tenterden Road at the intersection Botany Road, Botany.
- 2 That Transport for New South Wales (TfNSW) be requested to install the statutory 'No Stopping' restrictions along Botany Road at this intersection

BTC20.036 Driveway Delineation and Line Marking

Committee Recommendation

- 1 That the practice of providing driveway line marking is noted.
- 2 That the specification and standard drawing (E-20) as attached to this report is considered an acceptable standard for delineating driveways.

BTC20.037 Matters referred to the Bayside Traffic Committee by the Chair

Committee Recommendation

No items referred.

BTC20.038 General Business

Committee Recommendation

No items raised.

Final voting on Committee Recommendations concluded at 12pm, 1 April 2020.

Attachments

Nil